

PRISONS AND PROBATION  
**OMBUDSMAN**  
for England and Wales



Independent Investigations



Annual Report Highlights 2003-2004

## Making a Difference

The work of the Ombudsman's office is very much a collegiate affair. Although colleagues have different individual roles to play, the culture is non-hierarchical and places a strong emphasis on team working. This year's PPO Annual Report is quintessentially a team effort. It reflects the range of activities we have taken on and the changes to the structure of the office necessary to deliver them.

My own responsibility for the two Yarl's Wood inquiries and three death in custody investigations has taken me away from Central London for much longer than I had anticipated. I can take no credit for the magnificent way in which the complaints investigation role has developed. Indeed, I wish to pay tribute to all those – the Assessment and Implementation team, the specialist Investigators, and the Assistant Ombudsmen under David Barnes's leadership – who were actually responsible for our performance. Despite yet another significant rise in demand for our services, we have cut waiting times and restored a reputation for timeliness.

Our working procedures have also continued to evolve. A centralised, paper-based approach has been replaced by more local, more restorative methods. Fewer than one-in-twenty complaints received now leads to a formal report. Indeed, while it is always possible to say that in a particular case we could have avoided a full report, I think the proportion is now pretty much at an irreducible minimum. (That said, there are still some occasions when we are forced into producing a formal report because the Prison Service declines to accept an informal recommendation.)

I must not give the impression that the challenges to the office this year have not resulted in some strains. Senior managers have been diverted from their core tasks and there has been significant turnover amongst Investigators. In the run-up to the decision by Ministers to entrust to us the responsibility for all death in custody investigations, there was considerable uncertainty. Since the Ministerial announcement, there has been a huge volume of activity designed to ensure that we are properly equipped for the new role. Overall, I think our record of change



management (extension of remit to probation, new ways of working, meeting the challenge of deaths in custody) bears comparison with any. But it has not always been a smooth ride.

Alongside all this change we have still found time to develop and support our staff. We encourage flexible working patterns and new recruits invariably speak well of our induction and training. We also achieved remarkably high levels of participation in the Home Office's 'Out of Office Experience', a scheme designed to bring officials and frontline services closer together. We were able to do so because we already had similar arrangements of our own in place. The only continuing blot is our inability, thanks to the constraints of the Home Office-wide IT contract, to replace our pre-Windows casetracking software. This is now so old that, without urgent remedial action this January, it would have collapsed entirely. It remains the biggest threat to business continuity as well as being a continuing drain on efficiency and productivity.

Elsewhere in the Annual Report, I set out the way we have approached the investigation of deaths in custody. As I have said on a number of occasions, conducting such investigations thoroughly and sensitively is a humbling – and daunting – responsibility. Finding the best way to involve bereaved families is perhaps the greatest challenge.

At present, these investigations are conducted on an administrative basis. That may be no bad thing in that we can iron out the methodology before establishing it in statute. However, like my predecessor before me, I do not think it proper that what has become an important and influential part of the prisons and probation infrastructure should operate without legislative authority. I know that is the Government's view too, and there is every expectation that we will be included in a Home Office Bill this autumn.

Those who know me understand that the demands of convention sit uneasily on my shoulders. So in offering my thanks to friends and colleagues in the main Home Office, the Prison Service and the National Probation Service and in the PPO office



