

# INSIDE ISSUES

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**'HOW TO COMPLAIN'** in other languages

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-  Beschwerdeverfahren - Siehe Rückseite
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-  Bí o se lé fi ejo sun – Wo eyin ewé iwé yi
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The  
**Prisoner  
Ombudsman**  
for Northern Ireland

## REVIEW OF PRISONS

Justice Minister David Ford appoints  
team to review prisons **P4**

**Contact us: FREEPHONE 0800 783 6317**

Summer 2010

# INSIDE ISSUES

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**LAUNCH OF THE ANNUAL REPORT P8**



### **GOT A COMPLAINT ABOUT YOUR RECENT VISIT TO A PRISONER?**

If you are a visitor to a prison and you have a complaint you should raise the complaint with the Local Visits Manager in the first instance. If, you remain unhappy with the outcome you can make a complaint to the Prisoner Ombudsman.

**VISITOR COMPLAINTS INVESTIGATED P20**



**John Clerkin**  
Investigating Officer  
Complaints

**NEW INVESTIGATOR JOINS TEAM P22**

## MESSAGE from the Prisoner Ombudsman

# WELCOME

## to the Summer 2010 edition of **INSIDEISSUES**



2010 has ushered in a time of change for prisons in Northern Ireland, following the transfer of responsibility for policing and justice to our local assembly, as part of the Hillsborough Castle Agreement.

The Agreement called for a review of the conditions of Northern Ireland's prisons, and in June the Justice Minister David Ford appointed the team to carry out this study. At its head is the highly-experienced Dame Anne Owers,

who has recently retired after nine years as the Chief Inspector of Prisons.

Announcing the review team, Mr Ford said the aim is to provide a "route map" for the future direction of the Prison Service. My Office is contributing to the review and I look forward to reading the first report when it is published this autumn.

Meanwhile, I completed a special investigation following a number of complaints about 23-hour lock down and other problems at the segregated unit at Roe House, Maghaberry. As a result I made 16 recommendations, several of which affect the whole of Maghaberry and other prisons.

This Office has continued to process other, individual complaints, and you can read the outcome of some of the cases with which we have dealt on pages 14-16.

Complaints can only be referred to the Prisoner Ombudsman after going through the Prison Service's internal complaints system. Despite the fact that this process was speeded up and streamlined from a

three-stage to a two-stage process in February this year, my Office is receiving an increasing number of complaints.

The internal process and how it fits into the Prisoner Ombudsman's complaints process is outlined on page 6, to help you understand exactly what should happen if you decide to make a complaint, and when to refer a complaint to the Ombudsman.

The Office has also been working hard to clear the backlog of Death in Custody investigations and a report of progress in achieving this appears on page 7.

We were pleased to welcome a new member to our team, John Clerkin, who has joined our complaints investigation team. John introduces himself to **INSIDEISSUES** readers on page 22.

As you will see from my diary on pages 12 & 13, I have continued to meet and consult with a wide range of people who have interests and expertise in all aspects of the Prison Service. One notable event was the publication of my Annual Report in which I took the opportunity to set out my thoughts on elements that need to be considered in the review that Anne Owers and her team are carrying out, and you can read more about this on pages 8 & 9.

This magazine is designed to show how the Office goes about fulfilling its role. We welcome any feedback and ideas for topics that **INSIDEISSUES** should cover.

Pauline McCabe  
Ombudsman

# EMERGING FROM THE LEGACY OF THE PAST

**An investigation of the conditions of detention, management and oversight of Northern Ireland's prisons is now in train, following the appointment in June of the review team.**



Prisoner Ombudsman with the Justice Minister, David Ford

Justice Minister David Ford appointed Dame Anne Owers, who has recently retired after nine years as Chief Inspector of Prisons, to head the team. She is supported by four people with wide-ranging expertise in the criminal justice system.

Mr Ford called on the team to set out a route map for the future direction of the Prison Service in Northern Ireland, allowing it to, "Emerge from the legacy of the past."

As a first step the team is studying the regime at Maghaberry and is due to report on this aspect of its work in the autumn. After that other issues identified in the Hillsborough Agreement will be scrutinised, including building a replacement for Magilligan, the accommodation for women prisoners and the management of young offenders.

Beyond these specifics, wider issues about the composition, culture and ethos of the Prison Service will be considered. The appointment of such an experienced and thoughtful group is welcomed and the Prisoner Ombudsman's Office will contribute in every way it can to this important study.

Prisoner complaints and Death in Custody Investigations carried out have highlighted the need for reform of the Prison Service, as an integral part of reshaping the justice system of Northern Ireland and making it fit for the future.

2009/2010 has seen industrial relations in the Prison Service at a very low ebb, and this has had a severe impact on prisoners. Several recent investigations carried out by the Office highlight both the effect that action by prison officers has on prisoners and why there is a need for reform of the service.

The Prisoner Ombudsman is due to meet with the chair of the Review Team, Dame Anne Owers, in September, and looks forward to reporting on the work of the Review Team in future editions of **INSIDEISSUES**.



