



## PRISONER'S REQUESTS AND COMPLAINTS PROCEDURE

Date of Issue Amendment	Click on Number for link to reference
21/02/2002	
Amendments can be tracked in the Numerical Index.	
PSI Amendments should be read before and in conjunction with PSO	

### INTRODUCTION BY THE DIRECTOR OF RESETTLEMENT

1. This Prison Service Order introduces new prisoners' requests and complaints procedures. It replaces the prisoners' requests/complaints manual issued in July 1990.

#### Background

2. Prisoners' complaints procedures were subject to a major review in 1999 - 2000, following concern expressed by HM Chief Inspector of Prisons and the Prisons Ombudsman (as he then was) that aspects of the complaints procedures were not working as intended. The review found much to commend in the operation of the complaints system in establishments, but it also identified a number of serious weaknesses. The review put forward recommendations for remedying these deficiencies, through a combination of structural improvements to the system and changing the culture to one in which there is less defensiveness generally about complaints.

3. The complaints procedures specified in the PSO have been designed to overcome the deficiencies identified in the review. They were successfully piloted in Feltham, Frankland, The Mount, New Hall and Wandsworth in 2001.

### **The new procedures**

4. The main changes to existing procedures are:
  - complaints are separated from requests (in that requests will be dealt with using the applications system; anything which proceeds beyond that stage is regarded as a complaint);
  - complaint forms are freely available to prisoners;
  - completed forms are posted by prisoners into locked boxes on wings;
  - ordinary complaints are considered and responded to in three stages, entirely within establishments:
    - stage 1 is normally a response from the prisoner's wing officer;
    - stage 2 is a response from someone at management level;
    - stage 3 (the final appeal stage) is a response from the governing governor; thereafter a prisoner can go to the Ombudsman;
  - the headquarters appeal stage is abolished. There will no longer be any involvement by Headquarters in individual complaints, other than in the case of reserved subjects and confidential access to the Area Manager.
5. The applications system, the role of Boards of Visitors, confidential access and the arrangements for considering requests or complaints about reserved subjects are largely unchanged from existing procedures.
6. The draft PSO aims where possible to be less prescriptive than the previous manual, allowing establishments discretion where appropriate and subject to certain common basic procedures and standards.
7. More detailed guidance on prisoners' property and compensation claims will be covered in a separate PSO.

### **Implementation**

8. This PSO comes into effect according to the following timetable.

Phase	Date	Areas
1	April 2002	High Security, Women's
2	June 2002	London, Eastern, South West & Wales
3	July 2002	Juvenile, Yorkshire & Humberside, West Midlands
4	September 2002	Kent, Surrey & Sussex, Thames Valley, Hampshire & Isle of Wight
5	October 2002	East Midlands (North and South), Lancashire & Cumbria, North East, Manchester, Merseyside & Cheshire

9. A one-day training course for complaints clerks will be delivered by Training Services. A training pack for other staff will be provided for delivery in establishments. The training pack will include a leaflet for distribution to every member of staff. The text of the leaflet is at the end of this Introduction.

10. *Establishments must not attempt to implement the new procedures until the relevant point in the timetable (except for the five pilot establishments) and until they are in a position to do so. Until then, existing requests and complaints procedures will continue to operate. The following conditions must be met before implementation takes place:*

- *stocks of new complaint forms, posters and information leaflets for prisoners must be in place;*
- *boxes for the receipt of completed forms must be in place;*
- *the complaints clerk must have attended the revised one-day training course.*
- *the training pack has been delivered locally to staff who need it;*
- *the leaflet for staff has been distributed to every member of staff in the establishment.*

11. Boxes for the receipt of completed forms will be provided centrally (unless an establishment wishes to make its own arrangements for the manufacture of boxes: see Chapter 6 of the PSO). Stocks of complaint forms, posters and information leaflets for prisoners and staff should be ordered in sufficient quantities from Enterprise & Supply Services, Branston, shortly in advance of the appropriate implementation date. The number of forms ordered should be based on current numbers of complaints, taking into account the fact that numbers of complaints are likely to increase significantly under the new procedures.

12. Implementation will be co-ordinated by Prisoner Administration Group. The time limits in Chapter 13 - in particular the 3-day response time for stage 1 - will be subject to review when the new procedures have settled in.

### **Impact and resource assessment**

13. Implementation of the new procedures is a significant change which will affect staff at all levels. A wider range of staff will be called upon to provide written answers to formal complaints than under existing procedures. Responsibility for providing initial responses to the majority of complaints will rest primarily at prison officer level, rather than management level as under existing procedures.
14. The number of formal written complaints should be expected to increase following implementation of the new procedures. The initial increase should subside as the new procedures settle down, but some overall increase in the number of complaints is likely to be sustained. This is an inevitable effect of making it easier for prisoners to complain and should not be regarded as a failure of the system or as a bad thing in itself.
15. Establishments will not be "hard charged" for forms, leaflets, posters and boxes.

### **Mandatory actions**

16. *Staff must comply with the mandatory instructions in the PSO.*

### **Transitional arrangements**

17. As a general principle, the establishment where a prisoner is located at the time he or she submits a complaint or appeal is responsible for ensuring that the prisoner is provided with a response. An establishment where a prisoner was located at the time of the incident or circumstances to which a complaint refers is, where appropriate, responsible for providing a draft response or information on which a response can be based. This applies under both new and existing procedures.
18. *During the transitional period, some establishments will be operating the new procedures and some the existing procedures. A complaint submitted in one establishment might relate to actions or decisions taken in a previous establishment operating a different set of procedures. In these circumstances, action must be taken as follows:*
  - (a) ***A prisoner in an establishment operating the new procedures submits a complaint which concerns an establishment still operating existing procedures. The holding***

*establishment sends the complaint to the previous establishment. The prisoner is told that this has been done. The previous establishment provides a response as it would under existing procedures, i.e. at management level, on an existing request/complaint form. This is attached to the complaint form submitted by the prisoner and forwarded to the holding establishment. The response and the original complaint form are passed to the prisoner.*

**(b) A prisoner in an establishment operating the new procedures submits an appeal against the response from an establishment still using existing procedures.** *The holding establishment sends the appeal and the original complaint (with the response) to the Briefing and Casework Unit or the Directorate of High Security Prisons, as appropriate, for reply. The prisoner is told that this has been done. The Briefing and Casework Unit or the Directorate of High Security Prisons enter the response on an existing appeal form and forward it to the holding establishment, who pass it on to the prisoner.*

**(c) A prisoner in an establishment operating existing procedures submits a complaint which concerns an establishment operating the new procedures.** *The holding establishment sends the complaint to the previous establishment, where it is attached to a new complaint form and dealt with under the new procedures as specified in the PSO. If the prisoner is not content with the initial response, he or she can proceed to stage 2 or 3 of the new procedures. The holding establishment basically acts as a post-box between the prisoner and the previous establishment.*

19. The arrangements described in paragraph 18 above are designed so that establishments respond to complaints following the procedures which they are operating at the time. The response times appropriate to the procedures under which the complaint is being considered will apply.

## **Monitoring**

20. Complaints procedures are the subject of self-audit by establishments and are monitored by Boards of Visitors. Standards Audit Unit will also monitor compliance with the measurable baselines in a revised Complaints Procedures Standard.

## Contact

20. Any enquiries about the PSO may be addressed to:

Safer Custody and Offender Policy Group  
NOMS  
1<sup>st</sup> Floor Fry  
2 Marsham Street  
London SW1P 4DF  
Tel. 020 7035 1544 or 020 7035 1539

**Ken Sutton**  
Director of Regimes

### **NOTE FOR ESTABLISHMENT LIAISON OFFICERS**

*ELOs must record the receipt of the Prison Service Order - **PRISONERS' REQUESTS AND COMPLAINTS PROCEDURES** - as issue 2510 as set out below. the PSO must be placed with those sets of orders as mandatorily required by Chapter 4 of PSO 0001.*

<b>Issue no.</b>	<b>Date</b>	<b>Order no.</b>	<b>Title and/or description</b>	<b>Date entered in set</b>	<b>ELO signature</b>
		<b>2510</b>	<b>Prisoners' requests and complaints procedures</b>		



## **TEXT OF INFORMATION LEAFLET FOR STAFF**

***New prisoners' requests and complaints procedures are being introduced across the Prison Service. This leaflet summarises the main changes and how they affect you. The leaflet is not meant to be a detailed set of instructions. Full details on the new procedures are contained in Prison Service Order 2510, which replaces the old requests and complaints manual.***

***All staff must be aware of the new procedures. The complaints co-ordinator and the complaints clerk must be fully conversant with the instructions in PSO 2510. The new procedures will require a wider range of staff, particularly wing staff, to reply to complaints than did previous procedures. Any member of staff who replies to complaints, or who is likely to be called on to do so, must be familiar with the instructions in PSO 2510.***

***Throughout this leaflet, references to the Area Manager also apply where appropriate to the Operational Manager for Women's Prisons, the Operational Manager (Juveniles), the Operational Manager for Wales and the Director of High Security Prisons.***

### **Why the change?**

A review found that the present system:

- was slow
- was cumbersome
- was difficult to use
- sometimes led to prisoners not being able to complain

### **What is the thinking behind the new procedures?**

The new procedures are based on the general principles that establishments should take full responsibility for dealing with requests or complaints internally, with recourse to headquarters only in the case of reserved subjects or confidential access, and that staff should take responsibility for the decisions and actions which they take and be prepared to explain them.

### **How are the new procedures different?**

The main changes are as follows:

- Complaints are separate from requests.
- Complaint forms are freely available for prisoners to pick up on the wing.



- Prisoners post completed complaints forms into a locked box on each wing. A designated officer has sole access to the box, which will be emptied each day.
- The response to a complaint is in three stages, entirely in establishments. There are new response times for each stage.
- The headquarters appeal stage is abolished.

New complaint forms have been produced. The white forms - COMP 1 and COMP 1A - are for ordinary complaints. The pink form - COMP 2 - is for confidential access complaints. There is also a blue form - ADJ 1 - for appeals against adjudications.

### **Has every aspect of the procedures changed?**

No. The applications system, the role of Boards of Visitors, confidential access and the arrangements for considering requests or complaints about reserved subjects are largely unchanged.

### **How are requests dealt with, if they are separate from complaints?**

Using the applications system. As now, the first step for a prisoner who has a request or a complaint should be to speak to a member of staff, either on the wing or at an oral application. Anything which is not sorted out at this stage - and which a prisoner pursues using a complaint form - is regarded as a complaint.

### **Can prisoners submit a complaint at any stage?**

Yes. The forms are freely available. But complaints should be resolved informally wherever possible. It is better to defuse problems before they become complaints and to resolve minor complaints in a positive way before they become serious.

### **Many prisoners will not bother to speak to a member of staff and will simply fill in a form - won't there be a huge increase in the number of complaints?**

The free availability of complaint forms will have the effect that some prisoners will submit a form rather than speak to staff. This is to be expected.

The number of complaints is expected to increase at first. The numbers should then fall back to an extent as the new procedures settle down. But some increase will probably be sustained. This should not be regarded as a failure of the system or a bad thing in itself.

### **How do the new procedures work? Who will answer a formal complaint and any appeal?**

The new procedures are in three stages. **Stage 1** is the initial complaint, which will normally be answered at prison officer level.

If the prisoner is dissatisfied with the response, he or she may re-submit the complaint saying why he or she is dissatisfied. This is **stage 2**. The Stage 2 response will be made by someone senior to the person who made the initial response.

If the prisoner is still dissatisfied, he or she may appeal to the governor of the establishment. This is **stage 3**. After that, the prisoner may as now take his or her complaint to the Prisons and Probation Ombudsman.

### **How can officers on the wing answer complaints about matters beyond their control?**

Staff will not be expected to answer any complaint to which they cannot provide a proper reply. Complaints about medical treatment or catering, for example, should be answered by the staff responsible for those areas. Complaints to which only a senior member of staff can properly respond should be answered at that level. But the pilots found that the majority of complaints can be dealt with at wing level.

### **Aren't the new procedures just as bureaucratic as the old system?**

A certain level of bureaucracy is unavoidable to ensure that complaints are logged and properly dealt with. But prisoners will no longer have to make an application for a form in order to make a complaint.

### **Won't governors be inundated with complaints?**

No. The pilots of the new procedures showed that the vast majority of complaints are sorted out before they reach stage 3. In some establishments the number of complaints being taken to stage 3 might be relatively high, however. In these circumstances the governing governor's senior staff can take some of the responsibility from the governor.

### **Do the responses need to be any different from the way they are now?**

No. As now, the response must properly address the complaint made by the prisoner, irrespective of whether it is upheld or rejected. If the complaint is upheld, the response should say what action is being taken to provide any appropriate redress. If the complaint is rejected, the response should say why. Responses must be supported by evidence where necessary.

**Will headquarters or the Area Manager be involved?**

They will no longer be involved in ordinary complaints. However, Briefing and Casework Unit and the Directorate of High Security Prisons will continue to deal with complaints about reserved subjects, including adjudication appeals, and confidential access complaints addressed to the Area Manager. Headquarters units will continue to deal with complaints which are made in ways other than through the normal complaints process, for example through MPs and solicitors, and with prisoner litigation. They will also continue to provide advice on request.

### **How will confidential access work?**

Much as now. Prisoners may address a complaint under confidential access to the governor, the Area Manager or the Chairman of the Board of Visitors. They can pick up a form and an envelope on the wing. Completed forms in sealed envelopes go into the complaints box, addressed to the person the prisoner wants to consider the complaint. The response will also be sent a sealed envelope. If a complaint is inappropriate for confidential access, the prisoner will be told so and may be advised to pursue the complaint under the normal procedures.

### **What are the deadlines for responses?**

Some of the new target dates are given below. The full list is in PSO 2510.

Stage 1 response	3 weekdays
Stage 1 response to complaint against member of staff	10 weekdays
Stage 1 response to complaint involving another establishment	10 weekdays
Stage 2 response	7 weekdays
Stage 2 response to complaint against member of staff	10 weekdays
Stage 2 response to complaint involving another establishment	10 weekdays
Stage 3 response	7 weekdays
Stage 3 response to complaint against member of staff	10 weekdays
Stage 3 response to complaint involving another establishment	10 weekdays
Confidential access to governing governor	7 weekdays

### **How will prisoners know how to use the new procedures?**

There are separate leaflets for prisoners, in long and short versions, which will be freely available on wings. There is also a poster. Prisoners will see the boxes and the forms, which explain how to make a complaint.

### **Aren't the new procedures wide open to abuse?**

Any complaints procedure is open to abuse. This has to be balanced against a prisoner's legitimate right to make a complaint.

**Are the new procedures being implemented across the country at the same time?**

No. Implementation is being phased, according to the following timetable.

Phase	Date	Areas
1	April 2002	High Security, Women's
2	June 2002	London, Eastern, South West & Wales
3	July 2002	Juvenile, Yorkshire & Humberside, West Midlands
4	September 2002	Kent, Surrey & Sussex, Thames Valley, Hampshire & Isle of Wight
5	October 2002	East Midlands (North and South), Lancashire & Cumbria, North East, Manchester, Merseyside & Cheshire



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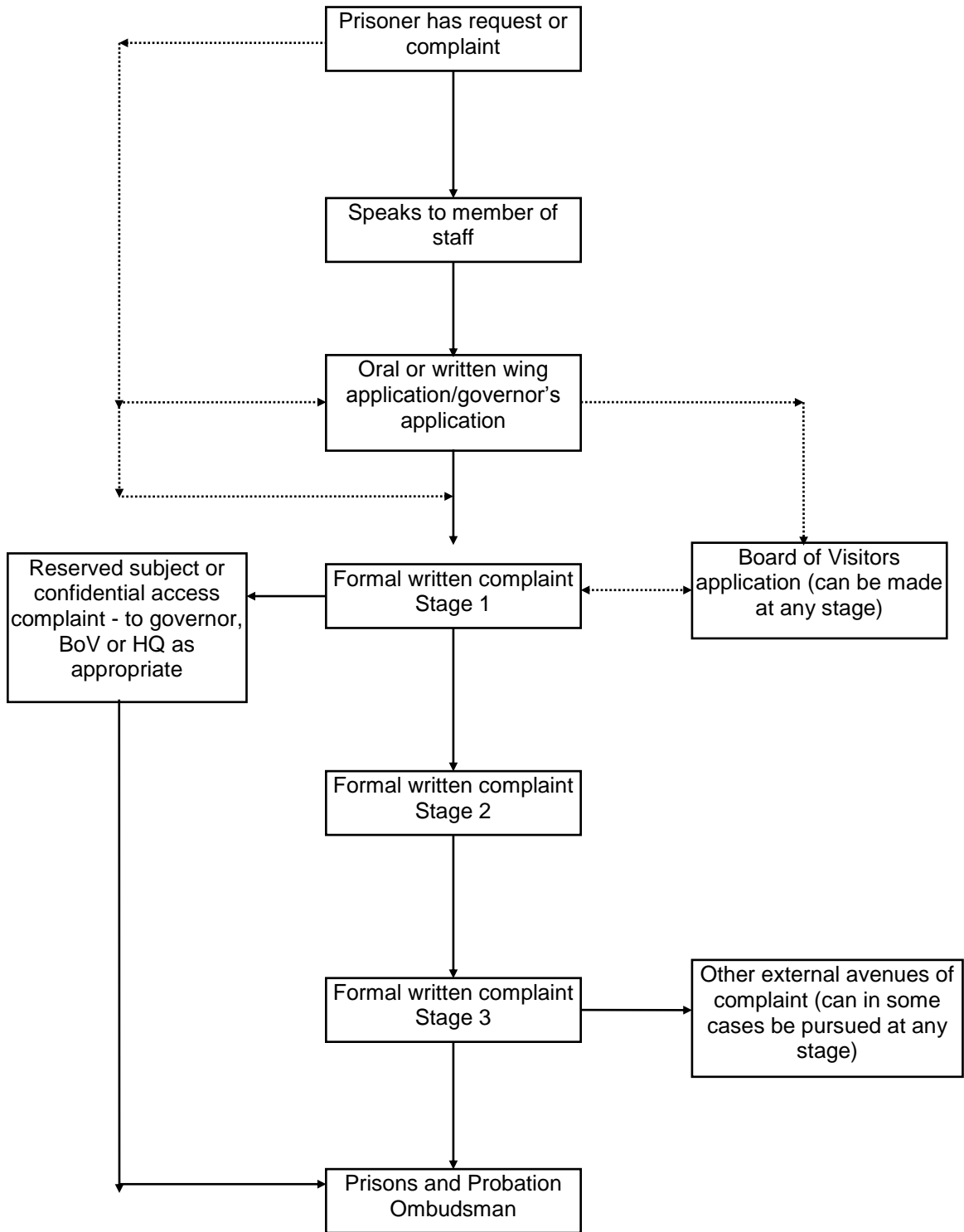
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# PRISONERS' REQUESTS AND COMPLAINTS: FLOW CHART



## **Notes**

1. The dotted lines are intended to represent the fact that prisoners do not necessarily have to speak to a member of staff before making an application, that they can make a formal written complaint at any stage and that they can make an application to the Board of Visitors at any stage.
2. In some cases a written application may be about a reserved subject, in which case it will proceed straight to headquarters as with a reserved subject complaint.

## **KEY POINTS**

### **CHAPTER 1: INTRODUCTION**

- An effective system for dealing with prisoners' requests and complaints helps to ensure that the Prison Service meets its obligation of dealing fairly, openly and humanely with prisoners and helps staff by inspiring in prisoners greater confidence that their needs and welfare are being looked after.
- A prison's equilibrium is more likely to be maintained if prisoners feel they have an accessible and effective means of making a request, an outlet for their grievances and confidence that their requests or complaints will be considered properly, with reasons given for decisions.
- Staff must be able to handle everyday requests, defuse problems before they become complaints and resolve minor complaints in a positive way before they become serious.
- Requests should be dealt with using the wing applications procedure described in Chapter 3.
- The formal complaints procedure should only be used when an informal approach to staff is either inappropriate or has failed to redress a problem.

### **CHAPTER 2: THE ROLE OF THE BOARD OF VISITORS**

- Boards of Visitors have a statutory duty to satisfy themselves about the treatment of prisoners and, in particular, to hear prisoners' requests or complaints.
- Prisoners may ask the Board of Visitors to look at a request or complaint and to review a decision and reply given by the establishment in response to a request or complaint.
- Each Board of Visitors has a responsibility, as part of its "watchdog" role in the establishment, to monitor the system for dealing with requests and complaints.
- Prisoners may submit a complaint under confidential access to the Chairman of the Board of Visitors.

### **CHAPTER 3: THE APPLICATIONS SYSTEM**

- The oral and written applications system provides a means whereby most routine matters can be dealt with quickly and in a systematic way.
- Wing or landing applications must be held daily, wherever possible in a room or office out of hearing of other prisoners. Governor's applications must be held daily except on Sundays and public holidays.
- Establishments may find it helpful to provide a written application form for prisoners to use to make requests, alongside the oral application process.
- Prisoners should be encouraged to use the applications system to try to resolve any issue they wish to raise, whether it is a request or a complaint, but they have the right to make a formal complaint at any stage.

- Requests about reserved subjects must be made in writing and be forwarded to the appropriate headquarters unit under the arrangements described in Chapter 10.

#### **CHAPTER 4: PRINCIPLES UNDERLYING THE FORMAL COMPLAINTS PROCEDURES**

- The complaints procedures set out in Chapters 5 -18 of this Order are based on the following ten principles:
  1. Openness
  2. Simplicity
  3. Ease of access
  4. Timeliness
  5. Fairness
  6. Responding at an appropriate level
  7. Confidentiality
  8. Appropriate redress
  9. Freedom from penalty
  10. Use of the system to provide management information

#### **CHAPTER 5: THE COMPLAINTS CO-ORDINATOR, THE COMPLAINTS CLERK AND THE DESIGNATED OFFICER(S)**

- It is mandatory for the duties of one manager at principal officer or above in each establishment to include those of complaints co-ordinator.
- It is essential for the effective operation of the complaints procedures that the complaints co-ordinator takes active steps to ensure that the system works effectively.
- There must be at least one complaints clerk in each establishment, responsible for registering complaints and logging subsequent stages, allocating completed forms to the appropriate member of staff for reply, chasing up outstanding cases and compiling monthly statistics.
- At least one other member of the administrative staff must understand the complaints system and be able to cover for the complaints clerk in his or her absence.
- There must be a “designated officer” or officers responsible for emptying the boxes for the receipt of completed complaints forms on each wing and passing the forms either to the complaints clerk or directly to staff for reply.

#### **CHAPTER 6: SUBMITTING A COMPLAINT**

- Prescribed complaint forms, for ordinary complaints, appeals, confidential access complaints and appeals against adjudications must be used.

