

SPSO decision report

Case: 201302659, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: downgrading
Outcome: upheld, recommendations

Summary

Mr C was on a work placement from which he was expected to return directly to his open prison. However, he diverged from his designated route back there after finding out about particular family circumstances beyond his control. As this breached his temporary release licence conditions, a Risk Management Team (RMT) meeting was held to discuss this. As a result, Mr C was downgraded to closed prison conditions and his supervision level was increased.

Mr C complaint that the prison failed to adequately take into account his family situation when reaching their decision to downgrade him and the length of the downgrade. After reviewing his complaint, and all the relevant paperwork, including information from the prisons concerned, and the relevant RMT guidance, we concluded that the RMT paperwork failed to show which of four criteria listed in the guidance applied in Mr C's case, and so did not show why they took the view that he merited that punishment. We had further concerns that the paperwork did not indicate the reason(s) for the length of his downgrade and increase in supervision level, and it was unclear to us why the recommendations made at the final stage of the internal complaints procedure were not followed up. We upheld Mr C's complaint and made recommendations to address these failings.

Recommendations

We recommended that Scottish Prison Service:

- reconsider their decisions in light of the failings identified;
- apologise to Mr C for the failings identified;
- remind all open estate staff involved in RMT meetings and PSS3 form completion of the contents of section 8 of the RMT guidance, in relation to prisoners returned to closed conditions, and the importance of properly evidencing and recording decisions taken; and
- share this decision with complaints handling staff at the relevant prisons.