The  
Prisoner  
Ombudsman  
for Northern Ireland

# FREEPHONE 0800 783 6317

**CALLS TO THIS NUMBER WILL NOT BE MONITORED**

## 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 at the end of the Internal Complaints process, if you wish the Ombudsman to investigate your complaint, you must contact the Ombudsman. Your complaint will not automatically come to us. Please also hold on to your Prison Service Complaint reference number.**



## How the **internal complaints system** has been streamlined

This year has seen a significant increase - from an already high base - in the number of ineligible complaints reaching the Prisoner Ombudsman. The increase from 59 per cent to 71 per cent has coincided with the streamlining of the internal complaints process, in which the number of stages was reduced from three to two.



From this it appears that prisoners are still not entirely clear about the complaints procedure, and when the Prisoner Ombudsman can get involved. Before calling the Prisoner Ombudsman it is important that prisoners go through both stages of the internal process first, as the Ombudsman can only take up a case if a prisoner is unsatisfied after going through the internal system.

Prisoners sometimes say they are concerned they will draw unwelcome attention to themselves if they complain. The changes to the internal system, introduced in February, allow complaints to be lodged confidentially, by posting them in a box placed in a communal area.

You need to complete an internal complaint form and, within 24 hours, you will be interviewed by a residential manager. If the manager cannot deal with the complaint, he or she will pass it on to someone who can, and you will receive a written reply within 14 days.

If this response is not satisfactory, complete stage two of the complaint form and post it within ten days. You will receive a written reply within 14 days. If you still aren't satisfied, this is the time to refer the complaint to the Prisoner Ombudsman. You must do this within the next 30 days.

You can pass a complaint to the Prisoner Ombudsman either by calling the freephone on 0800 783 6317, or completing the Prisoner Ombudsman's complaints form.

## Death in Custody investigations

**One of the key priorities of the Prisoner Ombudsman is to reduce the backlog of Death in Custody investigations and ensure any recommendations made by her and accepted by either the Prison Service or the Health Trust, are implemented.**



Prisoner Ombudsman staff discussing a death in custody investigation

Since the last issue of **INSIDEISSUES** appeared in the Spring, the Prisoner Ombudsman has published five reports on Deaths in Custody and made 67 recommendations based on these investigations.

The objective of every investigation is to provide answers for families and help them understand the circumstances of the death of a loved one, to make

recommendations that will prevent the same thing happening again, and to inform the Coroner.

All Death in Custody investigation reports completed since the current Ombudsman, Pauline McCabe, took up office are available on the Ombudsman's web site.

Following each Death in Custody investigation, the Prisoner Ombudsman requests confirmation that recommendations have been implemented, in line with the action plan provided by the Prison Service. This builds on the agreement reached with the Prison Service when the investigation into the death of Colin Bell was published in January 2009. That report repeated a number of recommendations that had been made and accepted, but not implemented, as result of other, earlier investigations, inspections and reports.

Issues related to healthcare have been a central factor in Death in Custody investigations. The delivery of healthcare within prisons is the responsibility of the South Eastern Health and Social Care Trust. When carrying out a Death in Custody investigation the need to keep the Trust fully informed of progress and emerging issues in connection with the investigation is taken very seriously.

As part of Death in Custody investigations, independent experts are engaged where necessary, to carry out a full clinical review of the healthcare provided to a prisoner.



## The Launch of the Prisoner Ombudsman's Annual Report

On 16 June the Prisoner Ombudsman published the Annual Report, detailing the work undertaken by the office in the year to March 2010 and describing the significant progress that has been made in updating procedures and operations, improving the ability of the Office to carry out its functions.



Prisoner Ombudsman with Monica McWilliams, Chief Commissioner, NI Human Rights Commission

The Report also highlights the ways in which the Office of Prisoner Ombudsman can contribute to current reforms and help with the development of an effective justice system.

The Ombudsman, Pauline McCabe, told the audience at the launch of the considerable time she has spent talking to all the political parties, to contribute to the groundwork for reform. Mrs McCabe emphasised that as part of this reform, it is particularly important that the Office of Prisoner Ombudsman is put on to a statutory footing to ensure its independence and impartiality. It was therefore pleasing to see that the Hillsborough Agreement called for a review of the status of the Office.

At the same time, there is a need for a detailed, sequenced, strategic plan to create a modern prison system. This should be underpinned by cultural change and a new national employee relationship framework.

Mrs McCabe believes that such a plan will help both the Department of Justice and the Department of Health to justify spending against predictable returns on investment.

"Following numerous independent consultations, recommendations and strategies, the Prison Service and the South Eastern Health & Social Care Trust know what changes need to be made. Making those changes happen is the real challenge," Mrs McCabe said.

One of the issues highlighted in the Annual Report was the increase - from 59 per cent to 71 per cent - of prisoner complaints which were ineligible for investigation by the Ombudsman because the internal complaints procedure had not been followed first. Mrs McCabe said she is concerned that this reflects a reluctance to use the internal process. However, she is hopeful of an improvement in the figures, following a simplification of the internal complaints system.



Prisoner Ombudsman with Dr Michael Maguire, Chief Inspector of Criminal Justice and Alban Maginnis, MLA

"The best outcome from a prison sentence is that the prisoner does not re-offend," Mrs McCabe said, restating her commitment to a regime of purposeful activity, responsive mental health provision and access to drug rehabilitation programmes. "Each of these elements is central to a modernised prison system," she told the audience.