- Prisoners must be able to submit confidential access forms in a sealed envelope.
- Complaint forms must be made freely available to prisoners on the wing.
- If a prisoner feels that his or her concerns can only be met by a formal written complaint, then no obstacles must be placed in his or her way.
- There must be at least one locked box on each wing or in each residential area into which prisoners deposit completed complaints forms, so that every prisoner has easy access to a box.
- The boxes must be located in a prominent position, but not directly outside wing offices.
- Complaints should normally be submitted within three months of the incident or circumstances which give rise to the complaint, or the date on which they became known to the prisoner
- Prisoners with learning or literacy difficulties, or whose first language is not English, should be provided with assistance to enable them to make a complaint if they wish.

## **CHAPTER 7: COLLECTING AND DISTRIBUTING COMPLAINTS FOR REPLY**

- Boxes for the receipt of complaints must be emptied daily (except at weekends and public holidays) by the designated officer, who passes the completed forms to the complaints clerk for registration and allocation. In some circumstances, the designated officer will allocate forms directly to staff for reply.
- The designated officer may be a member of the administrative staff (including the complaints clerk), a night orderly officer or a senior officer on each wing.
- There are advantages and disadvantages to each option. It is for establishments to decide which of the above alternatives to adopt, taking into account their size, the nature of their population and the staff available to them.
- All complaints and appeals must be registered and allocated a serial number before being allocated to a member of staff for reply.
- Establishments should be flexible in dealing with complaints submitted using the wrong form. A prisoner's complaint or appeal may be taken at face value in the form in which he or she submits it.
- The complaints clerk or senior officer must decide where to allocate a complaint for reply, taking into account the nature of the complaint and whether it concerns a reserved subject.
- The majority of complaints should be answered, in the first instance, at prison officer level (preferably by the prisoner's personal officer).
- Complaints must be forwarded for reply on the day on which they are registered.

## **CHAPTER 8: RESPONDING TO A COMPLAINT**

- The response to a complaint is in three stages, each at a higher level than the previous stage and all within the establishment.
- Stage 1 is the initial response by the wing officer or other appropriate officer. The majority of formal complaints should be resolved at this stage.
- If a prisoner is dissatisfied with the stage 1 response to his or her complaint, he or she may appeal to management level in the establishment. This is stage 2.
- If a prisoner remains dissatisfied after stage 2, he or she may make a final appeal to the governing governor of the establishment. This is stage 3.
- The response to a complaint or appeal must properly address the points made by the prisoner, irrespective of whether the complaint is upheld or rejected. Decisions must not be taken arbitrarily or give the impression that they have been taken arbitrarily.
- Responding to a written complaint is an opportunity for the establishment to demonstrate a positive commitment to fairness and to the welfare of prisoners in its care.
- A prisoner is more likely to accept a decision if trouble is taken to explain it, even if he or she is still not entirely satisfied.
- If a complaint is upheld, either in whole or in part, the response must say what action is being taken to provide any appropriate redress.
- The stage 3 response is the final scrutiny of a complaint within the Prison Service, after which a complaint may be taken to the Ombudsman. It is essential that stage 3 provides effective scrutiny of complaints and responses at previous stages, at a senior level within the establishment.
- The provision whereby stage 3 responses may in certain cases be delegated below governing governor level must be the exception rather than the rule. The integrity of the complaints system depends upon governing governors taking full responsibility for the final appeals to complaints made within their establishment.
- Staff dealing with complaints should bear in mind the role of the Board of Visitors (see Chapter 2).
- A certain level of abuse of the complaints procedures is unavoidable. It is for establishments to decide how to manage such cases on an individual basis, subject to the proviso that a prisoner's right to make a complaint must in no case be completely withdrawn.

## **CHAPTER 9: CONFIDENTIAL ACCESS COMPLAINTS**

- Prisoners have the right to make a complaint under confidential access (in a sealed envelope) to the governing governor, the Area Manager or the Chairman of the Board of Visitors.
- The confidential access system is not intended as a means whereby prisoners can by-pass or accelerate the complaints procedures for an ordinary complaint.



- The use of confidential access is appropriate when a complaint is about a particularly serious or sensitive matter, where it would be reasonable for the prisoner to feel reticent about discussing it with wing staff or having it become known to administrative and wing staff through the normal complaints procedure.
- It is the responsibility of the recipient of a confidential access complaint to decide whether confidential access is appropriate and how to deal with the complaint.
- Inappropriate confidential access complaints must not be forwarded to the complaints clerk to be dealt with under normal procedures.
- The envelope containing a confidential access complaint must not be opened until it reaches the person to whom it is addressed.
- Confidential access does not necessarily mean that the complaint will remain confidential between the prisoner and the recipient alone (although there may be rare occasions when that would be right), but confidentiality should be maintained as far as is practical and consistent with undertaking a proper investigation of a complaint.
- There is no formal mechanism for appeal against the response to a confidential access complaint. A prisoner who is dissatisfied with a response to a confidential access complaint may pursue the complaint with the Prisons and Probation Ombudsman

## **CHAPTER 10: RESERVED SUBJECTS**

- Requests or complaints about a class of reserved subjects will be dealt with by the Area Manager or Prison Service headquarters as appropriate. A full list of reserved subjects, where they are dealt with and the information that should accompany a complaint is at **Annex H**.
- The remarks in this Chapter and the information at **Annex H** apply to any request or complaint on a reserved subject made by a prisoner either on the formal complaint form or on a written application under the procedures described in Chapter 3.
- Prisoners should not, in general, be expected to know whether their complaint is about a reserved subject. It is for the complaints clerk to decide whether a particular complaint is about a reserved subject, if necessary after seeking advice within the establishment or from headquarters.
- There is no formal mechanism for appeal against the response to a complaint about a reserved subject. A prisoner who is dissatisfied with a response to a reserved subject complaint may pursue the complaint with the Prisons and Probation Ombudsman.

## **CHAPTER 11: COMPLAINTS ABOUT MEMBERS OF STAFF**

- The normal procedure for making complaints against staff is by means of a complaint form, but any written allegation against a member of staff must be investigated.

- Where a prisoner makes an oral allegation of misconduct by a member of staff, in the hearing of another member of staff or a member of the Board of Visitors, the prisoner should be encouraged to put the allegation in writing on a complaint form.
- Even if a prisoner declines to put an allegation in writing, the member of staff or member of the Board of Visitors to whose attention the allegation has been brought should nevertheless still make a note of the allegation and pass it to the appropriate manager or senior manager to consider whether the allegation should be investigated.
- Where an allegation involves an accusation of racism against a member of staff, the procedures specified in paragraphs 12.1.1 - 12.1.9 of this Order and in PSO 2800 and any subsequent instructions on race relations must be followed.
- Where it is alleged that a member of staff has committed an assault, the alleged victim must be examined by a Medical Officer as soon as possible and the outcome recorded.
- If a governing governor or Area Manager considers that there is evidence that a criminal offence may have been committed by a member of staff, the Discipline Policy Team in Personnel Management Group must be consulted by telephone without delay.
- All investigations must be carried out in accordance with PSO 1300, where necessary read in conjunction with other orders relating to specific types of investigation.
- A prisoner who has made an allegation against a member of staff which, on investigation, has been deemed to be unfounded should be given a written warning not to repeat the allegation, followed where necessary by a formal order.
- If a prisoner persists in making a groundless allegation, a disciplinary charge may be appropriate.

## **CHAPTER 12: OTHER SPECIAL TYPES OF COMPLAINT**

- The complaints system must ensure that a racial aspect to any complaint is recognised, recorded and investigated. Both the ordinary and confidential access complaint forms, and the appeal form, include a box for the prisoner to tick if the complaint has a racial aspect.
- The complaints system and the procedures for reporting racist incidents must support and complement each other, but care must be taken to avoid duplication or confusion.
- The ordinary and confidential access complaint forms also include a box for the prisoner to tick if the complaint is about bullying. This is to enable anti-bullying procedures to be implemented where necessary, in accordance with the arrangements set out PSO 1702.
- The establishment where a prisoner is located at the time he or she submits a complaint or appeal is responsible for ensuring that the prisoner is provided with a response.

- An establishment where a prisoner was located at the time of the incident or circumstances to which a complaint refers is, where appropriate, responsible for providing a draft response or information on which a response can be based.
- An establishment is not, in general, expected to be responsible for investigating or overturning a decision made in a previous establishment.
- A complaint about loss of or damage to property which is upheld must at some stage be considered by a member of staff of sufficient seniority to authorise compensation.

### **CHAPTER 13: TIME LIMITS**

- Resolution of complaints within a reasonable time is important to prisoners and to the integrity of the complaints system as a whole. Time limits apply for each stage of the procedures.
- It will not always be possible to meet a deadline. Establishments are not expected to meet the targets in every case. Delays should nevertheless be regarded as exceptional.
- Interim replies should be sent within the time limit for a response to a complaint.

### **CHAPTER 14: THE PRISONS AND PROBATION OMBUDSMAN**

- Prisoners may pursue a complaint with the Prisons and Probation Ombudsman after all the internal avenues of complaint have been exhausted, provided they do so within one month of having received the response to the final stage in that process.
- Information on how decisions were reached at earlier stages in the consideration of a prisoner's complaint must be readily available to enable the Ombudsman to investigate cases effectively.
- Where a complaint reaches the governing governor at stage 3, establishments must where possible retain any evidence or other material on which the Governor reaches his or her decision.
- The Ombudsman will continue to submit formal reports to the Director General. For the time being, responses to the Ombudsman's reports will continue to be made by Prison Service headquarters.
- Full information on the Ombudsman and the process for considering complaints which have been made to the Ombudsman is provided in PSO 2520.

### **CHAPTER 15: THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION**

- Prisoners have the right to submit a complaint to the Parliamentary Commissioner for Administration (PCA), through a Member of Parliament (MP), at any stage.

- Prisoners must make a complaint in writing through an MP (normally their own constituency MP) within 12 months of the date on which he or she first had knowledge of the matters giving rise to it.
- If the PCA decides that a complaint merits further investigation, his staff will normally contact the Prison Service in an effort to resolve the matter immediately, before instigating a more lengthy statutory investigation.
- If the PCA is unable to resolve the complaint by means of such preliminary enquiries, he may decide to begin a statutory investigation.
- At the conclusion of the investigation, the PCA will send a draft report of the results to the Director General, inviting comment on matters of fact and presentation, and responses to any recommendations.
- The approach of the PCA towards redress is that a person who has sustained injustice as a result of maladministration should, so far as possible, be returned to the position that he or she would have been in, had that maladministration not occurred.

## **CHAPTER 16: OTHER EXTERNAL AVENUES OF COMPLAINT**

- Staff need to be aware of other avenues through which prisoners may pursue a complaint.
- A prisoner who wishes to pursue a complaint through one of the avenues described in Chapter 16 does not necessarily have to have exhausted the internal Prison Service complaints procedures, although some of the organisations listed will expect the prisoner at least to have raised his or her complaint with prison staff.

## **CHAPTER 17: INFORMATION FOR PRISONERS AND STAFF**

- It is essential that all prisoners know how to make a complaint. Establishments must inform prisoners about requests and complaints procedures in their induction process and include details of the procedures in any locally produced prisoner information.
- Posters and information leaflets for prisoners on the complaints procedures must be displayed or be made available on wings and landings, at or near the place where complaint forms are made available.
- All staff must be aware of the requests and complaints procedures. The complaints co-ordinator and the complaints clerk must be fully conversant with the instructions in this Order.
- Any member of staff who replies to complaints, or who is likely to be called on to do so, must be familiar with the instructions in this Order.

## **CHAPTER 18: STATISTICS, MANAGEMENT INFORMATION AND MONITORING**

- A monthly statistics sheet, based on the monthly log of complaints, must be compiled by the complaints clerk and sent to the governing governor and Area Manager.
- The extent and level of detail to which statistics are compiled is a matter for individual establishments and Area Managers to decide. This is subject to the need to compile certain basic data for the purposes of assessing whether Key Performance Targets are being met.
- Senior management should use data on complaints to indicate where there are particular problem areas and take appropriate remedial action.
- It is the responsibility of managers at all levels to ensure that responses to prisoners' complaints are of a high quality.
- The complaints co-ordinator should examine monthly samples of complaint and appeal forms to check that complaints are being addressed properly. The co-ordinator should draw attention to any shortcomings and ensure that the necessary remedial action is taken (e.g. by providing advice or suggesting training).

## CHAPTER 1 INTRODUCTION

### KEY POINTS

- An effective system for dealing with prisoners' requests and complaints helps to ensure that the Prison Service meets its obligation of dealing fairly, openly and humanely with prisoners and helps staff by inspiring in prisoners greater confidence that their needs and welfare are being looked after.
- A prison's equilibrium is more likely to be maintained if prisoners feel they have an accessible and effective means of making a request, an outlet for their grievances and confidence that their requests or complaints will be considered properly, with reasons given for decisions.
- Staff must be able to handle everyday requests, defuse problems before they become complaints and resolve minor complaints in a positive way before they become serious.
- Requests should be dealt with using the wing applications procedure described in Chapter 3.
- The formal complaints procedure should only be used when an informal approach to staff is either inappropriate or has failed to redress a problem.

### 1.1 Introductory remarks

- 1.1.1 An effective system for dealing with prisoners' requests and complaints underpins much of prison life. It helps to ensure that the Prison Service meets its obligation of dealing fairly, openly and humanely with prisoners. It also helps staff by inspiring in prisoners greater confidence that their needs and welfare are being looked after, by reducing tension and by promoting better relations between prisoners and staff. A prison's equilibrium is more likely to be maintained if prisoners feel they have an accessible and effective means of making a request, an outlet for their grievances and confidence that their requests or complaints will be considered properly, with reasons given for decisions.

### 1.2 Underlying principles

- 1.2.1 The procedures set out in this Order are based on the following general principles:

- establishments should take full responsibility for dealing with requests or complaints internally, with recourse to headquarters only in the case of reserved subjects or confidential access to Area Managers;
- requests or complaints should be dealt with at the lowest level at which a proper response can be provided, subject to a prisoner's right to appeal to a higher level if he or she is dissatisfied;
- staff should take responsibility for the decisions and actions which they take and be prepared to explain them;
- requests or complaints should wherever possible be dealt with informally, with full opportunity for explanation and conciliation before formal procedures are invoked.

### **1.3 Meeting requests and resolving complaints informally**

- 1.3.1 Prescribed procedures cannot, on their own, produce effective systems which have the confidence of prisoners. Staff should possess the necessary skills to enable them to handle everyday requests, defuse problems before they become complaints and to resolve minor complaints in a positive way before they become serious. Where it is not possible to give a prisoner what he or she wants, the way in which this is conveyed can often make a difference as to whether the prisoner feels aggrieved.
- 1.3.2 The complaints procedures described in Chapters 4 to 18 of this Order are designed as a formal system for redressing grievances. *Prison staff and prisoners must be encouraged to resolve day-to-day problems informally, at wing level, either through discussion or the applications system. Only if matters cannot be resolved in this way should a grievance be handled through the formal complaints procedures, although prisoners have a right to invoke those procedures at any stage if they wish.*
- 1.3.3 Both the complaint forms prescribed in this Order and the information for prisoners make it clear that the formal complaints procedure should only be used when an informal approach to staff is either inappropriate or has failed to redress a problem. It is inevitable, however, that the free availability of complaint forms will have the effect that some prisoners will submit a form rather than speak to staff. This is to be accepted.

### **1.4 The separation of complaints from requests**

- 1.4.1 Previous procedures have made no distinction between a request and a complaint. Failing to distinguish between the two can create a sense of

grievance where none need exist. A complaints system should be a means of redressing grievances, not of meeting everyday needs.

- 1.4.2 Requests should be dealt with using the wing applications procedure described in Chapter 3. The procedures described in Chapter 4 -18 of the Order are for dealing with complaints, with the exception that requests about reserved subjects will be sent to headquarters in the same way as a reserved subject complaint.

## **1.5 Investigating serious incidents**

- 1.5.1 Serious incidents may come to light through the complaints system, but the investigation of such incidents is outside the scope of this Order. The conduct of investigations is covered in PSO 1300.

## **1.6 References to the Area Manager**

- 1.6.1 Throughout this Order, references to the Area Manager also apply where appropriate to the Operational Manager for Women's Prisons, the Operational Manager (Juveniles), the Operational Manager for Wales and the Director of High Security Prisons.



**KEY POINTS**

- **Boards of Visitors have a statutory duty to satisfy themselves about the treatment of prisoners and, in particular, to hear prisoners' requests or complaints.**
- **Prisoners may ask the Board of Visitors to look at a request or complaint and to review a decision and reply given by the establishment in response to a request or complaint.**
- **Each Board of Visitors has a responsibility, as part of its "watchdog" role in the establishment, to monitor the system for dealing with requests and complaints.**
- **Prisoners may submit a complaint under confidential access to the Chairman of the Board of Visitors.**

**2.1 Responsibilities**

2.3.1 Boards of Visitors have a statutory duty under the Prison Act and Prison Rules to satisfy themselves about the treatment of prisoners and, in particular, to hear prisoners' requests or complaints. Staff dealing with requests or complaints need to be aware of the responsibilities which Boards exercise. This chapter gives a short overview.

**2.2 Procedures**

2.2.2 Each Board will decide its own detailed procedures, taking into account the statutory requirements, best practice, this Order and local circumstances. Each Board will make its own practice and procedures known to staff and prisoners. Staff must ensure that any request to speak to a member of the Board of Visitors is promptly passed to the Board.

2.3.3 Prisoners may ask the Board of Visitors to hear a request or complaint and to consider a decision and reply given by the establishment in response to a request or complaint. Staff must provide information or other help to the Board in its consideration of how any particular request or complaint referred to it should be handled.

**2.3 Boards of Visitors' monitoring role**

2.3.1 Each Board of Visitors has a responsibility, as part of its "watchdog" role in the establishment, to monitor the system for dealing with requests and complaints. The Board will, periodically, examine applications books and the complaints log and will see the monthly complaints statistics. The

Board will bring to the attention of the governor any shortcomings which it sees in the operation of the system or other areas of the establishment's management identified as a result of prisoners' requests or complaints.

## **2.4 Confidential access**

- 2.4.1 Prisoners may submit a complaint under confidential access to the Chairman of the Board of Visitors, who will keep a record of each case and the action taken. Confidential access is dealt with in Chapter 9.



**KEY POINTS**

- The oral and written applications system provides a means whereby most routine matters can be dealt with quickly and in a systematic way.
- Wing or landing applications must be held daily, wherever possible in a room or office out of hearing of other prisoners. Governor's applications must be held daily except on Sundays and public holidays.
- Establishments may find it helpful to provide a written application form for prisoners to use to make requests, alongside the oral application process.
- Prisoners should be encouraged to use the applications system to try to resolve any issue they wish to raise, whether it is a request or a complaint, but they have the right to make a formal complaint at any stage.
- Requests about reserved subjects must be made in writing and be forwarded to the appropriate headquarters unit under the arrangements described in Chapter 10.

**3.1 Wing or landing applications and management applications**

- 3.1.1 As emphasised in the Introduction, prisoners' requests and complaints should be resolved informally wherever possible. A prisoner's wing officer should be expected to take the lead in considering requests or resolving complaints in the first instance, mediating with other staff where necessary. However, it will not always be possible for a request or complaint to be considered or resolved in this way. The oral and written applications system provides a means whereby most routine matters can be dealt with quickly and in a systematic way.
- 3.1.2 *Wing or landing applications must be held daily, wherever possible in a room or office out of hearing of other prisoners. Governor's applications must be held daily except on Sundays and public holidays.* An application provides an opportunity for staff to listen to a prisoner's problem, to give advice and to deal with straightforward matters quickly. The prisoner should where appropriate be told what action it is proposed to take and when.
- 3.1.3 "Governor" in this context refers to the governing governor. In practice, governor's applications will be heard on the governor's behalf by one of his or her senior members of staff.

- 3.1.4 Establishments may find it helpful to provide a written application form for prisoners to use to make requests, alongside the oral application process. A suggested model is at **Annex A**. Note that this is a suggested form only; it is not a prescribed form and will not be available centrally. It is for establishments to decide whether to use a written application form and, if so, how many stages it should go through. If a form is used, copies should be made freely available for prisoners to pick up. Prisoners return completed forms by handing them to the wing officer at the oral application.
- 3.1.5 The applications system is an intermediate process between simply speaking to an officer on the one hand and invoking the formal complaints procedures on the other. It can be highly effective in meeting needs or settling grievances relatively informally and at an early stage. Dealing with a request or complaint quickly and fairly at this stage should mean fewer formal complaints later on.
- 3.1.6 Prisoners should be encouraged to use the applications system to try to resolve any issue they wish to raise, whether it is a request or a complaint. They are not, however, required to do so before invoking the formal complaints procedures. A prisoner can make a formal complaint at any stage.

## **3.2 Records**

- 3.2.1 A brief note should be kept in an applications book of the date an application was made, the prisoner's name and number, the nature of the request or complaint and what advice was given to the prisoner or what action is to be taken by staff. Responsibility for keeping these records lies with wing staff.

## **3.3 Requests about reserved subjects**

- 3.3.1 Some requests will be about subjects reserved to headquarters (see Chapter 10 and **Annex H**) *A request about a reserved subject must be made in writing, preferably on either an application form (if such forms are used in the establishment) or on a formal complaint form. Reserved subject requests must be forwarded to the appropriate headquarters unit under the arrangements described in Chapter 10 for reserved subject complaints. The prisoner must be told that his or her request has been sent to headquarters for reply.*

## **3.4 Next steps**

3.4.1 An issue which is not resolved using the application process, and which the prisoner wishes to pursue, should be taken forward through the formal complaints procedures. These are described in the Chapters which follow.

## CHAPTER 4      TEN PRINCIPLES UNDERLYING THE FORMAL COMPLAINTS PROCEDURES

4.1 The complaints procedures set out in Chapters 5 -18 of this Order are based on the following ten principles:

1.     **Openness**  
*The procedures must be well-publicised and all prisoners must know how to make a complaint.*
2.     **Simplicity**  
*Procedures must be simple, easy to understand and free of unnecessary bureaucracy, subject to the need to incorporate safeguards and maintain proper records where necessary.*
3.     **Ease of access**  
*It must be easy to make a complaint and obstacles must not be put in the way of prisoners who wish to do so.*
4.     **Timeliness**  
*Complaints must be resolved within a reasonable time according to set deadlines wherever possible.*
5.     **Fairness**  
*Complaints must be considered fairly and properly.*
6.     **Responding at an appropriate level**  
*Complaints must be answered at the most appropriate level and by the most appropriate member of staff . In most cases this will be at the lowest suitable level, subject to the condition that prisoners are able to appeal to a higher level if they are not satisfied.*
7.     **Confidentiality**  
*Confidentiality must be respected as far as is practicable within a prison environment. This is particularly important in respect of confidential access complaints.*
8.     **Appropriate redress**  
*Appropriate action must be taken when complaints are upheld.*
9.     **Freedom from penalty**  
*Prisoners must not be penalised for making a complaint.*
10.    **Use of the system to provide management information**

*Management must make use of statistical and other information provided by the system.*





## CHAPTER 5 THE COMPLAINTS CO-ORDINATOR, THE COMPLAINTS CLERK AND THE DESIGNATED OFFICER.

### KEY POINTS

- It is mandatory for the duties of one manager at principal officer or above in each establishment to include those of complaints co-ordinator.
- It is essential for the effective operation of the complaints procedures that the complaints co-ordinator takes active steps to ensure that the system works effectively.
- There must be at least one complaints clerk in each establishment, responsible for registering complaints and logging subsequent stages, allocating completed forms to the appropriate member of staff for reply, chasing up outstanding cases and compiling monthly statistics.
- At least one other member of the administrative staff must understand the complaints system and be able to cover for the complaints clerk in his or her absence.
- There must be a “designated officer” or officers responsible for emptying the boxes for the receipt of completed complaints forms on each wing and passing the forms either to the complaints clerk or directly to staff for reply.

