

# INSIDE ISSUES

Summer 2016

## **Our Annual Report for 2015-16 was published on 29<sup>th</sup> June 2016.**

Some extracts from the annual report are included in this issue; and copies have been placed in each Prison Library if you are interested in seeing the full report.

During 2015-16 we received 1,593 complaints, an 11% increase on last year. While complaint rates from Magilligan prison, Ash House and Hydebank Wood remained very low, it is significant that there was a 25% increase in complaints from integrated prisoners at Maghaberry Prison. Around three quarters of all complaints came from separated Republican prisoners held on Maghaberry's Roe 4 landing.

An inspection report that was published in November 2015 found that Maghaberry's Internal Complaint Process (ICP) was "*in disarray*". Although a follow up inspection reported improvements by January 2016, there were still 300 unanswered complaints in Maghaberry's internal system.

While the majority of complaints that we upheld related to procedural failings, I pointed out that their significance for complainants should not be underestimated: matters such as lengthy lockups, delayed mail and loss of privileges can be very unsettling when prisoners have limited opportunities for contact with their families and few personal possessions.

**REMEMBER – YOU CAN ESCALATE YOUR COMPLAINT TO US IF YOUR STAGE 2 RESPONSE IS OVERDUE**

**FREEPHONE 0800 783 6317**

Please call and advise that your response is overdue, or leave a message stating your name and the NIPS complaint reference number and we will progress your complaint.



## **Prisoner Ombudsman's Update**

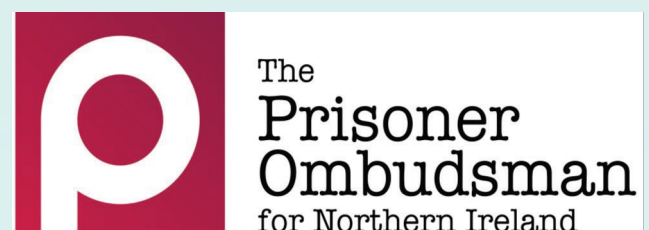
There were some positive developments for my office during 2015-16:

- Legislation was passed by the Northern Ireland Assembly in March 2016 to place the office on statutory footing. It is hoped the supporting regulations can be drafted in time for the legislation to commence in early 2017.
- An independent review of our complaints-handling practice was commissioned by the Department of Justice (DoJ). The review was published in November 2015 and its findings were very positive.

I expressed concern about inordinate delays during the past year in obtaining material for our investigations from the South Eastern Health & Social Care Trust and the NIPS, and in receiving factual accuracy responses to draft reports. This made it impossible to complete some investigations as promptly as we would wish. We continue to work with the NIPS and SEHSCT to address the problem.

There have been several staff changes during 2015-16. New appointees are Brenda McKenna (Senior Complaints Investigator), Shirley Burden and Victoria Colville (Investigators). Two more Investigators have still to be appointed; and I have agreed to continue as Prisoner Ombudsman for another year.

Tony McGonigle.



### Healthcare Waiting Area

Mr A complained about the cleanliness of the Maghaberry Healthcare waiting area, and about other prisoners being allowed to smoke in the Healthcare holding room.

In response the Governor made arrangements for the area to be cleaned regularly.

Mr A acknowledged this addressed the issue of cleanliness, but re-complained as he said other prisoners continued to smoke in the holding room.

Governor's Order 19-10 Outlines the NIPS Smoking Policy: it "... provides for most enclosed and substantially enclosed public areas and work places to be smoke free."

Holding rooms are public places and therefore should remain smoke free. Indeed it is against the law to allow smoking in confined public spaces

**We therefore upheld this complaint and made two recommendations relating to the need for staff and prisoners to adhere to the policy, and specifically for staff to ensure the policy is enforced. The NIPS accepted our findings and recommendations.**

### Confidential Telephone Lists

Mr B complained about the NIPS refusal to add his solicitor's mobile number to his confidential telephone list. The NIPS stated that "*Any legal telephone number submitted by a prisoner must be verified by prison staff and this is not possible with mobile numbers. This is to prevent prisoners from being able to use the guise of legal confidentiality to make unmonitored calls.*" We argued that it would be possible to verify that a mobile phone belonged to a particular legal representative but in response the NIPS said "*There is a higher risk, given the transient nature of mobiles, that a number or phone verified at a point in time for this purpose could be used for another reason. With a landline to a verified office address this risk is significantly lower.*"

We established that there has not been a prohibition on prisoners in England phoning their solicitors' mobile telephones since 2001. A number of safeguards, including checks with the Law society and Bar Council, are in place.

