



# ***ANNUAL REPORT***

## ***2020-21***



The  
Prisoner  
Ombudsman  
for Northern Ireland



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## Foreword

It is a continuing pleasure and privilege for me to hold the post of Prisoner Ombudsman and to have the opportunity to bring the needs and concerns of prisoners to wider attention through my investigations. My Annual Report for 2020-2021 provides information about the work of the office and insight into the lives and experiences of prisoners and their loved ones, particularly during the Covid-19 pandemic. The work of the Prisoner Ombudsman's Office is interesting, diverse and challenging and all of those aspects of our work were stretched and tested during the reporting year.



We began the year, as so many others, working from home. The early part of the year was focussed on fitting the office for home-working as there had been no tradition of this. Maintaining confidentiality and security standards was a matter of concern but as we look back from the vantage point at year end we wonder why we thought it would be so difficult. I am particularly grateful for the IT support provided through the NI Civil Service who quickly provided us with what was needed to keep the office running. Some difficult decisions had to be made, in particular about our Freephone service which is not only a mechanism for lodging complaints but also an avenue of support for some prisoners. I took the view that this service would be all the more critical during the pandemic and could support prisoners to understand the various decisions that were taken by the Prison Service as they attempted to keep prisoners safe along with staff and others who work in prisons. Having prioritised the service I was grateful that some staff agreed to operate the Freephone service from home. This was not without a toll on their wellbeing. I acknowledge and appreciate their willingness to maintain the service until such times as we could reopen the office, in line with Covid-19 guidance, towards the end of the summer 2020.

The Office ended the previous reporting year with new staff just into post and the prospect of others moving on shortly after the reporting period began. This impacted the timely delivery of investigations. The staffing situation gradually improved over the year but significant challenges still remain.

The staffing situation along with the impacts of Covid-19 meant we were unable to visit prisons or quickly train staff, which led to a backlog of complaints swiftly being built up. This newly created backlog was compounded by a concern that there were approximately 9,000 complaints which had not been properly closed. The rise of the backlog to 301 by the end of May 2020 together with the 9,000 complaints to be checked for assurance that they had been properly closed, was of enough concern for me to escalate the situation to the Department of Justice. Swift action followed.



A consultant from the Strategic Investment Board was commissioned, temporary investigators were recruited and a process to address the backlog was introduced to enable Investigators to expedite complaints. An exceptional approach was adopted to address the backlog, The Exceptional Assessment and Investigation Process, and it was also an opportunity to put some different methods for handling complaints to work which would allow us to learn and improve handling in future. The 9,000 complaints were examined and a Report submitted to the Minister revealing nothing of concern and setting out learning for the future. By the end of the reporting year the ring-fenced backlog of complaints had been cleared and we made a commitment to reduce the number of further complaints awaiting investigation to 30 by the end of 2021. All of this was with significant input from temporary staff who had to adapt to new working processes in a challenging work environment. The Senior Investigator role was covered by a temporary promotion who provided leadership and support at an unexpected time. I want to express my gratitude to those who stepped into roles they would not normally have chosen and to those temporary staff who provided assistance and became part of the life of the Office. More detail about complaints is included in the body of my Report.

A second consultant from the Strategic Investment Board also came on board to assist with thinking and planning more robust processes for the future. I am grateful to them both for their patience and hard work.

The Death in Custody Investigation Team also faced significant challenges. We were all fearful that Covid-Restrictions, essential to keep people in custody safe, would impact mental wellbeing and have adverse results. Over the reporting period we received 5 notifications of deaths in custody, 3 post release deaths and no notifications of Serious Adverse Incidents. I am grateful to the Prison Service for the way in which they worked with us to enable investigators to attend prisons to maintain investigative good practice. The Senior Investigator left the team in July 2020 and, for the remainder of the year, staff acted on temporary promotion to cover the duties of that role. It was not possible to recruit a substantive Senior Investigator in this reporting period which regrettably created a knock on effect on the ability to progress current and new death in custody investigations. The team was further depleted of a Senior Investigator and also of a focussed investigator as one of them had to take on management duties. An additional Investigator was appointed in September 2020.

Across the Office staffing pressures is a theme. In addition to the pressures of Covid-19, the pressure on staff due to workload and lack of staff at Senior Management has taken a toll. A Grade 7 Director of Operations was in post for part of the year but her work was restricted by Covid-19 and she moved on in January of 2021.



Business Planning and the wider vision for the Office had to take second place to ensuring an Office that delivered the core tasks of investigating complaints and deaths in custody. Last year I referenced my intention to provide, on the website, a more interactive evidence base of information collated from investigations. That has not been possible to date but it remains a hope for the future when resource allows.

From my own point of view the impact of Covid-19 was such as to radically change the emphasis of my work. My focus remains on improvement and that focus has intensified as I observe the impact of backlogs and staffing pressures alongside the shortcomings of current processes which could be enhanced through effective digitalisation. Digitised processes will help to streamline investigative practice and will ensure that the records required for good investigative standards are retained in a more accessible format. An improved investigative process across the Office is essential and will be a focus over the coming year.

My hopes of preparing for Statutory Footing had to be contained as our limited resources were directed towards investigations. As I look forward to the incoming year I am conscious that the focus is likely to remain on maintaining the core work of investigations and improving investigative process. Like others, I believe things will not return to how they were before the pandemic but I believe that a more positive 'new normal' is emerging and will result in an improved Office. I am conscious that the improvement process will take some time.

In conclusion, I want to pay tribute to my staff who have weathered the storms of Covid-19 and kept things running. Even in our constrained working context we have been innovative, flexible and in learning mode. I also want to express my gratitude to staff in DOJ whose support has been invaluable and further to Northern Ireland Prison Service (the Prison Service) and South Eastern Health and Social Care Trust (Trust) staff, without their willingness to collaborate for improvement the work of my Office would be considerably more difficult.

There is no doubt that the year ahead will bring continuing challenges and currently none of us know what the longer term impacts of Covid-19 restrictions will be on those in custody and those who care for them. That can only be predicted from emerging evidence at this point in time. What can be said with certainty is that there will be no decrease of people in prison who have very particular needs in terms of education, emotional support, connecting to families and communities, neuropsychological challenges, mental wellbeing and other healthcare challenges. The challenge to effectively support and provide opportunities for individuals to change the direction of their lives is most likely to increase.



Confidence in the system will continue to be critical for those in custody and for their loved ones and it is my privilege to play a small part in ensuring the system continues to identify and respond to opportunities for improvement. The investigations carried out by my Office focus clearly on learning and improvement so that, in partnership with others, the needs of people in custody can be addressed to ensure the kind of safe communities that bring balance to people's lives. I look forward to the challenges and opportunities for improvement in my Office and greater partnership working in the incoming year.