The Annual Report emphasises the priority given to clearing the backlog of Death in Custody investigations.

Mrs McCabe believes that whilst progress has been made, implementing past recommendations from these investigations remains an area where improvement is needed. Over the year to March 2010, eight investigations were completed and four were published.

Since the year end, one further Death in Custody investigation has been completed, four more have been published and one is with the Northern Ireland Prison Service for factual accuracy checking. It is hoped that the four other investigations will be complete by September 2010.

A new investigation has just commenced into the death of a prisoner in Hydebank Wood.

Healthcare issues featured in a number of Death in Custody investigations completed



Prisoner Ombudsman with Alban Maginnis, MLA

during the year. Mrs McCabe's Office liaises regularly with the South Eastern Health and Social Care Trust, which has responsibility for healthcare in prisons, to ensure findings and recommendations assist the Trust in improving healthcare within prisons.

In summary, the Ombudsman said there is general recognition that change is needed across Northern Ireland's prisons, and a willingness to make this change. "However, devolution of Criminal Justice will not play its part in creating a modern society if power is transferred but the systems and processes remain the same," she said.

"I look forward with great hope to the opportunities and possibilities that the next year can bring. The Office of the Prisoner Ombudsman is absolutely committed to working with colleagues to make sure these possibilities are realised."

# WHAT'S HAPPENING?

## FOLLOWING UP - how the Ombudsman tracks the implementation of recommendations

Recommendations made by the Prisoner Ombudsman following the investigation of complaints have led to changes in a number of areas ranging from contacts with families, to the handling of confiscated property, and concerns about food hygiene.

The complaints received - and the subsequent recommendations made - range from serious issues relating to assaults and harassment and bullying, to what for some may appear minor concerns about the temperature at which food is served and delays in dispatching a letter. The Office takes all matters seriously, recognising that things which may seem minor can have a disproportionate impact on the morale of someone in prison.

The figure opposite shows the number and variety of issues raised in complaints.

In terms of serious assaults, the Prisoner Ombudsman has made recommendations including

reminding staff that CCTV footage, telephone and other records must be retained to allow serious incidents or complaints to be investigated, that staff should receive regular training and be assessed in their use of control and restraint, and that the role of the medical officer in examining injuries when an assault is alleged should be reviewed.

On food, the Prisoner Ombudsman has made recommendations on ensuring those involved in food service wear appropriate clothing and practice good hygiene, and on the introduction of checks to make sure hot food is indeed hot when served.

On the late dispatch of letters and other issues relating to internal mail, the Prisoner Ombudsman made a series of recommendations, to ensure outgoing mail is promptly dispatched and incoming mail is not held up or damaged, and that prisoners are advised by the Letter Censor's Office if items are confiscated.

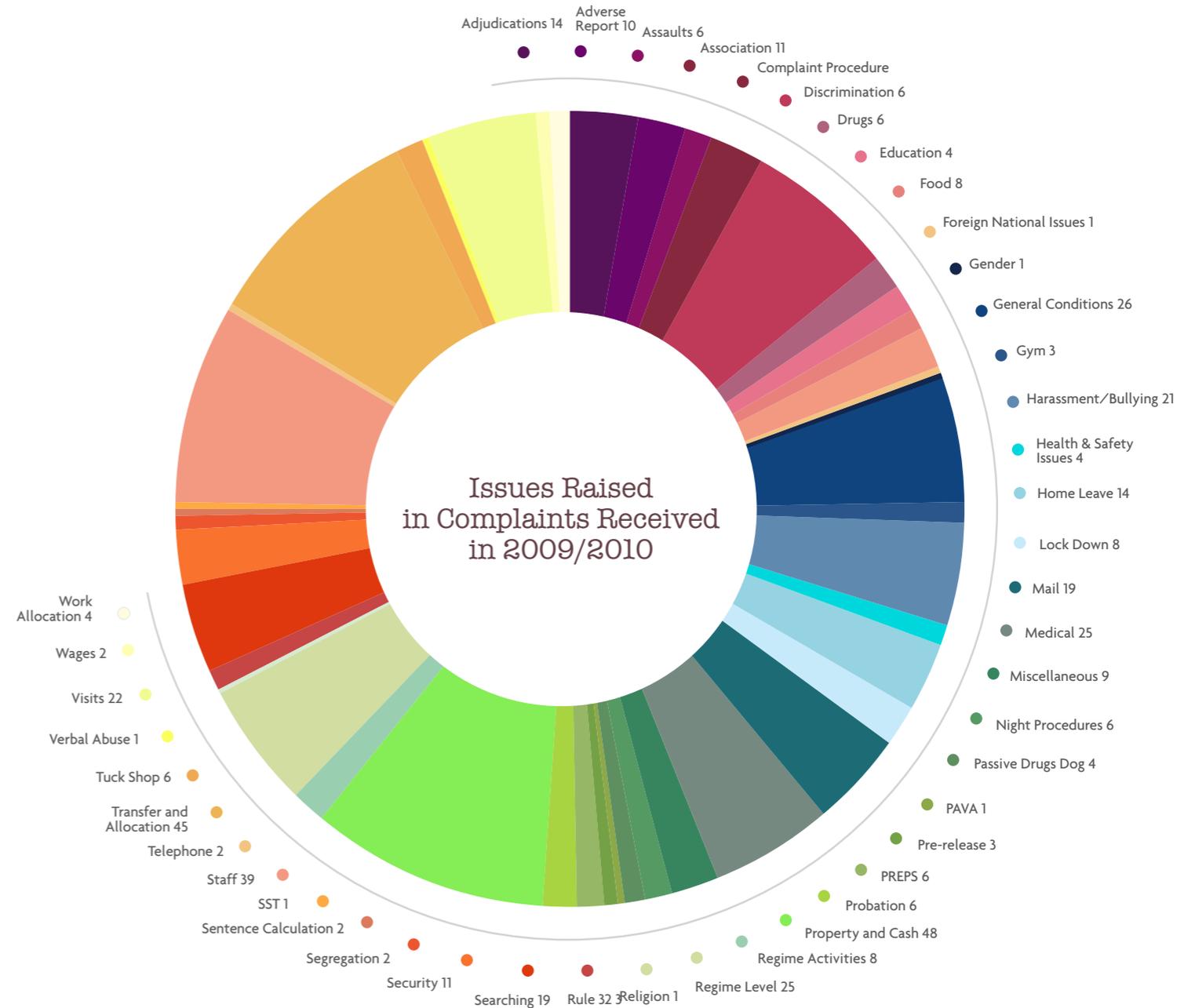
Individual recommendations have resulted in specific changes. So, for example, on the recommendation of the Prisoner Ombudsman, all

