

SPSO decision report

Case: 202000242, Scottish Prison Service
Sector: Prisons
Subject: Downgrading
Decision: some upheld, recommendations

Summary

Concerns were raised during C's time on community work placement. Investigations were carried out and having considered the information available, the risk management team (RMT) at Prison A took the decision to return C to closed conditions (Prison B).

C considered that Prison A failed to seek relevant evidence as part of their investigation, and dismissed relevant evidence, prior to taking the decision to return C to closed conditions. We found that the RMT at Prison A appropriately considered the circumstances of C's case, taking relevant information into account, prior to reaching the decision to return C to closed conditions. Therefore, we did not uphold this aspect of C's complaint.

C also complained about the way the Scottish Prison Service (SPS) handled their complaint. They said that no Internal Complaints Committee (ICC) hearing was convened and the recommendation put forward by them was unachievable.

We found that C escalated their complaint to the ICC around the time the Scottish Government requested everyone to stop non-essential contact and travel due to the COVID-19 pandemic. C's complaint was passed from Prison B to Prison A to respond at ICC stage because the matter related to actions taken by the RMT at Prison A. Whilst an ICC hearing was not convened because of restrictions in place, Prison A did appoint a representative to consider C's complaint. However, we found that Prison A failed to share their findings and recommendation in relation to C's complaint with Prison B to ensure the matter could be given further consideration. We considered that the ICC failed to handle C's complaint reasonably and upheld this aspect of C's complaint.

In relation to the recommendation put forward by the ICC, we found this to be reasonable. We did not uphold this aspect of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to handle their complaint appropriately. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- Provide written confirmation to C in relation to the current status of the First Grant of Temporary Release application.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.