

## SPSO decision report

**Case:** 201101182, Scottish Prison Service  
**Sector:** scottish government and devolved administration  
**Subject:** work (in prison)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C, who is a prisoner, failed to attend his work party. He was placed on a misconduct report and subsequently issued with a caution. Mr C complained that prisoners in another hall within the same prison who fail to attend work are dealt with under a different process (referred to as Status 6) and not through the disciplinary procedure. He questioned why the prison operated different administrative practices for dealing with the same issue.

In responding to us, the SPS said that it is normal for practices to vary from hall to hall, particularly in light of the differing categories of prisoner in each hall. They confirmed that prisoners can be placed on misconduct reports at officers' discretion and, similarly, certain members of staff can decide when to apply the Status 6 process. These processes are not necessarily mutually exclusive and it is possible that prisoners can be subject to either or both if they fail to attend their work.

Mr C also complained that he was not given the opportunity to call witnesses to his disciplinary hearing. However, we noted from the associated paperwork that he pled guilty to the charge and was happy to accept the written evidence. There was no evidence that he requested witnesses.