



## Business Plan 2014-15

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## Foreword

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This business plan sets out the objectives for my third year as Ombudsman. The content reflects the commitment to **consolidate** our progress, against a challenging backdrop, set out for year 3 in our Strategic Plan 2012-16. In particular, this plan builds on our achievements in 2013-14 and describes the key deliverables 2014-15 that will enable us to transform further the standing, performance, influence and efficiency of the organisation. Accordingly, the deliverables are set out against these four strategic objectives.

Our successes deserve celebration, particularly as 2014 marks the twentieth anniversary of the creation of my office, but we must also recognise the continued scope for improvement. I am particularly pleased that we have continued to improve the timeliness of draft fatal incident investigation reports. This was one of my principle commitments to the Justice Select Committee on my appointment in 2011. The progress made by my staff has been startling: in 2010-11, only 14% of drafts were on time, by 2012-13, this had risen slightly to 21% but by 2012-13 it had jumped to 55%. We are on track for the first time not merely to deliver but to exceed significantly our published target of 70% of drafts on time. As our stakeholder surveys suggest that our fatal incident investigations are also being recognised for improved quality as well as timeliness, this is an exceptional achievement.

However, we will be working to consolidate this achievement in the coming year against a troubling background of growth in demand. The numbers of deaths in custody from natural causes are rising inexorably as the prison population ages. Worse, there had been a huge (71%) rise in apparently self-inflicted deaths in 2013-14, reflecting not only individual tragedies, but also an unfunded increase in demand as we move into 2014-15.

Progress on complaints investigation timeliness has continued to pose a much greater challenge, with a substantial backlog to overcome. Work is underway to address this backlog and while new cases received actually fell 2013-14, demand is set to burgeon in the new business year as reductions in legal aid and restrictions on judicial reviews seem likely to lead more prisoners to complain to my office. Similarly, changes to the incentives and earned privileges scheme in prison and requirements on prisoners to pay for damage to prison property are also likely to increase complaints where procedures and changes are not properly implemented.

While accurately predicting future demand is fraught with difficulty, a significant increase appears probable and I am therefore pleased that Ministers have recognised this by providing additional support in 2014-15. We will consolidate our comprehensive efforts to reduce the complaints backlog and continue to take a proportionate approach to our investigations so that we focus on the more serious cases and less on those where no worthwhile outcome is likely. Despite the pressures, it is positive that our stakeholder surveys suggest that the quality of our complaint investigations is recognised.

One of my other key commitments on appointment was to introduce a learning lessons agenda to support improvement in safety and fairness in custody by looking across individual investigations. This work has been well-received by stakeholders and external commentators alike. While we will continue to publish thematic studies and learning lessons bulletins based on our investigations, I also intend to extend this agenda to address the impact of our investigations on the ground. Independent investigations are our core business, identifying learning and disseminating are our key outputs, but our vision is to ensure we actually contribute to change and improvement.

The key deliverables set out in this plan for 2014-15 remain a challenge, particularly given the difficult economic context and growing demand, yet I feel that we are now better placed than last year to consolidate our improvements and deliver these objectives. Our organisational restructure is complete and we have delivered on other major change objectives such as the transition of our IT platform and the re-location of our office. The Lean approach we have adopted to our business processes will also better enable us to deliver timely reports to a high quality.

Finally, while I do not believe the independence of mind of either I or my staff can reasonably be in doubt, it is incumbent upon me to continue to pursue reinforcement of my office's actual and visible independence. While the Justice Secretary declared his support for placing my office on a statutory footing when he spoke to the Joint Human Rights Select Committee in December 2013, no specific legislative opportunity has been identified. In the meantime, I will endeavour to ensure that a review of our terms of reference reinforces the independence of my office.

This is a challenging but achievable business plan which will inform the work of all my staff. Performance will be regularly reviewed against it.

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Nigel Newcomen CBE  
Prisons and Probation Ombudsman  
April 2014

## Statement of Purpose

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The Prisons and Probation Ombudsman's office exists to carry out independent investigations into deaths and complaints. Our service is in respect of prisoners, young people in detention, those supervised by probation and immigration detainees.

The purpose of our investigations is to understand what has happened, to correct injustices and to identify learning for the organisations whose actions we oversee.