### 5.1 The complaints co-ordinator

5.1.1 It would not be appropriate to prescribe in detail the management structure which governors put in place to handle complaints. However, having a designated manager with responsibility for the complaints system is a minimum requirement for effective procedures. *It is therefore mandatory for the duties of one manager at principal officer or above in each establishment to include those of complaints co-ordinator.* The duties of the complaints co-ordinator are set out at **Annex B**.

5.1.2 It is essential for the effective operation of the complaints procedures that the complaints co-ordinator takes active steps to ensure that the system works effectively. *The complaints co-ordinator must work closely with the complaints clerk, who must be given adequate support and supervision.*

### 5.2 The complaints clerk

5.2.1 *There must be at least one complaints clerk in each establishment, responsible for registering complaints and logging subsequent stages,*

*allocating completed forms to the appropriate member of staff for reply, chasing up outstanding cases and compiling monthly statistics.*

*5.2.2 All complaints and replies must be registered centrally by the complaints clerk. Complaints and replies must be sent through the complaints clerk at every stage, except where senior officers distribute complaint forms locally on wings for reply under the arrangements described in Chapter 7.*

5.2.3 The complaints clerk has a key role. Whether an establishment's complaints procedures work properly will depend to a great extent on whether the complaints clerk carries out his or her duties effectively. He or she will have an overview of the way in which the system is working across the whole establishment. *The clerk must have a full understanding of the system, not confined to the mechanical exercise of issuing and logging forms.*

5.2.4 *The complaints system must not be suspended because of the absence of individual officers and adequate cover must be provided when the complaints clerk is away on annual leave or sick leave. At least one other member of the administrative staff must understand the complaints system and be able to cover for the complaints clerk in his or her absence.*

5.2.5 The duties of the complaints clerk are set out at **Annex C**.

### **5.3 The designated officer(s)**

5.3.1 *In addition to the complaints co-ordinator and the complaints clerk, there must be a "designated officer" or officers responsible for emptying the boxes for the receipt of completed complaints forms on each wing and passing the forms either to the complaints clerk or directly to staff for reply. There may be one or more designated officers to cover the whole establishment or, where this is not practicable, separate designated officers for each wing or residential area.*

5.3.2 The duties of the designated officer are set out at **Annex C**. The suitability of different types of staff for this role is considered in more detail in Chapter 7.

**KEY POINTS**

- Prescribed complaint forms, for ordinary complaints, appeals, confidential access complaints and appeals against adjudications must be used.
- Prisoners must be able to submit confidential access forms in a sealed envelope.
- Complaint forms must be made freely available to prisoners on the wing.
- If a prisoner feels that his or her concerns can only be met by a formal written complaint, then no obstacles must be placed in his or her way.
- There must be at least one locked box on each wing or in each residential area into which prisoners deposit completed complaints forms, so that every prisoner has easy access to a box.
- The boxes must be located in a prominent position, but not directly outside wing offices.
- Complaints should normally be submitted within three months of the incident or circumstances which give rise to the complaint, or the date on which they became known to the prisoner
- Prisoners with learning or literacy difficulties, or whose first language is not English, should be provided with assistance to enable them to make a complaint if they wish.

**6.1 Complaint forms**

- 6.1.1 *Prescribed complaint forms, for ordinary complaints (Form COMP 1), appeals (Form COMP 1A) and confidential access complaints (Form COMP 2) must be used.* There is a separate form for appeals against adjudications (ADJ 1). These replace the previous request/complaint and appeal forms. The text of the four forms is reproduced at **Annex D**.
- 6.1.2 *Prisoners must be able to submit confidential access forms in a sealed envelope.* Envelopes provided for the purpose must be printed with the information set out at **Annex E**. Confidential access procedures are considered in more detail in Chapter 9.
- 6.1.3 The ordinary complaint form and the covering envelope for confidential access forms include space for the insertion of a serial number. Supplies of the forms and envelopes will be available centrally, but they will not be pre-printed with a serial number. It is for establishments to decide

whether to insert serial numbers on all forms and envelopes before they are issued, or only on receipt of completed forms. The advantage of inserting serial numbers on all forms in advance is that the prisoner will be able to quote the number if a response to his or her complaint is delayed. The disadvantage is that many complaint forms will not be returned, resulting in gaps in the numbering system. Complaints clerks may find it easier to manage the system if serial numbers are given only to submitted complaints.

- 6.1.4 Forms COMP 1, COMP 1A, COMP 2 and ADJ 1 are printed on different coloured paper (white, white, pink and blue respectively). Establishments should maintain adequate stocks of the forms, but in emergencies they may be photocopied - preferably on the appropriate coloured paper - from an original copy (not from the versions reproduced in this Order).

## **6.2 Availability of forms**

- 6.2.1 It is a fundamental principle of any complaints system that it should be easy to make a complaint. The procedures specified in this Order place the emphasis firmly on ensuring that prisoners know how to make a formal complaint and have ready access to the means to do so.
- 6.2.2 *Complaint forms must be made freely available to prisoners on the wing. Supplies of the three complaint forms and the form for appeals against adjudication decisions must be kept at or near the place where the box for the receipt of completed forms is situated.*
- 6.2.3 *As explained in the Introduction, prison staff and prisoners must be encouraged to resolve day-to-day problems informally, at wing level, through face to face discussion. The formal written procedures should only be invoked if grievances cannot be resolved in this way. But if a prisoner feels that his or her concerns can only be met by a formal written complaint, then no obstacles must be placed in his or her way.*
- 6.2.4 It is recognised that there is a tension between, on the one hand, the need to ensure prisoners' freedom to make a formal complaint and, on the other, the need to ensure that the complaints system is not over-loaded by trivial or inappropriate matters. The way to deal with this is by dealing with trivial matters informally and at an early stage wherever possible, not by restricting prisoners' right to make a formal complaint. The procedures specified in this Order aim to meet the fundamental principle of ease of access while accepting that a certain amount of abuse is unavoidable.

## **6.3 Submitting completed complaint forms**

6.3.1 *There must be at least one locked box on each wing or in each residential area into which prisoners deposit completed complaints forms. The boxes must be fixed securely to a wall, at an appropriate height for wheelchair users. The number and location of boxes must be such that every prisoner has easy access to a box.*

6.3.2 *The boxes must be located in a prominent position, but not directly outside wing offices. Some prisoners might be discouraged from using the system if they are seen by staff to be posting a complaint.*

6.3.3 Boxes are available centrally. Alternatively, establishments may make their own arrangements for the manufacture and supply of boxes, from their own workshops or elsewhere, provided they meet certain basic requirements. *The boxes must:*

- *be robust and preferably made of metal;*
- *be large enough to hold the number of complaint forms submitted in one day (centrally-provided boxes are approximately 33cm x 25cm x 50cm deep at the back and 35cm deep at the front, with a sloping top);*
- *have a slot large enough to accommodate an unfolded A4-size form but narrow enough to exclude other items;*
- *be painted in a bright colour (centrally-provided boxes are painted yellow) and be clearly labelled "COMPLAINTS".*

6.3.4 The boxes should not be used for any purpose other than the receipt of completed complaints forms or appeals against adjudication decisions. However, prisoners might sometimes use the box for completed written applications, if these are used in the establishment. If so, the applications should be passed on to the appropriate wing officer.

#### **6.4 Time limit for submitting complaints**

6.4.1 Complaints - including adjudication appeals - should normally be submitted within three months of the incident or circumstances which give rise to the complaint, or the date on which they became known to the prisoner, or the date on which he or she receives the decision of an adjudication. Establishments - or, in the case of adjudication appeals, headquarters - have discretion to consider complaints submitted after this time limit in exceptional circumstances, where there are good reasons for the delay or where the issues raised are so serious as to override the time factor.

#### **6.5 Prisoners whose first language is not English**

6.5.1 Prisoners whose first language is not English may be allowed to submit a complaint in their own language if they wish. Complaint forms and the two leaflets for prisoners in twenty foreign languages will be provided to establishments on CD, to be printed as and when required. The complaint, the reply and any subsequent stages may require translation, which will necessarily take longer than normal. Alternatively, the prisoner may submit a complaint in English on a form in his or her own language.

6.5.2 Simply providing a leaflet or a complaint form in another language may not necessarily meet the needs of a prisoner who does not speak English. Establishments should bear in mind that a literal translation of a form may not provide the background information which a prisoner needs in order to understand the system. Establishments should bear in mind the requirements of PSO 2800 on Race Relations.

## **6.6 Prisoners with learning, literacy or visual difficulties**

6.6.1 *Establishments must take into account the needs of prisoners who may find it difficult or impossible to make a written complaint in the normal way. These include:*

- *prisoners who have difficulty reading and writing because of learning or literacy difficulties;*
- *prisoners who are visually or hearing impaired.*

6.6.2 Prisoners who have difficulties with reading and writing are often helped by other prisoners who will write a complaint for them, but where other prisoners are unable or unwilling to help, staff should do so.

6.6.3 In the case of prisoners who are visually impaired, or who have difficulty reading and writing for any other reason, including dyslexia or deafness, establishments should consider the possibility of enabling the prisoner to submit a complaint in alternative formats, such as large print forms, Braille or on audio cassette. The last option may be particularly appropriate where a prisoner wishes to submit a complaint under confidential access and is unwilling to discuss his or her complaint with anyone else.

6.6.4 Establishments should refer to PSO 2855 (Management of Prisoners with Physical, Sensory or Mental Disabilities) in considering prisoners' special needs in submitting a complaint.





## CHAPTER 7      COLLECTING AND DISTRIBUTING COMPLAINTS FOR REPLY

### KEY POINTS

- Boxes for the receipt of complaints must be emptied daily (excluding weekends and public holidays) by the designated officer, who passes the completed forms to the complaints clerk for registration and allocation. In some circumstances, the designated officer will allocate forms directly to staff for reply.
- The designated officer may be a member of the administrative staff (including the complaints clerk), a night orderly officer or a senior officer on each wing.
- There are advantages and disadvantages to each option. It is for establishments to decide which of the above alternatives to adopt, taking into account their size, the nature of their population and the staff available to them.
- All complaints and appeals must be registered and allocated a serial number before being allocated to a member of staff for reply.
- Establishments should be flexible in dealing with complaints submitted using the wrong form. A prisoner's complaint or appeal may be taken at face value in the form in which he or she submits it.
- The complaints clerk or senior officer must decide where to allocate a complaint for reply, taking into account the nature of the complaint and whether it concerns a reserved subject.
- The majority of complaints should be answered, in the first instance, at prison officer level (preferably by the prisoner's personal officer).
- Complaints must be forwarded for reply on the day on which they are registered.

### 7.1 Emptying the boxes

7.1.1 *The boxes for the receipt of complaints must be emptied daily, excluding weekends and public holidays).* This is the responsibility of the designated officer, who passes the completed forms to the complaints clerk for registration and allocation. In some circumstances, considered below, the designated officer will allocate forms directly to staff for reply.

7.1.2 The designated officer may be one of the following:

- (a) a member of the administrative staff (including the complaints clerk);
- (b) a night orderly officer;
- (c) a senior officer on each wing.

7.1.3 There are advantages and disadvantages to each option. The main advantage of having a member of the administrative staff empty the boxes is that it makes it easy for the complaints clerk to register complaints centrally before they are allocated for reply and to keep track of complaints as they progress through the system. It also avoids or reduces the possibility of accusations against wing staff that complaints have been ignored or destroyed. However, in some establishments it will not be practicable for the complaints clerk or some other member of the administrative staff to carry out the role, either because of the physical size of the establishment or because the complaints clerk does not have access to the wings.

7.1.4 The use of a night orderly officer to carry out the designated officer role is an acceptable alternative in cases where it is impractical or inappropriate for administrative staff to do so. Complaints boxes are emptied each night and passed to the complaints clerk in the morning.

7.1.5 A further option is for a senior officer on each wing to open the boxes and distribute the complaints for reply. The main advantage of such a system is that most complaints will fall to wing officers for reply. Senior officers will be able to pick out complaints which can be dealt with quickly and easily without necessarily sending the complaint to the complaints clerk first, thereby saving time. The disadvantages are that such a procedure makes it more difficult for the complaints clerk to register and keep track of complaints and may lay wing staff open to the accusation that complaints have gone missing or been ignored.

7.1.6 *If a procedure as described in paragraph 7.1.5 is adopted, the following conditions must be met:*

- (a) opening boxes and distributing complaints must not be carried out a level below that of senior officer; and*
- (b) all complaints must still be registered by the complaints clerk. Senior officers must obtain a serial number from the clerk before allocating a complaint for reply; and*

- (c) *the senior officer who opens boxes and distributes forms must inform the complaints clerk of the receipt of complaints, and where they have been sent, on a daily basis; and*
- (d) *where replies go directly to the prisoner, without passing through the complaints clerk, the senior officer is responsible for ensuring that photocopies are taken first.*

7.1.7 It is for establishments to decide which of the above alternatives to adopt, taking into account their size, the nature of their population and the staff available to them.

## **7.2 Registering the complaint**

7.2.1 *All complaints and appeals must be registered and allocated a serial number before being allocated to a member of staff for reply. It is essential that the complaints clerk has a complete record of all extant complaints and their status and location at any time.*

7.2.2 It is for establishments to decide what form serial numbers should take. It is recommended that serial numbers should identify the establishment and the year. An appeal should be given the same serial number as the complaint to which it refers.

7.2.3 It is for establishments to decide how to log complaints, whether on paper or in electronic form. A suggested list of information to be entered into the log is at **Annex F**. It may be helpful for two lines of the log to be left blank after each stage 1 complaint is registered, so that stages 2 and 3 can where necessary be registered directly underneath. Establishments should make the best use of whatever IT systems are available to them.

## **7.3 Complaints on the wrong form**

7.3.1 It is inevitable that prisoners will on occasion use the wrong form, particularly if they are not familiar with the system. Establishments are not obliged to respond to a complaint made on the wrong form, but they should be flexible in dealing with such cases. A prisoner's complaint or appeal may be taken at face value in the form in which he or she submits it. The fact that the wrong form has been used should not necessarily invalidate the complaint or appeal. The complaint may be allowed to proceed in the form in which it has been submitted, but where necessary attached to the correct form to avoid any misunderstanding on the part of staff.

## **7.4 Allocating complaints for reply**

- 7.4.1 *The complaints clerk or senior officer must decide where to allocate a complaint for reply, taking into account the nature of the complaint and whether it concerns a reserved subject. The clerk should seek advice in cases of doubt. As a general principle, complaints should be answered in the first instance by the most junior member of staff able to provide a proper response.*
- 7.4.2 The majority of complaints should be answered, in the first instance, at prison officer level (preferably by the prisoner's personal officer). Complaints should normally be allocated to an appropriate officer at this level unless one of the following applies:
- the complaint is a confidential access complaint;
  - the complaint is about a reserved subject;
  - the complaint is about a member of staff;
  - the complaint is otherwise inappropriate for a wing officer to deal with (e.g. a complaint about medical treatment).
- 7.4.3 *Confidential access complaints must be forwarded unopened to the person to whom they are addressed. These types of complaint are covered in Chapter 9. Complaints about reserved subjects must be forwarded to the appropriate unit in headquarters. These types of complaint are covered in Chapter 10.*
- 7.4.4 *Complaints about or involving allegations against members of staff must be handled following the procedures set out in Chapter 11.*
- 7.4.5 Some complaints will be about decisions taken by a senior member of staff. The complaints clerk will need to exercise judgement about where to allocate such complaints, seeking advice where necessary. The fact that a complaint is about a decision made at senior level does not necessarily mean that a prison officer will not be able to provide a response. If, for example, the decision in question was taken in line with a statutory or non-statutory requirement, then a prison officer may be able to explain the requirement in the reply to the complaint. If, however, the decision was based on discretion then it may be necessary for the complaint to be answered by someone at or above the level at which the decision was made.
- 7.4.6 Some other types of complaint will be inappropriate for a response from a wing officer, simply because of the subject matter. A complaint about

food, for example, may best be answered by the catering staff. Complaints about medical treatment should be answered by the medical staff.

*7.4.7 The time limits specified in Chapter 13 run from the point at which a complaint is registered by the complaints clerk. It is therefore essential that complaints are forwarded for reply to the appropriate member of staff, whether in the establishment or in headquarters, without delay. Complaints must be forwarded for reply on the day on which they are registered.*



**KEY POINTS**

- The response to a complaint is in three stages, each at a higher level than the previous stage and all within the establishment.
- Stage 1 is the initial response by the wing officer or other appropriate officer. The majority of formal complaints should be resolved at this stage.
- If a prisoner is dissatisfied with the stage 1 response to his or her complaint, he or she may appeal to management level in the establishment. This is stage 2.
- If a prisoner remains dissatisfied after stage 2, he or she may make a final appeal to the governing governor of the establishment. This is stage 3.
- The response to a complaint or appeal must properly address the points made by the prisoner, irrespective of whether the complaint is upheld or rejected. Decisions must not be taken arbitrarily or give the impression that they have been taken arbitrarily.
- Responding to a written complaint is an opportunity for the establishment to demonstrate a positive commitment to fairness and to the welfare of prisoners in its care.
- A prisoner is more likely to accept a decision if trouble is taken to explain it, even if he or she is still not entirely satisfied.
- If a complaint is upheld, either in whole or in part, the response must say what action is being taken to provide any appropriate redress.
- The stage 3 response is the final scrutiny of a complaint within the Prison Service, after which a complaint may be taken to the Ombudsman. It is essential that stage 3 provides effective scrutiny of complaints and responses at previous stages, at a senior level within the establishment.
- The provision whereby stage 3 responses may in certain cases be delegated below governing governor level must be the exception rather than the rule. The integrity of the complaints system depends upon governing governors taking full responsibility for the final appeals to complaints made within their establishment.
- Staff dealing with complaints should bear in mind the role of the Board of Visitors (see Chapter 2).
- A certain level of abuse of the complaints procedures is unavoidable. It is for establishments to decide how to manage such cases on an individual basis, subject to the proviso that a prisoner's right to make a complaint must in no case be completely withdrawn.

## **8.1 The 3-stage process**

- 8.1.1 The response to a complaint is in three stages, each at a higher level than the previous stage. Each stage is within the establishment. There is no longer any appeal to Prison Service headquarters, although the Deputy Director General's Briefing and Casework Unit, the Directorate of High Security Prisons and other headquarters units will continue to respond to reserved subject and confidential access complaints where appropriate. Headquarters units will continue to deal with complaints which are made in ways other than through the normal complaints process, for example through MPs and solicitors, and with prisoner litigation. Headquarters units and Area Managers' offices will also continue to provide advice on request.
- 8.1.2 Only a minority of complaints will go through all three stages. Most should be resolved at stage 1 or stage 2. In some cases it will not be possible for a complaint to go through three stages (where, for example, the initial stage 1 response is provided at a fairly senior level).

## **8.2 Stage 1: the initial complaint and response**

- 8.2.1 As explained in Chapter 7, formal complaints should normally be answered, in the first instance, at prison officer level. This is stage 1. The majority of formal complaints should be resolved at this stage.
- 8.2.2 In considering how to respond to a formal complaint, staff should consider the following questions:
- Has the matter been considered before? If so by whom? What if any action was taken?
  - Is the relevant information available to consider the complaint properly?
  - Does the prisoner have reasonable grounds for complaining?
  - What rules and instructions (Prison Service Orders and Prison Service Instructions) apply to the matters raised by the prisoner?
  - Are the facts put forward by the prisoner accurate?
  - Is the remedy being sought reasonable? Can it be provided?
- 8.2.3 *The response to a formal complaint must properly address the points made by the prisoner, irrespective of whether the complaint is upheld*



*or rejected. The response must be based on accurate and up-to-date information and must stick to the point (i.e. not take into account irrelevant factors). Decisions must not be taken arbitrarily or give the impression that they have been taken arbitrarily.*

- 8.2.4 It is relatively easy to provide a reasoned reply where there are clear rules or instructions relating to the complaint. In these circumstances, where staff have little or no discretion, it will be helpful to the prisoner to add a short explanation of the rule or procedure. For example, where a complaint relates to the calculation of a prisoner's sentence, it is not sufficient to reply that the calculation was checked and found to be correct. The prisoner should be shown why his or her interpretation is wrong.
- 8.2.5 It may be more difficult to provide a reasoned reply where a decision rests in part on rules or instructions and in part on the discretion of staff. Responses should avoid being abrupt or confrontational: simply stating that a member of staff has the authority to make a decision is not enough. Responses should explain what factors were taken into account in reaching a decision and why that particular decision was reached. A prisoner is more likely to accept a decision if trouble is taken to explain it, even if he or she is still not entirely satisfied. Such an approach will help to minimise the number of complaints taken to the appeal stages or further and will help to save work in the long run.
- 8.2.6 If the response to a formal complaint contradicts anything said at the application stage, the response should explain why (e.g. further investigation or consultation).
- 8.2.7 If a complaint is upheld, either in whole or in part, the response must say what action is being taken to provide any appropriate redress. The fact that a complaint has been upheld may not necessarily mean that the remedy being sought by the prisoner is provided. A prisoner may have a valid complaint but may have sought wholly disproportionate action. In such cases the response will uphold the complaint but explain why the corrective action sought by the prisoner is not appropriate (and instead what appropriate action, if any, is being taken).
- 8.2.8 Responding to a written complaint is not simply a matter of correcting a problem or showing the prisoner that he or she is wrong. It is an opportunity for the establishment to demonstrate a positive commitment to fairness and to the welfare of prisoners in its care. The trouble taken in going beyond the minimum required to answer a complaint - and the tone in which this is done - can help to prevent prisoners from feeling that the prison system is unjust or repressive. A reasoned reply at this stage can also help to save work in the long run.

