

SPSO decision report

Case: 201201670, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: earnings
Outcome: not upheld, no recommendations

Summary

When Mr C, who is a prisoner, went into custody, the prison deemed him fit to work and required him to attend a work party. Mr C complained that this was not appropriate as before he went into prison he had been considered unfit to work, and had not since been assessed otherwise by a prison doctor. He acknowledged that he saw a doctor after going into prison, but said this only concerned his prescription and did not involve an examination or discussion about work. Mr C also said that guidance on his medication advised against working with tools or operating machinery.

In responding to our investigation, the prison said that a doctor had assessed Mr C after admission and deemed him fit for work. They said that the advice from healthcare staff was that there was no reason why prisoners could not work whilst on medication such as Mr C's, as long as they were not required to drive heavy machinery. Although Mr C did not appear to be happy with the medical assessment, this was not a matter for the prison. Their role was to ensure that Mr C was assessed by a doctor after admission to custody and the evidence we saw showed that they had done so. Once healthcare staff told them that Mr C was fit to work, we then considered it reasonable for them to require him to attend a work party.