

INSIDE ISSUES

Winter 2013

New Prisoner Ombudsman



Tom McGonigle was appointed Prisoner Ombudsman for Northern Ireland in June 2013.

Tom is the third Ombudsman - the last was Pauline McCabe (2008-2013) and before that Brian Coulter (2005-2008).

Tom was a probation officer for 16 years, which included three years working in Hydebank Wood Young Offenders Centre. He was Deputy Director at St Patrick's Training School, and then Director of Operations at NIACRO. He worked for Criminal Justice Inspection since 2003.

Tom has written about life sentenced prisoners and their families, and has carried out a number of prison inspections. He has visited prisons in several other countries.

He said "I am very pleased to have been appointed as Prisoner Ombudsman. I look forward to working with prisoners and their families, and all the Government agencies to fulfil our important responsibilities of investigating and reporting on prisoners' complaints and deaths in custody."

"We aim to be thorough, independent and impartial in all investigations into complaints and deaths in custody. I am reviewing how we balance the task of publishing important findings following a death in custody, with our data protection responsibilities and respecting the privacy of families."

"I am also keen that the Prisoner Ombudsman's Office gets the most appropriate legal status - known as 'Statutory Footing,' as it will provide a better way of working, and will be engaging with politicians and the Department of Justice to achieve this aim."



The
**Prisoner
Ombudsman**
for Northern Ireland



Welcome To:

Mary Allen, who joined us in October 2013, is the most recent addition to our team of investigators. She has a legal background and was called to the Northern Ireland Bar in 2009.

Mary joins Michael, Pat and Sorcha who handle prisoner complaints.

Clare, Ruth and Conall are the DIC Investigators.

RECENT COMPLAINTS EXAMPLES

Access to drinking water

Mr A was refused access to drinking water. The officer said that his in-cell wash basin water was drinkable, while Mr A said that it was not drinkable, and this left him without drinking water for 15 hours.

The PO investigation established that the provision of drinking water is outlined in Prison Rule 82. It also established that the in-cell basin water is not drinkable, and made a recommendation that staff should be reminded of prisoners' entitlement to drinking water. We also recommended an investigation to ascertain whether the officer acted in compliance with Prison Rules and specifically Prison Rule 82.

Lack of Gym Periods

Mr B complained about lack of specific gym periods for older prisoners. Our investigation established that he received a sensible response at Stage One; and additionally suggested that he raise his needs with gym staff and via the Prisoner Forum.

Compassionate Temporary Release Applications (CTR)

Mr C's complaint was about how his applications for CTR were handled and lack of bereavement support. The PO investigation concluded that Mr C's CTR applications were badly handled. It was also disappointing that no support was provided to Mr C after his bereavement.

The PO recommended that the Governor should remind all managers and staff who are involved in the CTR application process of the failures in this case. We also recommended that support mechanisms are put in place and routinely offered to any prisoner who has a family bereavement.

Inadequate Healthcare

Mr D made a complaint about inadequate healthcare. He felt that the Prison Service had overall responsibility for the Health Trust to ensure prisoners received adequate healthcare.

The PO investigation clarified the position: the NIPS does not commission healthcare services for prisoners. Instead all commissioning of healthcare for the population of Northern Ireland, irrespective of their location, is undertaken by the Health and Social Care Board. In the case of Northern Ireland prisons, the HSCB has commissioned the South Eastern Health and Social Care Trust to deliver healthcare. Therefore any complaint about healthcare provision should be referred to the Trust and not NIPS.

Complaints by Prison	2013/14 At end of November
Maghaberry	243*
Magilligan	44
Hydebank Wood Female	7#
Hydebank Wood and Young Offenders Centre	9

* Includes 3 visitor complaints.
Includes one visitor complaint.

Recommendations



A total of 249 recommendations have been made so far this year.

Of the 176 responses received 93% have been accepted.

RECENT COMPLAINTS EXAMPLES

Lack of Learning and Skills

Mr E complained about the lack of Learning and Skills provision for prisoners living in the Mourne Complex at Maghaberry. He felt that very few opportunities were available to prisoners in Mourne, compared to those in the main prison who had, amongst other things, access to the modern Learning and Skills Centre.

The PO was told that this will be fully addressed when the provision and delivery of Learning and Skills is outsourced.

Window Covering

Mr F's complaint was about the covering on the cell windows in the CSU which obstructs daylight.

We agreed that the covering did indeed reduce the amount of daylight a prisoner receives in cell and recommended that the coverings are removed. This recommendation is currently being considered.

Failure to Investigate alleged bullying

Mr G complained that he was offered a financial inducement to withdraw his complaint, which alleged governors failed to investigate bullying by another prisoner.