officers and other staff working with life sentence prisoners are receiving training on the carrying out of annual reviews and the name of these reviews has been amended to 'Residential Staff Report'.

In another example, the Prison Service is taking steps to ensure no prisoner is placed in a cell with another prisoner who is alleged to have made a threat against them, until a risk assessment is carried out. At the same time, there has been a review of the process surrounding risk assessments, with the aim of reducing the length of time they take to complete.

In a different sphere, recommendations from the Prisoner Ombudsman have led to changes in the arrangements for prisoners held in secure units to attend church services, or request a visit from a chaplain. Prisoners will now receive an explanation if they are refused leave to attend a religious service.

Many investigations do not result in recommendations. Where the Prisoner Ombudsman does not uphold a complaint the Office will always explain to prisoners the investigation that was carried out and the reasons for the decisions made.



## February 2010

- 3rd** - Police Ombudsman about issues of mutual interest
- 4th** - URPG about a range of prison issues Include Youth about the detention of young people
- 15th** - Ian Paisley Jnr MLA to discuss devolution and why Prisoner Ombudsman believes statutory footing is needed for the office
- 17th** - Dawn Purvis MLA to discuss devolution and statutory footing for the office
- 22nd** - Director General of Prison Service about ongoing investigations

## March 2010

- 3rd** - Meeting with family members to review a Death in Custody Investigation
- 5th** - 'What Works in Reducing Offending' Seminar, Hilton Hotel
- 8th** - Mental Health Seminar – Hillsborough Castle PSNI about investigation of assaults in prisons
- 11th** - Meeting with family members to review a Death in Custody Investigation
- 18th** - POA Maghaberry about ongoing Death in Custody investigations

- 22nd** - Visit to Inspire Centre Lynda Wilson and Anne Donnelly, Barnardos about detention of young people
- 23rd** - Alliance Party about devolution and statutory footing for the office  
IMB about issues of mutual interest  
Finlay Spratt (POA) about ongoing investigations
- 29th** - Coroner about Death in Custody investigation reports

## April 2010

- 13th** - Roundtable meeting with various bodies to discuss investigation of deaths in prison custody, chaired by Coroner
- 14th** - Maureen Piggott, Mencap, about disability issues in prison  
Meeting with family members to review a Death in Custody Investigation
- 15th** - 'Jailbreak' at Queens University
- 21st** - Opportunity Youth about detention of young people
- 23rd** - NI Ombudsman about service developments
- 26th** - Children's Commissioner about detention of young people
- 28th** - Speaker at the Association of Chartered Certified Accountants - Malone House - about Offender Management Strategy

- 29th** - Meeting with family members of prisoners at Roe House

## May 2010

- 12th** - Meeting with family members to review a Death in Custody Investigation
- 14th** - Meeting with family members to review a Death in Custody Investigation
- 17th** - Meeting with family members to review a Death in Custody Investigation
- 20th** - Governing Governors to discuss a range of operational issues

## June 2010

- 3rd** - RQIA about ongoing Death in Custody investigations  
Director General of Prison Service about ongoing operational issues
- 7th** - Minister of Justice Event – Castle Buildings  
Finlay Spratt (POA) about ongoing situation in Roe House
- 9th** - Speaker at QUB/Community Relations Council Conference
- 10th** - POA (Maghaberry) about ongoing situation in Roe House

- 14th** - Probation Board to discuss extending pilot to allow Ombudsman to investigate complaints about Probation

