

**Prisons &
Probation**

Ombudsman
Independent Investigations

Learning lessons bulletin

Complaints investigations | Issue 10

COVID-19 PPO Complaints

Foreword


In March 2020, the imposition of the national lockdown in response to the COVID-19 global pandemic brought substantial changes to how prisons, probation services and immigration removal centres (IRCs) were able to function.

The pandemic also affected the work of the Prisons and Probation Ombudsman (PPO). From mid-March 2020 to early July 2020, we were not able to access our offices and all our staff had to work from home. We had to be innovative about how we maintained our services.

This is the first PPO report to consider the impact of COVID-19 on our work. It focuses on the effect of the beginning of the pandemic on our complaints work, and presents emerging

findings based on analysis and case studies of complaints received or completed between April 2020 and September 2020. It also draws on the issues raised in messages left on our answerphone and by email to our office in the same period.

It is clear that the effects of the pandemic will be far-reaching and long-lasting. We will be publishing further reports to track the longer-term impact on our complaints work, as well as reports focusing on fatal incident investigations during the COVID-19 pandemic.



Sue McAllister CB

Prisons and Probation Ombudsman

Context/Policy

HMPPS and policy

On 23 March 2020, the government announced national restrictions in response to COVID-19. Early predictions about the potential prison death toll from the virus were alarming.¹ As a result of the national lockdown, HM Prisons and Probation Service (HMPPS) and the Home Office had to adapt their policies and working practices. Prisons and IRCs introduced compartmentalised units known as protective isolation units, shielding units and reverse cohorting units^{2,3,4} to limit the potential spread of the virus among their populations.

Some of the most important changes for potential complainants included the reduction in time out of cell (including exercise time, work, education and courses necessary for progression), the near cessation of prison transfers, and the suspension of face-to-face visits from family and friends.⁵ In response, HMPPS introduced or expanded alternative methods, such as video calls, for prisoners to keep in touch with those in the community.⁶ A number of early release schemes⁷ were introduced. According to HMPPS data, as of 30 September 2020, 316 prisoners had been released under COVID-19 temporary release schemes. Probation services changed the way offenders were supervised, from face-to-face to remote supervision.⁸

Changes to PPO working practices

The national lockdown in mid-March 2020 resulted in the closure of the PPO office in Canary Wharf and all staff began working from home full time. The closure of our office meant that, initially, we could not access our post – the primary way in which complainants submit their complaints to us. In mid-May 2020, we began redirecting our post to a postal scanning company. Since that date, we have been able to access our post electronically and process it as normal. As we are unable to return original documents, we brokered an agreement with HMPPS that prisoners could obtain free photocopies of their complaint forms for the purpose of submitting them to the PPO.

At the end of May 2020, while still in the national lockdown, we began using the ‘Email a Prisoner’⁹ service across the PPO complaints function. Having thought hard about how to use it, given the nature of the PPO complaints work, we have limited its use to sending non-confidential, non-sensitive letters and reports to prisoners. Since early July 2020, a small number of staff have been able to work from our office and anything unsuitable for ‘Email a Prisoner’ is sent by regular mail.

Throughout the pandemic, prisoners and their families and friends have been able to contact us by leaving a voice message on our answerphone. Messages are listened to each day and might result in PPO staff escalating a matter to the relevant prison

1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882622/COVID-19-population-management-strategy-prisons.pdf

2 <https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/299/29902.htm>

3 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921491/detention-and-escorting-services-guidance-during-COVID-19_v3.0.pdf

4 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882622/COVID-19-population-management-strategy-prisons.pdf

5 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882622/COVID-19-population-management-strategy-prisons.pdf

6 <https://www.gov.uk/government/news/prison-visits-cancelled>

7 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/925232/HMPPS_COVID19_SEP20_Pub.pdf

8 <https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/461/46103.htm>

9 <https://www.emailprisoner.com/>

governor or replying directly to the caller. Those outside prison have also been able to contact us by email.