### **8.3 Returning the form to the prisoner**

- 8.3.1 *Completed complaint forms must be returned to the prisoner either directly or through the complaints clerk. Where the form is sent through the clerk, he or she must take a photocopy of the form before passing it on to the prisoner. Where a form is sent directly to a prisoner, the complaints clerk must be provided with a copy at the same time. A copy of the complaint and reply must also be placed on the prisoner's F2050.*
- 8.3.2 *If a response is delayed or is expected to be delayed beyond the appropriate time limit, an interim reply must be sent to the prisoner to explain the reason for the delay and giving an indication as to when a full reply can be expected. A model interim reply is at **Annex G**. Time limits are considered in Chapter 13.*

### **8.4 Stage 2: appeal to management**

- 8.4.1 If a prisoner is dissatisfied with the stage 1 response to his or her complaint, he or she may re-submit the complaint using an appeal form (COMP 1A), setting out the reasons why he or she is dissatisfied. This is stage 2. The form is re-submitted in the same way as the original complaint, by posting it in the complaints box. An appeal should normally be made within 7 calendar days of the prisoner's having received the initial response, unless there are exceptional reasons why this would have been difficult or impossible.
- 8.4.2 *Appeals must be logged and allocated in the same way as stage 1 complaints. Appeals must be answered by someone at a higher level, in terms of management responsibility, than the person who provided the stage 1 response. Where a prison officer provided a stage 1 response, a senior officer may respond at stage 2.*
- 8.4.3 When allocating a stage 2 complaint for reply, the complaints clerk or senior officer should provide a copy of the form on which the original complaint was made, so that the person responding to stage 2 can see how the complaint was dealt with at stage 1.
- 8.4.4 The considerations set out in paragraphs 8.2.2 - 8.2.8 above, in respect of stage 1 responses to complaints, apply equally if not more so to stage 2 responses. *The person responding to an appeal stage must make sure that he or she is aware of all the facts of the case, check the relevance of any rules or regulations quoted in the original response and any others which might have a bearing on the case and consider whether the original decision was fair and reasonable and whether the explanation given to the prisoner was satisfactory. The response to an appeal must not simply repeat the response given at an earlier stage, even if it was correct, but*

*must add to the explanation of why the original decision was made. Where an appeal is upheld, the response to the appeal must explain why the original response is being overturned.*

- 8.4.5 The stage 2 response should be set out in the appropriate part of the form and the form must then be returned to the prisoner either directly or via the complaints clerk within the specified time limit, in the same way as the stage 1 response. Similar arrangements as described in paragraph 8.3.1 above must apply. If the appeal is upheld, the management response should where appropriate say what action will be taken to provide redress.
- 8.4.6 In exceptional cases the stage 1 response to a complaint may have been made by someone at senior management level. If so, and there is no further management level in the establishment below the governing governor, then the stage 2 and 3 responses may in effect be combined into a single response by the governing governor at stage 3. The response should be entered into the appropriate part of the form.
- 8.4.7 The majority of complaints which proceed beyond stage 1 should be resolved at stage 2.

## **8.5 Stage 3: appeal to the governing governor**

- 8.5.1 If a prisoner remains dissatisfied after stage 2, he or she may make a final appeal to the governing governor of the establishment. This should normally be done within 7 calendar days of receiving the stage 2 response, unless there are reasons why this would have been difficult or impossible. This is stage 3. In this context, the “governing governor” is the person holding that office and in charge of the establishment at the time.
- 8.5.2 When allocating a stage 3 complaint for reply, the complaints clerk or senior officer should provide a copy of the form on which the original complaint was made, so that the person responding to stage 3 can see how the complaint was dealt with at stage 1.
- 8.5.3 *The final appeal and the governing governor’s response are entered onto the same form as that used for stage 2. The governing governor’s response, like the stage 1 and stage 2 responses, must properly address the complaint and say why the earlier responses are being upheld or overturned, as the case may be. The response must where appropriate say what action will be taken to provide redress.*
- 8.5.4 Governing governors should consider whether a stage 3 complaint might best be resolved by speaking to the prisoner or asking one of their senior staff to do so.

8.5.5 The vast majority of complaints should be resolved before they reach stage 3. The number of complaints falling to be dealt with by the governing governor should be relatively small. In some establishments the number of complaints proceeding to stage 3 might nevertheless be sufficiently high as to make it difficult or impossible for the governing governor to deal with them all in person. In such circumstances, the response to stage 3 complaints may be delegated to a manager or senior manager below the level of governing governor. This is subject to the requirement that the level at which the stage 3 response is made is in all cases higher than that at which the stage 2 response was made. The governing governor should wherever possible agree and sign responses which have been delegated in this way.

8.5.6 *The stage 3 response is the final scrutiny of a complaint within the Prison Service, after which a complaint may be taken to the Ombudsman. It is therefore essential that stage 3 provides effective scrutiny of complaints and responses at previous stages, at a senior level within the establishment. The provision whereby stage 3 responses may in certain cases be delegated below governing governor level must be the exception rather than the rule. The integrity of the complaints system depends upon governing governors taking full responsibility for the final appeals to complaints made within their establishment.*

8.5.7 Similar arrangements for interim replies and for retaining copies of stage 2 complaints and replies should apply as for stages 1 and 2 (paragraphs 8.3.1 and 8.3.2 above), except that if a complaint proceeds to stage 3 the copy taken at stage 2 is superfluous and may be destroyed.

## **8.6 The Board of Visitors**

8.6.1 Staff dealing with complaints should bear in mind the role of the Board of Visitors (see Chapter 2) and ensure as far as possible that prisoners are aware that they can make an application to the Board at any stage. This may be particularly important in respect of complaints which cannot be resolved easily and which reach stage 3. The Board of Visitors can provide an independent view on the merits or otherwise of a complaint, which may enable it to be resolved within the establishment without the need for the prisoner to approach the Ombudsman.

## **8.7 Abuse of the complaints procedures**

8.7.1 Some prisoners will abuse the complaints procedures by submitting numerous complaints on trivial matters or multiple complaints on the same subject. The potential for abuse is higher in a system based on free access to complaint forms.

8.7.2 A certain level of abuse is unavoidable. Prescribed measures to try to prevent such abuse have the potential to create more problems than they solve. A denial of access to complaint forms, or a blanket refusal to consider further complaints from a persistent complainant, could place a prisoner at risk by denying him or her recourse if he or she has a genuine grievance.

8.7.3 It is for establishments to decide how to manage such cases on an individual basis. This is subject to the proviso that a prisoner's right to make a complaint must in no case be completely withdrawn. The following are examples of ways of handling persistent complainants which establishments have found to be effective in some cases:

- the prisoner might be told that staff can only deal with one complaint from him or her per day to be fair to other prisoners and to enable all prisoners' complaints to be considered equally;
- the prisoner might be asked to prioritise his or her own complaints and to say which he or she would prefer to be dealt with first;
- a large number of complaints on a similar theme might be amalgamated and answered together.

8.7.4 It is to be accepted that such strategies will involve missing the target dates for responses to some complaints.

## **8.8 Retention of copies of complaints**

8.8.1 *The top copy of the complaint or appeal form must be returned to the prisoner. A copy must be kept with the prisoner's F2050 (in the appropriate folder) or F1150. The complaints clerk must also retain a copy. Copies of complaints held by the clerk must be retained for sufficient time to allow for the possibility that the prisoner will pursue a complaint with the Ombudsman. This must normally be done within one month of completing the internal complaints procedures, but in some cases the Ombudsman may accept a complaint outside that time. Centrally held copies of complaints must be retained for at least three years.*



**KEY POINTS**

- Prisoners have the right to make a complaint under confidential access (in a sealed envelope) to the governing governor, the Area Manager or the Chairman of the Board of Visitors.
- The confidential access system is not intended as a means whereby prisoners can by-pass or accelerate the complaints procedures for an ordinary complaint.
- The use of confidential access is appropriate when a complaint is about a particularly serious or sensitive matter, where it would be reasonable for the prisoner to feel reticent about discussing it with wing staff or having it become known to administrative and wing staff through the normal complaints procedure.
- It is the responsibility of the recipient of a confidential access complaint to decide whether confidential access is appropriate and how to deal with the complaint.
- Inappropriate confidential access complaints must not be forwarded to the complaints clerk to be dealt with under normal procedures.
- The envelope containing a confidential access complaint must not be opened until it reaches the person to whom it is addressed.
- Confidential access does not necessarily mean that the complaint will remain confidential between the prisoner and the recipient alone (although there may be rare occasions when that would be right), but confidentiality should be maintained as far as is practical and consistent with undertaking a proper investigation of a complaint.
- There is no formal mechanism for appeal against the response to a confidential access complaint, but if a prisoner provides new information, or if there is otherwise good reason why an original response should be reconsidered, then the respondent should consider whether the original response should stand or whether it should be reversed.

**9.1 Confidential access**

- 9.1.1 The European Prison Rules require that prisoners be allowed to make a complaint under confidential cover to the central prison administration. In practice, this is met by allowing prisoners the right to make a complaint under confidential access (in a sealed envelope) to the governing governor, the Area Manager or the Chairman of the Board of Visitors. This acts as a safeguard to ensure that complaints are not blocked and

provides a secure channel of communication between the prisoner and the intended recipient.

9.1.2 The confidential access system is not intended as a means whereby prisoners can by-pass or accelerate the complaints procedures for an ordinary complaint. The use of confidential access is appropriate when a complaint is about a particularly serious or sensitive matter, where it would be reasonable for the prisoner to feel reticent about discussing it with wing staff or having it become known to administrative and wing staff through the normal complaints procedure. The following are examples of circumstances in which confidential access may be appropriate:

- a complaint about ill-treatment;
- a complaint otherwise about the conduct of wing staff;
- a complaint touching on sensitive medical issues.

## **9.2 Procedures**

9.2.1 The examples in paragraph 9.1.2 are not meant to be exhaustive. *It is the responsibility of the recipient of a confidential access complaint to decide whether confidential access is appropriate and how to deal with the complaint. In some cases the recipient will decide that the complaint is unsuitable for confidential access. If so, one of the following options must be followed:*

- (a) *if the complaint can be answered quickly and easily then it may save time and trouble for the respondent to provide an answer and at the same time explain that confidential access was not appropriate for the complaint. If this course is followed, it should be made clear to the prisoner that any further inappropriate complaints which he or she submits under confidential access will be returned to be pursued under normal procedures;*
- (b) *in the case of a confidential access complaint to the governing governor, the complaint may be referred to a named manager or senior manager for reply;*
- (c) *the form may be returned to the prisoner with an explanation of why confidential access is inappropriate and how to pursue the complaint through the normal channels.*

9.2.2 *Inappropriate confidential access complaints must not be forwarded to the complaints clerk to be dealt with under normal procedures. The recipient must follow one of the options described in paragraph 9.2.1 above. It is*



for the prisoner to decide whether to pursue his or her complaint under normal procedures.

9.2.3 The procedures described in paragraphs 9.2.1 and 9.2.2 above aim to ensure that complaints are answered where possible without unnecessary bureaucracy, and that confidentiality is preserved as far as possible, but that misuse of the confidential access procedures is not encouraged. It is the responsibility of the recipient to decide how best to balance these requirements in each particular case, taking into account the nature of the complaint, the reasons given by the prisoner as to why he or she is using confidential access and the extent to which misuse might be encouraged by providing a response even if a complaint is inappropriate for confidential access. If, for example, an inappropriate confidential access complaint has been made by a prisoner who habitually submits complaints under confidential access without good reason, then the appropriate course of action is more likely to be to return the complaint to the prisoner for him or her to pursue under normal procedures.

9.2.4 Confidential access complaints to the Area Manager will normally be considered by the Briefing and Casework Unit or the Directorate of High Security Prisons, unless the complaint raises a serious allegation into which the Area Manager or the Director of High Security Prisons wishes to commission an investigation. The Area Manager or the Director of High Security Prisons may refer a confidential access complaint to the governor of the establishment where the complaint is particularly serious or urgent or where the matter would normally be one for the senior staff of the establishment to consider. A governor who receives a confidential access complaint in this way should treat it as if it had been submitted to him or her directly.

9.2.5 Form COMP 2 should be used for confidential access complaints. Prisoners place their completed complaint form, in a sealed envelope addressed to the person they wish to consider the complaint, in the complaints box. *Envelopes must be available with complaint forms and must be pre-printed with the information specified at **Annex E**.*

9.2.6 *On receipt of a confidential access complaint, the complaints clerk must register the complaint and write the allocated serial number on the envelope (if the envelope has not already been given a serial number before it was issued), without opening it. The envelope must not be opened until it reaches the person to whom it is addressed. The recipient should write the serial number on the form and on the envelope in which the reply is sent. The reply is sent via the complaints clerk, in a sealed envelope addressed to the prisoner. The clerk registers the date of the reply and forwards it unopened to the prisoner.*

- 9.2.7 Prisoners will sometimes post a confidential access complaint on a COMP 2 form in the box without a covering envelope. *Complaints submitted in this way must be placed by the complaints clerk or senior officer in a covering envelope and forwarded to the person indicated on the form as the intended recipient of the complaint. If the prisoner has not indicated an intended recipient, then the prisoner must be asked whether he or she does in fact want the complaint to be handled under confidential access and, if so, to whom it is to be addressed.*
- 9.2.8 *If a confidential access complaint involves an allegation against a member of staff, the procedures set out in Chapter 11 must be followed.*

### **9.3 Confidentiality**

- 9.3.1 Prisoners have in the past expressed concern that the term “confidential access” is misleading and that wing staff frequently knew all about their confidential access complaints and the responses made to them. Confidential access does not mean that the fact that a complaint has been made will necessarily be kept confidential, or that investigations will be carried out without the knowledge of the staff or prisoners involved, or that the complaint will necessarily remain confidential between the prisoner and the recipient alone, although there may be rare occasions when that would be right.
- 9.3.2 *It is the responsibility of the recipient to decide how to handle the complaint and how far strict confidentiality can or should be maintained. The reasons given by the prisoner as to why he or she is using confidential access must be taken into consideration. Governors, Boards of Visitors and Area Managers must maintain confidentiality as far as is practical and consistent with undertaking a proper investigation of a complaint. The complaint must not be disclosed to anyone who does not need to know about it.*

### **9.4 Appeal**

- 9.4.1 There is no formal mechanism for appeal against the response to a confidential access complaint. A prisoner who is dissatisfied with a response to a confidential access complaint may pursue the complaint with the Prisons and Probation Ombudsman if he or she wishes.
- 9.4.2 If a prisoner pursues a confidential access complaint with the respondent, for example by submitting a further confidential access form or an ordinary appeal form, then the respondent is not obliged to provide a further substantive response to the complaint. However, if a prisoner provides substantive new information, or if there is otherwise good reason why an original response should be reconsidered, then the respondent should

consider whether the original response should stand or whether it should be reversed. If it is clear from new information or otherwise that an original response was wrong, then it will save time and trouble for all concerned for it to be reversed rather than require the prisoner to submit a complaint to the Ombudsman. If a prisoner pursues a confidential access complaint and the respondent decides that there is no reason to reconsider or overturn the original response, then the prisoner should be advised that his or her means of recourse is to submit a complaint to the Ombudsman.



**KEY POINTS**

- Requests or complaints about a class of reserved subjects will be dealt with by the Area or Operational Manager or Prison Service headquarters as appropriate. A full list of reserved subjects, where they are dealt with and the information that should accompany a complaint is at Annex H.
- The remarks in this Chapter and the information at Annex H apply to any request or complaint on a reserved subject made by a prisoner either on the formal complaint form or on a written application under the procedures described in Chapter 3.
- Prisoners should not, in general, be expected to know whether their complaint is about a reserved subject. It is for the complaints clerk to decide whether a particular complaint is about a reserved subject, if necessary after seeking advice within the establishment or from headquarters.
- There is no formal mechanism for appeal against the response to a complaint about a reserved subject, but if a prisoner provides substantive new information, or if there is otherwise good reason why an original response should be reconsidered, then the respondent should consider whether the original response should stand or whether it should be reversed.

**10.1 General remarks**

10.1.1 Requests or complaints about a class of reserved subjects will be dealt with by Area Managers or units in Prison Service headquarters. In practice, complaints about subjects reserved to Area Managers are dealt with by the Briefing and Casework Unit or the Directorate of High Security Prisons on their behalf. The subjects include adjudications, category A status, category A transfers, complaints by life sentence prisoners about matters which are the responsibility of Lifer Unit, parole, deportation, special remission and early release on compassionate grounds. A full list of reserved subjects, and where they are dealt with, is at **Annex H**.

10.1.2 The remarks in this Chapter and the information at **Annex H** apply to any request or complaint on a reserved subject made by a prisoner either on the formal complaint form or on a written application under the procedures described in Chapter 3.

10.1.3 Information for prisoners about the complaints procedures will explain that complaints about certain subjects will be dealt with outside the

establishment and that in these cases they will have to wait longer for a reply. The information will give a general indication of what these subjects are. Prisoners should not, however, be expected to know whether their complaint is about a reserved subject. Complaints about reserved subjects should be made on the ordinary complaints form, COMP 1, and posted in the complaints box in the normal way. It is for the complaints clerk to decide whether a particular complaint is about a reserved subject, if necessary after seeking advice within the establishment or from headquarters.

10.1.4 *If a request or complaint relates to a reserved subject, the complaints clerk must forward it to the Briefing and Casework Unit, the Directorate of High Security Prisons Support Unit or appropriate headquarters unit with any relevant documentation. The complaints clerk should retain a copy.*

*The prisoner must be informed that his or her complaint relates to a reserved subject and has been sent to headquarters for reply and that he or she can expect to receive a reply within about six weeks.*

10.1.5 A complaint might relate in part to a reserved subject and in part to matters on which an establishment is able to respond. *In such cases, the complaints clerk must issue a copy of the complaint for reply within the establishment in the normal way and at the same time send the complaint to the appropriate headquarters unit. The prisoner, when he or she receives the internal response from the establishment, must be told that other matters relating to the complaint are reserved and have been referred to headquarters for reply.*

## **10.2 Category A prisoners and life sentence prisoners**

10.2.1 Many - but not all - subjects relating to category A prisoners and life sentence prisoners are reserved to headquarters. The subjects in question are listed at **Annex H**.

## **10.3 Parole**

10.3.1 Sentence Enforcement Unit retains responsibility for dealing with all requests or complaints from determinate sentence prisoners about parole (life licence matters are the responsibility of the Lifer Unit). There is no appeal in the parole scheme against the merits of individual decisions. Requests or complaints will only be pursued if they offer evidence of one or more of the following:

- major changes in the prisoner's circumstances unknown at the time the final parole decision was taken; or
- possible procedural errors affecting the outcome of the review; or

- delays in the processing of the case.

#### **10.4 Accompanying documentation**

10.4.1 Some types of request or complaint on a reserved subject require accompanying documentation to enable headquarters to consider them properly. A list of the documentation required is at **Annex H**. This is not meant to be exhaustive. Establishments should where appropriate consult the relevant PSO or other guidance or contact headquarters for advice.

#### **10.5 Appeal**

10.5.1 There is no formal mechanism for appeal against the response to a complaint about a reserved subject. A prisoner who is dissatisfied with a response to a reserved subject complaint may pursue the complaint with the Prisons and Probation Ombudsman if he or she wishes.

10.5.2 Similar considerations apply as in the case of appeal against the response to a confidential access complaint (paragraph 9.4.2 above). If a prisoner pursues a reserved subject complaint with the respondent, then he or she is not obliged to provide a further substantive response to the complaint but should do so if the prisoner provides substantive new information, or if there is good reason why the original response should be reconsidered. If it is clear from new information or otherwise that an original response was wrong, then it will save time and trouble for all concerned for it to be reversed rather than require the prisoner to submit a complaint to the Ombudsman. If a prisoner pursues a reserved subject complaint and the respondent decides that there is no reason to reconsider or overturn the original response, then the prisoner should be advised that his or her means of recourse is to submit a complaint to the Ombudsman.

**KEY POINTS**

- The normal procedure for making complaints against staff is by means of a complaint form, but any written allegation against a member of staff must be investigated.
- Where a prisoner makes an oral allegation of misconduct by a member of staff, in the hearing of another member of staff or a member of the Board of Visitors, the prisoner should be encouraged to put the allegation in writing on a complaint form.
- Even if a prisoner declines to put an allegation in writing, the member of staff or member of the Board of Visitors to whose attention the allegation has been brought should nevertheless still make a note of the allegation and pass it to the appropriate manager or senior manager to consider whether the allegation should be investigated.
- Where an allegation involves an accusation of racism against a member of staff, the procedures specified in paragraphs 12.1.1 - 12.1.9 of this Order and in PSO 2800 and any subsequent instructions on race relations must be followed.
- Where it is alleged that a member of staff has committed an assault, the alleged victim must be examined by a Medical Officer as soon as possible and the outcome recorded.
- If a governing governor or Area Manager considers that there is evidence that a criminal offence may have been committed by a member of staff, the Discipline Policy Team in Personnel Management Group must be consulted by telephone without delay.
- All investigations must be carried out in accordance with PSO 1300, where necessary read in conjunction with other orders relating to specific types of investigation.
- A prisoner who has made an allegation against a member of staff which, on investigation, has been deemed to be unfounded should be given a written warning not to repeat the allegation, followed where necessary by a formal order.
- If a prisoner persists in making a groundless allegation, a disciplinary charge may be appropriate.

**11.1 General remarks**

11.1.1 This Chapter describes the action that must be taken where a complaint takes the form of an allegation against a member of staff, imputing misconduct which, if true, would constitute a disciplinary or criminal offence or would seriously detract from his or her reputation.



## **11.2 Respective responsibilities**

11.2.1 It is particularly important in dealing with allegations against staff that the respective responsibilities of line management and headquarters' case working and policy units are not confused. These are, briefly, as follows:

- Line management within the establishment is responsible for initiating and conducting the investigation of such complaints, for deciding what, if any, action is needed and for giving the prisoner a reply to his or her complaint. In the case of staff subject to the Code of Conduct and Discipline, governing governors may decide to instigate a formal disciplinary investigation which may result in disciplinary action.
- Briefing and Casework Unit or the Directorate of High Security Prisons is responsible for replying to prisoners' confidential access complaints to the Area Manager or representations to Ministers (via MPs or others) or officials which make allegations against staff.
- The Discipline Policy Team in Personnel Management Group may need to be consulted about procedures before an investigation is started. In particular, the Discipline Policy Team will advise on:
  - whether to refer the allegation to the police;
  - suspension from duty; and
  - appropriate action following either a police or an internal investigation.

## **11.3 Procedure for making complaints**

11.3.1 *The normal procedure for making complaints against staff is by means of a written statement on a complaint form, either under ordinary procedures or under confidential access. However, any written allegation against a member of staff must be investigated, irrespective of whether the prisoner has used a form.*

11.3.2 Where a prisoner wishes to withdraw a written allegation, he or she should be permitted to do so by endorsing the complaint form. However, a manager or senior manager has discretion to continue an investigation if he or she judges that the circumstances of the case justify it. He or she might decide, for example, that the nature of an allegation justifies this action or that investigation would serve to remove doubts in the minds of staff or other prisoners. Any reasons given by the prisoner for withdrawing

the allegation should be taken into account in deciding whether to initiate an investigation.

