



# **ANNUAL REPORT**

## **2023-24**



The  
Prisoner  
Ombudsman  
for Northern Ireland



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## Foreword

I am glad to present the Annual Report for the Office of the Prisoner Ombudsman NI, 2023-2024. It is my final Report.

The year began with a significant increase in complaints carried forward from 2022-2023. In addition I had to seek legal advice on the eligibility of over 100 unexpected complaints, which majorly impacted operations. The Office already faced challenges which senior operational staff had been attempting to deal with. Complaint numbers had not been significantly reducing due in part to staffing pressures and some other pressures arising from the need for increased learning among staff, some of them new. In this situation, it is critical the Ombudsman exercises their knowledge and considers what measures could be put in place to work dynamically and effect improvement.



I put measures in place to address the situation, including investigating complaints thematically, team working that allowed the complaints team to work to their individual strengths, thus driving a coherent team targeted at delivering outcomes quickly. I pay tribute to the complaints team who worked closely and cooperatively with me to deliver over 300 investigations over a six month period. It was hard work, with good outcomes for complainants. While in cooperation mode, the team brought new ideas, supported one another and learned from one another. It was a pleasure to work with them during this time. I know that I learned from the experience and I hope others did too.

One of the unintended consequences of the increased number of complaints was that death in custody investigations could not be progressed. The death in custody team had reduced and a new team needed to be trained. I released the Senior Investigating Office to focus on death in custody investigations management and begin a planning process to move investigations forward, across all cases. This was an opportunity for the Senior Investigating Officer to plan how to work through cases more efficiently and also to plan for the new shared caseload approach which he would be responsible for from September 2023.

In May, the Permanent Secretary requested a Recovery Plan which was a helpful mechanism to focus the change required. DoJ's Sponsor Branch provided some assistance in the form of advice and guidance and the Director of Operations drove a recruitment process, with Human Resources, to bring in the staff required to fill some vacancies.



Overall, outcomes were mixed. The large number of complaints that had arrived simultaneously, were investigated and reported. New staff were identified and brought into post. I developed and put a comprehensive training course in place for the Senior Investigating Officer to deliver. The Director of Operations agreed a new caseload approach was required and over latter months worked with the Senior Investigating Officer to agree new caseload targets. When I left the Office there was still only 57% capacity in the investigations team, a consequence of recruitment processes and wider Civil Service challenges. Training had not been completed in its entirety and work to mainstream the use of Manuals etc. was still underway. There is no doubt that strong management is required to take the Office forward, continuing the improvement journey and remaining focused on the main tasks of delivering investigations to complainants, those who have suffered significant injury while in custody and to the families of those who have lost loved ones in custody.

Unfortunately, explicit governance work to develop Office readiness for Statutory Footing had to be paused. Nevertheless, the improvement and fidelity work on complaints is foundational for readiness and remains an important element of that work. In the incoming year, the governance work will need to be reinvigorated as it leaves both the Office and the Ombudsman at significant risk.

Staff support throughout the challenges of the last year has been an important concern. The Director of Operations worked hard to put additional support in place for staff via Police Rehabilitation and Retraining Trust (PRRT) and I worked with the Senior Investigating Officer for him to sign off on new Manuals, Desk Aids and Guidance for investigators. These were particularly important given the new approach to caseload. I was grateful the Senior Investigating Officer took the time to go through each Manual, Desk Aid and Guidance advice page by page and to sign them off as the standards to which all investigations will be delivered. An Ombudsman's Office deals with maladministration, investigating whether organisations adhere to their own standards. It is, therefore, critical the Prisoner Ombudsman's Office has its own transparent and clear standards to which it adheres. I am hopeful this will improve what the Office provides and gives assurance to the public that the Prisoner Ombudsman is providing robust oversight of the prison system.

As the end of my time in Office approached, February 2024, I handed operational decision making about procedures for complaints handling back to the Director of Operations, moving it away from an emergency recovery response. A new Director of Operations came into post in January 2024 and I spent time orientating her to the work of the Office. I wish her well in her new role and I know she brings skills, drive and intention to her work. The Director of Operations, along with the Deputy Principals within the Office, are tasked with operational leadership. A new Deputy Principal started work in January 2024. I wish the senior team well. Under the leadership of the Director of Operations, they can find the courage to deliver what is needed to prepare the Office and its staff for the responsibilities that will come with statutory footing.



It has been my privilege to work closely with the Prison Service. Over the past 5 years it has been gratifying to see how improved trust and shared interest can lead to real collaboration that achieves improvements. It has been inspiring to watch Prison Officers grow into their new responsibilities, facing the challenges of Covid-19 for example, and to work alongside Prison Officers to improve their standards. I was privileged to provide complaints handling training to senior level Prison Officers and to learn from them about their challenges while investigating complaints. The increased mutual understanding reached a level of trust and cooperation that I did not anticipate. I will always be grateful for the way in which the Prison Service responded to the work I was doing over the past years and I particularly thank Ronnie Armour and Beverley Wall along with Governors in each of the prison estates and staff at Prison Service Headquarters.

