

Strategic Plan 2012-16

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Foreword

When I took up post as Prisons and Probation Ombudsman in September 2011 I was optimistic that I could build on the strengths of the organisation despite the significant challenges that the role and the economic climate presented. I addressed these challenges, and my approach to them, in some detail at my appointment confirmation hearing before the House of Commons Justice Select Committee. The issues I set out then remain the key strategic commitments for my tenure and are:

- Maintaining and strengthening the independence of the office

I do not believe there is any reason to doubt the independence of mind of my staff and I, but visible independence can always be enhanced. For example, I refused to be housed in the Ministry of Justice headquarters with those we investigate and we are now working to reinforce our independence in revised terms of reference. However, placing the Ombudsman on a statutory footing would be a more signal statement of intent. Ministers of different hues have long supported this objective in principle. In December 2013, the Justice Secretary stated his support to the Joint Human Rights Select Committee. However, no specific bill has been identified and, in a crowded legislative calendar and with little political cache attached to the issue, opportunities are limited. I will continue to pursue every opportunity to reinforce the actual and perceived independence of my office.

- Improving delivery, particularly the timeliness of investigation reports

When I took up post there was no doubt that I was starting from a low performance base, particularly in terms of the timeliness of investigations. The Ombudsman's challenge was plain: to lead a demand-led organisation with a growing caseload but with year on year reductions in resources over the public spending round. It has therefore been necessary to look again at how investigations are delivered, to reengineer casework processes and to restructure the organisation. A key priority has been the application of a more proportionate approach to the work which makes best use of scarce funds by focusing on risk to redirect resources to the most serious investigations and away from those where there are fewer issues to resolve or lessons to learn.

- Increasing impact of investigation findings through the introduction of a learning lessons agenda

The Ombudsman's role is one of independent investigation leading where appropriate to redress for complainants and to the making of recommendations for improvement by those investigated. However, I am clear that my ambition should be beyond individual cases to broader learning that contributes – as set out in my office's vision – to safer and fairer custody and offender supervision. Accordingly, I have established a new and comprehensive agenda of learning lessons publications, which

focuses on identifying common themes across investigations to help to avoid the next complaint by remedying the issue at source and helping to prevent avoidable deaths.

These then are my key strategic priorities. They are what I set out on appointment, what I and my staff have been striving for and they provide the framework for this strategic plan. They are about making the Prisons and Probation Ombudsman more effective but they must be delivered with much greater efficiency than in the past. That is why I have had to put in place a major change programme to review and revise all aspects of our personnel structure and our investigative processes. This will deliver the expected 15% reduction in budget between 2010-11 and 2014-15, but has also begun to deliver some startling improvements in performance, particularly in terms of the timeliness of fatal incident investigations and in the well received learning lessons agenda. There is much left to do, but I am confident that my staff will rise to the challenge. I pay tribute to them for the change they have undergone and supported, even though it has at times been painful and demanding.

However, my office does not work in a vacuum. These key priorities have to be achieved despite being buffeted by external changes which inevitably impact on a demand-led workload in unpredicted ways. For example, we have absorbed an inexorable rise in the number of natural cause deaths to investigate as the prison population rapidly ages and we are currently addressing a dispiritingly sharp rise in self-inflicted deaths. Simultaneously, we are having to plan for increasing numbers of complaints arising from changes to legal aid, squeezed regimes and major penal policy changes.

Growing confidence in my office's work is also resulting in expansion of my remit, for example to investigating complaints in Secure Training Centres and deaths in Secure Children's Homes. We have even been asked to explore the possibility of undertaking a role in investigating deaths of prisoners detained under the Mental Health Act. I welcome these extensions of independent investigations into places of custody for some of the most vulnerable, but these are still further challenges to rise to.

My first two years in post were conducted in a difficult environment within which to protect, develop and improve the office's performance, but I was fortunate to have inherited a committed and value driven organisation. This strategic plan maps the organisation's approach to the remaining period of my tenure.

Nigel Newcomen CBE
Prisons and Probation Ombudsman
April 2014

Statement of Purpose

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

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

Values

- 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

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 and Prisoner Escort Contract Service; the Home Office (Immigration Enforcement); the Youth Justice Board; and Her Majesty's Courts and Tribunal 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

The work of the PPO is demand led and so the office must respond to all eligible complaints and deaths in remit. It is therefore difficult to predict the volume of work that will come into the office at any one time. This means that the bulk of our budget pays for staff in order to support our operational delivery. Any changes to the annual financial allocation will therefore have a direct impact on the number and type of staff that can be employed by the office and ergo the quality and timeliness of delivery.