**We upheld Mr B's complaint and recommended that the NIPS adopt the approach operated by the NOMS. The NIPS was initially unwilling to accept the recommendation, largely for the reasons outlined to our investigation. However it subsequently indicated the policy would be amended as recommended.**

### Eligible Complaints Received April 2015 – March 2016

Location	Total	% of all complaints	% of complaints excluding Roe 4	% of overall prison population on 31 March 2015
Roe 4	1,206	76%	-	2%
Maghaberry	356	22%	92%	57%
Magilligan	28	2%	7%	31%
Hydebank Wood	0	-	-	7%
Ash House	3	-	1%	3%

**Overall Total 1,593**

### All Prisoner Complaint Outcomes 2013 – 2016

Year	Upheld	Not Upheld	Partially Upheld	Local Resolution	Withdrawn /Released	Total
2015-16	614 (41%)	640 (43%)	146 (10%)	31 (2%)	64 (4%)	1,495
2014-15	473 (44%)	227 (21%)	176 (16%)	143 (14%)	52 (5%)	1,066
2013-14	216 (46%)	136 (29%)	26 (6%)	58 (12%)	32 (7%)	468

## Regime Progression

Mr C complained about not being allowed to progress beyond Standard Regime Level. The NIPS had advised him this was because he was not fully engaging with his sentence plan, which is required for promotion to Enhanced Regime. The sentence plan required Mr C to undertake the Sex Offender Treatment Programme (SOTP), but he was deemed unsuitable for it because he continued to deny the charges for which he had been convicted.

The complainant countered that he was appealing his conviction and would continue to deny the offences. However while he had asked the Criminal Cases Review Commission to review his case, it is not a formal appeal mechanism, and he had not lodged any appeal with the courts in Northern Ireland.

**There is no alternative to the SOTP for convicted sex offenders in Northern Ireland; and as the NIPS was operating the SOTP in line with official guidance, we were unable to uphold Mr C's complaint.**

## Security Category Review

Mr D complained that his Security Category Review was overdue and this was impacting on his pre-release progression. The NIPS accepted his complaint and he had been assured it would be scheduled "*in the very near future.*"

However, by the time we investigated, the review was thirteen months overdue.

The NIPS Security Manual states that "*All Category B/C, medium and high supervision prisoners must be reviewed annually.*"

**On that basis we upheld Mr D's complaint. We recommended the review should be carried out without delay and that all Security Reviews should be conducted in line with the NIPS Security Manual. The NIPS accepted the recommendations and subsequently confirmed that the complainant had been reclassified as Category C following his review.**

## Maghaberry Integrated Prisoners Main Complaint Topics 2015 – 16

Complaints Topic	2015-16	2014-15	2013-14	2012-13
Property and Cash	32	35	48	43
Visits	15	10	46	24
Staff	61	35	46	36
Accommodation	51	43	41	7
Adjudications	6	6	15	4
Mail	9	3	21	7
Searching	6	13	21	9
Transfers	9	12	19	17
Health & Safety	12	0	18	6
Regime Level	7	4	15	19
Home Leave	0	7	15	15
Lock Down	13	12	14	22
Discrimination	7	3	13	16
Education	31	9	12	5
Adverse Reports	3	5	10	4
Miscellaneous	152	79	96	163

## IPC Account

Mr E complained about money going missing from his personal account. He said members of his family had left £385 in for him during a visit and were given a receipt. However the NIPS later told him that a mistake had been made by the officer who took the money and only £285 had been received. Mr E disputed this as the money was counted in the presence of his visitors before the receipt was issued.

Mr E said neither he or any member of his family were notified of the discrepancy by the NIPS, and he only became aware of it a few days later when he asked for a statement of his Inmate Private Cash. He provided the original receipt which had been given to his brother. It showed that £385 was received by the NIPS on the day of the visit. The £385 was paid into the Inmate Private Cash at visits on the same day, then £100 was taken out and recorded as "Error Out."

The NIPS did not dispute that Mr E's visitor was given a receipt for £385, and was unable to provide any evidence to support their assertion that the cashier made a mistake when recording the amount received. We concluded that, although possibly a mistake had been made, the purpose of providing receipts is for both parties to have proof of the transaction. It was therefore inappropriate to dismiss the validity of the receipt without evidence that it was provided incorrectly.

**In the absence of such evidence we upheld the complaint and recommended the NIPS should honour their receipt for £385 and credit Mr E's account with the remaining £100. The NIPS accepted the recommendation and subsequently credited his account with £100.**

## Comparisons

Complaints to the Prisons & Probation Ombudsman for England & Wales increased by 13% in 2015-16. He upheld 39%, a 5% increase on the previous year.

While 50% of our complaint recommendations still awaited a response from the NIPS at the end of March 2016, they accepted 72% of recommendations in the reports which had been considered.



### Mandarin

如果你对使用监狱服务处的内  
部投诉程序有任何问题，  
请通知监狱人员或拨我们的免费电  
话，我们将会很乐意告诉你如何进行。  
经过监狱服务处的调查后，  
如果你对结果仍旧不满意，  
你可以拨我们的免费电话  
0800 783 6317 (08.30-12.00 & 16.00-17.00)  
向犯人调查官投诉。  
即使你的英语有限，  
或完全不会说英语，  
你也可以拨免费电话。  
你只需说“**Mandarin**，  
普通话”，接著，会要你稍候；  
在我们接通翻译之前，  
可能会暂时没有声音。  
很重要的  
是，你不要挂掉电话，一  
定要等我们替你接通翻译。一旦  
接通所需的翻译后，  
他就能帮你  
向我们的投诉员提供一  
些基本细节。



### Polish

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

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



### Lithuanian

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

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



### Romanian

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

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