



**Policy Name:** Prisoner Complaints Policy Framework

**Re-Issue Date:** 12 December 2023

**Implementation Date:** 01 August 2019

**Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled:**

- PSI 02/2012 Prisoner Complaints
- Processing and Resolution of Prisoner Complaints Specification

**Introduces amendments to the following documents:** PSI 58/2010 Prisons and Probation Ombudsman (replaces sections covering Complaints)

**Action required by:**

<input type="checkbox"/>	HMPPS HQ	<input checked="" type="checkbox"/>	Governors
<input checked="" type="checkbox"/>	Public Sector Prisons	<input type="checkbox"/>	Heads of Group
<input checked="" type="checkbox"/>	Contracted Prisons	<input type="checkbox"/>	Contract Managers in Probation Trusts
<input type="checkbox"/>	National Probation Service	<input type="checkbox"/>	HMPPS-run Immigration Removal Centres (IRCs)
<input type="checkbox"/>	HMPPS Rehabilitation Contract Services Team	<input checked="" type="checkbox"/>	Youth Custody Service
<input type="checkbox"/>	Other providers of Probation and Community Services		

**Mandatory Actions:** All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

By the implementation date Governors<sup>1</sup> of Public Sector Prisons and Contracted Prisons must ensure that their local procedures achieve the required Outcomes and comply with the Requirements as set out in this Policy Framework.

Guidance for Governors in planning local delivery in response to Policy Frameworks is available at <https://intranet.noms.gsi.gov.uk/corporate/prison-reform/empowered-and-accountable-governors/deregulation>

**Audit/monitoring:** Mandatory elements of this Framework must be subject to local management checks. Monitoring data must be collected locally and used to drive performance.

**Resource Impact:** Greater guidance has been provided on responding to complaints which should have a positive impact on resources, due to improved responses, less frustration by prisoners and a reduction in litigation claims.

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**Deputy/Group Director sign-off:** Yaser El-Borgi, Head of Operational Services Group.

<sup>1</sup> In this document the term Governor also applies to Directors of Contracted Prisons.

## Revisions

Date	Changes
13/02/2020	In compliance with the Data Protection Act 2018 and the General Data Protection Regulation a requirement for written confirmation that a prisoner has agreed to the sharing of personal information for the purposes of a PPO investigation – paragraph 4.44 and Annex C amended. Template for prisoner consent form added – Annex K
03/11/2020	Paragraph 4.48 has been deleted. Amendments made to Annex A (COMP 2) and Annex K. There is no requirement to obtain consent for the IMB to access prisoner records for the purposes of investigating a complaint. Inclusion in Annex B of the action and processing required for appeals against decisions made by the Financial Investigations Unit.
17/9/2021	Mother and Baby Unit (MBU) appeals have been added to the list of reserved subjects at Annex B.
2/12/2021	To facilitate prisoner access to the PPO, the cost of photocopying complaint forms must be met by individual establishments – paragraph 4.44 refers. Those responsible for answering confidential complaints must provide the prisoner with two copies of the reply - paragraph 4.53 refers.
04/02/2022	Clarification that IMB board members can have access to locally held confidential access complaint responses as part of their statutory monitoring role. Para 4.52 updated.
16/01/2023	Removal of the option for prisoners to complain directly to the IMB through the confidential access process. Clarification that complaints about the IMB are not accepted within the Prisoner Complaints Framework.  Para 4.18 – Line 4
12/12/2023	References to the Prisons and Probation Ombudsman have been updated where appropriate to reflect the launch of Independent Prisoner Complaint Investigations. Information in Annexes E and H on petitions has been amended. Contact details have been updated.

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## 1. **Purpose**

- 1.1 To set out requirements and information on providing a fair and effective system for dealing with prisoner complaints, including by ensuring procedural justice and taking a problem-solving approach for both adult prisoners and young people. Additional requirements which apply specifically to young people are set out in [PSI 08/2012: Care and Management of Young People](#).

## 2. **Evidence**

- 2.1 Evidence indicates that when people believe the process of applying rules (how a decision is made, rather than what decision is made) is fair, it influences their views and behaviour. This is called procedural justice. When people feel processes are applied fairly and justly, they have more confidence and trust in authority figures, see authority figures as being more legitimate, and they are more likely to accept and abide (or commit to abide) by decisions and rules, and comply and cooperate with authority, even if the outcome is not in their favour. It is also necessary in order to ensure prisoners are treated with respect and improve outcomes in terms of their daily life.
- 2.2 Revised complaint forms provide guidance to ensure that there is greater procedural justice within the prisoner complaints system (please see **Annex A**). The reason for this is that there is strong evidence that a complaints system that feels procedurally just leads to greater respect from prisoners for staff and authority, and less violence and misconduct in prison.
- 2.3 The guidance to staff and revised complaint forms reduce the potential impact of bias on decision making about handling complaints.

## 3. **Outcomes**

- Prisons have an effective system with a clear set of procedures for dealing with prisoners' complaints.
- Prisoners know how to make a formal complaint and have ready access to the means to do so. Complaints are managed effectively at an early stage to avoid a similar occurrence in the future and prevent the instigation of a litigation claim wherever possible. A simple investigation should identify the main issues to be considered and what remedial action needs to be taken.
- Prisoners who have disabilities, literacy and learning difficulties or for whom English is not their first language are given the necessary support needed to submit a complaint.
- Prisoners have confidence in the system and believe that the decision making is fair. Responses are meaningful, considered and easily understood through a problem-solving approach.
- Prisoners do not suffer detriment as a consequence of complaining.
- Complaints are answered in line with the timeliness requirements set out in this Framework.
- Complaints are considered using the 'balance of probabilities' burden of proof and appropriate action is taken when complaints are upheld.
- There is a confidential system for complaints.
- Complaint management and monitoring arrangements drive improvements across all services.
- Complaints identified as relating to Reserved Subjects (see Annex B) are passed on to the relevant people for action and processing.

- There is an avenue of appeal and Governors/Directors and all staff are familiar with the role and remit of Independent Prisoner Complaint Investigations (IPCI), a part of the Prisons and Probation Ombudsman (PPO), and all prisoners entering a prison are made aware of the function and accessibility of IPCI and the PPO (see **Annex C** for further information).

## 4 **Requirements**

### Legal Requirements

- 4.1 Prisoners are statutorily entitled to make complaints under Rule 11 of the Prison Rules 1999 and Rule 8 of the YOI Rules 2000.
- 4.2 Under the Prison Act 1952 it is a requirement that every prison is monitored by an Independent Monitoring Board (IMB). IMB members undertake a variety of activities in prison including receiving any complaint or request (known as an 'application') which the prisoner wishes to make to them.
- 4.3 In accordance with Public Sector Equality Duty (Equality Act 2010, section 149), In operating a complaints system, prison authorities must have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.

### Other Requirements

- 4.4 Any complaints submitted after the implementation date of 1<sup>st</sup> August 2019 on an old complaint form should be processed in accordance with the revised procedures contained in this Framework.
- 4.5 Staff must apply 'balance of probabilities' as the standard of proof to investigate complaints. Deciding that something is proven on a *balance of probabilities* means that it is more likely than not to have occurred. This requires that a dispute be resolved in favour of the party whose claims are more likely to be true, based on the evidence provided.

### Submitting a complaint

- 4.6 Prisoners must be informed about the complaints procedures during the 'early days' stages of their time in custody, including the role of IPCI, a part of the PPO, and that of the Independent Children's Rights Advocacy Services for young people.
- 4.7 To make sure that no one is unfairly disadvantaged, all prisons must have arrangements in place that will allow a prisoner to make a formal complaint orally to a member of staff where the prisoner has difficulty doing so in writing. In such circumstances the complaint must be recorded and the written answer must be explained to the prisoner in the same timeframes as for typical written responses.
- 4.8 Prisoners who do not have a good grasp of the English language must be allowed to submit a complaint in their own language if they wish. Complaint forms are available on the

Intranet in 19 languages (including Welsh) for establishments to print as required. Welsh and English language complaint forms should be available in every prison housing prisoners who have declared a preference for speaking Welsh.

