

Memorandum of Understanding

Between

The Home Office (Immigration Enforcement)

As the Department

and

The Prisons and Probation Ombudsman

**Prisons &
Probation**
Ombudsman
Independent Investigations



Home Office

1. Introduction

- 1.1. This Memorandum of Understanding (MoU) has been agreed by the Prisons and Probation Ombudsman (PPO) and Home Office Immigration Enforcement (HOIE). It sets out at a high level the role of each organisation in relation to the other.
- 1.2. The Ombudsman is appointed by the Secretary of State for Justice following recommendation by the House of Commons Justice Select Committee. The Ombudsman is therefore an administrative appointment.
- 1.3. The PPO has published their [Terms of Reference](#). This document sets out the extent and manner in which the PPO will carry out its functions and key aspects of the responsibilities of the Home Office as a “relevant authority”.
- 1.4. This MoU does not confer any legal powers or responsibilities, but both parties agree to operate within its terms. It is approved and signed by the Ombudsman for the PPO and the Director General for Immigration Enforcement.
- 1.5. Any reference to the Home Office is a reference to the Home Office Immigration Enforcement (HOIE), contractors, and their staff.
- 1.6. For the purposes of this MoU, the PPO’s independent investigations relate to individuals detained under immigration powers, including residents of immigration removal centres, pre-departure accommodation, short-term holding facilities (not including those managed by Border Force) and those under managed immigration escort anywhere in the UK and internationally.
- 1.7. This MoU remains in place until a new document has been agreed and replaces it. It must be reviewed every two years and, where appropriate, revised by agreement between the PPO and the Home Office.
- 1.8. This MoU is published on the PPO’s website.

2. Purpose and remit of the PPO

- 2.1 The PPO’s remit is set out in their Terms of Reference as agreed with the Secretary of State for Justice.
- 2.2. The PPO carries out independent investigations into complaints and deaths in custody. The PPO’s three main investigative duties are:
 - to investigate complaints made by people detained in prison, young offender institutions and secure training centres, offenders

under probation supervision and individuals detained under immigration powers (detained individuals); and

- to investigate deaths of prisoners, young people in detention, approved premises' residents and detained individuals due to any cause; and
- to investigate deaths of recently released prisoners that occur within 14 days of release from prison (except homicide).

2.3. Complaints from prisoners and young people in custody are investigated by Independent Prisoner Complaint Investigations (IPCI). IPCI is part of the PPO. References to the PPO in this MoU also include IPCI.

2.4. The State has a procedural duty to bring about an effective and independent investigation when it is arguable that there has been a breach of certain substantive European Convention on Human Rights rights, including both Article 2 (read with Article 1) and Article 3 rights. The PPO's investigations will support the Government to fulfil these obligations.

2.5. The PPO:

- may cooperate with other bodies, where it is appropriate to do so, for the efficient and effective discharge of the PPO's functions.
- may act jointly with other public authorities, where it is appropriate to do so, for the efficient and effective discharge of the PPO's functions; and
- may provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.

2.6. The PPO's geographical remit covers England and Wales, except in the case of detained individuals where it extends to all immigration detention facilities within the United Kingdom and the transfer of those under UK immigration escort, where the remit extends globally.

3. Independence

3.1 The PPO is operationally independent. It is sponsored by the Ministry of Justice.

3.2 The Ombudsman and their entire staff work wholly independently of the services in its remit and their departmental sponsors.

3.3 This includes independence from Ministers and officials of the Ministry of Justice, Home Office, His Majesty's Prison and Probation Service (HMPPS), His Majesty's Courts and Tribunals Service (HMCTS), the

Parole Board, Coroners, any individual Local Authority, the Youth Justice Board (YJB), providers of youth secure accommodation, the Department for Education, the Welsh Government, the Department of Health and NHS England & Improvement, Health Inspectorate Wales or other Government Departments.

- 3.4 This independence enables the PPO to conduct fair and impartial investigations, making recommendations for change where necessary, without fear or favour. The real, perceived and visible independence of the PPO from the authorities in its remit is fundamental to the purpose and function of the PPO.

