

Service	Processing & Resolution of Prisoner Complaints	Version	P3.0
Document	Service Specification	Sign-off Complete	DAWG 16-09-2015



National Offender  
Management Service

## Service Specification for

# Processing & Resolution of Prisoner Complaints

## Service Specification Document

This document defines the service, including the required outcome(s) and outputs. As part of an SLA or Contract, the national minimum outputs in this document are mandatory for all providers. The document can also contain optional outputs that are available for Commissioners to commission.

<b>1. Service Specification Document</b>	2. Operating Model	3. Direct Service Costs & Assumptions Document	4. Cost Spreadsheet
--	--------------------	--	---------------------

Service	Processing & Resolution of Prisoner Complaints	Version	P3.0
Document	Service Specification	Sign-off Complete	DAWG 16-09-2015

Version Control Table		
Version No.	Reason for Issue / Changes	Date Issued
P1.0	Preview publication.	11-11-2011
P2.0	Go live publication. References updated in line with new supporting PSI and other revised instructions.	09-01-2012
P2.1	Supporting documents: reference to operating model, cost spreadsheet and direct service costs and assumptions removed, as these are now outdated.	14-01-2014
P3.0	<p>General refresh of specification, to ensure it remains accurate and current.</p> <p><b>Strategic Context:</b> Text reordered; outdated text deleted. Complaints statistics updated. Explanation given about data collected (does not distinguish between complaints at different stages).</p> <p><b>Out of Scope service elements:</b> Explanatory detail added. Standard 'out of scope' elements added.</p> <p><b>National Minimum:</b> Output row 13: reference to 'hate crime' deleted; output reworded to refer to 'equality incidents relating to protected characteristics', to align with NOMS guidance on monitoring &amp; recording. Updating of mandatory Instructions, where required.</p>	15-10-2015

Service	Processing & Resolution of Prisoner Complaints	Version	P3.0
Document	Service Specification	Sign-off Complete	DAWG 16-09-2015

## Introduction to Processing & Resolution of Prisoner Complaints Specification

1.	<b>Service Name</b>	<b>Processing &amp; Resolution of Prisoner Complaints</b>
2.	<b>Key Outcome(s) for Service</b>	<ul style="list-style-type: none"> <li>• All prisoners are able to access the complaints system</li> <li>• Complaint responses are meaningful, considered, understandable and drive prisoner confidence in the complaints system</li> <li>• The complaints system ensures the organisation meets its obligations of dealing with prisoners fairly, openly and humanely</li> <li>• The complaints system drives organisational improvement by ensuring issues are addressed and mistakes learned from</li> </ul>
3.	<b>Definition of Service</b>	The complaints system permits prisoners to safely lodge a formal complaint and ensures that no one suffers a detriment as a consequence of complaining. Where necessary, complaints are submitted confidentially. Complaints are fully investigated and the responses provided to the prisoner address the issues raised within the complaint in a clear and understandable way. The response timings reflect the urgency of the complaint, prioritising the most critical, but subject to an over-arching maximum time period for responses. The system provides an avenue of appeal against initial responses. The system requires monitoring arrangements to analyse complaint trends and use this data to drive improvements across all services. This specification aims to produce a flexible, efficient and decent system for those prisoners using it and seeks to drive quality into the process.
4.	<b>Service Elements In Scope</b>	<ul style="list-style-type: none"> <li>• Prisoner Complaints</li> <li>• Confidential Prisoner Complaints</li> <li>• Reserved Subjects</li> <li>• Prisoner Complaint Appeals</li> <li>• Monitoring (including complaints about equality incidents relating to any of the protected characteristics in the Equality Act 2010)</li> </ul>

Service	Processing & Resolution of Prisoner Complaints	Version	P3.0
Document	Service Specification	Sign-off Complete	DAWG 16-09-2015