Since March 2020, we have made very few in-person visits to prisons, and only in cases where we felt it was essential to do so. We have had reduced access to the video-link facilities at our office, so most interviews with complainants and prison staff have taken place by telephone. We have also worked with HMPPS to encourage prisons to submit evidence relevant to our investigations electronically. However, in some cases, the lack of up-to-date technology across HMPPS has impacted our work and caused us delays.

Finally, in January 2020, we began a series of discussion groups with prisoners in different prisons across England and Wales to explore prisoners' experiences of making complaints, both to HMPPS and the PPO. Those discussion groups had to be paused in March 2020 and have removed an important route for hearing directly from prisoners about more general concerns. We are thinking about how we might be able to host some group sessions remotely, where prisons have the technology to support that and when it is safe to do so.

How PPO defines a COVID-19 complaint

The PPO defines a COVID-19 complaint as one in which the complaint mentions COVID, COVID-19, coronavirus, pandemic or epidemic in the complaint forms, or if the complaint relates to changes in policy or practice due to COVID-19.¹⁰

These criteria have allowed us to identify COVID-19 complaints at an early stage. However, we have also identified some complaints where either the complainant or the prison in their response used one of the key words above but on assessment, we found

that the complaint was not COVID-19 related. We consider that some complainants may have used the pandemic in the hope of escalating or speeding up the progress of the complaint, and that some prisons may have used the effects of the pandemic as an excuse for not having resolved an outstanding issue.

PPO data

Total complaints received

Between April 2020 and September 2020, we received 2,052 complaints.¹¹ We have continued to see many complaints which are ineligible, the most common reason for this is that the complainant has not followed the correct procedure.

A complaint is eligible if it is from a person who has been through the relevant internal complaints process (the two-stage prison process, or the immigration or probation process) and the complainant brings it to us within three months of receiving the final stage reply from the service in remit. The complaint also has to be about something which is within our remit, set out in our Terms of Reference.¹²

The criteria by which a complaint is eligible for investigation means that there is a time lag (sometimes of several months) between the decision or incident in question occurring, and the PPO beginning the investigation.

Total complaint investigations completed

We completed 2,450 complaint investigations in 2019/20. Between April 2020 and September 2020, we completed 641 complaint investigations. The annualised figures indicate an apparent reduction in the number of completed complaints in the first six months of the 2020/21 financial year, when compared to the 12 months of 2019/20.¹³

10 Please see the 'About the data' section for the full definition of a COVID-19 PPO complaint.

11 Please see the 'About the data' section for further details.

12 <https://s3-eu-west-2.amazonaws.com/ppo-prod-storage-1g9rkjhkjmngw/uploads/2017/04/PPO-Terms-of-reference-2017.pdf>

13 These comparisons are done from annualising the six-month data for April 2020 to September 2020.

It is too early to say whether the apparent reduction is meaningful, but it is likely that the early effects of the pandemic on the services in remit and the PPO's own processes had an impact, such as delays to us receiving new complaints by post, or delays to the provision of evidence for our investigations due to staffing shortages across HMPPS. It is also worth noting that HMPPS saw a reduction in complaints from prisons and IRCs during the same period. There were just over 90,000 complaints between April 2020 and September 2020, compared to just under 105,000 between April 2019 and September 2019.¹⁴ Part of the reduction in complaints could also be linked to the small reduction in prison population over the same period.¹⁵

National and local government guidelines have changed and continue to change, as have the policies and practices in the services in our remit. In line with our Terms of Reference,¹⁶ the PPO's decision to uphold or not uphold a complaint is based on the policy at the time of the incident, but we may also consider whether any change in operational methods, policy, practice or management arrangements would help prevent a recurrence.