However we found the NIPS had conducted a thorough investigation, and had given him a hardship payment since he had no money to phone his family.

Daily Exercise

Mr H complained about not getting an hour of exercise in the exercise yard. Mr H was refused the hour exercise on the basis that he had already been out of the house attending education that day.

The PO investigation concluded that the fact Mr H had attended education had no bearing on his entitlement to an hour of exercise in line with Prison Rule 55(1). The PO recommended that all staff should be reminded of the right of prisoners to one hour of exercise in the open air in accordance with the Rule.

Did you Know?

- The rate of imprisonment in Northern Ireland is much lower than elsewhere in the UK. It is currently 101 per 100,000 population. The rate in England, Wales & Scotland is 148 per 100,000. The Northern Ireland rate is higher than the Republic of Ireland rate of 88 per 100,000 population.
- The Northern Ireland remand population is high (24% of the overall prison population v 13% in England & Wales).
- The number of prisoners held in Maghaberry has risen from 410 in May 2000, to over 1,100 in November 2013.
- The Prison Service had a target to reduce the number of eligible complaints needing to be investigated by the Prisoner Ombudsman by 5% from the 2011-12 baseline. However the overall number of eligible complaints rose by 9.1% during 2012-13. The figures for each establishment were:-
 - ◆ Maghaberry 18% increase.
 - ◆ Magilligan 5.7% decrease.
 - ◆ Hydebank Wood 25% decrease.



The
Prisoner
Ombudsman
for Northern Ireland

TAKEN YOUR COMPLAINT THROUGH THE INTERNAL PROCESS? STILL NOT HAPPY?

You can contact the Prisoner Ombudsman's Office.

FREEPHONE

0800 783 6317

Monday to Friday

8.30 am - 12.00 noon

4.00 pm - 5.00 pm



Remember!

Your complaint **will not automatically** come to us.

Please quote your Prison Service Complaint reference number.

Calls to this number are not monitored by the Prison.

Independent, Impartial Investigation

Unit 2 Walled Garden, Stormont Estate, Belfast, BT4 3SH



Mandarin

如果你对使用监狱服务处的内
部投诉程序有任何问题，
请通知监狱人员或拨我们的免费电
话，我们将会很乐意告诉你该如何进行。

经过监狱服务处的调查后，
如果你对结果仍旧不满意，
你可以拨我们的免费电话
0800 783 6317 (08.30-12.00 & 16.00-17.00)

向犯人调查官投诉。
即使你的英语有限，
或完全不会说英语，
你也可以拨免费电话。
你只需说“**Mandarin**，
普通话”。接著，会要你稍候；
在我们接通翻译之前，
可能会暂时没有声音。

很重要的

是，你不要挂掉电话，一
定要等我们替你接通翻译。一
旦接通所需的翻译后，
他就能帮你
向我们的投诉员提供一
些基本细节。



Slovak

Ak nebudete spokojný
s tým, ako Vázenská služba
Vašu žiadosť prešetrila,
môžete svoju sťažnosť
predložiť Vázenskému
ombudsmanovi
prostredníctvom
bezplatného telefonátu: 0800
783 6317. (08.30-12.00 &
16.00-17.00)

Telefonovať môžete aj
vtedy, ak hovoríte po
anglicky slabšie, alebo ak
anglický jazyk neovládate
vôbec. Stačí Vám len
povedať “**Slovak**,
Slovenčina”, nechajú Vás
čakať na linke, linka sa
odmlíja, zatiaľ čo sa Vás
pokúša spojiť s
tlačovníkom. Dôležité je, aby
ste nezložili slúchadlo,
zostane na linke. Keď Vás
spojia, tlačovník Vám vo
Vašom jazyku pomôže
komunikovať s naším
úradníkom pre sťažnosti
(Complaints Officer) za
účelom získania základných
informácií.



Lithuanian

Jei esate nepatenkintas (-a)
tuo, kaip Kalėjimų tarnyba
nagrinėjo jūsų skundą, galite
skundą perduoti Kalėjimų
ombudsmenui, paskambinę
nemokamu telefonu 0800
783 6317. (08.30-12.00 &
16.00-17.00)

Šiuo nemokamu telefono
numeriu galite skambinti net
ir tuomet, jei angliškai
kalbate labai nedaug arba
visai nekalbate. Jums reikys
pasakyti “**Lithuanian**,
Lietuviškai” ir šiek tiek
palaukti (gali būti, kad kurį
laiką bus tylu), kol mes
bandysime jus sujungti su ve
rtėju. Yra svarbu nepadėti
ragelio ir laukti, kol jus
sujungs. Kai būsite sujungti,
vertėjas padės mums Skundus
nagrinėjantį pareigūnui
suyinoti reikalingą
informaciją apie jus.