## Vision

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To be a leading, independent investigatory body, a model to others, that makes a significant contribution to safer, fairer custody and offender supervision.

## Values

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- We are **independent, impartial, fair and honest** in all our dealings, internally and externally.
- We take **pride in delivering** both quality and value for money.
- We have **respect for**, listen to and respond to each other, the users of our service and wider stakeholders.
- We **celebrate diversity**, both internally and externally, so that everyone can give their best.
- We approach our work with **determination, dedication and integrity**.
- We are **committed to improvement** through learning lessons internally and influencing how lessons are learned externally.

## Role and Function

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The Prisons and Probation Ombudsman (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 includes the National Offender Management Service, consisting of the Prison Service, Probation Service and Prisoner Escort Contract Service; the Home Office (Immigration and Enforcement); the Youth Justice Board and Her Majesty's Courts and Tribunals Service. It is also operationally independent of, though it is sponsored by, the Ministry of Justice (MoJ). The roles and responsibilities of the PPO are set out in his office's Terms of Reference (ToR). The PPO has three main investigative duties:

- complaints made by prisoners, young people in detention, offenders under probation supervision and immigration detainees
- deaths of prisoners, young people in detention, approved premises' residents and immigration detainees due to any cause, including any apparent suicides and natural causes
- using the PPO's discretionary powers, the investigation of deaths of recently released prisoners or detainees.

## Resources

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The work of the PPO is necessarily demand led; the office responds to all eligible complaints and deaths in remit. It is therefore difficult to predict the volume of work that will come into the office in any one period. This means the bulk of our budget pays for staff in order to support our operational delivery.

Our allocated budget for 2014-15 from MoJ is £5.52 million. In addition, Home Office Immigration Enforcement provide £109,000 for the fatal incident and complaints investigations emanating from the immigration detention estate.

## The Plan

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The business plan is separated into four strategic objectives which describe the activities of the PPO. Under each objective specific and time-bound deliverables are identified along with measures of success and accountabilities.

Progress against the plan will be reviewed quarterly.

### **Strategic Objectives**

1. Maintain and reinforce our reputation for absolute independence.
2. Improve the quality and timeliness of our investigations and resulting reports ensuring a robust and proportionate approach.
3. Improve our influence through the identification and sharing of lessons learned from our investigations.
4. Use our resources efficiently and effectively.

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### **Objective 1:** Maintain and reinforce our reputation for absolute independence

<b>Key deliverable</b>	<b>Measure of success</b>	<b>Lead</b>
1. Work with the Ministry of Justice to secure a statutory footing for the PPO at the next legislative opportunity	Consideration in the next relevant Bill with resultant change in law	Ombudsman
2. Secure a review of the PPO's ToR that enhances our independence and clarifies our remit and operational scope by end March 2015	Agreed ToR [as endorsed by Ministers and the PPO]	Ombudsman
3. Ensure an appropriately funded extension of the PPO's remit to include the investigation of:  ▪ fatal incidents in Secure Children's Homes (SCHs) ▪ serious self-harm incidents in prison custody ▪ deaths of transferred prisoners to secure mental health facilities	Agreed additions to ToR [as endorsed by Ministers and the PPO]	Ombudsman/ Deputy Ombudsmen
4. Increase stakeholders' confidence in the office's independence	Improved response to independence question in annual stakeholder survey to be conducted November 2014	Head of Learning Lessons

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**Objective 2:** Improve the quality and timeliness of our investigations and resulting reports ensuring a robust and proportionate approach.