- 11.3.3 Where a prisoner makes an oral allegation of misconduct by a member of staff, in the hearing of another member of staff or a member of the Board of Visitors, the prisoner should be encouraged to put the allegation in writing on a complaint form, under confidential access if he or she so wishes. The prisoner's attention should also be drawn to the information leaflet for prisoners on how to make a complaint. A note to the effect that these steps have been followed should be made on the prisoner's F2050.
- 11.3.4 A prisoner might decline to put an allegation in writing because he or she has language or literacy difficulties. In these circumstances, the prisoner should be asked whether he or she wishes the allegation to be investigated. If so, the member of staff or member of the Board of Visitors to whose attention the allegation has been brought should make a note of the allegation and pass it to the appropriate manager or senior manager to investigate.
- 11.3.5 A prisoner might decline to put an allegation in writing for some other reason. A prisoner might feel, for example, that it is dangerous to do so or might decide on reflection to withdraw the allegation. The member of staff or member of the Board of Visitors to whose attention the allegation has been brought should nevertheless still make a note of the allegation and pass it to the appropriate manager or senior manager to consider whether the allegation should be investigated. It is open to a manager to initiate an investigation into an oral allegation, even though a prisoner may have declined to make it in writing, for similar reasons to those mentioned in paragraph 11.3.2 above. Any reasons given by the prisoner for withdrawing the allegation or declining to make it in writing should be taken into account in deciding whether to initiate an investigation.
- 11.3.6 *Where an allegation, whether made orally or in writing, involves an accusation of racism against a member of staff, the procedures specified in paragraphs 12.1.1 - 12.1.9 in Chapter 12 and in PSO 2800 and any subsequent instructions on race relations must be followed.*
- 11.3.7 *Where it is alleged that a member of staff has committed an assault, the alleged victim must be examined by a Medical Officer as soon as possible and the outcome recorded.*

#### **11.4 Allegations made before or at an adjudication**

- 11.4.1 Establishments should refer to the Prison Discipline Manual for the procedures on handling allegations about staff made before or at an adjudication.

## **11.5 Investigations**

11.5.1 *If a governing governor or Area Manager considers that there is evidence that a criminal offence may have been committed by a member of staff, the Discipline Policy Team in Personnel Management Group must be consulted by telephone without delay so that consideration can be given to whether the matter should be referred to the police. If the police are called in, the Discipline Policy Team will advise whether the internal investigation should be suspended.*

11.5.2 *All investigations in the Prison Service must be carried out in accordance with PSO 1300 (Investigations). Depending on the nature of the complaint or allegation, PSO 1300 must be read in conjunction with other orders relating to specific types of investigation. These include:*

- *Conduct and Discipline in the Prison Service*
- *Prison Discipline Manual*
- *PSO 2800 (Race Relations)*
- *PSO 8010 (Equal Opportunities)*

11.5.3 Responsibility for investigations normally rests with line management. However, in most cases of complaints made by prisoners involving allegations against members of staff any investigation will be commissioned by the governing governor or, in case of a confidential access complaint to the Area Manager, by the Area Manager.

11.5.4 The level of investigation should be decided by line management, the governing governor or the Area Manager, based on the seriousness of the allegation.

## **11.6 Action following an investigation**

11.6.1 The report of any investigation should normally be considered by the governing governor or the Area Manager. If the investigation report recommends that the allegation should be considered formally at an internal disciplinary hearing, the guidance in the Code of Conduct and Discipline in the Prison Service should be followed. *If the governing governor or the Area Manager is satisfied that the allegation is without substance, he or she must inform the prisoner and the member of staff involved and should consider what else needs to be done by way of making known the outcome of the investigation if that would be appropriate.*

## **11.7 Unfounded allegations**

11.7.6 A prisoner who has made an allegation against a member of staff which, on investigation, has been deemed to be unfounded should be given a written warning not to repeat the allegation.

11.7.2 If a prisoner repeats an allegation in spite of a warning not to do so, he or she should be given a formal order not to repeat the allegation again. If a prisoner persists in making a groundless allegation, despite having been given a warning and a formal order, a disciplinary charge of “disobeying a lawful order” may be appropriate.



**KEY POINTS**

- The complaints system must ensure that a racial aspect to any complaint is recognised, recorded and investigated. Both the ordinary and confidential access complaint forms, and the appeal form, include a box for the prisoner to tick if the complaint has a racial aspect.
- The complaints system and the procedures for reporting racist incidents must support and complement each other, but care must be taken to avoid duplication or confusion.
- The ordinary and confidential access complaint forms also include a box for the prisoner to tick if the complaint is about bullying. This is to enable anti-bullying procedures to be implemented where necessary, in accordance with the arrangements set out in PSO 1702.
- The establishment where a prisoner is located at the time he or she submits a complaint or appeal is responsible for ensuring that the prisoner is provided with a response.
- An establishment where a prisoner was located at the time of the incident or circumstances to which a complaint refers is, where appropriate, responsible for providing a draft response or information on which a response can be based.
- An establishment is not, in general, expected to be responsible for investigating or overturning a decision made in a previous establishment.
- A complaint about loss of or damage to property which is upheld must at some stage be considered by a member of staff of sufficient seniority to authorise compensation.

**12.1 Complaints with a racial aspect**

12.1.1 Paragraphs 12.1.2 - 12.1.9 below should be read in conjunction with PSO 2800 on Race Relations.

12.1.2 *Under the Prison Service policy on racial incidents, all incidents with a racial aspect, however minor, must be recorded by the establishment's Race Relations Liaison Officer (RRLO). This includes incidents reported orally and those resolved informally. It also includes an incident perpetrated by any person in the prison (i.e. prisoners, staff or visitors) against any other person. The rigorous recording of such incidents is part of the necessary monitoring of an establishment's success in implementing the Prison Service race relations policy.*

- 12.1.3 *The complaints system must ensure that a racial aspect to any complaint is recognised, recorded and investigated.* It may not always be evident that a matter being complained about is of a racial nature. A racial incident is defined as any incident which is *perceived* to be racial by the victim or any other person. It is possible for a complaint to appear to be about something unrelated to race (it may be about abuse, intimidation, or being treated unfairly), when in fact the underlying concern of the complainant is about race. That is for the prisoner to decide. Both the ordinary and confidential access complaint forms include a box for the prisoner to tick if the complaint has a racial aspect.
- 12.1.4 *An ordinary complaint (i.e. not confidential access or reserved subject) which has the “racial aspect” box ticked must be passed to the RRLO after it has been registered and given a serial number. The complaints clerk, or the relevant senior officer where appropriate, must record that this has been done.* The RRLO will open a racist incident reporting form, make preliminary inquiries and make a report with recommendations to the chair of the race relations monitoring team (i.e. the governing or deputy governor). The RRLO will respond to the complaint and return it to the prisoner via the complaints clerk, unless he or she decides that the racial aspect is minor or tangential. In these circumstances, the RRLO will pass the complaint to the appropriate wing officer or other appropriate member of staff for reply. *The RRLO must inform the complaints clerk that this has been done.* The RRLO will contribute a view to the officer responding to the complaint.
- 12.1.5 *Where a complaint with a racial aspect is re-submitted as an appeal at stage 2 or 3, the member of staff considering the appeal at either stage must inform the RRLO and where appropriate liaise with the RRLO in providing the response.* This is particularly important in cases in which the RRLO provided the original response.
- 12.1.6 *If a prisoner has ticked the “racial aspect” box on a confidential access complaint form, then the recipient of the complaint must inform the RRLO of the reference number, the date of the complaint, the nature of the complaint and the action taken without identifying the prisoner.* This requirement includes confidential access complaints addressed to Area Managers.
- 12.1.7 *If a prisoner has ticked the “racial aspect” box on a complaint about a reserved subject, the complaints clerk must provide a copy of the complaint to the RRLO, before forwarding the complaint to the appropriate headquarters unit, and must inform the RRLO where the complaint has been sent. The complaints clerk must provide a copy of the reply to the RRLO when it is received.*

12.1.8 Racist incidents can also be reported to the RRLO on a racist incident reporting form. This form is not just for use by prisoners, but can be used by anyone - staff, prisoners and visitors - within a prison who suffers or witnesses a racist incident. *A racist incident reporting form which concerns an incident suffered by the prisoner who submitted the form must be treated as a complaint.* The RRLO will attach the form to an ordinary complaint form and will pass the details to the complaints clerk to enable the clerk to register the complaint and allocate a serial number. The RRLO will respond to the complaint, after which the prisoner may appeal in the normal way.

12.1.9 *The complaints system and the procedures for reporting racist incidents must support and complement each other, but care must be taken to avoid duplication or confusion. The RRLO, the complaints clerk and where necessary the complaints co-ordinator must work closely to ensure that complaints with a racial aspect are where appropriate recorded as racist incidents and, conversely, that incidents reported on a racist incident reporting form are where appropriate dealt with as complaints.* A report of a racist incident can at the same time be a complaint, and vice-versa, but as a general principle the complaint or report should not be subject to more than one process of investigation or consideration.

12.1.10 The number of complaints with the 'racial aspect' box ticked is among the optional data which may be compiled at the end of each month (see Chapter 18). However, this figure will only be a crude indicator of the extent of any racial problems in an establishment and may by itself be misleading. A more useful indicator is the number of complaints judged by the RRLO to have a substantial racial aspect and taken on by the RRLO for reply.

## **12.2 Complaints about bullying**

12.2.1 The ordinary and confidential access complaint forms also include a box for the prisoner to tick if the complaint is about bullying. This is to enable anti-bullying procedures to be implemented where necessary, in accordance with the arrangements set out PSO 1702. *If the complaint is about alleged bullying by staff, the procedures set out in Chapter 11 must be followed.*

12.2.2 Prisoners who are the victims of bullying may be afraid to make a complaint about it directly, even under the confidential access procedures. Bullying might be the underlying reason for a complaint even if this is not directly expressed or if the relevant box has not been ticked. As with the number of 'racial aspect' complaints, the number of complaints with the 'bullying' box ticked will by itself only be a crude indicator. Establishments should not rely solely on the complaints procedures to be alerted to



instances of bullying and must follow the anti-bullying strategy in PSO 1702.

### **12.3 Complaints which involve another establishment**

12.3.1 A complaint or appeal submitted in one establishment might involve an incident which occurred in a previous establishment, or during transit between one establishment and another. The establishment where the prisoner is located at the time he or she submits a complaint or appeal is responsible for ensuring that the prisoner is provided with a response. An establishment where a prisoner was located at the time of the incident or circumstances to which a complaint refers is, where appropriate, responsible for providing a draft response or information on which a response can be based.

12.3.2 Complaints involving another establishment should be logged and given a reference number by the holding establishment, but it is recommended that they should be logged separately so that they can easily be distinguished from complaints which wholly concern the establishment itself.

12.3.3 Where necessary, the establishment holding the prisoner should seek information from the previous establishment to enable a reasoned reply to be made to the complaint. The type of information which one establishment might reasonably expect to receive from another is:

- details of the subject matter of the complaint, including reports and supporting documents;
- details of any attempts by the prisoner to resolve the matter informally, including the outcome of any application;
- a draft response to the complaint.

12.3.4 Requests for information and replies should pass through the complaints clerks of the respective establishments. Establishments receiving such requests should try to deal with them within a week of receipt. Interim replies will need to be sent to the prisoner (by the holding establishment) in some cases.

12.3.5 An establishment is not, in general, expected to be responsible for investigating or overturning a decision made in a previous establishment. There may be exceptions, for example in a case in which a prisoner appeals against the response to a complaint made in a previous establishment and it is apparent to the holding establishment that the response was factually incorrect (e.g. it was based on a misinterpretation of a statutory provision, rule or regulation). In such circumstances the holding establishment may overturn a response to a

complaint on appeal, but should wherever possible agree the new response with the previous establishment.

12.3.6 The action to be taken in the various possible cases is summarised below.

(a) **An establishment receives a complaint about an incident which occurred in a previous establishment.** The holding establishment logs the complaint and forwards a copy to the previous establishment, with a request to provide information on the complaint and/or a draft reply.

(b) **An establishment receives a request for information about a complaint from a prisoner who has moved to another establishment.** The facts of the complaint should be investigated by the establishment in which the incident occurred as thoroughly as it would have been if the prisoner had still been located there. The outcome of the investigation, together with any relevant supporting papers, should be considered at the appropriate level and should then be forwarded by the complaints clerk to the establishment which made the request, together with a draft response. The establishment responsible for responding to the prisoner might then reply along the following lines: "We asked HMP [ ] to investigate your complaint. They have done so, and have provided the following reply: "

(c) **A prisoner submits a complaint and is transferred before receiving a response.** The response should still come from the establishment which was holding the prisoner when the complaint was made. The response and any supporting papers should be sent to the prisoner's new establishment by the complaints clerk, who should record the action taken.

(d) **A prisoner submits an appeal (at stage 2 or stage 3) against a response to a complaint which was either made in another establishment or considered by another establishment under the arrangements described in paragraph (a) above.** Similar arrangements apply as in cases (a) and (b) above. The establishment where the prisoner is held is responsible for ensuring that the prisoner receives a response to his or her appeal, but the establishment which was responsible for the content of the original reply is also responsible for considering the appeal and providing a draft response to the appeal. This is subject to exceptional cases as described in paragraph 12.3.5 above.

(e) **A prisoner submits a complaint on a reserved subject which concerns an establishment where the prisoner is no longer held.** The establishment where the prisoner is currently held should forward the complaint to the Briefing and Casework Unit, the Directorate of High

*Security Prisons Support Unit or to the appropriate headquarters unit. The holding establishment should ensure that all necessary accompanying papers are attached, where necessary obtaining information from the previous establishment in the way outlined above.*

**(f) A prisoner submits an appeal against an adjudication made in a previous establishment.** *The establishment where the prisoner is currently held should forward the appeal to the Briefing and Casework Unit or the Directorate of High Security Prisons Support Unit.*

## **12.4 Complaints about loss of or damage to property**

12.4.1 *A complaint about loss of or damage to property which is upheld must at some stage be considered by a member of staff of sufficient seniority to authorise compensation. This need not prevent such complaints from being considered in the first instance by a wing officer in the same way as any other type of complaint. A wing officer should be able to investigate the basic facts of the case and assess whether the complaint is justified.*

12.4.2 The remarks in paragraphs 12.3.1 - 12.3.6 above about complaints involving more than one establishment are particularly relevant where property complaints are concerned. Any compensation will be paid by the establishment where the loss or damage occurred (or by those responsible for transferring the prisoner if the loss or damage occurred in transit). It is therefore essential that the respective establishments agree at an early stage which of them is responsible for providing the substantive response to the complaint and any compensation if it is upheld. If the establishments are unable to agree, the case should be referred to the Briefing and Casework Unit or the Directorate of High Security Prisons Support Unit, as appropriate, for them to reach a decision.

12.4.3 Property and levels of compensation in cases of loss or damage will be the subject of a separate PSO.

## CHAPTER 13 TIME LIMITS

### KEY POINTS

- Resolution of complaints within a reasonable time is important to prisoners and to the integrity of the complaints system as a whole. Time limits apply for each stage of the procedures.
- It will not always be possible to meet a deadline. Establishments are not expected to meet the targets in every case. Delays should nevertheless be regarded as exceptional.
- Interim replies should be sent within the time limit for a response to a complaint.

13.1 Resolution of complaints within a reasonable time is important to prisoners and to the integrity of the complaints system as a whole. Delay has in the past been a significant weakness in the complaints system.

13.2 Time limits will apply for each stage of the procedures. The limits to be applied are summarised in the table below. “Weekdays” exclude Saturdays, Sundays and public holidays. “Weeks” and “months” are calendar weeks and months, i.e. including weekends and public holidays.

Action	Time limit
Submission of complaint by prisoner	Within 3 months of the incident or the circumstances coming to the prisoner’s attention
Stage 1 response	3 weekdays
Stage 1 response to complaint against member of staff	10 weekdays
Stage 1 response to complaint involving another establishment	10 weekdays
Stage 1 response by RRLO	5 weekdays
Stage 1 response with racial aspect (not provided by RRLO)	5 weekdays
Re-submission by prisoner of complaint at stage 2	Within one week of receipt of the stage 1 response
Stage 2 response	7 weekdays
Stage 2 response to complaint against member of staff	10 weekdays
Stage 2 response to complaint involving another establishment	10 weekdays
Re-submission by prisoner of complaint at stage 3	Within one week of receiving stage 2 response

Stage 3 response	7 weekdays
Stage 3 response to complaint against member of staff	10 weekdays
Stage 3 response to complaint involving another establishment	10 weekdays
Confidential access to governing governor	7 weekdays
Confidential access to Area Manager	6 weeks
Submission of adjudication appeal by prisoner	Within 3 months of the adjudication
Response to adjudication appeal	6 weeks
Response to complaint about a reserved subject	6 weeks

13.3 Time limits for responses run from the date the complaint or appeal is registered by the complaints clerk.

13.4 It will not always be possible to meet a deadline if a case is complex, or because of staffing difficulties, or because reports are required from outside agencies (for example in the case of a complaint about custody and escort). Establishments are not expected to meet the above targets in every case. Delays should nevertheless be regarded as exceptional. Interim replies should be sent within the time limit for a response to a complaint.

**KEY POINTS**

- Prisoners may pursue a complaint with the Prisons and Probation Ombudsman after all the internal avenues of complaint have been exhausted, provided they do so within one month of having received the response to the final stage in that process.
- Information on how decisions were reached at earlier stages in the consideration of a prisoner's complaint must be readily available to enable the Ombudsman to investigate cases effectively.
- Where a complaint reaches the governing governor at stage 3, establishments must where possible retain any evidence or other material on which the Governor reaches his or her decision.
- The Ombudsman will continue to submit formal reports to the Director General. For the time being, responses to the Ombudsman's reports will continue to be made by Prison Service headquarters.
- Full information on the Ombudsman and the process for considering complaints which have been made to the Ombudsman is provided in PSO 2520.

**14.1 The right to complain to the Ombudsman**

14.1.1 Prisoners may pursue a complaint with the Prisons and Probation Ombudsman after all the internal avenues of complaint have been exhausted, provided they do so within one month of having received the response to the final stage in that process. The Ombudsman may in some cases accept a complaint made outside this time limit, depending on the circumstances.

14.1.2 The internal complaints process is regarded as having been completed at the following points:

Ordinary complaints	On receipt of the governing governor's
response to stage 3	

Confidential access complaints	On receipt of the response from the
governing governor, the Area Manager or the Chair of the	
Board of Visitors, as appropriate	

Reserved subject complaints	On receipt of the response from
headquarters	

## **14.2 Information for the Ombudsman's investigation and Prison Service responses**

14.2.1 *Information on how decisions were reached at earlier stages in the consideration of a prisoner's complaint must be readily available to enable the Ombudsman to investigate cases effectively.* The complaint form and the appeal form should together provide a continuous record of the decisions taken on a complaint at each stage. The forms cannot, however, provide all the evidence and information which the Ombudsman might need.

14.2.2 *Where a complaint reaches the governing governor at stage 3, establishments must where possible retain any evidence or other material on which the Governor reaches his or her decision.* Ideally there should be a single dossier of material on a complaint which reaches this stage, on which the Ombudsman can base his investigation if the prisoner complains to him. This will not only help the Ombudsman and his investigators, but will also make it easier for establishments to respond to the Ombudsman without having to go over old ground or rely on memory.

14.2.3 The Ombudsman will seek to resolve cases in a variety of ways, including a letter, a formal report and local resolution. The Ombudsman will continue to submit formal reports to the Director General. For the time being, responses to the Ombudsman's reports will continue to be made by Prison Service headquarters. Headquarters staff will not have been involved in the consideration of ordinary complaints at any stage. It is therefore essential the material relating to a complaint referred to in paragraph 14.2.2 is readily available to enable headquarters staff to prepare a response to Ombudsman's reports.

## **14.3 Prisons and Probation Ombudsman PSO**

14.3.1 Full information on the Ombudsman and the process for considering and responding to complaints which have been made to the Ombudsman is provided in PSO 2520.

## CHAPTER 15 THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION

### KEY POINTS

- Prisoners have the right to submit a complaint to the Parliamentary Commissioner for Administration (PCA), through a Member of Parliament (MP), at any stage.
- Prisoners must make a complaint in writing through an MP (normally their own constituency MP) within 12 months of the date on which he or she first had knowledge of the matters giving rise to it.
- If the PCA decides that a complaint merits further investigation, his staff will normally contact the Prison Service in an effort to resolve the matter immediately, before instigating a more lengthy statutory investigation.
- If the PCA is unable to resolve the complaint by means of such preliminary enquiries, he may decide to begin a statutory investigation.
- At the conclusion of the investigation, the PCA will send a draft report of the results to the Director General, inviting comment on matters of fact and presentation, and responses to any recommendations.
- The approach of the PCA towards redress is that a person who has sustained injustice as a result of maladministration should, so far as possible, be returned to the position that he or she would have been in, had that maladministration not occurred.

### 15.1 Introduction

- 15.1.1 Prisoners have the right to submit a complaint to the Parliamentary Ombudsman, known as the Parliamentary Commissioner for Administration (PCA), through a Member of Parliament (MP) at any stage. A complaint can be pursued either internally or through the Prisons and Probation Ombudsman at the same time.
- 15.1.2 The PCA is a statutory, public sector Ombudsman. The Parliamentary Commissioner is not a civil servant although the PCA staff are. He is an Officer of the House of Commons appointed by the Crown; his powers and responsibilities are laid down in the Parliamentary Commissioner Act 1967.
- 15.1.3 The PCA's role is to investigate complaints by persons who claim to have sustained injustice in consequence of maladministration in connection with the exercise of the administrative functions of a body within PCA's jurisdiction (which includes the Prison Service and anyone acting on its behalf). "Maladministration" is not defined in statute, but may include such things as avoidable delay, faulty procedures or failing to follow correct



procedures, and giving advice which is misleading or inadequate. The PCA also looks at complaints about refusal of access to official information. The PCA will not normally investigate a complaint unless the body responsible for the alleged grievance has been approached and been given the opportunity to put matters right, although it is not necessary for a prisoner to have exhausted all the body's internal complaints mechanisms before the PCA will intervene.

## **15.2 Making a complaint to the PCA**

15.2.1 Prisoners must make a complaint in writing through an MP (normally their own constituency MP) within 12 months of the date on which he or she first had knowledge of the matters giving rise to it. In the initial correspondence, the prisoner has to ask that the MP refer the case and any supporting evidence to the PCA..