5.	<b><i>Out of Scope Service Elements</i></b>	<ul style="list-style-type: none"> <li>• Complaints from externally funded sources (for example, complaints about care and support services which are the responsibility of local authorities)</li> <li>• Prisoner requests (wing application system). See Residential Services specification – Prisoner Support: Residential staff are the first point of contact for any problems prisoners might have in regards to their life in prison, and are responsible for reporting needs and issues to the appropriate parties who can resolve the issues raised</li> <li>• Reviews against adjudication decisions (Prisoner Discipline Procedure specification)</li> <li>• Petitions to the Queen</li> <li>• Parliamentary correspondence</li> <li>• Complaints from visitors, staff and members of the public</li> <li>• Investigation and follow up of complaints, including answering complaints (sits with the service about which the complaint has been made)</li> <li>• External appeal process</li> <li>• Detailing of staff to the service</li> <li>• Procuring goods and stationery for delivering the service</li> <li>• Training staff</li> <li>• Young people aged 15-17 years old. For split sites, the specification appropriate to the individual circumstances should be applied</li> </ul>
6.	<b><i>Dependent Service Elements</i></b>	<ul style="list-style-type: none"> <li>• Prisons and Probation Ombudsman complaints</li> <li>• IMB complaints</li> <li>• Reserved subject matters</li> </ul>
7.	<b><i>Strategic Context</i></b>	<p>The prison system in England and Wales has an established system for the submission of complaints by prisoners. The complaints policy is set within a clear statutory framework which underpins the right to lodge a complaint.</p> <p>An effective system for dealing with prisoners' 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 instilling in prisoners greater confidence that their needs and welfare are being looked after, reducing tension and promoting better relations. A prison's equilibrium is more likely to be maintained if prisoners feel they have an accessible and effective means of making a complaint, an outlet for their grievances and confidence that their complaints will be considered properly, with reasons given for</p>

Service	Processing & Resolution of Prisoner Complaints	Version	P3.0
Document	Service Specification	Sign-off Complete	DAWG 16-09-2015

decisions.

A revised operational framework for complaints was introduced in 2012, replacing the former three-stage complaints process with a two-stage process. The three day target for replies was abolished in favour of a flexible target, reflecting the urgency of the individual case, subject to an overarching maximum response period of five days. The intention was that allowing more time than previously would result in an increased focus on quality answers, ensuring first time fixes where possible, thereby driving prisoner confidence in the complaints system.

Whilst the evidence suggests that prisoners view the effectiveness of that system to a varying degree, there would appear to be no general reluctance on the part of the prisoner population to submit complaints. Annual figures for the number of complaints<sup>1</sup> submitted are shown below. These figures do not distinguish between complaints made at different stages. Where a prisoner makes a first stage complaint and then takes the matter to the second stage, this is shown as two (separate) complaints.

- 2011-12: 234,772
- 2012-13: 212,998
- 2013-14: 229,317
- 2014-15: 220,149

Her Majesty's Inspectorate of Prisons has articulated a number of 'Expectations' and uses these criteria to assess the conditions in prisons and the treatment of prisoners during announced and unannounced inspections. Headline expectations regarding complaints are: "Prisoners have confidence in complaints procedures, which are effective, timely and well understood." and: "Prisoners feel safe from repercussions when using complaints procedures and are aware of an appeal procedure."

The Parliamentary and Health Service Ombudsman (PHSO) has, in the document 'Principles of Good Complaint Handling' said that complaints are an important indicator of whether public service users are getting what they expect. They are described as a valuable source of feedback for the public body providing early warning of failures in service delivery. When handled well, complaints provide an opportunity for public bodies to improve their service and their reputation. The PHSO points out that prompt and efficient complaint handling may also save the public body time and money by preventing a complaint from escalating unnecessarily.

The PHSO recommends that all public body's complaint systems adopt these six principles:

- Getting it right
- Being customer focussed
- Being open and accountable
- Acting fairly and proportionately

<sup>1</sup> Confidential access complaints are not recorded centrally.

