



## PPO Complainants' Survey 2013/14

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## Our Vision

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

## Our Values

We are:

**Impartial:** *we do not take sides*

**Respectful:** *we are considerate and courteous*

**Inclusive:** *we value diversity*

**Dedicated:** *we are determined and focused, and we*

**Act with integrity:** *we are honest and fair*

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## Foreword



*"A lot of people turn to you for help so do your best." (quote from complainant)*

The ability to complain about your conditions and treatment is a basic entitlement for anyone in custody or under probation supervision. To then be able to complain to an outside independent body, such as my office, if you remain dissatisfied with the way your internal complaint has been dealt with is, similarly, a mark of a civilised criminal justice system. However, if my staff and I are to offer an effective service it is essential we understand the views and expectations of those who complain to us.

This is the second annual report of the complainant survey which we introduced in 2012 and compares the two years. It also identifies what we did after last year's survey and what we will do as a result of this year's.

Once again levels of satisfaction, understandably, depended a lot on whether the complaint was upheld. Complaints were upheld in around 38% of the eligible cases, 2% more than the year before. However, it is pleasing that, even when complaints were *not* upheld, most levels of satisfaction increased, as did some of the already high scores where they were upheld. This is an important sign that, even when we do not find in favour of a complainant, more of them feel they have had a fair hearing. I hope it is also a sign that our service and timeliness is slowly being recognised as improving after a period when we have struggled with a big backlog of cases.

However, there is a long way to go, which is why we have identified lessons for the coming year. These include communicating better with complainants, for example to help them make eligible complaints (more than half remain ineligible), to keep them informed about progress on their case and to explain how they can use us better.

We will continue to do our best.

A handwritten signature in black ink, which appears to read 'Nigel Newcomen'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Nigel Newcomen

Prisons and Probation Ombudsman

## Executive summary

Understanding the views and expectations of complainants is key to improving the quality and effectiveness of Prisons and Probation Ombudsman (PPO) complaint investigations. In October 2012, the PPO introduced a new way of requesting feedback from complainants – the Complainants' Feedback Survey. This report looks at the results and lessons from the second year of data from the survey.

Since the previous year's survey the PPO had:

- Filled investigator vacancies and increased the number of investigators
- Introduced new ways of working to ensure investigations are more timely and more proportionate.
- Established a dedicated team to work on reducing the backlog of older complaints.
- Created a team to focus on more serious complaints, such as allegations of assault.
- Declined to investigate some eligible cases where there could be no worthwhile outcome.
- Undertaken a review of where our communications materials were displayed.
- Trained our staff in the use of plain English.

The second year survey asked about complaints completed between October 2013 and September 2014. We received 329 responses to the survey. These were split between ineligible complaints, eligible complaints that we had upheld in favour of the complainant, and eligible complaints that we had not upheld. There were two questionnaires used for eligible and ineligible complaints.

## Summary of our key findings

- **The two most common sources of information about the PPO were other prisoners and Inside Time (the prisoner newspaper). Most had found it easy to get information about the PPO.**
- **82% could remember receiving a response from the PPO telling them whether or not we would be investigating.**
- **Over half were satisfied with the time it took to get the reply, but this differed depending on the outcome of the complaint. Satisfaction about the initial reply was highest (70%) when the complaint had been upheld and lowest (53%) when the complaint was not upheld.**
- **Where a complaint was ineligible, 76% of complainants were able to recall the reason we had given as to why we could not investigate.**
- **Where complaints were eligible, satisfaction with the investigation and report was closely related to the outcome of the complaint:**
  - 76% of complainants whose case was upheld felt we had provided them with the right amount of detail when we contacted them with the result. This fell to 48% when the complaint was not upheld.
  - 73% felt the complaint had been treated seriously if it had been upheld, but this fell to 29% when it had not been.
  - It was notable that, compared to the previous year, we improved the overall scores for each of the measures of satisfaction for not upheld complaints and for two measures for upheld complaints (which were already much higher). In 2013-14, 43% of complainants whose case was not upheld felt treated with respect up from 33% previously.

There were also open questions about what the PPO does well and where we can improve which are used to inform and illustrate our findings.

## How can we improve our service?

The survey results suggest the following lessons which we will build into our business planning:

### 1. Introduce a new PPO Communications Strategy

We will devise a new communication strategy to ensure dissemination of information about our remit and what we can investigate. This strategy will be aimed at prisoners, immigration detainees and those under probation supervision, but also to solicitors, Independent Monitoring Boards (IMBs), advocates and other providers of information to potential complainants. The strategy will also identify ways to make this information more accessible to those with low literacy, disabilities, or English as a second language.

### 2. Formal reminders for services

We will issue formal reminders to services of their obligations with regard to the PPO, for example that under PSI 58/2010 Governors *must* ensure that:

- *Information about the PPO is made widely available to all prisoners*
- *Posters and leaflets in respect of the PPO are displayed in prison libraries, reception and on all prisoner notice boards*

### 3. Increased cooperation with stakeholders

We will work with HM Inspectorates of Prisons and Probation, IMBs and advocates to ensure this information is actually in place.

### 4. More effective communication with complainants

We will communicate effectively with individual complainants. In particular, investigators will: explain decisions and keep complainants up to date (including about any delays); explain that the prison will be contacted during the investigation to gather evidence in order to make a fair decision; and clarify that, unless information is missing from the original complaint forms and letter to the PPO, the complainant may not hear anything further until the final decision.

# 1. Introduction

We need to understand the expectations and experiences of our stakeholders to ensure that our work is as well informed and effective as possible and continues to improve. Since October 2012, the Ombudsman has been requesting feedback on our service from a sample of complainants each month.

This report looks at the second year of responses, about complaints closed between October 2013 and September 2014. We refer to the second year as 2013-14 in the report.

About half the complaints the PPO receives are not eligible for investigation. The survey looks both at complaints we could investigate and those that were found to be ineligible for investigation. The aim was to highlight things we are doing well, help identify areas for improvement, and understand the perspective of complainants better.

## 1.1. About the survey

Each month a sample is taken of the cases closed in the previous month. This selects a 'core' sample at random of 20 ineligible complaints<sup>1</sup>, 20 eligible cases where the Ombudsman has upheld the complaint following investigation, and 20 eligible cases where the Ombudsman has not upheld the complaint following an investigation. Eligibility for investigation is determined by the Ombudsman's Terms of Reference<sup>2</sup>. The upheld group includes both fully and partially upheld complaints.

Complaints are assigned a random value between 0 and 1 (using a random number function in MS Excel); the complaints with values closest to 1 were selected. In order to ensure sufficient feedback from some of the groups from whom the Ombudsman receives fewest complaints, the 'core' sample was boosted by additionally surveying: all female complainants, all those aged under 21, all immigration detainees, and all eligible complaints from those under probation supervision. Complainants are only sampled about one complaint in the twelve month period, even though they may make more than one complaint in that time.

**Table 1: The sample and response rate**

	Sample	Responses	Response rate
Core – Eligible case upheld	240	93	39%
Core - Eligible case not upheld	240	94	39%
Core – Ineligible case	240	87	36%
Females	53	21	40%
Young people	35	6	17%
Immigration detainees	57	9	16%
Probation – Eligible cases	44	19	43%
<i>Total</i>	<i>909</i>	<i>329</i>	<i>36%</i>

<sup>1</sup> To ensure coverage of ineligible complaints from people under probation supervision 16 prison and 4 probation cases were sampled each month.

<sup>2</sup> The Terms of Reference are available on the PPO website: <http://www.ppo.gov.uk/terms-of-reference.html>



The survey is a paper questionnaire sent by post. While problems with literacy among the prison population mean this is not an ideal way to interact with prisoners, the respondents have already written to the PPO with their complaint.

In total, 909 surveys were sent out and, by 1 December 2014, (one month after the last batch of surveys were posted) 329 responses had been received – an overall response rate of 36%. This is comparable to the first year the survey, October 2012 - September 2013 (2012-13), when the response rate was 38% of 917 questionnaires.

There are two versions of the questionnaire – one for eligible complaints and the other for ineligible complaints. Both ask the same questions about how the complainant found out about the Ombudsman's office, about their experience of making the complaint, and about how the Ombudsman acknowledged the complaint.

The questionnaire for eligible complaints then asks questions about the investigation process, the outcome of the investigation and the complainant's satisfaction with our service. The ineligible complaints survey asks instead about the complainant's understanding of the assessment that the complaint is ineligible and about what they plan to do next. Some of the satisfaction questions are specific to eligible complaints, while others are also asked in the survey about ineligible complaints.

The questionnaires used were the same for the 2012-13 and 2013-14 surveys.

Even in the short period of time between the PPO's final communication with the complainant and the survey being posted, we found some complainants had moved establishments, had been released or had changed address: 13% of the surveys were returned to sender.

The sample was designed to give the best possible insight into a broad range of our complainants and, to do this, certain groups were intentionally over-sampled. The analysis presented in this report uses weights<sup>3</sup> to adjust for this unequal probability of selection to prevent the different groups being over or under represented in the findings. Table 2 shows the proportions of the different groups sampled.

**Table 2: The selection of the sample**

	<b>Total Complainants</b>	<b>Total sent a survey</b>	<b>Selection Probability</b>
Core – Eligible upheld	656	240	23%
Core – Eligible not upheld	1055	240	37%
Core – Ineligible	2171	240	11%
Females	53	53	100%
Young people	35	35	100%
Immigration detainees	57	57	100%
Probation - Eligible complaints	44	44	100%

<sup>3</sup> As a result of weighting the data, this report gives percentages of complainants throughout, rather than the total number of responses.

