

INSIDE ISSUES

HOW TO COMPLAIN

-  如何投訴? 請參考第 16 頁
如何投诉? 请参考第 16 页
-  Beschwerdeverfahren - Siehe Seite 16
-  Ká iesniegt südzübu? Skatiet 16. lappusi
-  Kaip pateikti skundą? Žr. 16 psl.
-  Bí o se le fi ejo sun? Wo ewé 16
-  Jak złożyć skargę? Informacje na stronie 16
-  Como posso apresentar uma reclamação?
Ver página 16



The
**Prisoner
Ombudsman**
for Northern Ireland

VIEWS OF PRISONERS

heard at recent roadshows

special report p4

Contact us: FREEPHONE 0800 783 6317

Spring 2009

INSIDE ISSUES

CONTENTS

WELCOME - Ombudsman	02
WELCOME - Director of Operations	03
WHAT YOU HAD TO SAY?	04
FREEPHONE	05
COMPLAINTS & OUTCOMES	06
ART COMPETITION	08
WHAT'S HAPPENING?	10
WHO WE ARE AND WHAT WE DO?	15
HOW TO CONTACT US IN OTHER LANGUAGES	16

WELCOME It has been a while since my last edition of Inside Issues, and my Christmas leaflet advising you about the new free-phone for contacting us.



A lot has been happening in my office over the past four months and I hope you will find this Spring edition of Inside Issues full of useful and interesting information about the work that I and my investigators have been doing. I also hope that you like the new look of the magazine!

I am pleased that prisoners are using the free-phone to contact my office. Paula is always happy to take your calls. Remember, when you have completed the Internal Complaints Process, your complaint doesn't automatically come to me - you must contact us! Always hold on to your prison service complaint reference number, we may need this to help track your complaint.

In the wake of my report into the sad death in prison last year of Colin Bell, some of the Northern Ireland politicians joined in a debate at the Assembly in February to call for my office to be properly funded. I met with some of these politicians in late April and early May to impress upon them how critical it is that I have the resources I need to do my job well (see page 12).

Finally I would like to thank all those prisoners who participated in our road-shows towards the end of 2008 and in April 2009 (see page 4) and to those prison staff who enabled the road-shows to happen. I welcomed the chance to tell you about changes we have made to our office and appreciated also the insight you gave to the internal complaints process, accessing my office and prison life in general.

Pauline McCabe
Ombudsman

Complaints and Death in Custody Investigations

In the year April 08 to March 09 the Prisoner Ombudsman's office dealt with 203 eligible complaints, handled 201 ineligible complaints and dealt with 165 advice calls from prisoners.

The office is also currently dealing with **9** death in custody investigations.

MESSAGE from the Director of Operations

“ I am delighted to have recently taken up my post as Director of Operations for the Prisoner Ombudsman and welcome the opportunity I now have to make a positive impact on prison life. ”



The circumstances of my appointment were sad given that I replaced Dave McCall, who was tragically killed last August. On behalf of colleagues in this office I would like to pay tribute to Dave who worked tirelessly for the previous Prisoner Ombudsman.

There are a number of projects I have been involved in during my first three months including:

- a new pilot project where the Prisoner Ombudsman will, for a period of 12 months starting in June, deal with complaints that prisoners may have about the Probation system. See page 13
- changing the way we work in order to deliver a more efficient, robust and professional complaints handling system. See page 10

During my first few months, as well as taking forward many of the projects detailed inside, I have personally been involved in revamping this magazine and the new complaints leaflet which is included. We are always looking for ways to improve the style and content of both so if you have any comments please do get in touch.

Sinead Simpson
Director of Operations

WHAT YOU HAD TO SAY?

PRISONERS VOICE CONCERNS

The Prisoner Ombudsman spent some time towards the end of 2008 doing road-shows in Maghaberry and Magilligan prisons, followed this up with a further session in Maghaberry in April 2009 and made a number of visits to Hydebank Wood /Ash House.

She has plans to make further visits in the coming months.



The purpose of these visits was to explain the role of the Prisoner Ombudsman but they also proved invaluable to the Ombudsman in her first few months of office giving her an insight into prison life, problems which prisoners encounter with raising issues and complaints at a local level and problems accessing the Prisoner Ombudsman's Office.

The Ombudsman was disturbed that some prisoners said they were reluctant to use the internal process for a variety of reasons. The fact that prisoners feel this way is worrying



for the Ombudsman and this is a worry shared by Governors and the Prison Service HQ staff. This information, including that shared by prisoners when they call the office, is now being captured in such a way that prisoners remain anonymous and is being brought to the attention of Governors.