Service	Processing & Resolution of Prisoner Complaints	Version	P3.0
Document	Service Specification	Sign-off Complete	DAWG 16-09-2015

		<ul style="list-style-type: none"> <li>• Putting things right</li> <li>• Seeking continuous improvement</li> </ul> <p>Establishments should seek to resolve issues at the lowest level possible, for example by fulfilling routine requests before they become complaints. The resolution of issues through the wing application system is covered under the Residential Services specification (specifically under output three of the Residential Services specification which reads: "Prisoners are supported and their daily needs are met"). This approach aims to address prisoners' needs whilst preventing unnecessary complaints from being submitted.</p>
8.	<b>Flexibility</b>	All the outputs in this specification are mandatory – referred to as the <b>National Minimum</b> .
9.	<b>Reference to Supporting Documents</b>	None.
10.	<b>Example Methods of Measurement / Assurance</b>	<p>The specification identifies examples of methods for Commissioners to measure/obtain assurance on the delivery of the outputs/output features. Where an output/output feature does not have Performance Indicator(s) or Management Information associated with it, then it is proposed that it should be covered by Assurance Statements and Contract/SLA Management and/or more specific audits of the service.</p> <p>Assurance Statements will be one of the means by which Commissioners can get assurance that providers are delivering outcomes and outputs of the Service Specification. Contract/SLA Management refers to the Commissioner, under the terms of the Contract/SLA, exercising appropriate oversight and monitoring of Contract/SLA compliance against the service as a whole. Audit may refer to individual reviews of compliance commissioned by Commissioners or to service wide reviews, by MOJ Internal Audit and Assurance, of a key process contributing to the delivery of an outcome in a Service Specification.</p> <p>Security Audit and Self Harm Audit both feature as separate elements within the Prison Rating System (PRS).</p>
11.	<b>References for Detailed Mandatory Instructions</b>	<p>PSI 02/2012 Prisoner Complaints</p> <p>PSI 07/2015 Early Days in Custody</p> <p>PSI 15/2015 (AI 10/2015 – PI 11/2015) Adult Social Care</p> <p>PSI 58/2010 - AI 26/2010 The Prisons &amp; Probation Ombudsman</p> <p>PSI 32/2011 Ensuring Equality</p> <p>PSO 4800 Women Prisoners</p> <p>Equality Act 2010</p>

Service	Processing & Resolution of Prisoner Complaints	Version	P3.0
Document	Service Specification	Sign-off Complete	DAWG 16-09-2015

		The Prison Rules 1999 – Rule 11 of Part II (Requests and Complaints)
12.	<b>References for Non-Mandatory Guidance</b>	Her Majesty's Inspectorate of Prisons Expectations (HMIP, Version 4, 2012). Section 2: Respect: Complaints. Principles of Good Complaint Handling (Parliamentary and Health Service Ombudsman, February 2009)
13.	<b>Review</b>	Review cycle to be determined

Service	Processing & Resolution of Prisoner Complaints	Version	P3.0
Document	Service Specification	Sign-off Complete	DAWG 16-09-2015

## Specification

### National Minimum

<i>Row</i>	<i>Service Element</i>	<i>Outputs/Output Features</i>	<i>Applicable Prisoner Types</i>	<i>Policy Theme</i>	<i>Example Measurement / Assurance Method for Commissioners</i>	<i>References for Detailed Mandatory Instructions</i>	<i>References for Non-Mandatory Guidance</i>
1.	Prisoner Complaints	All prisoners can easily submit formal complaints without fear of penalty.	All Prisoner Types	Secure Decent Custody	Self/Independent Assessment	PSI 02/2012. Section 2.1 PSI 07/2015 Early Days in Custody, Section 4.8 PSI 32/2011	Parliamentary and Health Service Ombudsman Good Practice Guidelines
2.	Prisoner Complaints	Responses address the issues raised in complaints.	All Prisoner Types	Secure Decent Custody	Self/Independent Assessment	PSI 02/2012, Section 2.2.	Parliamentary and Health Service Ombudsman Good Practice Guidelines
3.	Prisoner Complaints	Prisoners receive an understandable written response within timescales that reflect the urgency of the complaint.	All Prisoner Types	Secure Decent Custody	Self/Independent Assessment	PSI 02/2012, Section 2.3	Parliamentary and Health Service Ombudsman Good Practice Guidelines
4.	Prisoner Complaints	Prisoners are able to access all external complaint channels to which they are entitled, including those relating to externally funded services.	All Prisoner Types	Secure Decent Custody	Self/Independent Assessment	PSI 02/2012. Section 2.4 PSI 15/2015 Adult Social Care, Sections 14.1-4 PSI 58/2010 The Prisons & Probation Ombudsman, esp. Section 4	Parliamentary and Health Service Ombudsman Good Practice Guidelines