- 4.9 Establishments must have arrangements in place to enable urgent complaints to be considered at weekends and on public holidays (e.g., complaints about refusal to attend a funeral or see a dying family member).
- 4.10 Prisoners must not be deterred from submitting complaints except as provided in paragraph 4.16, nor encouraged to withdraw them. Staff should take care to avoid the perception that complaints are not encouraged.
- 4.11 Prescribed complaint forms, for ordinary complaints (Form COMP 1), appeals (Form COMP 1A) and confidential access (Form COMP 2) must be made freely available to all prisoners irrespective of location.
- 4.12 Complaint boxes must be located in a prominent position, but not directly outside wing offices, so that prisoners feel they can use this system freely.
- 4.13 Complaint boxes must be emptied daily (excluding weekends and public holidays) by a designated member of staff who is not a residential officer on the wing. Where possible, a non-operational member of staff should empty complaint boxes.
- 4.14 When dealing with complaints about alleged misconduct by staff, the procedures set out in [PSI 06/2010: Conduct and Discipline](#) must be followed. Within the Youth Secure Estate, all complaints relating to allegations against staff are dealt with through the child protection procedures as described in Annex C of [PSI 08/2012: Care and Management of Young People](#).
- 4.15 The prison must allow a prisoner who is a victim of a crime to report that crime to the police if they wish to do so, even if the prison has decided not to report that crime directly.
- 4.16 Staff must decide how to manage complaints in respect of prisoners who are legitimately believed to be abusing the process on an individual basis. Staff must discuss the issue with the prisoner and seek to find a simple solution. Discussing the issue may also improve relationships, which may reduce the number of complaints. If a decision is made to impose a limit on the number of complaints a prisoner can submit, for example to one complaint per day, the prisoner must be advised of this restriction and the length of time it will be in place. A prisoner's right to make a complaint must not be completely withdrawn in any circumstances.
- 4.17 Some complaints will be treated as a 'reserved subject'. This means it is outside the remit of the prison. Complaints about reserved subjects must be dealt with by the Prison Group Director (PGD)/ Director's line manager or relevant units in HMPPS headquarters. Prisoners should not, in general, be expected to know whether their complaint is about a reserved subject. It is for the Business Hub Administrator to decide. Prisoners should be informed that their complaint is being dealt with by PGD/Director's line manager or HMPPS 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 which is concerning allegations against the Governor / Director may pursue the complaint with IPCI. Neither the PPO or IPCI have a role to play in litigation cases against the Prison Service and/or complaints about deportation decisions. A full list of reserved subjects, and where they are dealt with is at **Annex B**.

4.18 Complaints relating to the Independent Monitoring Board (IMB) are not suitable for processing within the prisoner complaints framework as they are an independent body appointed by the Secretary of State. Any complaints relating to local IMB activity should be returned to the prisoner with advice to use the local IMB application process or contact the IMB Management Board. Prisoners must be provided with the IMB Management Board address if requested.

#### Responding to a complaint

- 4.19 Prisoners must be provided with confirmation that their complaint has been received and is being processed. The detachable slip on both the COMP 1 and COMP1A must be completed and returned to the prisoner as soon as possible.
- 4.20 Prison Rule 11 states that the governor will consider complaints as soon as possible. Prisoners must receive a response to their complaint within 5 working days of the complaint being logged. Working days are taken to be Mondays to Fridays, excluding public holidays. The time limits to be applied are summarised in the table at **Annex D**.
- 4.21 An interim reply must be given where it is not possible to give a full reply within the required timeframe. These replies must be informative and give an indication of when a full reply can be expected. Interim replies must be used sparingly e.g. where the complaint involves liaison with multiple departments, external partners or stakeholders or where only one specific person can provide a response and is absent. Prisons must have in place arrangements for recording interim replies and ensuring substantive replies follow within a reasonable time. The more often the 5-day response timeframe is successfully achieved, the more likely the system will be seen as reliable and trustworthy by prisoners, and less likely that it will be abused.
- 4.22 Arrangements must be in place to deal more quickly with complaints where the prisoner might be suffering immediate and significant detriment or be considered to be at risk of suicide or self-harm e.g. prisoners on an open Assessment, Care in Custody and Teamwork plan.
- 4.23 A problem-solving approach must be adopted when responding to complaints. The key to good problem solving is ensuring you deal with the real problem – not just its symptoms. For example, the way in which complaints are written could signal that someone may be suffering from mental health issues: erratic handwriting and the content of the complaint could be a sign that something is not right and the complainant needs to be seen in person.
- 4.24 Complaint responses must address the issues raised specifically. Responses must use language which is easy to understand and takes account of any individual needs. Where necessary responses must be given orally to meet the needs of individual prisoners. Jargon and acronyms must be avoided. Mediation must be considered as an option to resolve a complaint.
- 4.25 Governors/Directors must ensure there are systems in place to download and retain digital footage in the form of CCTV/Body Worn Camera material where a serious incident has taken place. This footage can then be used, when needed, as evidence to consider subsequent complaints Body Worn Video Cameras Policy Framework refers.

- 4.26 Complaints must be answered by someone who is capable of providing an adequate and meaningful reply and is not the focus of the complaint, with others being consulted before replying where necessary. Including the details of consultation in the response can make the process feel more just to the recipient and help them to accept the response first time around.
- 4.27 The quality of staff responses must be checked by line managers intermittently as required and evidenced within the appraisal process.
- 4.28 Senior managers must periodically sample responses, with the sampling amount to be decided locally by the Governor/Director.
- 4.29 Appropriate action must be taken when complaints are upheld and the complainant should be notified where necessary. Where necessary, consideration must be given as to whether an apology is appropriate or whether the complaint should be escalated. Apologies for late responses, even if this was unavoidable, can help build respect for the process and reduce potential litigation.
- 4.30 Prisons must have processes in place to ensure any commitments are followed through, and realistic timeframes for this should be given to the complainant.
- 4.31 Where the complaint is not upheld, the prisoner must be given an explanation of the reason for not upholding it. If the explanation is clear, shows how it is consistent with others' treatment, and is respectful, it is more likely that this will be accepted and respected, even if not liked. Staff must not disclose confidential or personal information about another person's complaint to demonstrate consistency and should not use consistency as an excuse for making an otherwise unreasonable decision.
- 4.32 The name of the person responding must be legible so that prisoners know who has been involved in dealing with their complaint.
- 4.33 If a complaint is resolved through discussion with the prisoner, a brief written response must be given to the prisoner in confirmation, referring to the resolution that has taken place.

#### Avenue of appeal

- 4.34 An appeal must be made within 7 calendar days of the prisoner having received the initial response, unless there are exceptional reasons for the delay.
- 4.35 Prisoners must receive a response within 5 working days of the appeal being logged.
- 4.36 Appeals must be answered by someone at a higher level in the management structure than the person who provided the response to the original complaint.
- 4.37 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. Dealing effectively with property complaints means litigation, and the associated legal costs with this, can be avoided further down the line.
- 4.38 The response to an appeal must not simply repeat the response already given.



- 4.39 The person responding to an appeal must make sure that they are aware of all the facts of the complaint, check the relevance of any rules or regulations quoted in the original response, consider if any additional rules or regulations are relevant and consider whether the original decision was fair and reasonable.
- 4.40 Where an appeal is upheld, the response must explain why the original response is being overturned. If the original decision is overturned, the person who responded to the original complaint must be informed of the reason for this decision.
- 4.41 Prisons must monitor the number and proportion of complaints in which the decision is changed at appeal stage and use this information to address the issues revealed.
- 4.42 There is no internal formal mechanism for appeal against the response to a complaint about a reserved subject. A prisoner who is dissatisfied with the response they received may pursue their complaint with IPCI.