<b>Key deliverable</b>	<b>Measure of success</b>	<b>Lead</b>
1. Apply a continuous improvement approach to PPO investigation methodology and report production in order to deliver against target by end March 2015	Delivered to time and quality [as measured by the project plan for the redesign process and endorsed by the PPO]	Ombudsman/ Deputy Ombudsmen
2. Improve the quality of investigation reports through the development and application of improved quality assurance procedures by end March 2015	Delivered to time and quality [as measured by the project plan for the redesign process and improved feedback through the surveys from stakeholders]	Ombudsman/ Deputy Ombudsmen: Complaints/ Fatal Incidents
3. Achieve year on year improvement in casework performance and quality for both complaints and fatal incident investigations by end March 2015	Delivered to time and quality [as endorsed by the PPO]	Deputy Ombudsmen: Complaints/ Fatal Incidents
<b>Complaints investigations</b>		
4. Determine the eligibility of complaints within 10 working days of receipt of necessary paperwork	At least 80% delivered to time and quality [as indicated by management information and endorsed by the PPO]	Deputy Ombudsman: Complaints
5. Provide a substantive reply to new complaints within 12 weeks of accepting the complaint as eligible	At least 60% delivered to time and quality [as indicated by management information and endorsed by the PPO]	Deputy Ombudsman: Complaints
6. Ensure that: <ul style="list-style-type: none"> <li>all the unallocated complaints cases in the backlog are under investigation by March 2015, and</li> <li>60% of backlog cases have their investigations completed before March 2015</li> </ul>	Delivered to time and quality [as indicated by management information and endorsed by the PPO]	Deputy Ombudsman: Complaints

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<b>Fatal incident investigations</b>		
7. Complete the investigation into a self-inflicted death and distribute the draft report for consultation within 26 weeks of initial notification	At least 70% delivered to time and quality [as indicated by management information and endorsed by the PPO]	Deputy Ombudsman: Fatal Incidents
8. Complete the investigation into a death due to natural causes and distribute the draft report for consultation within 20 weeks of initial notification	At least 70% delivered to time and quality [as indicated by management information and endorsed by the PPO]	Deputy Ombudsman: Fatal Incidents
9. Finalise all fatal incident investigation reports within 12 weeks of issue of the draft report	At least 70% delivered to time and quality [as indicated by management information and endorsed by the PPO]	Deputy Ombudsman: Fatal Incidents

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**Objective 3:** Improve our influence through the identification and sharing of lessons learned from our investigations.

<b>Key deliverable</b>	<b>Measure of success</b>	<b>Lead</b>
1. Improve the impact of investigation recommendations by challenging rejected recommendations and following up progress	High acceptance of recommendations by the investigated bodies as indicated following the production of the final reports; PPO challenge of inappropriately rejected recommendations as indicated on the action plan response to draft reports; high implementation of PPO recommendations as measured by HMI Prisons on the Ombudsman's behalf during their inspections; and high implementation of PPO recommendations as evidenced during PPO thematic fieldwork	Ombudsman/ Deputy Ombudsmen
2. Hold three Learning Lessons seminars in year focused on sharing the learning from investigations of: <ul style="list-style-type: none"> <li>• Self-inflicted deaths</li> <li>• Natural causes deaths</li> <li>• Complaints</li> </ul>	Delivered to time and quality [as endorsed by the PPO]	Ombudsman/ Deputy Ombudsmen/ Head of Learning Lessons
3. Promote timely learning from individual investigations through the publication of themed Learning Lessons Bulletins for both fatal incidents and complaints investigations on: <ul style="list-style-type: none"> <li>• Foreign national prisoners</li> <li>• Young adults (18-24 years of age)</li> <li>• Complaints from the high security estate</li> <li>• Travellers</li> <li>• Cell fires</li> </ul>	Delivered to time and quality [as measured by the agreed publication timelines and the PPO's endorsement]	Deputy Ombudsman: Learning Lessons & Strategic Support/ Head of Learning Lessons

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4. Share wider learning from individual investigations through the publication of Learning Lessons Thematic Reviews on:	Delivered to time and quality [as measured by the respective project plan timelines and the PPO's endorsement]	Deputy Ombudsman: Learning Lessons & Strategic Support/ Head of Learning Lessons
<ul style="list-style-type: none"> <li>• ACCT</li> <li>• Risk factors in self-inflicted deaths</li> <li>• Family ties</li> <li>• Mental health issues in deaths</li> <li>• Complaints from young people and women</li> <li>• Recommendations</li> <li>• Administrative errors</li> <li>• Small vs large and public vs private prisons</li> </ul>		
5. Complete the planning stage for a full joint thematic with HMI Prisons on redress by end March 2015	Delivered to time and quality [as measured by the respective project plan timelines and the PPO's and HMCIP's endorsement]	Deputy Ombudsman: Learning Lessons & Strategic Support/ Head of Learning Lessons
6. Identify topics for learning lessons analysis through internal and external consultation on learning lessons themes by January 2015	Delivered to time and quality [as endorsed by the PPO]	Head of Learning Lessons
7. Maintain and improve the positive feedback on the PPO's performance through post-investigation and annual surveys of complainants and other stakeholders. Publish the feedback findings and related actions on the PPO website by March 2015	Delivered to time and quality [as endorsed by the PPO]	Head of Learning Lessons
8. Engage with stakeholders according to the PPO's stakeholder engagement plan, incorporating the communications plan and media strategy, with quarterly review of progress	Delivered to time and quality [as defined by the stakeholder management action plan, supported by stakeholder feedback and endorsed by the PPO]	Ombudsman/ All senior staff
9. Produce an annual report for April 2013 to March 2014 for publication in September 2014	Delivered to time and quality [as defined by the publication timelines and endorsed by the PPO]	Ombudsman/ Deputy Ombudsmen/ Head of Learning Lessons