Of the 641 completed complaint investigations between April 2020 and September 2020, 30% were found in favour of the complainant, i.e. were upheld. This is similar to 2019/20, where 31% of investigations were found in favour of the complainant. This suggests that COVID-19 has not affected our uphold rate so far.

Of the 641 completed complaints between April 2020 and September 2020, the most common complaint related to issues with property (37%). This is similar to 2019/20, where 35% of investigations completed were property related. During this period, we completed some investigations into complaints received prior to the onset of the pandemic and some received during the pandemic, so the cases completed reflect some of our expected caseload. We anticipate that the ongoing effects of the pandemic and subsequent changes to prison life are likely to, in time, impact on the nature of the complaints we receive.

Of the 641 completed complaints investigations between April 2020 and September 2020, most of these complaints were from men in prison (96%).

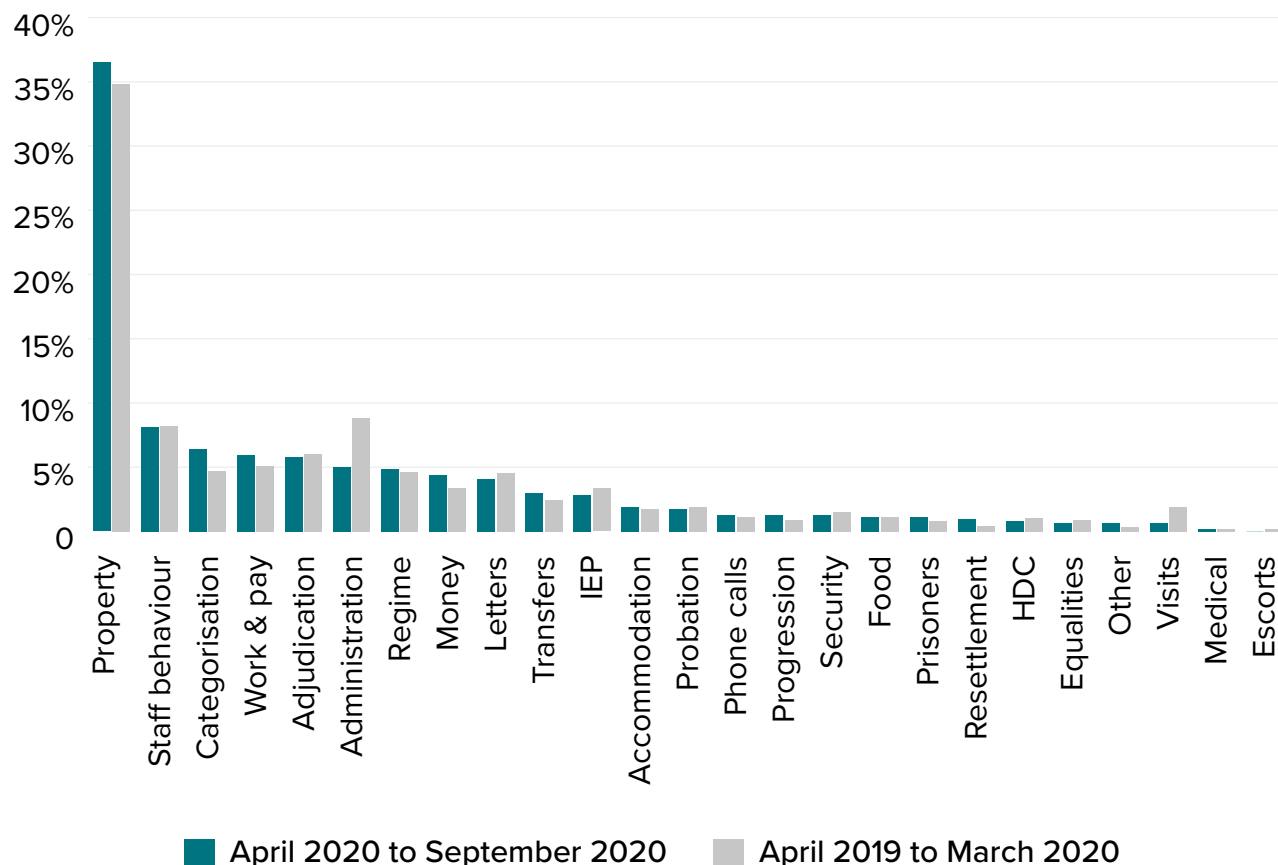
The graph on page 5 shows the categories of completed complaints for April 2020 to September 2020 (green), ordered by most common, compared to the completed categories from 2019/2020 (dark grey).