The Ombudsman is now meeting each Governor on a regular basis to discuss these issues and is looking at ways in which staff can have greater confidence that the complaints system is in place to help improve service and standards.

One of the road-shows was attended by Chinese prisoners and with the help of a translator the Ombudsman heard of the many issues facing foreign nationals in prisons ranging from communication barriers and isolation to fears of bullying.





The
Prisoner
Ombudsman
for Northern Ireland

FREEPHONE

0800 783 6317

HOW TO ACCESS US AND WHEN

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**
- **Writing to us at 22nd Floor, Windsor House, Bedford Street, Belfast BT2 7FT**
- **Filling out a complaint form available on your wing, landing or house.**

Remember you must hold on to your Prison Service Complaint reference number



COMPLAINTS and OUTCOMES




SUSAN

made a complaint to the Prison Service regarding

visiting times.

.....

She stated that all prisoners, regardless of regime, got four 1 hour visits per month and enhanced prisoners got an additional 1hr visit on a week day.

Susan stated, that under the new rules enhanced prisoners, who used to get 6 hour now only got 5 hour and one of those hours was on a week day, creating problems for her family who had to make special arrangements around their work commitments. Susan went through the 3 stage Internal Complaint Process without resolving her complaint and then asked the Ombudsman to investigate.

AS A RESULT following a full investigation of all the relevant policies, discussions with Susan and other prison staff, including the Governor, the Ombudsman could not uphold the complaint. The Ombudsman did however explain to Susan that the Governor made his decision to change visiting times to ensure that visiting arrangements are fair for all families. All prisoners, regardless of gender or regime, now receive at least four 1 hour visits.




COLIN

put in a complaint to the Prisoner Ombudsman

about personal items that there missing from his cell following his transfer to the SSU.

.....

Having gone through the Internal Complaints Process, Colin was still not satisfied with his responses and contacted the Ombudsman.

An Investigator met with Colin and he explained that he had ordered and received a number of items prior to going to the SSU but when he was relocated to a residential house, these items were not amongst his possessions. When a prisoner is moving within the prison it is normally his own responsibility to pack his own belongings but on this occasion staff packed Colin's belongings on his behalf.

AS A RESULT the Ombudsman concluded that it was reasonable to consider that Colin had lost his possessions at the time of his transfer and therefore upheld his complaint to have his items replaced. The Ombudsman also recommended that the NIPS consider the use of inventory forms. This would ensure that staff have checked and confirmed all of the prisoner's possessions and the prisoner would be able to check the list soon after the move.




DAVID

sent a letter to the Ombudsman's office expressing

concerns over the difficulties he was having as a direct result of not being able to speak English.

.....

David felt he was unable to talk with staff and other prisoners and was unable to read instructions, newspapers or understand the television.

When he wished to raise an internal complaint about these matters, staff refused to accept it, as his complaint was written in another language. When this was brought to the attention of an Investigator, although the complaint had not gone through the normal Internal Complaints Process, the Ombudsman felt it important to ensure there were facilities in place to assist prisoners like David in making any future complaints.

AS A RESULT the Ombudsman recommended that the Prison Service provide David with newspapers and magazines in his language, suggested he attend English classes and that he be housed next to other prisoners who spoke his language, allowing David to interact and speak with others.



COMPLAINTS and OUTCOMES




MARK

submitted a complaint stating that he had

received a closed visit with his parents after a drugs dog had indicated on his father.

Mark explained to an Investigator that following the visit from his parents he made enquiries about what an indication entails and was told that it was when a dog 'sits' beside the person, which he said did not happen in his father's case.

In order to get a better understanding of how drugs dogs indicate, the Investigator spoke with dog handlers and visited the training centre. The term 'sit' had been used to describe a positive indication and Mark thought this suggested that the dog actually sits down, and that this is the only behaviour expected of a dog when indicating.

AS A RESULT the Ombudsman established that this is not the case and that the term can be used to describe a marked change in the dog's behaviour, as occurred in this case. As a result the Ombudsman did not uphold Mark's complaint, however, she recommended that the Prison Service reviews the terminology used and that the recognised method of indication for each dog should be recorded in the dog's individual record of service book.




JOHN

complained that he was refused a request

to attend a Sunday service while being held in cell for confinement within the SSU.

