

INSIDE ISSUES



The
Prisoner
Ombudsman
for Northern Ireland

WELCOME

to the Spring 2013
edition of Inside Issues



I will be completing my time as Prisoner Ombudsman on 31 May and this extended 8 page edition is a special version of my recently published Annual Report which highlights some of the key areas that the Office of the Prisoner Ombudsman has been involved in throughout the course of this year.

It has been a busy and eventful time since I was appointed in September 2008. The Office continues to do everything possible to provide an accessible, efficient service and we completed 344 complaints investigations during April 2012-March 2013.

A summary of the types of complaints we received and a selection of case studies which highlight some of the recommendations we have made are included inside this edition and we welcome the fact that more than 86% of recommendations made this year have been fully accepted by the Prison Service.

I am proud of the role that the Office has played in developing awareness of the need for prison reform and our recommendations also play an active role in pushing the reform agenda forward. While it was disappointing that the change programme was initially slow, a team is now in place and the Director General is very determined to modernise the service. I particularly welcome the recruitment of the new officers who will work with the staff who are not leaving the Service and the efforts now being made to develop more positive regimes.

The goal of the change programme is to help and encourage inmates to address offending behaviour so that they never return to prison. The programme of reform is challenging and will take time but I have seen first hand how inmates, with the right help and support, can turn their lives around for themselves and their families. My hope as I leave the Office is, therefore, that the reform programme will continue to be implemented with determination and dedication by everyone who has a role to play.

It has been an honour to have held the position of Prisoner Ombudsman for five years and I am confident that the role played by the Office can continue to go from strength to strength.

Pauline McCabe
Prisoner Ombudsman

Contact us: FREEPHONE 0800 783 6317

Spring 2013

See back page for information on
'HOW TO COMPLAIN' in other languages



如何投诉 – 请参阅背面
如何投訴 – 請參閱背面



Beschwerdeverfahren - Siehe Rückseite



Kā iesniegt sūdzību – skatiet pēdējo lappusi



Kaip pateikti skundą – žr. galinį puslapį



Bí o se lè fi j sun – Wo yin ewé iwé yi



Jak złożyć skargę – informacje na końcowej stronie



Como apresentar uma reclamação - Ver verso

Complaints Investigations

- 407 eligible complaints were received in 2012/2013.
- A total of 344 complaint investigations were completed in 2012/2013, including 54 complaints carried forward from 2011/2012.
- 117 complaint investigations remain ongoing at year-end.

Origin of Prisoner Complaints Received

The breakdown of complaints by prison shows a broadly similar pattern to previous years:

74%

of the complaints received in 2012/2013 were from Maghaberry prisoners who represent 56% of the total prison population.

16%

of complaints were received from Magilligan prisoners who represent 30% of the total prisoner population.

10%

of complaints were received from prisoners at Hydebank Wood. Hydebank Wood Female (Ash House) and Young Offenders Centre each accounted for 5% of the complaints received. The two establishments represent 4% and 10% of the total prisoner population respectively.

Issues Raised in Complaints Received



The issues raised in complaints received this year cover a wide range of topics which are broadly similar to previous years.

Figure 2 shows a detailed breakdown of the issues and concerns raised within complaints.

Problems resulting from the availability and deployment of prison staff have, this year, clearly contributed to a negative impact on:

- The length and frequency of lockdowns and association restrictions;
- The delivery of purposeful regimes, including adequate and meaningful education, rehabilitative programmes and vocational training;
- The availability of exercise and leisure activities; and

Figure 1. Prisoner Complaints



- The delivery of services supporting highly valued family contact, including visits and the delivery of mail and parcels.

It is very much hoped and expected that the prison reform work programmes and initiatives will address these challenges and there are already many positive developments. In particular, 139 new custody officers have now completed their training and been deployed to permanent posts, while a further 39 new recruits

commenced training in January 2013. New staff profiles and shift patterns are being implemented and other initiatives have resulted in more flexible staff deployment and less restrictions on the movement of lower risk prisoners.

The Change Team is also now actively progressing several important pieces of work with the aim of delivering a comprehensive, needs driven package of purposeful, rehabilitative activity and resettlement services for all prisoners.