**LESLEY CARROLL**

**Prisoner Ombudsman for Northern Ireland**

**May 2022**



## Background

The Prisoner Ombudsman's Office was set up in 2005 following the Steele review which was commissioned because of concerns about staff and prisoner safety in Maghaberry Prison. Amongst other things, the review suggested that the establishment of such an office would *"make a valuable contribution to defusing the tensions which are bound to arise in prisons in Northern Ireland."*

This contribution is fulfilled through two specific functions:

- ▶ Investigate and report on Complaints from prisoners and their visitors; and
- ▶ Investigate and report on Deaths in Custody.

The Prisoner Ombudsman's powers regarding investigation of complaints by prisoners or visitors to prison establishments are currently set out in Rule 79 of the Prison & Young Offender Centre (NI) Rules 2009.

The Prisoner Ombudsman has a standing commission from the Director General of the Prison Service to investigate deaths in custody but does not have any statutory powers in this matter. In addition, the Ombudsman may investigate some post-release deaths (occurring within 14 days of an individual's release from prison) and serious adverse incidents occurring within prisons.

All investigations are guided by "The Principles of Good Complaints Handling" which are Clarity of Purpose, Accessibility, Flexibility, Openness and Transparency, Proportionality, Efficiency, and Quality Outcomes. Terms of Reference govern the investigations and can be found on the website [www.prisonerombudsmanni.org.uk](http://www.prisonerombudsmanni.org.uk)

Detailed manuals have been developed to guide staff in their investigations and these are regularly updated.

One of the most productive way to promote improvement is by working in collaboration with the Prison Service and the Trust on the basis that we all share the common aim of delivering improvement. Draft death in custody reports are shared with the Prison Service, the Trust and the next of kin for comment and final reports are sent to the Minister of Justice and the Coroners' Office so that the facts plus our analysis and recommendations are shared with those who are directly affected. Our preference is to publish death in custody reports in full in order to serve the public interest. However, we must balance publication against legal obligations in respect of data protection and privacy, and we take careful account of next of kin views when considering publication. We therefore offer to redact dates or other identifying information when a report is to be published.



Draft complaint reports are shared with complainants and the Prison Service to ensure factual accuracy and we also ask the Prison Service to share draft reports with any identifiable staff who are subject to criticism. Complaint reports are not published in order to protect the privacy of individuals involved. However, summaries are normally included in Annual Reports and in "Inside Issues" which is our bi-annual publication for prisoners to keep them informed about the work of the office and increase their knowledge of the complaints process and its value to them. It is disappointing that the Inside Issues magazine was not published at all in-year mainly due to the impact of Covid-19 on business activities and a lack of available staff resources to undertake the work required to bring the magazine to publication.

## Mission and Principles

The Prisoner Ombudsman's work is underpinned by a mission statement and six supporting principles.

### MISSION STATEMENT

**To help ensure that prisons are safe, purposeful places through the provision of independent, impartial and professional investigation of Complaints and Deaths in Custody.**



#### **Principle 1 INDEPENDENCE**

To maintain and strengthen confidence in the independent and impartial approach of the Office of the Prisoner Ombudsman.



#### **Principle 4 CLEAR COMMUNICATION**

To maximise awareness of the role of the Prisoner Ombudsman among key stakeholders, and to keep those to whom we provide a service fully informed about the content and progress of investigations in which they have an interest.



#### **Principle 2 PROFESSIONALISM**

To continuously review and develop investigation processes for Complaints and Deaths in Custody, ensuring high standards of investigative practice, robustness, a proportionate approach and balanced reporting.



#### **Principle 5 EFFICIENCY**

To ensure the office uses its resources efficiently and complies with relevant legislative and governance requirements.



#### **Principle 3 SERVICE-ORIENTATION**

To provide an effective and courteous service to all stakeholders and positively influence the implementation of recommendations in order to assist the Prison Service and SEHSCT to deliver a purposeful, rehabilitative and healthy regime.



#### **Principle 6 FORWARD LOOKING**

To develop the role of the office to meet emerging needs.



## Organisational Structure and Responsibilities

### General

The Prisoner Ombudsman is a public appointee and all other staff are Northern Ireland Civil Service Employees.

The Prisoner Ombudsman is the head of the organisation and as such, has responsibility for ensuring the office conducts investigations and reports within its remit. A Director of Operations supports the Ombudsman's work and has particular responsibility for corporate governance, process assurance, staff support and delivery of the Ombudsman's strategic objectives. The Director of Operations is also the Budget Manager and has responsibility for day to day running of the organisation.

The Prisoner Ombudsman's Office aims to conduct itself according to best principles and to serve as an example of good management practice. The terms and conditions of staff members are the same as those for the mainstream NICS and the health and wellbeing of staff remains a paramount concern.

Staff are expected to work beyond conditioned hours when the need arises. That is matched by an on-call allowance, time off in lieu and flexibility in working practices, particularly to meet the needs of those with caring responsibilities.

Staff are also expected to comply with the standards and principles laid down in the Civil Service Management Code, the NICS Standards and Conduct guidance and the NICS Code of Ethics. These set out in detail the rules governing confidentiality, data protection, acceptance of outside appointments and involvement in political activities.

The Ombudsman and Director of Operations are assisted in their managerial roles by two Senior Investigators. The management team receives monthly reports including updates on current investigations, budget expenditure, risk assessments and staffing.



## Corporate Governance

The Prisoner Ombudsman is an “Independent Statutory Office Holder,” currently appointed by the Minister of Justice under Section 2(2) of the Prison Act (Northern Ireland) 1953, as extended by Section 2 of the Treatment of Offenders Act (Northern Ireland) 1968.

The Prisoner Ombudsman is accountable to the Northern Ireland Executive through the Minister of Justice, and acts independently of the Prison Service. The Ombudsman meets regularly with the Trust in respect of death in custody investigations.

Corporate Governance is delivered through biannual formal meetings with the Strategic Policing Policy and Sponsorship Branch, at which key corporate documents and processes are reviewed. Financial probity is overseen by the Department of Justice (DOJ) Internal Audit Unit and an Annual Report is prepared after the end of each financial year and published on the Ombudsman’s website. The Director of Operations is responsible for ensuring that the Prisoner Ombudsman’s policies and actions comply with DoJ rules and processes and for managing the resources allocated to the office efficiently, effectively and economically.

## Budget Allocation

The 2020-2021 opening budget was £710,000 of which the salary budget was £647,000 (91%).

## Strategic and Business Planning

A 2020-2024 Strategic Plan sets out the vision for the office and focuses on the following four key priorities:

- ▶ Improve investigative processes;
- ▶ Safeguard and reinforce independence;
- ▶ Prepare for and implement Statutory Footing; and
- ▶ Develop a learning environment that puts evidence to work.

Progress on the development of the annual 2020-2021 Business Plan which supports these priorities was hindered by the ongoing impact of Covid-19 arrangements on normal business activities and the plan did not issue until May 2021.