14 Please see the 'About the data' section for further details.

15 <https://www.gov.uk/government/collections/prison-population-statistics>

16 <https://s3-eu-west-2.amazonaws.com/ppo-prod-storage-1g9rkjhkjmkgw/uploads/2017/04/PPO-Terms-of-reference-2017.pdf>

Complaints completed by category, April 2020 to September 2020, and April 2019 to March 2020



COVID-19 complaints

COVID-19 complaints received

Of the 2,052 investigations we received between April 2020 and September 2020, 70 (3%) were identified as COVID-19 related. As noted earlier, this is to be expected given the time lag between the issue arising, and the complainant completing the internal complaints process before then making their complaint to the PPO.

COVID-19 complaints investigations completed

Of the 641 investigations we completed between April 2020 and September 2020, 14 were identified as COVID-19 complaints (2%). All 14 completed COVID-19 complaints were from adult men in prison. Only one of

the 14 complaints was found in favour of the complainant.¹⁷

Three out of the 14 complaints were about the prison regime. Given the greatly restricted regimes in place from March 2020, we expect to see more complaints about regime going forward.

The table below shows the categories of COVID-19 completed complaints for April 2020 to September 2020, ordered by most common. The overall number of COVID-19 complaint investigations completed is small, and while the table might give an indication of areas to watch, we will continue to monitor the nature of COVID-19 complaints to identify stronger themes.

¹⁷ This was at the time of freezing the complaint data. The case studies below may not be included in the data presented as they may have been completed after the data was frozen.

Complaint investigations completed between April 2020 and September 2020, which were COVID-19 related by complaint category

Category	Completed COVID-19 complaints
Regime	3
IEP	2
Transfers	2
Work and pay	2
Equalities	1
Food	1
Money	1
Phone calls	1
Resettlement	1
Total	14

What doesn't our data tell us?

Analysis of our data on completed COVID-19 complaint investigations tells us something about how the pandemic has impacted life in prison. But there is much that it does not and cannot tell us. We do not know whether the apparent reduction in complaints made to HMPPS between April 2020 and September 2020, when compared to the same timeframe in 2019, indicates that prisoners felt they had less to complain about, or that they had less physical access to complaint forms, or that they felt more fearful than usual of making a complaint. We do not know whether women, young people in prison or detainees in IRCs (who we know complain to us at low levels in normal times) are experiencing the pandemic differently – but we suspect that they are. We will explore these issues in the discussion groups (see page 3 for more details) and in future learning lesson bulletins.

From the early days of the pandemic, we have shared information and learning with other scrutiny bodies such as HM Inspectorate of Prisons and the Independent Monitoring Board (IMB). As colleagues in these organisations have increased their physical presence in prisons, they have helped us, for example by checking the availability of complaint forms on prison wings. We have used findings from their inspections and visits to inform our investigations.

We have also identified learning from voice messages left on our answerphone and emails received from those outside prison. Messages to both expressed, among other things:

- fears about contracting COVID-19, particularly where the individual had existing health conditions
- concerns about other prisoners and staff not following social distancing guidelines
- concerns about the lack of access to regular showers or to their prescribed medication
- what would happen to existing hospital appointments, court appearances or parole hearings
- whether the prisoner would be eligible for the early release scheme

While it is not always easy to tell, we suspect that a high number of these messages will not result in a formal complaint to us.