- 16th** - Annual Report Launch – The Mount

- 22nd** - Governor of Magilligan about ongoing investigations

## July 2010

- 17th** - Meeting with family members to review a Death in Custody Investigation
- 19th** - Meeting with Director of Operations, NIPS, about a range of prisons issues
- 20th** - Governing Governors to discuss trends and patterns in complaints
- 21st** - David Ford, Minister of Justice about a range of prisons issues  
Raymond McCartney MLA about statutory footing for the office and the Prisons Review
- 23rd** - Residential Managers of Hydebank Wood about issues emerging from complaints  
Coroner about Death in Custody investigation reports



## COMPLAINTS and OUTCOMES



### JOE



complained when his visitors, including a nine-year old child, were locked in an unheated

waiting room for at least 30 minutes at the end of January. There was no access to toilets and although the child pressed the buzzer three times to ask to go to the toilet, there was no response.

Joe was interviewed about his complaint as part of the Prison Service's new internal complaints process. The Officer told him the visitors were kept waiting because there was no one available to drive them over, but he was not able to explain why there was no response to the buzzer when the child wanted to go to the toilet.

This response did not satisfy Joe, and he took the complaint to the second stage of the internal process. As a result, a Governor apologised and explained that a different arrangement was due to be put in place for transporting visitors and this should mean there was no delays in future. However, the Prisoner Officers' Association had yet to agree to implement the change.

Joe then referred the complaint to the Prisoner Ombudsman. Having investigated an earlier complaint from Joe about visiting arrangements and recommended a review, the Ombudsman decided there was nothing to gain from a further investigation. However, she noted that both of Joe's complaints about the Mourne Complex/Wilson House visiting arrangements highlight a number of failures and that prison managers acknowledge these shortcomings.

**AS A RESULT** Joe's second complaint was upheld and the Prisoner Ombudsman recommended that the Governor look at ways to urgently introduce the proposed improved arrangements for moving visitors from the waiting area.



### TREVOR



complained that as he was only provided with one Kosher meal each day, instead of two, he was only eating once each day and this was having a detrimental effect on his health.

Trevor raised an internal complaint about the issue. Originally he was seeking Jewish meals but as the kitchen staff had, on a number of occasions, mistakenly sent him non-Jewish food, he then decided he wanted Kosher food. Trevor was provided with one Kosher meal each day and could then select an option from the multi choice menu, which included vegetarian options. Trevor sought the advice of his Rabbi about other foods he could eat and the kitchen staff said they were prepared to work with any of the Rabbi's suggestions. Trevor remained concerned that the other food options would not have been prepared in a Kosher manner and referred his complaint to the Ombudsman.

The Prisoner Ombudsman's Investigator established that the provision of one Kosher meal was consistent with the Prison Service's Catering Manual and that this was in keeping with policy throughout prisons in England and Wales. The Investigator also established that it was too costly to provide two Kosher meals each day given the overall catering budget but that instead, kitchen staff were cooking the other meals for Trevor in separate cooking facilities and using separate cooking utensils. The Investigator established that Trevor was not convinced that this was always the case.

**AS A RESULT** the Ombudsman recommended that the kitchen ensures that both Trevor's Kosher and vegetarian food is always fully prepared using Trevor's personal utensils and that Trevor is given written assurance from the kitchen manager that this will always be the case.



## COMPLAINTS and OUTCOMES



### DAVE



Dave complained about the number of lockdowns in his house over a 5 week period and the impact this was having on his PREPS regime.

Dave said that officers had told him that they were being locked down so that they would not cause any trouble. After going through the internal complaints process, during which Dave was advised that the lockdowns had occurred because staff in his house had to be reallocated to other houses because of staff shortages there, Dave remained unhappy.

The Prisoner Ombudsman Investigator spoke further with Dave who said he did not see why he should be denied his enhanced regime so that prisoners elsewhere could enjoy their normal regime. The Investigator looked at the information on the number of lockdowns in Dave's house and at the spread of lockdowns throughout the prison over the period in question.

The Investigator found that the lockdowns were spread fairly evenly across the prison and that while some houses were affected more than others, Dave's house was not one of them.

**AS A RESULT** the Prisoner Ombudsman reiterated two recommendations made in another complaint. Firstly that the Prison Service should immediately commence a review of arrangements for allocating lockdowns due to staffing problems in order to ensure that there is an equitable distribution across the whole prison. Secondly, the Ombudsman recommended that discussions should commence between management and the POA to address all of the issues in connection with agreements, working practices and shift patterns that impact on the efficient and effective deployment of staff and prevent the consistent delivery of a purposeful regime and the commitments in the PREPS scheme and Separated Prisoner Compact.



### TOM



complained that the ventilation system at Braid House, Maghaberry Prison was so loud it was stopping him from sleeping.

The building is still under warranty, and on receiving his complaint the Prison Service said it had asked the contractor to deal with the matter. However, the problem was not solved and Tom referred his complaint to the Prisoner Ombudsman. The Investigating Officer visited Tom and listened to the noise, describing it as like a "jet engine humming noise going on in the background." Tom also complained that the system was sucking moisture out of the atmosphere.