## **Business Continuity and the Impact of Covid-19**

The impact of the Covid-19 pandemic on business activities throughout the year has been significant and it was necessary to put alternative arrangements in place to address ongoing work whilst adhering to Public Health Agency guidelines and NICS guidance. Initial arrangements included the temporary closure of the office from March 2020 – August 2020 with staff working from home and only going to the office to pick things up when necessary. Staff were provided with the appropriate IT equipment required to enable effective home working at that time.

A risk assessment was carried out prior to staff returning to the Office and appropriate mitigations were put in place to ensure a safe working environment for their return. Hybrid working arrangements were initially introduced as a mitigation to ensure social distancing requirements could be maintained in the Office however, there has now been a wider NICS recognition of the benefits of remote working, and the way we used to work pre-pandemic is being transformed. Specifically, hybrid working arrangements are likely to become a permanent feature of post pandemic working when two new NICS wide policies currently being developed and relating to 'New Ways of Working' and 'Hybrid Working Arrangements', issue.

In its own response to the Covid-19 pandemic the Prison Service suspended visits to prisons in an effort to prevent Covid-19 transmission within the prison environment. Although this arrangement remains under review, it is entirely appropriate that the safety of prisoners, prison and other staff continue to be of paramount importance in the current climate. For my investigators this meant they were only permitted to attend a prison subject to the discretion of the Director General of the Prison Service and approval from myself. I agreed with Investigators, as a temporary measure, that I would personally attend any deaths in custody notified out of hours during the night if there was a requirement to do so.

Information Notices issued to prisoners and Prison Service staff on 27 March 2020 to ensure continued confidence in my office and to assure prisoners that their interests remain our interests. Both the Prison Service and the Trust expressed a commitment to 'business as usual' for as long as possible in terms of progressing investigations.

Delays in progressing work proved not only challenging but inevitable as a result of the Covid-19 restrictions introduced. In turn this placed an additional burden of pressure on staff who were already dealing with a backlog situation.



As a result of concerns raised with the Sponsor about the number of complaints from separated prisoners that appeared to be outstanding and the increasing backlog generally, a consultant from the Strategic Investment Board was commissioned to provide advice around how best to manage the backlog of complaints and the ongoing inflow of work including the development of a risk management strategy around this. The recommendation to engage additional temporary staff was quickly acted on to help expedite complaints. A second more comprehensive piece of work relating to a Business Recovery and Change Management Project was also commissioned from this Board. It had been expected that once commenced, this project would have been completed by December 2021 however, the impact of Covid-19 has hampered progression of this essential work which includes a new digitalised case management system.

## Staffing

At 31 March 2021 the staff complement comprised the following:

- ▶ Prisoner Ombudsman;
- ▶ Director of Operations;
- ▶ 2 x Senior Investigations Officers;
- ▶ 7 x Investigations Officers; and
- ▶ 4 x Administrative Support staff.

Although approval for 3 full-time equivalent permanent (FTE) Investigating Officers (IOs) was in place, the Complaints team was adversely impacted earlier in the year by ongoing vacancies and temporary promotion arrangements with no supporting backfill. Consequently for a period, this team was only able to operate at 50% of its approved complement i.e. 3 part-time IOs all of whom started in February/March 2020 and who continued to learn/train albeit at a slower than normal pace due to Covid-19 restrictions.

In order to tackle an increasing backlog of complaints and the ongoing inflow of complaints, approval for a fourth substantive IO was obtained as was the appointment of an additional substantive IO for the Death in Custody team who were also under significant pressure. The 2 additional IOs, together with a new substantive Complaints Senior Investigations Officer, took up their posts in September 2020.



Approval was also obtained to appoint additional temporary IOs to supplement the permanent staff in assisting the office with clearing the backlog and inflow of complaints until the end of April 2021. Specifically, 1.6 FTE IOs were recruited from the Police Ombudsman's Office for the 6-month period 8 July 2020 to 8 January 2021 for which I express my sincere gratitude to the Police Ombudsman. A further 6 temporary IOs were due to have been appointed for an 8-month period 1 September 2020 to 30 April 2021 however, as a result of delays in clearance checks being confirmed the temporary investigators only took up their posts in November 2020. Also, whilst a revised end date of June 2021 had been planned, for operational reasons this date was brought forward and the temporary investigators were released on 31 March 2021. Further details of the workloads carried by the temporary staff are outlined in the Complaints Section below.

The Death in Custody Team were impacted by the decision to focus on clearing the backlog of complaints and faced significant challenges as a result in terms of available resources, progressing work and managing the impact of Covid-19. Of a staff complement of 3, (1 Senior Investigations Officer and 2 Investigations Officers) one Investigator was temporarily transferred to the Office Manager role in the period from March 2020 to September 2020 and in July 2020 the Senior Investigations Officer transferred to the Complaints team leaving one remaining officer as the sole resource in the team. A temporary promotion was put in place for this officer. Although an additional Investigations Officer was recruited to the team in September 2020 thereby increasing the staff complement from 3 to 4, the team continues to operate at 75% capacity as no backfill arrangements are in place to support ongoing temporary promotion arrangements. In summary, the Death in Custody Team was under resourced for all of the reporting period.

As at 31 March 2021, the Director of Operations and a Senior Investigations Officer post remain vacant.

### **Training**

Many staff are new to their roles and their normal training has been hampered to a large degree by Covid-19 arrangements which initially involved the closure of the office and remote working arrangements. At that time a slight delay in obtaining new IT technology to facilitate remote working only added to the training difficulties encountered and, although staff were able to communicate virtually with each other and had access to electronic training manuals, this was less than ideal as an alternative to face to face and on the job training. Thankfully the reopening of the office helped new staff receive face to face training. However, this too was affected by hybrid working arrangements and ongoing social distancing requirements in the Office.



Given that some of the relatively new staff have not yet been in a prison environment due to Covid-19 restrictions, training to ensure that these staff fully understand the roles and responsibilities of Prison Service staff with whom they interact, will be commenced as soon as access to prison establishments has been reinstated. That said several staff were able to attend scaled down recruit training delivered by the Prison Service in March 2021.

Bond Solon training in Complaints Handling and Investigation was delivered in February/March 2021.

Currently there is no specific training for administrative staff on call handling and many calls are understood to involve providing advice which represents a significant element of work. Further support and training is planned to ensure not only that staff are confident in call handling but also that consistent recording of the 'complaint', advice provided, and issues raised is made to ensure this work is properly reflected and any risks identified.

Training and support in family liaison and risk management designed to ensure continued focus throughout death in custody investigations had been planned for staff but has not yet been delivered.



## Management Commentary

- ▶ No issues were identified in a dip sample of 9,000 complaints submitted by Separated Prisoners therefore these complaints were identified as agreed for closure.
- ▶ Investigations initiated into the deaths of 5 prisoners and 3 former prisoners.
- ▶ 4 investigations completed by the Death in Custody team and 4 reports published.
- ▶ 6 recommendations for improvement made in death in custody and post-release reports of which only 1 was not accepted.
- ▶ 367 individual complaints received, an increase of 11% from 2019-2020.
- ▶ 87% of prisoner complaints came from Maghaberry Prison (25% from separated prisoners).
- ▶ 31 (8%) out of 391 complaints investigated were Upheld or Partially Upheld.
- ▶ 68 recommendations for improvement were made in Complaints reports of which 91% were accepted at the time of writing.

