



Memorandum of understanding between

## **HMI Prisons and the Prisons and Probation Ombudsman**

September 2024

## **Purpose**

This Memorandum of Understanding sets out working arrangements between the PPO and HMIP.

We share:

- a commitment to decency and fairness in places of detention
- a mutual interest in judgments on the conditions for and treatment of detainees in prisons, immigration removal centres, secure training centres and other services in remit
- a desire to protect and develop the independence of our offices and ensure adequate resources for our work
- a desire to work jointly where this would achieve or enhance our shared goals.

## **The Prisons and Probation Ombudsman**

The Prisons and Probation Ombudsman (PPO) 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. The Ombudsman's office is operationally independent of, though it is sponsored by, the Ministry of Justice.

The PPO will investigate:

- i. Complaints made by prisoners, young people in detention, offenders under probation supervision and individuals detained under immigration powers;
- ii. Deaths of prisoners, young people in detention, approved premises' residents and detained individuals due to any cause; and
- iii. Deaths of recently released prisoners (except homicides) that occur within 14 days of release from prison.

The PPO's Terms of Reference<sup>1</sup> represent an agreement between the Ombudsman and the Secretary of State for Justice as to the Ombudsman's role.

## **HM Inspectorate of Prisons**

HM Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose Chief Inspector is a Crown appointment. It carries out its functions under sections 5A and 43 of the Prison Act 1952 (as amended). The Chief Inspector reports to the Secretary of State on the treatment of and conditions for those in prison, young offender institutions, court custody facilities in England and Wales and immigration detention facilities in the United Kingdom. HMI Prisons also inspects secure training centres (jointly with Ofsted and the Care Quality Commission). By invitation, HMI Prisons inspects some military detention facilities as well as prisons in Northern Ireland and in other jurisdictions with links to the UK such as the Isle of Man. HMI Prisons promotes the concept of "healthy establishments" in which staff work effectively to support prisoners and detained people to reduce reoffending and achieve positive outcomes for those detained and for the public.

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<sup>1</sup> [www.ppo.gov.uk/about/vision-and-values/terms-of-reference](http://www.ppo.gov.uk/about/vision-and-values/terms-of-reference)

## Working arrangement

1. The PPO and HMI Prisons will share intelligence relevant to:
  - i. HMI Prison's duty to inspect the conditions and treatment of prisoners, young people in detention and individuals detained under immigration powers; and
  - ii. the PPO's duty to investigate deaths and complaints in custody and immigration detention.
2. Share emerging findings with each other at the earliest opportunity, particularly when:
  - i. they might inform a forthcoming HMI Prisons' inspection or the scheduling of the inspection programme;
  - ii. they would inform or further substantiate an ongoing PPO investigation; or
  - iii. they could contradict findings made by the other organisation.
3. The PPO will share relevant issued reports of fatal incident investigations with HMI Prisons prior to a forthcoming inspection. Other fatal incident reports will be shared upon request.
4. Following an inspection, HMI Prisons will only provide feedback regarding PPO recommendations when there are major concerns relating to the recommendations identified, which result in an Urgent Notification or similar.
5. HMI Prisons will share embargoed inspection reports at the earliest opportunity.
6. Together with the IMB/Lay Observers, work in accordance with the agreed Protocol to protect prisoners and detained individuals from sanctions or other prejudice arising from their communication with either HMI Prisons, IMBs, Lay Observers or the PPO, or from communication from someone acting on their behalf.
7. HMI Prisons and the PPO will provide opportunities for the development of each other's staff, including the opportunity to shadow investigations, inspections and survey visits where appropriate.
8. HMI Prisons and the PPO will support each other's recruitment campaigns, news and publications where appropriate.

## Information sharing

9. Both organisations agree to share information relating to:
  - i. HMI Prison's duty to inspect the conditions and treatment of prisoners, young people in detention and individuals detained under immigration powers; and
  - ii. the PPO's duty to investigate deaths and complaints in custody and immigration detention.
10. Data sharing will be undertaken in accordance with the relevant information legislation<sup>2</sup>.
11. Information provided by each organisation will be stored and processed for limited purposes under the relevant processing principle in line with the rights of the data subjects and will not be disclosed without permission. Documents containing sensitive personal data will be handled securely and destroyed in accordance with each organisation's data retention and disposal schedules.

## Meetings

12. Relevant colleagues from HMI Prisons and the PPO will meet formally (at least quarterly) to:
  - i. facilitate a continuing, structured exchange of intelligence
  - ii. share learning, recent recommendations and plans for thematic work
  - iii. identify where joint work might be appropriate
  - iv. discuss matters of mutual interest.
13. HM Chief Inspector of Prisons and the Ombudsman will continue to meet regularly and separately from these larger meetings.

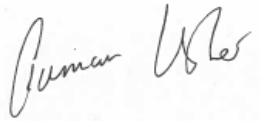
## Review

14. This Memorandum of Understanding will be reviewed every two years or sooner if considered appropriate. Lead contacts will include:
  - i. Deputy Ombudsman – Learning, Analysis and Business Services
  - ii. HM Deputy Chief Inspector of Prisons.

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<sup>2</sup> Information legislation includes: the Freedom of Information Act 2000 (FOIA), Environmental Information Regulations 2004 (EIRs), the Data Protection Act 2018 (DPA 2018), the Access to Health Records Act 1990 and UK GDPR.

**Signed**

A handwritten signature in black ink, appearing to read 'Adrian Usher', written in a cursive style.

**Adrian Usher**  
**Prisons & Probation Ombudsman**  
23<sup>rd</sup> September 2024

A handwritten signature in black ink, appearing to read 'Charlie Taylor', written in a cursive style.

**Charlie Taylor**  
**HM Chief Inspector of Prisons**  
19<sup>th</sup> September 2024