The Investigating Officer spoke to the Estates Adviser who said the contractor had now reduced noise levels by lowering the fan speeds in the air ducts. Noise levels were being monitored and the contractor was to provide a written report.

**AS A RESULT** the Prisoner Ombudsman upheld Tom's complaint and recommended that the Estates Adviser insist on further action by the contractor if the problem is not resolved. Tom and other prisoners in Braid House should be asked if the noise had been reduced to a reasonable level.

## COMPLAINTS and OUTCOMES



### LINDA

complained when a letter she wrote to her partner in Magilligan, was returned to her as

it included disrespectful remarks about a prison officer. She also complained because she did not receive two letters from her partner, even though they were recorded as having been delivered to Hydebank Wood.

In the case of the censored letter, Linda disputed that it was disrespectful and said she was entitled to express her opinion. She also denied that the paragraph in question referred to a Prison Officer. After failing to resolve the matter through the internal complaints process, Linda asked the Prisoner Ombudsman to investigate.

When the Investigating Officer spoke to Linda, she acknowledged the nature of the content of the letter, but would not confirm the disrespectful remarks referred to a Prison Officer and maintained her right to state her opinion. Linda also told the Investigating Officer about the two letters from her partner that were recorded as having arrived at Hydebank Wood, but which she never received.

The Prisoner Ombudsman found that while Linda's letter did not name anyone, it did contain derogatory and disrespectful remarks and it was possible to infer from the context that these referred to a Prison Officer.

**AS A RESULT** the Ombudsman agreed that prison staff had acted in accordance with Prison Service policy, in requesting that Linda delete these comments before the letter was sent out. In relation to the two missing letters, the Prisoner Ombudsman said it was not acceptable that once recorded as being received, mail could disappear. She recommended that Hydebank Wood put in place formal procedures for handling mail, including a tracking system to help establish who last handled a letter, if it should go missing.



### BRIAN

complained to the Prisoner Ombudsman because he felt the adjudication process that

followed a charge against him of disrespectful, threatening and abusive behaviour towards a Prison Officer was not impartial or fairly conducted.

The charge arose from Brian's reaction when he was refused access to the kitchen until it was empty of other prisoners. Brian believed CCTV tapes of the incident which gave rise to the charge should be made available to the adjudication as they would demonstrate there were no other prisoners in the kitchen and that he should have been let out of his cell earlier. He believed he was not let out because of the officer's bad mood toward him at that time. The adjudication was adjourned pending the outcome of the complaint.

The Prisoner Ombudsman Investigating Officer listened to the tape of the adjudication and confirmed the Governor carrying out the adjudication did refuse to let the CCTV footage be used. The Prisoner Ombudsman concluded there was no evidence to suggest there was any breach of impartiality in the conduct of the investigation. However, it was noted that the Prison Service's manual on the Conduct of Adjudications states that in addition to interviews, adjudicators should consider "any other information that is available."

The Ombudsman said that in order to feel justice has been done a prisoner should be able to present any evidence they believe is relevant at an adjudication - in the same way as the Prison Service is able to present all evidence it feels is relevant. It is then for the adjudicating officer to make an appropriate decision based on all of the evidence available.

**AS A RESULT** it was recommended that the relevant CCTV footage should be available to be shown as evidence in Brian's adjudication.



# Probation

## complaints pilot extended by

# 12 months



Brian McCaughey, Probation Board for Northern Ireland and Pauline McCabe, Prisoner Ombudsman signing the protocol

The pilot programme looking at whether the Prisoner Ombudsman should take on responsibility for investigating complaints from prisoners about Probation services has been extended for a further 12 months.

The first 12 month pilot, which ended on 14 June 2010, saw the creation of a protocol setting out the roles and responsibilities of the Prisoner Ombudsman and the Probation Board in relation to the handling of complaints.

As is the case with the Prison Service, the Ombudsman was only to take up complaints if prisoners were not satisfied after going through the Probation Service's internal complaints process.

In the event, no complaints from prisoners about the Probation Services were referred to the Ombudsman during the pilot. It would appear that the Probation Service's complaints process is resolving problems raised by prisoners. However, it may also be that prisoners are not aware of the internal complaints process and how to access it.

To examine why this is the case, the Probation Board has undertaken to conduct a review of its complaints policy. At the same time it was agreed the pilot should be extended for a further 12 months, at which point a decision will be made on whether the Prisoner Ombudsman should take on formal responsibility for investigating complaints about Probation services in prison.

# WHAT'S HAPPENING?



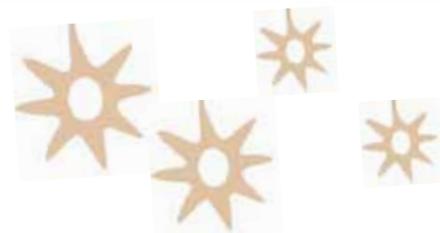
## PRISONER OMBUDSMAN TEAM Support Sunlight

The Prisoner Ombudsman team have been busy raising money for a project in Ghana called Operation Sunlight. Pauline became involved in the project as part of work in Africa and the team have been lending their support.