Case studies

Upheld COVID-19 complaints

Case study 1

In June 2020, Mr A complained to the PPO that staff had not allowed him access to his property after he was transferred to the segregation unit in April 2020. He said that he did not receive his property until late May 2020. Mr A complained to the prison asking for items from his cell, including all his food items and toiletries. Staff apologised for the delay in sending the property to Mr A and said it would be with him “as soon as is practicable”. Staff said that the restrictions imposed due to the pandemic made it difficult for them to facilitate such tasks. Mr A submitted a second complaint a week later and stated that he needed his food items before Ramadan. This time, staff responded that his food items were not allowed in the segregation unit and that “normal timings are not applicable in this COVID-19 regime era.”

Mr A appealed two weeks later. A custodial manager replied a week later and acknowledged that the prison’s initial responses to Mr A’s complaint had not addressed his questions. The manager said that Mr A’s old cell had not yet been cleared of property but that this would happen the next day. The manager also said that they had directed staff to give Mr A the items he was entitled to. Mr A was not satisfied and complained to the PPO.

The Exceptional Regime and Delivery of Services (ERDS) Standard Operating Procedures sets out the requirements for carrying out cell clearances during the COVID-19 pandemic. It directs that the instructions in prison service instruction (PSI) 12/2011 ‘Prisoners Property’ (that living accommodation and any property in it, should be secured and checked as

soon as possible and be recorded on a cell clearance form) still applied.

A review of Mr A’s paperwork revealed discrepancies and contradictions about the action staff had taken to clear Mr A’s old cell.

At the time of the complaint, the COVID-19 pandemic was at an early stage and the national lockdown had been recently introduced. We accepted that this was a particularly challenging time for the prison estate. However, according to HMPPS policy, Mr A’s cell should have been cleared as soon as possible after his transfer to the segregation unit. The staff response that “normal timings were not applicable” was wrong.

We upheld Mr A’s complaint and recommended that the Governor apologise to Mr A for the delays in returning his property to him, and for the incorrect information given in the original complaint responses. We also recommended that the Governor remind staff of the requirements of the relevant PSI. The Governor has provided evidence that the recommendations have been implemented.

Case study 2

Mr B wrote to the Ombudsman in May 2020 complaining that he still did not have a sentence plan after waiting six months for one. In their response to his original complaint, prison staff replied that a current prioritisation policy in place at the prison, combined with COVID-19 restrictions, meant that offender managers could not complete sentence plans for offenders assessed as low or medium risk of future offending, and would only have face-to-face meetings with those assessed as high-risk.

Mr B appealed this decision, stating that, according to the relevant policy, he should have received a sentence plan within eight weeks of arriving at the prison. Staff responded that they would aim to complete outstanding plans in due course and as their staffing situation improved. They were unable to tell Mr B when this might happen.

We looked at PSI 41/2012 which requires that every prisoner, including those assessed as low or medium risk, must have a sentence plan, and offender managers are required to take part in pre-release activity to support the release planning.

We contacted the prison, asking what action had been taken to complete Mr B's sentence plan. They said it was correct that Mr B should have had a sentence plan, and it is a mandatory action, but the exceptional circumstances of COVID-19 had prevented this. We then received further information that Mr B's sentence plan was underway and would be completed by the beginning of November 2020.

We understood that the COVID-19 pandemic could delay completion of a sentence plan, but concluded it was not reasonable that staff could not tell Mr B when this mandatory action would happen. We upheld Mr B's complaint and recommended that the Governor remind staff of the requirements of PSI 41/2012 – that all offenders must have a sentence plan – and assure us that suitable processes were in place to ensure the mandatory actions can be met.