We met most key operational objectives such as conducting all complaint and death in custody investigations within our remit and sharing the findings with prisoners, their families and relevant agencies. However, with Covid-19 restrictions, operational priorities and a lack of staff resources, delivery within timescales was not always possible.

### 1. Statutory Footing

**Subject to legislation being in place, identify issues to be addressed in the underpinning Regulations; and update Terms of Reference for investigating deaths in custody and complaints.**

Work in this area did not progress as planned due to Covid-19 restrictions, competing priorities and a lack of staff resources. The foundation blocks for achieving Statutory Footing and any implications arising remain to be assessed at this time.

**Contribute to Departmental work on regulations for Statutory Footing.**

This work has also stalled but we will continue to work with Sponsor Branch and wider Department of Justice partners to set regulations for the move to Statutory Footing for this office.

**Address staffing implications for current PO staff.**

It was not possible to assess the staffing structure, roles, skills and development needs required to support the effective operation of the office in preparation for Statutory Footing as had been planned.



**Deliver all aspects of the new offices remit as provided by statutory footing, including name change, rebranding and new website.**

A change management plan was incorporated into the 2019-2020 work plan however no progress has been made in terms of working through the action points detailed in the work plan.

**Communicate to stakeholders and promote the new Office of Prison Ombudsman for Northern Ireland.**

As provisions for a communication strategy were also included in the 2019-2020 work plan, no progress regarding the development of such a strategy was made during the reporting period.

## 2. Complaints and Death in Custody Investigations

Additional substantive and temporary IOs were recruited in year in an attempt to better manage backlogs and the continuing inflow of normal business relating to complaints and death in custody investigations. However, the limited training opportunities for new staff, the investment in time required to train substantive and temporary IOs and the challenges faced by those temporary staff did, to a certain extent, impact on outputs achieved.

**Produce investigation reports which are evidence-based and impartial.**

As with the previous reporting period, no formal complaints were lodged about the quality of our investigations or standard of reports. Whilst it is acknowledged that opinions about report quality can often be subjective, especially if the evidence is inconclusive, where informal challenges were mounted, we reviewed the evidence to ensure adherence to the Prison Rules and Terms of Reference.

The "Lessons Learned" process to evaluate all investigations and reports produced, continues to provide a useful quality control mechanism.

**Ensure full compliance with Complaints and Death in Custody Terms of Reference by Investigators.**

Internal review and quality assurance of all death in custody reports and complaint reports indicated compliance with the Terms of Reference, especially the important principles of evidence based and impartial practice. Feedback was provided to Investigators individually and collectively in order to maintain standards and support their professional development.



**Adhere to timescales in all investigations (9 months for draft Death in Custody reports and 18 weeks for final Complaints reports).**

Death in Custody Target not achieved. Delivering investigations in line with the performance target to issue draft death in custody reports within 9 months remains challenging for a variety of reasons including; the ability to complete interviews, the lack of timely responses to requests for information, delays at the factual accuracy stage, the ongoing Senior Investigations Officer vacancy and temporary promotion arrangements with no supporting backfill. Covid-19 restrictions have only added to this pressure.

Complaints Target achieved. With the assistance of additional substantive and temporary staff, 89% of all complaints cleared were finalised within the 18 week target. (Target: 85%)

**Ensure an Investigator is on site within four hours of being notified about a death in custody.**

This arrangement has been temporarily suspended due to Covid-19 restrictions put in place by the Prison Service. When a death in custody is notified out of hours, the on-call IO records details of the death before contacting the Ombudsman who, in consultation with senior Prison Service officials, will decide on whether attendance at prison is required. The Ombudsman has agreed to attend any deaths in custody notified out of hours during the night should this be necessary.

**Conduct a quarterly validation exercise within each prison of accepted recommendations in complaints reports.**

Not achieved due to Covid-19 arrangements, ongoing operational priorities and resourcing issues.

**Assess implementation of accepted Death in Custody recommendations in conjunction with other oversight bodies e.g. Independent Monitoring Boards, Criminal Justice Inspectorate, Regulation & Quality Improvement Authority and the International Committee of the Red Cross.**

Not achieved due to ongoing Covid-19, other operational pressures and staff resourcing issues.

**Maximise accessibility for everyone who has contact with our services. Ensure low user groups -such as female prisoners, young offenders, foreign national prisoners and visitors have opportunities to understand the role of the Prisoner Ombudsman.**

Not achieved. Outreach efforts were prevented due to Covid-19 restrictions. We were also unable to publish the "Inside Issues" magazine, our publication for prisoners, bi-annually as planned.



### 3. Support for Prison Service Complaints Handling

**Assist the Prison Service to improve local resolution of complaints.**

Efforts continue to encourage informal local resolution through the provision of telephone advice to prisoners.

**Contribute to relevant consultation exercises, conferences and other events to share the findings of complaint and death in custody investigations.**

No requests received.

### 4. Support for Prison Service & Trust Partnership Working

**Meet monthly with the Director of the Reducing Offending Division, and quarterly with prison governors to share feedback from investigations and matters of mutual interest.**

Achieved. The purpose of the meetings held throughout the year was to discuss death in custody and complaint findings, address areas of concern and recognise progress.

**Meet regularly with Trust senior managers to share feedback from death in custody investigations and other matters of mutual interest.**

Achieved. The Prisoner Ombudsman met with Senior Trust Officials throughout the year and again at interagency meetings which were introduced to facilitate collective discussions around death in custody findings.

**Meet regularly with other stakeholders including CJINI, Independent Monitoring Board, the Coroner, RQIA, ICRC, NIHRC, PBNI, OPO, OPONI, NIPSO to share feedback from investigations and other matters of mutual interest.**

Achieved. Interestingly the Prisoner Ombudsman also met with the Kosovan Ombudsman in year and participated in a wider discussion about death in custody activity, planning and scope to inform a Kosovan context.

**Contribute to the training of the Prison Service and Trust staff if requested.**

The Ombudsman participated in 3 Prison Service recruit training events throughout the year.



## 5. Corporate Affairs

### **Prepare a 2018-2021 Corporate Business Plan**

Not achieved. This target was first reported as being conditional on the appointment of a new Prisoner Ombudsman. Although it is now too late for a 3 year corporate plan for the period 2018-2021 to be of any value, a new Strategic Plan for the period 2020-2024 was developed instead and issued in May 2021.

### **Monitor our financial performance against the opening budget allocation for 2020-2021 of £710,000.**

Achieved. Regular monitoring and reporting to DOJ Finance Services Division and management of finances within allocated budget with no overspend.

