

INSIDE ISSUES

Winter 2018

Update from the Prisoner Ombudsman's Office

Our Annual Report for 2017-18 was published as planned in September. The report provides a detailed breakdown of our work during the year. Copies have been placed in each prison library for those who would like to see the report. We can also provide a copy on request.

Since the summer edition of Inside Issues, Ruth has joined our Death in Custody Team as an investigator to work alongside Maureen, Jacqueline and Noel.

In order to address the low use of our services by certain groups, we continue to offer a monthly clinic to both male and female prisoners in Hydebank Wood. We have also introduced a clinic to Magilligan Prison that will be held every month from the start of 2019. The purpose of these clinics is to ensure that all prisoners have an opportunity to understand how to make a formal complaint and also raise issues that may be resolved locally. Details of these clinics are on page 2.

Some of you may have contributed to work our office undertook to examine how complaints are handled by the Northern Ireland Prison Service (NIPS) in both Magilligan and Hydebank. This work will be repeated at both locations in early 2019. More details are set out on page 2.

Prisoner Complaints

For prisoners, the NIPS internal complaints process has two stages. Usually both stages must be completed before a prisoner can bring their complaint to the Prisoner Ombudsman. However, you need only complete one stage if NIPS reply to your complaint and consider it to be: vexatious; repetitive; frivolous; raises no substantial issue; is intended to seriously hamper the proper operation of the complaints procedure. Complaint forms should always be available on landings and easily obtained. There are time limits for prisoners and NIPS to respond, so be aware of these and keep a record of when you submit your complaint at both Stage 1 and Stage 2.

FREEPHONE

0800 783 6317

Monday to Friday
8.30am – 12.00 noon
4.00pm – 5.00pm

Freephone and Registering Complaints

Outside the hours shown above, the Freephone has a voicemail facility so that you can leave your name and the NIPS complaint reference number.

Messages are checked daily and we will write to you to confirm we have received your complaint.

Stage 1

- Submit the complaint within 21 days of the incident took place to cause the complaint.
- Complete a Complaint Form and put it into the residential Complaints Post-Box.
- Within 24 hours the Prison Service should then interview you or speak to you about your complaint.
- Within 14 days, the Prison Service should provide a Stage 1 written response to you.
- If you are not satisfied with the response, you can move the complaint to Stage 2. This must be done within 10 days of receiving the response. The response will have a Stage 2 section for explaining the reasons for remaining not satisfied. Complete the Stage 2 section and put the complaints form back into the residential Complaints Post-Box.
- If you do not receive a response to your complaint within 14 days, you can also move the complaint to Stage 2. Complete a complaint form explaining no reply has been received to Stage 1 within the 14 day time limit. Also explain the wish to progress the complaint to Stage 2. Then put the form into the residential Complaints Post-Box.

Stage 2

- Stage 2 is a second opportunity for everyone to resolve the complaint and also has a 14 day deadline.
- Within 14 days the Prison Service should provide you with a written Stage 2 response.
- If you are not satisfied with the Stage 2 response, you can call or write to the Prisoner Ombudsman's Office and register your complaint.
- If you do not receive a Stage 2 response within 14 days, you can also register your complaint with the Prisoner Ombudsman's Office.



The
**Prisoner
Ombudsman**
for Northern Ireland

How well does the Complaints Process work?

You may recall that some information was provided in the Summer Edition about work our office undertook to assess how complaints are handled by NIPS at stages 1 and 2 of their Internal Complaints Process in both Magilligan and Hydebank Wood. This work is due to be repeated in both locations in early 2019.

At the first stage we will examine a sample of complaints that were raised by prisoners during 2018 to see if a response was provided within the permitted timescales and also to consider if the response provided has adequately addressed the issues raised by the complainant.

As a follow-up we will also speak to a number of individual prisoners who have raised a complaint in order to get their views on how the process has worked for them.

A report will then be produced that will set out our findings and include recommendations on how any issues or concerns identified and raised during the work should be addressed by the NIPS and the Prisoner Ombudsman's Office.

This is a very useful exercise and your views are important to us. If you are chosen to take part we would very much welcome you taking the opportunity to talk to us and to tell us about your experience of making a complaint within Hydebank or Magilligan. All views will be treated in confidence.

Prisoner Ombudsman Complaints Clinics

The Prisoner Ombudsman's Office are now providing a regular clinic in Hydebank Wood and Magilligan. Our team want to ensure that all prisoners are aware of our service, are able to access us if they wish, have genuine opportunities to understand the service we are able to provide and have genuine opportunities to meet us and speak with us.

Hydebank Wood (Female) -- The next clinic is scheduled for January 2019, the date will be advertised. Clinics are normally every other month, 10am to 11.30am.

Hydebank Wood (Male) -- The next clinic is scheduled for February 2019, the date will be advertised. Clinics are normally every other month, 10am to 11.30am.

Magilligan – In response to requests from prisoners, clinics will be held every month in 2019 - the dates will be advertised.

These clinics provide an opportunity for prisoners to speak one-to-one and in confidence with one of our investigators. You will be able to raise any issues that may be resolved locally and to get an understanding of how to make a formal complaint.