## **1.2. First year survey – Action taken**

The analysis of the results<sup>4</sup> from the first year of the survey identified a number of areas for improvement. The lessons were:

- The PPO needs to continue to implement its strategy to reduce the backlog of unallocated complaint cases and improve overall timeliness.
- The PPO needs to ensure complainants receive appropriate communication during investigations.
- The PPO will undertake a joint thematic review with HM Inspectorate of Prisons on the internal Prison Service complaints system.
- The PPO's Communication Strategy needs to ensure better understanding of our remit among complainants.

Over the past year there has been a considerable amount of work towards these goals. However, much of the work has taken place during this survey period so it is possibly too early to see significant improvements in complainants' responses.

### ***1. The PPO needs to continue to implement its strategy to reduce the backlog of unallocated complaint cases and improve overall timeliness.***

Work to reduce the backlog has been a principal focus. Vacancies for investigators have now been filled, additional staff recruited and new staff have been trained and are getting up to speed. A dedicated team was established to tackle the older complaint cases, freeing up the other teams to respond to complaints as they are received.

A 'lean' review was undertaken to identify where our processes and efficiency could be improved. We continue to look to improve our timeliness and effectiveness of complaint investigations.

To make the best use of our limited resources, we continue to decline to investigate complaints that do not raise a substantial issue or where we considered that there was no worthwhile outcome that an investigation could achieve. However, it is important to stress that, in pursuing this necessary proportionate approach, we ensure that our assessors do not lose sight of the fact that some apparently trivial problems can be very important to complainants.

### ***2. The PPO needs to ensure complainants receive appropriate communication during investigations.***

The Ombudsman now has a dedicated team of investigators who work on serious complaints. In these cases, it is now PPO policy to attend and interview the complainant face to face. Two per cent of the complainants reported meeting an investigator face to face.

In most other cases, the investigator will keep in touch with the complainant by phone or in writing. It is, therefore, disappointing that in 39% of cases the complainants still say they were not contacted during the investigation.

### ***3. The PPO will undertake a joint thematic with HM Inspectorate of Prisons on the internal Prison Service complaints system.***

Complainants continued to express their dissatisfaction with the internal complaints processes. It remains a significant challenge for our assessment team to establish whether prisoners have acted correctly and the prison has failed to respond to complaints, as opposed to prisoners who come to us directly without using internal processes first.

We remain convinced of the importance of the issue and are in the planning stage of the joint thematic report with HM Inspectorate of Prisons.

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<sup>4</sup> The report about this, *Complainant Survey 2012-13*, is available online at [www.ppo.gov.uk](http://www.ppo.gov.uk)

***4. The PPO's Communication Strategy needs to ensure better understanding of our remit among complainants.***

In the past year, we have undertaken a review of our communications strategy which included an assessment of where our leaflets and posters are being made available. We have continued to send materials out to prisons but it seems that too often these are not being displayed.

The Ombudsman continued to contribute articles to the prisoner newspaper Inside Time with the aim of increasing understanding and awareness of our work. This was also an important communication tool when the Ombudsman used Inside Time to advertise our change of address at the beginning of the 2013-14 survey period. A series of adverts are being broadcast on Prison Radio in 2015 as a way of reaching a broader audience with information about our remit.

The survey has been updated for 2014-15 and we will be seeking feedback from complainants about whether they needed any further information over what is currently contained in our leaflets and posters.

## 2. Findings

This section explores the results of the 2013-14 survey and draws comparisons with the previous year.

The first three sections look at questions asked about both the eligible (investigated) and ineligible (where we were unable to investigate) complaints. This covers:

- how complainants found out about the PPO
- their experience making the complaint
- how the Ombudsman responded to them.

The next section looks at the questions specific to ineligible complaints. This covers how clearly we explained why we could not investigate and whether complainants planned to take any further action with their complaint.

After that, the focus turns to the eligible complaints where we investigated. The questions for these complainants were more extensive and cover:

- their experience during investigation
- the outcome of the complaint
- their view of the service provided by the PPO

The final section is about satisfaction with the PPO, and examples of good or bad practice. Most of these questions were asked about both eligible and ineligible complaints.

### 2.1. Finding out about us

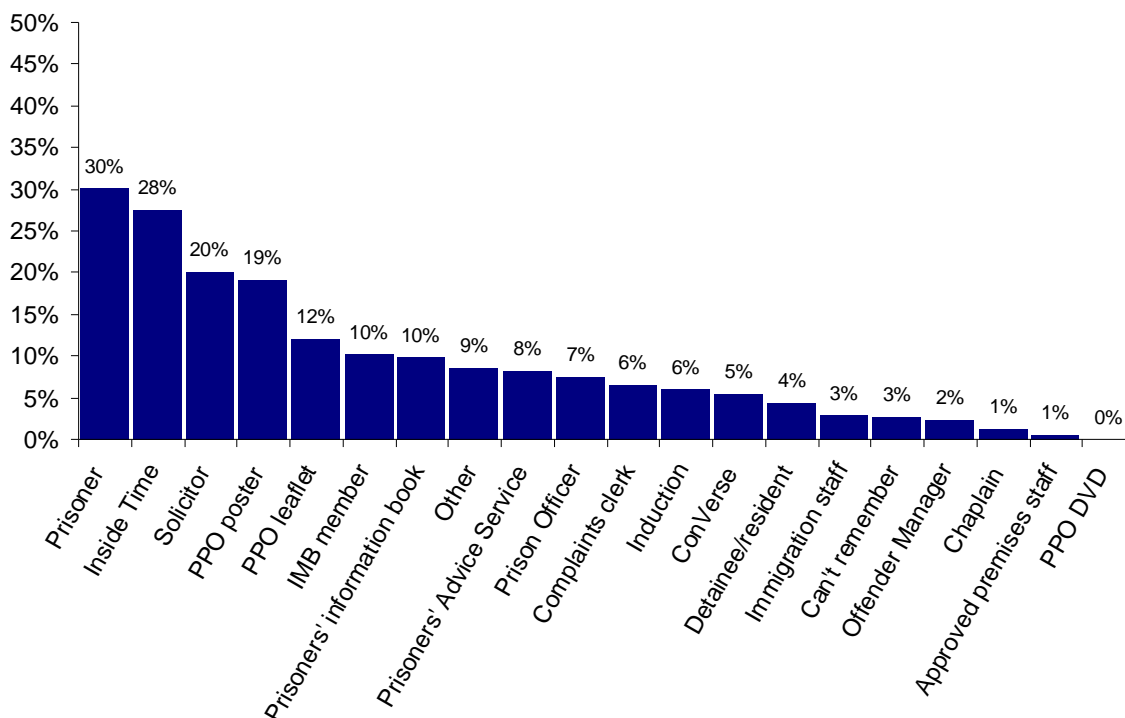
Complainants were asked how they had heard of the PPO. They were able to select multiple options from a list, or write in alternative sources of information.

The two most common sources of information were other prisoners and Inside Time (the prisoner newspaper). These were identified by 30% and 28% of complainants respectively. The next most common sources were: a solicitor (20%), a PPO poster (19%), or a PPO leaflet (12%).

The 'other' category was selected by 9% of complainants. Responses varied greatly but included sources such as family members, the Prison Reform Trust, and previous use of our service.

The proportion hearing about the PPO from Inside Time has increased 9% from last year's 19%; otherwise the picture is similar.

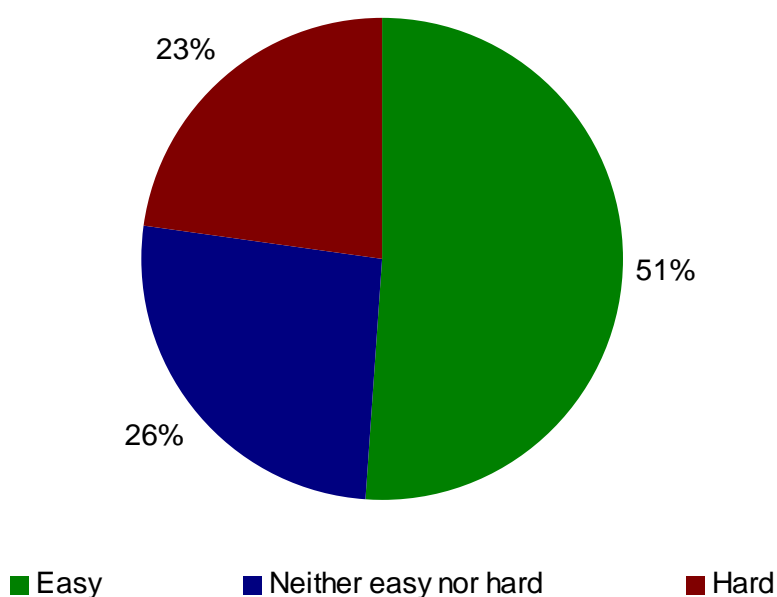
**Figure 1: "how did you find out about the Prisons and Probation Ombudsman?"<sup>5</sup>**



Overall, people did not struggle to find information about the PPO; 51% said they had found it easy, and a further 26% had found it neither particularly easy nor hard. This is shown in figure 2 and is very similar to the previous year (51% easy, 28% neutral, 22% hard).

Unfortunately, nearly a quarter (23%) had found it hard to find out about the PPO and it seems that this may have had an effect on their ability to complain effectively: 72% of those who found it hard made ineligible complaints.