An Investigator then met with John, reviewed the relevant prison rules and established that a prisoner undergoing punishment or segregation may attend religious services with the permission of the Governor.

If the Governor does not permit a prisoner to attend a service he should inform that prisoner's Chaplain. In John's case he was offered a visit by the Chaplain without first considering, in line with the policy, whether he could attend church services.

AS A RESULT the Prisoner Ombudsman recommended that all prisoners held within the SSU are made aware of their right to practice their religion and are fully advised of how to make a suitable request to do so. The Ombudsman also recommended that each request made by a prisoner in the SSU to attend church services should be individually assessed. The Ombudsman further recommended that when a prisoner is not permitted to attend church services the prisoner can, on request, receive a visit from the Chaplain.




JAMES

was experiencing problems with missing items of mail.

He went through the Internal Complaints Process during which he was initially told that there was no record of his mail and then that his mail had been lost but could now no longer be found.

Following a call to the Prisoner Ombudsman's freephone number, an Investigator visited James to get more details on his complaint. The Investigator then met with prison staff to find out what had gone wrong and what could be done to rectify the situation.

AS A RESULT the prison apologised to James for losing his mail and the Prisoner Ombudsman upheld his complaint and recommended that new procedures for tracking mail be put in place.

ART COMPETITION

“

It was great that we got so many entries. I am grateful to all those at Hydebank Wood who showed such an interest. **Pauline McCabe**

”

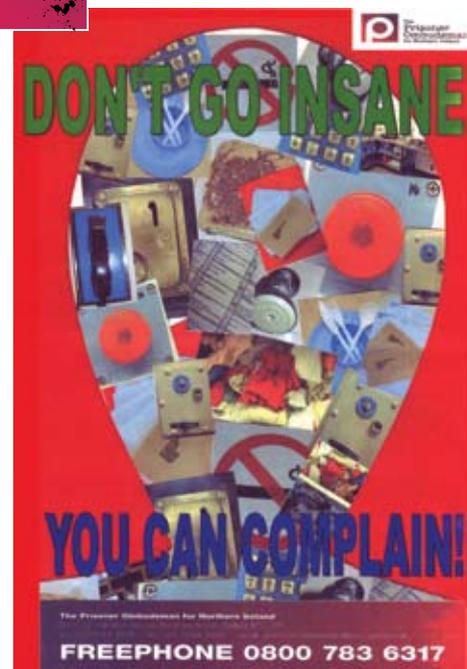
THE OMBUDSMAN

ran two competitions in Hydebank Wood recently for young offenders, that were split into two categories: Juvenile and Youth. They were asked to make a poster that represented their view of prison life.

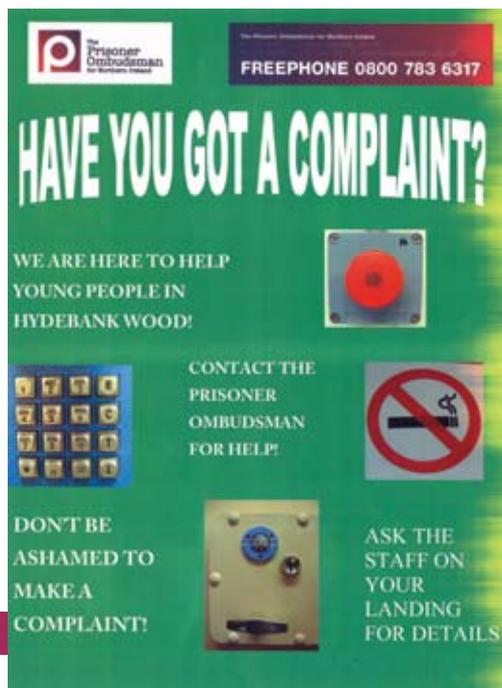
There were many high quality entries, but the Ombudsman chose Stephen Douglas as the winner in the Juvenile category and Mark Scates as the winner in the Youth category. First prize received £25, second prize received £15, and third prize received £10. Due to the success of the competition, the Ombudsman hopes to run future competitions. See the next **INSIDEISSUES** for further details.