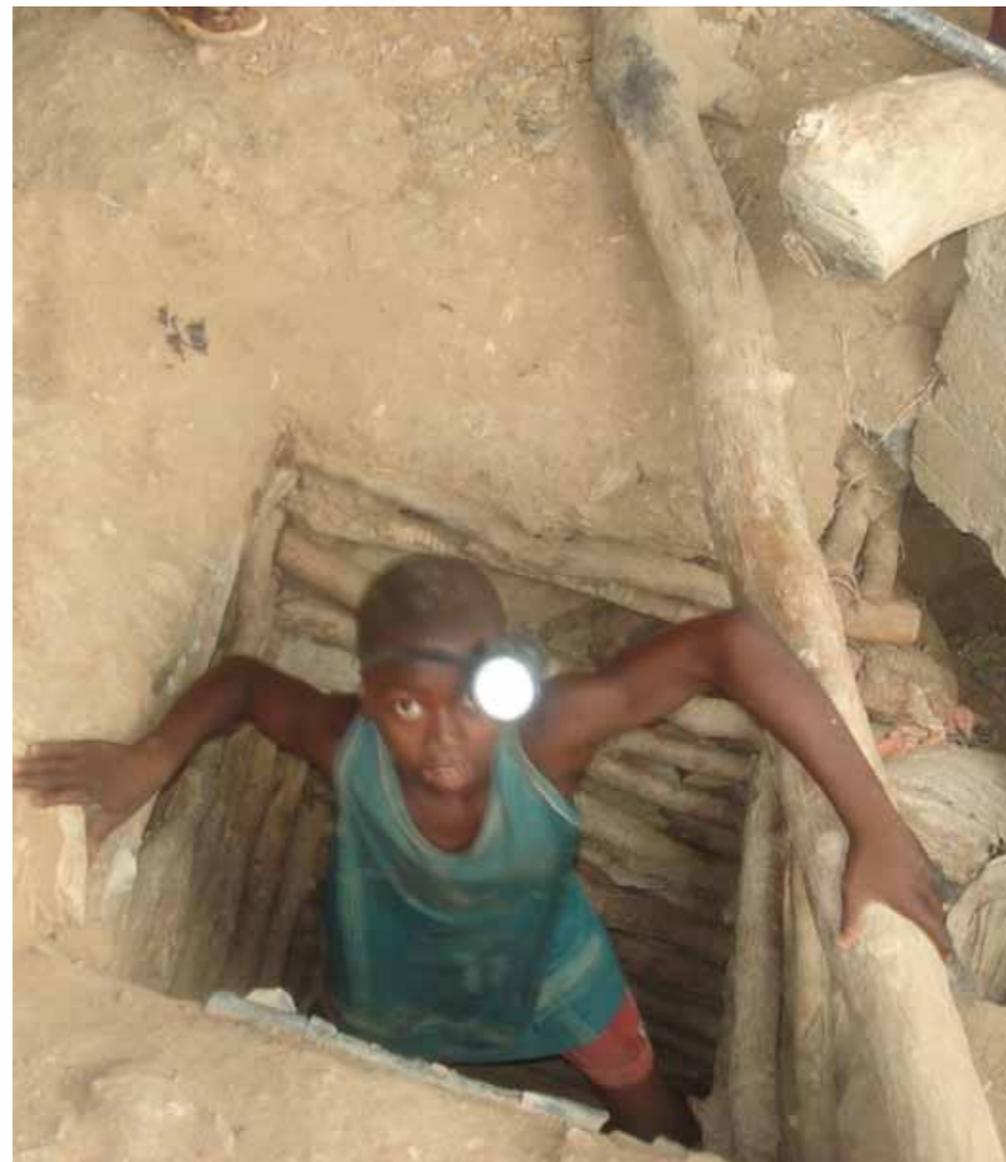
The gold mining communities in the poorest upper East Region of Ghana are very isolated. People go there for one reason only - to try and escape the terrible poverty and hunger that blights their lives.

Whilst child labour is supposed to be regulated, young children are used to support the 'informal' mining industry. The children are exposed to terrible health risks including TB, mercury poisoning and even serious injury or death. The hopeless poverty faced by their families forces them to knowingly allow their children to face these risks. Other young children arrive at the mines alone having left families who simply cannot feed them.



After Pauline went to Operation Sunlight she said:  
"I saw boys, as young as twelve, strap a torch to their heads and then scurry 100ft down a makeshift hole to crawl a further 100ft along a tunnel to commence a 12 hour shift. In a community where we were surrounded by desperately ill children with bloated bellies, these little boys had upper bodies that looked as though they had spent every day of their lives working out in a gym."

At the end of their shift, they would lie on a dirty blanket beside the mine and sleep till their next shift began. Seven days a week, week in week out, they worked and they slept - so that they might have something to eat."



This small scale mining is one of the worst forms of child labour in the world because of the hazards it involves. It thrives only because of abject poverty.

Operation Sunlight is a ground breaking project to tackle child labour in the mines in Ghana. It provides families with skills training and business loans and support to tackle poverty and prevent children from entering mining. It also helps children to leave the mines by providing rehabilitation, food and skills training or a return to school for the children who leave the mines.