**Figure 2: "How easy was it to find out about the PPO?"**



<sup>5</sup> Respondents were able to select more than one option, so the total is greater than 100%

The questionnaire also asked if complainants had seen one of our leaflets or posters. There are thumbnail images included on the questionnaire as a prompt. Nearly half (49%) of complainants could not remember seeing either type of material which is disappointing given that during the year the PPO made renewed efforts to ensure these were sent out to establishments for display.

This was not affected by whether the complaint had been eligible or not, and it is almost the same situation as the previous year when 51% of complainants had not seen either posters or a leaflet. A further 12% could not be sure if they had seen them or not.

Complainants - eligible or ineligible, in both years - were slightly more likely to have seen a poster than a leaflet. In 2013-14, 26% had seen a poster and 20% had seen a leaflet, including a small minority who had seen both.

We asked complainants "What could we do to make it easier to find out about the PPO?". This was an open question for complainants to write in a suggestion. The two most frequent suggestions are to some extent beyond our control. The first was to force prisons to put up posters on every wing and to distribute the leaflets to all prisoners during induction – PSI 58/2010 requires prisons to display material about the PPO but we are unable to enforce it. The second was to visit prisons to introduce ourselves to prisoners and take complaints in person, but this is clearly beyond what our resources allow. Many people indicated there was nothing more we needed to do, or that it was currently easy enough to get information.

Other common suggestions were to advertise in Inside Time, which we already do, and on Prison Radio, where our adverts began broadcasting in February 2015. A few people mentioned that they had found or been given our old address or phone number. Although we have sent the new information<sup>6</sup> to prisons several times and placed information in Inside Time, trying to disseminate this information to the staff and complainants who need it has proven to be difficult.

Some other suggestions included:

- **say how long it takes to resolve a complaint;**
- **make the information large print and have versions for those with low-literacy or English as a second language;**
- **help prison staff or prisoner representatives know more about the PPO and be able to explain it to others;**
- **include a leaflet in Inside Time (or other promotional item, coffee coasters were suggested by one);**
- **run information about the PPO on prison television.**

## **2.2. Making complaints**

Complainants were next asked about their experience of making complaints. Unsurprisingly, complainants use the internal systems more than they use the PPO, in twelve months 79% had made more than 1 complaint internally but only 53% had complained more than once to the PPO.

Ineligible complainants were most likely to have come to us multiple times (6% had complained at least 10 times to the PPO in a year) but were also likely to have used the internal systems less (1% had not used them and 26% had only used them once). To some extent this is as expected: the most common reason a complaint is ineligible is that the complainant has not made the complaint to the service first.

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<sup>6</sup> From November 2013 the address for complaints is "Prisons and Probation Ombudsman, PO Box 70769, SE1P 4XY".

Figure 3: "How many times have you complained to the PPO in the last 12 months?"

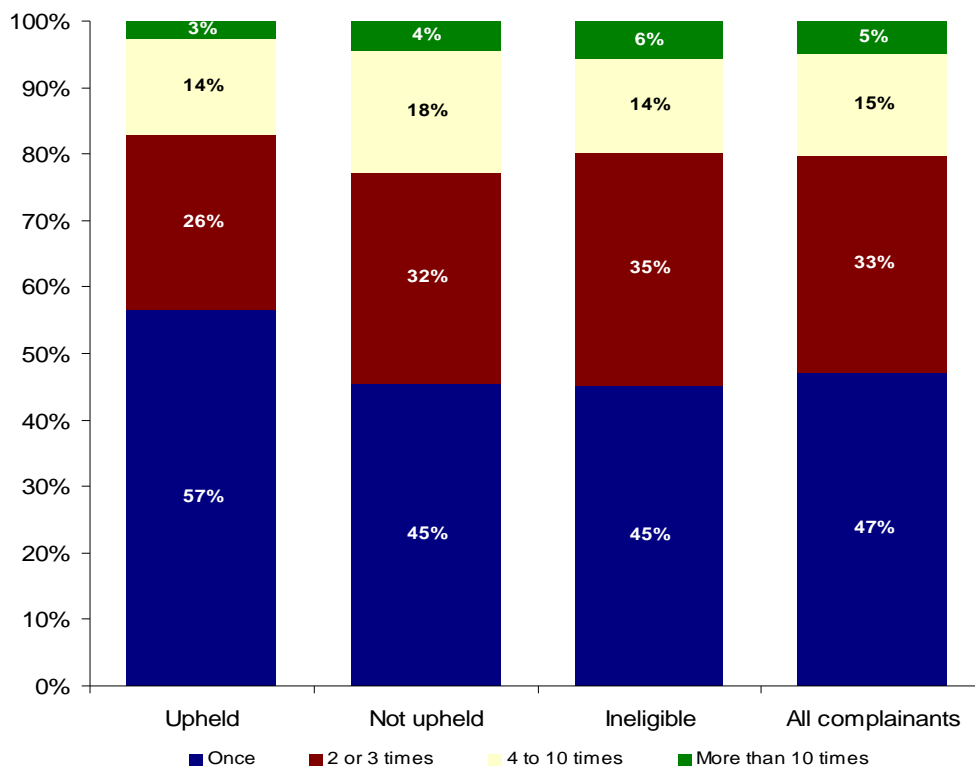
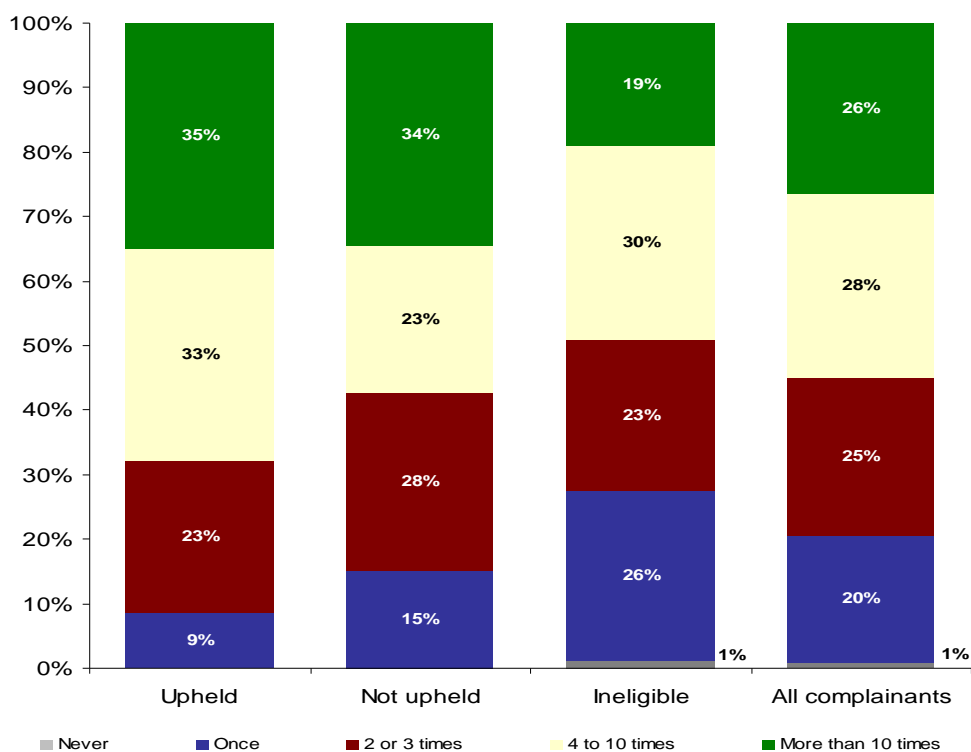


Figure 4: "How many times have you complained using the internal complaints systems in the last 12 months?"



In April 2012, the internal prison complaints system was streamlined to a two stage process. Nearly two fifths (39%) of complainants reported that they felt this had resulted in worse internal handling of complaints, and 36% felt it had made no difference.

This is a change from the previous year when more people felt the two stage process had made no difference (41%) than thought complaints handling had become worse (35%). This is the last year we will ask this question as the 2 stage process has been in place in most establishments for several years now. However, these responses reflect continuing dissatisfaction with the quality of complaints handling within prisons.

### 2.3. Acknowledging the complaint

When the PPO receives a complaint, it is assessed to decide whether it is eligible to be investigated. A letter is then sent to the complainant informing them of the decision. It is expected that every complaint will be responded to in this way. Overall, 82% of complainants remembered receiving the response; this is the same as the previous year where 84% could remember the letter.

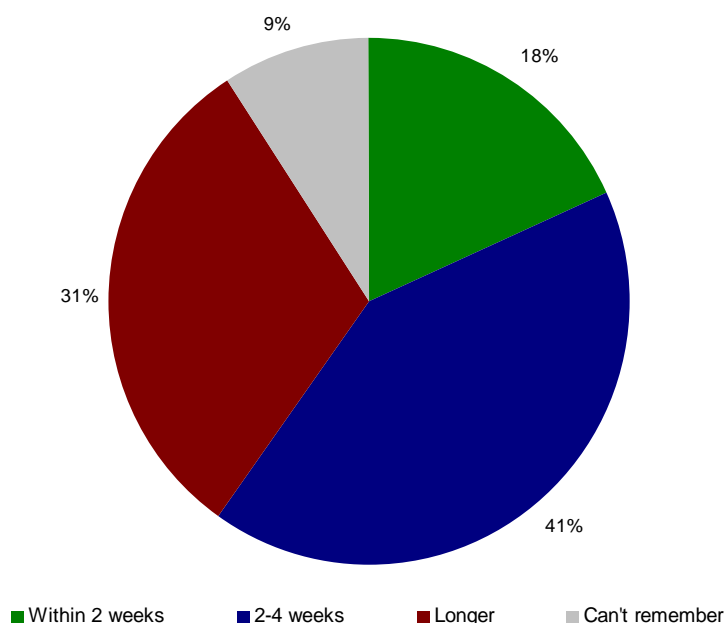
Unfortunately, this was lowest among people with ineligible complaints, just 75% of whom said they got the response. This is problematic because it will generally be the final piece of communication they receive from the PPO without which they may believe their complaint is being investigated. It is also perplexing: the response to their complaint should have been just weeks before they received the questionnaire. The addresses used for the survey are from the same database as would have been used to send a letter. However, the contact with the PPO was less extensive after an ineligible complaint and perhaps this meant it was also less memorable.