#### Independent Prisoner Complaint Investigations (IPCI)

- 4.43 Information about the PPO must be made widely available to all prisoners and staff and posters and leaflets must be displayed throughout the prison and be freely available in reception areas, libraries and chaplaincies.
- 4.44 Prisoners wishing to make a complaint to IPCI must be allowed to do so and such correspondence must be treated as confidential. Staff must not prevent the submission of complaints to IPCI nor judge whether they are eligible for consideration. Prisoners must be provided with paper and an envelope for the purpose of writing to the PPO or IPCI if requested. Postage for letters to the PPO or IPCI must be paid by the prison. Letters from the PPO or IPCI addressed to prisoners must also be treated as confidential and must only be opened in accordance with [PSI 49/2011: Prisoner Communication Services](#).
- 4.45 IPCI will need to see copies of the prisoners' internal complaints. Prisons must facilitate requests from prisoners to have their original complaint forms and response photocopied without charge so they can send them to IPCI for the purpose of an investigation.
- 4.46 When IPCI is carrying out investigations or enquiries, staff must comply promptly with requests for information and assistance. In compliance with the Data Protection Act 2018 and the General Data Protection Regulation staff must ensure prisoners have agreed to the sharing of personal information for the purposes of an investigation via the COMP 1A, COMP 2, or in the absence of either, a separate consent form (Annex K refers) before any documentation is shared. Governors/Directors may wish to have a single point of contact for IPCI investigations. The Chair of the prison's Use of Force Committee must act as a single point of contact for all use of force investigations. Information on how decisions were reached at each stage of the complaint process must be made readily available to IPCI or IPCI's staff upon request. Interviews with prisoners must be within sight, but out of the hearing, of staff unless the prisoner, or IPCI staff, requests that it takes place within hearing. A room must be provided for this purpose. Prisoners must not lose pay as a result of an interview or telephone conversation which takes place at the request of IPCI.
- 4.47 On completion of an IPCI investigation, and where a recommendation has been accepted by the Director General of Operations, HMPPS, the follow up action must be implemented within the specified time period and IPCI must be notified accordingly.

4.48 Prisoners must be made aware of the deadline for the submission of complaints to IPCI. IPCI will generally only accept complaints if they are submitted within three calendar months of having received the response at the final stage of the prison complaints process. **Annex C** provides further information about the role of the PPO and IPCI.

#### Confidential access complaints

- 4.49 Prisoners have the right to make a complaint under confidential access. Complaints under confidential access must be sent to either the Governor/ Director of the prison where the prisoner is held or the Prison Group Director (PGD) / the Director's line manager in a contracted prison. It is the responsibility of the recipient to decide how to deal with the complaint. The reasons given by the prisoner must be taken into consideration. Form COMP 2 should be used for confidential access complaints. Envelopes must be available with the complaint forms and must be pre-printed with the information specified at **Annex F**.
- 4.50 Prisoners must place their completed COMP 2 in a sealed envelope in the complaint box addressed to the person they wish to consider the complaint.
- 4.51 Governors/ Directors must have arrangements in place that will allow a prisoner to make a confidential complaint orally where the prisoner has difficulty doing so in writing.
- 4.52 Confidential access complaints, and subsequent replies, must be recorded, but not opened by anyone other than the person they are addressed to.
- 4.53 Governors/Directors and PGD's/Director's line manager 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. Personal information must not be disclosed without the prisoner's consent. As part of their statutory monitoring duties under PR 79(3) (subject to the confidentiality requirements above) local IMB members may have access to all confidential access complaints and responses held by the prison.
- 4.54 The person responsible for answering a confidential access complaint must provide the prisoner with two copies of their reply. This will ensure confidentiality is maintained should a prisoner need to send a copy to IPCI for the purpose of an investigation.
- 4.55 Those answering confidential access complaints must ensure that a copy is kept (in a way that is compatible with confidentiality) and the complaint is recorded. Information on retention can be found in [PSI 04/2018: Records, Information Management and Retention Policy](#).
- 4.56 If an inappropriate confidential access complaint (e.g. a complaint about lost or damaged property, money etc.) is submitted one of the following options must be followed:
- If the complaint can be answered quickly and easily then it may save time and trouble for the respondent to provide an answer. If this course is followed, it should be made clear to the prisoner that any further inappropriate complaints submitted through this channel will be returned to be pursued under normal procedures;
  - In the case of a confidential access complaint to the Governor/Director, the complaint may be referred to a senior manager for reply;
  - 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.

- 4.57 Complaints for which the confidential process is not suitable must not be forwarded to the Business Hub Administrator to be dealt with under normal procedures. It is for the prisoner to provide reasons why they have chosen this route and decide whether to pursue his or her complaint under normal procedures.
- 4.58 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 IPCI if he or she wishes. 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 amended or overturned.

#### Information and monitoring

- 4.59 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 a complete record of all existing complaints, their status and location at any time is kept.
- 4.60 Monitoring data must be collected locally and used to drive performance. Weaknesses in the operation of the process must be identified and rectified.
- 4.61 Two copies of all completed complaint forms must be kept. A copy of the complaint or appeal must be kept with the prisoner's F2050 and retained for the relevant period ([PSI 04/2018: Records, Information Management and Retention Policy](#) refers). A copy must also be retained by the Business Hub Administrator. Centrally held copies must be retained for at least three years unless the complaint contains personal data and can only be retained for the period provided in [PSI 04/2018](#).

#### **5 Guidance**

- 5.1 Prescribed procedures cannot, on their own, produce effective systems which have the confidence of prisoners. Particular care should be taken by staff to ensure that prisoners with special needs, or whose first language is not English are provided with the necessary assistance to enable them to make a complaint. Prisoner representative associations can also be an effective way of providing additional support to prisoners who have difficulty making a written complaint.
- 5.2 Complaints should be submitted within three months of the incident or circumstances which give rise to the complaint, or the date on which it becomes known to the prisoner. However, there is room for discretion to consider complaints outside this time limit in exceptional circumstances. If a prisoner is dissatisfied with the response to his or her complaint, they may resubmit the complaint using an appeal form (COMP 1A), setting out the reasons why.

#### Multiple prisons

- 5.3 A complaint or appeal submitted in one prison might involve an incident which occurred in a previous establishment, or during transit between one prison and another. The prison where the prisoner is located at the time he or she submits a complaint or appeal is responsible for ensuring that a response is provided within the required timescales. The prison where the prisoner was located when the subject of the complaint occurred will be responsible for providing the actual response to the complaint within the required timescales. All actions should be recorded to ensure a clear audit trail is available if required. Any documentation which is related to the complaint and will assist in providing a comprehensive response

should be sent at the same time as the complaint in order to expedite matters. Requests for information and replies should pass through the Business Hub Administrator of the respective prisons.

- 5.4 To avoid delays, it is essential that respective prisons agree at an early stage which of them is responsible for providing the substantive response (and paying any proposed compensation if it is upheld) when responding to complaints about loss of or damage to prisoners' property. If agreement cannot be reached, the complaint should be referred to the relevant PGD/Director's line manager as soon as possible. The responsibility for referring the complaint rests with the prison where the complaint was initially lodged.

#### Equalities complaints

- 5.5 All complaints with the 'discrimination, harassment or victimisation' box ticked should be handled through the equalities incident reporting arrangements ([PSI 32/2011: Ensuring Equality refers](#))

#### Safety

- 5.6 The ordinary and confidential access complaint forms include a box for the prisoner to tick if the complaint is about violence, including threats or intimidation. This is to enable violence reduction procedures to be implemented where necessary, in accordance with the arrangements set out in [PSI 64/2011: Management of prisoners at risk of harm to self, to others and from others \(Safer Custody\)](#)

#### Withdrawal of complaints

- 5.7 Where a prisoner wishes to withdraw a written allegation, he or she should be permitted to do so by recording this on the complaint form. However, a manager or senior manager has discretion to continue an investigation if it is judged that the circumstances of the complaint justify it.