Reports

- 3.5 The content of PPO reports and publications is solely at the discretion of the PPO. Written reports are not cleared with any external person or external body, although drafts are shared with investigated bodies to allow factual inaccuracies to be corrected. The PPO will consider responses to factual accuracy checks, but will exercise their own discretion on what, if any, changes to make.
- 3.6 Where a formal report which relates to the Home Office is to be issued by the PPO, the draft will be provided to the Home Office. The Home Office will have an agreed period to draw attention to any factual inaccuracies and respond to recommendations. For investigative reports, the standard timeline will be:
- Fatal incident investigations - 6 weeks.
 - Standard complaint investigations - 10 working days.
 - Complex complaint investigations - 20 working days.

Written reports following investigations

- 3.7 The PPO reports in the PPO's own name and has complete discretion on the publication and timing of reports.

Additional reports on issues relating to the PPO's investigations

- 3.8 The PPO will use their judgement and expertise in deciding what issues to report on in other publications, such as themed learning lessons reports.

Special Investigations

- 3.9 The Home Office may request that the PPO carries out an exceptional investigation that would normally be outside of its remit. It would be for the PPO to decide whether they are able to undertake the investigation. In such cases, separate Terms of Reference for the investigation would be agreed.

Responses to policy proposals, etc

- 3.10 The Home Office will include the PPO in policy consultations, especially in so far as these relate to the immigration detention estate.
- 3.11 The PPO will reply to any consultations on policy proposals, draft guidance, Detention Services Orders (DSOs), Parliamentary proposals (e.g. the Home Affairs Committee) at the PPO's discretion and within the allocated deadline.

Relationship with the media and the public

- 3.12 The PPO issues press notices to the media under its own name. As an independent organisation, the PPO is free to speak publicly and participate in debates and events. The PPO's press officer engages with the media at the discretion of the PPO and will liaise with Home Office Press Office on issues where appropriate. Any liaison with the Home Office will not be intended to undermine the PPO's independence. The PPO will maintain a website, separate from any presence on gov.uk.

4. Responsibilities of the Home Office and of the PPO

Funding

- 4.1 The funding model between the PPO and the Home Office will be detailed in a separate document and agreed separately amongst the two organisations.

Access

- 4.2 The Home Office will ensure that the Ombudsman has unfettered access to all relevant material, held in both hard copy and electronically, that is required for the purpose of investigations within the PPO's Terms of Reference.

Information sharing

- 4.3 A separate data sharing agreement is in place between the PPO and Home Office.
- 4.4 Any request for information from a PPO Investigator will be responded to by the Home Office within 10 working days, or within any longer deadline as specified.

Responsibilities arising from the PPO's Terms of Reference

- 4.5 The Ombudsman will produce and publish an annual report, which will be laid before Parliament.

- 4.6 The Ombudsman's targets for conducting investigations, responding to complainants and publishing reports will be set out in an annual business plan¹. Upon publication, the PPO will send its business plan to the Home Office using the following email addresses: detentionservicescomplaints@homeoffice.gov.uk and dslitigation-fatalitiesandreflectivelearning@homeoffice.gov.uk.
- 4.7 Where an annual report is to be issued by the PPO, the draft will be provided to the Home Office. The Home Office will receive advanced notice of the factual accuracy stage dates and will be given an appropriate period of time to draw attention to any factual inaccuracies and respond to recommendations.
- 4.8 In addition to the responsibilities set out in the PPO's Terms of Reference, the Home Office and the PPO are committed to the following:
- i) The PPO will liaise with the Independent Office for Police Conduct (IOPC) at an early stage where there is an indication that a particular case falls within the remit of both bodies.
 - ii) The PPO must be formally notified by the Deputy Director of Detention Services if the Home Office rejects a PPO recommendation.
 - iii) The Home Office will advise the PPO of any recommendations that it considers complete on a quarterly basis. The PPO will be responsible for considering the recommendation closed. The PPO should update their records in relation to outstanding recommendations as appropriate. Should the PPO disagree about the fact that a recommendation is complete (for example, due to lack of information) this should be communicated with the Home Office within 10 working days of notification to close recommendation.
 - iv) Both parties accept that (in relation to fatal investigations in particular), it may be useful to discuss the context and meaning of recommendations made to ensure the other party understands the purpose of the recommendation and/or response. Where appropriate, representatives from each party will engage in discussion to establish this, while the PPO report is at draft stage.
 - v) The PPO's Terms of Reference are clear that detained individuals have the right to confidential access to the PPO. This will be respected by the Home Office and the Home Office will:

¹ <https://ppo.gov.uk/corporate-publications/>

- a) pay the postage for detained individuals' letters to the PPO;
- b) provide free photocopying of complaint forms to enable a detained individual to send a copy of their complaint to the PPO;
- c) provide confidential access for PPO investigators to detained individuals and staff. Private rooms will be made available, and PPO Investigators will be permitted access with recording equipment;
- d) provide detained individuals with access to equipment (where available) to facilitate video calls and telephone calls with the PPO in private; and
- e) facilitate translation and interpretation requirements.

Complaint investigations

- 4.9 The process for a complaints investigation by the PPO is set out in a separate document agreed by both the PPO and Home Office.

Fatal incident investigations

- 4.10 The Home Office will notify the PPO as soon as a death in immigration detention has occurred, and within 24 hours wherever possible.
- 4.11 The Home Office will notify the PPO whenever a detained individual is released to the care of a hospital and subsequently dies. The PPO should be notified as soon as the Home Office becomes aware of this situation, and within 24 hours wherever possible. It will be within the PPO's discretion to decide if such deaths should be investigated.
- 4.12 The Home Office will notify the PPO of the outcome of internal Home Office-led lessons learned exercises following a death in detention. The Home Office will make available to the PPO relevant documentation resulting from lessons learned exercises.
- 4.13 If the Home Office conducts an internal management review of any circumstances being investigated by the PPO, the report of any such investigation must be shared with the PPO where appropriate.

Accountability and escalation

- 4.14 The Ombudsman and/or Deputy Ombudsmen will meet the sponsoring Home Office Deputy Directors of Detention Services (DS), International Returns Services Command (IRSC) and/or Director General of Immigration Enforcement to consider strategic issues. These meetings will be held at least twice a year but may be called at any mutually agreed time.

- 4.15 Attempts should be made to resolve any potential conflict between the Home Office and the PPO through ongoing dialogue and/or at the bi-annual meetings. There may, however, be a need for intervention outside of this monitoring framework, in circumstances where either party considers that the other does not comply with this MoU or that there is a real risk to the operational independence of the PPO.
- 4.16 In such circumstances, the issue should be raised with the sponsoring Director General and the PPO and, if necessary, escalated further as either party sees fit.
- 4.17 The PPO may meet the Home Office Director General at any mutually agreed time. The PPO has access to the Home Office's Permanent Secretary on request, should this be required.
- 4.18 The PPO has direct access to Home Office Ministers to raise any issues of concern or to provide an update on performance and delivery, in relation to the functions set out in the Terms of Reference and will meet Ministers at a mutually agreed time.

5. Complaints and litigation

- 5.1 Where complaints are received about the PPO or matters within the PPO's remit, the Home Office will refer these to the PPO.
- Complaints about whether the PPO has conducted their investigations appropriately are considered by the Parliamentary and Health Services Ombudsman.
 - Complaints about the personal conduct of staff at the PPO will be investigated by the relevant manager at the PPO.
 - Complaints about the personal conduct of the Ombudsman will be considered by the relevant Minister. If the responsible Minister decides that the complaint should be investigated, they will appoint an independent person to investigate the issues and make recommendations about resolution.
 - The PPO will manage any litigation arising from its operational activities, referring to the Government Legal Department as appropriate.

6. Parliamentary and Public correspondence

- 6.1 The PPO will respond to Parliamentary Questions (PQ) and Ministerial/public correspondence on matters within their remit. Should an issue arise which is within the remit of the Home Office, the PPO should engage with the Home Office to agree a response.

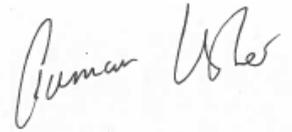
- 6.2 The Home Office will respond to Parliamentary Questions (PQ) and Ministerial/ public correspondence on matters within their remit. Should an issue arise which is within the remit of the PPO, the Home Office should engage with the PPO to agree a response.



Signed

Basit Javid
Director General
Immigration Enforcement
Home Office

Date 9 February 2026



Signed

Adrian Usher
Prisons and Probation Ombudsman

Date: 4 February 2026