

DANCING TO THE SAME TUNE

PROBATION EXTENSION PROJECT

End of First Year Report

Why complaints matter - to see a world in a grain of sand

Government looks at the big picture. It wants to tackle crime and the causes of crime. Each of the criminal justice agencies applies these goals to its particular realm. Structures are changed, aims revised, strategies devised, objectives set and performance regimes are tuned to deliver them.

The creation of the National Probation Service, led by a national directorate, crystallised the transition from a primarily local service to one which combines national scope and direction with local delivery. Characterised by standardisation of policy, practice and performance across the country, it carries risks as well as bringing benefits.

High among these risks is the danger that sight will be lost of the individual; whether it is the individual victim, the individual employee or the individual offender. When this happens there may be injustice and there may be missed opportunities: both for the individual and for the organisation.

What individuals have to say is important. In a just society they must be heard. An organisation's health and purpose also depends on knowing what its policies and targets mean to people and whether they are having the intended effect. It needs feedback. Not just the structured feedback it asks for; but the unsolicited, perhaps angry, perhaps incoherent, feedback of complaints.

For in those complaints, that may initially seem trivial, irritating and time consuming, there may be insights that no amount of management information and performance data would reveal.

Like grains of sand, they are at once insignificant, yet capable, on close examination, of revealing unanticipated complexities. Some examples of what PPO has found are given in this report.

Individual employees and, increasingly, victims have recognised and organised channels of complaint. By contrast, the voice of offenders may well be heard less now than it was twenty years ago. *'The Client Speaks'*, a book widely available and consulted in the 1980's, probably would not find much of a readership today. Its very title may seem redolent of a bygone age.

Yet as the experience of the Prison Service shows, it is not necessary to revive the language of clienthood to appreciate why complaints matter. Indeed, it is critical for the creation of a just and humane society that, in the concentration on the big picture and the achievement of targets, the offender has the opportunity to speak without first being asked. It is essential to ensure the decent treatment of those who have broken the law. It is also essential so that probation managers can learn where standards are slipping and where remedial action is needed. Promotion by the NPS of its complaints system and access to PPO is one of the ways to help this happen.

An open minded and thoughtful response to offenders' complaints also offers great potential benefits to the NPS. It needs to recognise their value and make constructive use of them to check that it is on the right course and that the big picture still reflects reality.

What we did in the first year

The Project

The Prisons Ombudsman's extension of remit to the National Probation Service came into effect on 1 September 2001; the same time as the NPS national complaints procedure. But unlike the NPS complaints procedure, which also provides for victims and others who may have a grievance, the Ombudsman's remit is confined to complaints from offenders.

The extension of remit required a number of organisational changes, beginning with the adoption of a new name: The Prisons and Probation Ombudsman (PPO). Adaptation of internal systems, procedures, competencies and a culture that were developed to deal with prisoners and geared towards the Prison Service would take longer. Communicating PPO's changed role and responsibilities to its new *and* existing stakeholders was also a major undertaking and these two elements were the pillars around which the Probation Extension Project was designed and implemented.

The Project was delivered by a team of three: an Assistant Ombudsman, Tony Heal; a



[Tony Heal](#)

seconded Senior Probation Officer, Marian Morris; and an experienced Investigator, Nick Woodhead.



[Marian Morris & Nick Woodhead](#)

The aims of the Project were to establish by 1 September 2002:

- An independent complaints investigation service for offenders under the supervision of the National Probation Service.
- Awareness by all stakeholders of the extended service being provided.

Rebranding

PPO is more than an Ombudsman's service for prisoners, plus those supervised by probation. It is an example of a joined up organisation that spans both services and must present itself as such. This involved an exercise in rebranding that covered several aspects.

Publicity

All publicity materials were redesigned in new corporate colours. Prototypes were comprehensively market tested before finalisation.

Separate leaflets with application forms were produced for prison and probation complainants, each explaining the internal procedures to be completed before the Ombudsman can investigate complaints.