COMPLAINTS CASE STUDY

Escorted Release

Mr A complained to the Prisoner Ombudsman about his treatment as a 'category D' prisoner and alleged that security arrangements for escorting him to hospital appointments were not proportionate.

Mr A said that the escorted release security arrangement policy for his hospital visits, which states that all prisoners being transported must be handcuffed and escorted by at least two officers, is not appropriate to his individual risk as a 'category D' prisoner 'who can be reasonably trusted in open conditions'. Mr A also complained that the unavailability of escort staff had led to a hospital appointment to be cancelled at short notice.

Responding to these complaints, the Prison Service apologised for the cancellation of the hospital appointment and advised Mr A that he could not be permitted to attend hospital appointments alone until he had reached his pre-release home leave eligibility date and been fully risk assessed. This risk assessment, the Prison Service said, would be based on the prisoner's performance during home leave and that an unaccompanied hospital visit would not be permitted to a prisoner who was not currently registered on the home leave system.

Mr A was not satisfied with the responses of the Prison Service and referred his complaint to the Prisoner Ombudsman.



As stated, a Category D prisoner can be reasonably trusted in open conditions. The Prisoner Ombudsman noted that, under prison policy, the absence of a period of home leave does not preclude a prisoner from being considered for temporary release to access healthcare. The Ombudsman also observed that the correct application of the policy, and a cost effective approach, is in fact based on individual risk assessment. It was therefore recommended that the Prison Service review the current application of this policy to enable appropriately risk assessed prisoners, including those not registered on the home leave system, to attend medical appointments unaccompanied or with reduced security, as appropriate.

The Prisoner Ombudsman also recommended that the Prison Service consider whether it may be appropriate to replace the current mandatory use of handcuffs when escorting prisoners to hospital, with an approach based on an individual risk assessment and other relevant factors specific to the particular appointment. This recommendation is in line with a judgment of a previous Judicial Review in Northern Ireland which emphasised the need for proportionality when considering the use of handcuffs during hospital visits.

During the time Mr A's complaint was being investigated by the Prisoner Ombudsman, the Prison Service accepted, in principle, the need to review the current policy on handcuffing prisoners being escorted to outside hospital. However, a completion date for this review has not yet been established.

