

# Decision Notice



Decision 133/2008 Mr R and the Scottish Prison Service

Information regarding an assessment for Asperger's syndrome

Reference Nos: 200800100 & 200800101

Decision Date: 13 October 2008

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**Kevin Dunion**

Scottish Information Commissioner

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## Summary

Mr R made three related and overlapping requests for information to the Scottish Prison Service (SPS). The SPS's responses provided some information and indicated that other information was not held, but in some instances failed to address certain parts of the request. Mr R was not satisfied with the SPS's responses and sought reviews in each case. Following a review which addressed each request, Mr R remained dissatisfied and made two applications to the Commissioner for a decision, stating that the SPS had not provided all information he requested.

During the investigation, the SPS undertook further searches and identified and disclosed additional information relevant to Mr R's requests. Following these additional disclosures, the Commissioner was satisfied that the SPS had addressed each of Mr R's requests and provided relevant information.

However, the Commissioner identified a number of breaches of Part 1 of FOISA in the SPS's handling of these requests and he was critical of the SPS for failing to conduct fuller searches to identify relevant information when it first responded to these. The Commissioner also found that the SPS had failed to provide reasonable advice and assistance to Mr R with respect to parts of his requests seeking information that was his own personal data.

## Relevant statutory provisions and other sources

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Freedom of Information (Scotland) Act 2002 (FOISA): sections 1(1) (General entitlement), 10(1) (Time for compliance), 15(1) (Duty to provide advice and assistance), 16(1) (Refusal of request), 17(1) (Notice that information is not held), 19 (Content of certain notices), 21(1) (Review by Scottish public authority) and 38(1)(a) (Personal data)

Data Protection Act 1998 (DPA): section 1 (Basic interpretative provisions) (definition of personal data)

The full text of each of the statutory provisions cited above is reproduced in the Appendix to this decision. The Appendix forms part of this decision.

## Background

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1. This decision is concerned with three separate but related and overlapping information requests made by Mr R. These requests are set out in full in Appendix 2 to this decision.



2. Mr R's two applications (one of which related to two of the information requests) were conjoined for the purpose of investigation and this decision.

### **Request 1 – Initial Request / Response**

3. Mr R wrote to the SPS making Request 1 on 20 August 2007. This request sought information on individuals employed or consulted by the SPS who have training, experience and expertise in autistic spectrum disorders. Mr R also asked which staff had apparently made an assessment that he does not have Asperger's syndrome. He asked about the qualifications of any such staff and the basis upon which the assessment was made.
4. The SPS responded to Request 1 on 21 September 2007. It stated that it did not hold any information on the training and expertise of relevant staff relating to autistic spectrum disorders, and it provided notice in terms of section 17(1) of FOISA that this information was not held.
5. With respect to Mr R's own assessment for Asperger's, the SPS indicated that there was nothing documented showing that the doctor named in his request had made any contact with any health professional in respect of an assessment for Asperger's syndrome. It also stated that no information had been provided to this doctor by relevant healthcare professionals and there was nothing documented in Mr R's health record to suggest that he had been assessed for Asperger's syndrome. This response therefore suggests (though it was not explicitly stated) that no information was held in relation to this part of Mr R's request.

### **Request 2 – Initial Request / Response**

6. On 28 September 2007, Mr R wrote to the SPS making Request 2. Request 2 overlaps with Request 1, again asking for the identity of a person(s) who had made an assessment that Mr R did not have Asperger's syndrome and copies of all correspondence between a named doctor and the health centre in connection therewith. The request also sought particular information relating to the processes followed in making such an assessment, and the training and expertise of the persons concerned.
7. The SPS responded on 9 November 2007 to Mr R's request for information. The SPS again indicated that no specialist assessment for Asperger's syndrome had taken place. The SPS referred Mr R to its response to Request 1 concerning training and expertise of relevant staff. The writer confirmed that they were the liaison between the named doctor and the health centre, but no further information was supplied.