**850 million of our fellow human beings lie down to sleep hungry**

**One in ten boys and girls in our world of plenty never sees their third birthday**

# Ombudsman Investigation of Visitor Complaints

The new Prison Rules which came into effect on 1 February 2010 set out a new process for dealing with complaints from visitors.



Any visitor to a prison can raise issues or concerns with the local visits manager. If they are unable to resolve the matter in this way they can make a complaint to the Prisoner Ombudsman by using the complaints form which is available in all visiting areas or by calling the

Prisoner Ombudsman freephone on 0800 783 6317.

Posters to advise visitors about this new independent element to the handling of their complaints have been placed in all visits areas and we will report in

future editions of **INSIDEISSUES** about the number of visitor complaints we have investigated, the issues which visitors have complained about and the outcome of the investigations.



## Help for Foreign National Prisoners

Since the last edition of **INSIDEISSUES** the Prisoner Ombudsman has produced leaflets in a number of different languages to explain to foreign national prisoners how they can use the complaints process.

It is obviously important that all prisoners have access to the complaints process and with the number of foreign national prisoners in Northern Ireland rising

sharply in recent years it was necessary that we provide our information leaflets in a range of other languages. This is in addition to the information included

on the back cover of each edition of **INSIDEISSUES**. These leaflets should be widely available throughout each of the prisons.



## Complaints to Ombudsman Increase

The Prisoner Ombudsman has seen a significant rise in the number of both eligible and ineligible complaints received from prisoners.

So please bear with us if it takes us a little longer to get to your complaint.

We are not resourced to deal with the unprecedented volume of complaints and advice calls.

We will, however, work hard to deal with your queries and investigate your complaints as efficiently and effectively as possible. Every complaint is investigated in a way that is fair and impartial and does justice to the issues raised. This takes time. We will endeavour to respond as quickly as possible but there will undoubtedly be some slippage in our turnaround times which we will work hard to keep to a minimum.

## New Faces at The Prisoner Ombudsman

### John Clerkin Investigating Officer Complaints Team



I started work at the Prisoner Ombudsman in March, after nine years working in the Police Ombudsman's Office. In that post,

I was supervising and investigating complaints against the Police Service, ranging from allegations of misconduct to allegations of a serious criminal nature, and was involved in many high profile investigations.

There are, of course, differences between investigating complaints against the Police Service and complaints against the Prison Service. However, there are many similarities – in particular the need to maintain impartiality and to conduct thorough investigations. I am keen to apply the skills acquired at the Police Ombudsman in my new role.

My main goal as a member of the Prisoner Ombudsman's team of complaints investigators is to carry out robust and professional investigations which address the issues raised by prisoners.

I am enjoying my new role, especially meeting prisoners and members of the Prison Service.

## 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 Minister for Justice.

**Email** [pa@prisonerombudsman.x.gsi.gov.uk](mailto:pa@prisonerombudsman.x.gsi.gov.uk)

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 are 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 if 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 you and the Prison Service have 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.

### Our People



**Sinead Simpson**  
Director of  
Operations



**Michael Hillis**  
Senior Investigating  
Officer Complaints



**Clare McVeigh**  
Senior Investigating  
Officer Deaths in Custody



**Pat McKinney**  
Investigating Officer  
Complaints



**Wai Ki Mo**  
Investigating Officer  
Deaths in Custody



**John Clerkin**  
Investigating Officer  
Complaints



**Gemma Brown**  
Office Manager



**Paula Curry**  
Complaints Officer



**Sharon Hetherington**  
Personal Assistant  
to the Prisoner  
Ombudsman



**Linda McIlwrath**  
Personal Assistant  
to the Prisoner  
Ombudsman



The  
Prisoner  
Ombudsman  
for Northern Ireland



### 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訴。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，帮助你进行投訴。



### 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, prašykite, kad kuris nors iš kalinių, kalėjimo darbuotojų, NMT (Nepriklausomos stebėjimo tarnybos) narių arba jūsų artimųjų jūsų vardu paskambintų Kalinių ombudsmeniui nemokamu telefonu **0800 783 6317**. Ombudsmenas pasirūpins, kad jus aplankytų tarnybos atstovas kartu su vertėju ir padėtų jums paruošti skundą.



### NIGERIAN

Fun ẹsunkeṣun ti o bá ní, o gbọdọ kọkọ fi sun ilé isẹ afisun ti inu ogbà ewon lati yanjọ ọrọ naa kí o tó fi to alagbawi awon elewon léfi. Lehin igbà tí o bá se ẹyí tan, tí kò bá sí ẹ ọ lórun naa, o lè fi ejo naa sun alagbawi awon elewon. Tí o bá fe olutumọ èdè lati ran ọ lọwọ pelu kíkán sí ilé isẹ alagbawi awon elewon, o lè beere lowo elewon omiran, tàbí ọkan ninu awon osise igbimo ibójútọ itoju awon elewon, ẹyí tí a npe ni IMB, tàbí ará ile re lati ba o kàn sí alagbawi awon elewon lórí ẹrọ ibanisọrọ ọfẹ wa tí o je **0800 783 6317** Alagbawi naa yi o wa se ètò wípé kí eniyan kan wa rí ọ pelu olutumọ èdè lati ran ọ lọwọ 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.