

Prisons &  
Probation  
Ombudsman  
Independent Investigations

# The Investigator

News and views from the Prisons and Probation Ombudsman

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# The Ombudsman's Opening

## Welcome to the latest issue of The Investigator

In this issue, we focus on the work we are doing to raise awareness of the PPO; who we are and what we do. This work, which started last year but continues across several initiatives, is already showing signs of success. Our adverts on Prison Radio for example, resulted in more people in prison knowing about us and how to complain to us, to ensure they receive a prompt response to their complaint. Improvements we have made to our website has also attracted more visitors to the site, with more engagement in the reports and articles we publish there. You can view our website here: <https://www.ppo.gov.uk/>



In this edition of The Investigator, you'll read an article by one of our investigators about the work we are doing to give prison staff a better understanding of the PPO. We also share recent articles we have written for Inside Time, the national newspaper for prisoners and detainees, as part of our regular contribution to that paper. I hope you enjoy reading these and that they give you a sense of how we are reaching out to those who can, and should, engage with us, both in prisons and externally.

Since the last edition, we have published our first thematic bulletin on complaints we received since lockdown started last March. A thematic bulletin on COVID-19 related deaths we have investigated will be published in February too. We plan to issue more of these bulletins, which distil the learning from our investigations and highlight lessons for the services we investigate. We will send the bulletins to those on our mailing list and will also publish them on our website.

The Investigator is an important publication for us, and we are pleased that it is read by so many of our partners and stakeholders. Please contact us with any feedback you have on the articles we include and any suggestions you have for future editions.

Thank you for reading.

**Sue McAllister CB**  
**Prisons and Probation Ombudsman**

## This month's featured articles:

### 'Please read the report!'

This article first appeared in the January issue of Inside Time, written by the PPO for prisoners and detainees. You can read this here: <https://insidetime.org/please-read-the-report/>



On 4 November 2020, the latest Prisons and Probation Ombudsman (PPO) Annual Report was published. As an independent body, we are required to publish a report every year to serve as a record of our activities and achievements. Typically, ours includes a foreword from me, summaries of the year for each of our functions (complaints, fatal incident investigations and learning lessons) and some anonymised case studies to show the sort of cases we have investigated throughout the course of the year. This year's report covers the period from April 2019 to March 2020.

We send a copy of our Annual Report to every prison so that it can be placed in the prison library and read by anybody who has an interest in our work. We are very keen to know that has happened and we welcome feedback, both on whether you have been able to access a copy and how useful you found it. We also send copies, nowadays mainly by electronic means, to our many stakeholders and to the services we investigate. Before it can be made public, a copy is also laid in Parliament as an official record of our work.

## Headline News

In the year from April 2019 to March 2020 (2019/20), the PPO received 4,686 complaints, 6% fewer than in the previous year. The most common complaint category we received was about property, with staff behaviour and aspects of prison administration as the next most common categories.

We completed 2,450 complaints in 2019/20. Of these, 34% came from the Long Term and High Security Estate (LTHSE), only 2% of the total came from women, and 2% from people under 21.

As well as the complaints we investigated, we declined to investigate 285 in 2019/20, either because they didn't raise a substantive issue or because we judged there could be no worthwhile outcome. Whilst we know this can be frustrating and disappointing for the person who has complained, we do have to use our judgement and focus on those complaints that will have impact, either for an individual or for the wider service.

We also sent some complaints back because they weren't eligible, usually because they hadn't been through the internal processes at the prison before coming to the PPO. We hope that the work we are doing to raise awareness of how to complain will lead to fewer of these ineligible complaints.

In 2019/20 we also started investigations into 311 deaths in custody, a small decrease of 7% from the previous year. Of the 311 people whose deaths we investigated, 176 died from natural causes and 83 people took their own lives. Every death that occurs in prison is required, by law, to be investigated independently and the PPO has been responsible for carrying out those independent investigations since 2004.

