

SPSO decision report

Case: 201103081, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: earnings
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, was suspected of smoking in the toilet area of his workshed and because of this, he was placed on report for breaking prison rules and removed from the work party. At the Orderly Room hearing (a disciplinary hearing to decide whether a prisoner is guilty of breaking prison rules) Mr C was found 'not guilty' because there was not enough evidence.

Mr C then complained about his removal from the work party. As a result, the prison reinstated him to the work party and paid him the wages he would have earned had he not been removed. In bringing his complaint to this office, Mr C complained that the prison failed to fully compensate him for loss of earnings by not awarding him the bonus payment after upholding his complaint that he was unfairly removed from his work party.

Our enquiries confirmed the prison did not put Mr C back to the work party because they agreed with him that he had been unfairly removed. Mr C incorrectly assumed this. Instead, the prison took the decision to return Mr C to the work party because of the outcome of the Orderly Room hearing. There was no requirement for the prison to do this. It was also clear there was no obligation for the prison to reimburse Mr C the wages. In doing both of these things the prison used its discretion. We, therefore, did not uphold Mr C's complaint.