

INSIDE ISSUES

Summer 2019

Update from the Prisoner Ombudsman's Office

Our Annual Report for 2018-19 will be published in September and copies placed in each prison library for those who would like a detailed breakdown of our work during the year.

Since the previous edition of Inside Issues, a new Prisoner Ombudsman, Dr. Lesley Carroll, has been appointed. Lesley has extensive experience of the Northern Ireland Justice System and took up post on 1st March.

In order to address the low use of our services by certain groups we continue to offer a monthly clinic to prisoners in Magilligan. The clinics for female and male prisoners in Hydebank Wood were temporarily suspended earlier this year but will resume in October following the completion of the renovations in the Learning and Skills complex. The purpose of these information and advice clinics and the dates when the clinics will be held in the coming months are on page 3.

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. The findings for each were provided to NIPS in April and May respectively along with a number of recommendations for improvement. More details are set out on page 2.

Prisoner Complaints

For prisoners, the NIPS internal complaints process has two stages. Both stages must be completed before the prisoner can bring their complaint to the Prisoner Ombudsman. Complaint forms should always be available on landings and easily obtained. If help is needed to complete a form, a friend, the IMB or Prison Service staff can assist. 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 when 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 unsatisfied 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 unsatisfied. 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 unsatisfied 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?

In order to assess how complaints are dealt with by NIPS at stages 1 and 2 of their Internal Complaints Process (ICP), we examined a sample of complaints that were raised by prisoners at both Magilligan and Hydebank Wood. We considered if an adequate and timely response was provided to the complaint, and we also spoke with prisoners to give them an opportunity to tell us about their own experience of using the complaints process. To address the issues identified the following recommendations were made to NIPS by this office:

Recommendations – Magilligan

- NIPS ensure that the Complaint Details form is signed and dated by the complainant at each stage of the complaints process, and that a copy of the form is provided to the prisoner.
- NIPS ensure that all staff, and particularly those with responsibility for the investigation at stage 2 and provision of a stage 2 response, are reminded of the time limits associated with each stage of the ICP.
- NIPS encourage staff where appropriate, to investigate and seek a solution to complaints prior to conducting an initial residential managers interview with prisoners.
- NIPS ensure that all complaints raised are handled correctly and adequately investigated at all stages and that appropriate and timely responses are provided to the complainant.
- That further work is undertaken by NIPS and the Prisoner Ombudsman's office to provide information on the Internal Complaints Process, the time limits associated with each stage and the process and circumstances when a complaint can be escalated to the Prisoner Ombudsman's office.
- NIPS ensure that a supply of complaint forms is available at all times on each landing and located in a place where they can be freely accessed by all prisoners.
- NIPS should change the current location of complaints boxes to a position on each landing where all prisoners have unrestricted access.
- Work is undertaken by NIPS to address the various negative perceptions outlined above.
- The Prisoner Ombudsman's office continues with our outreach efforts as a means of highlighting the work of the office in respect of complaints investigation.

Recommendations – Hydebank

- NIPS ensure that the Complaint Details form is signed and dated by the complainant at each stage of the complaints process, and that the signed and dated form is then retained and stored.
- NIPS ensure that all complaints raised by prisoners and placed in complaint boxes are removed and recorded on PRISM within 24 hours.
- NIPS review their existing guidance to staff regarding the purpose of the initial residential managers' interview with prisoners.
- NIPS ensure that all complaints raised are handled correctly and adequately investigated at all stages and that appropriate responses are provided to the complainant.
- In conjunction with the office of the Prisoner Ombudsman, NIPS should provide information to prisoners that clearly explains the Internal Complaints Process, the time limits associated with each stage and the process for escalating a complaint to the next internal stage or to the Prisoner Ombudsman's office.
- That NIPS provide details of work that will be undertaken to address the various negative perceptions outlined above.

Prisoner Ombudsman Information/Advice Clinics

Clinics will be held at the following times and venues in 2019:

Hydebank Wood

Monday 14th October 2019 (Male)
Tuesday 12th November 2018 (Female)
Monday 9th December 2019 (Male)

Magilligan

Wednesday 30th October 2019
Tuesday 26th November 2019
Monday 16th December 2019

The clinics provide an opportunity for prisoners to speak one-to-one and in confidence with staff from the Prisoner Ombudsman's office.

You will be able to raise any issues that may be resolved locally and get advice on how to make a formal complaint.