### **Request 3 – Initial Request**



8. On 17 October 2007, Mr R wrote to the SPS making Request 3. This sought the names of “professional advisors” referred to in previous correspondence, and details of their training, expertise and experience of adults with Asperger’s syndrome. Mr R also requested a wide range of information (including correspondence, reports and any other documents) relating to his claim to have Asperger’s syndrome, his suitability for participation in the Sex Offender Treatment Programme (referred to in this decision as SOTP) and the possibility of a transfer to another facility.
9. Request 3 also contained a number of general requests for information concerning SOTP and its development and its responsiveness to individuals with neurodevelopmental impairments. Mr R also sought information about training provided to SPS employees in neurodevelopmental impairments.
10. The SPS did not respond to this request for information.

#### **Requests for review**

11. Mr R requested a review of the SPS’s responses to Requests 1 and 2 in a single letter dated 14 November 2007. He expressed dissatisfaction with the response on the grounds that it did not consider that the SPS had released the information he had requested.
12. Mr R requested a review of Request 3 on 1 January 2008. He indicated that no response had been received and again asked the SPS to supply the information requested.
13. On 15 January 2008 the SPS provided Mr R with notice of the outcome of its reviews into each of requests 1, 2 and 3. This letter reiterated the points made previously in response to Requests 1 and 2.
14. In response to Request 3, the SPS provided names of the professional advisors sought, and indicated that information on their specialist training and experience was not held. Brief responses were also provided on the selection procedure for the SOTP programme, its development and training.
15. On 17 January 2008 Mr R made two applications to the Commissioner, stating that he was dissatisfied with the outcome of the SPS’s review and applying to the Commissioner for a decision in terms of section 47(1) of FOISA. Mr R expressed dissatisfaction in each case on the grounds that the information requested had not been fully supplied.
16. The applications were validated by establishing that Mr R had made requests for information to a Scottish public authority and had applied to the Commissioner for a decision only after asking the authority to review its responses to the requests. The cases were then allocated to an investigating officer.



## Investigation

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17. The SPS is an agency of the Scottish Ministers (“the Ministers”) and, in line with agreed procedures, the Ministers were contacted on 4 March 2008 in terms of section 49(3)(a) of FOISA asking for their comments on the two applications. The Ministers were also asked
  - to confirm where they considered that the SPS had responded to each part of Mr R’s three requests, and that it had released the relevant information;
  - to confirm where they considered that the SPS did not hold (additional) relevant information;
  - to detail the steps taken by the SPS to identify relevant information in response to Mr R’s requests;
  - to comment on whether any of the information requested was personal data relating to either Mr R or any third party, and so whether it was considered exempt under section 38 of FOISA; and
  - to comment on whether the SPS had actually responded to certain parts of Mr R’s information requests.
18. The Ministers responded on 3 April 2008, providing comments on the applications and responses to the questions raised. The Ministers confirmed that the SPS considered that in most cases it had responded to Mr R’s requests as fully as possible and relevant information had been supplied.
19. The Ministers acknowledged that they had not responded to part 2 of request 3 (seeking documentation relating to Mr R’s claim to have Asperger’s syndrome, his suitability for participation in SOTP, and the possibility of transfer to another facility). On 9 April 2008, the SPS released additional information to Mr R in response to this request. The Ministers indicated that this information had been disclosed under the Data Protection Act 1998 (the DPA) rather than FOISA.
20. In further correspondence and in a meeting with representatives of the Government and the SPS, the investigating officer sought further background information on a range of issues relevant to this case. These included the assessment of individuals for Asperger’s syndrome, the SOTP programme, and records held relating to the specialist training of employees. Further details of the searches undertaken to identify the information sought by Mr R were also sought. The aim of this further investigation was to establish whether the SPS had properly addressed each part of Mr R’s three information requests.
21. This further investigation highlighted deficiencies in the SPS’s responses to Mr R’s requests. In particular, it became clear that proper searches had not been undertaken to establish whether records of specialist training of employees were held by the SPS, and also to identify information relating to Mr R’s own case. Further searches were conducted in response to requests by the investigating officer. Having identified further information relating to his own case, the SPS released additional information to Mr R during the investigation.