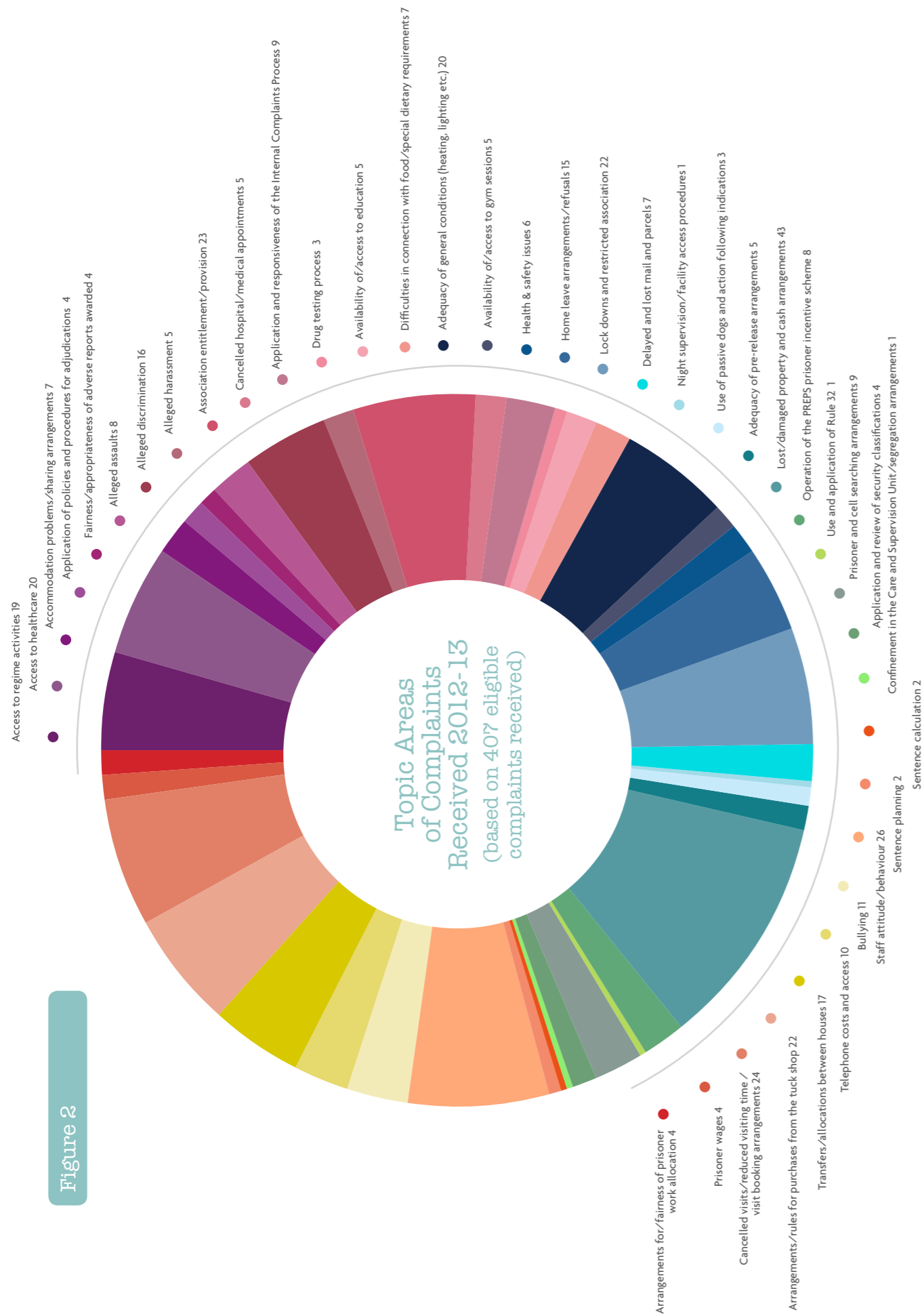


Figure 2

COMPLAINTS CASE STUDIES

Visitor Parcels

During the summer of 2012, the Prisoner Ombudsman received complaints from several prisoners relating to visitors being prohibited from leaving clothing, newspapers or parcels at Maghaberry prison.

The Prison Service responded to each of the prisoner complaints explaining that staff shortages had resulted in the Parcels Intake Post not being staffed and visitors being unable to leave permitted items for prisoners. It was acknowledged by the Prison Service that the situation was “not acceptable” however, given the extent of the problems experienced, a number of prisoners were unhappy with the responses received through the Prison Service Internal Complaints Process and referred their complaints to the Prisoner Ombudsman.

P It is Prison Service policy that property can only be left for prisoners at the time of visits. The facility to leave parcels can mean a great deal to prisoner families and to the prisoners who look forward to receiving them. The investigation found that, between 1 April 2012 and 31 July 2012, the Parcels Intake Post was closed or unable to accept clothing parcels during 37 visiting times. Neither prisoners nor visitors received prior notice of these restrictions, although for a time the policy on property was waived to allow property to be left in at other times. In August 2012, parcel distribution delays of up to four days also occurred due to the breakdown of the delivery vehicle.

The Prisoner Ombudsman observed that, following a similar complaint in 2011, the Prison Service had accepted a recommendation to “ensure that a high level of priority is given to ensuring the full staffing of Visitors’ Reception” where the Prisoner Intake Post is located. It was also noted that, following another recent Prisoner Ombudsman Investigation into similar issues, the Governor had issued a notice instructing staff that the Parcel Intake Post should, in future, not be routinely closed, save for very exceptional circumstances.

In light of this instruction, the Prisoner Ombudsman made no recommendation.

Religious Artefacts

Mr B complained that the Prison Service had failed to return religious incense and artefacts which had been removed from his cell when he had moved landings.

Mr B received numerous responses from the Prison Service which indicated that he would have his religious artefacts returned to him but this was not actioned. Mr B was not therefore satisfied with the response of the Prison Service and referred his complaint to the Prisoner Ombudsman.