In my foreword to the report, I write about our frustration at the number of times we make the same recommendations and the work we are doing to understand what more we can do about that. As PPO, we have no authority to make HMPPS do what we recommend, and I have described that as us having no 'teeth'. So, we have been looking at how we could make changes. For example, from how we write our reports and the way we make recommendations to prisons in a way that focuses on outcomes, to how things improve as a result of what we find, and what we say should change. We are determined that the work we do must have impact and that, where we find things have gone wrong, action is taken to put things right.

## Other News

In our Annual Report, we also mention some of the things we have been doing to raise awareness of who we are and what we do. Many of you understand the role of the PPO and some of you will have complained to us during the year. But there are still some people in prison who might not be quite as well informed and so we have been working to put that right in a number of ways.

We visited prisons and held some sessions with wing reps and complaints reps so that we understood what we could do to raise awareness and, we hope, reduce the number of complaints we receive that aren't eligible and have to be returned. Following on from those sessions, we worked with the Prison Radio Association and Wayout TV to produce some adverts telling listeners and viewers how to complain to us and, more recently, how we are keeping our services going during the COVID-19 restrictions. We're looking forward to getting feedback on how useful those adverts have been and whether we should do more to share information in that way. And, of course, we have been writing articles for Inside Time in what we hope will be a regular slot.

I know that access to prison libraries will be affected by the restrictions currently placed on regimes. I hope though, that as prisons are able to move to having more activity and access to facilities, you will be interested enough to read our report and that there is something in there that feels relevant and interesting.

**Sue McAllister CB**  
**Prisons and Probation Ombudsman**

## This month's featured articles:

### **Strengthening awareness of the PPO for a stronger impact**

As part of the Prisons and Probation Ombudsman 2019/21 Strategic Plan, we identified a priority project in which we, as an organisation, could look at ways we can improve relationships with our services in remit, in order to facilitate effective implementation of our recommendations by frontline staff.

Our Investigators in both Complaints and Fatal Incident investigations often need to either request information from staff or interview them to gain more information about an incident. During their investigations, our Investigators have identified a significant knowledge gap in staff's awareness of who the PPO are, what we do and our overall purpose. This in turn affects both our ability to obtain central information to an investigation, conduct efficient interviews and to implement recommendations effectively. It also clearly has an impact on staff, with many fearful about their involvement in our investigations.

Myself, Graham Manders, an Investigator in the Complaints team, and Peter Dixon, a Senior Investigator in the Fatal Incidents Team, have therefore been tasked with managing a PPO awareness project with Her Majesty's Prison and Probation Service (HMPPS) as a result of this. To help drive this project forward, we have enlisted the help of two students from the University of Greenwich, who are working exclusively on this strand of work. As part of their roles, they are formulating ideas, creating content and liaising with HMPPS during project discussion meetings.

Scoping of the project, alongside colleagues in the Ministry of Justice (MoJ) People Group – Learning & Development, is still in its early stages, however the discussions that we have had so far have been overwhelmingly positive. During these discussions we have brainstormed several ideas, which include but are not limited to:

- Providing key information about the PPO, outlining who we are and what we do during staffs initial in-house induction courses (which they receive at the very beginning of their roles)
- Developing training materials, including real case studies from both Complaints and FII, for staff to engage with during their custody and detention officer apprenticeship learning journey

- Formulating online content, including detailed information about the PPO and our investigations on 'myLearning', which is an online platform accessed by HMPPS staff containing a wide range of information and learning material
- Tailoring information about the PPO being provided to staff, depending upon their grade. For example, Custodial managers that line manage staff who have been contacted as part of an investigation

Two developers from the MoJ People Group – Learning & Development have been assigned to the project and, favourably, both have previous operational hands-on experience of working in the prison system and knowledge about what we do, with one developer having been previously interviewed by the PPO as part of an investigation.

The new Custody and Detention Officer Apprenticeship introduced by HMPPS has a real focus towards interactivity and allowing staff to build a solid knowledge base through engaging exercises. By potentially embedding real life PPO case studies into this course, this will allow staff to get a feel for a PPO investigation, what kind of information we must consider and, vitally, why it may be necessary for us to speak to them regarding an incident. Further to this, the introduction of a dedicated PPO section onto the 'myLearning' platform will give staff a direct point of reference for further information if they have been contacted by a PPO Investigator, and a working knowledge of who we are, and what we do prior to any potential interview.