The leaflet was translated into nineteen languages: **Arabic; Bengali; Chinese; Dutch; French; German; Greek; Gujerati; Hindi; Italian; Polish; Portugese; Punjabi; Russian; Spanish; Tamil; Turkish; Urdu and Vietnamese.** The leaflets were awarded the Crystalmark by the Plain English Society. For those who have difficulties with the written word, the text of the leaflet was reproduced on audio tape.

Three different posters - for male prisoners, female prisoners and offenders in the community were produced. Two videos were also prepared; one for offenders in prisons, another for those in the community. The prisons video has won two major international awards.

Materials were distributed to all Probation Area Headquarters and all prisons. Chief Officers were asked to ensure that a supply went to all probation premises and to order more from us as necessary.

A new web site was set up at www.ppo.gov.uk with full details of the Ombudsman's role and remit together with copies of our forms and publications. The complaint form is now fully electronic or can be downloaded.

Launch Event

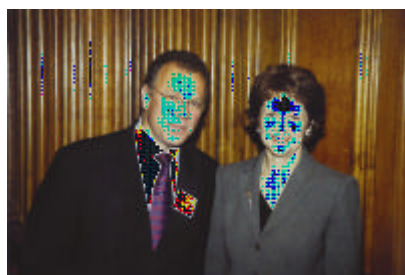
A national launch was arranged in London on 29 November 2001. It was well attended by guests from the Prison Service, the NPS, other public sector organisations and organisations from the voluntary sector.

Beverley Hughes MP, then Minister for Prisons and Probation, gave the keynote address. Other speakers were:

Tony Woolfenden, Head of Corporate Management, National Probation Directorate.

Phil Wheatley, Deputy Director General, HM Prison Service.

Beryl Seaman (then) Chair of the Probation Boards Association.



[Ombudsman, Stephen Shaw and Beverley Hughes MP at the Launch Event](#)

Visits to Areas

A programme of presentations to Area Boards and Senior Management Teams was arranged. By the end of August 2002, thirty - three Areas had been visited. Most of the outstanding visits were completed by the end of 2002. Feedback from members of Boards indicated a high level of satisfaction with the presentations. Unfortunately, a recent survey we have carried out shows that, in some areas, little has been done to cascade information about PPO to frontline staff.

Other activities

Various conferences and other events were attended during the year and a number of articles were published in area newsletters and other publications. The most recent of these was an article written by Stephen Shaw for Vista, which was reproduced and sent to all Chairs and Chiefs.

Systems

Management

For the time being, prison and probation complaints are handled separately within the PPO office, with staff dedicated to one stream or the other.

A probation procedures manual has been developed and all PPO investigators have had a basic induction into the procedures and responsibilities of the Probation Service. The development of a complete training package has been deferred because the number of eligible probation complaints over the year has been too low to make it worthwhile.

IT

PPO's case management system was designed to deal with complaints from prisoners. It is old, inflexible and could not be adapted to handle probation complaints. Its planned replacement has been postponed for reasons outside PPO's control. In the interim, probation complaints are recorded and managed under a separate, temporary system that has been developed. This system, while not robust in the long term, does have some benefits. In particular it affords much speedier monitoring of ethnicity, gender and disability.

Communications

The project team holds regular meetings with the NPD. Copies of all completed reports are forwarded to the Directorate, whether or not there are national implications to the Ombudsman's recommendations. There are also regular meetings with the Probation Boards Association.

The complaints we received

The total number of complaints received in the year from 1 September 2001 to 31 August 2002 was **157**.

Only **12** of that total number were from women and there were none from Young Offenders.

125 of those complaining were prisoners, **32** were in the community.

139 complaints were ineligible and **18 were eligible**, in other words, fulfilling the Ombudsman's criteria for investigation.

Of the eligible cases, **14** were from prisoners, **2** were from those in the community. All were adult males.

16 Investigations were undertaken and **2** were discontinued (one by request, one because the whereabouts of the complainant were no longer known).