Ineligible COVID-19 complaint

Case study 3

Mr C wrote to the PPO in September 2020, complaining that he had been unable to speak to the Prison Advice and Care Trust (PACT), the Legal Ombudsman, Citizens Advice or Catch22 due to the pandemic. When complaining to the Ombudsman, Mr C did not include his original complaint forms and therefore we had no evidence that he had completed the prison's internal complaints procedure (as required by our Terms of Reference). We advised Mr C that his complaint was not eligible for investigation by the PPO, and outlined the full prison complaints procedure in case he wished to complain again at a later date, or submit evidence that he had already completed the internal complaints process.

Not upheld COVID-19 complaints

Case study 4

Mr D complained to the Ombudsman in July 2020 that he had been inappropriately kept in medical isolation in May 2020. Mr D stated that his cellmate had told staff that he was having difficulty breathing and consequently an officer locked them both in their shared cell. A paramedic was called, and on examining Mr D's cell mate, it was found that he had a fever. The paramedic stated that Mr D and his cellmate needed to go into medical isolation for 14 days. Mr D claimed that while in medical isolation he had no access to showers or time in the open air. Mr D's solicitor had advised him to complain.

Our investigation found that prison staff had followed government health advice that was in place at the time of the incident. Prison staff explained that if they had let Mr D out of his cell, they would have placed the safety of other prisoners and staff at risk. Public Health England states that one of the significant symptoms of COVID-19 is the onset of a high temperature. Government advice is that anyone living with someone who is displaying the symptoms of COVID-19 must not leave their residence for 14 days from when the symptoms started. Public Health England said it was reasonable for staff to at least initially leave Mr D in his cell, due to the risk of transmission to staff and other prisoners.

In March 2020, prisons were required to produce an Exceptional Regime Management Plan (ERMP). This laid out how the prison regime would run during the pandemic and all ERMPs were cleared with Prison Service Headquarters. The ERMP for the prison in question stated that the basic regime entitlement for prisoners included access to showers, if safe and

practicable, and some time in the open air, again, if possible. Staff confirmed that Mr D was placed in medical isolation on 3 May, and that this isolation ceased on 6 May, after Mr D's COVID-19 test came back negative. They also said that while in isolation, Mr D was issued with a hygiene pack, as well as cell cleaning items. Mr D was also given distraction packs, containing items such as colouring books, pencils and sudoku, as well as access to library books.

Staff also stated that the in-cell information channel on the television provides daily in-cell exercises, as well as educational and entertainment programmes. Prisoners in double cells were provided with games such as chess, cards or dominoes to help ease boredom, pass time and build relationships. It was also confirmed that all prisoners now receive 30 minutes' access to the open air and access to a shower, both occurring daily.

In this case, we concluded that staff had followed the expectations of Public Health England and the requirements of the ERMP that were in force at the time, so we did not uphold the complaint. Given the changing guidance from PHE and HMPPS, we would now expect all prisoners to have regular access to showers and time outside.

Case study 5

Mr E complained to the Ombudsman in June 2020 that prison staff had not addressed his concerns about the kitchen. He complained there was no social distancing in the kitchen areas, the kitchen floor was sometimes greasy, which had resulted in him and a member of staff slipping, and that the pot wash area was hazardous. He had raised concerns about the kitchen with staff but had not received

a “reasonable response” or seen “any noticeable change” in working practices.

Our investigation found that prison staff had responded to the complaint by thanking Mr E for raising his concerns and said that, since the date of his complaint, the number of prisoners working in the kitchen had been significantly reduced to enable social distancing. Mr E was told that staff would liaise with the Catering Manager to ensure appropriate warning signs were placed in the pot wash area.

The Exceptional Regime and Delivery of Services (ERDS) issued in April 2020 noted that “establishments would continue to operate a traditional catering operation based in the local kitchen until this was no longer viable, although with a reduced work party and while maintaining social distancing measures”. The Catering Manager confirmed that social distancing measures were implemented on 26 March 2020. In addition to this, our investigation found that IMB’s Annual Report¹⁸ (which covered the period 1 June 2019 to 31 May 2020), raised no concerns relating to the kitchen.