While the implementation of any of the mentioned ideas are still in their infancy, we are optimistic that, at the very least, prison staff knowledge of the PPO will be greatly increased as a result of this project. Our hope is that when this project is successful in boosting prison staff knowledge of the PPO, we can then pursue similar avenues with the National Probation Service and the Home Office to boost knowledge of the PPO in approved premises and immigration removal centres.

It has been apparent from our initial discussions that there is a real need for this project, therefore this is a brilliant opportunity to widely increase awareness about the work of the PPO to central stakeholders across all grades within the prison system. At this point, we are finalising timelines for project completion, and the team are regularly meeting our colleagues in MoJ People Group – Learning & Development to progress matters as quickly as we possibly can. We hope to share further information soon.

**Graham Manders**  
**Investigator, Complaints**

**Peter Dixon**  
**Senior Investigator, Fatal Incidents**

## This month's featured articles:

### Making a complaint during a pandemic

This article first appeared in the February issue of Inside Time, written by the PPO for prisoners and detainees. You can read this here: <https://insidetime.org/far-reaching-and-long-lasting/>



Since March 2020, the whole of the UK has been affected by the COVID-19 pandemic and there have been many changes to how prisons, probation services and immigration removal centres function. In December 2020, the PPO published our first bulletin considering the impact of COVID-19 on our complaints work. This article sets out some of the main findings from the bulletin which you can read here: <https://www.ppo.gov.uk/news/covid-19-ppo-complaints-ppo-publish-a-new-learning-lessons-bulletin/>

#### **How the PPO has adapted:**

Since March 2020, all PPO staff have been largely working from home, with very limited access to the office in Canary Wharf. This meant that for a while, we were unable to access any of our post. It severely affected our ability to assess new complaints and communicate with you in prison. Since May 2020, we have redirected our post to a scanning company and have been able to process complaints. This means that we are no longer able to return original documents to you. However, HMPPS has agreed to photocopy complaint forms for free so that you can send them to us.



In June 2020, we also began using the 'Email a Prisoner' service. This way, we can send messages to you quickly, whether our staff can get into the office or not. However, not everything is suitable for 'Email a Prisoner' and so we only email you if we are sure that the contents are not confidential or sensitive.

### **What do we know about COVID-19 related complaints?**

Between April 2020 and September 2020, we received just over 2,000 complaints. Many of these were ineligible and the most common reason for this was that the person complaining had not followed the correct complaints procedure.

A complaint is eligible if it is from someone who has been through the relevant internal complaints process and they bring it to us within three months of receiving the final stage reply. The complaint must also be about something which is within our remit.

At the point of analysing our data in September 2020, we had received 70 complaints which we assessed as being related to COVID-19. We had completed investigations into 14 COVID-19 related complaints. The small number of COVID-19 complaints we have investigated means that we can't yet draw conclusions about the impact of the pandemic on prisoners but it has shown us areas that we need to monitor – for example, the impact of the pandemic on access to things like showers, work and education and progression.

The pandemic has made many different aspects of prison life more difficult or uncertain. For example, 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 first 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 told staff to give Mr A the items he was allowed. Mr A was not satisfied and complained to the PPO.

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. The Governor accepted our recommendation, and Mr A received an apology.

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.

You can contact the PPO by calling 0845 010 7938 (voicemail only) or you can write to us at: Prisons and Probation Ombudsman, Third Floor, 10 South Colonnade, London E14 4PU.

**Allena Reed**  
**Research Officer**

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PPO Communications Team  
Prisons and Probation Ombudsman  
Third Floor, 10 South Colonnade  
Canary Wharf  
London  
E14 4PU

Or email:

[PPOComms@ppo.gov.uk](mailto:PPOComms@ppo.gov.uk)

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