

INSIDE ISSUES

Winter 2017/2018

Update from the Prisoner Ombudsman's Office

Since our previous edition of Inside Issues, there have been some changes in the Prisoner Ombudsman's Office, not least being the retirement of Mr. Tom McGonigle.

Tom held the position of Prisoner Ombudsman since 2013, retiring from the role at the end of August 2017.

The office wishes Tom the best as he continues work with the Criminal Justice Inspection to bring about improvements in the Justice Sector.

A public appointment competition to select a successor was held in 2017 and the successful candidate will be announced following the appointment of a Justice Minister.

In the interim, the Chief Inspector of Criminal Justice Inspection Northern Ireland (CJINI), Mr. Brendan McGuigan, will oversee the work of the Prisoner Ombudsman's Office.

Given the similarities between the Prisoner Ombudsman's Office and CJINI, in terms of providing independent and impartial oversight of criminal justice bodies, this interim arrangement will ensure the integrity of the Ombudsman's Office until a successor is appointed to the post of Prisoner Ombudsman.

The remaining staff within the office are as follows:

- Kieron Moore continues as the Director of Operations.
- The Complaints Team is led by Brenda McKenna, who works along with Maire-Louise, Shirley, Victoria and Derek.
- The Death in Custody Team is led by Maureen Erne, who works along with Chris and Noel.

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 NIPS complaint reference number.

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

PROGRESSING YOUR COMPLAINT **NOT CONTENT WITH THE OUTCOME?** **NO RESPONSE OR IS IT OVERDUE?**

The Prison Service Internal Complaints Process has two stages, after which you can progress your complaint to the Prisoner Ombudsman's Office. Both Stage 1 and Stage 2 have a 14 day time limit for the Prison Service to provide you with a response.

Stage 1

- Complete a Prison Complaint Form and put it in the Complaints Post-Box within 21 days of the incident.
- You should be interviewed by prison staff within 24 hours.
- You should receive a written reply within 14 days.

Progressing from Stage 1 to Stage 2

- If you are unhappy with the Stage 1 reply, complete Stage 2 of the form within 10 days and put it in the Complaints Post-Box.
- If you do not receive a written reply at Stage 1 within 14 days, you can progress your complaint to Stage 2 by submitting it again and adding that you wish to progress to Stage 2.

Progressing from Stage 2 to the Prisoner Ombudsman

- If you are unhappy with the Stage 2 reply, simply call or write to the Prisoner Ombudsman's Office
- If you do not receive a stage 2 written reply within 14 days, simply call or write to the Ombudsman's Office

Tips

- Monitor the 14 day time limit: keep a record of when you submit your complaint at Stage 1 and/or Stage 2.
- If you have it, give the complaint number to the Ombudsman's Office.



The
**Prisoner
Ombudsman**
for Northern Ireland

Complaints about Property

Mr. A complained as he did not receive a letter left into Visits Reception. The letter included family photographs. The investigation was able to confirm that the Northern Ireland Prison Service (NIPS) received the letter however the records contained no mention of photos or delivery.

NIPS accepted a recommendation to apologise to Mr. A for the loss but rejected a recommendation to review the processing of mail so it provides clear records of all mail received and delivered to prisoners.

Mr. B complained as NIPS refused to update his property card to reflect lost clothing. While the investigation accepted the rationale for the refusal, the Ombudsman's Office considered the matter in the context of lengthy sentences.

NIPS accepted recommendations to amend Mr. B's property card and to amend their practice so future decisions considered the length of a sentence.

Mr. C complained as religious artefacts were removed from his cell as staff believed that they were unauthorized articles. The investigation established that NIPS did endeavour to resolve the issue once reported and that the artefacts were returned two weeks after removal. However, the investigation also found little in way of an explanation to Mr. C or provision of a reason why the artefacts were removed.

While NIPS had returned the artefacts, they accepted a recommendation to remind staff that, as per Governor's Order 7-30: "If an artefact is withdrawn or withheld from a prisoner, an explanation should be provided to the prisoner concerned, in writing if the prisoner requests and recorded on the prisoner's file".

