

PRISONS AND PROBATION
REFRESHING OUR
OMBUDSMAN
RELATIONSHIPS
FOR ENGLAND AND WALES
2007–2008
ANNUAL REPORT
SUMMARY



The 2007-08 PPO Annual Report reflects on a difficult year for the office, both internally and in terms of the wider climate within which we operate. However, significant progress has been made in respect of both our Complaints and Fatal Incidents responsibilities. The Report also looks forward, placing a particular emphasis upon our relationships with complainants, bereaved relatives, the services in remit, and those individuals and organisations with an interest in our work.

The Report expresses the disappointment that the whole staff team felt when the long-anticipated plans to place the PPO office on a statutory footing were abandoned. What is now the Criminal Justice and Immigration Act 2008 was to have re-badged the Prisons and Probation Ombudsman as HM Commissioner for Offender Management and Prisons, with powers and status appropriate to the important public functions we carry out. However, the relevant clauses were withdrawn after the then Bill had completed its passage through the House of Commons but before consideration in the House of Lords.

I hope that there will be an early opportunity for the legislation to be re-introduced. I also suggest that alternative operating models for the PPO should be considered, noting that our sister organisation, the Independent Police Complaints Commission, is a non-departmental public body (NDPB). Establishing the PPO office as an NDPB could well ensure both conspicuous independence from the Ministry of Justice and Home Office and greater day-to-day autonomy in the conduct of our business.

Investigating complaints

During this reporting year, the Prison Service has continued to operate at more or less maximum capacity and the pressures this causes have been reflected in the complaints I received from prisoners. Property complaints and appeals against disciplinary adjudications are now being matched by complaints about regimes, allocation and categorisation decisions, and about risk assessment.

The Annual Report provides examples of the wide range of issues that are brought to my attention. I draw particular attention to complaints about refusals to grant early release subject to Home Detention Curfew (HDC) and record where this office has encouraged the Prison and Probation Services to consider more proportionate decisions.

The Probation Service's work with dangerous offenders often gives rise to disputes over assessment of risk, particularly when measures taken to

manage those risks affect the daily lives of offenders. The Annual Report cites cases where disputes have led to breakdowns in the professional relationship between offenders and their probation officers (offender managers).

I also report on the first full year in which my office has investigated complaints from detainees in Immigration Removal Centres (IRCs). Although a number of those I received were about issues connected with immigration status and thus outside my remit, I am pleased to report that awareness of this office has been achieved throughout the system. I have received complaints from each of the IRCs

Investigating fatal incidents

This was the fourth year of my responsibility for investigating deaths of prisoners, residents of Approved Premises and immigration detainees. In earlier Annual Reports I have been able to report a reduction in the number of those taking their own lives. Sadly, in 2007-08, there was an increase in the number of apparently self-inflicted deaths in prison.

Although I counsel caution in the interpretation of a single year's figures, the Annual Report touches upon the extent to which prison population pressures may be reflected in the rising number of deaths. I also focus on the deaths of women prisoners; foreign nationals and those serving indeterminate sentences. While self-inflicted deaths are more likely to occur in local prisons with a high turnover of remand prisoners, I also

draw attention to some deaths in training prisons of prisoners well into their sentences.

Special investigations

I report upon my investigation into the case of D, a young man who suffered serious injuries as a result of a suicide attempt in 2001. This followed court proceedings in which it was determined that the obligation on the State under article 2 of the European Convention on Human Rights to ensure independent investigations into deaths in custody also applied to some 'near deaths'. This was the first such Article-2 compliant investigation in this country, and perhaps in Europe as a whole. I reflect upon some of the lessons for future 'near death' inquiries.

I have myself started work on a second Article-2 compliant investigation. This concerns a young woman (SP) who self-harmed repeatedly to the extent that her condition became life threatening.

For the record

The Annual Report contains full details of the number and categories of complaints received, and investigations completed, during the reporting year. Information is also provided about the number and types of deaths investigated. I report too on the performance of the office against our targets and what we have cost.

The office's terms of reference, mission statement, statement of values, and a comprehensive staff list are also included.



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