

**Prisons &
Probation**

Ombudsman
Independent Investigations

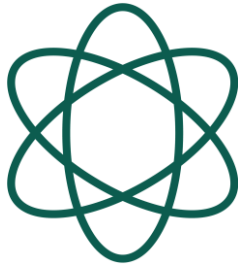
Complaints about the Professional Conduct of Prisons and Probation Ombudsman staff

June 2023



Our vision

To carry out independent investigations to make custody and community supervision safer and fairer



Our values

We are:

Impartial: we do not take sides

Respectful: we are considerate and courteous

Inclusive: we value diversity

Dedicated: we are determined and focused

Fair: we are honest and act with integrity



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Introduction

The Prisons and Probation Ombudsman (PPO) aims to provide the highest standards of service and to get things right. However, we appreciate that we may not always achieve this, and that people may wish to complain to us about our service.

We are committed to listening to any complaints, acknowledging concerns and putting things right, where appropriate. The complaints that we receive about our staff, or our service, will help us to better understand how we are doing and enable us to learn lessons so we can make improvements in the way we work.

What does the Complaints' policy cover?

This policy deals with complaints about staff conduct, which could include, but is not limited to:

- The use of racist, sexist or offensive language
- Rudeness or discourtesy
- A lack of professionalism or failure to follow proper procedures relating to our investigations
- Unexplained and lengthy delays to our investigations, which cannot be credited to the services that fall within our remit or another organisation
- An unreasonable failure to reply to multiple letters, emails or telephone calls over an extended period of time
- A failure to declare a potential conflict of interest in an investigation.

This policy applies to all staff, except for the Ombudsman, regardless of their grade, length of service or employment status. The process for complaining about the Ombudsman is separate because the role is a public appointment and information on how to do so is contained below.

What does the Complaints' policy not cover?

This complaints' policy does not apply to disagreements about the decision not to accept a complaint for investigation, the outcome of a complaint or death in custody investigation or about decisions on how an investigation should proceed. If you wish to complain about our investigative processes or a related outcome or a decision, then you can ask an MP to refer the matter to the Parliamentary and Health Service Ombudsman (PHSO). The PHSO's contact details are found below in the section titled "*After the Review*".

This policy also does not apply to internal complaints made about PPO staff, by PPO staff, as they are covered in the Ministry of Justice's (MoJ) Grievance Policy.

Who can complain?

Complaints may come from those in custody, detained under immigration legislation or under probation supervision, members of their families, legal representatives, members of the general public or from staff working for the services in our remit.

As stated above, this policy does not deal with complaints about the outcomes of our assessments, or our complaint or fatal incident investigations, which will be considered by the PHSO, or complaints from members of PPO staff, which would be dealt with under the MoJ's Grievance Policy.

When should I make my complaint?

You should complain within three months of the incident(s) and, ideally, as soon as possible when the issues are still recent. The later the complaint is made, the more difficult it could be to investigate. The PPO will not normally accept complaints where there has been a delay of more than six months between the complainant becoming aware of the relevant facts and submitting their complaint to the PPO, unless the delay has been the fault of the services in our remit and the PPO considers that it is appropriate to do so.

How should I make my complaint?

If you wish to make a formal complaint, please use the Complaint Form where possible. If you are unable to use the form, please ensure that your letter or email is clearly marked "Complaint" and is addressed to the PPO's Head of Corporate Services.

Please send the completed Complaint Form or your complaint correspondence to the following addresses:

For letters, please post to the Head of Corporate Services, Prisons and Probation Ombudsman, 3rd Floor, 10 South Colonnade, Canary Wharf, London, E14 4PU.

For emails, please send to officialcomplaints@ppo.gov.uk

What should I include in my complaint?

This will depend on the nature of your complaint. It will be helpful if you can summarise your complaint and give specific details of the issue that you are raising. Ideally, you should include details of the staff involved, any relevant dates and times and copies of any relevant correspondence.

When contacting us, please let us know if you have any communication needs so that we can support you appropriately. These communication needs could include if you have a disability that impacts on your ability to communicate, if you require assistance with reading and/or writing, or if English is not your first language.

What happens to my complaint?

Initial receipt of the complaint

The Head of Corporate Services will register your complaint and send you or your representative an acknowledgement within five working days of the PPO receiving it.

How will my complaint be dealt with?

The Head of Corporate Services will allocate your complaint to an appropriate PPO manager. That decision will depend on the nature and potential seriousness of the

complaint, the need to maintain fairness and impartiality, and any other factors seen as relevant in the circumstances of the individual complaint. We will need to share the details of your complaint with the person or people who you have complained about so that we can take account of the views of everyone involved.

Generally, no other PPO staff will be told about your complaint. However, on occasions, some complaints will require information to be obtained from other parts of the PPO or from third parties. In these cases, we will need to share the details of your complaint with these people. **By submitting a complaint to us, you are agreeing to us sharing information where necessary.**

If we need some more information from you, we will contact you as soon as possible.