The PPO aims to assess complaints within ten working days of receipt. Allowing for the time it can take to reach us in the post and then return to the complainants, we would expect them to have received the reply within four weeks. Figure 5 shows the responses just for people who could remember the reply, of these 59% received the reply within four weeks; it took longer for 31%.

This was very similar regardless of whether the complaint was upheld, not upheld or had been ineligible. It is also broadly similar to the previous year when overall 63% had received a reply in four weeks.

The outcome of the complaint did make a difference, however, when it came to whether complainants were satisfied with the time taken to get a response. Of those whose complaint was upheld, 70% were satisfied with the time of the initial response; this was just 61% among ineligible complainants and even lower among those whose complaint was not upheld (53% satisfied).

Figure 5: "How long after sending your complaint did you receive the reply?" (only those who remembered the reply)





## 2.4. Ineligible complaints

Complaints are assessed against the PPO's Terms of Reference<sup>7</sup> to see if we are able to investigate. The most common reason we cannot investigate is because the complaint has not been through the full prison (or other service) complaint system first. Other reasons include: complaints about issues beyond our remit (such as sentencing decisions or medical care), or complaints about things that happened too long ago.

There is a slightly different version of the questionnaire aimed at complainants whose case was not investigated. It asks if they understood the reason for this, and just over half (51%) responded that they had understood 'very' or 'quite' clearly. There was a little improvement from last year when 48% had understood, but 37% said they did not understand 'at all' why their complaint was not investigated. This year 32% said they did not understand 'at all'.

The questionnaire goes on to ask what could be done to make the explanation easier to understand. It seems that some complainants respond more on whether they agreed with the reason given. Other comments suggest that some complainants incorrectly think we have looked into the substance of their complaint and found in favour of the prison.

Apart from the complainants who indicated that they had not received a reply telling them their complaint was ineligible, the issue did not seem to be the method of communication or the language. Instead, the main problem was with a lack of understanding of the PPO process and, in particular, the restrictions on our ability to investigate.

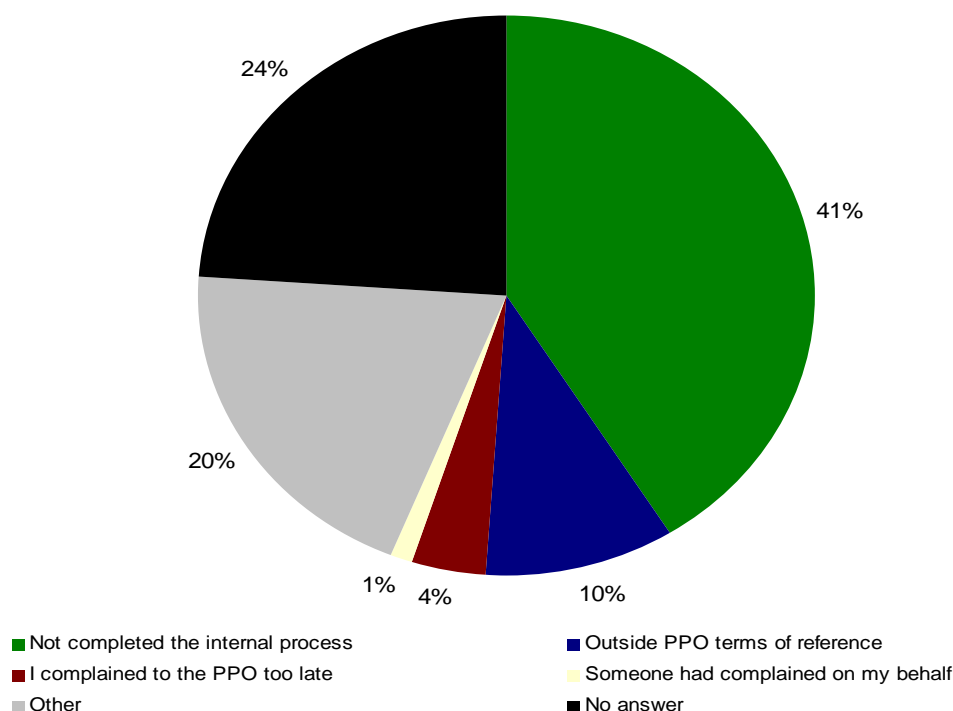
*"As I didn't do form 1A as I'd done 10 Form 1's you didn't help me!"*

*"Saw my points of view not took sides with the opposition... without giving me the opportunity to defend myself."*

*"I didn't understand because I had a legitimate complaint."*

<sup>7</sup> The Terms of Reference are available on the PPO website: <http://www.ppo.gov.uk/terms-of-reference.html>

Figure 6: "What reason did we give?"



As shown in Figure 6, three quarters (76%) of respondents were able to say which reason we had given for their complaint not being investigated. The open responses supplied by the 20% who selected 'other' reinforce the messages above, although others referred to Paragraph 15 (when the Ombudsman declines to investigate due to there being no substantive issue) or said they were not given a reason. A number of the responses, if correct, reveal serious flaws with the internal prison processes:

*"Even though I did [complete the internal process], but the officers must have binned it."*

*"I did complete the internal complaint forms. They just ignore the complaints."*

Claims that complaints have been lost or blocked can be very difficult for the PPO to verify, although we do take such possibilities seriously.

We compared the answers given to the information recorded on the PPO's database. Fifty-five per cent of respondents gave the same reason that had been recorded by the PPO. This suggests many complainants are not clear why the PPO would not investigate their case.

Recently, the PPO changed the letters we send following an ineligible complaint to make the information easier to understand and to remove some 'tick boxes' that had been causing confusion. Our staff have also recently been trained in using plain English.

When asked if they were planning to do anything further with the complaint, 24% said they were not doing anything, and only 18% said they would try to complete the internal processes. Most people seem to be planning to send it to another body. A wide range were written into the 'other' option, including: solicitors or lawyers, courts, the Home Office, the Ministry of Justice, Independent Monitoring Boards, Members of Parliament, Prisons Advice Service, or the Prison Reform Trust. A small number said they would send it straight back to the PPO.

## 2.5. Eligible complaints

The questionnaire for eligible complaints is different and asks more extensive questions covering the investigation and the complainant's experience of our service. Last year, and in previous surveys, there was a clear difference in levels of satisfaction depending on whether the complaint was upheld in favour of the complainant or not. For this reason, we have looked at the responses as a comparison of upheld and not upheld complaints.

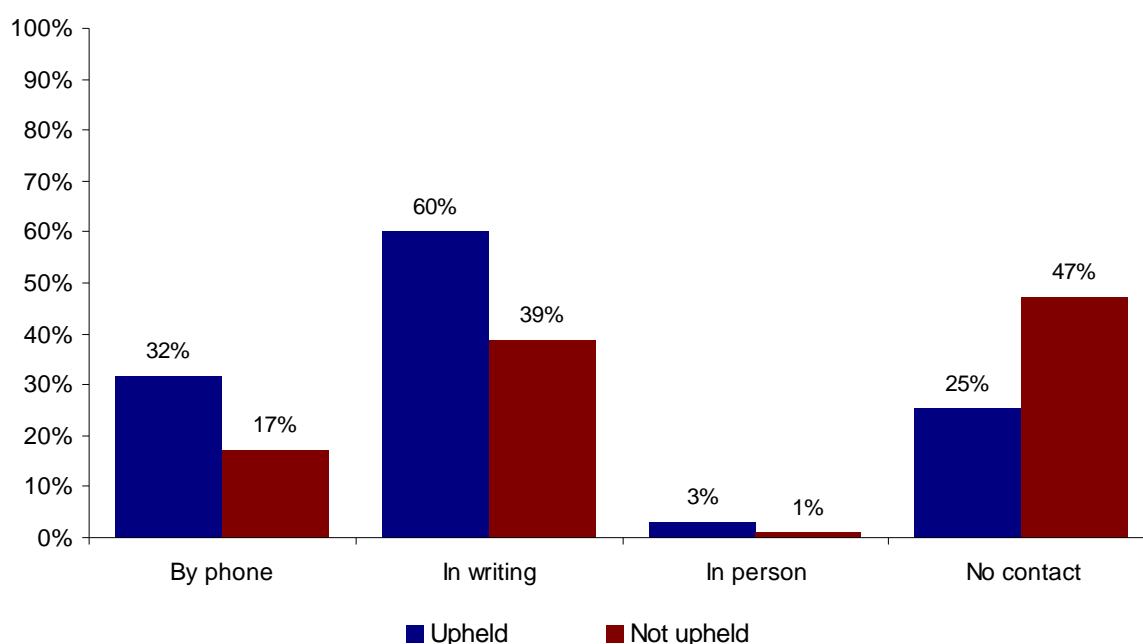
All complainants are contacted in writing when we receive their complaint and, if the case is investigated, they are written to later with our decision and findings. The survey asks if there was any additional contact with the complainant during the investigation. As the PPO already has evidence from the complainant in their internal complaint forms, their letter to the PPO and any additional evidence sent, it is not always necessary for the investigator to contact the complainant for further information. In particular, property and adjudication complaints, two of the most frequent categories of complaint we receive, can often be investigated without additional information from the complainant.