NIPS Handling of Complaints

The Prisoner Ombudsman's Office has received some complaints about how NIPS have dealt with complaints when raised. Areas of concern included:

- Delays in complaints being answered.
- Complaints not being answered at all.
- The NIPS response not addressing the subject(s) of the complaint.
- Complaints closed by NIPS without consent.
- Prisoners being unable to escalate their complaint without a response/paperwork.

The Prisoner Ombudsman's Office recognise that prisoners have experienced unacceptable delays and the pressure the complaints system has been placed under. However, the process and time limits must be adhered to in order for the complaints process to operate effectively. NIPS also recognise the benefits of an effective complaints process.

A NIPS working group in Maghaberry has carried out a review of the complaints process, to address the problems and ensure complaints are answered within timescales and to the expected quality standard.

NIPS accepted recommendations: to apologise for delays; to provide outstanding responses; to consider changes for escalation to Stage Two if no Stage One response is received within the timeframe.

Following the NIPS review, they implemented a number of procedural changes which included:

- A Unit Manager being appointed as Complaints Co-Ordinator.
- Establishing monitoring processes to ensure complaints are answered within time frames.
- The creation of a complaint administrator position.
- Planned audit by the Deputy Governor.
- The provision of Complaints Awareness Training to Senior Officers, with input from the Ombudsman's Office.

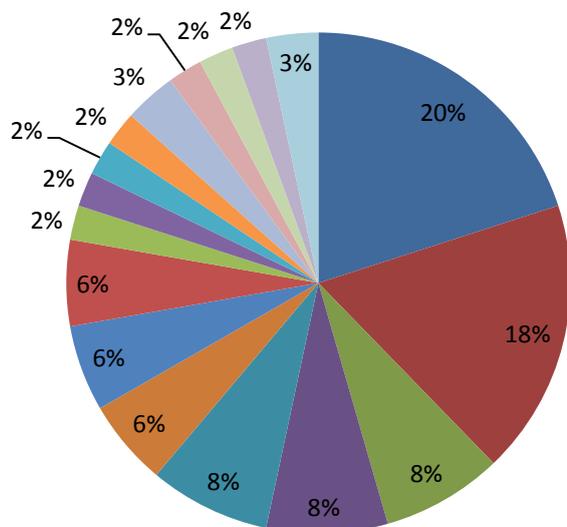
**Eligible Complaints Received
April 2017 – September 2017**

Location	Total	% of all Complaints
Maghaberry	83	7.6%
Roe 3&4	1001	91.7%
Magilligan	7	0.6%
Hydebank Wood	1	0.1%
Ash House	0	0%

**Outcomes of Complaints Investigated
April 2017 – September 2017**

Outcome	Total	% of all Complaints
Upheld/Partially Upheld	112	57.5%
Not Upheld	62	32%
Local Resolution	7	3.5%
Withdrawn/Release	14	7%
Totals	195	

Category of Complaints Received April 2017 to September 2017



Unprofessional Conduct by Officers

Mr. D complained that an officer deliberately sprayed him with air freshener. The NIPS did not substantiate the complaint. The Ombudsman's Office considered other evidence available, as NIPS made no attempt to seek witnesses other than staff and considered a very narrow time period.

The Ombudsman's Office upheld the complaint.

NIPS accepted recommendations to:

- **Utilise CCTV cameras and retain all CCTV footage relevant to a complaint or investigation.**
- **To remind staff of their responsibility to meet high standards of personal conduct in their treatment of students, as detailed in Prison Rules and the Prison Service Code of Conduct.**

Inappropriate Comments by an Officer

Mr. E complained that an officer made an inappropriate comment to him. The Ombudsman's investigation established that:

- The comment was about the use of force.
- NIPS had confirmed in their response that the comment had been made.
- The officer considered Mr. E had accepted their conversation was banter.
- A Governor had apologised for the offence this comment had caused and spoke to staff about the care needed in regard to such comments.

NIPS accepted the recommendation that all staff are reminded of the need to ensure that all engagement with prisoners meets the standard of professional responsibility expected as detailed in Prison Rules and the Prison Service Code of Conduct.