The investigating manager will consider any documents or information that might be relevant. If the complaint alleges discrimination, the investigating manager will consider whether to seek advice from the MoJ's Human Resources Casework Team.

The investigating manager should complete the full investigation and send you the complaint response within 20 working days of the PPO receiving it.

If it is not possible to complete the full investigation into your complaint within 20 working days, we will contact you to explain why there is a delay and to give you a revised estimate of how long it will take us to respond in full.

In our final reply, we will let you know what we have found and explain how and why we came to our conclusions. The final reply will:

- Summarise your complaint
- Address the points you have raised
- Say what the outcome is including whether your complaint is upheld, partially upheld or not upheld
- If appropriate, explain what measures are being taken in response to your complaint
- Give you further details about how you can take the matter forward if you are not happy with the outcome of your complaint or the way it has been handled.

If specific actions are taken against one or more members of staff, we will be unable to disclose this as it will be confidential, personal data.

What are the possible outcomes for my complaint?

If we have upheld or partially upheld your complaint, the outcome could include, but is not limited to the following:

- An apology
- An explanation
- An assurance that lessons will be learned to reduce the likelihood of the same thing will happening again
- Remedial actions undertaken which may be directed towards one or more members of staff.

Complaints about a Deputy Ombudsman

If the complaint is about a Deputy Ombudsman, the Head of Corporate Services will pass the complaint to the Ombudsman, and they will act as the investigating manager.

Complaints about the Ombudsman

If the complaint is about the personal conduct of the Ombudsman, it will be considered by the Minister of State for Prisons and Probation (who can be contacted at the Ministry of Justice, 102 Petty France, London, SW1H 9AJ). If the responsible Minister decides that the complaint should be investigated, they will appoint an independent person to investigate the issues and make recommendations about resolution.

Future engagement with the PPO

If you complain to the PPO, it will not have any negative impact on any other investigation or complaint submitted to the PPO. If you believe that your complaint has had a negative impact, then you are entitled to make a further complaint or should refer the matter to the PHSO.

Malicious, vexatious and repeated complaints

If, after registering and acknowledging your complaint, the Head of Corporate Services and/or the investigating manager considers that it has been submitted to be malicious or vexatious, or it is a repeated complaint submitted within the past 12 months, then we reserve the right not to investigate your complaint.

In this circumstance, the Head of Corporate Services will write to you with the reason(s) why your complaint has been considered malicious, vexatious or repeated and to confirm that it will not be investigated.

Zero Tolerance Policy

The PPO will not tolerate or engage with abuse, harassment, or discrimination in any form, particularly with direct, or indirect reference to race, age, disability, religion or belief, sex, gender or gender reassignment. We may report any such abuse to relevant bodies, such as HMPPS and/or the Police if necessary. We manage all correspondence in line with our Unreasonable Complainant Policy, which is available on request.

How can I appeal the complaint response?

After the initial investigation

Once we have answered your complaint, if you are unhappy with the outcome or the way in which it was handled, you can write to the Senior Complaints Reviewer and ask for a review. The Senior Complaints Reviewer will acknowledge your appeal within five working days of receipt.

A request for review must be made within 20 working days of receiving the initial complaint response. Full details for how to make a request for review will be provided within the response letter.

The Senior Complaints Reviewer will be the Ombudsman or one of the three Deputy Ombudsmen for Complaints, Fatal Incidents, or Research, Strategy and Corporate Services and will not have had any involvement in the original complaint investigation. If the original complaint was about a Deputy Ombudsman, then the Senior Complaints Reviewer will be part of the MoJ's Arms' Length Body Sponsorship Team.

Complaints to the Senior Complaints Reviewer will be responded to within 20 working days of receipt by the Senior Complaints Reviewer.

Malicious, vexatious or repeated complaints

If you have been told that your complaint is malicious, vexatious or repeated, and you have evidence to substantiate that this is not the case, you can write to the Senior Complaints Reviewer and ask for a review. The timescales and process for this review are as above.

After the review

Once the Senior Complaints Reviewer has reviewed your complaint and delivered their decision, if you are unhappy with the outcome or the way in which it was dealt with, you can contact the PHSO, who can investigate complaints by people who consider they have suffered injustice as a result of maladministration by the PPO. To involve the PHSO, you must complete their complaint form and have it signed by a Member of Parliament (MP). The MP will then refer the complaint to the PHSO. You can find MP's contact details at <https://members.parliament.uk/members/commons>

The PHSO's contact details are:

The Parliamentary and Health Service Ombudsman
Citygate
Mosley Street
Manchester
M2 3HQ
Telephone: 0345 015 4033;
Email: phso.enquiries@ombudsman.org.uk

Recording and learning from complaints

We keep a Complaints' Log, which includes the complainant's name, the details of what action was taken and the outcome. Every two months, a Complaints' Report is referred to our Senior Leadership Team to identify ways in which our service can be improved.

If the PPO receives a request for the Complaints' Log, under the Freedom of Information Act (FOIA) 2000, the requester would only be provided with an anonymised version, as any personal data would be excluded under section 40 of the FOIA.

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