Context

This section makes some assumptions about the kind of environment the PPO will be working in over the period of this plan that could have a direct impact on the strategic priorities of the Ombudsman.

- Continued significant change across the services in remit, including the introduction of competition in the delivery of probation services.
- Declining resource allocated to the services in remit whose efficiency, staff reduction and benchmarking exercises will impact on the day-to-day experience of those in detention and their reasons for complaint.
- Penal policy changes, particularly the tightening of the incentives and earned privileges scheme.
- Streamlining of the Prison Service complaints process which could increase the number of complaints coming to the office and/or impact on the quality of internal responses to prisoners.
- Policy changes, particularly the reduction in prisoner legal aid to prisoners and restrictions on judicial review, which could divert more complaints to the Ombudsman

- A rapidly ageing prison population caused by lengthening sentences and more prisoners being sentenced later in their life, inexorably increasing the numbers of natural cause deaths in custody.
- Declining resource available to the Ombudsman's office which will have an impact on the quality and timeliness of investigations.
- Continued reliance on investigation partners, for example NHS England clinical reviewers who are also experiencing major change and a squeeze on their resources, again affecting delivery of investigations.

The Plan

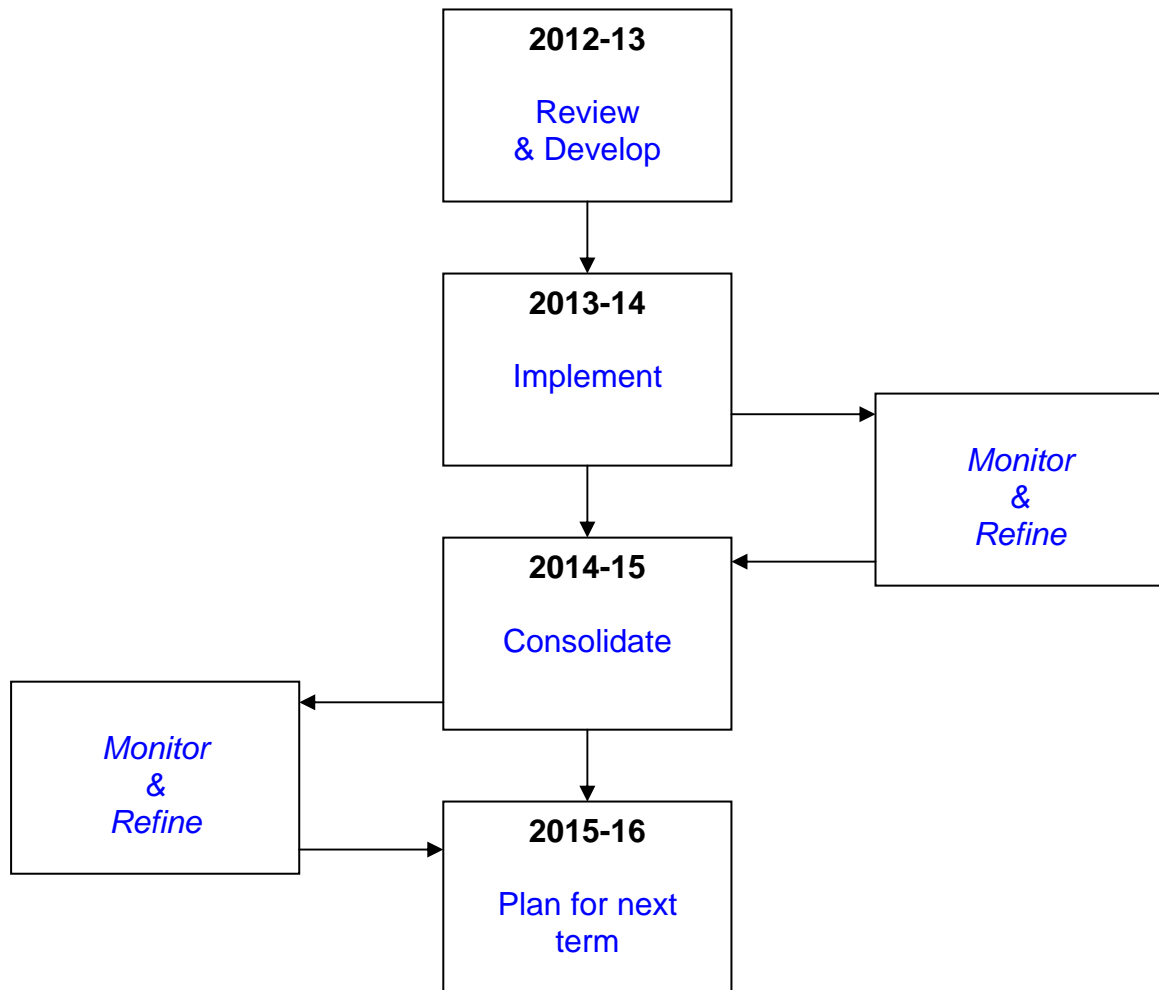
The plan is presented under four strategic themes which describe the priorities of the PPO for the period 2012-16. The key activities for the Ombudsman's term are set out under each of these themes.