### **Publish Annual Report by September 2021.**

Not achieved. Publication of the 2020-2021 Annual Report by September 2021 was not possible for a variety of reasons which included vacancies at Director of Operations and Senior Investigations Officer earlier in the reporting period and other competing priorities.

### **Issue two editions of 'Inside Issues' magazine to prisoners.**

Not achieved. The Inside Issues magazine was not published during 2020-2021.



# Complaints

## Context

### Staff Complement

As previously referred to, additional substantive and temporary staff resources were recruited to assist the office in clearing the backlog of work at 29 May 2020 and the ongoing inflow of complaints received up to the end of April 2021. At that time it had been assessed that the total number of complaints temporary staff could assist with was circa 631 to 30 April 2021, which, if cleared, would result in an outstanding caseload of approximately 30 complaints, a level which could then be sustained by the 4 permanent IOs after the temporary staff left.

### Temporary Police Ombudsman IOs

1.6 FTE IOs from the Police Ombudsman's Office were temporarily redeployed to this office, starting on 8 July 2020 for 6 months. Their remit was to:

- ▶ Police Ombudsman IO 1 (100%): Group and clear the backlog of complaints made by separated prisoners including those complaints in the backlog not yet allocated by 30 September 2020 (51 complaints averaging 17 cases cleared per month).
- ▶ Police Ombudsman IO 2 (60%): Clear Category 1 complaints in the backlog but not yet allocated by 30 September 2020 (18 complaints, averaging 6 cleared per month).

### Other Temporary IOs

In order to reach a target of approximately 30 outstanding complaints by 30 April 2021, and, taking account of all other IOs working on the 631 complaints over that period, the office requested an additional 6 full-time temporary IOs for the 8-month period 1 September 2020 to 30 April 2021. The full remit of these IOs was to clear a minimum of 8 cases per month which allowed for learning/training depending on the level of experience held and also, in conjunction with other IOs, to progress an additional number of other complaints under a new Exceptional Assessment and Investigations Process as outlined in more detail below.

Although good progress was made, the impact of the pandemic, the time taken by substantive IOs to train the temporary IOs (which had been greatly underestimated), the new challenges faced by the temporary staff and their earlier than anticipated departure all impacted on the team's ability to achieve the target as planned. 170 complaints were outstanding at 31 March 2021.



## Exceptional Assessments & Investigations Process (EAIP)

The Office currently has a significant backlog of complaints impacting on the timeliness, and therefore effectiveness, of the service provided to prisoners and their visitors. The backlog has occurred for 3 reasons:

1. Staff changes and the time required to fill posts;
2. The impact of Covid-19 on training new staff who had arrived into post February/March 2020 and working from home arrangements; and
3. An existing small backlog of complaints.

In seeking to address matters I introduced an addendum to the Complaints Terms of Reference that set out a new process, EAIP, the purpose of which was to best manage the backlog of complaints outstanding at 29 May 2020. Prisoners and Prison Service personnel were notified of the planned change to the complaints process which came into effect on 21 July 2020.

Normal business processes require that complaints are taken in date order as set out in the Complaints Manual (page 19). This requirement however was suspended when EAIP was introduced. On receipt into the Office, complaints are instead categorised, assessed and allocated before being investigated. Once declared eligible for investigation complaints processed under EAIP are categorised into one of the three following categories:

<b>Category 1:</b>	Priority complaints for immediate investigation
<b>Category 2:</b>	Complaints about treatment of prisoners relating to breach of Prison Rules or infringement of Human Rights
<b>Category 3:</b>	General complaints

Complaints are then assessed in one of the following ways:

- ▶ Full investigation
- ▶ Desk top investigation
- ▶ Local resolution
- ▶ Explanatory letter
- ▶ Issue-based investigation with other complainants
- ▶ Issue-based investigation for complaints from single prisoner

Factual accuracy and the production of investigation reports remain unchanged and the EAIP will remain until such times as there are no more than 30 complaints awaiting investigation and normal business has resumed.



## Prison Service Internal Complaints Process

The Prison Service Internal Complaints Process (ICP) is underpinned by a prisoner's right to lodge a complaint. While anecdotal evidence suggests that prisoners have mixed views about the effectiveness of the ICP, there would appear to be no general reluctance to submit complaints. The office perspective is that an effective ICP is the first cog in a process to increase prisoner confidence that their welfare is taken seriously. When complaints escalate to my Office it is critical that investigators provide a wholly independent approach and that they take the effectiveness of the ICP into account.

Of a prison population of 1,374 (at 31 March 2021) 6,276 complaints were made during the reporting period, an increase from 5,311 (18%) the previous year. Prison Service data for the period April 2020 -March 2021 shows:

Of the 6,276 complaints made to the Prison Service:

- ▶ 4,770 (76%) were closed at Stage 1;
- ▶ 1,255 (20%) were closed at Stage 2; and
- ▶ 251 (4%) were closed as rejected or upon the prisoner's release

Complaints can only be escalated to my Office when Stages 1 & 2 of the ICP have been completed. At that point there are a number of other avenues for redress open to prisoners, including judicial review and advocacy mechanisms such as those provided by the Independent Monitoring Board.

Just under 6% of the overall complaints made by prisoners to the Prison Service, or 367 complaints, came to my office during 2020-2021.

Separated prisoners on Maghaberry Prison Roe House Landings 3 and 4 lodged 92 complaints in the report period, a significant decrease of around 43% when compared to 163 complaints received in the previous 12-month period.

There are various reasons for complaints being closed. These vary from prisoners receiving a reasonable answer, through to being discharged from custody (at which point the Prison Service closes a live complaint as it feels unable to offer an effective remedy), or abandoning their complaint. Part of the explanation however can be a failure to effectively deal with complaints at the first or second stages of the ICP. Any failure can have a cost to the Prison Service as it may drive further complaints and, when coupled with dissatisfaction, prisoners can feel they are not taken seriously. My Office is keen to work with the Prison Service to ensure good complaints handling and investigation in addition to encouraging an increased focus on resolving complaints at the earliest possible stage.



During 2020-2021 our outreach efforts were hindered by the Covid-19 pandemic as we sought to ensure low user groups, such as foreign national prisoners, females and young men, were aware of our office and knew how to complain properly.

### **Complaints from Separated Prisoners Not Formally Closed (9,000)**

This was an exceptional year in that in addition to normal business a significant number of complaints from separated prisoners in Maghaberry Prison's Roe House Landings 3 & 4 were identified as not having been properly closed. I became aware of this issue on my arrival into post in March 2019 and was committed to addressing this matter when resource became available. In June 2020 I reviewed these complaints and assessed if there were outstanding issues of concern that needed immediate attention. At the outset of the exercise the number was uncertain but I believed this to have been between 5,000 and 9,000 complaints spanning a period from 2015 to late 2018/early 2019. The majority of complaints were received from the separated prisoners in Roe House, Landing 4.