22. The Ministers expressed concerns with the approach taken to the investigation of this case. They suggested that the Commissioner's investigation was addressing matters that were properly within the remit of the DPA. They claimed that the parts of Mr R's requests relating to his own personal data should fall outwith the scope of the investigation.
23. In response, the investigating officer accepted that Mr R's requests did appear to seek certain information that was likely to be his own personal data. However, it was noted that such information is not excluded from FOISA (which entitles a person to seek any recorded information held by a public authority). Rather, the personal data of a requestor can be properly withheld under the exemption section 38(1)(a) of FOISA. The Ministers were advised that the SPS should apply this exemption where they considered Mr R had requested his own personal data, and that the Commissioner's investigation into these cases (as in a case where any other exemption has been applied) would consider whether this exemption had been properly applied.
24. In further correspondence, the Ministers confirmed that information identified during the investigation was considered exempt from disclosure under section 38(1)(a) of FOISA, but this was supplied as if Mr R had made a subject access request under the DPA.
25. The investigating officer wrote to Mr R on 16 June 2008 to confirm that he had received the two letters enclosing additional information identified during the investigation. Mr R confirmed that he received these letters, but he stated that he believed that additional relevant information was held which had not been released.
26. The investigating officer subsequently asked that the SPS undertake further searches for the additional information Mr R had identified. Following further searches, the Ministers confirmed that two assessments referred to by Mr R had been identified. These assessments were also released to Mr R under the terms of the DPA, but were withheld under section 38(1)(a) of FOISA as the Ministers considered that the information was Mr R's own personal data. Mr R again confirmed receipt of these documents, but again queried whether all relevant information had been identified and supplied.

## **Commissioner's analysis and findings**

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27. In coming to a decision on this matter, all of the submissions presented to the Commissioner by Mr R and the Ministers have been considered and he is satisfied that no matter of relevance has been overlooked.
28. The requests under consideration in this case are complex and overlapping. Various parts of Requests 1 and 2 are based on an understanding that an assessment has been made and a conclusion reached that Mr R does not have Asperger's syndrome. The Commissioner accepts that no such assessment had taken place at the time of Mr R's requests and so the information sought about such an assessment (e.g. who undertook this, documents relating to such an assessment) was not held by the SPS.



29. For this reason, the Commissioner has concluded that for part 2 of Request 1, and the whole of Request 2, the appropriate response to these requests would have been to notify Mr R in terms of section 17 of FOISA that the information requested was not held by the SPS. The substance of these requests will not be considered further in this decision, except in relation to the technical matters addressed below.
30. However, Request 3 contains a wider request for any documentation from or to certain “named advisors” relating to Mr R’s claim to have Asperger’s syndrome. A proper response would identify information about the SPS’s response to this claim, whether or not any formal assessment had taken place.
31. In what follows, the Commissioner will consider three main groups of information sought by Mr R’s Requests 1, part 1, and Request 3 in turn. These are
- a. **Information relating to specialist training –**  
Names of staff at HMP Peterhead and SPS headquarters who have had specialist training, experience and expertise with respect to autistic spectrum disorders, and details of when and where such training was received. More generally, what training is provided to SPS employees in neurodevelopmental impairments, what is its scope, who delivers it etc. If there is no such training, why not (Request 1 part 1, Request 3 parts 1 and 7)
  - b. **Information relating to Mr R –**  
Copies of all documents (including correspondence, reports, minutes) from or to professional advisers in respect of Mr R’s claim to have Asperger’s syndrome, his suitability for participation in SOTP, and the possibility of his transfer to another facility (Request 3 part 2)
  - c. **Information relating to the SOTP programme, and SPS accreditation**  
Methods for identifying potential participants in SOTP who have neurodevelopmental impairments, how SOTP addresses differences between neurotypical people and those with such impairments, which specialist organisations were consulted by the SPS regarding SOTP, the nature of such consultation, and whether the SPS has obtained accreditation with the national Autistic Society. (Request 3 parts 3-6)

### **Category A – Specialist Training**

32. The SPS advised Mr R in its responses to both of Requests 1 and 3 that it did not hold information relating to the specialist training of staff.
33. During the investigation, it became apparent (and it was acknowledged by the SPS) that the SPS had not searched its records in order to confirm that this was the case. During the investigation, the SPS confirmed that it did not provide such specialised training, but individual employment records would normally record details of any specialised courses attended by its staff.