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### **Objective 4: Use our resources efficiently and effectively.**

<b>Key deliverable</b>	<b>Measure of success</b>	<b>Lead</b>
1. Complete a review of the organisational redesign ensuring it has delivered the required efficiencies and structural support to performance improvement by September 2014	Delivered to time and quality [as measured by the PPO's endorsement]	Ombudsman/ Deputy Ombudsman: Learning Lessons & Strategic Support
2. Hold quarterly full staff meetings in order to support strategic and organisational change and share learning across the office	Delivered to time and quality [as measured by positive feedback on staff evaluation forms]	Ombudsman
3. Conduct a survey of staff views of their workplace by November 2014 and devise an action plan in response to concerns	Delivered to time and quality [as measured by the level of response to the survey]	Ombudsman/ Deputy Ombudsman: Learning Lessons & Strategic Support
4. Implement the PPO's equality and diversity action plan	Delivered to time and quality [as measured through quarterly monitoring by the Equality and Diversity Group]	Ombudsman/ Head of Strategic Support/ Equality & Diversity Group
5. Implement the PPO's learning and development action plan	Delivered to time and quality [as measured through improved response to the staff survey on development opportunities]	Head of Strategic Support
6. Continue to review all internal policies/ guidance to ensure cross-office coverage	Delivered to time and quality [as endorsed by the PPO and the Equality & Diversity Group]	Head of Strategic Support
7. Negotiate appropriate budget allocations based on real and anticipated changes to workload by March 2015	Delivered to time and quality [as endorsed by the PPO]	Ombudsman / Deputy Ombudsman: Learning Lessons & Strategic Support
8. Negotiate a replacement case management system which supports an efficient and effective	Delivered to time and quality [as endorsed by the PPO]	Deputy Ombudsman: Learning Lessons

<hr/> <p style="text-align: right;">&amp; Strategic Support</p> <hr/>		
9. Produce a business plan for the PPO 2015-16	Delivered to time and quality [as endorsed by the PPO]	Ombudsman/ Deputy Ombudsman: Learning Lessons & Strategic Support
10. Ensure up to date Memoranda of Understanding are in place with all key stakeholders to promote effective joint working by end March 2015	Delivered to time and quality [as endorsed by the PPO]	Deputy Ombudsman: Learning Lessons & Strategic Support

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## Stakeholder Engagement Plan 2014-15

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We must promote the work of the office, not only to improve our accessibility to the users of our service but also to share lessons with the purpose of improving practice. The following plan describes our priorities for improving communications through meaningful consultation with our stakeholders in the coming year. Some of these objectives are reflected in the main body of the business plan but progress against all objectives will be reviewed in-year.