The history to the significant number of complaints was important in that separated prisoners in Roe House Landings 3&4 sought ways to express their discontent with the regime, both with what they viewed as a failure of the 2010 Roe House Agreement and with ongoing matters of concern to them. To draw attention to their concerns the separated prisoners submitted numerous complaints to my Office. In turn, the Office was therefore required to continually bring the prisoners' concerns to the attention of the Prison Service and Department of Justice. The surge of complaints was first identified in early 2014, as noted in the 2014-2015 Prisoner Ombudsman Annual Report. In that year 81% of all complaints, amounting to 1,153 complaints, were from separated prisoners in Roe House. The Ombudsman at the time, Tom McGonigle, agreed with prisoners:

- ▶ That all complaints could not be investigated individually;
- ▶ That those requiring individual investigation, because of their nature and significance, would be investigated following normal process;
- ▶ That complaints would be grouped together and the issue investigated in what was known as 'composite investigations'; and
- ▶ That the significant number of phone calls to the office raising complaints would be recorded as 'unregistered complaints'.



The record in the 2014-2015 Annual Report sets out the review approach taken to clear these unresolved complaints which were dealt with in a proportionate and effective way. Single and multiple investigations were completed in an efficient and timely manner and complainants were informed of the outcome of these investigations including that the issues raised had been given full consideration. This was a significant task in that the investigations covered a myriad of issues relating to single, multiple and repetitive complaints. As a result of that work undertaken, a new issue-based approach is being piloted during the EAIP process introduced. On conclusion of my review of the unresolved complaints, I submitted a report to the Minister revealing nothing of concern and setting out learning to inform future investigations.

### Complaints received by Prisoner Ombudsman 2020-2021

Of the 367 complaints received, the majority came from Maghaberry Prisoners as shown in the Table 1 below:

**Table 1: Number of individual complaints received during 2020-2021**

Prison	Prison Population	% of total population	Individual complaints	% of all complaints
<b>Maghaberry -Roe 3 &amp; 4 Separated Prisoners</b>	22	2%	92	25%
<b>*Maghaberry -others</b>	857	62%	226	62%
<b>Magilligan</b>	412	30%	40	11%
<b>Hydebank Wood (young men)</b>	55	4%	5	1%
<b>Hydebank Wood (female)</b>	28	2%	4	1%
<b>Overall Total</b>	<b>1,374</b>	<b>100%</b>	<b>367</b>	<b>100%</b>

Given the population at Maghaberry Prison, which houses separated prisoners in Roe House, Landings 3 &4, it is unsurprising that the majority of complaints should come from there.



## Integrated Prisoners

275 complaints were escalated to the Office by integrated prisoners, a marked increase from 165 in the previous year (67%). This represents just over 4% of all complaints initiated via the Prison Service internal complaints process (6,276), up from 3% in 2019-2020).

The low number of complaints from young men and women in Hydebank Wood College and Women's Prison continues to remain a matter of concern, however a modest increase in the overall number of complaints has been noted. Specifically, the number of complaints received from young male prisoners increased from 4 to 5 (25%) and the number of complaints from female prisoners increased from 1 to 4 (300%) when compared to the previous 12-month period. We will continue to monitor and consider how the Office ensures prisoners are aware of and understand how to make a complaint to my Office, the benefits of a complaint and also to what other redress measures can be effective for those who consider the complaints process to be too long and arduous.

An increase in the total number of complaints received from prisoners in Magilligan Prison was also noted in that the volume of complaints received during the report period increased by 19 to 40 (91%) when compared to the previous 12-month period (21).

## Separated Prisoners

Separated prisoners held on Roe House 3 & 4 landings at Maghaberry Prison lodged 92 individual complaints in the report period, compared to 163 in the previous year (44% decrease). Although the number of separated prisoners represent just under 2% of the total prison population, overall 25% of the complaints received were from prisoners in this category.

## Complaints handling April 2020 -March 2021

Table 2 sets out the numbers of complaints cleared by the Office during the period April 2020-March 2021. The number of complaints cleared during this period increased by 248 overall from 206 in the previous year to 454 (121%). Broken down, 257 more investigations were closed (391 compared to 134), there was a marked reduction in the number of complaints closed by way of local resolution (6 compared to 16) and the number of cases being withdrawn remained fairly constant (57 compared to 56) when compared to the preceding 12-month period. Much of the differential in these figures can be attributed to the introduction of the EAIP, the benefit of having additional temporary resources and the impact of COVID-19 on our liaisons with prisoners and prison authorities.

**Table 2: Complaints cleared April 2015 -March 2021**

Year	Investigated & Reported	Local Resolution	Withdrawn/ Released	Total
<b>2020-21</b>	391 (86%)	6 (1%)	57 (13%)	<b>454</b>
<b>2019-20</b>	134 (65%)	16 (8%)	56 (27%)	<b>206</b>
<b>2018-19</b>	275 (82%)	2 (<1%)	60(18%)	<b>337</b>
<b>2017-18</b>	252 (81%)	13 (4%)	47 (15%)	<b>312</b>
<b>2016-17</b>	220 (72%)	4 (1%)	84 (27%)	<b>308</b>
<b>2015-16</b>	1419 (92%)	31 (2%)	65 (6%)	<b>1,515</b>

Table 3 provides a breakdown of outcomes for the complaints that were investigated and reported on by this Office.

**Table 3: Outcomes for Complaints Investigated April 2015 -March 2021**

Year	Upheld	Partially Upheld	Not Upheld	Total
<b>2020-21</b>	23 (6%)	8 (2%)	360 (92%)	<b>391</b>
<b>2019-20</b>	31 (23%)	11 (8%)	92 (69%)	<b>134</b>
<b>2018-19</b>	49 (18%)	45 (16%)	181 (66%)	<b>275</b>
<b>2017-18</b>	46 (18%)	108 (43%)	98 (39%)	<b>252</b>
<b>2016-17</b>	39 (18%)	45 (20%)	136 (62%)	<b>220</b>
<b>2015-16</b>	616 (43%)	146 (10%)	657 (46%)	<b>1419</b>

The significance for complainants should not be underestimated: lengthy lockups, delayed mail and minor damage to personal possessions can have a seriously destabilising effect on prisoners who have limited opportunities for contact with their families and few personal possessions. In addition, the impact of the Covid-19 pandemic has, as it has in wider society, had a detrimental impact on the lives of prisoners.

A total of 68 recommendations for improvement in response to prisoners' complaints during 2020-2021 were made of which 62 (91%) were accepted and 6 (9%) were rejected.

Table 4 provides an analysis of the range and nature of complaints received from prisoners in Maghaberry Prison from which the majority of complaints arise.