Our investigation also found that the response to Mr E had been delayed due to prison staff wanting to ensure that the appropriate staff had been consulted fully and to have the opportunity to review the conditions in the kitchen.

At the time of Mr E’s complaint, the COVID-19 pandemic was still in its early stages. We concluded that prison staff had acted appropriately and followed the restrictions and requirements. Therefore, we did not uphold the complaint.

Areas for potential analysis in the future

This report is the first PPO report looking at the impact of COVID-19 on our work. We will be publishing further reports, including another report on COVID-19 complaints where we plan to explore:

- the number of complaints we receive and complete from different establishment types within our remit
- the complaint categories we receive and complete, to see if there are any changes
- whether the uphold rate changes of the complaints that we complete
- the recommendations we make to Governors/establishments
- lessons for the future, for PPO, prisons, probation service, IRCs and HMPPS HQ
- feedback on this report in our annual General Stakeholder Survey

Glossary

Adjudication: If a prisoner is charged with a breach of Prison Rules, their case will be heard at an adjudication. These hearings take place within the prison.

Complaints Policy Framework: The framework outlines requirements and information on providing a fair and effective system for dealing with prisoner complaints.

Custodial manager (CM): A CM provides line management to staff in specific areas of the establishment (and is senior to a SO).

Exceptional Regime and Delivery of Services (ERDS): Standard Operating Procedures sets out the requirements for carrying out cell clearances, amongst other things, during the COVID-19 pandemic.

18 <https://www.imb.org.uk/>

Exceptional Regime Management Plan

(ERMP): A plan that supports establishments delivering key regimes where resources are restricted.

Immigration removal centre (IRC): Immigration removal centres are centres where foreign nationals who are awaiting decisions on their asylum claims or deportation are held.

Prison service instruction (PSI): These instructions outline regulations and guidelines that prisons must adhere to.

Prison offender managers: They manage and assess prisoners, and prepare, implement, review and evaluate their sentence plans with them.¹⁹

Protective isolation units: Unit/area used for the temporary isolation of prisoners who are displaying symptoms of COVID-19.

Reverse cohorting units: Units where newly arrived prisoners are quarantined for 14 days.

Segregation unit: A separate unit or wing, where prisoners are segregated and have limited contact with other prisoners – they will receive services and activities separate to the ‘general population’ of the establishment.

Shielding units: A form of social distancing for those who have a heightened vulnerability to COVID-19.

Supervising officer (SO): A SO provides daily supervision and support for prison officers, co-ordinating the delivery of the regime and activities within a wing in an establishment.

Annex A: PPO context

March 2020

In line with national government guidelines due to COVID-19, in March 2020 all PPO staff had to move to home working. With the closure of the office, we could no longer access incoming post or send post out, so we couldn’t read and reply to letters from prisoners. We had to cease all visits to prisons, although our telephone voicemail service and our PPO mailbox still operated as normal.

May 2020

We sent information notices to all prisons to keep them informed of our changes and used prison radio and in-cell TV adverts where available to explain our position to prisoners.

We also started working with a postal scanning company to process complaints from prisoners and other mail. This has enabled us to access all post that had been held since the start of lockdown and we worked through this as quickly as possible.

June 2020

Our assessment team and investigators also began using the ‘Email a Prisoner’ service.²⁰ This allowed us to send messages to people in prison that could be printed by the prison for the prisoner.

Where appropriate, we used ‘Email a Prisoner’ to respond to prisoners’ letters and complaints. We carefully considered which written communications could be sent by email, mindful of the need for confidentiality.

July 2020 to September 2020

From early July 2020, some PPO staff were able to return to the office. Since then, a small number of staff have been going into the office to print letters to prisoners.