#### Responding to complaints

- 5.8 Speaking to the prisoner in the first instance can often defuse many complaints and ensure a quick resolution. A significant element of the effectiveness of a complaint system is the quality of answers that prisoners receive. Where responses are poor, unclear or simply do not address the complaint, appeals and further challenges are likely to be the outcome, including potential litigation claims.
- 5.9 Specific and full responses can reduce the chance of unnecessary follow up complaints about the same issue, which takes up staff time and is a likely cause of unnecessary frustration for the prisoner.
- 5.10 The proper standard of proof for assessing complaints is 'the balance of probabilities'. When responding to complaints, staff should consider how similar incidents have been resolved and provide a response which is consistent and fair.
- 5.11 Staff should consider each complaint on merit and not let prior knowledge of a prisoner or emotions influence their response.

5.12 A prison is not, in general, expected to be responsible for investigating or overturning a decision made in a previous establishment. This will need to be resolved through the previous prison's management structures.

### Evidence-based practice

5.13 When people feel processes are applied in a procedurally fair way, they have more confidence and trust in authority figures, see their authority as being more legitimate, and they are more likely to respect, accept and abide (or commit to abide) by decision and rules, and comply and cooperate with authority. This is true even if the outcome of the decision is not in their favour. Better perceptions of procedural justice, including relating to complaints processes in prisons, also lead to less misconduct and violence, and better mental health in custody, and lower reoffending rates after release.

5.14 The four principles of procedural justice, which need to be present for someone to feel they are being treated fairly, are voice, neutrality, respect and trustworthy motives. A complaints system, and the responses that are given, can deliberately incorporate these principles in the following ways, so that prisoners have greater respect and trust in the process, and are more likely to accept the outcome of their complaint (even if the outcomes were not what they wanted) in the following ways:

**Voice:** Giving people a chance to present their side of the story and sincerely consider and account for this in decision-making.

- Having a named 'go to' person to ask questions about the process
- Asking for feedback to improve the process
- Forums or opportunities to discuss outcomes and lodge appeals
- Making sure responses include a summary of the problem so that the person knows they have been listened to and understood
- Using simple language that everyone can understand
- Explaining who else has been asked or spoken to about the complaint

**Neutrality:** being transparent and open about how the rules are applied, explaining decisions and showing decision making to be principled and unbiased.

- Explaining about how the process works and likely time frames
- Explaining about standards of evidence or proof required
- Systems to monitor and ensure consistency of decisions for people in the same situation
- Explaining why decisions have been made, and what influenced this or was considered
- Explaining how the decision is consistent with how others are treated
- Showing the decision was based on facts and evidence, and not personal opinion
- Explaining how the person can appeal, if they want to

**Respect:** Treat people with respect, taking their issues seriously, being polite, and respecting their rights.

- Simple and accessible paperwork and policy to facilitate understanding
- Availability of assistance when completing paperwork
- Systems to monitor and ensure timely processing
- Clear lines of accountability
- Using a courteous and respectful tone in complaint responses

- Avoiding stigmatising language
- Apologising if the response is late
- Being sensitive if the news is not what they hoped for

**Trustworthy motives:** Being sincere and caring, honest about motives, listening and taking issues seriously, and trying to do what is best for everyone.

- Explaining the purpose of the process and policy
- Explaining how you have people's best interests at heart
- Explaining about how impartial decisions are made, by who, based on what, and why
- Showing/communicating sincerity and care
- Acknowledging and showing empathy for the impact of the issue on the person, and the impact of the complaint decision

### Balance of probabilities

5.15 The civil standard of proof is 'balance of probabilities' and the criminal standard of proof is 'beyond reasonable doubt'. Therefore, the proper standard of proof for assessing complaints is the balance of probabilities. Stating that something is proven on a balance of probabilities, means that it is more likely than not to have occurred. It means that it is probable i.e. the probability that some event happens is more than 50%, no further proof is required.

### Problem solving

5.16 A fundamental part of any complaints system is finding ways to solve them. Problem solving is the act of defining the problem; determining the cause of the problem; identifying, prioritising and selecting alternatives for a solution and implementing the solution. Staff should be aware that they may need to speak with several teams to resolve a problem. Effective problem solving is an opportunity to move forward.

The following steps lead to an effective problem-solving approach:

- Define the problem. Diagnose the situation so that your focus is on the problem, not just its symptoms
- List the possible solutions and evaluate the options
- Select an option or options
- Document the agreement
- Implement the solution

### Reducing the influence of bias in decision-making

5.17 Human decision-making suffers from all sorts of biases, and we are more prone to the influence of these biases when we are tired, stressed, under pressure or have little time or incomplete information with which to make a decision. In order to reduce the potential impact of bias on the way complaints are handled, and to help ensure the consistency and fairness of complaints processing, everyone involved should be clear about the process, and a randomly selected subsample of complaints should be reviewed by someone other than the person who dealt with the complaint. Making people accountable for their decisions can drive up the quality of decision-making, and reduce the impact of bias.

## Reducing Litigation Costs

- 5.18 When complaints are responded to with a problem-solving approach where the complainant finds a resolution, and where there is a high-quality response and this Policy Framework is complied with, the complainant is unlikely to appeal the decision; this includes litigating against the prison. Litigation can be a costly process, even when claims are successfully defended. An effective complaints system helps to reduce the number of litigation claims brought against HMPPS.

## Seeking continuous improvement

- 5.19 Feedback on complaints should not be confined to data. 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. Each prison should identify trends in complaints and proactively initiate change.
- 5.20 To enhance prisoners' understanding and trust in the process, a portion of the complaints submitted could regularly be redacted and discussed within prisoner representative meetings. However, as well as redacting, consideration will need to be given as to whether the prisoner could be identified just by the circumstances set out in the complaints and therefore whether it is appropriate to raise in prisoner representative meetings. This would give prisoners the opportunity to convey their thoughts and ideas on the best resolution whilst staff could elaborate on what is not possible to do and the reasons why. There is often a perceived lack of consistency or continuity and this could help to alleviate it. Problems can arise if an improper method is used to obscure sensitive or personal information, so it is essential that the complaint forms are redacted correctly.
- 5.21 It is the responsibility of managers at all levels to ensure that responses to prisoners' complaints are of a high quality and are consistent with how similar complaints have been dealt with previously. Quality assurance of replies should be carried out periodically to ensure that complaints are being addressed properly. Managers should draw attention to any shortcomings with the relevant staff members and ensure that the necessary remedial action is taken (e.g. by providing advice or suggesting training)

**ANNEX A**

**PRESCRIBED COMPLAINT FORMS – COMP 1. COMP 1A & COMP 2**

**FORM COMP 1 – PRISONER FORMAL COMPLAINT**

**Establishment:**

**Serial Number:**

**\*Before using this form please read these points\***

- A written complaint should be made within 3 months of an incident or you finding out that the incident happened
- When you have completed this form post it in the complaints box provided
- If you are unhappy with the response you can appeal using form COMP 1A within 7 days of the response to your COMP 1
- This form is for complaints, if you are asking a question or making a request, please use the application system instead
- The protected characteristics are: Age, Disability, Sex, Marriage & Civil Partnership, Pregnancy & Maternity, Race, Religion or belief, Sexual Orientation and Gender Reassignment

**Your Details (please use BLOCK CAPITALS):**

First name(s):

Surname:

Prison Number:

Wing:

**Is your complaint about how unsafe you feel? If so, is it linked to:**

- Violence, bullying or threatening behaviour **YES / NO**
- Self-harm **YES / NO**

**Is your complaint about discrimination, harassment or victimisation because of your protected characteristic? YES / NO**

If 'Yes' please explain why within your complaint.

**Signed:**

**Dated:**



----- Please Cut This Out & Hand to the Prisoner -----

**Prisoner Name:..... Prison Number:..... Serial Number:.....**

We have received your complaint dated.....which will now be dealt with by the team named below. You will receive a response on the date given.

**Team:**

**Date for Response:**

In some cases your complaint may not be easy enough to resolve in the time given or may need referring to another member of staff. When this happens you will get an interim response before the date above, which will let you know why there has been a delay and name the person the complaint has been referred to.



