

SPSO decision report

Case: 201203551, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: earnings
Outcome: upheld, recommendations

Summary

Mr C complained that the Scottish Prison Service (SPS) had not paid him correctly when he attended education classes. Under the prison rules, prisoners are entitled to be paid earnings for attending an education class.

During our investigation, we considered the SPS's prisoner wage earning policy. This says that where prisoners attend education, a programme or training instead of work for a limited number of sessions each week, they should not be disadvantaged and should be paid according to their normal wage. The policy also said that there was a minimum rate of payment for education classes. Mr C had continued to receive his normal wage when he attended education classes. This was above the minimum payment rate. We were satisfied that this was in line with the policy.

However, Mr C had attended two education classes before he started his job in the prison, and we found that he should have received an extra payment for attending these. In view of this, we upheld his complaint and made recommendations.

Recommendations

We recommended that the SPS:

- pay him in line with the prisoner wage earning policy for the education lessons he attended whilst he was unemployed; and
- consider if other prisoners in the prison have been underpaid for education classes they have attended whilst they were unemployed.