

# INSIDE ISSUES

Summer 2017

**Our Annual Report for 2016-17 was published on 14<sup>th</sup> June 2017.**

Some extracts from the annual report are included in this issue and copies have been placed in each Prison Library if you are interested in seeing the full report.

During 2016-17 we received 4,299 complaints, a 25% increase on last year. The majority were multiple, identical complaints from separated prisoners on Roe 4 landing at Maghaberry Prison.

A reduction in integrated prisoners' complaints may be partially explained by a lower prison population, a more stable regime in Maghaberry and general improvement in complaints handling during the second half of 2016.

The main complaint topics were about staff attitude, lost or damaged property and regime restrictions.

We cleared 308 complaints and made a total of 94 recommendations for improvement.

At the time of writing 64% of these had been accepted by the NIPS - there are several examples in this newsletter.

I expressed concern about lengthy delays in obtaining material for our investigations from the South Eastern Health & Social Care Trust and the NIPS, and in receiving factual accuracy responses to draft reports. This made it impossible to complete some investigations as promptly as we would wish.

**REMEMBER – YOU CAN ESCALATE YOUR COMPLAINT TO US IF YOUR STAGE 2 RESPONSE IS OVERDUE**

**FREEPHONE 0800 783 6317**

Generally, the NIPS should provide a stage 2 response within 14 days of a prisoner escalating a complaint to Stage 2. Please call and advise that your response is overdue, or leave a message stating your name and the NIPS complaint reference number and we will progress your complaint.



## Prisoner Ombudsman's Update

### HOW TO MAKE A COMPLAINT

Stage 1 - Complete the Complaint Form and place in the complaints post-box. You should be interviewed by prison staff within 24 hours and receive a written reply within 14 days.

Stage 2 - If you are unhappy with your stage 1 reply, complete the stage 2 section on the form and place it back in the complaints post-box. You should receive a written reply within 14 days.

Complaint to the Prisoner Ombudsman - If you do not get a reply to stage 2 within 14 days or you are unhappy with the reply, you can call the Prisoner Ombudsman's Office and register your complaint.

The Prisoner Ombudsman will write to you within 3 days of receiving your complaint.

There were significant changes of personnel and our investigative staff capacity was reduced by 40% during the second half of 2016. However by March 2017 the team was almost back to full strength.

In the absence of a Minister of Justice to appoint a replacement, I agreed to continue as Prisoner Ombudsman until August 2017. It is encouraging to report some positive developments since taking up post in June 2013, especially progress towards placing the office on a statutory footing.

While this process received royal assent in May 2016; it was disappointing that Regulations, which are required to commence the legislation, could not be completed before the Assembly was dissolved in January 2017. However I hope progress can be maintained after the local political situation stabilises.



The  
**Prisoner  
Ombudsman**  
for Northern Ireland

## NIPS Apologies

As a result of some of our investigations and recommendations, the NIPS agreed to apologise to three prisoners as follows:

- For continuing to hold a prisoner in a dry cell following the successful walk-by of a drugs dog, even though the adjudicating Governor had stipulated he should be moved to a normal cell.
- For the loss of a prisoner's letter and the delay in providing a response to their complaint.
- For not formally investigating allegations of intimidation and bullying in line with the NIPS process.