Phoning a prison to speak to a prisoner can be logistically difficult because the telephones available to prisoners cannot receive calls. To call a prison, the Ombudsman's investigators must go through the switchboard and reach the correct part of the prison at a time both when the prisoner is available to speak and staff are available to facilitate it. This means even a short conversation can prove overly resource and time intensive to arrange.

Even though conversations with the PPO shouldn't be monitored, often the location of the telephones means that staff or other prisoners can overhear the conversation. For these reasons, it is often preferable to write to complainants, even though it may mean waiting several weeks for a response.

Almost half of complainants whose case was not upheld say they were not contacted during the investigation. When complainants were contacted this was most often in writing or by phone, the proportions are very similar to last year. A small proportion of complainants (likely to be those who have made serious complaints) were visited in person.

**Figure 7: "Did you have any contact with the PPO's investigator during the investigation?"**

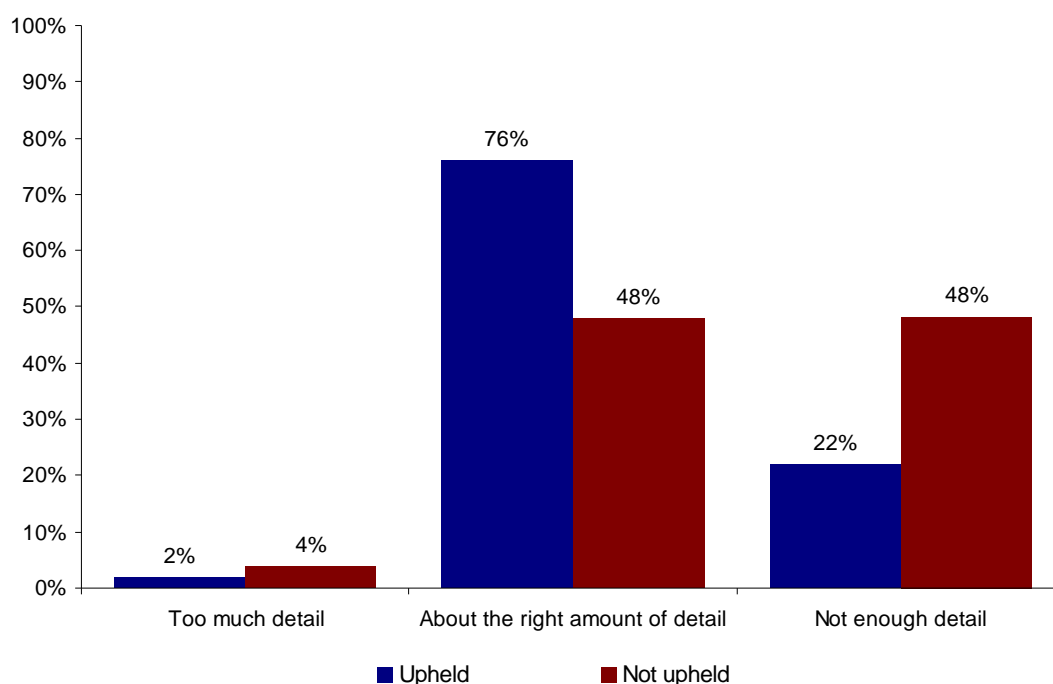


### 2.5.1. The outcome

There are a number of ways the outcome of the complaint can be communicated to the complainant: letters, records of the investigation, and formal reports (usually where recommendations are made to the service or establishment). In some cases, a standard form is used to convey the findings. Investigators aim to tailor the style and length of communications to be proportionate to the case and also be appropriate for the individual prisoner.

As figure 8 shows, investigators evidently judged this correctly in most upheld complaint cases; 76% felt they had received the right amount of detail. Conversely, nearly half (48%) of not upheld complainants felt they had not received enough detail in our response. However, this is still an improvement as in the previous year 61% of not upheld complainants felt they had not received enough detail.

Figure 8: "Did you feel there was..." Complainants' view of the level of detail they received



Although more complainants felt they had received the appropriate amount of information, the proportion finding it easy to understand the decision was very similar. In 2013-14, 56% of complainants had found it easy to understand the decision, compared to the 55% who said the same the previous year.

Difficulty understanding the decision would seem to be more about not understanding (or agreeing with) the particular reasoning of an investigation, rather than the specific language used. Overall, 76% said there was no jargon which was used and not explained (this was similar for upheld and not upheld complaints, and the same percentage as in 2012-13).

This was backed up by comments in response to 'What could make it easier to understand?', although it was mentioned several times that a telephone or face to face report would be easier. One person who had been visited asked that in future investigators consider booking a legal visit, as he felt there had not been enough privacy when he had been seen.

*"Letters from the PPO are usually clear to understand."*

*"You were clear, concise and to the point."*

**Table 1: How easy was it for you to understand the Ombudsman's decision?**

	<b>Upheld</b>	<b>Not upheld</b>	<b>Total</b>
Hard	16%	30%	25%
Neither easy nor hard	13%	23%	19%
Easy	71%	47%	56%

Complainants were asked what they hoped would result from their complaint. Some of the most common responses were a desire for a fair outcome, for the decision of the prison to be overturned, to receive justice and to receive a decision in their favour. Others were highly specific to the nature of the complaint, for example saying they hoped property would be returned or paid for, restrictions on family contact removed, and to be able to return to work.

*"My property to be found. It wasn't about money."*

*"I hoped justice would be done and compensation would be paid."*

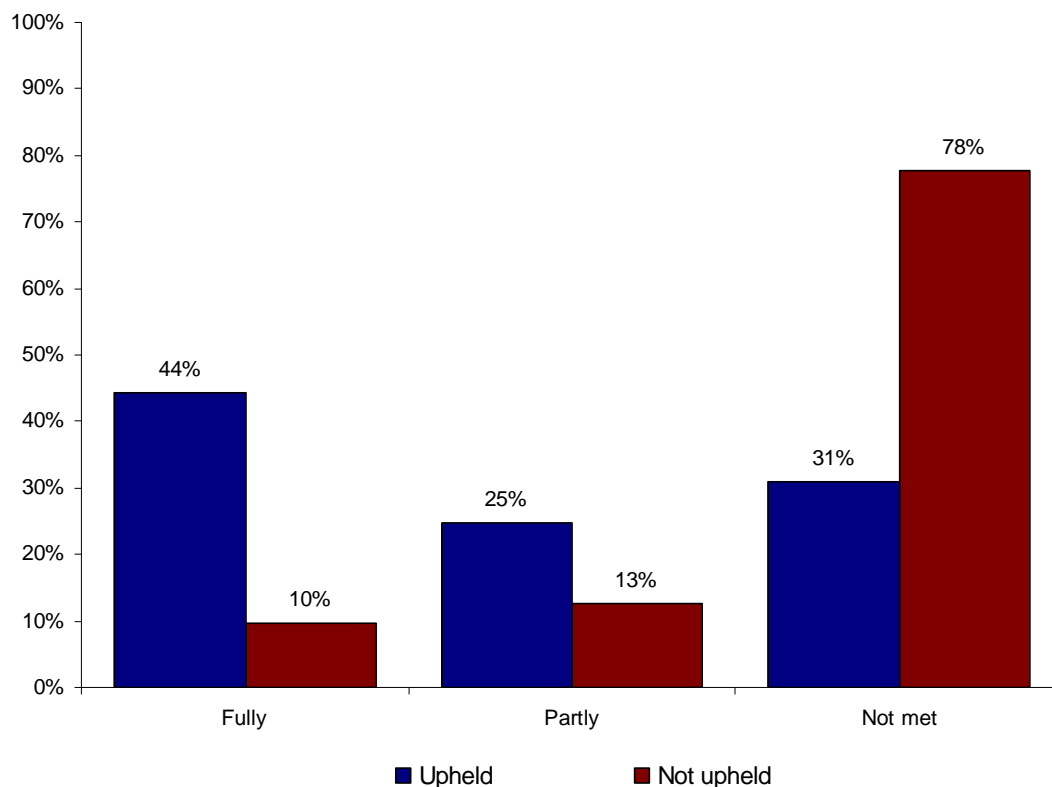
*"That I would have a say in what happened."*

*"That this prison will learn from their mistakes. I don't believe they will."*

As might be expected, it was much more likely that these expectations were fully or partly met when the PPO upheld the complaint (69%). However, in 23% of not upheld complaints expectations were still met to some extent. The previous year this had been 70% of upheld complaints and 19% of not upheld complaints.

For those whose complaint was upheld but whose expectations were not met, some explained the reasons for this when we asked what the expectations were. There were a wide range of responses but some indicated they did not feel we had gone far enough, such as the prisoner who felt the compensation for his missing property was not adequate. Others noted that they had wanted to prevent the same problem recurring and that the impact of their complaint had not achieved this – one person wrote about wanting 'a fair outcome not only for me but all prisoners here'.