15.2.2 Supporting evidence allows the MP to determine whether the prisoner has a legitimate complaint. It is therefore very important that any additional paperwork concerning the investigation and outcome of the internal complaints procedures, and any other relevant documents, should be attached. If the MP believes that the prisoner has a proper case, the MP may forward the documents to the PCA who will make the final decision as to whether the complaint is worthy of further investigation.

15.2.3 The PCA would expect the aggrieved prisoner to provide some evidence or indication of administrative fault on the part of the Prison Service, making it clear what injustice has been sustained and what the complainant envisages as a suitable outcome. The PCA will not normally conduct an investigation where there appears to be no prospect of a worthwhile outcome. The prisoner is not, however, expected to prove the case conclusively.

15.2.4 If the PCA decides that there is no justifiable basis for an investigation, he will inform the MP and it will be up to the MP to make this decision known to the prisoner.

## **15.3 The Parliamentary Commissioner's investigation**

15.3.1 If the PCA decides that a complaint merits further investigation, his staff will normally contact the Prison Service in an effort to resolve the matter immediately, before instigating a more lengthy statutory investigation. A satisfactory conclusion may be reached by dealing with cases in this way, saving a considerable effort on both the part of the PCA's office and the Prison Service, whilst minimising the delay for the prisoner making the complaint.

15.3.2 If the PCA is unable to resolve the complaint by means of such preliminary enquiries, he may decide to begin a statutory investigation. In these circumstances, he will send a written statement of the complaint to the MP and to the Permanent Secretary of the Home Office, who in turn forwards it to the Director General. The Director General is expected to send the PCA a detailed written response to the statement of complaint within three weeks. The response will include a narrative of events relevant to the complaint, supported wherever possible by reference to contemporary documentary evidence, an explanation of any relevant procedures, and a commentary as to whether the complaint is considered to be justified. If the complaint is considered to be justified, in whole or in part, the response will say what is proposed to remedy any consequent injustice to the prisoner, or make good any procedural shortcomings identified.

15.3.3 The Director General's response to the PCA will be accompanied by all the prison's records held relating to the prisoner, full print-outs of the prison's computer records, extracts from any other documents relevant to the complaint, signed statements containing any additional evidence obtained from prison staff or other prisoners and copies of any relevant rules, standing orders and other national or local instructions. It is vital that the evidence presented with the Director General's response is clear, accurate and complete; lack of clarity, errors or omissions will result in the need for further enquiries by the PCA's staff and prolong the investigation unnecessarily.

15.3.4 The PCA follows the government's policy that official information should be made available unless it is clearly not in the public interest to do so. Staff providing information to the PCA or checking draft reports must identify to the PCA any information which they consider should not be disclosed to the prisoner or the public. Examples will include circumstances where disclosure would be:

- against the interests of national security;
- likely to prejudice the security of the prison;
- likely to put at risk a third party source of information;
- likely to be detrimental on medical or psychiatric grounds to the mental or physical health of a prisoner;
- likely to prejudice the administration of justice including legal proceedings;
- of papers capable of attracting legal privilege.

15.3.5 Once the PCA has received the Director General's response to the complaint, with the supporting paperwork, the PCA's staff will begin such further enquiries, if any, as they consider necessary to complete the investigation and write a report of the outcome. The procedure for handling such further enquiries is broadly the same as that for handling

investigations and enquiries by the Prisons and Probation Ombudsman. Staff who are in any doubt as to how to respond to the PCA's staff should contact the Briefing and Casework Unit or the Directorate of High Security Prisons, who will contact the PCA's office directly if clarification is required.

15.3.6 It is important that prison staff co-operate fully and promptly with all aspects of the PCA's investigation, including the provision, where required, of comprehensive and accurate additional information about the case and about any related procedures within any deadlines set. Failure to do so will delay the conclusion of the investigation and may in itself be the subject of criticism by the PCA in his report to the MP on the outcome.

15.3.7 At the conclusion of the investigation, the PCA will send a draft report of the results to the Director General, inviting comment on matters of fact and presentation, and responses to any recommendations. The PCA usually expects a full reply within three weeks. On receipt of the reply, the PCA issues a final report to the Permanent Secretary of the Home Office and the MP.

#### **15.4 The Parliamentary Commissioner's recommendations**

15.4.1 The first consideration of the PCA in making recommendations is to obtain redress for any injustice. The approach of the PCA towards redress is that a person who has sustained injustice as a result of maladministration should, so far as possible, be returned to the position that he or she would have been in, had that maladministration not occurred. The PCA cannot order the body complained against to provide a remedy. However, in the past, the Government has usually accepted his recommendations. If the PCA believes that an injustice has taken place and his recommendation for redress is not accepted, the PCA may lay a special report before Parliament.

The PCA may also make recommendations for changes to procedures and instructions, aimed at preventing a recurrence of the maladministration identified.

15.4.2 The PCA will include any recommendations in the draft report he sends to the Director General. In replying to the draft report, the Director General will indicate the action he proposes to take to implement the recommendations. The agreed action will be stated in the final report. It is important that any such action is taken urgently as soon as the PCA's final report is received, and the PCA's staff notified through the Briefing and Casework Unit at headquarters of its completion. The PCA's staff will follow the matter up in due course with the Director General to ensure that any remedy for the prisoner, and/or changes to procedures and instructions, have been implemented without delay.



**KEY POINTS**

- **Staff need to be aware of other avenues through which prisoners may pursue a complaint.**
- **A prisoner who wishes to pursue a complaint through one of the avenues described in this Chapter does not necessarily have to have exhausted the internal Prison Service complaints procedures, although some of the organisations listed will expect the prisoner at least to have raised his or her complaint with prison staff.**

**16.1 General remarks**

16.1.1 Staff need to be aware of other avenues through which prisoners may pursue a complaint. The paragraphs which follow indicate the responsibility of the establishment in each case and the advice that needs to be given to prisoners who wish to pursue a complaint in this way. Unlike in the case of a complaint to the Prisons and Probation Ombudsman, a prisoner who wishes to pursue a complaint through one of the avenues described in this Chapter does not necessarily have to have exhausted the internal Prison Service complaints procedures, although some of the organisations listed will expect the prisoner at least to have raised his or her complaint with prison staff.

**16.2 Petitions to the Queen**

16.2.1 Every subject of the Queen has constitutional right to petition Her Majesty. Others, though they have no such right, have their petitions treated in the same way as those of British subjects. All prisoners, whether British subject or not, should be allowed to petition the Queen if they wish.

16.2.2 A petition to the Queen should normally be written on letter paper and should be submitted to the Area Manager. If the prisoner insists on sending it direct to the Queen, he or she should be allowed to do so.

**16.3 Petitions to Parliament**

16.3.1 Every prisoner is entitled to petition Parliament. As a general rule, petitions to Parliament are presented in the House of Commons; a prisoner who is not sure which House to petition should be advised to petition the House of Commons through a Member of Parliament. The MP need not necessarily be the constituency MP of the prisoner. Petitions

may also be presented to the House of Lords via a member of that House, although the House of Lords has a distinct judicial function (considered at paragraph 16.3.7 below).

- 16.3.2 Headquarters need not necessarily be consulted if a prisoner wishes to petition the House of Commons, unless the case gives rise to issues not covered here. Letter paper together with a copy of the instructions at **Annex I** should be given to the prisoner. At the same time, it is open to the member of staff to attempt to resolve the prisoner's complaint by talking to the prisoner and taking such action as is thought appropriate. The prisoner is not obliged, however, to discuss the subject of the petition with staff.
- 16.3.3 If a petition is found to contain an allegation against a member of staff, action should be taken in accordance with Chapter 11 of this Order. Such action must not delay the onward transmission of the petition and establishments must not take a copy of such a petition for their own purposes.
- 16.3.4 Prisoners who have literacy or English language difficulties should be given any help they need to complete a petition. In each case the prisoner should be advised to follow carefully the instructions in **Annex I**. Prisoners should send their completed petitions to a named MP. Petitions addressed only to "the House of Commons" will be returned. If a prisoner does not know to which MP to address the petition, the name of his or her own constituency MP should be obtained from the prison library. A prisoner's constituency MP is the MP for the address where he or she would be living if he or she were not in prison, or where he or she last lived before entering prison, not for the area in which the prison is located.
- 16.3.5 Section 84(1)(b) of the Post Office Act 1969 provides for petitions to be transmitted through the post to MPs free of charge, provided they are sent without covers, or in covers open at the sides, and do not exceed 32 ounces (0.9 kg) in weight. Petitions to Parliament sent in this way do not count against a convicted prisoner's allowance of letters.
- 16.3.6 Although it is the duty of the MP to whom a petition is addressed to read it, he or she is not bound to present it to the House. It is for the House of Commons to decide if a petition presented to it is fit or unfit to be received. If the petition is presented and received by the House it will be published in full in the Votes and Proceedings section of the Order Paper and the Home Secretary will be formally invited to respond. The complaint will be investigated by headquarters, who will then advise Ministers whether the case is sufficiently exceptional for the Home Secretary to publish a reply. It is not the general practice to do so and most petitions presented to the Commons do not receive a reply. If, instead, the MP sends a copy of the petition directly to the Minister, the correspondence will be

dealt with by headquarters in the same way as other Ministerial correspondence.

- 16.3.7 Prisoners who wish to petition the House of Lords in its judicial capacity in respect of criminal or civil appeals should consult their legal advisers. Instructions on the procedure for bringing appeals to the House of Lords are available from the Judicial Office of the House.
- 16.3.8 Prisoners may ask a member of the House of Lords to present a petition not connected with litigation to the House of Lords on their behalf in much the same way as an MP may present a petition to the House of Commons. In such a case the information contained in paragraphs 16.3.2 to 16.3.5 above is equally applicable, with the substitution of **Annex J** for **Annex I**. Unlike petitions to the House of Commons, petitions presented to the House of Lords are not published or referred to Ministers for comment, although it is possible for a petition, once presented, to be taken up by a member of the House of Lords with a view to its being subsequently debated. Members of the House of Lords may also send petitions directly to the Minister, in which case they will be dealt with in the same way as other Ministerial correspondence.

#### **16.4 The courts**

- 16.4.1 Prisoners may instigate a civil action against the Prison Service or an individual member of staff. Prisoners may also bring a private prosecution. Prisoners should be allowed to discuss a prospective private prosecution and make arrangements for initiating it in correspondence or meetings with their legal adviser or any other person.
- 16.4.2 Prisoners who intend to institute criminal proceedings about an event which is alleged to have occurred outside the establishment should be advised that if they have any evidence that a criminal offence has been committed it should be communicated to the appropriate Chief Officer of Police. If the event is alleged to have occurred with the establishment, it is for the governor to take any necessary action as set out at Chapter 11 of this Order if the complaint is against a member of staff, or under the Prison Discipline Manual if it is against another prisoner.

#### **16.5 The Criminal Cases Review Commission**

- 16.5.1 The Criminal Cases Review Commission (CCRC) is responsible for investigating suspected miscarriages of criminal justice in England, Wales and Northern Ireland. The Commission is a last resort. It cannot normally consider any case until it has been through the appeal system. Establishments should hold full information on the CCRC and to how to apply. The CCRC is covered in PSO 4000(3).

## **16.6 The Criminal Injuries Compensation Authority**

16.6.1 The Criminal Injuries Compensation Authority (CICA) considers applications for payments of compensation from applicants who have sustained injury directly attributable to a crime of violence, under the Criminal Injuries Compensation Scheme.

16.6.2 Prisoners who make a request or complaint for compensation on these grounds should be advised to apply to the CICA. The reply should say:

"You will be allowed to apply for compensation to the Criminal Injuries Compensation Authority, Tay House, 300 Bath Street, Glasgow G2 4LN. The CICA can award compensation in appropriate cases for injuries directly attributed to a crime of violence."

## **16.7 European Court of Human Rights**

16.7.1 A prisoner or his or her representative may submit an application to the European Court of Human Rights concerning any aspect of his or her treatment in prison. The Court will not generally deal with an application until a prisoner has exhausted the available domestic remedies. This may be explained to the prisoner, but no attempt should be made to discourage a prisoner from making an application if he or she decides to do so.

16.7.2 The governor is under no obligation to investigate the complaint or set any enquiries in hand merely because the prisoner has decided to pursue his or her complaint with the Court. It is, however, open to the governor to initiate enquiries in any case in which they appear to be justified. A report of the result of the enquiries must be made to the Area Manager before any consequential action affecting the prisoner is taken. In particular, no disciplinary charge must be made against a prisoner because of anything contained in an application to the Court.

## **16.8 Commission for Racial Equality (CRE)**

16.8.1 If a prisoner approaches the Commission for Racial Equality (CRE) alleging racial discrimination, the CRE will normally follow this up with a questionnaire and a covering note seeking information.

16.8.2 It is important to remember, when providing information in connection with a questionnaire as described in paragraph 16.8.1 above, that any reply made to the CRE is (subject to the normal rules relating to the admissibility of evidence) admissible in evidence in court proceedings under the Race Relations Act 1976. If it appears to the court that, without



reasonable excuse, the Prison Service deliberately omits to reply within a reasonable period, or that a reply is evasive or equivocal, the court will be entitled to draw any inference from that fact that it considers just and equitable to draw, including an inference that an unlawful act was committed. It is therefore important that full answers are provided promptly to any request for information relating to allegations of racial discrimination.



**KEY POINTS**

- It is essential that all prisoners know how to make a complaint. Establishments must inform prisoners about requests and complaints procedures in their induction process and include details of the procedures in any locally produced prisoner information.
- Posters and information leaflets for prisoners on the complaints procedures must be displayed or be made available on wings and landings, at or near the place where complaint forms are made available.
- All staff must be aware of the requests and complaints procedures. The complaints co-ordinator and the complaints clerk must be fully conversant with the instructions in this Order.
- Any member of staff who replies to complaints, or who is likely to be called on to do so, must be familiar with the instructions in this Order.

**17.1 Information for prisoners**

17.1.1 Some prisoners have in the past been poorly informed about the complaints system, picking up information mainly from other prisoners. It is essential that all prisoners know how to make a complaint.

17.1.2 *Establishments must inform prisoners about requests and complaints procedures in their induction process and include details of the procedures in any locally produced prisoner information. Requests and complaints procedures are also covered in the centrally produced Prisoners' Information Books.*

17.1.3 Posters and information leaflets for prisoners on the complaints procedures are available centrally. *Posters must be displayed prominently on wings and landings, above or near the box for the receipt of completed complaints forms and where the forms are made available. Copies of the leaflets must be available on wings and landings, at or near the place where the complaint forms are made available. The text of the longer version of the two leaflets is at **Annex K**. This contains more information than most prisoners will need or be prepared to read, but it must be available for those prisoners who want it. A shorter version, giving basic information, is at **Annex L**.*

17.1.4 Establishments may adapt the information in the leaflets to reflect their own local procedures or to meet the particular needs of their population (e.g. in the case of juveniles).

## **17.2 Information for staff**

17.2.1 *All staff must be aware of the requests and complaints procedures. The complaints co-ordinator and the complaints clerk must be fully conversant with the instructions in this Order. The procedures specified here will require a wider range of staff, particularly wing staff, to reply to complaints than did previous procedures. Any member of staff who replies to complaints, or who is likely to be called on to do so, must be familiar with the instructions in this Order.*

## CHAPTER 18      STATISTICS, MANAGEMENT INFORMATION AND MONITORING ARRANGEMENTS

### KEY POINTS

- A monthly statistics sheet, based on the monthly log of complaints, must be compiled by the complaints clerk and sent to the governing governor and Area Manager
- The extent and level of detail to which statistics are compiled is a matter for individual establishments and Area Managers to decide. This is subject to the need to compile certain basic data for the purposes of assessing whether Key Performance Targets are being met.
- Senior management should use data on complaints to indicate where there are particular problem areas and take appropriate remedial action.
- It is the responsibility of managers at all levels to ensure that responses to prisoners' complaints are of a high quality.
- The complaints co-ordinator should examine monthly samples of complaint and appeal forms to check that complaints are being addressed properly. The co-ordinator should draw attention to any shortcomings and ensure that the necessary remedial action is taken (e.g. by providing advice or suggesting training).

### 18.1 Statistics

18.1.1 *A monthly statistics sheet, based on the monthly log of complaints, must be compiled by the complaints clerk and sent to the governing governor and Area Manager.*

18.1.2 The extent and level of detail to which statistics are compiled is a matter for individual establishments and Area Managers to decide. This is subject to the need to compile certain basic data for the purposes of assessing whether Key Performance Targets are being met<sup>1</sup>. As a minimum, monthly figures must be compiled of:

- *number of stage 1 complaints answered, within and outside the target date;*
- *number of stage 2 complaints answered, within and outside the target date;*
- *number of stage 3 complaints answered, within and outside the target date.*

---

<sup>1</sup> There will be a single KPT relating to requests/complaints, which will relate to the proportion of complaints answered within the target date for each stage.

18.1.3 *Establishments must consult their Area Manager on what statistics he or she requires. Governing governors and complaints co-ordinators must decide whether and how far to compile statistics over and above the minimum indicated in paragraph 18.1.2 above, taking into account the requirements of the Area Manager, their own management needs and the comments in the rest of this Chapter about using data on complaints to provide management information.*

18.1.4 Additional data might include the following:

- number of outstanding complaints brought forward from previous month;
- number of complaints received at each stage;
- number of complaints received with a racial aspect;
- number of complaints dealt with by the RRLO;
- number of complaints received about bullying;
- number of complaints upheld and rejected at each stage;
- break-down of complaints received by subject matter;
- numbers of confidential access and restricted subject cases.
- number of outstanding complaints at end of month.

18.1.5 A suggested form of statistics sheet is at **Annex M**. The form may be adapted to suit establishments' individual requirements. Establishments should take into account the views of their Area Manager on the form in which statistical returns should be provided, as well as the content.

18.1.6 The statistics sheet divides the figures into stage 1, stage 2 and stage 3 complaints. It is important to keep in mind that the figures for stage 2 and stage 3 do not represent 'new' complaints. Stage 2 and stage 3 are, rather, continuations of complaints which have already been initiated. Only stage 1 complaints should be included in a breakdown by subject.

## **18.2 Management information and monitoring**

18.2.1 Data on complaints can provide much useful management information. Senior management should use the data on complaints to indicate where there are particular problem areas and take appropriate remedial action.

18.2.2 Feedback to management and the governing governor on complaints should not be confined to statistics and targets. Prisoners' complaints and the responses to them can provide valuable information on the types of issue which concern prisoners and the way in which these are being dealt with by staff. Staff responsible for compiling data on complaints should consider how best to present information in a useful and accessible form

(e.g. using pie charts or bar charts to represent a breakdown of complaints by subject matter).

18.2.3 It is the responsibility of managers at all levels to ensure that responses to prisoners' complaints are of a high quality. Quality assurance of replies to complaints will be provided automatically by middle management or the governing governor in the case of complaints which go to stage 2 or stage 3, but it should not be assumed that replies to stage 1 complaints were necessarily adequate simply because a complaint has stopped at that stage. A prisoner might feel that there is simply no point in taking a complaint further. The complaints co-ordinator should examine monthly samples of complaint and appeal forms to check that complaints are being addressed properly. The co-ordinator should draw attention to any shortcomings and ensure that the necessary remedial action is taken (e.g. by providing advice or suggesting training).

18.2.4 Complaints procedures will be audited through the Prison Service's normal audit systems.

## **ANNEXES**

## **ANNEX A MODEL FORM FOR WRITTEN APPLICATIONS**

**Note:** The form set out below is a model which establishments may wish to use or adapt for written applications under the procedures described in Chapter 3 of this PSO. The form is not prescribed and will not be available centrally.

### **PRISONER'S GENERAL APPLICATION Establishment**

#### **Read these notes first**

1. This form is for you to ask for something or raise with staff something you are dissatisfied about.
2. Say what you want or what you are not happy about in the box provided. Then hand the form to the wing officer at applications in the morning.
3. A wing officer will deal with your application in the first instance.
4. If the wing officer is unable to deal with your application, he or she will pass it on to someone at a more senior level.

#### **Your details (use BLOCK CAPITALS)**

Surname	First name(s)
Prison number	Location

#### **Your application**

#### **Action by Prison Officer**





Date recorded in applications book \_\_\_\_\_  
wing Senior Officer? Yes/No

Referred to

Signed \_\_\_\_\_  
name \_\_\_\_\_

Print \_\_\_\_\_  
Date \_\_\_\_\_

**Action by Senior Officer**

Referred to Principal Officer?    Yes/No

Signed \_\_\_\_\_                      Print  
name \_\_\_\_\_                      Date \_\_\_\_\_

**Action by Principal Officer**

Referred to more senior management?    Yes/No

Signed \_\_\_\_\_                      Print  
name \_\_\_\_\_                      Date \_\_\_\_\_

**Action by more senior manager**

Signed \_\_\_\_\_  
name \_\_\_\_\_

Print \_\_\_\_\_  
Date \_\_\_\_\_

## **ANNEX B DUTIES OF COMPLAINTS CO-ORDINATOR**

1. To have overall responsibility for the efficient and effective operation of the complaints procedures in the establishment.
2. To ensure that prisoners and staff are aware of the complaints procedures and that they have access to the appropriate written information and guidance.
3. To ensure that supplies of the complaint forms are freely available to prisoners.
4. To ensure that the complaints clerk and the designated officer(s) for the wings understand their duties and work together effectively.
5. To oversee the work of the complaints clerk and to provide management support and guidance for the clerk.
6. To ensure that the confidential access procedures work properly and that confidentiality is maintained as far as practicable.
7. To monitor replies to complaints and the monthly statistics to ensure that:
  - complaints are fully and fairly considered;
  - prisoners are given a full reply, or an interim reply, within the target dates at each stage;
  - complaints are dealt with at the appropriate level;
  - agreed action is taken;
  - weaknesses in the local operation of the system are identified and rectified.
8. To act as a point of contact for the Board of Visitors and the Prisons and Probation Ombudsman.



## **ANNEX C DUTIES OF COMPLAINTS CLERK AND DESIGNATED OFFICER.**

### **The complaints clerk**

1. To register and number completed complaints forms in a logbook (either on paper or electronically) and to monitor progress on the response(s) to complaints at each stage. To complete the "For Official Use Only" section on forms.
2. To act as a central receiving and transmitting point for complaints and the responses to them, including:
  - maintaining daily contact with the designated officer(s) on the wings, to ensure the steady flow of completed complaint forms and replies without unnecessary delay;
  - forwarding completed complaint forms, once registered, to the appropriate person within the establishment, or to the Area Manager or to headquarters, for reply;
  - returning replies to the prisoner;
  - ensuring that confidential access cases reach the governor, the Area Manager or the Board of Visitors.
3. To chase up cases which have not been replied to within the target dates.
4. To ensure that prisoners whose complaints are delayed receive an interim reply.
5. To compile monthly statistics from the logbook and make them available to the complaints co-ordinator, the governor, the Area Manager and the Board of Visitors.
6. To ensure that the establishment has adequate stocks of complaint forms and the leaflets and posters for prisoners and staff.