Action	Stakeholder	Lead
Complete high quality, timely and proportionate investigations to help all services in remit to learn lessons and support improvement	Services in remit	Assistant Ombudsmen
Make robust, evidence based, time-bounded and outcome focused recommendations to provide a clear steer on required improvements	Services in remit	Investigators through Assistant Ombudsmen
Improve liaison and communication, sharing messages and investigations outcomes/ learning with prison staff and healthcare managers where appropriate including: <ul style="list-style-type: none"><li>• giving reasonable notice to interviewees, including those in healthcare</li><li>• ensuring that prison and healthcare staff are kept up to date when report findings change</li></ul>	Services in remit	Investigators
Provide ongoing Learning Lessons bulletins and theatics to promote improvement in the services in remit	Services in remit	Head of Learning Lessons
Produce a communications plan for each learning lessons bulletin and thematic to promote the wider circulation of learning	Media	Press Officer
Attend prison Q&A sessions, workshops and open days to raise awareness of the PPO's purpose and independence	Staff and Complainants	Ombudsman/ Deputy/ Assistant Ombudsmen
Provide a regular article to Inside Time and other related media to promote the role of the Ombudsman and to provide feedback on themes arising from investigations	Complainants/ bereaved families/ other stakeholders	Ombudsman
Introduce Learning Lessons seminars to share key lessons from investigations with those who can affect change	Services in remit/ other stakeholders	Ombudsman

Family Liaison Officers (FLOs) to provide support to families, where they wish to receive it, as part of every fatal incident investigation	Families	FLOs
Hold regular meetings with the Parliamentary and Health Services Ombudsman to clarify roles and working relationship	PHSO	Ombudsman/ Complaints Deputy Ombudsman
Attend meetings with relevant Coroners and their representative bodies to ensure effective joint working	Coroners	Ombudsman/ FII Deputy Ombudsman
Hold regular meetings with senior personnel from the services in remit to discuss emerging issues and press for improvement	Services in remit	Ombudsman/ Deputy Ombudsmen
Consult with key stakeholders, including other Arm's Length Bodies and non-Government organisations, on the themes for learning lessons analysis	Key stakeholders	Ombudsman
Hold regular meetings with the Independent Police Complaints Commission (IPCC) to share best practice	IPCC	Ombudsman
Hold regular meetings with Ministers	Parliamentarians	Ombudsman

## Equality & Diversity Plan 2014-15

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The promotion and celebration of equality and diversity within the office is a stated priority of the Ombudsman, the aim being to embed equality and diversity in all aspects of the office's work. To this end we have a cross-office Equality and Diversity Group (EDG), chaired by the Ombudsman, which meets quarterly and drives the equality and diversity action plan.

Action	Lead	Target Date
Ensure equality and diversity is discussed at all team meetings and provide quarterly equality and diversity update at full staff meetings	EDG members	Quarterly
Attend and contribute to the quarterly meetings of the Human Rights Regulators, Inspectorates and Ombudsman (RIO) forum	Research Officer	Quarterly
Review diversity data from recruitment campaigns to ensure processes are fair and unbiased	Research Officer	March 2015
Undertake further monitoring of key internal policies and processes to ensure fair and equitable application	Research Officer	March 2015
Undertake analysis of complainants' diversity characteristics and coverage of diversity issues in complaints received to ensure fair and equitable access	Research Officer	March 2015
Produce end of year report to staff in relation to equality and diversity group progress against the action plan	Head of Strategic Support / Ombudsman	March 2015
Deliver diversity training to all new staff	Head of Strategic Support	March 2015
Give due attention to equality and diversity issues in all publications	Ombudsman / Head of Strategic Support/ Head of Learning Lessons	March 2015
Maintain profile of equality and diversity matters across the PPO	EDG members	March 2015
Review the calendar of events and hold 3 events celebrating diversity within the office and in our work	Nominated EDG members	July 2014 November 2014 March 2015

## Learning & Development Plan 2014-15

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Individual training and development needs are identified during discussion between the line manager and their team member as part of the annual performance management review and appraisal process. There are also a number of cross-office learning and development opportunities that have been identified that are considered to be of benefit to the delivery of the office as a whole. The following list describes the priorities for the whole office for 2014-15:

- ongoing equality & diversity training for new staff as outlined in the equality and diversity action plan
- ongoing investigative skills training for new investigators
- Plain English report writing training for investigators
- Management and leadership training for new and incumbent managers
- promotion of the learning and development curriculum available through Civil Service Learning to support the minimum of 5 days of development per year for each member of staff
- promotion of the learning and development opportunities offered through Capita
- ongoing Lean and continuous improvement training for senior managers to help them support staff through a period of change.

These activities will be supplemented by core development provision such as:

- induction
- full staff meetings
- team meetings
- individual one to ones.

And mandatory e-learning on:

- unconscious bias
- disability awareness
- equality and diversity
- information assurance including the new government classification system.