Romanian

Dacă nu sunteți satisfăcut cu modul
în care Serviciul Penitenciar v-a
investigat sesizarea, o puteți aduce
în atenția Ombudsman-ului
deținutilor apelând numărul nostru
gratuit, 0800 783 6317. (08.30-12.00
& 16.00-17.00)

Puteți apela numărul de telefon
gratuit chiar dacă nu vorbiți bine
engleza sau dacă nu o vorbiți deloc.
Trebuie doar să repetați
„**Romanian, român**”. Va trebui
să așteptați apoi - îi este posibil să
nu auziți nimic - în timp ce noi vom
încerca să obținem legătura cu un
interpret. Este important să nu
închideți telefonul îi să așteptați.
Odată ce obținem legătura cu
interpretul, acesta îl va ajuta pe
funcționarul nostru care se ocupă
de sesizări să obțină de la
dumneavoastră anumite informații
de bază.



Spanish

Si no se sintiese satisfecho con la forma
en que el Servicio Penitenciario ha
investigado su reclamación, podrá
presentársela al Defensor de los Presos,
llamando a nuestro teléfono gratuito:
0800 783 6317. (08.30-12.00 & 16.00-
17.00)

Usted podrá llamar a este teléfono
gratuito incluso si habla poco o nada de
inglés. Sólo necesita decir: “Spanish,
Español”, y le pondremos a la espera;
quizás se produzca un silencio mientras
le conectamos con un intérprete. Es
importante no colgar y mantenerse al
teléfono. Cuando le hayan conectado,
el intérprete de su idioma ayudará, a
través de nuestro Funcionario de
Reclamaciones, a obtener cierta
información básica de usted.



Latvian

Ja jūs vīl aizvien neesat
apmierināts ar to, kā
Cietumu dienests izskatījis
jūsu sūdzību, jūs varat lūgt,
lai jūsu sūdzību izskatītu
Ieslodzīto ombuds,
piezvanot pa mūsu
bezmaksas tālruni 0800 783
6317.

Jūs varat zvanīt pa
bezmaksas tālruni arī tad, ja
runājat angliiski pavisam
nedaudz vai pat tad, ja vispār
nepārvaldāt angļu valodu.
Jums tikai atliek pateikt
“**Latvian, latviešu**” un jums
būs kādu brīdi jāpagaida pie
tālruņa (šajā laikā tālruņa
klausulī var valdīt klusums),
kamēr mēs centīsimies
pieslēgties tulkam. Ir svarīgi,
lai jūs nenolīktu klausulī un
palīktu pie tālruņa. Kad tulk
būs pieslēdzies sarunai, viņš
vai viņa jūsu dzimtajā valodā
darbības ar mūsu sūdzību
dažas darbinieku noskaidros
no jums pamata informāciju.



Polish

Osoby niezadowolone ze
sposobu rozpatrzenia skargi
przez Służbę Wzięzienną
mogą skierować sprawę do
rzecznika osób
odbywających karę
pozbawienia wolności
(Prisoner Ombudsman). Służbę
do tego bezpłatny numer
telefonu 0800 783 6317.
(08.30-12.00 & 16.00-17.00)

Z tego numeru mogą
korzystać także osoby
niemówiące po angielsku.
Wystarczy powiedzieć
„**Polish, polski**” i zaczekać
na połączenie z tłumaczem.
W słuchawce może nastąpić
cisza, ale słuchawki nie
należy odkładać. Po
połączeniu z tłumaczem
osoba zgłaszająca skargę
będzie mogła porozmawiać
z urzędnikiem ds. skarg i
wyjaśnić, na czym ogólnie
polega jej skarga.



Portuguese

Se não estiver satisfeito com a
forma como o Serviço Prisional
investigou a sua reclamação, poderá
enviar a sua reclamação para o
Provedor do Prisioneiro através do
nosso número gratuito 0800 783
6317. (08.30-12.00 & 16.00-17.00)

Pode telefonar para o número
gratuito mesmo se tiver poucos ou
 nenhuns conhecimentos de inglês.
Precisará apenas de dizer
“**Portuguese, português**”.
Deverá esperar até a sua chamada
ser transferida a um intérprete. É
importante que não desligue o
telefone e permaneça à espera.
Quando a chamada for transferida,
o intérprete prestará assistência na
sua língua materna através do nosso
Oficial de Reclamações para obter
algumas informações gerais.