For further information, please call our office – **0800 783 6317**.

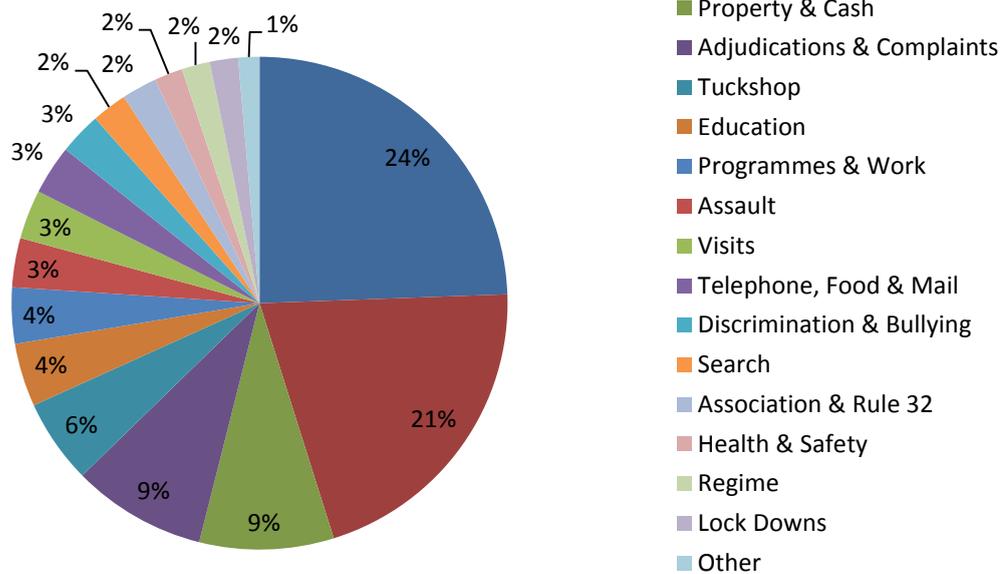
Eligible Complaints Received April 2018 – September 2018

Location	Total	% of all Complaints
Maghaberry	196	90.3%
Magilligan	15	6.9%
Hydebank Male	0	0%
Hydebank Female	6	2.8%
Total	217	

Outcomes of Complaints Investigated April 2018 – September 2018

Outcome	Total	% of all Complaints
Upheld/Partially Upheld	51	38.9%
Not Upheld	53	40.5%
Local Resolution	0	0%
Withdrawn/Release	27	20.6%
Total	131	

Category of Complaints Received April 2018 to September 2018



The Local Purchase Facility

Ms. A was permitted to buy perfume. She did not state the purpose of her purchase. Ms. A complained that when she later requested the perfume be left in Visitors' Reception for her daughter to collect, she was refused. Ms. A explained the purchase was a birthday gift for her daughter and collection by her daughter had been previously permitted. She believes it is important for prisoners to maintain family contact and maintain a meaningful role.

The investigation established that there had been previous requests approved which permitted the purchase of gifts using the Local Purchase Facility, which were then permitted to be collected by family. However, the investigation also established the new facility was introduced to permit the purchase of gifts for children and grandchildren under the age of 18. Although the policy does not extend to the purchase of gifts for adults, the Prisoner Ombudsman's Office welcomes its introduction and acknowledges the NIPS rationale for the limitations built into the policy.

NIPS were, however, unable to provide written guidance on applying the Local Purchase Facility.

The complaint was partially upheld and NIPS accepted recommendations to:

- **Permit Ms. A to pass the gift out to her daughter, as a good-will gesture in recognition that previous similar requests had been allowed without issue.**
- **Issue guidance on the Local Purchase Facility to ensure prisoners are fully aware of the restrictions in place.**

Exercise Yard Privacy and Security

Ms. B made a complaint about being subjected to sectarian abuse when in the exercise yard and about the privacy and security of the yard. The Prisoner Ombudsman's investigation established that a work party entered a normally restricted area unannounced, leaving Ms. B feeling intimidated and unable to remain in the yard.

The investigation established that the other prisoners were allowed supervised access to the yard to carry out maintenance. However access was not through the proper entrance and no-one was informed they would be in attendance. The investigation also established that in response to receiving the complaint NIPS: promptly placed the abusive prisoner on report; had completed remedial work to improve the privacy of the yard; planned to complete further improvement work. In addition, NIPS locked the entrance that should not have been used and assured future work would be coordinated to prevent work being completed when the yard was in use.

Less positive, although it may not have changed any investigative conclusions, is that NIPS did not provide CCTV footage when requested.

The complaint was upheld.

While NIPS are upgrading their CCTV to improve the area it covers, they have accepted the recommendation to ensure that CCTV footage is retained and provided to interested parties irrespective of the orientation of the camera or its view.

Applying the Anti-Bullying Policy

Following an investigation under the Anti-Bullying Policy, Mr. C had requested that he would not be placed in the same location as another prisoner who was subject to that investigation. However, the other prisoner was then placed in work in the same work location. Mr. C was never informed of this beforehand and complained that the other prisoner continued to harass and intimidate him in his work place. He explained that despite the Anti-Bullying investigation his concerns were not considered, the least he would have expected was for NIPS to have spoken to him about his concerns and allow him to prepare to work with the other prisoner.