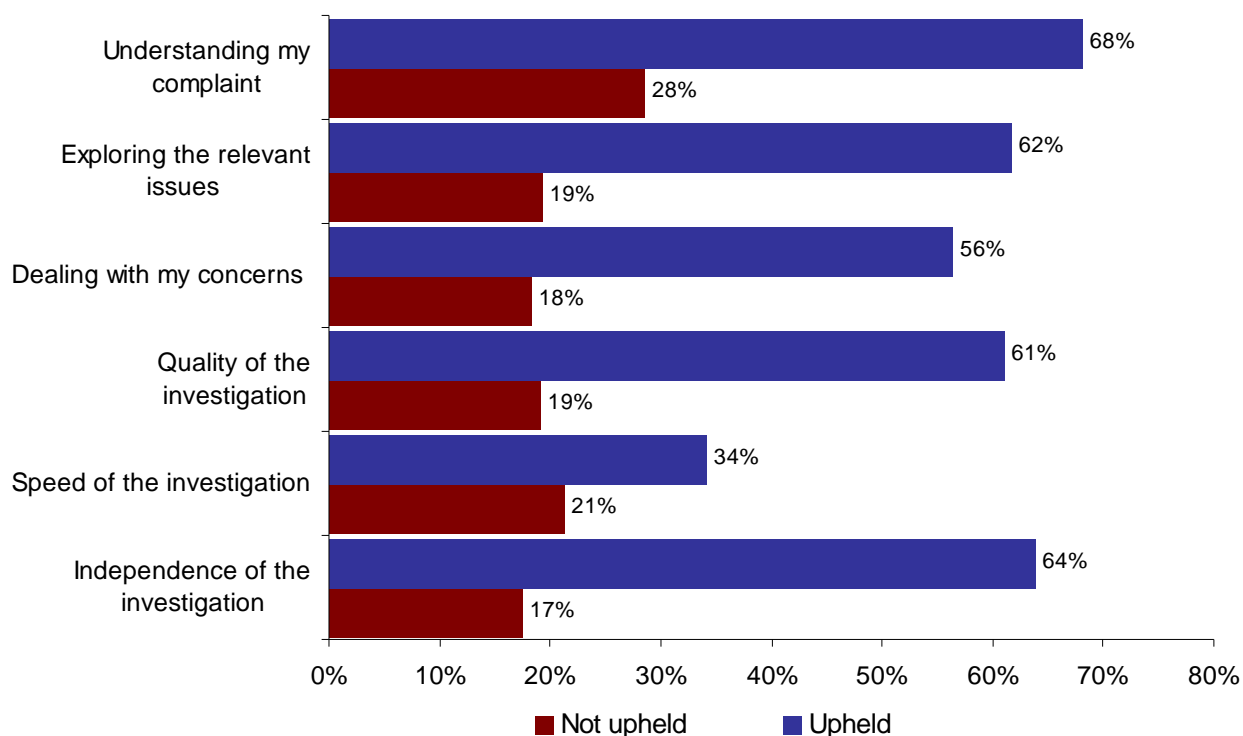
Figure 9: Were your expectations met?



### 2.5.2. PPO performance

Figures 10 and 11 show how complainants rated the PPO's performance. Once again, there is a clear divide between when complaints are upheld and when they are not. However, the speed of the investigation stands out as a concern for both. Overall, there was improvement in 2013-14, in particular a higher proportion of the upheld group felt the investigation was independent (64% compared to 48% the previous year). In 2013-14, more respondents whose complaint was not upheld felt the PPO had understood their complaint (34% compared to 28%).

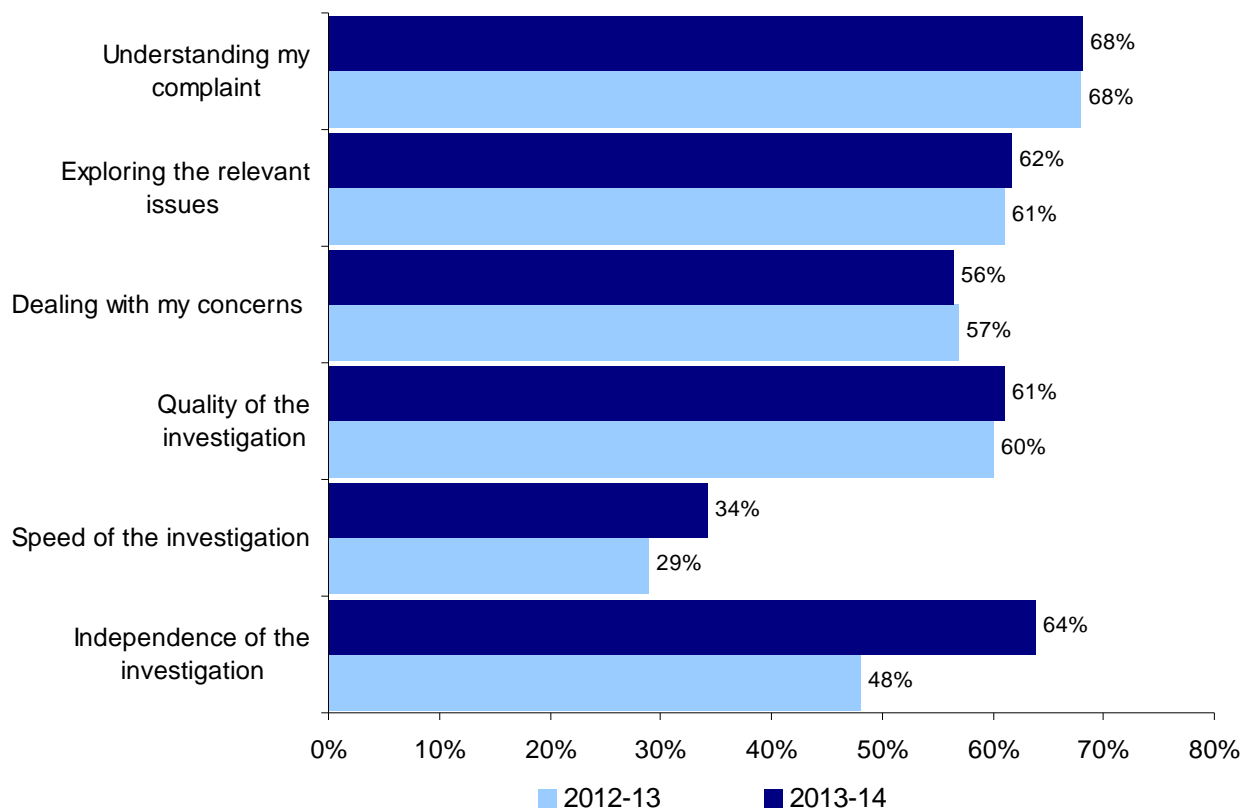
Figure 10: "How did the PPO perform?" Percentage saying good in 2013-14 (by outcome)



The complainants were also asked to say whether they agreed with a series of statements which describe what they expect from our investigations. Again, this was sharply divided according to whether the complaint had been upheld or not: 73% felt the complaint had been treated seriously if it had been upheld, but this fell to 29% when it was not. Given this, it is heartening to see 43% of complainants felt treated respectfully even when we had not upheld their complaint.

It is also an achievement that, compared to the previous year, we have improved the overall scores for each of these measures for not upheld complaints and for two measures for upheld complaints. In 2013-14, 43% of complainants whose case was not upheld felt treated with respect up from 33% previously.

**Figure 11: "How did the PPO perform?" – Upheld complaints. Percentage saying good (by year)**



**Figure 11a: "How did the PPO perform?" –Not upheld complaints. Percentage saying good (by year)**

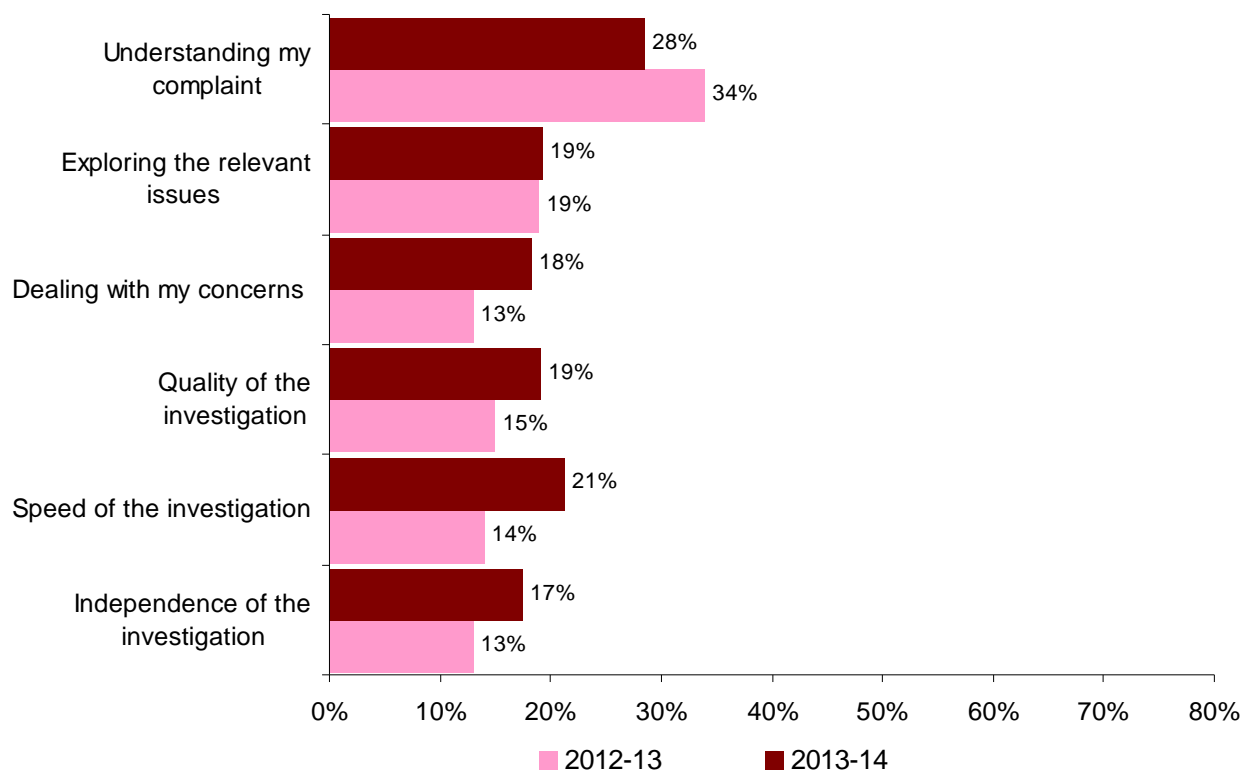




Figure 12: Percentage agreeing with the statements in 2013-14 (by outcome)