**Table 4: Maghaberry Integrated Prisoners Main Complaint Topics 2015-2021**

Complaints Topic	2020-21	2019-20	2018-19	2017-18	2016-17	2015-16
Staff attitude	41	35	50	26	33	61
Accommodation	19	12	23	12	11	51
Property and Cash	19	18	15	24	16	32
Adjudications	1	5	15	5	7	6
Tuckshop	0	4	11	-	-	-
Complaint Procedure	17	4	9	-	-	-
Mail	13	2	8	7	4	9
Discrimination	4	2	8	2	4	7
Visits	8	5	7	7	5	15
Searching	2	4	7	2	1	6
Transfers/Allocation	6	1	6	6	7	9
Regime	7	2	6	6	7	7
Adverse reports	12	3	5	2	2	3
Food	0	2	5	-	-	-
Telephone	3	6	5	-	-	-
Lock down	0	0	4	1	7	13
Education	0	2	2	6	6	31
Health & Safety	5	3	1	3	1	12
Home leave	0	4	-	1	-	-
Miscellaneous	24	24	33	38	58	152
<b>TOTAL</b>	<b>181</b>	<b>138</b>	<b>209</b>	<b>148</b>	<b>169</b>	<b>314</b>



The nature of the 24 miscellaneous complaints received can be further broken down as follows:

**Table 5 -Breakdown of 24 miscellaneous complaints received during 2020-21**

<b>Complaint Topic</b>	<b>Number of Complaints Received</b>	<b>Complaint Topic</b>	<b>Number of Complaints Received</b>
<b>General conditions</b>	1	Night Procedures	3
<b>Security</b>	1	Pre-Release	4
<b>Work Allocations</b>	4	Probation	1
<b>Alleged Assault</b>	3	Association	2
<b>Alleged Harassment/Bullying</b>	2	Rule 32	1
<b>Wages</b>	1	C&R	1



## Complaint Case Studies

**Mr A** complained that he felt the processes within the prison for tracking legal mail as well as mailing records were unsatisfactory.

An investigation into the complaint was carried out and after assessing his complaint and vigorously reviewing the processes, the Prison Service acknowledged that there was a lack of consistency across the Prison in relation to recording mail. This was a helpful recognition.

A new process for all areas was introduced, and instructions were issued to all Senior Officers and Governors with guidance on the new process at the end of February 2021. Additionally, the Prison Service have confirmed that Security will now carry out audits of residential areas across the establishment to ensure that proper process is being followed.

*Mr A's complaint was upheld.*

**Mr B** complained about damage to his property, namely a book that he alleged the Prison Service staff had marked with his prison number on the inside cover.

An investigation into the complaint was carried out, in particular with regard to Prison Service policy and procedures regarding the identification of prisoner's property. It was established that while there is clear guidance regarding the identification marking for prisoners' clothing, it does not appear to be the same for other property.

*Mr B's complaint was upheld.*

The Prisoner Ombudsman made the following recommendations which were accepted, and as a result, a notice issued to Prison Service staff instructing that books intended for separated prisoners should be marked with pencil only.

- 1. A formal notice needs to be provided for Visits Reception staff to ensure they do not mark separated prisoners' clothing and items with a prisoner number, if that is the accepted procedure.*
- 2. (a) A formal notice should be provided to confirm which items of non-clothing property, or clear examples, should be marked with a prisoner's number on receipt. (This is in relation to the integrated prisoner population if point one above is applicable.)  
(b) The notice should also draw attention to IG 12/19 regarding not altering books.*
- 3. A copy of notices should be forwarded to the Prisoner Ombudsman's Office to assist with any further complaints arising.*



**Mr C** complained that he felt he was unfairly sacked from his job in the kitchen. He had been observed (by a Catering Officer) smoking in the kitchen yard during a delivery which is not allowed. He was taken to the SO's office as an adverse report was being considered, an argument broke out after which Mr C was removed from working in the kitchen.

An investigation into the complaint was carried out and it was established that there could have been better, and less conflicting records kept by Prison Service staff surrounding the incident. Furthermore, the reason for his dismissal may not have been made fully clear to Mr C at the time.

*Mr C's complaint was upheld.*

The Prisoner Ombudsman made the following recommendations which were accepted:

1. Staff should be reminded that Inmate notes should be completed properly. In this instance, completed notes could have assisted a finding from the investigation and could have explained removal from work.
2. Where a complaint relates to an incident that has a significant impact on a prisoner and they appear to still be uncertain about an issue, the internal complaints process should seek to address this in the spirit of transparency and especially if more than one prisoner is involved.

**Miss D** complained that another prisoner was getting preferential treatment and was benefiting from extra privileges.

The Prison Service initially responded that they were not at liberty to discuss matters surrounding other prisoners with the complainant. However, upon investigation it was concluded that, in order to address the issue, Miss D should receive a fuller explanation from the Prison Service. It was subsequently disclosed that extra roles had been created in the establishment to address essential health and safety issues as a result of the Covid-19 pandemic and that some of these roles required people with relevant qualifications in designated fields. It was further confirmed that people who had taken up these temporary roles had done so voluntarily and received extra payment and/or privileges due to the nature of the work. The Prison Service accepted that a fuller explanation, as detailed above, could have been provided.

It was concluded that the Prison Service decision making process in these circumstances was lawful, proportionate and necessary.

*Miss D's complaint was 'Not upheld'*



**Mr E** complained that he had received an adverse report in relation to the Progressive Regimes & Earned Privileges Scheme (PREPS); he contested that the adverse report had been generated by a fabricated incident.

During the course of the resulting investigation, landing journals were obtained and it was established that a detailed log of the incident was recorded. Additionally, discussions with staff provided pivotal information surrounding the alleged incident.

It was concluded that, on the balance of probability and drawn from clear evidence that had been gathered, the award of the adverse report was justified.

*Mr E's complaint was not upheld.*

**Mr F's** complaint centred on the loss of property when being transferred between prisons. The issue investigated was the recording and documentation of property, what property was denied and if there were justifiable grounds for such.

Following this investigation it was discovered that clothing was correctly and meticulously itemised when leaving the transferring establishment but this did not extend to all personal belongings. It was confirmed that none of the property was actually missing or unaccounted for but some items were sent between the establishments without being itemised. Subsequently, it transpired that all these items were either in Mr F's possession or held on his rack. Given that he had been granted personal possession of all appropriate property, including the items which held significant meaning, it was concluded that the Prison Service acted proportionately and fairly and it was accepted that it was not possible to grant unrestricted access to all personal property.

*Mr F's complaint was not upheld.*



## Deaths in Custody

Ombudsman investigations into prison deaths are part of a three-pronged process (the other elements being a police investigation and the Coroner's inquest) by which the state fulfils its duty under Article 2 of the European Convention on Human Rights. This process allows every aspect of a prisoner's death to be thoroughly explored.

During 2020-21 investigations into 5 deaths in custody were initiated, 2 in Magilligan prison and 3 in Maghaberry prison. Notifications relating to 2 of the deaths were received in September 2020 and a further 3 notifications were received in February 2021. Of the notifications received, 2 deaths appeared to be from natural causes and 3 deaths appeared to be self-inflicted. Inquests to establish the cause of death are pending for all five deaths reported. The number of deaths notified this year has increased by 3 (150%) when compared to the previous 12 months.