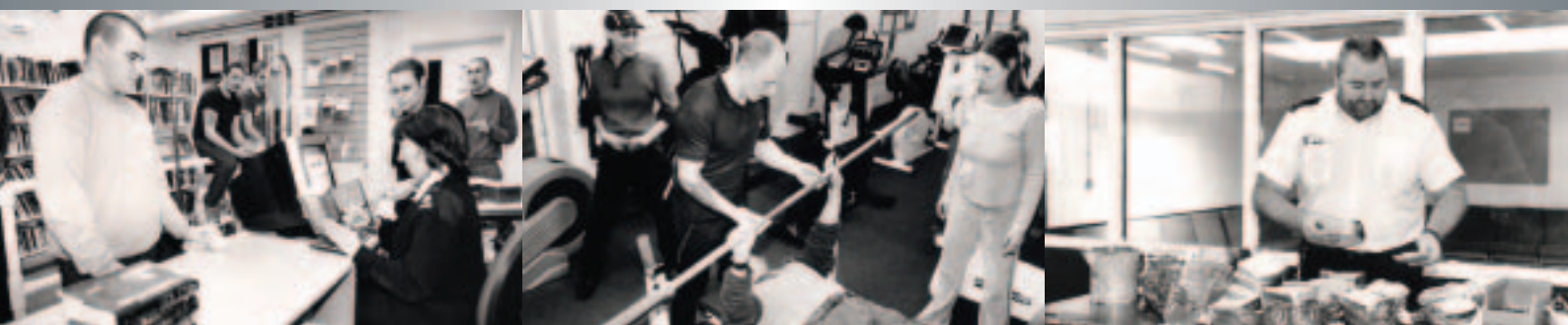
itself, I am doing much more than expressing a customary courtesy. The performance of the office, and our embrace of major new public responsibilities, simply would not have been possible without the combination of goodwill and encouragement from the outside, and talent and hard work from within.

## Facts and Figures

My office received 3,527 complaints about the Prison Service, of which 46 per cent were eligible for investigation. The number of complaints about the Prison Service increased by 11 per cent on 2002-2003. My office also received 282 complaints about the National Probation Service, a rise of 47 per cent on the previous year. However, only 10 per cent were eligible.

We exceeded our target to determine the eligibility of 75 per cent of cases within 10 days by four per cent. The office was able to close 66 per cent of cases within 12 weeks. This compares very favourably with 41 per cent for 2002-2003.

A total of 1,529 cases were investigated, a slight increase on the previous year. The office locally resolved or wholly or partly upheld 420 complaints about the Prison Service (28 per cent of cases investigated). I upheld two and partially upheld 10 complaints about the National Probation Service. Formal recommendations were made in 114 prison cases. In the same period, the Director General of the Prison Service accepted the recommendations made in 97 cases and rejected one. Other cases where recommendations were made are still under consideration. All 13 recommendations made to the National Probation Service were accepted.



## Special Projects

Proportionally fewer complaints are received from juveniles and women prisoners. My office set up two project teams to examine possible barriers to access. The juvenile team found that it was unlikely that juveniles would be willing to use the formal complaints system and identified a lack of awareness of the work of the PPO. In response, we produced posters and leaflets targeted specifically at juveniles and developed a further programme of training for staff and trainees at all juvenile establishments. We also became involved in the Prison Service's initiative to develop a simplified complaints system for those establishments. The women's team found that women prisoners were quite well informed about complaint procedures but tended to use less formal methods to negotiate settlements to complaints.

## Investigating Deaths in Custody

The transfer of responsibility for investigating deaths of prisoners, residents of National Probation Service approved premises and those in immigration detention accommodation is a significant development in public policy. Our aim will be to conduct searching investigations of consistently high quality and ultimately help reduce the incidence of avoidable deaths. We will take steps to ensure that families will be able to choose the time and form of engagement with an investigation with which they feel most comfortable. I am aware that a death in any establishment can impact on staff and other offenders or detainees and am determined to ensure that investigations are conducted with sensitivity. The Annual Report provides information on three investigations already carried out by my office into deaths in prisons.

## Yarl's Wood

My report summarises the findings of the inquiry into allegations about Yarl's Wood Removal Centre made by a national newspaper in December 2003. The report also records some initial impressions of the overarching inquiry into the disturbances at Yarl's Wood in February 2002.



## Case Summaries

The Annual Report includes seven chapters of case summaries containing examples of some of the investigations carried out by the office during the last 12 months. The complaints cover a multitude of subjects across the spectrum of prison life. There is also a chapter about investigations into complaints about the National Probation Service.



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### Further Information

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