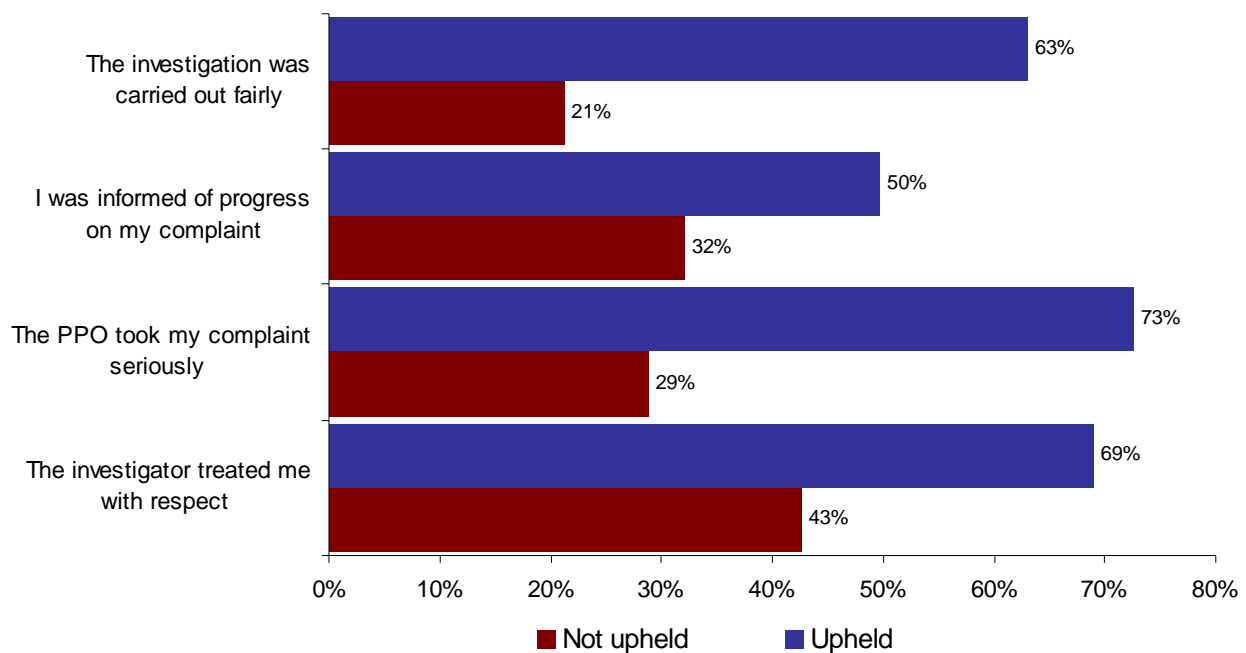


Figure 12: Upheld complaints: Percentage agreeing with the statements (by year)

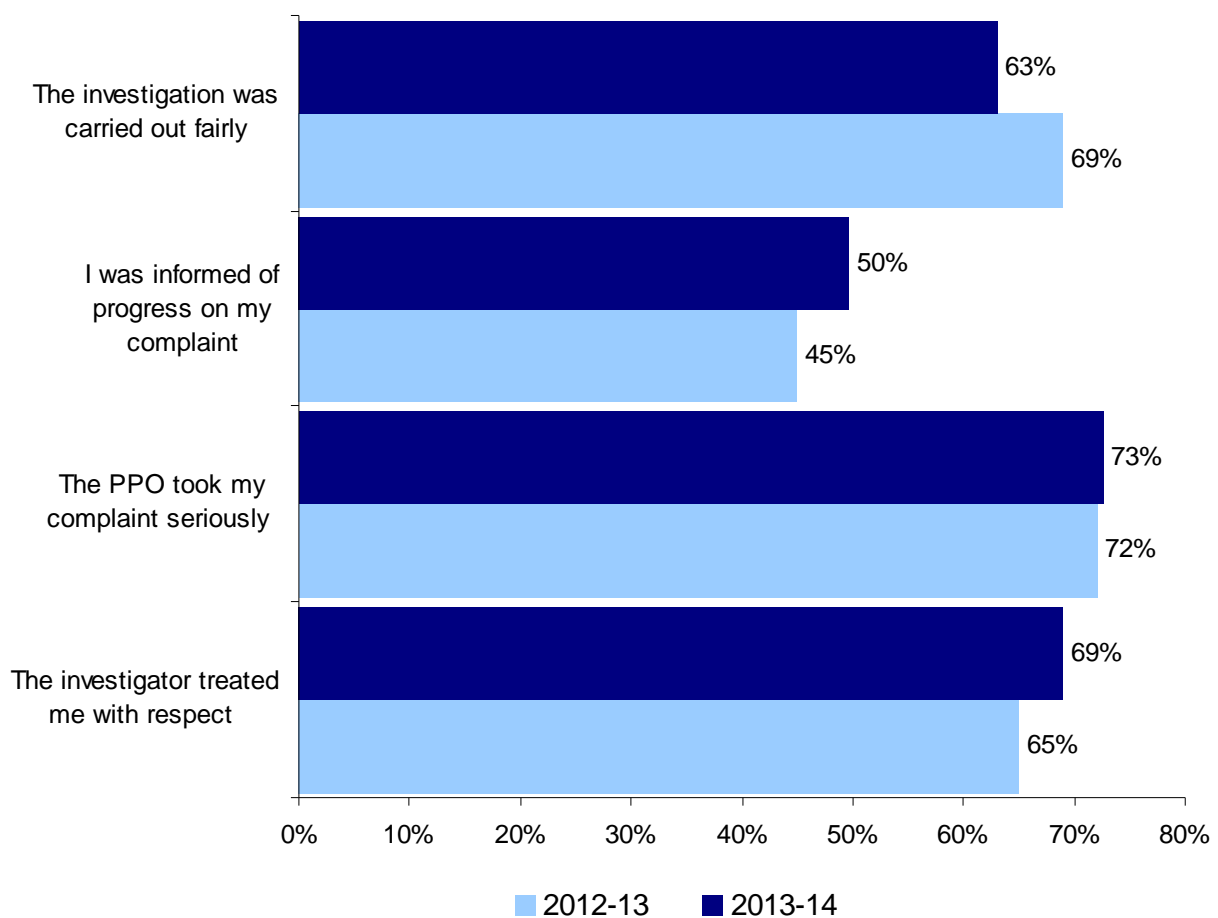
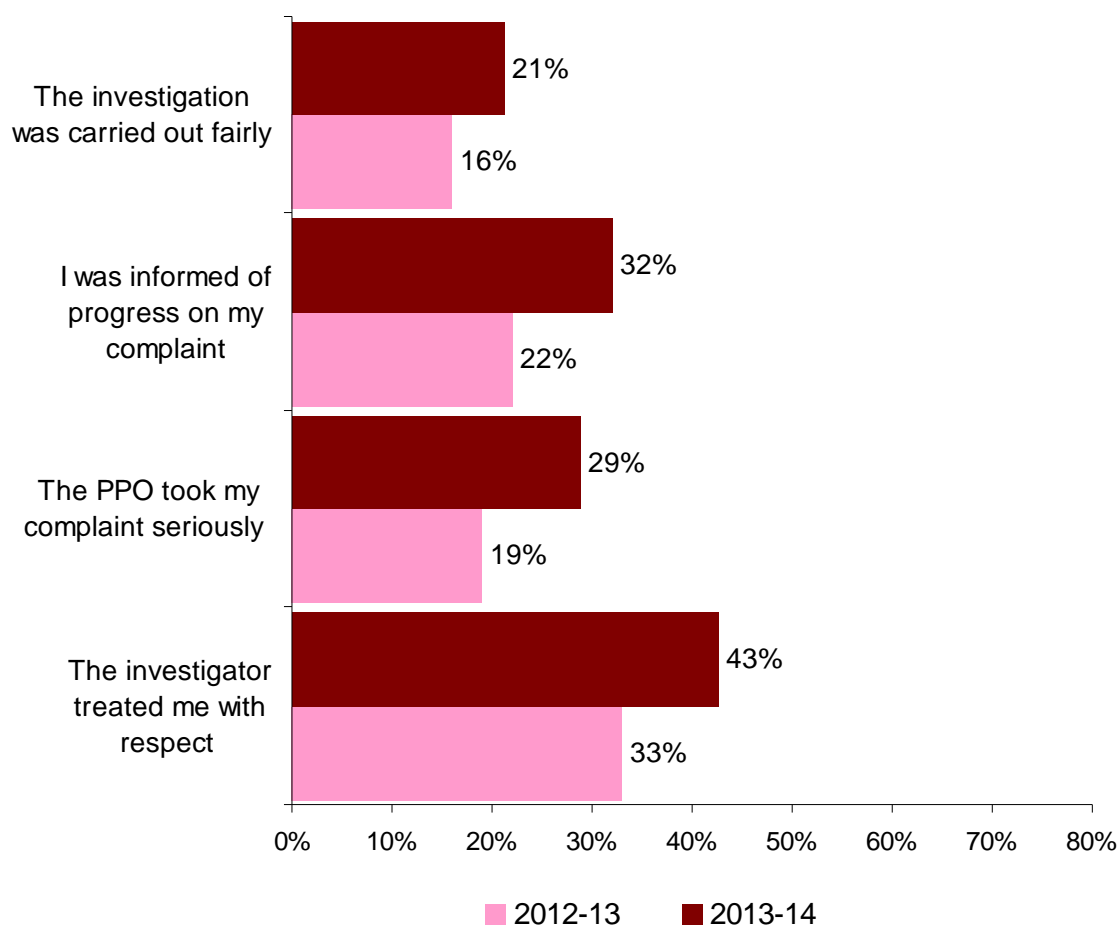