**Your complaint:**

**What you want done about your complaint:**

**Back of Detachable Slip**

**Response to complaint:**

When a member of staff responds to a complaint they need to ensure that these points are addressed:

- **Voice:** Giving people a chance to present their side of the story and sincerely consider and account for this in decision-making
- **Neutrality:** Being transparent and open about how the rules are applied, explaining decisions and showing decision making to be principled and unbiased.
- **Respect:** Treat people with respect, taking their issues seriously, being polite and respecting their rights
- **Trustworthy motives:** Being sincere and caring, honest about motives, listening and trying to do what is best for everyone

**\*Staff must complete this section if an Interim Response is required\***

**Reason Interim Response is required:**

**Response to Complaint:**

**From:**

**Position:**

**Dated:**

**What Will Happen Because Of This Complaint:**

**Signed by Staff Member:**

**Print Name:**

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

**Establishment:**

**Serial Number:**

**\*Before using this form please read these points\***

- This form is for you to appeal against the response to the written complaint that you made
- Say clearly why you are not happy with the response from us
- When you have completed the form post it in the box provided
- If you are still not satisfied, you can send your complaint to IPCI (Independent Prisoner Complaint Investigations)

**Your Details (please use BLOCK CAPITALS):**

**First name(s):**

**Surname**

**Prison Number:**

**Wing:**

**Original Complaint Serial Number:**

**Today's Date:**

I agree that the PPO, including IPCI, can process the personal information contained in this complaint for the purposes of investigating my complaint **YES / NO**

**Signed by Prisoner:**



----- Please Cut This Out & Hand to The Prisoner -----

**SERIAL NUMBER:**

**Prisoner Name:**

**Prison Number:**

We have received your complaint dated.....which will now be dealt with by the team named below. You will receive a response on the date given.

**Team:**

**Date for Response:**

In some cases your complaint may not be easy enough to resolve in the time given or may need referring to another member of staff. When this happens you will get an interim response before the date above, which will let you know why there has been a delay and name the person the complaint has been referred to.

**Appeal: Why aren't you happy with the response to your complaint?**

**Back of Detachable Slip**

When a member of staff responds to a complaint they need to ensure that these points are addressed:

- **Voice:** Giving people a chance to present their side of the story and sincerely consider and account for this in decision-making
- **Neutrality:** Being transparent and open about how the rules are applied, explaining decisions and showing decision making to be principled and unbiased
- **Respect:** Treat people with respect, taking their issues seriously, being polite and respecting their rights
- **Trustworthy motives:** Being sincere and caring, honest about motives, listening and trying to do what is best for everyone

**Prison's response to your appeal:**

**Staff Member's Name:**

**Position:**

**Signed:**

**Dated:**

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

**\*Before using this form please read these points\***

- This form is for you to make a formal written complaint in confidence to the Governor/Director or the Prison Group Director/Director's Line Manager
- Use this form when your complaint is about a serious or sensitive matter which you are unable to discuss with wing staff
- Keep your complaint brief and to the point
- Seal the form in an envelope, address it to the person you want it to go to and post it in the box provided
- You can refer your complaint to IPCI (Independent Prisoner Complaint Investigations) if you are not happy with the response
- The protected characteristics are: Age, Disability, Gender, Marriage & Civil Partnership, Pregnancy & Maternity, Race, Religion or belief, Sexual Orientation and Gender Reassignment.

**Your Details (please use BLOCK CAPITALS):**

First name(s):

Surname:

Prison Number:

Wing:

**I agree to my complaint being sent to [Tick one box] which includes any personal information contained in this form**

The Governor

The Prison Group Director/Director's Line Manager

**Is your complaint about how unsafe you feel? If so, is it linked to:**

- Violence, bullying or threatening behaviour **YES / NO**
- Self-harm **YES / NO**

**Is your complaint about discrimination, harassment or victimisation because of your protected characteristic? YES / NO**

I agree that the PPO, including IPCI, can process the personal information contained in this complaint for the purposes of investigating my complaint **YES / NO**

**Signed:**

**Dated:**

**Please write your complaint in the box below, including why it needs to be looked at as a confidential complaint. If you feel your complaint is related to your protected characteristic please make sure you explain why here:**

**What you want done about your complaint:**

When a member of staff responds to a complaint they need to ensure that these points are addressed:

- **Voice:** Giving people a chance to present their side of the story and sincerely consider and account for this in decision-making
- **Neutrality:** Being transparent and open about how the rules are applied, explaining decisions and showing decision making to be principled and unbiased
- **Respect:** Treat people with respect, taking their issues seriously, being polite and respecting their rights
- **Trustworthy motives:** Being sincere and caring, honest about motives, listening and trying to do what is best for everyone

**Response from the Governor/Director or the Prison Group Director/Director's Line Manager (Please use BLOCK CAPITALS):**

**From:**

**Position:**

**Signed:**

**Dated:**



## LIST OF RESERVED SUBJECTS

Subject	Dealt with by	Required accompanying information
Allegations against the Governor/Director	Offender Management and Public Protection Group or Prison Group Director/Director's Line Manager, Long Term and High Security Estate	
Litigation against the Prison Service	Regional Litigation Teams or Prison Group Director/Director's Line Manager.	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
Deportation	Home Office Immigration Enforcement	Representations about refusal for leave to enter the UK, notice of illegal entry of deportation are considered within a formal statutory appeal procedure. A report from the governor/director should accompany the prisoner's complaint and the governor/director 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
Appeals against decisions made by the Financial Investigations Unit to withhold money from a NOMIS account on release	Financial Investigations Unit (FIU)	No additional information required.
Mother and Baby Unit Placement Decisions made by Governors/Directors (Women's Estate only) to:	HMPPS Women's Team	A COMP1 (see Annex A) form should be completed. It must contain clear grounds for appeal against the decision of the prison Governor/Director not to admit or not to approve an extension to the upper age limit, i.e. the reason an applicant feels the decision is not compliant with relevant Policy Framework.

<ul style="list-style-type: none"> <li>• Reject an admission application</li> <li>• Reject an application to extend the MBU upper age limit</li> </ul>		<p>COMP 1 forms should be accompanied by a dossier of relevant paperwork regarding the MBU placement when submitted to the HMPPS Women's Team at <a href="mailto:womensteam@justice.gov.uk">womensteam@justice.gov.uk</a></p> <p>Further guidance can be found in the Pregnancy, Mother and Baby Units and Maternal Separation from Children up to the Age of Two in Women's Prisons Policy Framework.</p>
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## **INDEPENDENT PRISONER COMPLAINT INVESTIGATIONS (IPCI) – PART OF THE PRISONS AND PROBATION OMBUDSMAN (PPO)**

The prisoner early days process should include an explanation of IPCI's role in relation to the complaints procedure. Prisoners should be informed that they may pursue a complaint with IPCI only after all the internal avenues of complaint have been exhausted. All prisoners should be given a copy of the IPCI leaflet during the early days process and should be told about the availability of information in foreign languages.

Governors/Directors will be sent copies of the PPO's Annual Report, which will include an annual review of IPCI work, for circulation and for the prison library. If required further copies can be obtained from the address given below.

### Publicity material

The PPO's office publishes a leaflet and accompanying poster (with a separate version for young people in detention) explaining the correct process for making a complaint to IPCI. The leaflet is also available in the following languages: Welsh, Arabic, Bengali, Chinese, Dutch, French, German, Greek, Gujarati, Hindi, Italian, Polish, Portuguese, Punjabi, Russian, Spanish, Tamil, Turkish, Urdu and Vietnamese.

### Visits by the Prisons and Probation Ombudsman and PPO/IPCI staff for the purpose of giving presentations

The Ombudsman and PPO/IPCI staff are available to give presentations to staff in establishments about the work of the office. The PPO's office will contact establishments directly to arrange visits. Staff should as far as possible, facilitate arrangements for presentations to be made.

Staff wishing to request visits and presentations may do so by contacting the PPO's office.