FREEPHONE 0800 783 6317

1ST
PRIZE



Stephen Douglas
Winner Juvenile Category

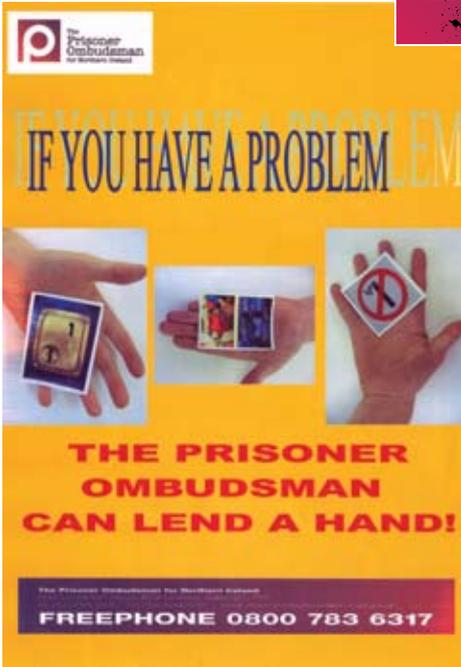


2ND
PRIZE

Lee Gillard
Runner-Up Juvenile Category

Malachy Ward
Third Place Juvenile Category

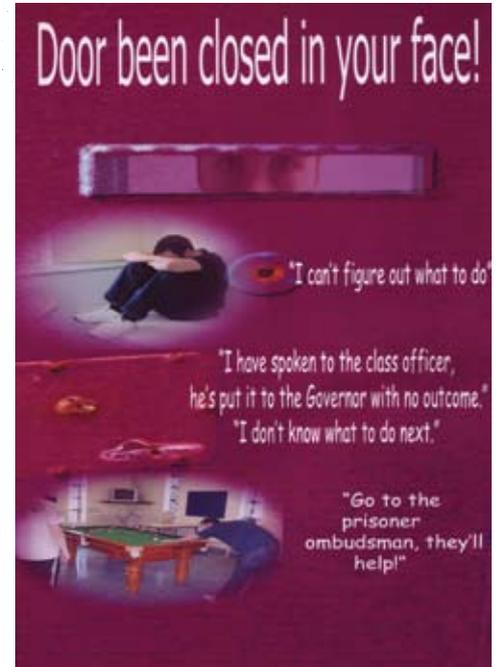
3RD PRIZE



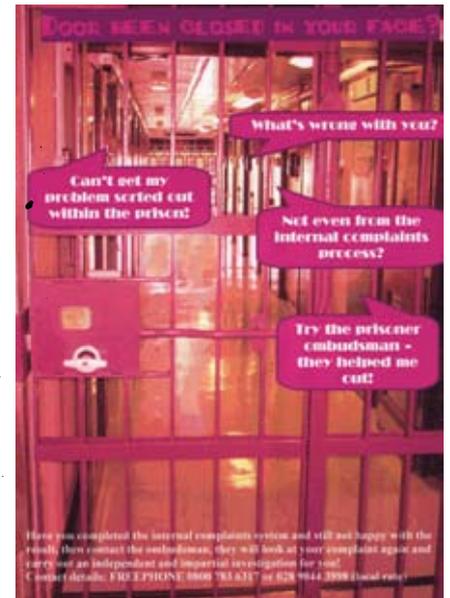
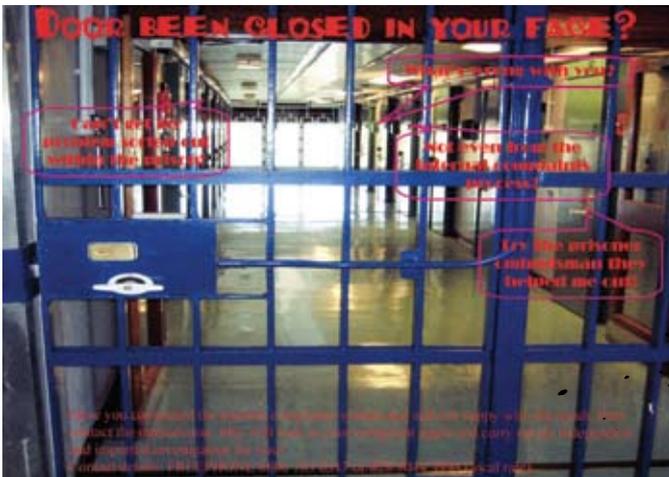
Mark Scates
Winner Youth Category

Mark's entry has also been put forward by the Art department at Hydebank Wood for an award by the Koestler Trust. The Koestler Trust is a prisons arts charity which awards, exhibits and sells artworks by offenders, detainees and high security patients.

1ST PRIZE



Other entries



WHAT'S HAPPENING?

CHANGES WE HAVE MADE

In recent months we have implemented a number of changes which we hope will result in us working in a more efficient and effective way.