Complaints by Area

Avon & Somerset	1	Northumbria	2
Bedfordshire	1	Nottinghamshire	1
Cambridgeshire	1	Staffordshire	4
Cheshire	2	Suffolk	2
Cumbria	2	Surrey	0
Derbyshire	1	Sussex	5
Devon & Cornwall	2	Thames Valley	4
Dorset	10	Warwickshire	1
Durham	1	West Mercia	4
Essex	3	West Midlands	6
Gloucestershire	1	Wiltshire	0
Hampshire	2	N. Yorkshire	0
Hertfordshire	0	S. Yorkshire	4
Humberside	2	W. Yorkshire	11
Kent	8	Dyfed-Powys	2
Lancashire	5	Gwent	1
Leicestershire &		North Wales	2
Rutland	3	South Wales	2
Lincolnshire	7		
London	16		
Merseyside	2	Complaints with no	
Northants	0	area data	31

Complaints received in each quarter

1 September 2001 / 30 November 2001	39
1 December 2001 / 28 February 2002	39
1 March 2002 / 31 May 2002	44
1 June 2002 / 31 August 2002	35

Complaint Characteristics:

➤ **Ineligibility**

The main reason why complaints have not been eligible is that the internal complaints' procedures have not been completed. Indeed, in many cases they have not even begun. However, a number of those complaining say they have been unable to obtain any response from probation areas to their original attempts to complain. One man said in his letter, *"Please, please can you make my probation officer do what [he] is paid to do and answer my letters."*

Five of those who wrote to us said that Chief Officers had not replied to their complaints. In those cases we intervened directly, asking that Chief Officers respond speedily.

➤ **Lack of contact**

Prisoners frequently complain about lack of contact from their home probation officers. Most prisoners are aware that lack of resources prevents regular probation visits during their sentence but they are baffled by the failure of home probation officers to answer their letters. In one case that we tried to resolve informally, an officer still had not written to a prisoner seven weeks after telling our investigator that an immediate response would be sent.

Behaviour of Probation Staff

We have been surprised by the number of those complaining about the behaviour of probation officers. Most of such complaints have not been eligible and therefore not substantiated through investigation. It is, nevertheless, disturbing that almost 25 per cent of all complaints received in the first year related to allegations that supervising officers had behaved offensively.

➤ **Procedures**

The lack of guidelines for staff, and the consequences that follow, has featured in complaints, as has failure to implement existing procedures consistently. On the other hand, there were also cases where procedures were implemented too rigidly, demonstrating a lack of flexibility leading to unnecessary hardship.

➤ **Content of Reports**

Many of the complaints about content of reports refer to risk assessments and the lack of information to support such assessments. It has appeared that offenders can accept that they are considered to be high risk when reasons are given but not when the assessments appear to be unsupported. In one report there was a referral to a hostage-taking.

➤ **Other categories**

There were seven complaints about breach issues and eight

about conditions in licences. One complaint concerned a refusal to allow overseas travel and one a refusal to pay travelling expenses.

➤ **The complaints we investigated**

Fourteen investigations have been completed.

- 1 complaint was fully upheld.
- 4 complaints were partially upheld.
- 9 complaints were not upheld.

Several of the complaints investigated to date have either highlighted instances of malpractice or have arisen through a lack of clarity about various procedures. Even though complaints have not been upheld, in some cases the Ombudsman has made recommendations aimed at improving practice.

Examples of the complaints we investigated

- A prisoner complained about the Area's decision not to allow him a change of home probation officer. The basis of his complaint was that he could not work with his officer because the officer rarely replied to letters and his visit to discuss the prisoner's parole application was very short. The prisoner also complained that the officer had indicated to him and others that he would support the prisoner's parole application but did not do so in the report to the Parole Board.

We found no evidence to support the complaint and the Ombudsman was unable to uphold any part of it. Nevertheless it was clear that the supervisory relationship had completely broken down and it was probably not in the interests of the protection of the public for it to continue. The Ombudsman therefore recommended that the Area should consider allocating another officer, making the reasons for this very clear to the complainant. The Ombudsman also recommended the formulation of guidelines as to when a transfer of officer might be appropriate and how to inform offenders of any changes.