I was equally glad to experience a strong working relationship with the South Eastern Health and Social Care Trust that provides Healthcare in Prisons. I believe the cooperation developed over the past years can be strengthened to deliver improvements collaboratively.

The new working relationships I built with Regulation and Quality Improvement Authority (RQIA) and the Commissioners of Healthcare in Prisons, the strengthening of the key partnership with Criminal Justice Inspection Northern Ireland (CJI), have also been important to developing the potential impact the Office could make if it could reduce the number of cases awaiting investigation and harness the data it holds. Impact is what makes a difference to practice and should include monitoring delivery of recommendations. However, unless recruitment continues at pace and focus on standards and delivery remain the core intention of all staff, the challenge of case numbers and unnecessary diversions will hold the Office back. That is a matter for the Civil Service.

My final thanks are to my Directors of Operations for their support, encouragement and hard work. I am grateful to the Department of Justice and Minister for the privilege of serving as Prisoner Ombudsman NI. I wish the Office, and my successor, every success in the future.

**LESLEY CARROLL**

**Prisoner Ombudsman for Northern Ireland**

**February 2024**

## Background

The Prisoner Ombudsman's Office (the Office) was established in 2005 following the Steele Review of prisons, which was commissioned because of concerns about the safety of staff and individuals in custody in Maghaberry Prison. Amongst other things, the Review suggested that the establishment of such an Office would "*make a valuable contribution to defusing the tensions which are bound to arise in prisons in Northern Ireland.*"

The Prisoner Ombudsman's Office was established to contribute to ensuring safety and good standards within prisons through two specific functions:

- ▶ Investigate and report on Complaints from current or former individuals in custody and their visitors; and
- ▶ Investigate and report on deaths in custody including Post Release deaths (normally occurring up to 14 days post release) and Serious Adverse Incidents (SAIs).

The Prisoner Ombudsman's powers regarding investigation of complaints are currently set out in Rule 79 of the Prison & Young Offender Centre (NI) Rules 2009.

The Prisoner Ombudsman (the Ombudsman) has a Standing Commission from the Director General of the Northern Ireland Prison Service to investigate deaths in custody (DiC). In addition, the Ombudsman may investigate some Post Release Deaths (PRDs) (normally occurring within 14 days of release from prison) and Serious Adverse Incidents (SAIs) occurring within prisons.

The Prisoner Ombudsman does not currently have any statutory powers.

All investigations are guided by *The Principles of Good Complaints Handling* which are:

- ▶ Clarity of Purpose
- ▶ Accessibility
- ▶ Flexibility
- ▶ Openness and Transparency
- ▶ Proportionality
- ▶ Efficiency
- ▶ Quality Outcomes

Terms of Reference govern investigations and can be found on the Ombudsman's website [nprisonersombudsman.gov.uk](http://nprisonersombudsman.gov.uk).

Detailed handbooks are available to guide staff in the course of their investigations. These are updated as necessary and are supported by a variety of standardised templates and guidance to ensure impartiality and thoroughness.

One of the most productive ways to promote improvement is by working in collaboration with the Prison Service and the South Eastern Health and Social Services Trust (Trust) on the basis we all share the common aim of delivering improvement. Draft DiC reports are shared with the Prison Service, the Trust and the next of kin for comment and final reports are sent to the Minister of Justice and the Coroners' Office so the facts plus our analysis and recommendations are shared with those who are directly affected. Our preference is to publish DiC reports in full in order to serve the public interest. However, we must balance publication against legal obligations in respect of data protection and privacy, and we take careful account of next of kin views when considering publication. We therefore offer to redact dates or other identifying information before a report is published.

Draft complaint reports are shared with complainants and the Prison Service to ensure factual accuracy and we also ask the Prison Service to share draft reports with any identifiable staff who are subject to criticism. Complaint reports are not currently published.

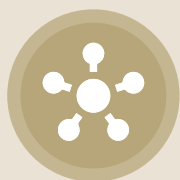
In line with *The Framework Document* agreed with the Department of Justice (DoJ) this Annual Report provides a summary of the number of complaints received and answered along with information about what the Office has achieved in regards to completing investigations. In order to give insight into the issues raised through the complaints process, this report provides anonymised examples of responses to complainants and examples of recommendations made. Finally, the Annual Report provides a summary of office costs for 2023-24.

## Mission and Principles

The Prisoner Ombudsman's work is underpinned by a mission statement and six supporting principles.

### MISSION STATEMENT

**To help ensure that prisons are safe, purposeful places through the provision of independent, impartial and professional investigation of Complaints and Deaths in Custody.**



#### **Principle 1 INDEPENDENCE**

To maintain and strengthen confidence in the independent and impartial approach of the Office of the Prisoner Ombudsman.



#### **Principle 4 CLEAR COMMUNICATION**

To maximise awareness of the role of the Prisoner Ombudsman among key stakeholders, and to keep those to whom we provide a service fully informed about the content and progress of investigations in which they have an interest.



#### **Principle 2 PROFESSIONALISM**

To continuously review and develop investigation processes for Complaints and Deaths in Custody, ensuring high standards of investigative practice, robustness, a proportionate approach and balanced reporting.



#### **Principle 5 EFFICIENCY**

To ensure the Office uses its resources efficiently and complies with relevant legislative and governance requirements.



