

Case: 201103565, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: progression
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained that the prison delayed in assessing him for offending behaviour programmes. He also said he had been moved unfairly from tenth to 43rd on the waiting list and that prisoners with later parole qualifying dates (PQD) than him had been able to access these programmes.

The prison confirmed that they select prisoners for assessment based on their PQD. This is the date when a prisoner becomes eligible for consideration for early release. In Mr C's case, our investigation confirmed he had been listed for assessment based on his PQD and there had not been a delay in assessing him. In addition, we were also satisfied with the prison's explanation as to why Mr C had moved from tenth to 43rd on the waiting list. In particular, the prison explained that the waiting list was not 'fixed' and prisoners would be added to the waiting list in accordance with their PQD. In some circumstances, prisoners with a later PQD may be assessed before prisoners with earlier PQDs. The prison explained that, when that happens, a management decision has been taken to include the prisoner with the later PQD in the programme; for example where a prisoner is causing discipline problems and it is identified that a programme may help their stability or rehabilitation. We accepted these explanations as reasonable.

Mr C also complained about how the prison handled his complaint. He said there was an unreasonable delay in doing so, and that a member of staff failed to get back to him. The prison are allowed a maximum of 20 days to investigate and respond to a complaint, and we found that it took them 16 days to deal with Mr C's complaint. We explored the issue about the member of staff failing to get back to Mr C about his complaint, but were unable to determine whether or not this had happened.