

**Prisons &  
Probation**

**Ombudsman**  
Independent Investigations

# **Prisons and Probation Ombudsman**

## **Business Plan 2021/22**

**To carry out independent investigations to make custody and community supervision safer and fairer**

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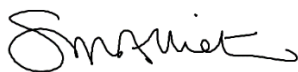
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# Ombudsman Foreword

At the start of this business year, most of our staff were still working from home, with only a small number of colleagues going into the office to carry out work that couldn't be done remotely. As COVID-19 restrictions were lifted, we began to plan our return to the office and adapt our working arrangements to suit a new blend of home and office working. We have kept some of the new ways of working we had adopted, including the secure scanning of incoming post and our use of the 'Email a Prisoner' service, and we will use technology alongside in person prison visits to carry out our investigations.

Our focus on the four strategic themes, Confidence, Effectiveness, Impact and Efficiency continues and we recruited some new staff to support our work in these areas. We are agreeing changes to our Terms of Reference, so that we will, in future, investigate neo-natal deaths and stillbirths in prison and the death of any child living in a prison Mother and Baby Unit. We will also investigate the deaths of those people recently released from prison.

Our expanded remit, alongside our work across all PPO functions, supports the work we do to help make prisons fairer and safer and this plan sets out how we will continue to do that.



**Sue McAllister CB**

Prisons and Probation Ombudsman

# Purpose, Priorities and Strategic Goals

## Purpose Statement

The Prisons and Probation Ombudsman (PPO) carries out independent investigations into complaints and deaths in custody. While the detailed role and responsibilities of the PPO is set out in our Terms of Reference (which are available at [www.ppo.gov.uk/about/vision-and-values/terms-of-reference/](http://www.ppo.gov.uk/about/vision-and-values/terms-of-reference/)), our main duties are:

- 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 the deaths of:
  - prisoners, young people in detention (prisons, secure training centres and secure children's homes), approved premises' residents, detained individuals and people in the custody of the Prisoner Escort Custody Service (PECS) due to any cause, including any apparent suicides and natural causes.
  - recently released prisoners, using the PPO's discretionary powers.
  - children living in a prison's Mother and Baby Unit and neonatal deaths and stillbirths that occur in prison, during prison transfer or in hospital following transfer from prison.

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.

As the COVID-19 pandemic has continued from the previous financial year into this year, we have continued to face challenges to our work, our productivity and our staffing. Our continuing response to the pandemic is detailed below, in section 3 'COVID-19 Business Recovery Action Plan'.

## Priorities and Objectives

As stated above, the PPO's objective is to carry out effective and independent investigations helping to make custody and community supervision safer and fairer.

To do that, we will make sure that all our staff have the knowledge and skills to carry out their respective roles. That encompasses our Complaints team, which includes the Assessment team, the Fatal Incidents team and our Learning Lessons and Strategic Support team.

It is also essential that our stakeholders know who we are and what we plan to deliver. We have developed a Communications Strategy and Plan for 2021/22, which aims to:

- Continue to engage external stakeholders, people in custody and families on recommendations, learning and findings.
- Ensure those in custody are aware of how to complain to the PPO.
- Improve how prisons perceive the recommendations we make.

## Strategic Goals

Building on our objectives and priorities as an organisation, our Strategic Plan highlights our areas of focus. The three-year Strategic Plan was introduced in 2019 and was due to run until 2021, though it has been extended to cover the current Ombudsman's tenure until the appointment of a new Ombudsman in 2022. Our areas of focus are:

- Confidence – Improve the confidence of our stakeholders in our role as an independent, impartial and fair investigative body and complaints resolution service.
- Effectiveness – Empower staff to improve the quality and timeliness of our investigations and resulting reports ensuring a robust and proportionate approach.
- Impact – Focus on the outcomes of investigations and increase the impact of our work on the actions of services in remit and the day to day lives of those in custody.
- Efficiency – Use our resources efficiently and effectively.

## Resource

To deliver our goals, we need to have staff in the right roles, equipped with appropriate expertise and skills. We are a demand led organisation and must respond to all eligible complaints and investigate all fatal incidents within our remit. It can be difficult to predict the volume of work that will come into the office and so we need to be agile and flexible in the way we work.

We have completed a review of our organisational design to ensure that we have the right roles in place to deliver our services. Our allocated budget for 2021/22 from the Ministry of Justice is £5,883,000. In addition, Home Office Immigration Enforcement provides £100,000 for investigating complaints from and deaths of detained individuals.

# COVID-19 Business Recovery Action Plan

Due to the COVID-19 pandemic, the PPO has changed its working practices to be able to operate remotely. These were started during the previous financial year, 2020/21, but will continue throughout this financial year.

