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PRISONS AND PROBATION OMBUDSMAN SUE MCALLISTER RELEASES FINAL ANNUAL REPORT

Former Prisons and Probation Ombudsman (PPO) Sue McAllister has published her final Annual Report for 2021-22. In the report, Sue, Ombudsman from October 2018 to June 2022, highlighted a number of issues.

The PPO investigates deaths of prisoners, young people in detention, offenders under probation supervision and individuals detained under immigration powers (detained individuals). The report highlights the case of Baby A, who tragically died in prison, and the case of Baby B, who was sadly stillborn in prison. At the time, these investigations were outside the PPO's remit. The remit has been expanded so that future neonatal deaths and stillbirths in prison or deaths of children in mother and baby units within a prison will be investigated within the PPO's Terms of Reference.

Investigations into the deaths of older prisoners

The PPO started 329 investigations into deaths in 2021-22. Of these, 128 were the deaths of prisoners aged 60 or over. Older prisoners are the fastest growing cohort within the prison population in England and Wales and HM Prison and Probation Service (HMPPS) must ensure they "can access the appropriate health and social care" needed to address long-term health conditions.

The PPO also found cases where prisoners with significant care and support needs were not effectively safeguarded as shown in the case of Mr E. The PPO were concerned that staff did not seem to realise he had not been out of his cell for four days. Mr C's case study reveals that although he received a reasonable level of healthcare, his medical records were not sufficient and his transfer to a hospice was not communicated with him. The report notes: "Prisoners with care needs were left in unsafe conditions and engaged in self-neglecting behaviour without intervention." This is a complex issue, but the input and expertise of prison, health and social care staff is required, especially with the rising elderly population.

Post-release deaths

The PPO launched a year-long pilot in September 2021 to investigate the deaths of those who die within 14 days of release from prison (except homicide).

They started investigations into 25 post-release deaths in 2021-22 and their investigations have highlighted the need for strong communication between prison, probation and other agencies to meet the complex needs and support the wellbeing of people released from prison.

Complaints

The PPO investigates complaints made by prisoners and young people in detention, those on probation and detained individuals. They received 4,442 complaints in 2021-22, 11% more than in the previous year. As in other years, the largest single group of complaints related to property.

Disappointingly, a frequently misunderstood but key aspect of a PPO investigation is considering whether the service in remit properly applied the relevant existing policies when making the decision or taking the action that led to the complaint. One such example is the case of Mr G, who transferred to another prison with his Microsoft Xbox console, which he was not allowed to have.

The PPO stated it is not fair or reasonable for prisoners to be out of pocket as a result of HMPPS failing to follow its own policy and they should resolve the inconsistencies in their approach. Sue McAllister said: "Sometimes the policies are complex or do not provide quite enough clear guidance to cover any given set of circumstances", however, the PPO found that "sometimes local policies diverge from national policies in ways that are unhelpful."

The report also highlights that the PPO has once again made numerous recommendations about the switching on of body worn video cameras and the importance of retaining footage. They have made their growing impatience clear to HMPPS senior leaders.

When reflecting on the past year, Sue McAllister said that she was encouraged by some of the improvements she has led whilst in post.

"As I prepare to leave this office, and in the context of all that we have achieved during my time in the role, I know that there remains more to be done and I have confidence in the abilities of the team I leave behind."

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Notes to editors

1. The report is available at www.ppo.gov.uk
2. Sue McAllister was appointed as Prisons and Probation Ombudsman (PPO) in October 2018 and retired in June 2022. Kimberley Bingham became Acting Ombudsman in July 2022.
3. The PPO is appointed by and reports directly to the Secretary of State for Justice. The Ombudsman's office is wholly independent of the services in remit, which include those provided by HM Prison and Probation Service (HMPPS), the National Probation Service for England and Wales, Prisoner Escort and Custody Service, the Home Office (Immigration Enforcement), the Youth Custody Service, and those local authorities with secure children's homes. It is also operationally independent of, but sponsored by, the Ministry of Justice (MoJ).
4. The roles and responsibilities of the PPO are set out in the Terms of Reference (ToR), the latest version of which can be found in the appendices.
5. The PPO has three main investigative duties:
 - complaints made by prisoners, young people in detention, offenders under probation supervision and individuals detained under immigration powers (detained individuals)
 - deaths of prisoners, young people in detention, approved premises' residents and detained individuals due to any cause
 - deaths of recently released prisoners that occur within 14 days of release from prison (except homicide)
6. Please contact ppocomms@ppo.gov.uk if you would like more information