P The Prisoner Ombudsman investigation established that Mr B’s items had been in fact been misplaced by the Prison Service and arrangements were subsequently made to replace the items. The Prisoner Ombudsman concluded that it was entirely inappropriate that the religious items were removed from Mr B in the first instance and this had been a clear breach of Prison Service policy.

The Prisoner Ombudsman therefore recommended that the Prison Service reissue guidance to staff in relation the provision of incense and artefacts for religious practice and carry out a training needs analysis in connection with respectful cell search procedures. The Prison Service accepted both of these recommendations.

Time Taken to Investigate Complaints

Overall, 79% of complaints investigations completed this year resulted in a response issued to the prisoner within 18 weeks or less. It is accepted, however, that in many instances this is too long and the Office continues to make every effort to achieve shorter reporting times wherever possible. Many complaints are therefore reported much sooner with 61% completed in 14 weeks or less.

Figure 3 details the time taken to issue complaint reports to prisoners.

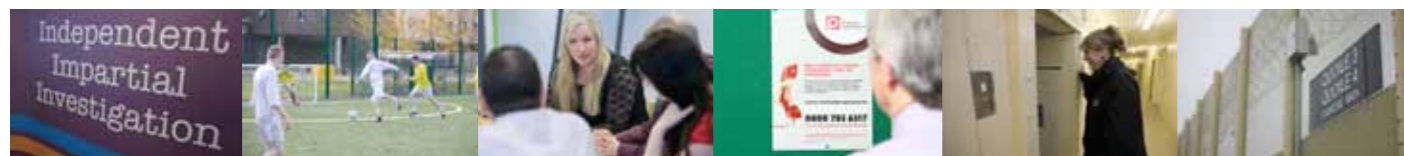


Figure 3. Investigation of Complaints 2012/13: Time to Complainant

Time	Number of Complaints (Cumulative %)
Up to and including 4 weeks	23 (10%)
5 to 8 weeks	44 (26%)
9 to 10 weeks	40 (41%)
11 to 12 weeks	30 (52%)
13 to 14 weeks	25 (61%)
15 to 18 weeks	48 (79%)
Over 18 weeks	57 (100%)
Net Total	267
Other	
Serious/complex investigations	29
Complaints investigated - not issued to prisoner*	8
Complaints awaiting factual accuracy by Prison Service	9
Total Complaints Investigated	344

* For example, if a prisoner has been released and left no forwarding address.

Recommendations Made and Implemented

251 recommendations were made by the Office of the Prisoner Ombudsman to the Northern Ireland Prison Service during 2012/2013.

189 recommendations - or 86% - of the 219 recommendations responded to at the time of this Annual Report's publication, have been accepted by the Northern Ireland Prison Service. 68 of those 189 recommendations (36%) have been confirmed as fully implemented by year end.

32 recommendations have responses pending at year end.

COMPLAINTS CASE STUDIES

Lost Property

Mr C complained that he had not received a clothing parcel that had been brought to the prison by a visitor. He wished to be refunded for the items totalling £120.00.

The Prison Service informed Mr C that there was no record of any clothing parcels for him from a visitor at the time he had stated.

Mr C was not satisfied with the response of the Prison Service and referred his complaint to the Prisoner Ombudsman.



The Prisoner Ombudsman investigation found that although there was no record of property being received on the date in question for Mr C, there was a parcel in lost property containing the items described by Mr C which had been labelled and recorded under the prison identification number of another prisoner (who had already been released) with the same surname as Mr C.

It was not difficult for the Prisoner Ombudsman investigator, with the assistance of one member of prison staff, to check the appropriate property records, identify Mr C's missing property and deliver it to the reception of Mr C's landing.

Given the ease with which Mr C's property was found, the Prisoner Ombudsman pointed out that had the Prison Service been more diligent in its search for the missing property there would have been no need for the complaint to be escalated to the Prisoner Ombudsman.



Tuck Shop Purchases

Mr D complained that an order he placed for a music CD from the tuck shop was refused due to inappropriate content.