A Governor acknowledged that Mr. C should have been made aware the other prisoner would be working in the same place as him. The Governor stated it had been his intention to address the issues between both prisoners using restorative measures in a controlled environment, rather than them meeting by chance. The Governor apologised and gave Mr. C an assurance that there were a range of actions designed to safeguard him from bullying.

The Prisoner Ombudsman's Office also found no evidence to suggest that NIPS had investigated the continued harassment and intimidation reported by Mr. C.

The Ombudsman's Office partially upheld the complaint. NIPS accepted recommendations to:

- Ensure that all allegations of bullying are investigated and documented in accordance with the Anti-Bullying Policy.
- Ensure that when a prisoner who has been found guilty of bullying is being placed in a location where the victim is present, that the victim is informed beforehand and sufficient preparatory work is undertaken to ensure that the integration is managed closely.
- Issue Mr. C with a formal written apology for the distress caused by not being informed of the other prisoner being placed in the same location.

Has our recommendation been implemented by NIPS?

From April 2018 to September 2018 the Prisoner Ombudsman's Office made 56 recommendations in response to complaints - 92% of those decided upon have been accepted. Recommendations are intended to improve things. They may be made even when a complaint is not upheld or, when appropriate, to put right a perceived wrong. We are interested in hearing if accepted recommendations have been properly implemented.

If you are aware that any of the recommendations in your case were accepted but not implemented, please let us know and we will try to resolve the problem.



Mandarin

如果你对使用监狱服务处的内
部投诉程序有任何问题，
请通知监狱人员或拨我们的免费电
话，我们将会很乐意告诉你该如何进行。
经过监狱服务处的调查后，
如果你对结果仍旧不满意，
你可以拨我们的免费电话
0800 783 6317 (08.30-12.00 & 16.00-17.00)
向犯人调查官投诉。
即使你的英语有限，
或完全不会说英语，
你也可以拨免费电话。
你只需说“Mandarin，
普通话”，接著，会要你稍候；
在我们接通翻译之前，
可能会暂时没有声音。
很重要的
是，你不要挂掉电话，一
定要等我们替你接通翻译。一旦
接通所需的翻译后，
他就能帮你
向我们的投诉员提供一
些基本细节。



Polish

Osoby niezadowolone ze
sposobu rozpatrzenia skargi
przez Służbę Wzyzienny
mogę skierować sprawę do
rzecznika osób
odbywających karę
pozbawienia wolności
(Prisoner Ombudsman). Służbę
do tego bezpłatny numer
telefonu 0800 783 6317.
(08.30-12.00 & 16.00-17.00)

Z tego numeru mogą
korzystać także osoby
niemówiące po angielsku.
Wystarczy powiedzieć
„Polish, polski” i zaczekać
na pożyczanie z tłumaczem.
W słuchawce może nastąpić
cisza, ale słuchawki nie
należy odkładać. Po
pożyczeniu z tłumaczem
osoba zgłaszająca skargę
będzie mogła porozmawiać
z urzędnikiem ds. skarg i
wyjaśnić, na czym ogólnie
polega jej skarga.



Lithuanian

Jei esate nepatenkintas (-a)
tuo, kaip Kalėjimų tarnyba
nagrinėjo jūsų skundą, galite
skundą perduoti Kalėjimų
ombudsmeniui, paskambinę
nemokamu telefonu 0800
783 6317. (08.30-12.00 &
16.00-17.00)

Šiuo nemokamu telefono
numeriu galite skambinti net
ir tuomet, jei angliškai
kalbate labai nedaug arba
visai nekalbate. Jums reikės
pasakyti “Lithuanian,
Lietuviškai” ir šiek tiek
palaukti (gali būti, kad kurį
laiką bus tylu), kol mes
bandysime jus sujungti su ve
rtėju. Yra svarbu nepadėti
ragelio ir laukti, kol jus
sujungs. Kai būsute sujungti,
vertėjas padės mūsų Skundus
nagrinėjantiam pareigūnui
sužinoti reikalingą
informaciją apie jus.



Romanian

Dacă nu sunteți satisfăcut de modul
în care Serviciul Penitenciar v-a
investigat sesizarea, o puteți aduce
în atenția Ombudsman-ului
Deținuților apelând numărul nostru
gratuit, **0800 783 6317**. (08.30-12.00
& 16.00-17.00) Puteți apela numărul
de telefon gratuit chiar dacă nu
vorbiți bine engleza sau dacă nu o
vorbiți deloc. Trebuie doar să
repețați „Romanian, roman”. Va
trebuie să așteptați apoi – și este
posibil să nu auziți nimic – în timp ce
noi vom încerca să obținem legătura
cu un interpret. Este important să nu
închideți telefonul, ci să așteptați.
Odată ce obținem legătura cu
interpretul, acesta îl va ajuta pe
funcționarul nostru care se ocupă de
sesizări să obțină anumite informații
de bază de la dumneavoastră