### **The designated officer(s)**

1. To have sole access to the locked boxes for the receipt of completed complaint forms on each wing.

2. To empty the boxes daily and forward completed complaints to the complaints clerk, except in cases where the designated officer decides him- or herself to allocate a complaint for reply.
3. To inform the complaints clerk about any complaints which the designated officer has allocated for reply and to obtain serial numbers for such complaints.
4. To check that supplies of complaint forms, envelopes for confidential access complaints and leaflets for prisoners are available at or near the place where complaints boxes are located.
5. To check that the poster giving information for prisoners is displayed at or near the place where complaints boxes are located.





**ANNEX D: COMPLAINT FORMS**

<b>New form</b>	<b>Vocab. no.</b>	<b>Old form</b>	<b>Old vocab. no.</b>
COMP 1: Prisoner's formal complaint (stage 1)	F2059	Request/Complaint form	F2059(A)
COMP 1A: Prisoner's appeal against the response to a formal complaint (stages 2 and 3)	F2059(A)	Request/Complaint Appeal form	F2059(B)
COMP 2: Prisoner's formal complaint under confidential access	F2059(B)	-	-
ADJ 1: Prisoner's adjudication appeal	F2059(C)	-	-

**FORM COMP 1  
PRISONER'S FORMAL COMPLAINT**

**Establishment  
Serial no.**

**Read these notes first**

1. This form is for you to make a formal written complaint under the complaints procedures. Complaints should wherever possible be sorted out informally by speaking to your wing officer or making an application. Use this form only if you have not been able to resolve your complaint this way.
2. A written complaint should be made within 3 months of the incident or of the relevant facts coming to your notice.
3. Keep your complaint brief and to the point.
4. When you have completed the form, sign it and post it in the box provided. The form will be returned to you with a response.
5. If you are unhappy with the response, you can appeal on a separate form (COMP 1A).
6. Some subjects are dealt with only by the Area Manager or Prison Service headquarters. If your complaint is about one of these subjects, the reply will take longer.
7. There is a separate pink form (COMP 2) for confidential access complaints.

**Your Details (Use BLOCK CAPITALS)**

Surname	First name(s)
Prison number	Location

**Have you spoken to anyone about your complaint?**

**Yes  No**

**If so, who did you speak to?**

--

**Your complaint**

--

**Does your complaint have a racial aspect?**

Yes  No

**Is your complaint about bullying?**

Yes  No

**What would you like to see done about your complaint?**

Signed \_\_\_\_\_

Date

\_\_\_\_\_

**Response to the complaint (*including any action taken*)**

Name in block capitals \_\_\_\_\_ Position

\_\_\_\_\_

Signed \_\_\_\_\_

\_\_\_\_\_

Date

**This section for official use only**

Sentence	Category	Status	
Release date	Ethnicity	Location	

Date received by complaints clerk	Date received by responding member of staff	Passed to RRLO on (date)	Date of interim reply
Reserved subject? (tick box) <input type="checkbox"/>	Referred to	On (date)	Date received by Area Manager or HQ
Outcome of complaint  Upheld <input type="checkbox"/>  Rejected <input type="checkbox"/>	Reserved subject  Upheld <input type="checkbox"/>  Rejected <input type="checkbox"/>		
Action taken (where complaint upheld)			

**FORM COMP 1A  
PRISONER'S APPEAL AGAINST  
THE RESPONSE TO A FORMAL COMPLAINT**

**Establishment  
Serial no.**

**Read these notes first**

1. This form is for you to appeal against the response to written complaint which you have made.
2. Say why you are not satisfied with the response to your complaint. Be brief and to the point.
3. When you have completed the form, sign it and post it in the box provided. The form will be returned to you with a response.
4. If you are still not satisfied with the response, you can appeal to the governing governor using the same form.
5. If you are still not satisfied with the governing governor's response, you have the right to refer your complaint to the independent Prisons and Probation Ombudsman.

**Your details (use BLOCK CAPITALS)**

Surname	First name(s)
Prison number	Location

**Your appeal: say why you are not satisfied with the response to your complaint**

Signed \_\_\_\_\_  
\_\_\_\_\_

Date

**Manager's response**

Name in block capitals \_\_\_\_\_

Position

\_\_\_\_\_

Signed \_\_\_\_\_

Date

\_\_\_\_\_

**If you are dissatisfied with the response to your appeal, say why**

Signed \_\_\_\_\_

Date

\_\_\_\_\_

**Governor's response**

Name in block capitals \_\_\_\_\_

Position

\_\_\_\_\_



Signed \_\_\_\_\_  
\_\_\_\_\_

Date

**If the Governor's response is not signed by the Governor personally,  
please say why**

--

<b>This section for official use only</b>		
Sentence	Category	Status
Release date	Ethnicity	Location
Date received by:      complaints clerk manager                  governor		Date(s) of interim reply
Outcome of stage 2	Outcome of stage 3	Action taken (where appeal upheld)
Upheld <input type="checkbox"/> Rejected <input type="checkbox"/>	Upheld <input type="checkbox"/> Rejected <input type="checkbox"/>	

**FORM COMP 2**

**Establishment**

**FORM COMP 2  
PRISONER'S FORMAL COMPLAINT  
UNDER CONFIDENTIAL ACCESS**

**Establishment  
Serial no.**

**Read these notes first**

1. This form is for you to make a formal written complaint under confidential access to the governor, the Area Manager or the Chairman of the Board of Visitors.
2. Confidential access is appropriate when your complaint is about a particularly serious or sensitive matter which you are reluctant to discuss with wing staff.
3. Confidential access is not a short cut for ordinary complaints. The governor, the Area Manager or the Chairman of the Board of Visitors may decide that your complaint is unsuitable for confidential access and should be pursued through the normal channels. If so, he or she will return this form to you in a sealed envelope and explain why.
4. Investigating your complaint properly will mean that others - not just the governor, the Area Manager or the Chairman of the Board of Visitors - will have to know about it. But confidentiality will be respected as far as possible and the response will be sent in a sealed envelope.
5. Keep your complaint brief and to the point.
6. Seal the form in an envelope, addressed to the to the person you wish to consider the complaint, and post it in the box provided. The form will be returned to you with a response to your complaint.
7. You have the right to refer your complaint to the independent Prisons and Probation Ombudsman if you are not satisfied with the response.

**Your details (use BLOCK CAPITALS)**

Surname	First name(s)
Prison number	Location

**Who do you want to consider your complaint?**

*Tick one box*

The governor  The Area Manager  The Chairman of the  
  
of the Establishment Board of Visitors

**Does your complaint have a racial aspect?** Yes  No   
**Is your complaint about bullying?** Yes  No

**Why are you using the are you using the confidential access procedure?**

--

**Your complaint (*continue on the back if necessary*)**

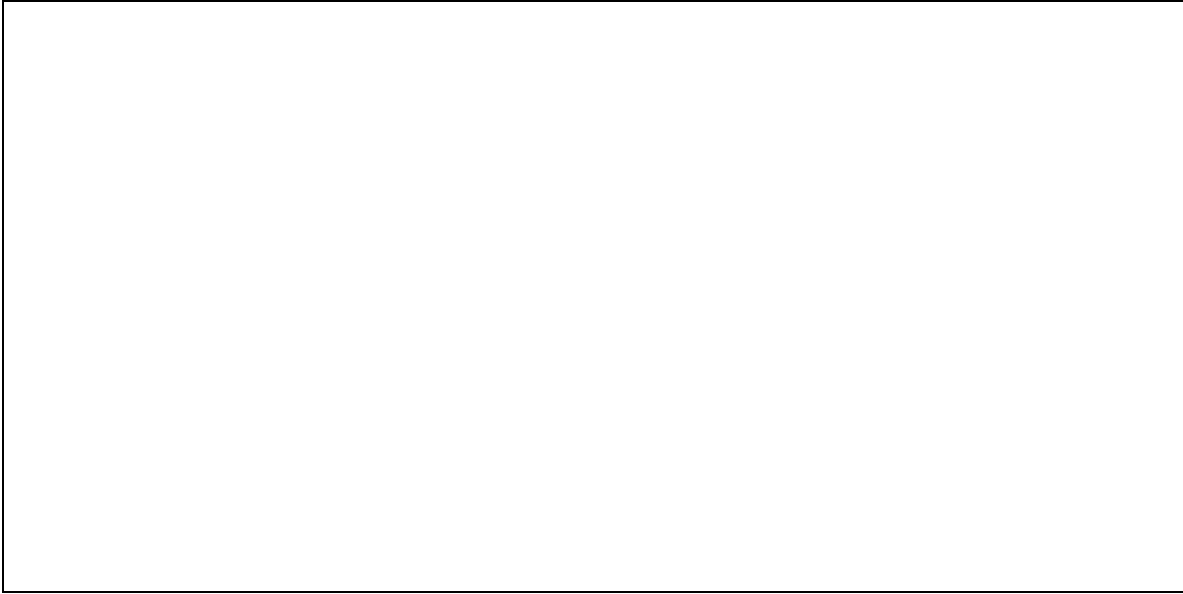
**What would you like to see done about your complaint?**

Signed \_\_\_\_\_

Date

\_\_\_\_\_

**Response by the governor, the Area Manager or the Chairman of the Board of Visitors**



Name in block capitals \_\_\_\_\_ Position

\_\_\_\_\_

Signed \_\_\_\_\_

\_\_\_\_\_

Date

**FORM ADJ 1  
 APPEAL AGAINST AN ADJUDICATION  
 DECISION**

**Establishment  
 Serial no. of appeal  
 Charge no.**

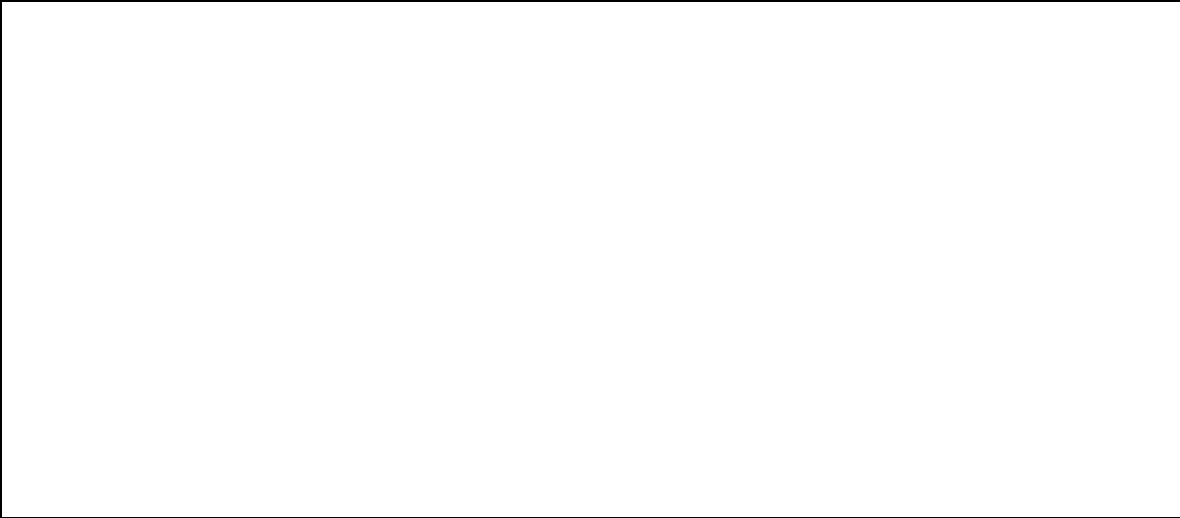
**Read these notes first**

1. This form is for you to appeal against an adjudication decision. It is not for any other purpose. There are separate forms for complaints.
2. You must submit your appeal within 3 months of receiving the adjudication decision.
3. You may appeal against an adjudication without using this form if you wish - for example if you have a solicitor who is handling the appeal for you.
4. Please write clearly.
5. Sign and date the form and place it in the box provided for complaints. Your appeal will be acknowledged.
6. Your appeal will be considered by the Area Manager. The form will be returned to you with a decision.
7. You have the right to see the evidence considered by the Area Manager.
8. You have the right to refer your appeal to the independent Prisons and Probation Ombudsman if you are not satisfied with the Area Manager's decision.

**Your details (Use BLOCK CAPITALS)**

Surname	First name(s)Location
Prison number	Location

**Your appeal (*continue on a separate sheet if necessary*)**



Signed \_\_\_\_\_  
\_\_\_\_\_

Date



**Area Manager's decision on the appeal**

Name in block capitals \_\_\_\_\_  
\_\_\_\_\_

Position

Signed \_\_\_\_\_  
\_\_\_\_\_

Date

**Say briefly what action was taken following the appeal**

**This section for official use only**

<b>This section for official use only</b>		
Sentence	Category	Status
Release date	Ethnicity	Location
Date received	Date acknowledged	Date returned to prisoner
Outcome of appeal: Allowed <input type="checkbox"/> Rejected <input type="checkbox"/>		

**ANNEX E COVERING ENVELOPE FOR CONFIDENTIAL ACCESS  
COMPLAINTS.**

**Establishment** \_\_\_\_\_

**Complaint serial no.** \_\_\_\_\_

**PRISONER'S COMPLAINT UNDER CONFIDENTIAL ACCESS**

**Prisoner's name** \_\_\_\_\_ **Number** \_\_\_\_\_

**To** \_\_\_\_\_



## **ANNEX F**

## **INFORMATION TO BE ENTERED ON LOG SHEET**

Complaints must be logged as they are received. It is suggested that for each new complaint the following information should be entered in the log:

- (a) Prisoner's name and prison number
- (b) Prisoner's location in the establishment
- (c) Date complaint received
- (d) Serial number of complaint
- (e) Subject of complaint (or person to whom it is addressed in the case of confidential access)
- (f) Stage (1, 2 or 3)
- (g) Whether complaint is about a reserved subject
- (h) Whether the "racial aspect" box has been ticked
- (i) Whether the "bullying" box has been ticked
- (j) Whether and when the complaint has been referred to the RRLO
- (j) The name of the member of staff to whom the complaint has been referred at each stage, and the date it was referred
- (k) Date of any interim reply
- (l) Date of any reminder
- (m) Date of reply at each stage
- (n) Whether the reply was within the time limit
- (o) Remarks/reasons for any delay
- (p) Any other information which the establishment considers relevant



**ANNEX G                    MODEL INTERIM REPLY.**

From: *[The Complaints Clerk]*

To:    *[The Complainant]*

I am sorry that it has not yet been possible to reply to your complaint/appeal\* of  
..... *[insert date]* (Serial number .....) )

The reply has been delayed because:

I hope to provide you with a full reply by..... *[insert date]*.

Signed .....

Date .....

\* *delete as appropriate*





## ANNEX H LIST OF RESERVED SUBJECTS.

Subject	Dealt with by	Required accompanying information
Adjudications and minor reports	Briefing and Casework Unit or Directorate of High Security Prisons	Copies of the F1127 (notice of report), the F256 (record of the hearing) and any written evidence presented at the hearing. The adjudicating member of staff should provide a covering note which addresses the points made by the prisoner in his or her appeal or complaint. Copies of the relevant sheets in the minor reports case book
Allegations against the Governor	Briefing and Casework Unit or Directorate of High Security Prisons	-
Early release due to illness or incapacity	Lifer Unit (lifers) Sentence Enforcement Unit (all others)	Refer to the Lifer Manual (PSO 4700) or the Parole, Release and Recall Manual (PSO 6000)
Litigation against the Prison Service	Operational Litigation Unit or Directorate of High Security Prisons	A letter from the prisoner or his or her legal representative setting out details of the Claim, with the prisoner's full name and prison number
Parole (determinate sentence prisoners)	Sentence Enforcement Unit	Refer to the Parole, Release and Recall Manual (PSO 6000)
Special remission	Briefing and Casework Unit or Directorate of High Security Prisons	A note from the governor indicating whether or not he or she supports the request. Requests for special remission on medical or compassionate grounds should also be accompanied by a full medical report and a probation report. Requests for special remission on grounds of meritorious conduct should include a full report of the incident and any consequences for the

		prisoner
<p>Category A prisoners:</p> <ul style="list-style-type: none"> <li>• categorisation</li> <li>• transfers and allocation</li> <li>• approved visitors (all exceptional risk prisoners and certain cases of high risk prisoners)</li> <li>• change of name</li> <li>• marriage</li> <li>• “supergrass” casework</li> <li>• telephones</li> </ul>	Directorate of High Security Prisons	There will usually be sufficient information in headquarters to decide the issue, but additional information may be provided at the discretion of the establishment if it is thought to be relevant
<p>Lifers:</p> <ul style="list-style-type: none"> <li>• transfer and allocation</li> <li>• lifer review procedures</li> <li>• release on temporary licence (in some cases)</li> <li>• release on licence</li> <li>• change of name</li> </ul>	Lifer Unit	<p><u>Transfers and allocations</u>  A covering report indicating whether staff support the request and why  <u>Release on temporary licence (where dealt with by Lifer Unit rather than the establishment)</u>  A note on the reasons for refusing temporary release</p> <p style="text-align: right;"><i>Continued overleaf</i></p>

Subject	Dealt with by	Required accompanying information
		<p><u>Review dates and tariff</u> A report by the lifer manager or wing manager on behaviour and progress.</p> <p><u>Representations against the result of a Parole Board review or Ministers' decision</u> A report on current behaviour and progress, with any advice on the date of the next review and location.</p> <p><u>Representations about revocation of licence</u> A report on current attitude and behaviour and (if staff think it relevant) an assessment of the circumstances leading to recall including the prisoner's version of events.</p> <p><u>Representations about release arrangements or conditions</u> An assessment by the prison probation officer (consulting the home probation officer as necessary)</p>
Artificial insemination	Family Ties Unit, Prisoner Administration Group	<ul style="list-style-type: none"> <li>• Details of the prisoner's offence(s)</li> <li>• Details of sentence</li> <li>• Previous convictions (if any)</li> <li>• Date of first Parole Board review (if any)</li> <li>• Date of expiry of tariff</li> <li>• Any background on the offence(s) and home circumstances which the prison or Probation Service are able to provide</li> <li>• Details of the prisoner's conduct, such as wing reports and number of adjudications, since entering the establishment</li> <li>• Any other information which the prisoner feels may support the application</li> </ul>
Transfer to Scotland, Northern Ireland, Isle of Man, Jersey or Guernsey	Cross Border Transfer Section, Prisoner Administration Group	The prisoner should indicate whether he or she wishes to serve the remainder of his or her sentence in the other jurisdiction or whether he or she wishes to transfer for a short period in order to receive visits. The following information should be provided

		<p>with all applications:</p> <ul style="list-style-type: none"><li>• Order of imprisonment (F5035)</li><li>• Court record (F5089)</li><li>• Sentence calculation sheet (F1492)</li><li>• Security assessment</li><li>• Conduct and behaviour report, including details of any disciplinary offences</li><li>• List of previous convictions</li><li>• Up-to-date social enquiry report (if one is not available a probation officer should be asked to prepare a social enquiry/home circumstances report)</li><li>• Copies of letter(s) from potential visitor(s) confirming they will visit the prisoner if he or she is transferred</li><li>• Medical report</li></ul>
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*Continued overleaf*

Subject	Dealt with by	Required accompanying information
Repatriation	Cross Border Transfer Section, Prisoner Administration Group	<p>The prisoner should indicate to which country he or she seeks repatriation. He or she should provide details of his or her last known address in that country. Passport details (including present whereabouts) should also be included. The following information should accompany all requests:</p> <ul style="list-style-type: none"> <li>• Order of imprisonment (F 5035)</li> <li>• Court record (F 5089)</li> <li>• Notice of recommendation for deportation (if any)</li> <li>• Indictment</li> <li>• Sentence calculation sheet (F1492)</li> <li>• Probation/pre-sentence report (if available)</li> <li>• List of previous convictions (if available)</li> <li>• Police/Customs &amp; Excise Report (giving circumstances of offence)</li> <li>• Security assessment</li> <li>• Conduct and behaviour report, including details of any disciplinary offences</li> <li>• Medical report</li> <li>• Two recent photographs of the prisoner</li> <li>• Written confirmation that the prisoner has no outstanding appeals against conviction or sentence (or a referral to the Criminal Cases Review Commission) or any outstanding criminal charges</li> <li>• Up-to-date social enquiry report (if one is not available a probation officer should be asked to prepare a social enquiry/home circumstances report)</li> </ul>
Deportation	Immigration and Nationality Directorate	<p>Representations about refusal for leave to enter the UK, notice of illegal entry or deportation are considered within a formal statutory appeal procedure. A report from the governor should accompany the prisoner's complaint and the governor</p>

		should confirm, where appropriate, any health problem or change in domestic circumstances mentioned by the prisoner. Where known, the prisoner's nationality and IND file number should also be provided
Mother and baby unit placement appeals	Operational Manager for Women's Prisons	Refer to PSO 4801 (Management of mother and baby units and the application process)
Section 90/91 juvenile allocations	Juvenile Operational Management Group	Refer to Chapter 5 of PSO 4960 (Detention under section 92 of the Powers of Criminal Courts (Sentencing) Act 2000)



## **ANNEX I    PETITIONS: HOUSE OF COMMONS**

The following is an extract from guidance issued by the Journal Office of the House of Commons (2001).

### **Public Petitions**

All Petitions to the House of Commons must conform to certain basic criteria:

- (i) A Petition should be specifically and respectfully addressed to the House of Commons and should indicate clearly the origin of the Petition and its author(s).
- (ii) A Petition should contain a paragraph or paragraphs setting out the reasons why the Petitioner(s) is/are petitioning the House.
- (iii) A Petition should contain a clear request to the House which is within its competence to grant.
- (iv) A Petition should conclude with a short set phrase indicating the end of the effective part of the Petition.

### **RULES CONCERNING PUBLIC PETITIONS**

All Public Petitions must conform to the rules concerning Public Petitions which derive from Resolutions and Standing Orders of the House of Commons.

#### *Presentation of Petitions*

- (i) A Petition may only be presented to the House by a Member of Parliament. Every Member presenting a Petition to the House must place his or her name at the head of the first sheet of the Petition.
- (ii) Members cannot present a Petition from themselves. While any Member may petition the House, such a Petition must be presented by another Member. This Rule does not extend to cases in which Members present a Petition signed by them in their representative capacity as Chairman of a County Council or of any public incorporated body.
- (iii) Every Petition must be written *by hand*, not printed, photocopied, lithographed or typewritten.
- (iv) Every Petition must be written in the English language, or be accompanied by a translation certified by the Member who shall present it.



(v) No letters, affidavits, or any other documents, may be attached to any Petition.

(vi) No erasures, deletions, or interlineations may be made in any Petition.

