

SPSO decision report

Case: 201103342, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: downgrading
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, came to Scotland from another authority area. At that time, he had already served more than half of his sentence and was eligible to be considered for parole (early release). Parole was not granted so he was transferred to a maximum security prison. Mr C was not happy with that decision. He felt that he should be in less secure conditions and complained to the Scottish Prison Service (SPS). He said the SPS were wrong to dismiss his behaviour record and courses completed whilst in custody within the other authority area.

In response to his complaint, the SPS explained that before he could progress to less secure conditions, he would need to take part in the generic assessment process and complete any suitable programme work. Mr C had, however, refused to do this.

We cannot question a decision taken by the SPS unless there is evidence of administrative error in the way the decision was taken. The evidence available confirmed that prisoners can only progress to less secure conditions once the SPS are satisfied with their level of risk. In Mr C's case, he was refusing to participate in the process that would allow the SPS to review his risk and needs. Therefore, there was no evidence that SPS had done anything wrong and we did not uphold his complaint.