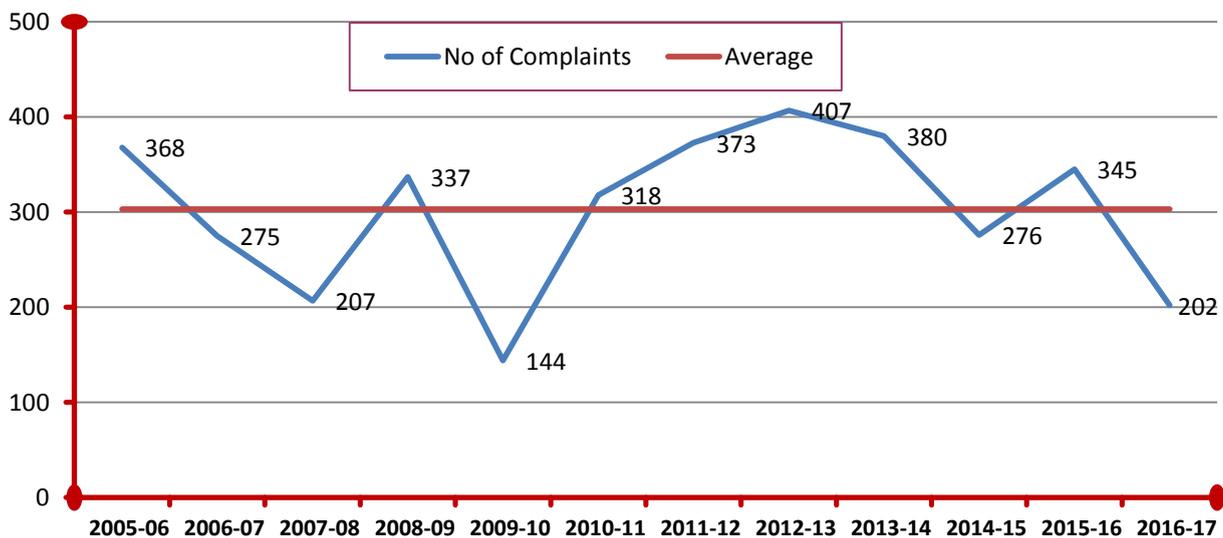
**In another investigation, the NIPS also accepted that it should not rely on prisoners to leave cells in proper order when they are moved out. Thorough checks must be carried out by staff before another prisoner moves into the cell.**

## Recommendations that were Not Accepted

For some investigations, the NIPS did not accept the recommendations that we made, including some made in relation to:

- Providing the opportunity to buy DVDs and CDs in other languages. The NIPS replied that the complainant could buy DVDs or CDs from Amazon. However he could not buy them from Amazon-approved sellers, nor could his visitors leave them in to the prison for him, in case they would be pirated copies.
- Notification to prepare for hospital appointments – the NIPS said there is a clear protocol for providing the notification, which was fully adhered to in the case we investigated.
- Reminding staff who conduct full body searches of the importance of maintaining a prisoner's dignity at all times. The NIPS said their training is sufficient when combined with guidelines which are available to all staff that require them.

*Eligible complaints received from integrated prisoners 2005-2017*



**Complaints Cleared April 2013 – March 2017**

Year	Investigated & Reported	Local Resolution	Withdrawn /Released	Total
2016-17	220 (72%)	4 (1%)	84 (27%)	308
2015-16	1419 (92%)	31 (2%)	65 (6%)	1,515
2014-15	873 (82%)	143 (13%)	52 (5%)	1,068
2013-14	378 (81%)	58 (12%)	32 (7%)	468

## Prioritising Complaints and Investigations

The Prisoner Ombudsman's Office aims to provide an accessible and responsive service. It strives to ensure that the resources available are used to best effect and directed towards matters of highest priority.

The service also aims to ensure proportionate levels of investigation are applied in each case.

**For some complaints, the best outcome may be achieved by attempting to resolve the issue locally between the complainant and the NIPS.**

The work of the office is demand-led, which means volumes are unpredictable. When volumes are high, one obvious consequence is a greater likelihood of delay in dealing with complaints we have received.

Complaints accepted for investigation by this office are typically dealt with in the date order they are received. However in exceptional circumstances a complaint can be prioritised.

**If you believe your complaint should be prioritised, please let us know the reasons and we will consider your request.**

## Support to Address Gambling Addictions

Mr.A complained that he was unable to access a Gamblers Anonymous (GA) programme in Magilligan.

We recommended the NIPS should pursue all available options to address gambling addictions, including Freephone counselling and GA appointments during resettlement leave.

**Magilligan subsequently introduced a pilot scheme whereby prisoners could enrol for a monthly contact class with GA and arrange follow up appointments.**

## Hydebank Wood and Ash House Complaints

We conducted a dip sample of complaints that were closed by the NIPS at Stages 1 & 2 of their Internal Complaints Process at Hydebank Wood and Ash House during 2016. This was to assess whether those complaints had been dealt with fairly and an adequate response provided to the complainant.