34. At the investigating officer's request, the SPS undertook a thorough search of the employment records of healthcare staff who had worked at HMP Peterhead and the SPS Headquarters at the time of Mr R's requests. The healthcare staff records searched were those of psychologists, nurses, general nurses and a GP and a psychologist at the SPS Headquarters.
35. Following these searches, it was confirmed that none of the staff records checked by the SPS had any reference to specialist training concerning neurodevelopmental impairments or Asperger's syndrome.
36. Following these additional searches, the Commissioner is satisfied that the SPS does not hold any information regarding specialist training of the type specified by Mr R undertaken by its staff. He has therefore found that the SPS was correct to state it did not hold such information.
37. However, the Commissioner does not accept that the SPS had taken reasonable steps to confirm the accuracy of this statement at the time of its initial responses to Mr R's requests.
38. The SPS has acknowledged that the searches undertaken in response to Mr R's requests were not as comprehensive as they might have been. The Commissioner accepts that this failure was rectified during the investigation, but he would remind the SPS that a public authority in receipt of an information request should take reasonable steps to identify whether or not it actually holds the information sought. Failure to do so can lead to failure to comply with the requirements of FOISA.

#### **Category B – Information relating to Mr R**

39. In responding to Request 3, the SPS failed to acknowledge or respond to the part of that request seeking documents relating to Mr R's claim to have Asperger's syndrome, his suitability for SOTP, and the possibility of him being transferred to another facility.
40. After searches for such information were prompted by the investigating officer, a range of documents were identified and supplied to Mr R. The SPS apologised for its oversight in failing to address this part of Mr R's request. During the investigation, it was confirmed that the SPS considered the information supplied to be Mr R's own personal data, and as such exempt under the terms of section 38(1)(a) of FOISA. Its disclosure was instead made to Mr R as if he had made a subject access request under the terms of the DPA.
41. The Commissioner has noted that difficulties were caused in the investigation of these cases by the approach taken by the Ministers and the SPS, which seemed to suggest that Mr R's request for information relating to himself did not fall within the scope of FOISA, and so should fall outside the investigation of this case. This approach was apparently underpinned by a misunderstanding of the relationship between FOISA and the DPA.