#### **Principle 3 SERVICE-ORIENTATION**

To provide an effective and courteous service to all stakeholders and positively influence the implementation of recommendations in order to assist the Prison Service and Trust to deliver a purposeful, rehabilitative and healthy regime.



#### **Principle 6 FORWARD LOOKING**

To develop the role of the Office to meet emerging needs.





# Organisational Structure and Responsibilities

## General

The Prisoner Ombudsman is a public appointee and all other staff are Northern Ireland Civil Service (NICS) employees.

The Prisoner Ombudsman is the head of the organisation and as such has responsibility for ensuring the Office conducts investigations and reports within its remit. A Director of Operations supports the Ombudsman's work and has particular responsibility for corporate governance, process assurance, staff support and delivery of the Ombudsman's strategic objectives. The Director of Operations is also the Budget Manager and has responsibility for day to day running of the organisation.

The Prisoner Ombudsman's Office team aim to conduct themselves according to standards that set out the agreed way of conducting investigations and administrative tasks to ensure we all work more efficiently and effectively. Our values and principles relate to how we approach work and relationships, both inside the Office and with our partners and stakeholders.

The terms and conditions of staff members are the same as those for the mainstream NICS and the health and wellbeing of staff remains a paramount concern.

Staff are expected to work beyond conditioned hours when the need arises. That is matched by an on-call allowance, time off in lieu and flexibility in working practices, particularly to meet the needs of those with caring responsibilities.

Staff are also expected to comply with the standards and principles laid down in the Civil Service Management Code, the NICS Standards and Conduct guidance and the NICS Code of Ethics. These set out in detail the rules governing confidentiality, data protection, acceptance of outside appointments and involvement in political activities.

The Director of Operations and two Deputy Principals provide the Ombudsman with monthly updates on current investigations, budget expenditure, risk assessments and staffing.

## Corporate Governance

The Prisoner Ombudsman is an “Independent Statutory Office Holder,” currently appointed by the Minister of Justice under Section 2(2) of the Prison Act (Northern Ireland) 1953, as extended by Section 2 of the Treatment of Offenders Act (Northern Ireland) 1968.

The Prisoner Ombudsman is accountable to the Northern Ireland Executive through the Minister of Justice and acts independently of the Prison Service. The Ombudsman meets regularly with the Prison Service and also with the Trust in respect of DiC investigations.

Corporate governance is delivered through quarterly formal governance meetings between senior office staff and the DoJ Sponsorship Branch, at which key corporate documents and processes are reviewed; the Ombudsman does not attend these meetings. Financial probity is overseen by the DoJ Internal Audit Unit in relation to which there were two Priority 2 and three Priority 3 recommendations arising from the audit carried out in January 2024. The Office’s accounting information is published in the DoJ Finance Accounts and is analysed by the Comptroller General of the Northern Ireland Audit Office. An Annual Report is published after the end of each financial year on the Ombudsman’s website.

The Director of Operations is responsible for ensuring the Prisoner Ombudsman’s policies and actions comply with DoJ rules and processes and for managing the resources allocated to the Office efficiently, effectively and economically.

## Budget Allocation

An indicative Resource Departmental Expenditure Limit budget of £772,000, which represented a 4.75% reduction against the 2022-23 final budget position, was initially allocated for 2023-24. However the final revised budget allocation at year end was £895,000 including a salary budget of £808,000 (90%).

## Strategic and Business Planning

A 2020-2024 Strategic Plan sets out the vision for the Office and focuses on the following four key priorities:

- ▶ Improve investigative processes
- ▶ Safeguard and reinforce independence
- ▶ Prepare for and implement Statutory Footing
- ▶ Develop a learning environment that puts evidence to work.

In April 2023, the DoJ Permanent Secretary requested the Prisoner Ombudsman to submit a Recovery Plan in light of concerns around an increasing backlog of complaints. The Recovery Plan, which was submitted to the DoJ in May 2023, aimed to address the issues the Office was experiencing from a resourcing and performance perspective. Supporting action plans intended to achieve the following were also developed to:

- ▶ reduce the number of complaints awaiting investigation to 90, normal operating standard maximum;
- ▶ bring DiC investigations to within two years, preferably 18 months;
- ▶ populate and reinvigorate the Administration Team;
- ▶ ensure fit for purpose internal governance arrangements, worthy of Ombudsman / public trust and which underpin a value for money Office; and
- ▶ develop an Investigations Management System / Database that covers both Complaints and DiC investigations.

With the focus on achieving a steady state through business recovery, work on the development of the 2023-24 Business Plan was temporarily parked at the request of the Department. It was later published in July 2024.

### **Business Continuity**

Public Health Agency guidelines and NICS guidance continue to be followed in relation to any reported instances of Covid-19 within the Office.

Hybrid working arrangements remain in place with a requirement for most staff to be Office based at least two days a week. This arrangement continued after the Office relocated to new premises in December 2023 when, because of limited space, hot desking became necessary.

Connectivity issues with the Freephone were encountered on moving to the new premises which temporarily prevented individuals' in custody from being able to contact the Office directly and this was regrettable. However, a temporary work around solution has been possible.