#### *Signatures to the Petition*

(vii) Every Petition must be signed by at least one person on the sheet on which the Petition is written. The first signature should be written at the foot of the Petition.

(viii) Every signature must be written on the sheets upon which the Petition itself is written, and not pasted or otherwise transferred to it.

(ix) If there are signatures on more than one sheet, the full text of the request or “Prayer” to the House must be repeated at the head of one side of each sheet; but on every sheet after the first, may be printed or typewritten or photocopied. Signatures may be written on either side of any sheet, including that on which the Petition itself is written.

(x) Every person signing a Petition must place his or her address after his or her signature.

(xi) Every Petition must be signed by the people whose names are appended thereto by their names or marks.

(xii) The Petition of a corporation aggregate should be under its common seal, if it has one.

#### *Content of the Petition*

(xiii) Every Petition must be respectful, decorous and temperate in its language.

(xiv) No reference may be made to any Debate in Parliament, nor to any intended Motion unless notice of such Motion stands upon the Notice Paper.

(xv) Under a Standing Order of the House no application may be made for any grant of public money, except with the recommendation of the Crown: except for Petitions praying for the grant of money by Bill.

### **STYLE OF PETITIONS**

To assist Petitioners to meet the requirements of the House, it is strongly recommended that they follow one of the two forms suggested below:

## **Modern Wording**

To the House of Commons.

The Petition of *(here insert the names or descriptions of the Petitioner or Petitioners)*,

Declares that *(here set out the reasons why the Petitioner(s) is/are petitioning the House)*

The Petitioner(s) therefore request(s) that the House of Commons *(here set out the request of the Petitioner(s), showing clearly the nature of the remedy requested)*.

And the Petitioner(s) remain(s), etc. (Note: *This is a standard complete closing phrase - there is no need to substitute anything for "etc."*).

### **If Petitioners wish, they may still use the traditional form of words:**

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

The Humble Petition of *(here insert the names or descriptions of the Petitioner or Petitioners)*,

Sheweth

That *(here set out the reasons why the Petitioner(s) is/are petitioning the House)*,

Wherefore your Petitioner(s) pray(s) that your honourable House *(here set out the request of the Petitioner(s), showing clearly the nature of the remedy requested)*.

And your Petitioner(s), as in duty bound, will ever pray, &c.

## ANNEX J PETITIONS: HOUSE OF LORDS

The following is an extract from *Companion to the Standing Orders and Guide to the Proceedings of the House of Lords (2000)*.

### Public petitions

3.61 Members of the public may petition the House of Lords, but only a Member of the House may present a petition. Members of the House should give the following guidance to members of the public who ask them to present petitions on their behalf.

3.62 Petitions to the House of Lords begin:

*“To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled, The humble Petition of [names or designation of petitioners] sheweth”.*

3.63 The general allegations of the petition then follow. The petition ends with what is called a “prayer”, setting out what the petitioners desire the House to do. After the prayer are added the words *“And your Petitioners will ever pray &c.”* followed by the signatures. The petition may be written, printed or typed on paper. At least one signature must be on the same sheet as the petition. The signatures must not be stuck on to the paper. The petition of a corporation should be under its common seal, which must be affixed to the first sheet.

3.64 Members of the House presenting petitions should sign them, and either send them to the Clerk of the Parliaments or hand them in at the Table. In either case, having notified the Table in advance, they rise in their place after starred questions and say: “My Lords, I beg to present a petition from [names or designation], which prays that this House will [the prayer is read out].”

3.65 They may add:

*“The petition bears X signatures.”*

but no speech may be made and no debate follows.

3.66 Petitions relating to a public bill may be presented at any time during its passage through the House. A petition relating to a bill which has not been before the House, or which has already been rejected by it, cannot be presented.

3.67 The presentation of a petition is recorded in the Minutes of Proceedings, and the petition is retained in the Record Office for one year. However, no order is made for the petition to be printed unless a Member of the House puts down a motion to debate it for a designated day; otherwise no action follows.

3.68 A Member proposing to present a petition should consult the Clerk of the Parliaments at an early stage.



## **ANNEX K TEXT OF INFORMATION LEAFLET FOR PRISONERS (LONG VERSION)**

**This leaflet explains, in question and answer form, how to make a request or a complaint. The first part tells you about the ways you can do this inside the prison system. The second part tells you about some of the ways in which you can complain to someone outside.**

**You have the right to make a formal written complaint at any stage. But you should always speak to a member of staff, or make an application to your landing officer or wing manager, first. Most problems can be sorted out quickly and easily at this stage.**

### **Part 1: Inside the prison system**

#### **I have a request or I want to make a complaint. What do I do?**

Speak to your personal officer or another member of staff on your wing or landing to see if it can be sorted out quickly. If your request or complaint can't be dealt with in this way, you should make an application.

Oral (spoken) applications are heard every day by the landing officer or wing manager. There may also be a written application for you to fill in. If so, copies will be available on your wing or landing.

#### **What if the landing officer or wing manager can't help?**

He or she will ask a more senior member of staff to look at your request or complaint or will tell you if you need to talk or write to someone else.

#### **I want to speak to someone more senior. What do I do?**

You can make a governor's application (tell the landing officer or wing manager if you want to do this). Governor's applications are heard every day except Sundays and public holidays. You cannot insist on speaking to the governing governor, but another senior member of staff will see you on his or her behalf. You can also ask to speak to the medical officer, chaplain or a member of the Board of Visitors.

#### **What do the Board of Visitors do?**

Boards of Visitors have a legal duty to make sure that prisoners are treated properly. They are independent of the Prison Service.

#### **Can I go to the Board of Visitors with a request or a complaint?**

Yes. You can apply at any time - using the wing application system - to speak to a member of the Board. But the Board will normally expect you to have tried to sort your problem out with prison staff first.

If you have already made a written complaint, the Board will look at the reply which you were given and any other relevant information.

The Board will tell you when you can expect to get a reply. If there is likely to be a delay, you will be told what is happening. The Board will let you know what it has decided to do about your request or complaint. It could, for example, ask the governor to think again about a decision which has been made. Or, it could bring it to the attention of the Area Manager.

### **I have made an application but I am still not happy. What do I do next?**

You can make a formal complaint in writing. You can do this at any time, but it is best to try to sort your problem out by speaking to staff and using the application system first.

Copies of the complaint form **COMP 1**, which is **white**, should be freely available for you to pick up on your wing or in your residential area. You do not have to ask for a form.

Read the notes on the form first. Then fill in your details and say what your complaint is in the space provided. Keep your complaint brief and to the point. When you have signed and dated the form, post it in the locked complaints box on your wing or in your residential area. The box is emptied every day.

### **When will I get a response?**

You should normally receive a response to your complaint, from an officer on your wing or in your residential area, within about three weekdays. The response will be on the same form as your complaint. In some cases it might take longer to investigate a complaint. If so, you will receive a reply explaining the reason for the delay (this is called an interim reply).

### **Who will respond?**

In most cases, your wing officer will respond. In some cases you might get a reply from another member of staff, depending on what your complaint is about.

Some subjects - such as adjudications, category A status, parole, deportation, special remission and early release on compassionate grounds - are dealt with only by Prison Service headquarters. Dealing with complaints about these subjects will take longer, up to six weeks. There is a list of these 'reserved

subjects' at the end of this leaflet. Staff will tell you when your complaint has been sent to headquarters. You must make requests or complaints about reserved subjects in writing.

### **What if I am not satisfied with the response?**

If you are not happy with the response to your complaint, you have the right to appeal and have your complaint considered by someone at management level. There is another form for this, **COMP 1A**. This is white like the COMP 1 form.

Say why you are not satisfied with the response to your complaint in the space provided on the COMP 1A form. You must do this within a week of receiving the first response. Post the form in the complaints box.

You should normally receive a response from someone at management level within seven working days, although in some cases this might take longer. If so, you will receive an interim reply explaining the reason for the delay. The response will be on the same form.

### **What if I am still not satisfied?**

If you are still not satisfied with the response, you have the right to appeal to the governor as long as you do so within one week. Say why you are not satisfied in the space provided on the COMP 1A form, **using the same form as you used for your appeal to management level** . Post the form in the complaints box.

You should normally receive a response from the governor or the deputy governor within seven days, although in some cases this might take longer. If so, you will receive an interim reply explaining the reason for the delay.

### **Does this apply to complaints about reserved subjects, which are dealt with at headquarters?**

No. In the case of a reserved subject complaint there is no formal appeal within the Prison Service. But you can send in your complaint again if you have new information which was not available when you first complained. You can also take your complaint outside the service, for example to the independent Prisons and Probation Ombudsman, if you want to.

### **I don't want wing staff to know about my complaint. What can I do?**

You may be able to use the confidential access procedure if your complaint is about a particularly serious or sensitive matter. Confidential access allows you to write directly to the governor, the Area Manager or the Chairman of the Board of Visitors.



Confidential access is not a short cut for ordinary complaints. If it turns out that your complaint could have been dealt with using the normal procedures, you may be asked to use the normal procedures.

**Remember: you are more likely to have your complaint put right quickly if you follow the normal procedures. If you misuse confidential access you will waste time.**

### **Under confidential access, will my complaint be completely confidential?**

Investigating your complaint properly may mean that others - not just the governor, the Area Manager or the Chairman of the Board of Visitors - will have to know about it. But they will keep your complaint confidential as far as possible. No-one will be told about your complaint if they don't need to know about it. Your complaint and the response will be sent in a sealed envelope.

### **How do I make a confidential access complaint?**

Use the **pink** form, **Form COMP 2**, for a confidential access complaint. Copies should be freely available for you to pick up on your wing or in your residential area, with a covering envelope for you to use.

Read the notes on the form first. If you think that your complaint is suitable for confidential access, fill in your details and say what your complaint is. Say why you are using confidential access. Place the filled-in form in the envelope and address it to the person you want to consider your complaint. This must be the governor, the Area Manager or the Chairman of the Board of Visitors. Then post the sealed envelope in the complaints box.

The envelope will be opened only by the person you address it to.

### **When will I get a response to my confidential access complaint?**

You should receive a response from the governor, Prison Service headquarters on behalf of the Area Manager or the Chairman of the Board of Visitors (on the same form as your original complaint and in a sealed envelope) within about six weeks, depending on where you addressed the complaint. If the response takes longer, you will receive an interim reply explaining why.

The governor, the Area Manager or the Chairman of the Board of Visitors may decide that your complaint is unsuitable for confidential access and should go through the normal procedures. If so, he or she will return the form to you in a sealed envelope and explain why.

### **What do I do if I want to withdraw a complaint?**

If you want to withdraw your complaint, you can do so at any time. Just tell a member of staff. He or she will arrange for you to write on the form that you want to withdraw it.

### **How do I appeal against an adjudication?**

There is a separate **blue** form, **Form ADJ 1**, for appeals against adjudications. This should be freely available for you to pick up, in the same place as the complaints forms. Post your filled-in form in the complaints box. Your appeal will be passed to the Area Manager for a decision. This will take up to six weeks.

### **What if I have a complaint about the prison staff?**

If you think that a member of staff has mistreated you, you can complain to the governor. You can also complain directly to the Area Manager, using confidential access.

Use a complaint form or a confidential access complaint form. Write down clearly what happened and say exactly what you think the member of staff did wrong. Say if someone else saw what happened and support your complaint with any evidence which you have.

Post your complaint in the complaints box. If you are using confidential access, seal your form in an envelope addressed to either the governor or the Area Manager.

### **What happens then?**

The governor will ask a senior member of staff to look into your complaint. He or she will ask you what happened and will talk to the member of staff you have complained about. If there are other people who saw what happened, they will be spoken to as well. All this takes time, so you must be patient. The investigation has to be thorough to be fair to everyone involved.

At the end of the investigation, the governor will decide what, if any, action to take. If the governor decides that your complaint is justified, the member of staff concerned may be disciplined. If your complaint is very serious the governor may decide to ask the police to investigate.

The governor will write to you at the end of the investigation to tell you what he or she has decided. This will usually take about two weeks but may take longer. If the police have been called in, you will be told.

If you wrote to the Area Manager under confidential access, he or she will send you a reply telling you what action has been taken. Unless there are exceptional circumstances, the Area Manager will usually ask the governor to investigate.

**Remember: the complaints procedures are there to help you. They rely on you to complain when something goes wrong so that it can be put right. If you deliberately make false complaints, prison staff will not be able to give as much time to those that are genuine.**

## **Part 2: Outside the prison system**

### **Can I take my complaint outside the Prison Service?**

Yes. You can complain to the **independent Prisons and Probation Ombudsman**, but you must have completed the internal complaints procedures first. You must normally send your complaint to the Ombudsman within one month of receiving the final response to your complaint from the governor or Prison Service headquarters. The address is:

Prisons and Probation Ombudsman  
Ashley House  
2 Monck Street  
London SW1P 2BQ

There is a separate leaflet about how to complain to the Ombudsman. Ask a member of staff if you want a copy.

### **Are there other people or organisations outside the prison system I can complain to, besides the Ombudsman?**

Yes. Some of these are listed below.

Unlike a complaint to the Ombudsman, you do not always have to have completed the internal complaints procedures before taking a complaint to one of the organisations in the list. **But remember that it will usually be quicker to try to settle the problem inside the prison system first.** If you do go straight to an outside person or organisation, and they decide to take up your complaint, the prison will almost certainly be asked to investigate your complaint at some stage. This may simply mean that your complaint will then take longer to deal with than if you had raised it with prison staff in the first place.

It is a good idea to talk to a member of staff about what you plan to do, so that he or she can tell you anything else which you need to know.

### **Legal advisers**

You may write to your legal adviser about a complaint.

## **Letter to a Member of Parliament (MP)**

You can write to an MP. This should normally be the MP for the area where you would be living if you were not in prison. You should write to him or her at the House of Commons, London SW1A 0AA. If you do not know the name of your MP, staff will find out for you. You should write on letter paper and make sure that you include your home address if you have one.

## **Petitions to the Queen**

You can petition the Queen. You should write out your petition on letter paper. Hand your petition to a member of staff, who will send it to headquarters. You do not have to tell staff what you are writing about, but the governor will be told that you have sent a petition to the Queen. A petition to the Queen does not count against your allowance of letters.

## **Petitions to Parliament**

You can petition Parliament. Petitions to Parliament are presented to the House of Commons by MPs. A petition must be sent to a **named** MP (that is, you must name the MP you are sending it to). This should normally be the MP for the area where you would be living if you were not in prison. You should ask staff for letter paper and a copy of the instructions. You must follow these instructions carefully or your petition cannot be presented.

You can ask a member of the House of Lords to present a petition to the House of Lords. Use letter paper and ask staff for the instructions for petitions to the House of Lords. You should address your petition to a named member of the House of Lords.

## **Petition to the European Parliament**

You can petition your Member of the European Parliament (MEP). If you do not know the name or address of your MEP, staff will find out for you. A letter to your MEP **does** normally count against your allowance of letters.

## **European Court of Human Rights**

You can petition the European Court of Human Rights. But you should note that the Court will not generally deal with a petition until you have tried all the other complaints procedures. You should send your petition within six months of trying all the other procedures. You should address your petition to:

The Secretary General  
Council of Europe  
European Court of Human Rights

67075 Strasbourg  
France

Hand your petition to staff. The governor will be told what your petition is about but you do not have to discuss it with staff.

### **Parliamentary Commissioner for Administration (Parliamentary Ombudsman)**

MPs can refer complaints to the Parliamentary Commissioner for Administration (PCA). If you want to ask the PCA to look at your case you should write to an MP and ask him or her to forward your complaint to the PCA. You can write direct to the PCA, but he cannot investigate a complaint unless an MP asks him to. The PCA will decide whether your complaint is suitable for him to investigate.

### **The police**

You can write to the Chief Officer of the local police force if you have evidence that a criminal offence may have been committed. If this concerns something that has happened in the prison you should consider whether you should raise the matter with a member of staff first. If necessary you can do this by writing to the governor using confidential access.

### **Criminal Cases Review Commission**

The Criminal Cases Review Commission (CCRC) is an independent body responsible for investigating suspected miscarriages of criminal justice in England, Wales and Northern Ireland. The Commission's main role is to review the convictions of those who believe they have either been wrongly found guilty of a criminal offence, or wrongly sentenced. The Commission is a last resort. It cannot normally consider any case until it has been through the appeal system.

Your prison should hold full information on the CCRC and to how to apply. The Commission's address is:

Criminal Cases Review Commission  
Alpha Tower  
Suffolk Street  
Queensway  
Birmingham B1 1TT

### **Criminal Injuries Compensation Authority**

The Criminal Injuries Compensation Authority (CICA) can award compensation for injuries directly resulting from a crime of violence. For your application to be considered, you must have been:

- (a) a victim of a crime of violence, or injured in some other way covered by the Criminal Injuries Compensation Scheme; **and**
- (b) physically or mentally injured (or both) as a result; **and**
- (c) in England, Scotland or Wales at the time you were injured; **and**
- (d) injured seriously enough to qualify for at least the minimum award available under the scheme.

Or, you must be a dependant or relative of a victim of violence who has since died.

If you want to apply to the CICA you will be allowed to do so. The address is:

The Criminal Injuries Compensation Authority  
Tay House  
300 Bath Street  
Glasgow G2 4LN

### **Commission for Racial Equality (CRE)**

You can write to the Commission for Racial Equality (CRE) to ask for their help in making a complaint of unlawful discrimination. Their address is:

Commission for Racial Equality  
10 to 12 Allington Street  
London SW1E 5EH

### **Other organisations**

There are other organisations you can write to, such as the National Council for Civil Liberties (Liberty), the National Association for the Care and Resettlement of Offenders (NACRO), the Prison Reform Trust (PRT) and the Women Prisoners' Resource Centre. These organisations have no power to deal with your complaint but may be able to offer advice.

## **Reserved subjects**

A complaint or request about one of the subjects listed below will be considered by Prison Service headquarters or, in the case of deportation, the Home Office. You can expect a reply from headquarters within about six weeks.

### Adjudications

Allegations against the governor

Artificial insemination

Category A prisoners:

- categorisation
- approved visitors (in some cases)
- change of name
- marriage
- 'supergrass' casework
- telephones
- transfers and allocation

### Deportation

Early release due to illness or incapacity

Lifers:

- transfer and allocation
- release on temporary licence
- release on licence
- change of name

Litigation against the Prison Service

Mother and baby unit placement appeals

Parole

Repatriation

Section 90/91 juvenile allocations

Special remission

Transfer to other parts of the UK

## **ANNEX L TEXT OF INFORMATION LEAFLET FOR PRISONERS (SHORT VERSION)**

### **Do you have a request or a complaint?**

#### **Yes. What do I do?**

Speak to your personal officer or another member of staff on your wing or landing to see if it can be sorted out quickly. If your request or complaint can't be dealt with in this way, you should make an application. Wing applications are held every day.

#### **What if the landing officer or wing manager can't help?**

He or she will ask a more senior member of staff to look at your request or complaint, or will tell you if you need to talk or write to someone else.

#### **I want to speak to someone at management level. What do I do?**

You can make a governor's application (tell the landing officer or wing manager that you want to do this). You can also ask to speak to the medical officer, chaplain or a member of the Board of Visitors.

#### **Can I go to the Board of Visitors with a request or a complaint?**

Yes. You can apply at any time - using the wing application system - to speak to a member of the Board. But the Board will normally expect you to have tried to sort your problem out with prison staff first.

#### **I have made an application but I am still not happy. What do I do next?**

You can make a formal complaint in writing. You can do this at any time, but it is best to try to sort your problem out by speaking to staff and using the application system first.

Copies of complaint forms should be freely available for you to pick up on your wing or in your residential area. You don't have to ask for a form.

#### **I don't want wing staff to know about my complaint. What can I do?**

You may be able to use the confidential access procedure if your complaint is about a particularly serious or sensitive matter. Confidential access allows you to write directly to the governor of the establishment, the Area Manager or the Chairman of the Board of Visitors.



Confidential access is not a short cut for ordinary complaints. You are more likely to have your complaint put right quickly if you follow the normal procedures. If you misuse confidential access you will waste time.

### **What if I have a complaint about the prison staff?**

If you think that a member of staff has mistreated you, you can complain to the governor. Use a complaint form or a confidential access complaint form. Write down clearly what happened and say exactly what you think the member of staff did wrong. Say if someone else saw what happened and support your complaint with any evidence which you have.

### **Can I take my complaint outside the Prison Service?**

Yes. You can complain to the **independent Prisons and Probation Ombudsman**, but you must have completed the internal complaints procedures first. You must complain to the Ombudsman within one month of receiving the final response to your complaint from the governor. There is a separate leaflet about how to complain to the Ombudsman.

### **Are there other people or organisations outside the prison system I can complain to, besides the Ombudsman?**

Yes. Some of these are listed in the longer version of this leaflet. But it will usually be quicker to try to settle the problem inside the prison system first. Many of the outside organisations will expect you to have tried to deal with your complaint inside the prison system first.

There is a longer version of this leaflet which gives more information about complaining outside the prison system. Copies should be available on your wing or landing.

**Remember: you have the right to make a formal written complaint at any stage. But you should always speak to a member of staff, or make an application to your landing officer or wing manager, first. Most problems can be sorted out quickly and easily at this stage.**

**ANNEX M****MONTHLY STATISTICS SHEET**

**Note:** The following suggested format for recording data on complaints should be adapted to meet establishments' individual requirements. The extent and level of detail to which statistics are compiled is a matter for individual establishments and Area Managers to decide, subject to the need to compile certain basic data for the purposes of assessing whether Key Performance Targets are being met. Refer to Chapter 18 for instructions and advice.

**MANDATORY**

<b>Complaints answered</b>		
	Within target date	Outside target date
Stage 1		
Stage 2		
Stage 3		

**DISCRETIONARY**

<b>Complaints brought forward from previous month:</b>			
Stage 1			
Stage 2			
Stage 3			
<b>Complaints received:</b>			
Stage 1			
Stage 1 complaints (a) with racial aspect (b) dealt with by RRLO			
Stage 1 complaints about bullying			
Stage 2			
Stage 3			
<b>Confidential access:</b>			
Governor		Area Manager	BoV
Reserved subject			
<b>Complaints answered:</b>			
Stage 1 complaints upheld			
Stage 1 complaints rejected			
Stage 2 complaints upheld			
Stage 2 complaints rejected			
Stage 3 complaints upheld			
Stage 3 complaints rejected			
Confidential access complaints (to governor) upheld			
Confidential access complaints (to governor) rejected			
Confidential access complaints (to governor) answered within target date			

Confidential access complaints (to governor) answered outside target date	
<b>Complaints carried forward to next month:</b>	
Stage 1	
Stage 2	
Stage 3	
Confidential access	

**Subject matter of Stage 1 complaints received**

Property & cash		Pre-release/release		Assaults	
Letters & visits		Segregation		Race	
Security category		Food		Miscellaneous	
Medical		Transfer & allocation			
General conditions		Regime activities			