For further information, look out for our posters that will advertise the times and locations or please call our Freephone – **0800 783 6317**.

Missing Property

Mr. A complained to our office about the loss of his property.

Our investigation included the examination of information across a number of locations. We found that there were gaps in Prison Service record-keeping, particularly in respect of property cards. There was also an absence of an inventory check on property being transferred between prisons.

Mr. A's attempts to resolve the issue using the internal Request process were either not responded to or failed to adequately address the issue. When Mr. A raised a subsequent complaint the responses provided were not in keeping with the required deadlines.

The Ombudsman's office upheld the complaint.

The Prison Service accepted recommendations to:

- Remind staff of the importance of timely and helpful responses to complaints and requests.
- Facilitate, with the agreement of Mr. A, the purchase of a replacement of at least equal value and quality.
- Ensure that property records and particularly those on transfer between prison establishments are up-to-date.

Complaints Procedure

Mr. B complained that the Prison Service did not follow the correct procedure in dealing with his internal complaint, as the same member of staff provided both the stage 1 and stage 2 responses.

Our office acknowledged the specific circumstances in this instance but concluded that the Prison Service must abide by their own rules which are as follows:

Prison Rule 76 (2A) states 'the residential manager referred to in paragraph 2 shall pass the complaint to an appropriate person within three days of the complaint being recorded under paragraph (1A).

Prison Rule 77(5) states 'in the rule 'an appropriate person' means an officer or an employee of the NIPS with supervisory or managerial responsibility for the subject matter of the complaint and who is senior to the appropriate person referred to in rule 76(2).

The Ombudsman's office upheld the complaint and the Prison Service accepted a recommendation to:

- Remind all staff that the member of staff who provided the stage 1 response should not provide the stage 2 response as this contravenes Rule 77(5).

Appeal of an Adjudication Finding

Mr. C complained to our office about not being able to appeal an adjudication finding.

Our investigation found that prisoners can appeal an adjudication finding through a legal adviser or by submitting a complaint via the NIPS Internal Complaints Procedure and onwards to the Ombudsman. However there were a number of difficulties identified with this process including: it is not made clear that making a complaint will be treated as an appeal; there is no information given regarding how, or by whom, an appeal will be considered and no time limits are given; and that adjudication decisions are routinely reviewed in the first instance by the original decision-maker.

A previous complaint investigation by our office in 2015 concluded that a clear policy needed to be developed to address these concerns. As part of this investigation we were advised that the review of the adjudication manual as a whole (including the appeal process) was ongoing.

The Ombudsman's office partially upheld the complaint and made the following recommendations that were accepted:

- I acknowledge that NIPS HQ are currently reviewing the Adjudication Policy Manual however, I reiterate a previous recommendation made that NIPS develop a clear policy regarding adjudication appeals setting out how appeals can be lodged, who they will be considered by and the time limits for the process.
- I recommend that in the absence of a clear policy at present that NIPS ensure that all requests/complaints regarding an appeal against the result of an adjudication be forwarded in the first instance to a Governor other than the Governor who heard the adjudication to avoid bias.

Has our recommendation been implemented by NIPS?

From April 2018 to March 2019 the Prisoner Ombudsman's office made 140 recommendations in response to prisoners' complaints - 89% of those decided upon have been accepted. Recommendations are intended to improve things, may be made even when a complaint is not upheld, and 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	 Polish	 Lithuanian	 Romanian
<p>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。</p>	<p>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)</p> <p>Z tego numeru mogą korzystać także osoby niemówiące po angielsku. Wystarczy powiedzieć „Polish, polski” i zaczekać na połączenie z tłumaczem. W słuchawce może nastąpić cisza, ale słuchawki nie należy odkładać. Po połączeniu z tłumaczem osoba zgłaszająca skargę będzie mogła porozmawiać z urzędnikiem ds. skarg i wyjaśnić, na czym ogólnie polega jej skarga.</p>	<p>Jei esate nepatenkintas (-a) tuo, kaip Kalėjimų tarnyba nagrinėjo jūsų skundą, galite skundą perduoti Kalėjimų ombudsmenui, paskambinę nemokamu telefonu 0800 783 6317. (08.30-12.00 & 16.00-17.00)</p> <p>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 būsime sujungti, vertėjas padys mums Skundus nagrinėjantį pareigūnui sužinoti reikalingą informaciją apie jus.</p>	<p>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 trebui 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</p>