As with last year, ongoing staff resourcing issues and lack of investigative experience within the Office continued, at least initially, to hamper progress in reducing the current backlog of investigations. However, in taking a decision to suspend the investigation of complaints in date order, it was possible to mitigate against this in part by carrying out thematic investigations into common issues from different complainants. This approach, adopted to support business recovery, resulted in multiple tailored responses to individuals arising from a single investigation.

A key aim this year had also been to ensure we would get the Office into a state of readiness to achieve Statutory Footing by early 2024 including the development and implementation of a new case management system. However, planned Statutory Footing work was deferred at the DoJ's request.

## Staffing

At 31 March 2024 the staff complement comprised the following:

- ▶ Interim Prisoner Ombudsman (with effect from 25 March 2024); (appointment of Prisoner Ombudsman is being progressed)
- ▶ Director of Operations (Grade 7);
- ▶ Senior Investigations Officer (Deputy Principal);
- ▶ Corporate Governance and Compliance Officer (Deputy Principal);
- ▶ Officer Manager (Staff Officer) - vacant;
- ▶ 7.1 Investigation Officers (Staff Officer) - three vacant posts; and
- ▶ Two Administrative Support staff (Executive Officer II and Administrative Officer).

The Office was adversely affected by ongoing long term staff absences and new vacancies which created additional pressure on all remaining staff in terms of trying to deliver business recovery objectives, maintain administrative services and deliver training with limited resources.

The Complaints Team welcomed two new Investigators, one on a temporary basis to support backfill arrangements in September 2023 and another substantive appointment in October 2023 to replace an Investigator who had transferred out of the Office. These appointments ensured the Complaints Team remained at full complement at that time.

However, three Investigator vacancies arose shortly thereafter with the transfer out of one Investigator in December 2023 followed by a second Investigator in January 2024 and lastly when a third Investigator who had taken up a temporary promotion opportunity elsewhere was subsequently promoted in January 2024. Backfill arrangements for the latter post currently remain in place. The Director of Operations is continuing to work closely with the NICSHR team to fill these vacant posts.

The Administrative Team was fully depleted for some considerable time, this created additional and unsustainable pressure. The Office Manager transferred out of the Office in November 2023 and this post remains to be filled. The Governance DP also transferred out in December 2023 with their replacement successfully recruited in January 2024. More positively the Administrative Team has been partially resourced since November 2023. A new substantive Executive Officer II took up post in November 2023.



A new substantive Director of Operations took up their post in January 2024 and replaced the Acting Director who will remain in post to provide support and assist learning until April 2024.

My term as Ombudsman ended on 29 February 2024.

### **Training**

To improve efficiency and better mitigate against the impact of experienced Investigators transferring out of the Office, a new investigative approach was introduced in October 2023. Rather than two discrete teams operating independently of each other, from an investigations perspective we decided to move to a position where Investigators could carry out any type of investigation. This blended approach required extensive in house training, both classroom based and on the job, and was well received.

Arrangements are in place for all staff who have not yet completed their specialist investigative training.



## Performance Overview

- ▶ The year started with 393 complaints to be actioned and throughout 2023-2024 a further 524 complaints were received.
- ▶ Of these 919 complaints, 190 were individual investigations and 369 were treated as thematic leaving 360 complaints outstanding at the end of March 2024.
- ▶ Four DiC investigations, four PRD investigations and three SAI investigations commenced.
- ▶ Throughout 2023-2024 there were three DiC reports published.
- ▶ 31 complaints were considered ineligible for investigation.
- ▶ Advice was given on 280 telephone calls.
- ▶ 472 (90%) of complaints came from Maghaberry Prison, 323 (68%) of these were received from separated landings, 41 complaints were received from Magilligan Prison (8%) and 13 (2%) complaints were received from Hydebank Wood College and Women's Prison.

### 1. Statutory Footing

#### **Subject to legislation being in place, issues were to be identified to address the underpinning Regulations and update Terms of Reference for investigating Deaths in Custody and Complaints.**

One of my key aims for the year was to ready the Office for Statutory Footing and it remains a frustration that ongoing resourcing difficulties and operational priorities hindered full achievement of that goal. At the DoJ's request preparations for Statutory Footing were stalled to ensure the focus remained on reducing the backlog of complaints. Disappointingly work remains ongoing in relation to updating the Terms of Reference for Deaths in Custody but this will be finalised in the next reporting period.

I have reported over the last few years that I believed effective digitisation will greatly assist in the delivery of Statutory Footing and this view remains. A new case management system was originally proposed however, an alternative solution, specifically a bespoke database, was identified by developers as potentially better to meet our needs. To date, no further progress in this regard has been achieved.

#### **Contribute to Departmental work on regulations for Statutory Footing.**

As with last year this work has stalled, but the Office remains committed to working with the DoJ to set regulations for the move to Statutory Footing.

**Address staffing implications for current Prisoner Ombudsman staff.**

Assessing the staffing structure, roles, skills and development needs required to support the effective operation of the Office in preparation for Statutory Footing is an area of work that has stalled due to the requirement to focus on business recovery. That said, investigative standards, training, recording and operational practices have all been improved which will contribute to supporting staff and readying the Office for Statutory Footing. Addressing staffing implications in preparation for Statutory Footing will be a critical focus in the year ahead.