Strategic Themes

1. Independence.
2. Effectiveness.
3. Influence.
4. Efficiency.

The Approach

As this plan covers the Ombudsman's term of appointment an annual approach will be taken to the delivery of the strategic themes with a different focus in each financial year. All key activities should therefore be considered according to the following annual model.



Progress against the key activities will be monitored and reviewed through the annual business plan objectives.

Independence

Maintain and reinforce our reputation for absolute independence.

The actual and perceived independence of the PPO from the services under investigation is essential in maintaining confidence in the impartiality and integrity of our findings. This confidence is crucial to the acceptance and impact of our recommendations and so it is important that it exists among all our stakeholders including complainants, bereaved families, staff and management in the services in remit, and other external commentators.

In order to monitor the stakeholder view of our services, we regularly seek feedback from those who are impacted by the work of the PPO's office. The most recent results are published on our website and actions identified to maintain and improve stakeholder perception of the Ombudsman's function.

Key activities

- Ensure the Ombudsman's Terms of Reference are reviewed so they enhance the independence of the office and accurately describe the full remit of the post.
- Gain Ministerial support for placing the Ombudsman's role on a statutory footing at the first legislative opportunity.
- Support the passage of legislation through Parliament ensuring the clauses reflect the extensive remit of the Ombudsman.
- Ensure that the consolidation of the Ministry of Justice's estate and any physical move of the Ombudsman's office does not have an adverse impact on the perceived independence of the role.
- Improve stakeholders' view of the office's independence.

Effectiveness

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

During 2011-12 we delivered 21% of draft fatal incident reports on time¹ and 53% of complaints investigations². While the former figure was an improvement on the previous year, the latter was a deterioration but with a business plan target of 70% and 60% respectively of reports delivered on time we were clearly not reaching our objectives. This meant that both bereaved families and complainants were left without an answer to their questions or any element of closure and the opportunity to learn timely lessons was often lost. This was clearly a priority area for the Ombudsman's tenure.

Key activities

- Achieve a year-on-year improvement in casework performance and quality, irrespective of demand through:
 - Applying a continuous improvement approach to investigation methodology, introducing a more efficient and effective investigation and report production process in order to deliver against target
 - Introducing a more proportionate approach to investigation based on the seriousness and complexity of the topic of investigation
 - Improving delivery targets
 - Improving management information in order to manage better the delivery against targets
 - Improving the quality and timeliness of the clinical review contribution to fatal incident investigations.

¹ Within 20 weeks for a natural causes death and 26 weeks for a self-inflicted death

² Within 12 weeks of the complaint being assessed as eligible

Influence

Improve our influence through the identification and sharing of lessons learned from our investigations.

Each investigation report necessarily focuses on the issues raised in that one case, in that one location. Recommendations from such investigations can be effective when applied in this focused way and, without a doubt, will be of benefit to the subject of the report. However, lessons that equally apply across an estate can easily be lost.

It is important that repeated issues identified across multiple investigations are identified and shared, in order to affect change more widely. Hence the commitment to implement a learning lessons agenda that would identify key lessons across one or even multiple sectors.

Key activities

- Improve the impact of investigation recommendations by making them specific, measurable, achievable, realistic and time-bound.
- Challenge rejected recommendations and follow-up progress.
- Develop and implement a learning lessons agenda that will identify and share timely lessons across one or more sectors.
- Devise and implement a stakeholder strategy that describes how we will consult, seek and act on feedback, and promote the sharing of information to the benefit of our service users.
- Agree funded extensions to the Ombudsman's remit to include the investigation of complaints and or deaths in other places of detention as identified by Ministers.

Efficiency

Use our resources efficiently and effectively.

In addition to the 15% spending review cuts, the office has been faced with the continued threat of further budget reductions. This is no surprise in the current context and we should all be held to account for how we spend public funds. But being a demand-led organisation, we have little control over the workload coming into the office and little opportunity to accurately forecast what the demand is likely to be in the coming years.

An organisational structure that would not be overly influenced by shifting finances, could robustly resist small shifts in workload, as well as, importantly, supporting improvements in delivery was required.

Key activities

- Conduct an organisational review and ensure structural and IT support to performance improvement and efficiency.
- Negotiate appropriate budget allocations based on real and anticipated changes to workload.
- Deliver required cost reductions.