Prisoner Care During Extended Lockdowns

Prisoners complained that they were locked in ablutions for over eight hours and were not offered food, water or a return to their cell. NIPS said that while locked as described, the prisoners were offered all three.

We upheld the complaint as it would be unhygienic to offer food and water when in ablutions.

NIPS accepted a recommendation that during periods of extended lock down, prisoners detained in areas with limited facilities will be given the opportunity to be moved to a more suitable location, and such offers fully recorded.

Availability of Art Materials

NIPS identified a risk which it minimised by changing the procedure for ordering art material. However the change inadvertently had a negative impact on those prisoners undertaking formal qualifications, including A-Level Art. NIPS then consulted with Learning and Skills, and Belfast Metropolitan College.

The complaint was upheld and NIPS accepted a recommendation that, in consultation with the Belfast Metropolitan College, they would introduce a system for prisoners undertaking formal education, to make the regular necessary art purchases required for their studies.

Delay in Daily Delivery of Newspapers

Mr. F complained that on three occasions he received his newspaper a day late. The investigation established this was true and that a daily paper was the service Mr. F had paid for. NIPS gave staff shortages as the reason for the delay, as staff were moved from their planned duties which affected deliveries.

The Ombudsman's Office considered it unacceptable that a prisoner makes arrangements for a daily newspaper but receives it a day late, so recommended that NIPS prioritise the delivery of newspapers to ensure that prisoners who pay for the daily service receive their papers daily.

NIPS did not accept the recommendation and provided the reason that they endeavour to ensure all facilities are maintained, and to deliver a full regime for all prisoners. This comes with recognition that at times some areas will have staff withdrawn to support the residential regime, ensure unlock during the day and provide Visits, Education, Work and other constructive activity. NIPS said the redeployment of staff is carefully considered on a daily basis and to prioritise an area as recommended would potentially adversely impact on regime delivery for all, including those who order newspapers and those who don't. They added all prisoners have access to television and radio, so there is no impediment to keeping up with current affairs."

Alleged Injury during a Full Body Search

Mr. G made a complaint in which he alleged that:

- During a Full Body Search his back was injured.
- After the search was complete, he did not receive any help from either prison or Healthcare staff, to get off the floor and get dressed.

The Ombudsman's Office viewed the CCTV footage of the search, reviewed all the associated records and interviewed both prison and healthcare staff.

CCTV footage showed:

- No significant use of force by prison staff.
- No indication of injury or pain during the search.
- That when asked, Mr. G told Healthcare staff that he could get up.

It was not possible to evidentially conclude that injury resulted from that search.

The complaint was not upheld.

NIPS rejected the recommendation to review their FBS policy in regard to assisting prisoners who are having difficulty getting up and dressing themselves after a search has been carried out. NIPS explained that they were unable to accept the recommendation as Mr. G told the nurse that he could get up and also because any officer or Healthcare staff will aid any person having difficulty.



Portuguese

Se não estiver satisfeito com a forma como o Serviço Prisional investigou a sua reclamação, poderá enviar a sua reclamação para o Provedor do Prisioneiro através do nosso número gratuito 0800 783 6317. (08.30-12.00 & 16.00-17.00)

Pode telefonar para o número gratuito mesmo se tiver poucos ou nenhuns conhecimentos de inglês. Precisarás apenas de dizer **"Portuguese, português"**. Deverás esperar até a sua chamada ser transferida a um intérprete. É importante que não desligue o telefone e permaneça à espera. Quando a chamada for transferida, o intérprete prestará assistência na sua língua materna através do nosso Oficial de Reclamações para obter algumas informações gerais.



Polish

Osoby niezadowolone ze sposobu rozpatrzenia skargi przez Służbę Wyzienny mogą skierować sprawę do rzecznika osób odbywających kary 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 połycczenie z tłumaczem. W slychawce może nastąpić cisza, ale slychawki nie należy odkładać. Po połycczeniu z tłumaczem osoba zgłaszająca skargę będzie mogła porozmawiać z urzdydnikiem 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 ombudmeniui, 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 (galį 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, vertįjas padys mýsý Skundus nagrinįjanįam pareigýnui suįinoti reikalingý informacijý apie jus.



Romanian

Dačă 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 repetați „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 încheideți 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