19 <http://www.prisonreformtrust.org.uk/ForPrisonersFamilies/PrisonerInformationPages/OffenderManagementandsentenceplanning>

20 <https://www.emailaprisoner.com/content/howitworks>

At the time of writing, we have also started going into prisons to carry out essential interviews.

Annex B: About the data

HMPPS data

The HMPPS data used does not represent national statistics, as it comes from an information management tool. The data is 'live' and remains subject to change. It may not tally with other official statistics and is not 100% accurate as it is not always subject to full checks. We gained prior approval for use and publication of this data.

The HMPPS data reflects the number of prisoner complaints, and those at Morton Hall IRC, which required and/or received a response within the month. This is updated on a monthly basis.

The following categories of complaints are included within this data:

- Stage 1/COMP1 forms – where these are to be answered by the establishment the complainant resides in
- Stage 2/COMP1a forms – where these are to be answered by the establishment the complainant resides in
- Confidential Access complaints/COMP2 forms – where these are to be answered by the establishment the complainant resides in or where they are being passed to the Independent Monitoring Board (IMB) or Prison Group Director (PGD)
- Diversity Incident Reporting Forms (DIRFs) – where these have been submitted by a prisoner and to be answered by the establishment the complainant resides in
- Reserved subject complaints – for example, where an allegation is made against the Governor

PPO data

2019/20 refers to the financial year. April 2020 to September 2020 refers to 1 April 2020 to 30 September 2020.

Complaints data contained in this report is frozen. Data for 2019/20 was frozen in May and June 2020. Data for April 2020 to September 2020 was frozen in October 2020.

Data for each section was frozen on different days within October, so represents different cohorts of cases.

Case studies in this bulletin may not be included in the data presented as they may have been completed after the data was frozen.

In May 2020, the PPO added a tick box to the case management system we use, so we could highlight COVID-19 related cases. The following guidance is used to help guide what should be classified as a COVID-19 complaint:

- The COVID-19 category is applied as soon as a COVID-19 related element becomes apparent, from the initial assessment stage to the finalisation of the case. The COVID-19 element is removed if it subsequently becomes apparent that the complaint is not COVID-19 related.
- The COVID-19 category is applied, if relevant, to all complaints, even if the complaint isn't eligible or is subsequently dealt with in line with Paragraph 22, set out in our Terms of Reference.²¹
- Paragraph 22 refers to the decision not to accept a complaint otherwise eligible for investigation, or to discontinue any ongoing investigation, where it is deemed that no worthwhile outcome can be achieved, or the complaint raises no substantial issue.

21 <https://s3-eu-west-2.amazonaws.com/ppo-prod-storage-1g9rkjhkhjmgw/uploads/2017/04/PPO-Terms-of-reference-2017.pdf>

The COVID-19 flag is added to cases where the complaint:

- mentions COVID, COVID-19, coronavirus, pandemic and epidemic in the complaint forms
- relates to any temporary measure or policy put in place by the prison because of the pandemic. For example, social distancing, self-isolation, restricted prison visits, education, reverse cohorting units, protective isolation units, shielding units
- relates to access to cleaning products, PPE, or access to laundry facilities because of the complainant's concerns about COVID-19
- relates to a lack of staff (includes operational, non-operational staff), where COVID-19 is the cause of the staffing shortage including healthcare, religious ministers, meetings or education provision

A small number of cases received will be counted twice in multiple sections across the two time frames (2019/20 and April 2020 to September 2020). This only happens when a previously closed case is subsequently reopened after we have received new information.

Ineligibility reasons are updated and overwritten every time a new eligibility assessment has been completed when new information is provided. Therefore, the eligibility reasons that we report are reflective of the most recent reason at the time of freezing the data.

A completed case is defined as one in which the draft outcome has been approved.

A complaint is not upheld if we find that the service in remit has acted in keeping with policy. Or, if there is no specific relevant policy and/or that they have not acted unreasonably or inappropriately. Upheld cases include cases which are upheld and partially upheld.