Service	Processing & Resolution of Prisoner Complaints	Version	P3.0
Document	Service Specification	Sign-off Complete	DAWG 16-09-2015

<b>Row</b>	<b>Service Element</b>	<b>Outputs/Output Features</b>	<b>Applicable Prisoner Types</b>	<b>Policy Theme</b>	<b>Example Measurement / Assurance Method for Commissioners</b>	<b>References for Detailed Mandatory Instructions</b>	<b>References for Non-Mandatory Guidance</b>
5.	Confidential Prisoner Complaints	There is a confidential system for prisoners to submit complaints which cannot be processed through the open system.	All Prisoner Types	Secure Decent Custody	Self/Independent Assessment	PSI 02/2012, Section 2.5	Parliamentary and Health Service Ombudsman Good Practice Guidelines
6.	Reserved Subjects	Complaints identified as relating to Reserved Subjects are passed on to the relevant persons for action and processing.	All Prisoner Types	Secure Decent Custody	Self/Independent Assessment	PSI 02/2012, Section 2.6 and Annex C	Parliamentary and Health Service Ombudsman Good Practice Guidelines
7.	Prisoner Complaint Appeals	There is an avenue of appeal to a complaint answer.	All Prisoner Types	Secure Decent Custody	Self/Independent Assessment	PSI 02/2012, Section 2.7	Parliamentary and Health Service Ombudsman Good Practice Guidelines
8.	Prisoner Complaint Appeals	Prisoners receive an understandable written response to appeals within timescales that reflect the urgency of the complaint.	All Prisoner Types	Secure Decent Custody	Self/Independent Assessment	PSI 02/2012, Section 2.8	Parliamentary and Health Service Ombudsman Good Practice Guidelines
9.	Prisoner Complaint Appeals	Responses address the issues raised in the appeal and state if it is or is not upheld.	All Prisoner Types	Secure Decent Custody	Self/Independent Assessment	PSI 02/2012, Section 2.9 PSI 58/2010 The Prisons & Probation Ombudsman	Parliamentary and Health Service Ombudsman Good Practice Guidelines

Service	Processing & Resolution of Prisoner Complaints	Version	P3.0
Document	Service Specification	Sign-off Complete	DAWG 16-09-2015

<b>Row</b>	<b>Service Element</b>	<b>Outputs/Output Features</b>	<b>Applicable Prisoner Types</b>	<b>Policy Theme</b>	<b>Example Measurement / Assurance Method for Commissioners</b>	<b>References for Detailed Mandatory Instructions</b>	<b>References for Non-Mandatory Guidance</b>
10.	Prisoner Complaint Appeals	The quality of answers is such that the proportion of complaints being substantially altered or overturned at appeal stage is minimal.	All Prisoner Types	Secure Decent Custody	Self/Independent Assessment	PSI 02/2012, Section 2.10	Parliamentary and Health Service Ombudsman Good Practice Guidelines
11.	Monitoring	Records of all complaints must be retained, stored securely and used to drive organisational improvement.	All Prisoner Types	Secure Decent Custody	Self/Independent Assessment	PSI 02/2012, Section 2.11	Parliamentary and Health Service Ombudsman Good Practice Guidelines
12.	Monitoring	Complaint Monitoring includes data on equality incidents relating to protected characteristics. <sup>2</sup>	All Prisoner Types	Secure Decent Custody	Self/Independent Assessment	PSI 02/2012, Section 2.12 PSI 32/2011 Ensuring Equality	Parliamentary and Health Service Ombudsman Good Practice Guidelines

<sup>2</sup> The Equality Act 2010 recognises the following protected characteristics in relation to service delivery: age; disability; gender; gender identity; pregnancy and maternity; race; religion or belief; and sexual orientation. Discrimination, harassment and victimisation on these grounds are prohibited.