**Deliver all aspects of the new Office's remit as provided by Statutory Footing, including name change, rebranding and new website.**

Following the scoping study carried out in 2019, a Departmental led review provided updated recommendations on work required to place the Office on a Statutory Footing and this included the rebranding of the Office. To date no further work has been completed on this aspect of the review as our priority this year has been to achieve a steady state by reducing the level of complaints outstanding. Work is also to commence on improving the level of information provided on the current website and its format.

**Communicate to stakeholders and promote the new Office of Prison Ombudsman for Northern Ireland.**

The development of a communication strategy to promote the new Office and the proposed legislative changes remains outstanding, dependent on agreement for implementing Statutory Footing.

**2. Complaints and Death in Custody Investigations**

The implementation of strategies to reduce the backlog of complaints, in particular adopting a thematic approach to investigations where possible, enabled the outstanding backlog to be significantly reduced. The team continued to experience delays in obtaining information, deliver training to new staff and latterly carried vacancies and staff absences. We were therefore able to successfully reduce the level of complaints outstanding from 919 in April 2023 to 524 as at the end of March 2024.

This is a positive result and is testament to the hard work and effort put in by staff to improve the position of the Office. The development of specific action plans targeting performance, staffing, governance and new technology all provided the necessary focus to assist business recovery.

The Office continued to be affected by vacancies and absenteeism which placed additional pressure on remaining staff. In the DiC Team in particular, only one new Investigator was available to carry out agreed tasks until February 2024 when other Investigators were also allocated DiC investigations.

Previously some Investigators had temporarily undertaken their own administrative tasks while the Administrative Team was under resourced.

### **Produce investigation reports that are evidence-based and impartial.**

I acknowledge opinions about report quality can often be subjective, especially if the evidence is inconclusive. However, where challenges are mounted, we commit to comprehensively reviewing the evidence gathered to ensure adherence to the Prison Rules and our own Terms of Reference. The “Lessons Learned” process to evaluate all investigations and reports produced, continues to provide a useful quality control mechanism.

### **Ensure full compliance with Complaints and Death in Custody Terms of Reference by Investigators.**

Internal review and quality assurance of all complaints and draft DiC reports produced indicated compliance with the Terms of Reference, especially the important principles of evidence based and impartial practice. Feedback was provided to Investigators both individually and collectively in order to maintain standards and support their professional development. The Terms of Reference for Complaints has been updated but the Terms of Reference for DiC remains to be implemented.

### **Timescales in all investigations.**

Under recovery planning a decision was taken in early 2023 that only essential front and back end processes for DiC investigations would be progressed. Regrettably this meant that further work on existing investigations was temporarily postponed. For new DiC reported notifications (also encompassing SAIs notified by the Prison Service), initial fact finding processes and disclosure were actioned. Similarly, for those investigations at an advanced report writing stage, efforts were made to finalise these draft reports with the aim of publishing these before my current term of Office ended on 29 February 2024, but this did not happen.

### **Ensure an Investigator is on site within four hours of being notified about a Death in Custody** All Deaths in Custody are attended within four hours of being notified.



**Conduct a quarterly validation exercise within each prison of accepted recommendations in complaints reports.**

Due to ongoing operational priorities and resourcing issues, the review of accepted recommendations quarterly validation was not met.

**Assess implementation of accepted Death in Custody recommendations in conjunction with other oversight bodies e.g. Independent Monitoring Boards, Criminal Justice Inspection NI, Regulation and Quality Improvement Authority and the International Committee of the Red Cross.**

Unfortunately, due to operational commitments and staff resourcing issues, this was not achieved.

**Maximise accessibility for everyone who has contact with our services. Ensure low user groups - such as female individuals in custody, young offenders, foreign national individuals in custody and visitors - have opportunities to understand the role of the Prisoner Ombudsman.**

Unfortunately, due to operational commitments and staff resourcing issues, this was not achieved.

### **3. Support for Prison Service Complaints Handling**

Efforts continue to encourage informal local resolution through the provision of telephone advice.

### **4. Support for Prison Service & Trust Partnership Working**

**Meet monthly with the Director of the Reducing Offending Division, and quarterly with prison governors to share feedback from investigations and matters of mutual interest.**

Meetings held throughout the year were to discuss Death in Custody and Complaint findings, address areas of concern, recognise positive progress and further build relationships.

**Meet regularly with Trust senior managers to share feedback from Death in Custody investigations and other matters of mutual interest.**

Face to face meetings with Senior Trust Officials were limited this year due to the focus on delivering the recovery plan. However, where necessary, discussions were held in relation to several Death in Custody reports going through the Factual Accuracy process. The issue of consent when requesting the healthcare records of a deceased individual was raised during the year in particular whether the Ombudsman has the right to request such healthcare information or whether she can act under the right from the Coroner. When agreed, the arrangement will be set out in an updated protocol between the Trust and the Ombudsman.

