

14 March 2024

Reference: FOI 536 Freedom of Information request

Thank you for your email, which we received on 16 February 2024. Your request has been handled under the Freedom of Information Act 2000.

You asked us:

To provide internal documents, policies or guidance on how investigations into complaints received from immigration detainees are handled.

Our response:

In accordance with section 17 of the Freedom of Information Act, this letter acts as a refusal notice. The absolute exemption is described below. In applying this exemption, we do not have to apply a public interest test to the disclosure of this information.

The exemption applied (under the Freedom of Information Act) is:

- Section 21 (1) 'Information accessible by other means'

This exemption applies because the information you have requested is available on our website and on the UK Government website.

The Prisons and Probation Ombudsman's (PPO) Terms of Reference, as agreed between the Ombudsman and the Secretary of State for Justice, set out the scope and aims of our investigations into complaints received from immigration detainees. Our Terms of Reference can be found here:

<https://s3-eu-west-2.amazonaws.com/cloud-platform-e218f50a4812967ba1215eaecede923f/uploads/sites/34/2021/12/PPO-2021-Terms-of-Reference-with-cover.pdf>

Further detail on how investigations from immigration detainees are handled is set out in a Memorandum of Understanding (MOU) between the PPO and the Home Office. The MOU can be found here:

https://s3-eu-west-2.amazonaws.com/cloud-platform-e218f50a4812967ba1215eaecede923f/uploads/sites/34/2014/07/MoU-PPO-HO-Immigration-Enforcement_Sept-13.pdf

The Home Office Detention Services Order (DSO) 03/2015 also provides information on the handling procedures for complaints raised by individuals detained within the immigration removal estate. This includes information relevant to PPO investigations. The DSO can be found here:

<https://www.gov.uk/government/publications/handling-complaints-in-immigration-removal-centres>

You have the right to appeal against our response if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

The Prisons and Probation Ombudsman (PPO) carries out **independent investigations** into complaints and deaths in custody. The detailed role and responsibilities of the PPO are set out in our office's Terms of Reference. The PPO has three main duties:

- to **investigate complaints** made by prisoners, young people in detention (prisons and secure training centres), offenders under probation supervision and individuals detained under immigration powers (detained individuals)
- to **investigate deaths** of prisoners, young people in detention, approved premises' residents and detained individuals due to any cause, including any apparent suicides and natural causes
- to **investigate deaths** of **recently released prisoners** that occur within 14 days of release from prison (except homicide)

The purpose of these investigations is **to understand what happened, to correct injustices** and **to identify learning** for the organisations whose actions we oversee so that the PPO makes a significant contribution to safer, fairer custody and offender supervision.

We may use or share your data only to the necessary extent when conducting our independent investigations in the exercise of our official authority. We will share your data with third parties (e.g. the prison) in order to make sure the information is accurate; to prevent or detect failings; and to identify lessons learnt. We may sometimes need to share your data with third parties if required by law. We only keep your personal data for as long as it is needed, as set out in our data retention policy. If you need any further information about how your data is used, please contact us.

How to Appeal

Internal Review

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case, and they will make a decision as to whether we answered your request correctly.

If you would like to request a review, please write or send an email to the Prisons and Probation Ombudsman's office **within two months of the date of this letter**, at the following address:

Prisons and Probation Ombudsman
Third Floor
10 South Colonnade
Canary Wharf
London
E14 4PU
E-mail: Mail@ppo.gov.uk

Information Commissioner's Office (ICO)

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the ICO at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Internet address: <https://ico.org.uk/>