70% from a sample of 40 were deemed to have been dealt with appropriately, with evidence of a proper investigation and adequate response.

**The dip sample report contained four recommendations for improvement.**

## NIPS Handling of Complaints: Magilligan

Mr.B complained about how his complaints were handled at Magilligan. We upheld his complaint and made the following three recommendations:

- For the NIPS to apologise to Mr.B, as each investigation demonstrated a lack of understanding of the Internal Complaints Process.
- For NIPS staff to be instructed they should not provide written responses to complaints when they themselves are the focus of the complaint.
- For the NIPS to deal sensitively and quickly with complaints that allege intimidation by staff.

**All three recommendations were accepted.**

## Attending Court When on Dirty Protest

Mr.C complained about not being offered a shower - while he was on dirty protest - before going to court from Maghaberry.

We recommended the NIPS Dirty Protest and Faecal Contamination Policy should be updated (it dates from 2011) to provide that a prisoner who has engaged in any form of dirty protest should be offered a shower before a court appearance or any activity outside the prison.

**The NIPS agreed and said the policy will be referred to NIPS Headquarters for updating; and in the interim a Notice to Staff will be issued.**

### Mr.D complained about a missing watch

We tracked down the watch and recommended it should be returned to Mr.D and recorded on his property card. **The NIPS accepted our findings and said the Unit Manager in charge of Reception would ensure that the recommendation was carried out.**

### Mr.E alleged he had been assaulted by staff

We did not find evidence to uphold the complaint. However we found that staff did not follow the procedures properly - as detailed in Governor's Orders - during the internal investigation, and recommended this needed to be addressed. **The recommendation was accepted.**

### Mr.F complained about delay in responding to issues that were raised at a Prisoner Forum

We upheld his complaint and recommended the Governor of Maghaberry should ensure that Prisoner Forums are meaningful and provide prompt responses to issues that are raised by participants. **The recommendation was accepted by the NIPS.**

### Mr.G complained on behalf of his visitor

We did not uphold this complaint, but recommended the NIPS should remind staff that prisoners are not able to lodge complaints on behalf of their visitors. **In such instances the NIPS should explain the visitors' complaint procedure.**

## Have NIPS implemented recommendations made by the Prisoner Ombudsman?

The Prisoner Ombudsman made 94 recommendations in relation to prisoners' complaints between April 2016 and March 2017 and at the time of completing our Annual Report, 64% of these were accepted. Recommendations are intended to improve things and, if deemed appropriate, put right a perceived wrong.

Recommendations may be made even when a complaint is not upheld.

We are interested in hearing if recommendations have been implemented once they are accepted. It is not possible for us to follow up on every recommendation. **However if you are aware that any of the recommendations in your case were accepted but not implemented, please let us know and we will try to resolve the problem.**



#### Mandarin

如果你对使用监狱服务处的内部投诉程序有任何问题，请通知监狱人员或拨我们的免费电话，我们将会很乐意告诉你该如何进行。经过监狱服务处的调查后，如果你对结果仍旧不满意，你可以拨我们的免费电话 0800 783 6317 (08.30-12.00 & 16.00-17.00) 向犯人调查官投诉。即使你的英语有限，或完全不会说英语，你也可以拨免费电话。你只需说“Mandarin, 普通话”，接著，会要你稍候；在我们接通翻译之前，可能会暂时没有声音。很重要的。是，你不要挂掉电话，一定要等我们替你接通翻译。一旦接通所需的翻译后，他就能帮你向我们的投诉员提供一些基本细节。



#### Polish

Osoby niezadowolone ze sposobu rozpatrzenia skargi przez Służbę Wzyzienny mogą skierować sprawy 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 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.



#### Lithuanian

Jei esate nepatenkintas (-a) tuo, kaip Kalėjimų tarnyba nagrinėja 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 angliskai 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 nagrinėjantiam pareigūni suinoti 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 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 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