**Contribute to the training of the Prison Service and Trust staff if requested.**

The Prisoner Ombudsman regularly provided training to Prison Service recruits throughout the year.

## 5. Corporate Affairs

**2020-2024 Strategic Plan.**

The 2020-2024 Strategic Plan issued in May 2021 and a copy is available [here](#).

**Monitor financial performance against an initial indicative budget of £838,000 subsequently revised to a final budget allocation of £895,000 for 2023-2024.**

Regular monitoring and reporting to DoJ Finance Services Division and management of finances within allocated budget were achieved during the year.

**Publish Annual Report by September 2023.**

Publication of the 2022/23 Annual Report by September 2023 was not possible due to competing operational priorities in particular working to achieve business recovery.

**Issue two editions of 'Inside Issues' magazine to individuals in custody.**

It is again disappointing to report the Inside Issues magazine did not publish during 2023-2024. This was due to focusing on other competing priorities with reduced staff resources however firm plans are in place to ensure the publication of the magazine in 2024-25.

# Complaints

## Staff Complement

As with last year, the issues surrounding staff resourcing and retention undoubtedly hampered efforts to not only clear an already existing backlog of complaint investigations, but also to handle new and incoming complaints within expected timeframes.

## Preliminary Investigation Processes

A Preliminary Investigation process for all eligible complaints has now been embedded as standard practice and focuses on the more speedy investigation of low risk complaints. The Preliminary Investigation stage allows Investigators to focus on the following key aspects in order to identify complaints that can be cleared at an earlier stage:

- ▶ Withdrawn Complaints
- ▶ Early resolution
- ▶ Complaints falling under Prison Rule 79N
- ▶ Completing an Investigation within 30 days
- ▶ Issue based Complaints identified and looked at together
- ▶ Thematic Complaints identified and conducted as a single investigation
- ▶ Stop the Clock Complaints.

Rule 79N allows for complaints that are vexatious, repetitive, frivolous, raise no substantial issue, or the complaint either on its own or taken together with other complaints was intended to seriously hamper the proper operation of the complaints procedure, to be rejected for investigation. The application of Prison Rule 79N is a non-derogable power and there is, therefore, no scope for the Prisoner Ombudsman to delegate decision making powers in relation to the application of this Rule. A total of 23 complaints have been dealt with under Prison Rule 79N.

## Thematic Approach to Complaints Investigations

As reported in last year's Annual Report, on 27 February 2023, the Ombudsman, recognising the pressures being faced, exercised discretion to suspend the allocation of complaints in date order and introduced a more thematic approach to complaints investigations. Under Prison Rules there is a requirement to report on the outcome of investigations individually to complainants however the thematic approach allows for a single investigation to be carried out in circumstances where the same or similar complaints are raised by a number of different complainants. The thematic report issues to each individual complainant to fulfil standards set out in Prison Rules.

Adopting a thematic approach proved highly successful and contributed to a marked reduction in the backlog of complaints.

## **Prison Service Internal Complaints Process**

The Prison Service operates an Internal Complaints Process (ICP) and an individual in custody's right to lodge a complaint to the Prison Service underpins this process. While anecdotal evidence suggests individuals have mixed views about the effectiveness of the ICP, there appears to be no general reluctance to submit complaints. Our perspective is that an effective ICP is the first cog in a process designed to increase the confidence of individuals in custody in making a complaint about matters affecting them including their welfare and safety. When complaints are made to my Office, on completion of the Prison Service ICP, it is critical Investigators provide a wholly independent approach and that they take the effectiveness of the ICP into account.

Across the three establishments the average prison population was 1,878 (compared with 1,520 the previous year), 7,214 complaints were made to the Prison Service during the reporting period, a decrease from 7,722 (7%) the previous year. A commendable achievement with an increase in prison population.

Complaints can only be escalated to my Office when Stages 1 and 2 of the ICP have been completed, unless they are closed under Prison Rule 79B in which case an Ombudsman's investigation is required even when that complaint has been closed at Stage 1. At that point there are a number of other avenues for redress open to those in custody, including Judicial Review and monitoring mechanisms such as those provided by the Independent Monitoring Board.

524 (7%) of the overall complaints made to the Prison Service came to my Office during 2023-2024.

## Complaints received by the Prisoner Ombudsman 2023-2024

Of the 524 complaints received, the majority came from Maghaberry Prison as shown in Column 4 of Table 1 below:

**Table 1: Number of individual complaints received in the Ombudsman's Office during 2023-2024**

Prison	Average Prison Population	% of total population	Individual complaints	% of all complaints
<b>Maghaberry Roe 3 and 4 Separated Individuals in Custody</b>	23	1.22	326	62.1
<b>Maghaberry Bush House 1 and 2-Separated Individuals in Custody</b>	17	0.91	1	0.2
<b>Maghaberry general prison population</b>	1198	63.79	148	28.2
<b>Magilligan</b>	493	26.25	41	7.8
<b>Hydebank Wood (young men)</b>	56	2.98	2	0.4
<b>Hydebank Wood (female)</b>	90	4.80	6	1.1
<b>Hydebank Wood (Transgender)</b>	1	0.05	0	0
<b>Visitors – not in custody</b>	1		1	0.2
<b>Overall Total</b>	<b>1878</b>	<b>100</b>	<b>525</b>	<b>100</b>

### Integrated Individuals in Custody (those in the general prison population)

Overall there was a slight increase in the level of complaints received from individuals in the general prison population across all prisons when compared to the complaints received in the previous 12 months, 197 compared to 177 the previous year (11%). This represents just over 2.73% of all complaints initiated through the Prison Service internal complaints process 7,214.