42. Under FOISA, a person is entitled to request any recorded information that is held by a Scottish public authority. However, where a person requests their own personal data (as defined in section 1(1) of the DPA), that information is exempt from disclosure under the terms of section 38(1)(a). This is because that person has a separate right to access his/her own personal data under the DPA. The exemption in section 38(1)(a) of FOISA ensures that the DPA remains the appropriate route for a person to access information relating to him/herself.
43. In responding to a request of this type, therefore, a public authority should make clear that the information requested under FOISA is exempt, explain the reasons for this exemption applying, and provide advice on how to request information under the DPA. Where appropriate, an authority might simplify this process by providing the information requested, while making clear that it had been supplied in pursuit of its obligations under the DPA, and explaining that it was exempt from disclosure under the terms of FOISA.
44. Whichever process is followed, an authority's obligations and the applicant's rights under FOISA remain in place, in the same manner as if a request had been refused on the grounds that any other exemption applied.
45. In considering Mr R's case, therefore, it was necessary for the Commissioner to first of all ask the SPS to consider a request that had apparently been ignored, despite it being a valid information request under FOISA. Once the SPS recognised and identified information falling within the scope of this request, it was necessary for the Commissioner to consider whether all relevant information had been identified, and to consider this information to determine whether it was Mr R's own personal data, and so determine whether it was exempt under the terms of section 38(1)(a) of FOISA.
46. The Commissioner is satisfied that all of the information which was identified in response to Mr R's request for information about himself was his own personal data. He is therefore satisfied that the SPS was entitled to withhold the information from Mr R under section 38(1)(a) of FOISA. He is satisfied that reasonable searches were undertaken, albeit during the investigation and not in response to the initial request, to identify this information.
47. The Commissioner is aware that this information has now been supplied to Mr R in pursuit of his rights under the DPA, and that he has raised concerns that the SPS has still not identified all information that he expected to be provided. However, the Commissioner is satisfied that any further relevant information would also be Mr R's own personal data, and so would also be exempt from disclosure under FOISA. For this reason, he has not considered this part of Request 3 any further.
48. It is not the purpose of FOISA to extend the rights of data subjects to information that is held about them and any question as to whether Mr R has been properly provided with all of the information he is entitled to as a data subject is rather a question of the proper application of the DPA (which is a matter for the UK Information Commissioner rather than the Scottish Information Commissioner). The Commissioner would advise Mr R to seek the advice of the Information Commissioner's Office should he wish to pursue his rights as a data subject, rather than the general right of access (to all) that is provided by FOISA.



### **Category C – SOTP programme, and SPS accreditation**

49. The SPS responded to this group of requests for information, by providing brief descriptions of relevant processes or answering the questions asked.
50. During the investigation, background information was sought on the SOTP programme, and relevant procedures and practice.
51. Having considered all the information, the Commissioner is satisfied that the SPS has responded to the requests for information within this category.

### **Technical breaches of Part 1 of FOISA**

52. Following the investigation outlined above, the Commissioner is satisfied that each of the requests made by Mr R has been addressed by the SPS. However, a number of breaches of the technical requirements of Part 1 of FOISA have been identified in these cases. These are detailed in turn below.

### **Failure to respond within timescales laid down in FOISA**

53. Section 10(1) of FOISA requires a Scottish public authority to comply with a request for information no later than the twentieth working day after receipt by it of that request. The SPS failed to respond to Request 3 within this timescale, and only responded once Mr R sought a review of its handling of this request. Therefore, the Commissioner has concluded that the SPS breached Part 1 and section 10(1) in its handling of Request 3.
54. Section 21(1) of FOISA requires a Scottish public authority to comply with a requirement for review not later than the twentieth working day after receipt by it of the requirement. The SPS responded to Mr R's request for a review of Requests 1 and 2, outwith this timescale. Therefore, the Commissioner has found that the SPS breached Part 1 and section 21(1) of FOISA in its handling of Requests 1 and 2.

### **Failure to provide a refusal notice**

55. During the investigation, it became clear that the SPS considered the information sought in Mr R's Request 3, part 2 to be exempt from disclosure under FOISA under section 38(1)(a) of FOISA. However, no response was provided to this part of Request 3, and in particular no refusal notice under the terms of section 16(1) of FOISA was issued. By failing to provide a refusal notice in response to this part of Request, the Commissioner found that the SPS breached section 16(1) of FOISA.

### **Content of certain notices**

56. The SPS's response to Mr R's Request 2 noted that he had not been assessed for Asperger's syndrome, and so suggested (though it did not explicitly state) that the information requested related to such an assessment was not held. This response also referred to the response to Request 1, which had stated that information was not held with respect to the specialist training of SPS staff.



57. Although the Commissioner accepts that this letter may be read as a notice that the information requested was not held in terms of section 17 of FOISA, he notes that this response failed to provide the information required by section 19 of FOISA with respect to Mr R's right to request a review, and subsequently apply to the Commissioner.
58. For this reason, the Commissioner has concluded that the SPS failed to comply with the requirements of section 19 of FOISA in responding to Mr R's Request 2.