The following changes outline how we are operating at the time of publishing this Business Plan:

- Since the outbreak of the COVID-19 pandemic, we decided that most of the PPO's staff should work from home and we have provided them all with the equipment to do so. Since July 2020, a few staff have attended the office to carry out essential work. We plan for a gradual return to our office once it is safe to do so, once staff have been fully vaccinated and in line with Government guidance.
- Furthermore, since the outbreak of the COVID-19 pandemic, we stopped our staff from visiting prisons, approved premises, immigration removal centres or secure training centres for their investigations, except where a visit was essential for an effective investigation and it was safe to do so. We plan for a gradual return to visiting prisons, approved premises, immigration removal centres or secure training centres once it is safe to do so and in line with Government guidance.
- Where possible, we used videoconferencing software or teleconferencing solutions to allow our staff to talk to and interview our stakeholders, including those in prisons, approved premises, immigration removal centres or secure training centres. These same solutions have been used by the PPO to train its staff, induct new staff and recruit new employees. We will review the effectiveness of video and teleconferencing by discussing its use with our staff and our stakeholders.
- We will continue to use a scanning company to scan our incoming post, which enables our investigators to access mail from those in prison and evidence for their investigations.
- We trialled the use of the 'Email a Prisoner' service to communicate with those in prison and to limit the number of staff who needed to visit our office. We are currently reviewing the effectiveness of the service by discussing its use with our staff, our complainants and the prisons.
- Due to increased staff absences and increased natural cause deaths in custody, both caused by COVID-19, we had to delay starting our investigation of certain fatal incidents. Following the return of our absent staff and through the recruitment of new staff, we plan to start our investigations for all these fatal incidents in the financial year 2021/22.

While the PPO has changed its working practices, we acknowledge that the COVID-19 pandemic has affected our ability to carry out as many effective investigations within the timescales published in the PPO's 2020/21 Business Plan (which is available at <https://www.ppo.gov.uk/document/corporate-documents/>). While we regret the impact that this has had on our stakeholders and our ability to make as full a contribution to safer, fairer custody and offender supervision, the pandemic has significantly impacted our and our stakeholders' staffing levels. We have also been constrained by some of our stakeholders' IT systems and we encourage them to introduce and embrace new ways of working digitally.

# Business Plan Actions

The actions that the PPO will deliver over the next year will focus on our four Strategic Goals, which are Confidence, Effectiveness, Impact and Efficiency. All the activities outlined below are priorities for the Ombudsman.

## Confidence

We will improve the confidence of our stakeholders in our role as an independent, impartial and fair investigative body and complaints resolution service. We will do this by:

- Continuing to campaign for the PPO to be given Statutory Footing, as we believe that this is a key way to build confidence in our independence. We remain hopeful that the Government will find a legislative vehicle to make this possible.
- Working to raise awareness of the PPO's work with our external stakeholders and those in custody by:
  - Producing a series of communications with external partners, such as Prison Radio and Inside Time.
  - Continuing to run our prisoner focus groups to listen and share important information with those in prison. Although the COVID-19 pandemic meant that we had to pause the groups, we will restart them as soon as we are able to. We will gather evidence of impact by looking at the number of complaints from under-represented groups and through stakeholder surveys.
  - Working with our external stakeholders to participate in their apprenticeship schemes and training courses, both in person and electronic learning.
  - Updating and improving the content and accessibility of the PPO's website.
- Regularly reviewing our recommendations to services in remit to ensure they are proportionate, targeted and appropriate. Where necessary due to their significance or their frequent reappearance, we will escalate accordingly.
- Reviewing our publicity materials to ensure those in custody and offender supervision have up-to-date knowledge about our services and how to contact us.

## Effectiveness

We will empower all staff to improve the quality and timeliness of our investigations and resulting reports, ensuring a robust and proportionate approach. We will do this by:

- Attempting to meet the following timeliness targets for all Complaints investigations:
  - We will determine the eligibility of all complaints within ten working days of receipt<sup>1</sup>.
  - We will complete our investigation and submit our initial report for consultation for standard complaints within 12 weeks (60 working days) of accepting the complaint as eligible<sup>2</sup>.

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<sup>1</sup> For the year 2020/21, we have not been able to calculate how many eligibility decisions were made on time, as we continue to face difficulties after moving over to a new case management system. We are continuing to explore ways to collect this data in the future to enable us to report on complaints' timeliness.

<sup>2</sup> For the year 2020/21, we have not been able to calculate how many investigations were completed on time, as we continue to face difficulties after moving over to a new case management system and changing the definition for a completed investigation. We are continuing to explore ways to collect this data in the future to enable us to report on complaints' timeliness.