The low number of complaints from young men and women in Hydebank Wood College and Women's Prison continues to remain a matter of concern, however, a number of factors must be taken into account when analysing these statistics not least the different types of prison environment and the specific needs of the individuals in custody in their respective care. As before, we will continue to monitor and consider how the Office ensures individuals in custody are aware of and understand how to make a complaint to my Office.

## Separated Individuals in Custody (those who have met the criteria for separated status)

Individuals in custody in separated landings at Maghaberry Prison lodged 327 individual complaints in the report period, compared to 217 in the previous year (30% increase).

Although the number of separated individuals in custody represent approximately 2.13% of the total prison population, it is significant that overall 62.4% of the complaints received were from individuals in this category.

## Complaints handling April 2023 - March 2024

Table 2 sets out the numbers of complaints cleared by the Office during the period April 2019 - March 2024. The number of complaints cleared during the current year was 524 (an increase from 236 in the previous year), these include 213 complaints that were dealt with by using a thematic approach covering complaints such as searches and communication. The number of cases released/withdrawn was 14 and six were resolved by local resolution.

**Table 2: Complaints cleared April 2019 - March 2024**

Year	Investigated and Reported	Local Resolution	Withdrawn/Released	Total
<b>2023-24</b>	559 (97%)	6 (1%)	14 (2%)	<b>579</b>
<b>2022-23</b>	124 (46%)	3 (1%)	144 (53%)	<b>271</b>
<b>2021-22</b>	190 (80.5%)	18 (7.6%)	28 (11.9%)	<b>236</b>
<b>2020-21</b>	391 (86%)	6 (1%)	57 (13%)	<b>454</b>
<b>2019-20</b>	134 (65%)	16 (8%)	56 (27%)	<b>206</b>

Over these years this Office can identify some repetitive themes within complaints including for example:

- ▶ issues about handling mail;
- ▶ the delivery of education;
- ▶ visiting arrangements;
- ▶ telephone issues; and
- ▶ loss of property.

There were four recommendations for improvement in response to complaints made by individuals in custody during the year. Of these, three were in response to thematic complaints, all recommendations were accepted by the Prison Service. One of the thematic recommendations included a corporate issue which has been referred to NIPS HQ for further consideration.

The one recommendation made in response to an individual complaint is under consideration by the Prison Service.

Table 3 provides examples of the range and nature of complaints received from those in custody in Maghaberry Prison.

**Table 3: Demonstrates the range and nature of complaints received from those in custody in Maghaberry Prison Integrated population complaint topics 2019-2024**

Complaints Topic	2023-24	2022-23	2021-22	2020- 21	2019- 2020
Staff attitude	32	2	56	41	35
Accommodation	24	10	19	19	12
Property and Cash	31	14	36	19	18
Adjudications	4	2	2	1	5
Tuckshop	6	3	8	0	4
Complaint Procedure	48	3	16	17	4
Mail/legal	42	3	10	13	2
Discrimination	9	2	6	4	2
Visits	34	6	4	8	5
Searching/Full body search/scanners	168	0	4	2	4
Transfers/Allocation	0	5	9	6	1
Regime	3	2	6	7	2
Adverse reports	10	1	4	12	3
Food	3	2	3	0	2
Telephone	14	6	9	3	6
Lock down	16	4	2	0	0
Education	13	2	0	0	2
Health and Safety	3	4	1	5	3
Home leave/pre release	13	0	3	0	4
Miscellaneous (for example: withdraw; local resolution)	35	32	32	24	24





## Complaint Case Studies

The Prisoner Ombudsman's Office received 369 complaints that were treated as thematic investigations that addressed issues such as Body Worn Video Cameras, scanners, mail and visits.

The Prisoner Ombudsman's Office also received individual complaints such as:

**Mr A** complained there was an issue with the heating in his cell and requested the Prison Service investigate.

The Prisoner Ombudsman Investigator established the Prison Service took immediate steps to investigate this issue and tasked the onsite contractor. Temperature checks were carried out and while the temperature was below 21c this was only for a short period. After the checks the temperature remained at between 22c and 24c. The Prison Service acted immediately on Mr A's complaints and provided him with updates regarding Trades. The Prisoner Ombudsman's Investigator found the Prison Service acted accordingly and this complaint was not upheld.

**Mr B** complained about a specific educational class not being available to them.

The Prisoner Ombudsman Investigator established the Prison Service explained to Mr B that the educational course they requested was not offered by the third party supplier to the Prison Service. The course requested was outside of the control of the Prison Service and could not be facilitated. This complaint was not upheld.