#### **Duty to provide advice and assistance**

59. Given the failings identified above, the Commissioner has also concluded that the SPS failed to comply with its duty under section 15 of FOISA to provide reasonable advice and assistance to Mr R with respect to his Request 3.
60. The Commissioner has found that it would have been reasonable in the circumstances for the SPS to acknowledge a request (or part of a request) that is clearly seeking information likely to be personal data of the applicant. On receipt of such a request, it would be helpful to advise that person about their rights under FOISA and the DPA, and to indicate that there is no entitlement to access such information under FOISA. Such guidance can assist applicants in identifying the most appropriate route for them to seek the information they wish to access.
61. The Commissioner is concerned to note the issues that have been identified in these cases. However, he notes that the SPS has acknowledged that there were deficiencies in its handling of these requests, and that these have been remedied during the investigation. For this reason, the Commissioner does not require any action to be taken in relation to these particular breaches in response to this decision.



## DECISION

The Commissioner finds that the Scottish Prison Service (SPS) failed to comply fully with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information requests made by Mr R. By providing some of the information requested, and indicating that other information was not held, the SPS complied with Part 1 of FOISA. However, the Commissioner has noted breaches of certain technical provisions of Part 1 and FOISA in its responses to each request. The breaches identified (for the reasons set out above) were:

Request 1 – Failure to comply with section 21(1)

Request 2 – failure to comply with sections 19(1) and 21(1)

Request 3 – failure to comply with sections 10(1), 15(1) and 16(1)

For the reasons set out above, the Commissioner does not require the SPS to take any action in relation to these failures in response to this decision.

## Appeal

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Should either Mr R or the SPS wish to appeal against this decision, there is an appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision notice.

**Margaret Keyse**  
**Head of Investigations**  
**13 October 2008**



## Appendix 1

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### Relevant statutory provisions

#### Freedom of Information (Scotland) Act 2002

##### 1 General entitlement

- (1) A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.

##### 10 Time for compliance

- (1) Subject to subsections (2) and (3), a Scottish public authority receiving a request which requires it to comply with section 1(1) must comply promptly; and in any event by not later than the twentieth working day after-
  - (a) in a case other than that mentioned in paragraph (b), the receipt by the authority of the request; or....

##### 15 Duty to provide advice and assistance

- (1) A Scottish public authority must, so far as it is reasonable to expect it to do so, provide advice and assistance to a person who proposes to make, or has made, a request for information to it.

##### 16 Refusal of request

- (1) Subject to section 18, a Scottish public authority which, in relation to a request for information which it holds, to any extent claims that, by virtue of any provision of Part 2, the information is exempt information must, within the time allowed by or by virtue of section 10 for complying with the request, give the applicant a notice in writing (in this Act referred to as a "refusal notice") which-
  - (a) discloses that it holds the information;
  - (b) states that it so claims;
  - (c) specifies the exemption in question; and
  - (d) states (if not otherwise apparent) why the exemption applies.



**17 Notice that information is not held**

- (1) Where-
- (a) a Scottish public authority receives a request which would require it either-
    - (i) to comply with section 1(1); or
    - (ii) to determine any question arising by virtue of paragraph (a) or (b) of section 2(1),if it held the information to which the request relates; but
  - (b) the authority does not hold that information, it must, within the time allowed by or by virtue of section 10 for complying with the request, give the applicant notice in writing that it does not hold it.

**19 Content of certain notices**

A notice under section 9(1) or 16(1), (4) or (5) (including a refusal notice given by virtue of section 18(1)) or 17(1) must contain particulars-

- (a) of the procedure provided by the authority for dealing with complaints about the handling by it of requests for information; and
- (b) about the rights of application to the authority and the Commissioner conferred by sections 20(1) and 47(1).

**21 Review by Scottish public authority**

- (1) Subject to subsection (2), a Scottish public authority receiving a requirement for review must (unless that requirement is withdrawn or is as mentioned in subsection (8)) comply promptly; and in any event by not later than the twentieth working day after receipt by it of the requirement.