The Prison Service observed that the album artwork of the CD in question depicted a masked gunman and a written reference to events which could be interpreted as supporting or glorifying violence. Mr D was advised that such content was not appropriate in the promotion of a neutral environment. Mr D was not satisfied with the response of the Prison Service and referred his complaint to the Prisoner Ombudsman.



The Prisoner Ombudsman established that decisions on the suitability of tuck shop items are made on a case by case basis and prison guidelines aim to balance an individual's freedom of expression under the European Convention of Human Rights with maintaining a neutral and respectful environment within prisons for prisoners and staff.

In this context, 'items (pictorial or written reference) showing forms of weaponry, paramilitary slogans, badges or paraphernalia and/or activities that are clearly prohibited, or which could be interpreted as supporting or glorifying violence, (that might give offence to another prisoner or member of staff) are deemed to be unauthorised items'.

The Ombudsman concluded that it was reasonable that Mr D's request for the CD in question was denied and recommended that guidance should be issued to prisoners with regard to the rules governing tuck shop purchases.

The Prison Service is currently in the process of finalising a Standard Operating Procedure relating to symbols and associated matters. In light of this, the Prisoner Ombudsman's recommendation remains under consideration.



The
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CANTONESE

不論你是投訴什麼，在聯絡犯人調查官之前，你應該先利用監獄服務內部投訴程序設法解決問題。如果這麼做了之後，你還是不滿意，你可以向犯人調查官投訴。如果你需要翻譯員協助你聯絡犯人調查官辦公室，你可以要求另外一位犯人、監獄的工作人員、獨立監控會的成員或家屬替你利用我們的免費電話號碼 0800 783 6317 與犯人調查官聯絡。調查官就會安排一個人協同翻譯員來拜訪你，幫助你進行投訴。

MANDARIN

不论你是投诉什么，在联络犯人调查官之前，你应该先利用监狱服务内部投诉程序设法解决问题。如果这么做了之后，你还是不满意，你可以向犯人调查官投诉。如果你需要翻译员协助你联络犯人调查官办公室，你可以要求另外一位犯人、监狱的工作人员、独立监控会的成员或家属替你利用我们的免费电话号码 0800 783 6317 与犯人调查官联络。调查官就会安排一个人协同翻译员来拜访你，帮助你进行投诉。

GERMAN

Egal worum es sich bei Ihrer Beschwerde handelt, sollten Sie an erster Stelle versuchen, das Problem über den internen Schlichtungsdienst der Haftanstalt zu lösen, bevor Sie sich an den Ombudsmann für den Strafvollzug wenden. Sollten Sie

die Dienste eines Übersetzers benötigen, um mit der Dienststelle des Ombudsmanns Kontakt aufzunehmen, können Sie einen Mithäftling, einen Vollzugsbediensteten, ein IMB-Mitglied oder ein Familienmitglied bitten, stellvertretend für Sie unter Freiruf **0800 783 6317** den Ombudsmann für den Strafvollzug zu kontaktieren. Der Ombudsmann wird daraufhin veranlassen, dass ein Sachbearbeiter Sie mit einem Dolmetscher besucht und Ihnen beim Vorbringen Ihrer Beschwerde behilflich ist.

LATVIAN

Neatkarīgi no tā, par ko jūs iesniedzat sūdzību, no sākuma, lai atrisinātu problēmu, jums ir jāizmanto Cietuma dienesta iekšējo sūdzību iesniegšanas kārtība (Prison Service Internal Complaints Process), pirms jūs vērsties pie ieslodzīto ombudsmena. Ja pēc tam jūs vēl aizvien neesat apmierināts (-ta), jūs varat iesniegt sūdzību ieslodzīto ombudsmenam. Ja jums ir nepieciešami tulka pakalpojumi un palīdzība, lai sazinātos ar ieslodzīto ombudsmena biroju, jūs varat palūgt citu ieslodzīto, cietuma darbinieku, IMB (Neatkarīgās uzraudzības pārvaldes) biedru vai ģimenes locekli sazināties ar ieslodzīto ombudsmenu jūsu vārdā, piezvanot pa mūsu bezmaksas tālruni **0800 783 6317**. Ombudsmens parūpēsies par to, lai pie jums ierastos amatpersona ar tulku, ļaujot jums iesniegt sūdzību.

