

INSIDE ISSUES

Summer 2018

Update from the Prisoner Ombudsman's Office

Our Annual Report for 2017-18 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, we have had one change of personnel within the office. Chris has been replaced by Jacqueline, who has joined our Death in Custody Team as an investigator to work alongside Maureen and Noel.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 initially be held every three months. 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. Full details of the dates for these clinics 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 February 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 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 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.

Between 60%-70% of complaints were adequately handled by NIPS, with evidence of a proper investigation and a suitable response provided. There was evidence of good practice with some NIPS staff proactively addressing complaints at an early stage in the process. There were some concerns identified that need to be addressed to ensure that all prisoners can have confidence in the complaints process. These include:

- Prisoners being afraid of the consequences of making a complaint.
- Prisoners feeling under pressure from NIPS staff to withdraw or close their complaint.
- Complaint forms not being signed and not being stored as they should be.
- Unnecessary time delays as complaints were not collected and processed daily.
- Time limits not being adhered to by NIPS.
- Prisoners not being aware of time limits that apply and their option to progress their complaint to the next stage if NIPS do not adhere to the time limits.
- NIPS staff making light of the issues raised in complaints by prisoners.
- The NIPS complaint responses not addressing the issues raised.

The following recommendations were made to NIPS by this office, in order to address these concerns:

Recommendations – Magilligan

- NIPS ensure that complaint forms are signed and dated by the complainant at each stage of the complaints process, and that a copy of the form is provided to the complainant.
- NIPS encourage staff where appropriate, to investigate and seek an appropriate solution to complaints prior to conducting an initial interview with complainants.
- NIPS examine information provided to prisoners and amend it if necessary, to ensure that all are aware of the time limits within the internal complaints process and the fact that in the absence of a stage 2 response by the appropriate deadline that a complaint can be registered with the Prisoner Ombudsman's Office.
- That work is undertaken to address the perception that raising complaints will adversely impact on the complainant.
- NIPS remind all staff to respect and protect the confidentiality of individuals at all stages of the internal complaints process.
- Further work is undertaken by the Prisoner Ombudsman's Office to develop our outreach efforts as a way of highlighting our work in respect of complaints investigation.

Recommendations – Hydebank

- NIPS ensure that the complaint form is signed and dated by the complainant at each stage of the process and that the form is retained and stored in the landing file.
- NIPS ensure that complaint forms are removed from complaint boxes and recorded on PRISM on a daily basis to ensure that the initial interview is conducted within 24 hours.
- NIPS ensure that all time limits are strictly adhered to.
- NIPS ensure that all complainants are made aware of the time limits associated with each stage of the internal complaints process, with particular emphasis on the option to progress a complaint to the next stage if these time limits are not adhered to.
- That work is undertaken to address the perception that raising complaints, either internally or with the Prisoner Ombudsman's Office, will adversely impact on the complainant.
- NIPS ensure that all complaints raised are investigated and an appropriate response provided and also to ensure that any decision taken not to progress a complaint should be taken by the complainant without any undue influence.
- Further work is undertaken by the Prisoner Ombudsman's Office in conjunction with NIPS to provide information that clearly explains the Internal Complaints Process, the time limits associated with each stage and the process for making a complaint to the Prisoner Ombudsman's Office.

Prisoner Ombudsman Complaints Clinics

Complaints Clinics will be held at the following times and venues in 2018:

Hydebank Wood (Female)

Tuesday 18th September 2018 – Learning and Skills – 10am to 11.30am

Tuesday 13th November 2018 – Learning and Skills – 10am to 11.30am

Hydebank Wood (Male)

Monday 22nd October 2018 – Learning and Skills – 10am to 11.30am

Monday 17th December 2018 – Learning and Skills – 10am to 11.30am

Magilligan

Wednesday 28th November – PDU – 10am to 11.30am

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**.

Prisoner's Property Inappropriately Destroyed

Mr. A complained that NIPS staff took and destroyed his training shoe.

The Prisoner Ombudsman's investigator established that NIPS had destroyed the shoe. The NIPS provided an explanation that they were unable to verify who owned the shoe.

This explanation was considered questionable by the Prisoner Ombudsman's office as:

1. NIPS staff were aware Mr. A was returned to his cell without a shoe, having been alerted by CCTV operators that Mr. A had removed his shoe.
2. Mr. A had raised a request 3 days later to have his remaining shoe destroyed so he could obtain a new pair.

On this occasion, the NIPS also failed to secure CCTV that was requested.

Mr. A's complaint was upheld. The Prisoner Ombudsman made the following recommendations that were accepted:

- **Mr. A receives compensation for the cost of his shoes.**
- **NIPS do not destroy prisoners' property without making proportionate efforts to identify the owner.**
- **NIPS ensure CCTV requests from the Prisoner Ombudsman's Office are actioned promptly.**

NIPS Support for Education

Mr. B complained about the NIPS refusal to buy headphones which he requested for a large part of his Open University Course. NIPS considered the financial support provided by the Distance Learning Policy did not apply to the headphones.

The Prisoner Ombudsman investigator confirmed that no headphones were available and obtained the view of the teaching staff that headphones would be beneficial for any pupil using audio material to learn and also for other pupils in that the disruption to their learning would be less.

Considering that the headphones were requested to listen to audio material when in the classroom and could be deemed tutorial support, the Prisoner Ombudsman believed the request should have been approved.

Mr. B's complaint was upheld. The Prisoner Ombudsman made the following recommendations that were accepted:

- **NIPS support requests for tutorial support, when it is evident that the request is directly related to assisting the prisoner with their studies.**
- **NIPS provide the Learning and Skills Department with headphones to enable prisoners to listen to audio material without causing disruption to others in the classroom.**

NIPS Prisoner did not receive his newspapers on the day they were printed

Mr. C complained that he received his daily newspapers a day late on three separate occasions. He requested compensation for the full amount which was £3.00 and was told that no claim form would be issued in this regard as he was not "adversed financially".

The Prisoner Ombudsman investigator established that the newspapers were delivered from a local shop and investigated the process for having them logged through the NIPS system before they were delivered.

The Prisoner Ombudsman partially upheld the complaint as the newspapers were received albeit a day late and made the following recommendation which was rejected by NIPS:

- **That the NIPS prioritise the processing of newspapers to ensure that prisoners who use and pay for the service receive their daily papers on the day they are delivered by the shop.**

NIPS said that they were unable to accept the recommendation made as the Senior Management Team of the prison currently endeavour to ensure that all facilities are maintained. They also said that all prisoners have access to television (all with red button access) and radios so there is no impediment to keeping up with current affairs.

Has our recommendation been implemented by NIPS?

From April 2017 to March 2018 the Prisoner Ombudsman's Office made 134 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

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 Wzyzienną
mogą 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
ombudsmenui, 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 būsime sujungti,
vertėjas padės mums Skundus
nagrinėjantį 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
repețiți „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