## Deaths in Custody

Prisoner Ombudsman investigations into Deaths in Custody assist the State to fulfil its duty, as required by Article 2 of the European Convention on Human Rights, by informing the Coroner's Inquest which is required by law. The Police Service of Northern Ireland further inform the Coroner's Inquest. The Prisoner Ombudsman is notified when a death occurs after which an Investigator will attend the scene within four hours. The specific aims of Death in Custody investigation are to:

- ▶ establish the circumstances surrounding the death;
- ▶ examine the care provided to the deceased by the Prison Service and Trust;
- ▶ assess whether improvements could help prevent a similar death in the future;
- ▶ ensure the bereaved family can raise concerns; and
- ▶ assist the Coroner's inquest.

During 2023-24, 11 notifications were received of which four were Deaths in Custody, four were Post Release Deaths and three were Serious Adverse Incidents.

Arising from this, 11 new investigations were initiated, six in Maghaberry Prison, one in Hydebank Wood Secure College and four Post Release Deaths.

Due to the staffing levels the Prisoner Ombudsman implemented a Recovery Plan. This directed Investigators of Deaths in Custody cases to concentrate on initial enquiries and the Coronial process; thus the core investigation was held in abeyance.

The number of deaths notified this year has decreased by four when compared to the previous year (eight). Four post release deaths were notified this year which is a slight decrease from the previous year (five). This is an area in which there is a distinct lack of knowledge of the realities of what happens in the post release period. Additionally, three Serious Adverse Incidents were notified this year which is comparable with the one reported in the previous year.

The Death in Custody Team successfully completed three Death in Custody investigations during the reporting period. This was a significant achievement in light of a reduced staff complement.

As at 31 March 2024, the Death in Custody Team carried an outstanding live caseload of 37 cases broken down as follows:

- ▶ 24 Deaths in Custody;
- ▶ Eight Post Release Deaths;
- ▶ Five Serious Adverse Incidents;
- ▶ Three Death in Custody investigations were completed and await publication;
- ▶ Three Death in Custody investigations are at Inquest; and
- ▶ 23 Disclosure packages required for Coroner's inquest.

Opportunities for interagency meetings remain in place. This arrangement is valuable in that it serves as a mechanism to achieve strategic, agreed recommendations for improvement.

## Corporate Affairs

### Finance and Accountability

The Prisoner Ombudsman's opening indicative Resource Departmental Expenditure Limit budget for 2023-24 was £772,000 which represented a 4.75% reduction against the 2022-23 final budget position. A final revised allocation of £895,000 was confirmed by the DoJ in December 2023. Of necessity, the focus during the year was to work within the indicative budget with little or no scope for discretionary spend. One business case for the appointment of media and public relations services was approved during the reporting period. My Office complies with the Department of Finance's Managing Public Money NI guidance and with the principles governing relationships between Departments and their Arms' Length Bodies. To this end, a Framework Document sets out the relationship with the DoJ.

This places particular emphasis on the:

- ▶ Prisoner Ombudsman's overall aims, objectives and targets in support of the Department's wider strategic aims, outcomes and targets contained in its current Public Service Agreement;
- ▶ conditions under which any public funds are paid to the Office; and
- ▶ how the Prisoner Ombudsman's Office accounts for its performance.

The Office receives funding directly from DoJ Programme funds rather than by grant aid. As such, any expenditure incurred by the Office is recorded as part of DoJ Departmental expenditure. This means the Office does not produce its own set of accounts nor lay its finances before the Northern Ireland Assembly separately from the DoJ.

Quarterly overview meetings took place throughout the year with the DoJ as scheduled.

All procurement and contract management processes comply with United Kingdom and/or European Union procurement regulations to ensure full and fair competition between prospective suppliers; and they are managed in line with the Department of Finance Construction and Procurement Delivery (CPD) guidelines and approvals processes. A new contract for media and public relations services came into effect on 11 September 2023.

Tender evaluation incorporates monetary and non-monetary factors. The Director of Operations reviews the management of supplier performance to ensure that for the duration of contracts, the supplier delivers quality and services to standard and evaluation takes place.

## **Information Security**

The Director of Operations manages information security, which aligns with the DoJ Security Policy Framework. This includes submitting information security returns centrally and participation in the DoJ Information Security Forum. All staff receive appropriate training and are required to comply with all NICS security policies and guidance.

## **Risk Management and Internal Control**

The Risk Register is an important method of identifying key risks and the means to manage and mitigate them. The Senior Management Team reviews the Risk Register regularly and internal controls provide proportionate and reasonable assurance of effectiveness in line with identified risks. The Senior Management Team oversees the management of internal controls together with risk management and regularly reviews their effectiveness.

## **Shared Services**

Corporate shared services include:

- ▶ NICS HR and HRConnect services have provided Payroll and Human Resources support since April 2010;
- ▶ Finance transactional support functions have been provided through the Account NI shared service system since July 2012; and
- ▶ DoJ Financial Services Division provide retained finance functions.

The Director of Operations validates expenditure requests, ensures compliance with delegated limits and segregation of duties and adherence to the Financial Procedures Manual.

Throughout the year the Office has checked that its controls and processes are operating effectively, with manual checking of data integrity and accuracy where necessary, specifically in the area of travel and subsistence monitoring and other approvals which lie with the Director of Operations.