In addition, preliminary enquiries were initiated in the 3 post-release deaths notified during 2020-2021. These enquiries sought to establish the circumstances surrounding the deaths and whether there was any link to the person's time in custody. Of these, only 1 case warranted further investigation on the grounds that the individual had passed away having been temporarily released from Maghaberry Prison under Rule 27, due to the pandemic. Overall, the number of post release deaths notified this year has decreased by 8 (73%) when compared to the previous 12 months.

Although Covid-19 restrictions hampered investigative actions, the death in custody team completed 4 investigations during the reporting period, specifically 2 deaths in custody and 2 post release deaths. 4 reports were published, 2 relating to Serious Adverse Incidents at Maghaberry Prison and 2 relating to post release deaths. The published reports contained 6 recommendations for improvement, 4 for the Prison Service and 2 for the Trust of which only 1 recommendation was not accepted by the Trust. It is also significant to note that no Covid-19 related deaths were reported to my Office during 2020-2021. This is testament to the stringent efforts made by the Prison Service to minimise Covid-19 occurrences within the prison environment.

As at 31 March 2021, the Death in Custody team carried a caseload of 23 cases broken down as follows:

- ▶ 21 live investigations (15 deaths in custody and 6 post release deaths); and
- ▶ 2 cases (where the investigations had been completed) requiring disclosure action for the Coroner.



New interagency meetings were established in year in an attempt to make more effective recommendations and to speed up factual accuracy timeframes in death in custody investigations. Whilst further work is required to be done in terms of improving the overall effectiveness of these meetings, they have been well received and have facilitated learning between our partners as well as learning for us.

### **Comparisons to other Jurisdictions**

#### **England & Wales:**

The Ministry of Justice's "Safety in Custody Statistics Bulletin" issued on 29 April 2021 states in the 12 months to March 2021, there were 408 deaths in prison custody, an increase of 42% from 287 deaths in the previous 12 months. Of these, 79 deaths were self-inflicted, a 4% decrease from 82 self-inflicted deaths in the previous 12 months.

#### **Scotland:**

Figures provided by the Scottish Prison Service suggest that there were 34 deaths in custody in 2020.

#### **Republic of Ireland:**

The Annual Report of the Office of the Inspector for Prisons for 2020 shows that 13 deaths were reported the period 1 January to the 31 December 2020 in the Republic of Ireland. Of these, 5 deaths occurred whilst the person was on temporary release.



## Corporate Affairs

### External Communication

The Prisoner Ombudsman's Draft 2020-24 Strategic Plan issued to stakeholders in September 2020 for comment. Of the 25 key stakeholders notified, 5 provided feedback comments for consideration. The Final version of the Strategic Plan issued on 8 May 2021.

Publication of 4 of the death in custody reports published this year were accompanied by a press release and where appropriate, supplementary communications activity.

Regular contact was maintained with other external stakeholders including; the Coroner's Service, RQIA, CJINI, Independent Monitoring Board, ICRC, NIHRC, PBNI, OPO, OPONI and NIPSO

Two pieces of work were separately commissioned from the Strategic Investment Board.

The Police Ombudsman delivered an overview session on Human Rights to staff in November 2020.

Monthly stock take meetings with the Prison Service Director-General continued as normal.

New interagency meetings were introduced in death in custody investigations.

Bi-annual meetings with Sponsor Branch.

We also contribute to a number of forums on a regular basis specifically; DOJ Procurement, Security Managers and Finance forums.

"Inside Issues," a four page news sheet, is the Office's main vehicle for communicating with prisoners. It includes case studies, statistics and information about the complaints process in eight languages and a copy is distributed to each person in custody at the time of issue. However, as previously advised, 'Inside Issues' did not publish during 2020-2021.



## Finance

The Prisoner Ombudsman's opening budget for 2020-21 was £710,000. The office complies with the Treasury Corporate Code of Governance and with the principles governing relationships between departments and their arms' length bodies. To this end a Framework Document sets out the relationship with the DoJ.

They place particular emphasis on:

- ▶ The Prisoner Ombudsman's overall aims, objectives and targets in support of the DoJ's wider strategic aims, outcomes and targets contained in its current Public Service Agreement;
- ▶ The conditions under which any public funds are paid to the office; and
- ▶ How the Prisoner Ombudsman's Office is held to account for its performance.

As the Prisoner Ombudsman's Office is funded directly from the DoJ Programme funds rather than by grant-in-aid, its expenditure is recorded as part of the DoJ departmental expenditure. This means the Prisoner Ombudsman's Office does not produce its own set of accounts nor lay its finances before the Assembly separately from the DoJ.

Consequently financial instruments play a more limited role in creating and managing risk than would apply in a non-public sector body. The majority of financial instruments relate to contracts to buy non-financial items in line with expected purchase and usage requirements. The office is therefore exposed to little credit, liquidity or market risk.

In September 2015 the DoJ sponsor branch had proposed that their quarterly overview meetings with the Prisoner Ombudsman's Office be reduced in frequency to a biannual basis, as they were content with levels of assurance in place. This process was maintained throughout 2020-21.

All proposed business changes were examined through the preparation of a business case. All procurement and contract management processes comply with UK and/or EU procurement regulations to ensure full and fair competition between prospective suppliers; and they are managed in line with Cabinet Office transparency guidelines and approvals processes. The Office Manager participates in the DoJ Procurement Forum.

Tender evaluation incorporates monetary and non-monetary factors. The Director of Operations reviews the management of supplier performance to ensure that quality and services are maintained for the duration of contracts and that evaluation takes place.



### **Information Security**

Information Security is managed by the Director of Operations and the office is fully aligned with the DoJ Security Policy Framework. This entails quarterly Accreditation and Risk Management reports, annual Security Risk Management Overview returns and participation in the DoJ Information Security Forum and Security Branch. Staff are trained in, and required to comply with, all NICS security policies and guidance.

### **Risk Management and Internal Control**

The Risk Register is an important method of identifying key risks and the means to manage and mitigate them. It is regularly assessed by the Management Team and a system of internal control provides proportionate and reasonable assurance of effectiveness in line with identified risks. The Management Team oversees internal controls and risk management and regularly reviews their effectiveness.

### **Shared Services**

Several corporate services are shared:

- ▶ Payroll and Human Resources support have been provided by the DoJ HR Support and the NICS HR Connect service since April 2010;
- ▶ Finance transactional support functions have been provided via the Account NI shared service system since July 2012; and
- ▶ Retained finance functions are provided by Financial Services Division.

The Director of Operations validates expenditure requests, ensures compliance with delegated limits and segregation of duties and adherence to the Financial Procedures Manual.

Throughout the year the office has checked that its controls and processes are operating effectively, with manual checking of data integrity and accuracy where necessary, specifically in the area of travel and subsistence monitoring and other approvals which lie with the Director of Operations.