- Mr Y complained about the behaviour of two probation officers. He alleged that they had failed to maintain confidentiality by discussing him with another offender and with his neighbours. He also said that one officer had been threatening towards him outside of the work relationship.

Our investigation unearthed no evidence to support any of the complainant's allegations but we did find clear evidence that the original investigation into his complaint was flawed. The Ombudsman recommended that the Area Board should carefully consider the contents of his report in order that future investigations might be more effective.

- A life sentence prisoner complained about an interview conducted by his home

probation officer saying that he had been given no notice of the visit. He also complained about the way the interview was conducted and the contents of the Life Sentence Plan report completed after the interview.

Following our investigation we were able to demonstrate that the proper procedures had been carried out during the preparation of the report and that the contents were justified. However, the Ombudsman acknowledged that it would be good practice to give prisoners advance notice of proposed visits and recommended that the Area should take steps to issue guidance on that point.

- Mr Z was remanded in custody for the preparation of a Pre-Sentence Report. During the remand period, he was transferred from one prison to another with responsibility for the report going from one Probation Area to another. Mr Z complained about the failure of both areas to prepare a PSR despite two further remands. Although the Ombudsman concluded that Mr Z did not suffer any disadvantage in sentence because of the absence of a report, our investigation uncovered a rather sorry story.

We found that when Mr Z complained about the lack of a report, he received a confusing response that caused unnecessary delays. The NPS Complaints Procedure was not properly followed when Mr Z was denied the right of appeal to the Board and he was

diverted into the 'informal' stage without his knowledge after submitting a formal written complaint.

As Mr Z's complaint had involved two Areas, the procedure required him to submit his complaint twice with no co-operation between the Areas. The Ombudsman recommended that the NPS should include this issue in its review of the complaints system with a view to integrating the handling of complaints which involve more than one Area.

Some complaints we did not investigate

As noted, the vast majority of complaints received have not met the Ombudsman's terms of reference. However, a review of each file offers a range of insights into probation practice.

A prisoner complained of difficulties with his supervising officer and was concerned about the effect this could have on his supervision once released. This abstract from a letter sent to him by the supervising officer speaks for itself:

"I'm not going to say thank you for your last letter because I find it extremely childish, immature and more than irresponsible.

It's obvious to me that you only agreed to because you wanted parole. You didn't have any

commitment to it whatsoever and now that you have been refused parole you are stamping your foot like a child and sending out all sorts of silly letters. Well just about stop it. About threatening us with a solicitor, well that could be pretty good and entertaining; I'll look forward to hearing from whoever it is. I'm returning.... Because it's of no use or interest to me whatsoever. By the way, I have copied your letter to.... I'm sure he'll find it equally interesting, entertaining and quite comical."

- A resident of a hostel complained that members of staff were being deliberately vindictive towards him and some of the other residents. Whenever he complained about their behaviour they would threaten him with breach. He said he was afraid to embark upon the internal complaints procedures because he was, "scared stiff of reprisals."
- The mother of a young female resident of a hostel who was awaiting an assessment for a Drug Treatment & Testing Order (DTTO), was concerned about her daughter's welfare and wished to lodge a formal complaint on her behalf. Her daughter's complaints were that the manager's behaviour had been unreasonable, that the hostel's regime was intimidating and that, consequently, residents were afraid to complain. There was a positive response when we wrote to the Chief Officer of the Probation
- Area to ask him to accept it as a formal complaint and to take the necessary steps to reassure residents that they would not be disadvantaged by any investigation that was initiated.
- Mr K, a serving prisoner contacted us because he was worried about the lack of probation contact. He said that he had written 15 letters about the situation (thirteen to his probation officer, one to the Senior Probation Officer and one to the Chief Officer) without receiving any response. He felt that he was being treated as though he did not exist and this made him very concerned for the future. When we contacted the officer he agreed to contact the prisoner immediately and we learned that he did so.
- There was an enquiry from a prisoner who was about to be released and who was concerned that there had been no recent contact with his supervising officer about his resettlement plans. Although he had telephoned the probation office to make an appointment, he was told that they were unable to handle his enquiry over the phone and that he would have to put his concerns in writing. He did so but some six weeks later he was still waiting for a response. When we contacted the office we received an immediate, positive response and an assurance that the prisoner would be contacted.
- A female offender complained that those in the office where her Community Punishment

Order is supervised refused to refund travelling expenses unless she produced last week's bus ticket.