**38 Personal information**

- (1) Information is exempt information if it constitutes-
- (a) personal data of which the applicant is the data subject;
- ...

**Data Protection Act 1998**

**Basic interpretative provisions**

1. In this Act, unless the context otherwise requires-

...

"personal data" means data which relate to a living individual who can be identified-

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual;

...





## Appendix 2 – Mr R's requests

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### Request 1 (considered under case reference 200800100)

- (1) Please provide the names of any psychologists, psychiatrists or other healthcare professionals employed at HMP Peterhead or who have been consulted at SPS Headquarters (including in particular [a named doctor]) or elsewhere who have the appropriate training, expertise and experience in autistic spectrum disorders generally and Asperger Syndrome specifically in adults as required by inter alia the British Psychological Society, the Royal College of Psychiatry, the Public Health Institute of Scotland. The National Autistic Society and the Scottish Society for Autism.
  - (a) For each of these individuals, please specify when and where they received their initial and ongoing specialist training in autistic spectrum disorders generally and Asperger Syndrome specifically in adults.
- (2) Who exactly were the staff at HMP Peterhead who were apparently able to provide [the named doctor] with an assessment that I do not have Asperger's Syndrome?
  - (a) On what basis was this assessment made?
  - (b) What are their specific qualifications, training, expertise and experience with respect to autistic spectrum disorders in adults?

### Request 2 (considered under case reference 200800100)

Please identify the staff member(s) at HMP Peterhead Health Centre who provided an assessment that I do not have Asperger's Syndrome, and provide a copy of all correspondence (including reports and other documentation) sent to or from [the named doctor] and the health centre, directly or via your department, in connection therewith.

- (a) When and on what basis was this assessment made?
- (b) What are the specific qualifications, training, expertise and experience with respect to autistic spectrum disorders (in particular Asperger syndrome) in adults of the person(s) making this assessment?
- (c) Who in your department acted as liaison between [the named doctor] and the health centre in this matter?
- (d) Was the information provided and its source verified by a manager in the psychology department? If so, who?



Please also confirm that your department and in particular the person(s) referred to at (c) and (d) above acted at all times in this matter within the terms of the BPS Code of Conduct and in particular rules 5.1, 5.6 and 5.7 thereof.

**Request 3 (considered under case reference 200800101)**

1. Please provide the names of the “professional Advisers” referred to in [a previous letter sent to Mr R], and obtain from them full information in respect of their specialist training, expertise and experience of adults with Asperger syndrome.
2. Please provide a copy of all correspondence, reports, minutes of meetings and other documents from or to the SPS by the “professional Advisers” in respect of (a) my claim to have Asperger Syndrome; (b) my suitability for participation in the [Sex Offender Treatment Programme (SOTP)] and (c) the possibility of transfer to an alternative facility, whether inside the SPS estate or without it.
3. What methods are currently taken to properly identify potential participants in the [SOTP] programmes who have neurodevelopmental impairments such as Asperger’s syndrome? If none, why not?
4. Specifically, how do existing Core, Adapted, Extended and Rolling [SOTP] programmes address the fundamental cognitive and perceptual differences between neurotypical people and those with neurodevelopmental impairments such as Asperger’s syndrome? If none, why not?
5. Which specialist organisations (such as the National Autistic Society, Scottish Society for Autism or Brookdale Care) were consulted by the SPS to ensure that their programmes (including [SOTP]) were suitable for participation by people with neurodevelopmental impairments such as Asperger’s syndrome? Please advise when this advice was sought and obtained, and provide copies of recommendations and advice provided by them, and state what if any of the recommendations have been incorporated into SPS programmes. If no specialist organisations were contacted, why not?
6. Has the SPS obtained Autism Accreditation from the National Autistic Society? If not, why not?
7. What training is provided to SPS employees in general and at HMP Peterhead specifically in neurodevelopmental impairments such as Asperger’s syndrome? What is the scope of this training, and over what period is it delivered and by whom? What organisation validates and provides certification of such training? If no such training is provided, why not?