### Complaints

IPCI (as part of the PPO) will investigate complaints from:

- prisoners and young people, including those in youth detention accommodation, who have failed to obtain satisfaction from the internal complaints system in place at the relevant institution;

The PPO will investigate complaints from:

- offenders who are, or have been, under probation supervision, or accommodated in approved premises and who have failed to obtain satisfaction from the probation complaints system; and immigration detainees, including residents of immigration removal centres, pre-departure accommodation, short-term holding facilities and those under managed immigration escort, who have failed to obtain satisfaction from the Home Office complaints system.

The aims of PPO/IPCI investigations are to:

- establish the facts relating to the complaint with particular emphasis on the integrity of the process adopted by the authority in remit and the adequacy of the conclusions reached;
- examine whether any change in operational methods, policy, practice or management arrangements would help prevent a recurrence;
- seek to resolve the matter in whatever way the PPO/IPCI sees fit, including by mediation; and
- where the complaint is upheld, restore the complainant, as far as is possible, to the position they would have occupied had the event not occurred.

Before putting a complaint to the PPO/IPCI, a complainant must first seek redress through appropriate use of the relevant complaint procedure.

Complainants will have confidential access to the PPO and IPCI and no attempt should be made to prevent a complainant from referring a complaint to the PPO/IPCI. The cost of postage of complaints to the PPO/IPCI Ombudsman by prisoners, detained individuals and young people in detention, will be met by the relevant authority.

PPO/IPCI will consider complaints for possible investigation if the complainant is dissatisfied with the reply from the authority in remit, or receives no final reply within 30 working days of making the complaint (or 45 working days in the case of complaints relating to probation matters). Complainants submitting their case to the PPO/IPCI must do so within three calendar months of receiving a substantive reply from the relevant authority.

The PPO/IPCI will not normally accept complaints where there has been a delay of more than 12 months between the complainant becoming aware of the relevant facts and submitting their case to the PPO/IPCI, unless the delay has been the fault of the relevant authority and the PPO/IPCI considers that it is appropriate to do so.

Complaints submitted after these deadlines will not normally be considered. However, the PPO/IPCI has discretion to investigate those where it considers there to be good reason for the delay, or where it considers the issues raised to be of sufficient severity to warrant an exception to the usual timeframe to be made.

All staff must co-operate fully with all requests from the PPO or IPCI for information, material or access to establishments and prisoners.

IPCI investigators will need to see copies of the prisoner's internal complaint and any related material. To ensure compliance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) the COMP 1A (appeal form) and COMP 2 (confidential access) include a tick box for prisoners to agree to the sharing of personal information for the purposes of an investigation. Before any documents can be disclosed staff must ensure that a prisoner has given consent by annotating the relevant form. If a prisoner has failed to complete the complaint form appropriately there is an additional consent form for establishments to print as required, Annex K refers. A copy must be kept with the prisoner's F2050 and retained for the relevant period ([PSI 04/2018: Records, Information Management and Retention Policy](#) refers). A copy must also be retained by the Business Hub Administrator. The essential purpose of these laws is to safeguard personal data; balancing the legitimate needs of organisations to obtain and use personal data with rights of the individual –The DPA 2018 and GDPR, The FOI Act 200, EIR 2004 refers. Briefing and Correspondence Team, and establishment staff must, where appropriate and at the same time, provide any additional documents or information they consider relevant. Staff must provide IPCI investigators with unfettered and prompt confidential access to requested information including

security CCTV. This information must be provided in a suitable format for easy access. With the exception of Security Information Reports (SIRs) staff must ensure that IPCI is provided with two copies of any documents that require redaction, one redacted and one not. SIRs are to be provided redacted to IPCI. IPCI staff may subsequently need to make further enquiries with Headquarters or establishment staff, the Independent Monitoring Board, prisoners or other people, by correspondence, by telephone or by visit and interview. They may need to examine files and copy documents.

### Complaint investigation interviews

IPCI will have access to establishments, headquarters and regional offices at reasonable times as specified by IPCI, for the purpose of conducting interviews, examining documents (including those held electronically), and for pursuing other relevant inquiries in connection with investigations. IPCI will normally arrange such visits in advance. Such visits will count as special visits, rather than against a prisoner's allocation, but will not require a special visits order.

Interviews with prisoners must be within sight, but out of the hearing, of staff unless the prisoner, or IPCI, requests that it takes place within hearing. A room must be provided for this purpose. Subject to the agreement of IPCI, the prisoner may have a friend or adviser present so long as that person would normally be allowed to visit the prisoner.

IPCI will occasionally tape-record interviews subject to the permission of the interviewee. If this is necessary arrangements will be made in advance for IPCI's equipment to be set up.

IPCI staff will endeavour to arrange visits (or telephone calls) at a time which does not conflict with prisoners' work or education commitments but, in any event, prisoners must not lose pay as a result of an interview or telephone conversation which takes place at the request of IPCI.

Staff being interviewed may be accompanied if they wish by a work colleague or trade union representative.

Staff (and prisoners being interviewed need to understand that evidence given will not be admissible in any disciplinary proceedings without their consent, but that it may be disclosed in court proceedings where such disclosure is required by law. They also need to understand that information given may be used in IPCI's reply subject to the provisions about disclosure and about draft investigation reports.

### Telephone calls

Prisoners may telephone the PPO/IPCI office and leave a voicemail at their own expense. For those wishing to do so the general enquiry number is 0845 010 7938 and this is globally available to all prisoners with access to the BT pinphone system. Prisoners whose complaints are under consideration will have their message noted and passed to the relevant investigator.

Communications between a prisoner and the PPO/IPCI can only be monitored where the communications are believed to be used to further criminality in accordance the Authorised Communications and Control and Interceptions Policy Framework. *Before any monitoring can take place, there must be prior authorisation by the CEO of HMPPS or another Director of HMPPS in accordance with Prison Rule 35A (2A). This authorisation must be in place before any calls are intercepted.*

Misuse of this number may result in monitoring of calls, barring a caller or referral to the police. It is unacceptable for our staff to encounter the following:

- aggressive or abusive behaviour (including making threats, physical violence, personal verbal abuse, derogatory remarks and rudeness, inflammatory statements and unsubstantiated allegations)
- offensive or explicit language or content

- people persistently making the same complaint or request, or who by the frequency or nature of their contacts, hinder IPCI's work.

If a member the PPO/IPCI wishes to speak to a prisoner by telephone, they will telephone the establishment to make arrangements to speak to the prisoner. On receipt of such a request, prisoners must be given the opportunity to use an official telephone out of hearing of staff and at a time convenient for the regime.

#### Draft complaints investigation reports

IPCI may conclude an investigation in any way they see most fit, for example by local resolution, mediation, a formal letter etc. Where IPCI intends to issue a formal report, a draft is sent to HMPPS Headquarters so that checks may be made for confidential or sensitive material which ought not to be disclosed and for factual accuracy. Should any staff be criticised in a report, the draft report will allow any identifiable staff an opportunity to make representations. The Prisoner Casework Team will acknowledge the draft and co-ordinate the response. HMPPS may also use this opportunity to say whether the recommendations are accepted.

The letter or email accompanying the report will give the dates by which responses must be received. HMPPS will normally have two weeks to issue a response. Where IPCI has deemed it appropriate, staff identified in the report may be invited to comment.

Where an acknowledgement has been sent to IPCI but no final response has been made within the deadlines set, IPCI will proceed on the basis that HMPPS does not wish to comment.

#### Final reports

IPCI's final report may uphold a complaint in whole, in part, or may reject it. Regardless of the outcome of the complaint, a recommendation(s) may be made to the prison or HMPPS. Where this is the case the Prisoner Casework Team will check the final report and consider whether to accept any recommendations made.

Where no recommendation has been made, the report is sent directly to the head of Prisoner Casework Team who will copy it to all interested parties.

Requests for additional copies of final reports should be sent to the Prisoner Casework Team.