She had been collected by van the previous week, the first of her Order, so had no ticket to produce. She was obliged to walk home which made her late collecting her children from school.

There was a clear procedure in place that had been followed to the letter but the situation would have continued unless a more flexible approach could be taken. We contacted the probation officer who agreed to reconsider the position.

NPS & PPO

The creation of the National Probation Service is a major undertaking that has occupied the energy of Boards and Chief Officers over the past two years. It is understandable that dealing with complaints has been comparatively low on the list of priorities.

Nevertheless, Board members have on the whole welcomed the new complaints procedure and many Chief Officers agree that an open, accessible complaints system can provide management information about both the best and worst areas of practice. All of our reports have been copied to the NPD where they have been received thoughtfully and positively.

But the change of culture required for complaints to be seen in a positive light has not occurred in all Areas. It is certainly well established in some, but in others it is almost completely absent. Overall the priority given to complaints is low. There is no system in place for the swift provision of case information to PPO and requests for files are met with different responses from different Areas. Delays in the receipt of information necessary for investigations have led to delays in the investigations themselves and affected PPO's ability to respond quickly to complainants.

We have not yet been as successful as we would like at meeting with probation staff working on the ground and their direct line managers, i.e. those working most closely with offenders. Nor does it appear that we have been successful at getting across the message that complaints are a helpful measurement of customer satisfaction and a way of identifying areas where practice could be improved.

A recent survey we carried out in ten Probation Areas supported our belief that the distribution of our promotional materials has been inconsistent. We found that a number of probation staff know little about NPS complaints procedures and even less about the Ombudsman's role. If staff know little, then offenders' awareness of their right to take complaints to an independent source is likely to be even less.

At least two Areas openly told us that they do not, and do not intend to, publicise the Ombudsman's availability until internal procedures are completed. If this is the lead from the top, how will attitudes begin to change?

In contrast, the recommendations that have been made so far have met with positive responses and all have received ready acceptance from Boards. This sign of Areas' willingness to cooperate with the Ombudsman and adopt measures that he suggests to improve practice gives us great hope for the future.

Our regular meetings with representatives from the NPD and those with the PBA, are always lively and informative, enabling ideas, problems and areas of good practice to be aired and shared.

Issues

Number of complaints

Why have we received comparatively few complaints in our first year? One reason is clearly that being subject to NPS supervision is very different to being incarcerated in a prison or a young offender institution. There may be much less to complain about, or the complaints have much less significance than they do for those in institutions.

However, are there also structural and cultural

impediments to complaining in probation? How far is there a shared perception that complaining in the right way and having complaints taken seriously is good for the health of every organisation. In the Summer issue of the PPO newsletter, 'On the Case', Anne Owers, Her Majesty's Chief Inspector of Prisons, was quoted as referring to "a healthy complaints culture" in one of the prisons upon which she was reporting. Would that phrase, let alone the underlying reality that it reflects, be used yet in any Probation Area?

A third reason for the small number of complaints to PPO may be a lack of awareness amongst offenders. Even before we embarked on the survey into the availability of our publicity material in probation premises, it was evident that many offenders under supervision would be hard-pressed to find any leaflets or posters that refer to complaints. We have learned that some Probation Offices/Areas have taken the decision not to display our leaflets and publicity materials so as not to overwhelm offenders with information. Such selective application of the complaints procedure does not fit well with the consistent provision of service within a national organisation.