- We will complete our investigation and submit our initial report for consultation for complex complaints within 26 weeks (130 working days) of accepting the complaint as eligible.
- Attempting to meet the following timeliness targets for all Fatal Incident investigations:
  - We will complete our investigation and submit our initial report for consultation into natural cause deaths within 20 weeks (100 working days) of initial notification<sup>3</sup>.
  - We will complete our investigation and submit our initial report for consultation into self-inflicted, non-natural and drug related deaths and homicides within 26 weeks (130 working days) of initial notification<sup>4</sup>.
  - We will finalise all fatal incident investigation reports within 12 weeks (60 working days) of the initial report.
  - We will publish an anonymised investigation report for all fatal incidents on our website within one week (five working days) of being notified that the inquest has concluded and our investigation report has been finalised.
- Continuously improving as an organisation:
  - Our Senior Leadership Team will conduct regular reviews of our cases and investigation reports to ensure we have confidence and consistency in our decision making and to assure ourselves that we are contributing to safer, fairer custody and offender supervision.
  - We will consider trialling the use of external bodies or another Ombudsman to conduct reviews of our cases and investigation reports to further ensure we have confidence and consistency in our decision making and to assure ourselves that we are contributing to safer, fairer custody and offender supervision. For these reviews, we will ensure that personal data, particularly for our Complaints investigations, is removed.
  - We will work with our staff to identify areas where our productivity is blocked and seek to reduce activities that do not add value to our investigations.
  - We will continue to trial new methods of investigating cases, such as expanding the use of our foreseeable, natural cause deaths pilot for certain non-foreseeable natural cause deaths.
- Continuing to be less reliant on paper:
  - We will continue to scan all incoming post.
  - We will review our use of the "Email a Prisoner" service.
  - We will continue to work with our external stakeholders to embrace digital working, which will include them providing evidence for our complaints and fatal incident investigations digitally and using videoconferencing software for interviews.

## Impact

We will focus on the outcomes of investigations and increase the impact of our work on the actions of services in remit and the day to day lives of those in custody. We will do this by:

- Starting a pilot to investigate the deaths of recently released prisoners, who died from any cause except for homicides. As with our other Fatal Incident investigations, we will attempt to meet the same timeliness targets defined above.

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<sup>3</sup> Occasionally, we must suspend our Fatal Incident investigations while we wait for key information, such as the cause of death, toxicology tests or a clinical review. Timeliness calculations exclude the times when a case is suspended for reasons that are outside the PPO's control.

<sup>4</sup> As above at footnote 3.



- Producing our Annual Report for publication in Autumn 2021, which will update Parliament and our stakeholders on our key cases, progress and findings during 2020/21.
- Consulting with our stakeholders about our updated Terms of Reference, which will expand our remit to increase our scrutiny in areas where the learning from our investigations can have an impact, to ensure they remain appropriate.
- Continuing to refine our data collection and data management to continue to uncover themes and trends in our case work.
- Continuing our efforts to develop an effective means of tracking repeat recommendations and holding services in remit to account for not implementing recommendations.
- Ensuring we have an impact by producing regular publications, including Learning Lessons bulletins and The Investigator (our newsletter), to engage external stakeholders. This year, we plan to cover topics such as:
  - COVID-19 Complaints, focusing on the second wave.
  - COVID-19 Fatal Incident Incidents, focusing on the second wave.
  - Complaint handling in prisons.
- Responding to all Freedom of Information and Subject Access Requests within the prescribed timescales.
- Developing our relationships with HM Inspectorate of Prisons, the Independent Monitoring Boards, HM Inspectorate of Probation and the Independent Advisory Panel for Deaths in Custody and working together where our aims align.
- Continuing to work closely with universities and academics to support our work and ensure we are having an impact.

## Efficiency

We will use our resources efficiently and effectively. We will do this by:

- Supporting the wellbeing of our staff through our Staff Support Team and championing diversity and inclusion through our Equality and Diversity Groups and across our teams. We will take action to make the PPO a great place to work and ensure that all colleagues are well supported. Staff will also be kept up-to-date through regular internal communications.
- Producing a Race Action Plan, which will set out how the PPO will tackle racism and ensure that our Black, Asian and Minority Ethnic staff feel a sense of belonging, empowerment, value and respect.
- Developing a replacement case management system, which supports an efficient and effective investigation process, by mid-2022.
- Arranging mental health training for our managers so that they can continue to support staff.
- Supporting our staff with a Learning and Development Strategy and signposting colleagues to opportunities to build their skills and capability.
- Supporting our staff by holding regular full staff meetings and development events across the year to promote collaboration, training and development across the office.
- Responding to the findings from the People Survey and implementing an action plan to support colleagues across the office.

# Measuring Success

We will know we have been successful as an organisation if we achieve some or all of the following measures:

- We receive positive results from our stakeholder survey, particularly their rating of the quality of our work provided during the last 12 months.
- We receive fewer ineligible complaints and receive more complaints from under-represented groups, which can be demonstrated to be wholly down to work that we have completed.
- We receive positive feedback from families that we have handled our death in custody investigations appropriately and in a timely way.
- We can see a visible difference in the safety of prisons, and we are issuing fewer repeat recommendations, which can be demonstrated to be wholly down to work that we have completed.
- We see positive engagement results from our staff in the annual Civil Service Staff Survey, particularly in light of the impact from the COVID-19 pandemic.
- We have produced a series of Learning Lesson bulletins that have impact by contributing to fairer, safer custody and offender supervision.
- We have produced our Annual Report on time and that report clearly shows the work that we deliver.

# Conclusion

The PPO has continued to adapt quickly to working under the different and difficult circumstances caused by the COVID-19 pandemic, and we have continued to make a significant contribution to safer, fairer custody and offender supervision.

However, we know that we can do more. We will strive, through the implementation of key changes to our working practices and continual reviews of our ways of working, to further achieve our goals.



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