#### Dealing with recommendations

On completion of an investigation, IPCI may make recommendation(s) for action to be taken. IPCI may make recommendations to the authorities within remit, the Secretary of State for Justice, the Home Secretary or the Secretary of State for Education, or to any other body or individual that IPCI considers appropriate given their role, duties and powers. For those recommendations that fall to HMPPS to consider, co-ordination of responses will be undertaken by the Prisoner Casework Team, who will commission contributions from the appropriate Prison Group Director/Director's Line Manager or Head of Group at Headquarters. IPCI must be notified of action taken as a result of any recommendations.

HMPPS has a target of four weeks to reply to recommendations. Prisoner Casework Team will monitor the timeliness of responses. Where action to implement a recommendation cannot be completed in time to meet the four week deadline, the response must inform IPCI why and continue to provide IPCI with all subsequent progress.

Examples of action which IPCI might recommend are:

- Ex-gratia payments for property lost as a result of negligence by HMPPS: payment will normally be made to the prisoner's private cash account; the prisoner must be informed of this by letter; side copied to IPCI;
- An apology for actions resulting in an injustice to a prisoner; IPCI must be sent a copy of the letter of apology to the prisoner;
- (Mitigation or quashing of a punishment of additional days: the PPO's Terms of Reference exclude decisions, or the review of decisions, by independent adjudicators (district judges), but IPCI requires confirmation that prisoners' adjudication records and release dates have been amended if punishments of added days are quashed or mitigated; and
- A review by HMPPS Headquarters of its guidance on policy issues: IPCI must be told the expected timescale, and given details of the outcome of the review.

### Complaints: Settlement by local resolution

It will be open to IPCI in the course of a complaint to seek to resolve the matter in whatever way IPCI sees most fit, including by mediation and by local resolution.

Where IPCI considers that a complaint may be suitable for local resolution, IPCI will approach the Governor/Director of an establishment concerned or Headquarters. IPCI will approach the prisoner separately. Governors/Directors have authority to agree a settlement in the case of non-reserved subjects (where it concerns a decision taken at establishment level). It is not necessary to refer proposals for local settlement to PGDs/Director's Line Manager or the Briefing and Correspondence Team.

In most cases local resolution will be proposed where the investigation of a complaint has brought to light new evidence or factual errors in the decision making process. Suitable types of complaint typically include (although these are not exclusive) the following: minor property losses (up to a settlement limit within the Governor's/Director's delegated authority); loss of earned privileges; and decisions on categorisation, release on temporary licence or home detention curfew (but excluding those concerning lifers, category A or escape list prisoners). In the latter category the Governor/Director can agree that a board will reconsider a decision in the light of new information.

The intention of local resolution is not to involve Governors/Directors in protracted negotiations but rather to seek agreement on complaints at an earlier stage. For example, where resolution involves reaching financial settlement with the prisoner over property loss IPCI will submit to the Governor/Director a proposed figure with supporting argument.

Complaints concerning Reserved Subjects will not usually be suitable for local resolution. Where IPCI considers that local resolution may be appropriate in a Reserved Subject complaint IPCI will approach the Headquarters unit where the original decision was made.

Once the settlement has been agreed, IPCI will write to both the Governor/Director and prisoner to confirm this. Where further action is required to implement the settlement, Governors/Directors are asked to ensure action is taken promptly. Governors/Directors must inform IPCI once the settlement has been implemented.

### Matters about which the PPO/IPCI are NOT able to investigate

The PPO/IPCI may not investigate complaints about:

- i) policy decisions taken by a Minister and the official advice to Ministers upon which such decisions are based;

ii) the merits of decisions taken by Ministers, except in cases which have been approved by Ministers for consideration;

iii) actions and decisions (including failures or refusals to act) in relation to matters which do not relate to the management, supervision, care and treatment of the individuals described in paragraph 15 (of the PPO's Terms of Reference) or outside the responsibility of the authority in remit. This exclusion covers complaints about conviction, sentence, immigration status, reasons for immigration detention or the length of such detention, and the decisions and recommendations of the judiciary, the police, the Crown Prosecution Service, and the Parole Board and its Secretariat;

iv) matters that are currently or have previously been the subject of civil litigation or criminal proceedings; and

v) the clinical judgement of healthcare professionals.

#### Address of Independent Prisoner Complaint Investigations

IPCI's contact details are:

Independent Prisoner Complaint Investigations  
3<sup>rd</sup> Floor  
10 South Colonnade  
Canary Wharf  
London E14 4PU

Tel: 0845 010 7938  
Email: [mail@ppo.gov.uk](mailto:mail@ppo.gov.uk)  
Website: [www.ppo.gov.uk](http://www.ppo.gov.uk)



## TIME LIMITS FOR COMPLAINTS TO HMPPS

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	5 working days
Stage 1 response to complaint against member of staff	10 working days
Stage 1 response to complaint involving another establishment	10 working days
Stage 1 response with an equality aspect	5 working days
Re-submission by prisoner of complaint (appeal) stage 2	Within one week of receipt of the stage 1 response
Stage 2 response	5 working days
Stage 2 response to complaint against member of staff	10 working days
Stage 2 response to complaint involving another establishment	10 working days
Confidential access complaint to governing governor/director	5 working days
Confidential access complaint to Prison Group Director/Director's Line Manager	6 weeks
Response to complaint about a reserved subject	6 weeks

Note: As stated in paragraph 4.6 a longer timescale will be needed where the complaint is made in a language other than English or Welsh, however, every effort must be made to obtain a timely translation. A delay in translation cannot justify an excessive delay in providing a response. If a long delay is expected consideration should be given to the use of an interpreter to explain why there has been a delay as an interim measure. As a rule of thumb, the timescales above will normally start once a translated version is received.

## **OTHER AVENUES OF COMPLAINT**

There are external avenues through which prisoner may pursue a complaint without necessarily having exhausted the internal process, although some of the organisations will expect the prisoner to have at least raised the complaint internally.

### **Independent Monitoring Board (IMB)**

The Prisons Act 1952 require every prison to be monitored by an Independent Board appointed by the Secretary of State for Justice from members of the community in which the prison or centre is situated.

The Board is specifically charged to:

- (1) Satisfy itself as to the humane and just treatment of those held in custody within its prison and the range and adequacy of the programmes preparing them for release.
- (2) Inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has.
- (3) Report annually to the Secretary of State on how well the prison has met the standards and requirements placed on it and what impact these have on those in its custody.
- (4) Boards and members are also required to hear any complaint or request which a prisoner wishes to make.

### **Members of Parliament**

At any point of the complaints process a prisoner can write to their Member of Parliament.

### **The Courts**

Prisoners may instigate a civil action against HMPPS 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. Prisons must not impede any such action, but it is not for a member of staff to provide substantive advice or assistance.

Prisoners who wish 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 Police Liaison Officer. The procedures set out in [PSI 06/2010: Conduct and Discipline](#), must be followed when dealing with any crime which is alleged to have occurred within the establishment.

Prisoners who wish to bring an appeal (either criminal or civil) to the Court of Appeal or the Supreme Court should consult their legal advisers. Instructions on the procedure for bringing appeals to the Supreme Court are available from the court.

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

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 Criminal Injuries Compensation Authority**

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.

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 may wish to apply for compensation to the Criminal Injuries Compensation Authority, Alexander Bain House, Atlantic Quay, 15 York Street, Glasgow G2 8JQ. The CICA can award compensation in appropriate cases for injuries directly attributed to a crime of violence."

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

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.

The governor/director 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/director 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 Prison Group Director/Director's Line 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.

### **Equality and Human Rights Commission**

Equality and Human Rights Commission have a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the nine "protected" grounds – age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.

### **Petitions to the King**

Every subject of the King has constitutional right to petition His 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 subjects or not, should be allowed to petition the King if they wish. A petition to the King should normally be written on letter paper and should be submitted to the Prison Group Director/Director's Line Manager. If the prisoner insists on sending it directly to the King, they should be allowed to do so.

### **Petitions to Parliament**

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 Common 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.

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 H 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. However, the prisoner is not obliged to discuss the subject of the petition with staff.

If a petition is found to contain an allegation against a member of staff, action should be taken in accordance with –[PSI 06/2010 – Conduct and Discipline](#). 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.