During the past 12 months PPO staff have attended a number of events and conferences including the NAPO, ABPO and TPO conferences. It has become increasingly obvious

that the very people who have day to day contact with offenders – in reality those most likely to be the subject of their complaints – have at best, a limited awareness of the work of this office.

If members of staff in Probation Areas do not know about the procedures, it follows that they cannot inform offenders whose access to the scheme is thus curtailed.

Nature of complaints

Complaints about the National Probation Service have differed in many respects from those about the Prison Service. Most notable is the much greater volume of paperwork to be considered and sifted in probation cases.

Also, in contrast to prison cases, there are more complaints that appear to be about individuals rather than about procedures. Nevertheless, many of these cases have also highlighted the need for clear procedures and shown the consequences when those procedures do not exist. These have led to recommendations for procedural improvement or change.

There have been a number of complaints that hinge upon the judgements or perceptions of individuals where it has been difficult to unearth any supporting evidence. During discussion, members of probation staff can demonstrate how they reached decisions and

on what their judgement was based but those reasons are often not recorded in case files or reports.

A preponderance of eligible complaints has been from those having committed sexual offences, almost all of whom were assessed as high risk. Their complaints have sometimes been pedantic in nature – on occasions offensively so – often, but not always about the assessment of risk that has been included in reports for sentence planning or parole applications. There has been obsessive attention to minor detail to deflect from more major issues. No significant conclusions can be drawn from the low numbers but PPO staff will continue to monitor such complaints as there may be lessons to be learned for future recording in such cases.

Inconsistent application of procedures

Low awareness of complaints procedures has led to inconsistency in their application and we have found instances where the procedures have been poorly applied. Some Areas have not allowed complaints to proceed to appeal and others appear to have created unnecessary delays in their internal investigations. The Ombudsman has made several recommendations about the need for more consistency in the application of procedures.

Dual complaints

The nature of some complaints has involved both prison administration and the conduct of home probation officers. There have also been complaints against prison probation officers involving both Services that have involved a degree of conflict. The Ombudsman is considering the most effective ways of investigating such complaints consistently and fairly.

What next?

PPO is about to undertake a project with two Probation Areas to define and demonstrate best practice for Probation Areas and PPO in the management of complaints investigation and handling.

The results of our publicity distribution survey will be published separately and will contain recommendations for improving offenders' access.

PPO's Diversity Strategy requires monitoring the use of our service to guarantee equality of access. In particular we wish to ensure we are available to those who have problems with literacy or language skills, and those subject to short community sentences.

Conclusion

The low numbers of complaints reaching the Ombudsman from offenders in the community may be

partially explained by the inconsistent provision of information about the service although there are other reasons some of which have been outlined in this report. Nevertheless, unless offenders are encouraged and enabled to express their concerns, the NPS will be deprived of an important source of user feedback and information that could lead to improvements in practice and increased protection for the public.

Recommendations

For PPO

- PPO should ensure that publicity materials are in sufficient supply and readily available upon request.
- PPO should request feedback from the HMIP inspection process on access to complaints procedures.

For Probation Areas

- A review of the national complaints procedures should be completed to ensure that they have been effectively implemented.
- PPO videos should be shown to all staff.
- Information and training about the complaints procedure should be included in the induction of all new staff.

- Information about the complaints procedure and PPO's role should be included in the induction of offenders.

probation premises including hostels and community punishment workshops. An internal audit to monitor compliance with display should be completed annually.

For NPD

- All areas should be required to display information about complaints procedures and PPO publicity materials in all

- All areas should be required to ensure that arrangements are in place to provide case information to PPO within 10 days of it being requested.

The above recommendations, if implemented, could contribute significantly to the establishment of a well managed, effective complaints procedure for probation. But perhaps the biggest contribution that this report can make is to ask that all who read it seek to answer the following question:

Why is it that members of probation staff around the country were able to respond positively and quickly to queries and requests from the Ombudsman's office if those same queries and requests, when made previously by offenders, had received no response at all?

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January 2003

January 2003

