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The Ombudsman's Opening



Welcome to the latest edition of The Investigator. We have some great articles that highlight our work across our different functions and teams. They include the PPO's recruitment of those with lived experience, our fatal incident investigations, the work we do to support people who complain to us and an article from one of our new members of staff who was, until recently, a prison officer. They show the variety of what we do and how we deliver against the strategic aims set out in our [Business Plan](#) and our [Strategic Plan](#).

In other news, we are now able to return to working in our offices in Canary Wharf and, crucially, to visit prisons again to carry out our investigations. We have better technology to support remote working but we know there is no substitute for the face to face contact we have with staff and people in prison and so it is great to be back in person.

We published our 2020/21 [Annual Report](#) in September, where we shared examples of the cases we investigated during the year and some of the figures that show how demand for our work remains high, including the requirement to investigate COVID-19 related deaths in prisons. It's worth a read and can be accessed via our [website](#) or the [gov.uk](#) site. As always, we welcome feedback from our stakeholders so do let us know what you think.

Thank you for reading.

Sue McAllister CB

This month's featured articles:

From prison to working at the PPO

"I knew that our work would benefit from the knowledge and perspective that people with lived experience would bring to it."

One of the first things I did when I became the Prisons and Probation Ombudsman was to set out my plan to bring people who had been in prison or had other first-hand experience of the criminal justice system into our team at the PPO.

There were several reasons for doing this. I knew that our work would benefit from the knowledge and perspective that people with lived experience would bring to it. I also believed that working in the criminal justice system, in our case as an independent Arm's Length Body, came with a duty to lead by example and give people the opportunities that we all know are much harder to access if you have a criminal record. And lastly, I had seen for myself from many years of working in prisons, how much difference having a job could make to someone's chances of turning their life around and settling back into the community.

Within the PPO team, there was real support for the plan. Most of my colleagues understood the benefits of having lived experience in the team and knew only too well the barriers that people face when they leave prison and try to rebuild their lives. There was some nervousness too. We had never done this before, and I had to reassure colleagues about the thoroughness of the selection processes and the safeguards in place. However, I also made it very clear why we were doing it; that it was the right thing to do, that there was always some risk to employing anyone we didn't know and that, if things went wrong, we would deal with any problems in the same way as we dealt with other workplace issues.

And so, we recruited our first two colleagues, Frankie and Andrew who were both coming to the end of their prison sentences. We used the Going Forward into Employment (GFIE) scheme, a scheme jointly led by the Cabinet Office and the Ministry of Justice, to help us to manage the process and we worked closely with the Resettlement Teams in both prisons to identify and select the most suitable candidates for roles in our Complaints Assessment Team. Managers from the PPO conducted the interviews just as they would for any other candidates and the successful applicants were then submitted for the pre-employment checks that all new Civil Servants must undergo.

It was more than a year after I had first set out my commitment to bring lived experience into the PPO, and our new colleagues joined the Complaints Assessment

Team after being released from prison, initially on a two year contract with the option to convert to a permanent appointment later. Within a short time, Frankie and Andrew had settled into the job, the team and the life of the office. Just like other team members, they had the option to work partly from our offices in Canary Wharf and partly from home and were issued with laptops and mobile phones to support this remote working.

The value that lived experience brought to our work was apparent from an early stage. Frankie and Andrew are part of the team that looks at all the complaints that come into our office and decides which are eligible. Both take their turn on the rota listening to calls on the PPO phonenumber and the next step is for them to respond to the emails we receive via the PPO mailbox. They are involved in some of our collaborations with other organisations such as the Traveller Movement and the Prison Radio Association, and they help inform our efforts to communicate effectively with prisoners. In short, they work as full members of the PPO team, with the added knowledge and perspective they bring from having experienced the prison system first hand.

It's now almost a year and a half since our new colleagues joined the team. We recently converted their employment status to 'permanent', which the GFIE scheme allows us to do, subject to satisfactory performance. Like all of us, both are working from home during the current COVID restrictions, so it's been a while since I saw either of them in person. But we all join the regular staff meetings and other virtual events via Microsoft Teams video calls and we're looking forward to getting back to the office as lockdown eases.

Having seen the benefits of having lived experience at the PPO, we have no plans to stop now, and any future recruitment will see us reaching out to make sure we get the very best people on our team, which is sure to include more people from underrepresented groups, including those with first-hand experience of prison and other, community based sentences. We have started, but we are certainly not finished.

Author: Sue McAllister

This article previously featured in Inside Time's [June edition](#), written by the PPO for prisoners.

Drug-related deaths in prison

“Every year at least 30 prisoners die accidentally as a result of drug use.”

The Prisons and Probation Ombudsman (PPO), which is completely independent of the Prison Service, investigates prisoners’ complaints and all deaths in prison.

In Inside Time’s June issue, we wrote about our plans to recruit more people who have been in prison or have other first-hand experience of the criminal justice system. Thank you to those who took the time to write letters to us. It is good to get feedback from you and we always welcome it.

In recent articles, we have written about our work investigating complaints. This month, we focus on our investigations into drug-related deaths.

Every year we investigate one or two deaths where someone has deliberately taken a drug overdose, but that is rare. Most people who use drugs have no thoughts of dying - but every year at least 30 prisoners die accidentally as a result of drug use.

Spice

Many of these accidental deaths are down to psychoactive substances (PS), such as Spice or Mamba. People often think that these drugs are not dangerous, but they can increase the heart rate, raise blood pressure, reduce blood supply to the heart, slow down breathing, and cause vomiting. As a result, we regularly investigate deaths where an apparently fit young man has died completely unexpectedly after using PS, from a heart attack or a stroke or from choking to death on his own vomit.

An example is 28-year old Mr A, who was regularly found under the influence of PS and was repeatedly warned of the dangers of using it. He was found dead in his cell as a result of a heart attack caused by PS.

Prescription drugs

PS can also cause death when taken in combination with other drugs, whether those drugs have been prescribed or have been obtained illicitly. An example is the case of 22-year old Mr B who was found dead in his bed one morning. The post-mortem found that he had used PS before he died and that he had also taken several prescription drugs - Subutex, diazepam and pregabalin – which had not been prescribed to him. The combination of these drugs, taken together with the PS, produced a toxic cocktail which had slowed his breathing, resulting in coma and death.

Accidents

We also see accidental deaths while people are under the influence of PS, as the case of 31-year old Mr C illustrates. An officer answered Mr C’s emergency bell and found Mr C sitting on the bed with his clothes burnt off and severe burns to most of his body. He was conscious and in a lot of pain. His injuries were not survivable, and he died of his burns in hospital two days later. We found that he had accidentally set himself

on fire while smoking PS and had not reacted until it was too late because he was under the influence of the drug.

Heroin

Other drugs also play a part in deaths. Mr D, who was 26, was found dead in his cell one morning. The post-mortem found he had died from inhaling his own vomit as a result of using heroin. Mr D had a history of heroin addiction and had been on a methadone detoxification programme in prison. He had almost completed this at the time of his death. He refused to work with substance misuse services and was often found under the influence of PS and cannabis, but he never tested positive for heroin.

Other prisoners told us that Mr D had bought some heroin on the wing the night before his death. Tolerance to heroin diminishes very quickly after even a few days of not using it, even among people who were previously regular users. Although Mr D had not used a significant amount of heroin, he had lost his tolerance after not using it in prison for some months, and it was enough to kill him.

The loss of tolerance is a very real problem and also causes many of the deaths we investigate in probation hostels.

Other problems

Apart from the 30 or so deaths that are directly caused by drugs each year, we also know that drugs contribute to violence and self-harm in prisons and it is impossible to say how many suicides may have been prompted by drug-related debts and bullying or by the mood-altering effects of drugs.

Conclusion

We have hesitated before writing this article as we know some people will find it upsetting. But one of the most difficult parts of our job is speaking to the families of prisoners who have died, and if we can help prevent even a few deaths it will have been worth it.

We know that kicking a drug habit is difficult, but there is help available. We hope this article has given readers important information and food for thought and might lead people to seek help if they know they are at risk.

Author: Elizabeth Moody, Deputy Ombudsman, Fatal Incident Investigations

This article previously featured in Inside Time's [August edition](#), written by the PPO for prisoners.

The Sanctions Protocol – Working together

“It’s about assuring prisoners and detainees that you (or someone close to you) can talk or write to any of us about anything, no matter how sensitive or potentially serious, without fear of negative consequences.”

We hope that you will all have heard of HM Inspectorate of Prisons (HMI Prisons), the Independent Monitoring Boards (IMB), Lay Observers and the Prisons and Probation Ombudsman (PPO) and have some idea of the work we do as individual organisations. But did you know that we also sometimes work together? One of the most important ways that we do this is through what we call our joint Sanctions Protocol.

What is the Sanctions Protocol?

The purpose of the Protocol, or agreement, is to set out how we will work together to protect any prisoner or detainee from any sanctions, punishment or unfavourable treatment caused by their communication with HMI Prisons, IMBs, Lay Observers or the PPO. The Protocol covers people in prison, YOIs, secure training centres, immigration removal centres, in court custody and under PECS custody.

You might wonder what this really means. For us, it’s about assuring prisoners and detainees that you (or someone close to you) can talk or write to any of us about anything, no matter how sensitive or potentially serious, without fear of negative consequences. If you want to talk to or contact us, you should feel safe to do so. We are clear that no matter what you tell us, staff must not take any action to punish you, for example by transferring you, taking away your job, re-categorising you, restricting visits or phone calls or subjecting you to any physical or verbal abuse.

We know that the majority of staff across HMPPS, PECS, youth custody and immigration enforcement value and support the work that our organisations do – even when our roles involve identifying lessons to be learnt and improvements to be made. Many staff positively encourage you to speak to inspectors when they visit, turn to the IMB or Lay Observers to help solve problems, or escalate your complaints to the PPO. But we know that might not always be the case. So, what should you do if you think you have suffered negative consequences because you have contacted us?

Reporting a sanctions concern

The first, and most important, step is to tell any one of our organisations as soon as you think you have been treated negatively. At this point, our organisations work together to decide whether, on the information we have, we think your situation meets the criteria for a sanctions case. If we do, we will ask you if you are happy for us to share details of your claim with each of the other organisations and eventually with HMPPS (or the relevant authority). We understand that you might be worried that life will become even more difficult for you if we take this further, but if your allegation is very serious we might decide to do this even if you do not give your permission.

What happens next? The investigation process

In some cases, we will ask senior managers in the prison (or immigration removal centre, etc) to carry out a first investigation and report back to us within a set timeframe. In other cases, our organisations will agree that it is more appropriate for the PPO to carry out an independent investigation without further delay.

If the PPO investigates, they use the same approach as when they investigate any complaint. They will gather relevant evidence, interview staff (and they can interview anyone, no matter how senior) and speak to you. If the PPO finds that you have suffered negative consequences after speaking to one of our organisations, they will make recommendations to the service to try to fix the situation for you and ensure that the same thing doesn't happen to someone else. You will receive a copy of their investigation, and so will senior leaders in the service – for example, the Director General for Prisons in HMPPS.

The PPO might conclude that you were not unfairly treated. Prisons, and the other services responsible for your care, make decisions about you all the time. Although you might feel that you have suffered after contacting one of our organisations, there might not be evidence to support that, or the decision or action might be justified for some other reason. Whether the PPO uphold your claim or not, you will receive a copy of the investigation so that you can see for yourself how they have reached their conclusions.

Our four organisations want to make sure that you can freely communicate with us without being worried about what might happen. If you have any issues you would like to raise with us, we hope that the information in this article will make you feel safer to do so.

Author: PPO – Susannah Eagle, Deputy Ombudsman, Complaints, HMI Prisons – Martin Lomas, Deputy Chief Inspector of Prisons, IMB & Lay Observers – Anne Owers, National Chair

This article previously featured in Inside Time's [September edition](#), written by the PPO for prisoners.

A Prison Officer at the PPO? A hopefully helpful perspective

"I think it's important prison staff have a better understanding of *why* the PPO investigate such events; it's not a witch hunt to find somebody to blame."

I'm James, the new Strategy Officer at the PPO. I recently joined the PPO after three years as a prison officer in a Category B London local prison. I started out as a residential landing officer, then a supervising officer, and lastly a prison offender manager. I also spent some time working in a women's prison and have visited a few other male establishments. This has, I believe, given me a moderately rounded experience of how the prison system is (or isn't) functioning, which is something the PPO really valued about me and hoped would bring a useful perspective to the team.

My role is all about strategic thinking. I'm responsible for drawing up the PPO's 3-year strategic plan and yearly business plan, with the aim to improve our ability to fulfil our goals. These goals are to carry out independent, objective investigations into complaints in HMPPS and deaths in custody. We do this to understand what happened, correct injustices and identify learning for organisations involved.

It's that objectivity and impartiality that I wanted to take the time to explore here. Before I joined the PPO, as an officer, the Ombudsman seemed somewhat like the bogey man, out to get you and something to be wary of. But I've learnt this really isn't the case. Before starting my role at the PPO, I did some research to get a feel for the organisation and was surprised to read positive things about prison staff in many reports, praising officers or healthcare for the professionalism and compassion they showed to prisoners in difficult times. It's unfortunate that because we investigate fatal incidents and complaints, we're much more likely to see mistakes than outstanding achievements. But even in these cases, I think it's important prison staff have a better understanding of *why* the PPO investigate such events; it's not a witch hunt to find somebody to blame. Where mistakes have been made, the PPO make recommendations to the services involved with the sole aim of preventing those mistakes being made again, something which everybody, both sides of the bars, can surely get behind. If HMPPS staff are open and engage with the PPO, it will result in a clearer understanding of events and better outcomes for the future.

What I can say now that I work for the PPO is that they do not pick sides. We don't investigate on an assumption that services have failed or that what we read in complaints will always be the whole story. Instead, our investigators are professionals, trained to calmly and objectively gather as much information as they can to determine what actually happened, and what the reasonable next steps ought to be.

If I could make one request for those of you still working hard in one of the most stressful industries in the country, it would be to remember some of the core values of the PPO: we're impartial and we're fair. We don't take sides and we always strive to be honest, act with integrity and work for better outcomes in HMPPS.

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