Prisoners who have literacy difficulties, disabilities or for whom English is not their first language 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 H. 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.

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 Justice 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 Justice 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.

Prisoners may ask a member of the House of Lords to present a petition 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. 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.

## **Equality Act 2010**

Under section 138 of the Equality Act 2010, a person who claims to have been discriminated against, harassed, or victimised in contravention of the Act can submit a questionnaire in order to obtain information from the person he or she thinks is responsible for the contravention.

It is important to remember, when providing information in connection with a questionnaire, that any reply is (subject to the normal rules relating to the admissibility of evidence) admissible in evidence in court proceedings under the Equality Act 2010. If it appears to the court that there has been a deliberate failure to reply to a question within 8 weeks, or that a reply is evasive or equivocal, the court will be entitled to draw any inference from this, although there are some exceptions. It is therefore important that full answers are provided promptly to any request for information relating to allegations of discrimination.

**Covering Envelope for Confidential Access Complaints**

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

**Complaint serial no.** \_\_\_\_\_ (To be added by the Prison)

**PRISONER'S COMPLAINT UNDER CONFIDENTIAL ACCESS**

Please make sure your name and prison number are clearly included inside this envelope (do not write your name and number on the outside of the envelope)

**To:** The Governor

The Prison Group Director/Director's Line Manager

**MODEL INTERIM REPLY**

From: *[The Business Hub Administrator]*

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*

## TEXT OF INFORMATION LEAFLET FOR PRISONERS (LONG VERSION)

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

### Part 1: Inside the prison

#### I want to make a complaint. What do I do?

You have the right to make a formal written complaint on form COMP 1 at any stage, but you should think about whether speaking to a member of staff first will solve your problem. Most problems can be sorted out quickly and easily this way.

If you are not satisfied with the response to your written complaint you should appeal using form COMP 1A.

#### I have made a wing application but I am still not happy. What do I do next?

You can make a formal complaint in writing. Copies of the complaint form **COMP 1** 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. Where online systems/kiosks operate on the wing, you can use these instead of a paper 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 weekday.

#### Who opens the prison's complaints boxes?

Complaints boxes are opened by a designated officer who is not a residential officer on the wing.

#### When will I get a response?

You should normally receive a response to your complaint to the prison within five working days. 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.

Subjects - such as allegations against the Governor/Director, litigation against HMPPS and deportation - are dealt with only by HMPPS Headquarters. Dealing with these complaints will take longer, up to six weeks. Staff will tell you when your complaint has been sent to Headquarters. You must make complaints about reserved subjects in writing. If you have difficulty putting your complaint in writing you can make your complaint orally to a member of staff.

#### 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 a level more senior than the person who provided the response to your original complaint. There is another form for this, **COMP 1A**.

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 within five 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.

### **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 HMPPS. 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 Independent Prisoner Complaint Investigations (IPCI)

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

You can 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/director, the Prison Group Director (PGD)/Directors line manager or the Chair of the Independent Monitoring Board.

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.

### **What do the Independent Monitoring Board do?**

The Independent Monitoring Board is responsible for monitoring the treatment of prisoner to check that it is fair, just and humane. To do this, they make regular visits to each prison. They are ordinary people appointed by Ministers and are completely independent of the Prison.

### **Can I go to the Independent Monitoring Board with a complaint?**

Yes. You can apply at any time - using the wing IMB application system to request 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 complaint. It could, for example, ask the governor/director to think again about a decision which has been made. Or, it could bring it to the attention of the Prison Group Director/Director's Line Manager

### **How do I make an application to the IMB?**

Forms to make an application to the IMB should be available on the wing and you then fill out the form and put it in the box marked IMB.

### **Are applications to the IMB confidential?**

Yes, all applications are confidential though you may be asked to agree to the IMB consulting staff if necessary. You can ask to see a copy of the IMB privacy notice, which explains how the IMB will use your information.

### **Who opens the IMB application boxes?**

Only IMB members open these boxes.

**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/director or the Prison Group Director/Director's Line Manager - 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 **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/director, the Prison Group Director/Director's Line Manager 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/director within 5 working days, for HMPPS headquarters on behalf of the Prison Group Director/Director's Line Manager (on the same form as your original complaint and in a sealed envelope) within about 10 working days, depending on where you addressed the complaint. If the response takes longer, you will receive an interim reply explaining why.

The governor/director, or the Prison Group Director/Director's Line Manager 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.

### **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 Governing Governor/Director You can also complain directly to the Prison Group Director/Director's Line 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/director or the Prison Group Director/Director's Line Manager.

### **What happens then?**

The governor/director 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/director will decide what, if any, action to take. If the governor/director decides that your complaint is justified, the member of staff concerned may be

disciplined. If your complaint is very serious the governor/director may decide to ask the police to investigate.

The governor/director 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 Prison Group Director/Director's Line 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 Prison Group Director/Director's Line Manager will usually ask the governor/director 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 Independent Prisoner Complaint Investigations (IPCI), but you must have completed the internal complaints procedures first. You should normally send your complaint to the Ombudsman within three months of receiving the final response to your complaint from the governor/director or HMPPS Headquarters. The address is:

Independent Prisoner Complaint Investigations  
3<sup>rd</sup> Floor  
10 South Colonnade  
Canary Wharf  
London E14 4PU

There is a separate leaflet about how to complain to IPCI. You should be able to pick up a leaflet in the library or chaplaincy.

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

Yes. The Independent Monitoring Board is completely independent from the prison, see how to make an IMB application above. Other bodies are listed below>

Unlike a complaint to IPCI, 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

OAA. 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 King**

You can petition the King. You should write out your petition on letter paper. Hand your petition to a member of staff, who will send it the Prison Group Director/Director's Line Manager. You do not have to tell staff what you are writing about, but the governor/director will be told that you have sent a petition to the King. A petition to the King 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/director 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/director 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

5 St Philip's Place

Birmingham

B3 2PW

### **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

Alexander Bain House

Atlantic Quay

15 York Street

Glasgow

G2 8JQ

### **Equality and Human Rights Commission**

You can write to the Equality and Human Rights Commission to ask for their help in making a complaint of unlawful discrimination. Their address is:

Equality and Human Rights Commission

Fleetbank House

2-6 Salisbury Square

London EC4Y 8JX

## **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.

**TEXT OF INFORMATION LEAFLET FOR PRISONERS (SHORT VERSION)****Do you have a complaint?****Yes. What do I do?**

You have the right to make a formal written complaint on form COMP 1 at any stage, but you should think about whether speaking to a member of staff first will solve your problem. Most problems can be sorted out quickly and easily this way.

If you are not satisfied with the response to your written complaint you should appeal using form COMP 1A.

**What do the Independent Monitoring Board do?**

The Independent Monitoring Board is responsible for monitoring / inspecting the state of the prison and prisoners' treatment. They are independent of the Prison Service.

**Can I go to the Independent Monitoring Board with a complaint?**

Yes. You can apply at any time - using the wing IMB 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 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/director of the establishment, the Prison Group Director/Director's Line Manager or the Chair of the Independent Monitoring Board.

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 a member of staff has mistreated you, you can complain to the governor/director. You can also complain directly to the Prison Group Director/Director's Line Manager, using the confidential access. 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 Independent Prisoner Complaint Investigations (IPCI), but you must have completed the internal complaints procedures first. You should normally complain to IPCI within three months of receiving the final response to your complaint from the governor/director and within 12 months of the initial incident. There is a separate leaflet about how to complain to IPCI.

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

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 think about speaking 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.**

**EASY READ INFORMATION LEAFLET FOR PRISONERS**

**For access click on link below**







## CONSENT FORM

I agree that HMPPS may disclose this complaint and any related material to the PPO, including IPCI, and that the PPO, including IPCI, can process the personal information contained in this complaint for the purposes of investigating my complaint.

**YES / NO**

**Your Details (please use BLOCK CAPITALS):**

First name(s):

Surname:

Prison Number:

Establishment:

Signed:

Dated: