

SPSO decision report

Case: 201201707, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: work (in prison)
Outcome: not upheld, no recommendations

Summary

Mr C applied for a vacancy in a prison workshop. He complained that the prison unreasonably rejected his application. The prison advised Mr C that there was a risk to his safety if they allowed him to participate in the workshop due to intelligence (adverse information obtained by the Scottish Prison Service that affects an individual prisoner) they had received. Mr C told us that he was allowed to participate in other activities where there were no restrictions, such as in the exercise yard.

Our investigation found that under Rule 82 (1) of the Prisons and Young Offenders Institution (Scotland) Rules 2011, every prisoner is required to work, subject to certain provisions. Rule 82(2)(b) states that the governor of the prison also has the discretion to excuse a prisoner from work on any other ground. As there was intelligence held to support the governor's decision, we did not consider that the prison acted unreasonably in not allowing Mr C to participate in the workshop. During the course of our enquiries the prison also told us that Mr C was not allowed to participate in two other workshops. They provided evidence showing the reasons for this. We noted that while Rule 84(1) says that the governor must provide purposeful activities for prisoners, sub-section (b) says that this is so far as reasonably practicable and takes into account the requirements of the operation and maintenance of the prison.

We concluded that there was no evidence that the prison failed to follow their processes, and that the governor used his discretion in reviewing the intelligence and deciding what should happen, as he was entitled to do.