We have divided our team of investigators into two teams, one to deal with all complaints and one to deal with death in custody investigations.

We hope this will improve the speed of our response to your complaints and will also mean we are able to devote the focus and attention that is needed to death in custody investigations.

We have also put in place arrangements to check that recommendations have been implemented.



Better
Complaints
Handling

Ombudsman
now Tracking
Recommendations

KEY EVENTS

OMBUDSMAN PRAISES ROLE OF IMBs

At the end of March the Ombudsman spoke at the annual conference of the Independent Monitoring Boards and highlighted the important role that both offices can play, in making prisons work well.

Prisoner Ombudsman, Pauline McCabe highlights important role of IMB Volunteers



“

THE ROLES OF THE PRISONER OMBUDSMAN AND OF IMB MEMBERS ARE DIFFERENT YET COMPLEMENTARY AND BOTH CAN WORK TOGETHER FOR THE BENEFIT OF MAKING PRISON LIFE AS PURPOSEFUL AS POSSIBLE

”

WHAT'S HAPPENING?

KEY EVENTS



Other issues discussed included:

- adequate funding for the office
- the extension of the role of the office to take on visitor complaints and complaints about probation services
- the recent House of Lords judgement requiring independent investigation of "near deaths" in prison and
- the need for the Prisoner Ombudsman to be placed on a statutory footing

IMPORTANT ROLE OF OMBUDSMAN EXPLAINED TO POLITICIANS

In late April and early May 2009 the Prisoner Ombudsman met with key representatives of Sinn Fein, The Alliance Party, UUP and PUP. She will also be meeting with the DUP and SDLP later this month. At these meetings the Ombudsman explained the role of the office in respect of complaints and death in custody investigations; the types of issues raised through complaints; and changes that have been made within the office to improve efficiency and effectiveness.



FUTURE DEVELOPMENTS

Pictured at the IMB Conference, Pauline chatting with an IMB member and Dawn Purvis, PUP.

OMBUDSMAN TO TAKE ON VISITOR COMPLAINTS

As a result of our work and our engagement with prisoners and their families, we sometimes come across a problem with a particular system or process, which is not within our power to change, but one which we consider our duty to lobby for change.

One such issue is how **complaints from prisoners' visitors** are handled. This is an issue which has been raised on a number of occasions by prisoners contacting our office.

Currently there is no means by which visitors can bring their complaint to the Prisoner Ombudsman and prisoners must do so on their behalf, after first attempting to resolve the issue themselves locally. Soon that will change and visitors will be able to bring their complaint to the Prisoner Ombudsman. The proposed detail of how this will work is being developed by the Prison Service and the Office looks forward to commenting on those details in due course.

OMBUDSMAN ROLE FURTHER EXTENDED

In June 2009 the Ombudsman will begin a 12 month pilot project which will enable complaints from prisoners about Probation Services within the prison to be brought to the Prisoner Ombudsman.

We will bring you more details of this in the next edition of **INSIDEISSUES**.

WHAT'S HAPPENING?

WHAT'S HAPPENING?

FUTURE DEVELOPMENTS

NEED FOR INDEPENDENT INVESTIGATION OF 'NEAR DEATHS' IN PRISON

Wider afield a recent House of Lords judgment stated that there should be independent investigation of any "near death" situations in prison custody. This issue will be on the Prisoner Ombudsman's agenda when she meets with politicians and Ministers over the coming months.

OMBUDSMAN TO INFORM WOMENS' STRATEGY

The Office will also be developing a response to the Government consultation paper on their draft strategy for the management of women offenders in Northern Ireland. It is important that we use the issues which complaints often highlight, as well as any trends or patterns in complaints, to inform such consultation exercises.

BEST PRACTICE EXPLORED

In order to help the Ombudsman consider complaints from prisoners and make appropriate recommendations she will soon embark on a series of visits to prisons in England and Republic of Ireland to explore the best practice that exists elsewhere. We will report on these visits in the next **INSIDEISSUES**.

Politicians agree Ombudsman needs proper funding

With devolution of policing and justice comes challenges and opportunities for all involved in prisons.



Prisoner Ombudsman at launch of report on the death of Colin Bell which prompted Assembly debate.

The Prisoner Ombudsman was top of the agenda at a February debate in the Assembly about her report into the death of Colin Bell.

This debate raised issues about adequate funding for the office and the need for it to be placed on a statutory footing.

WHO WE ARE AND WHAT WE DO?