LITHUANIAN

Koks bebūtų jūsų skundo pagrindas, pirmiausiai problemą reikėtų spręsti pagal Kalėjimų tarnybos vidaus skundų sprendimo tvarką, ir tik po to kreiptis į Kalinių ombudsmeną. Jei problemos išspręsti nepavyko, galite kreiptis į Kalinių ombudsmeną. Jeigu jums reikia vertėjo, kuris padėtų kreiptis į Kalinių ombudsmeno tarnybą, paprašykite, kad kuris nors iš kalinių, kalėjimo darbuotojų, NMT (Nepriklausomos stebėjimo tarnybos) narių arba jūsų artimųjų jūsų vardu paskambintų Kalinių ombudsmenui nemokamu telefonu **0800 783 6317**. Ombudsmenas pasirūpins, kad jus aplankytų tarnybos atstovas kartu su vertėju ir padėtų jums paruošti skundą.

NIGERIAN

Fun ẹsunkesun tí o bá ní, o gbòdò kòkò fí sun ilé isẹ afisun tí inu ogbà ẹwọn lati yanjú ọrọ naa kí o tó fí to alagbawí awọn ẹlẹwọn lẹfí. Lẹhin igbà tí o bá se èyí tan, tí kò bá sí tẹ ọ lorun naa, o lè fí ejo naa sun alagbawí awọn ẹlẹwọn. Tí o bá fẹ olutumọ èdè lati ran ọ lowọ pelu kíkàn sí ilé isẹ alagbawí awọn ẹlẹwọn, o lè beere lowo ẹlẹwọn omiran, tàbí okan ninu awọn osise igbimo ìbójútó itọju awọn ẹlẹwọn, èyí tí a npe ní IMB, tàbí ará ile rẹ lati ba o kàn sí alagbawí awọn ẹlẹwọn lórí ẹrọ ibanisọrọ ọfẹ wa tí o jẹ **0800 783 6317** Alagbawí naa yí o wa se ètò wípé kí eniyan kan wa ri ọ pelu olutumọ èdè lati ran ọ lowọ pelu fífi ejo sun.

POLISH

Wszystkie skargi należy składać najpierw drogą wewnętrzną

procedury składania skarg obowiązującej w służbie więziennej. Osoby niezadowolone ze sposobu rozpatrzenia skargi mogą następnie zwrócić się do rzecznika praw więźniów (Prisoner Ombudsman). Przy składaniu skargi do rzecznika praw więźniów możliwa jest pomoc tłumacza. Osoby, które chciałyby z niej skorzystać mogą poprosić innego więźnia, pracownika służby więziennej, członka niezależnej rady monitorującej (IMB) lub członka rodziny o skontaktowanie się z biurem rzecznika w ich imieniu pod bezpłatnym numerem telefonu **0800 783 6317**. W złożeniu skargi pomocy udzieli wówczas pracownik biura rzecznika podczas wizyty z tłumaczem.

PORTUGUESE

Qualquer que seja a natureza da sua reclamação, deverá inicialmente utilizar o Processo de Reclamações Interno dos Serviços Prisionais para tentar resolver o seu problema antes de contactar o Provedor de Justiça (Prison Ombudsman). Se tiver seguido esse procedimento e ainda não estiver satisfeito, poderá apresentar a sua reclamação ao Provedor de Justiça. Se necessitar dos serviços de um tradutor para o ajudar a estabelecer contacto com o Gabinete do Provedor de Justiça, pode solicitar a ajuda de outro prisioneiro, guarda prisional, membro do IMB ou familiar para entrar em contacto com o Provedor de Justiça em seu nome através do número **0800 783 6317**, a chamada é gratuita. O Provedor enviará um membro do seu gabinete, acompanhado por um tradutor para o ajudar a apresentar a reclamação.



The
**Prisoner
Ombudsman**
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If you have taken your complaint through the internal complaints process and you remain unhappy you can contact the Ombudsman by:

FREEPHONE 0800 783 6317

CALLS TO THIS NUMBER WILL NOT BE MONITORED