Pauline McCabe, Prisoner Ombudsman. Pauline oversees all death in custody investigations and personally signs off all decisions made about complaint investigations. She operates independently of the Prison Service and reports directly to the Secretary of State for Northern Ireland.

Email prisonerombudsman@nio.x.gsi.gov.uk

Our People



Sinead Simpson

Director of Operations



Michael Hillis

Senior Investigating Officer



Karen McAfee

Investigating Officer Complaints



Pat McKinney

Investigating Officer Complaints



Clare McVeigh

Investigating Officer Deaths in Custody



Paula Curry

Complaints Officer



Sharon Hetherington

Personal Assistant to the Prisoner Ombudsman



Linda McIlwrath

Personal Assistant to the Prisoner Ombudsman

Whatever your complaint is about, you should initially use the Prison Service Internal Complaints System to try and deal with the problem before contacting the Prisoner Ombudsman.

If you remain unhappy with the outcome you can make a complaint to the Prisoner Ombudsman in writing, using a complaint form or by contacting the office using the **FREEPHONE NUMBER 0800 783 6317**.

When you send your complaint to us we will check whether it is eligible and begin an investigation. Remember! Hold on to your Complaint Reference number so you can quote it.

A Prisoner Ombudsman Investigator will then meet with you to discuss your complaint. Then we will look carefully at all the facts and will prepare a report for the Ombudsman.

Once everyone has seen the report, the Ombudsman will formally approve it and make recommendations if appropriate. Where the Ombudsman makes recommendations, we will then follow up and check that these have been acted on.

For information on how to complain, in different languages, please see back page.



The
Prisoner
Ombudsman
for Northern Ireland

dass Sie die Dienste eines Dolmetschers oder Übersetzers benötigen, können Sie ein Mitglied des Gefängnispersonals, ein Mitglied des IMB (Independent Monitoring Board; Unabhängiger Überwachungsausschuss) oder einen Familienangehörigen damit beauftragen, sich unter der kostenlosen Rufnummer **0800 783 6317** an den Ombudsmann für Gefängnisse zu wenden. Daraufhin wird durch den Ombudsmann einen Besuch durch eine beauftragten Mitarbeiter in Begleitung eines Übersetzers oder Dolmetschers, der Ihnen bei Ihrer Beschwerde helfen kann, veranlasst.



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、獨立監獄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助翻譯員來拜訪你，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、独立监狱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助翻译员来拜访你，帮助你进行投诉。



GERMAN

Unabhängig von der Art Ihrer Beschwerde kommt in jedem Fall zunächst das interne Beschwerdeverfahren des Gefängnisdienstes (Prison Service Internal Complaints Process) zur Anwendung. Erst nach Einhaltung dieses Beschwerdewegs und wenn Sie mit dem Ergebnis unzufrieden sind, kann die Beschwerde an den Ombudsmann für Gefängnisse gerichtet werden. Für den Fall,



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 ẹsunkeşun ti o bá ní, o gbọdọ kọkọ fi sun ilé isẹ afisun ti inu ogbà ẹwọn lati yanjú orọ naa kí o tó fi to alagbawi awọn ẹlẹwọn léfí. Lẹhin igbà tí o bá se ẹyí tan, tí kò bá sí tẹ ọ lórun naa, o lè fi ẹjọ naa sun alagbawi awọn ẹlẹwọn. Tí o bá fẹ olutumọ èdè lati ran ọ lọwọ pelu kíkàn sí ilé isẹ alagbawi awọn ẹlẹwọn, o lè beere lọwọ ẹlẹwọn omiran, tàbí ọkàn ninu awọn osisẹ igbimo ibájútú itọju awọn ẹlẹwọn, ẹyí ti a npe ni IMB, tàbí ará ile rẹ lati ba o kàn sí alagbawi awọn ẹlẹwọn lórí ẹrọ ibanisọrọ ofẹ wa tí o jẹ **0800 783 6317**. Alagbawi naa yi o wa se ètò wípé kí eniyán kan wa ri ọ pelu olutumọ èdè lati ran ọ lọwọ pelu fífi ẹjọ sun.



POLISH

Wszystkie skargi należąskładać najpierw drogą wewnętrzną

procedury składania skargobowiązującej 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 niejskorzystać mogą poprosić innego więźnia, pracownika służby więziennej, członka niezależnej rady monitorującej (IMB) lub członka rodziny o skontaktowanie się z biurem rzecznika w ichimieniu 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.