Figure 12a: Not upheld complaints: Percentage agreeing with the statements (by year)



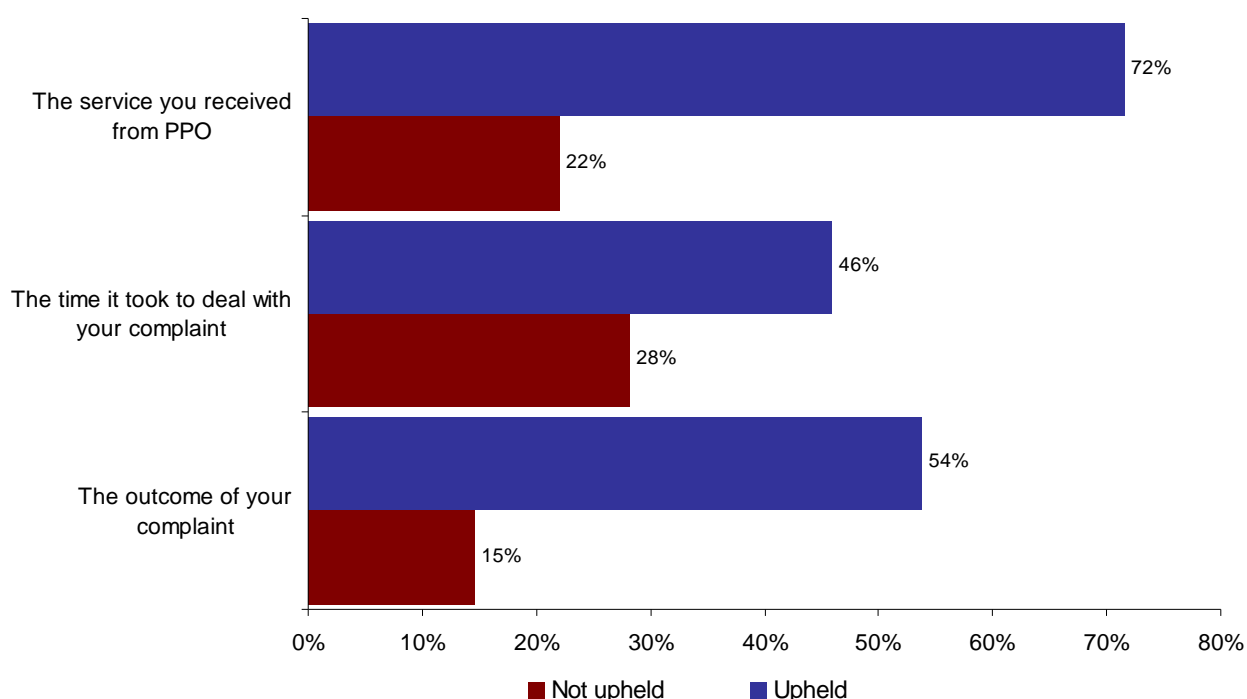
## 2.6. Satisfaction

Complainants were also asked how satisfied they were with our service, the time taken and the outcome of the complaint. Predictably, the differences were primarily between complaints upheld and those that were not: 72% of those whose complaint was upheld were satisfied with our service, compared to just 22% of those whose complaints were not upheld.

However, even when we did uphold the complaint only just over half of complainants were satisfied with the outcome, and less than half were satisfied with the time it had taken.

Overall, 41% were satisfied with the service they received, 35% with the time taken and 30% with the outcome of their complaint. This is almost identical to the previous year (41%, 32% and 30% respectively were satisfied). This suggests considerable scope for further improvement.

Figure 13: "How satisfied were you with the way we dealt with your complaint?"



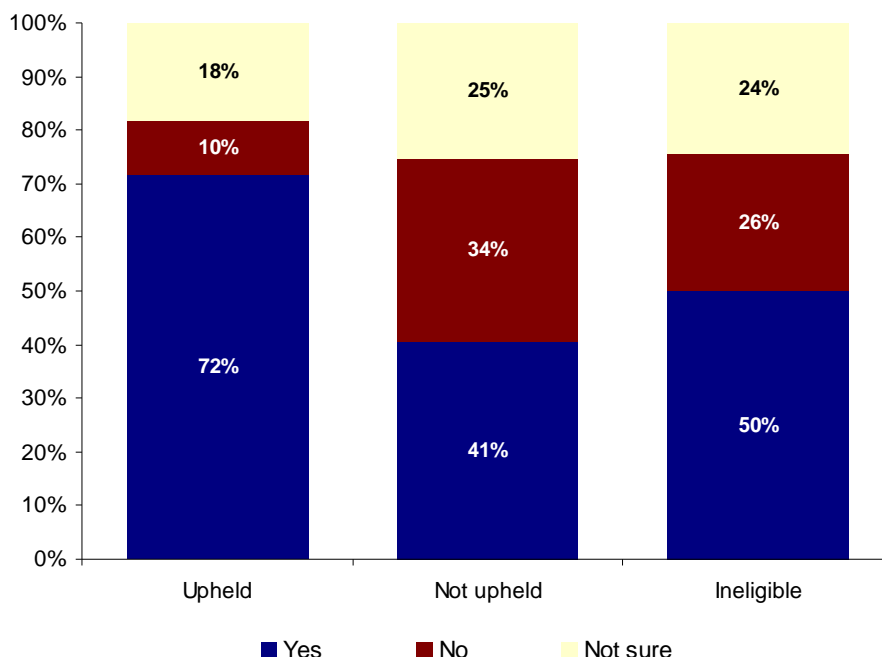
One question was asked of all (ineligible and eligible) complainants. This was whether they would use the PPO again in the future. Not surprisingly, those whose complaint had been investigated but not upheld were the least likely to say they would consider it (41%). Those whose complaint was upheld were much more likely to say that they would (72%).

When asked to say why they would not use the PPO again, the main theme was that the investigations and processes were not felt to be fair or that they were biased towards the Prison Service. Others simply stated they felt there was no point complaining, or because it takes too long.

*"You no longer investigate properly. You phone screws [officers] involved. No one sees you so how can you investigate properly?"*

*"You take too long (a year and 3 months in my case) and the prison doesn't have to abide by your decision."*

Figure 14: "Would you use the PPO again?"



### 2.6.1. "Was there anything in particular that the PPO did well?"

When asked if there was anything the PPO did well, ineligible complainants focussed on timely and informative replies. They appreciated it when PPO staff took the time to provide them with advice on their complaint.

*"I was sent the 2013-14 annual report so that I could understand the Terms of Reference properly."*

*"The complaints clerk accepted a new Comp1A (after initially refusing) on being told of the PPO advice."*

*"Told me how I should make the right complaint."*

We have already seen that, for the most part, where complaints were not upheld the complainants were less happy with the service from the PPO. Despite this, points of good practice were raised. Here too they tended to focus on how the investigator had communicated with them, but also their understanding of the work that had gone into their case (even if the decision had not ultimately gone in their favour).

*"Kept me up to date with investigation and requested all documents."*

*"Clear and concise explanation for findings of investigation, easy to understand."*

*"Allowing the investigator to visit to hear you personally - that is good."*

*"Clear and concise explanation for findings of investigation, easy to understand."*

The examples given where complaints were upheld were much more varied. Some focussed on the outcome of the complaint, but most points raised were about the investigation processes. This included: keeping in contact, pursuing documents and evidence from both sides, establishing exactly what had taken place and explaining it to both complainant and establishment.

*"Outlining all the points so the prison could see what happened."*

*"Just in clarifying that what I had said in my original complaint to be fact."*

*"Refused to be palmed off with evasive answers from the Governor."*

*"You were fair and impartial and, thank you for your professionalism in dealing with this sensitive issue. The investigator did a fantastic job in researching all my old OASys documents."*

### 2.6.2. "Was there anything in particular the PPO could have done better?"

Almost all the responses following ineligible complaints were that the PPO should have investigated, or supported the complainant's position. Complainants suggested that we should make it clearer (or easier to find out) what we can and cannot investigate and the nature of the internal processes. Again, a small number of complainants said they had had problems with the internal complaints systems.

*"Investigate my complaint before dismissing it."*

When complaints had not been upheld, the two main criticisms were that the investigator had not been in contact and so had not fully understood the complaint, and that the complainant wanted to be kept informed of progress.

*"Asked for more information from myself."*

*Been more patient and understanding of a prisoner's life."*

*"Called the prison and spoken to me regarding my complaints after they spoke to the prison staff."*

*"More independence. Communicate with the complainant rather than just the Prison Service."*

For complainants whose case was upheld, the main issues raised were with follow up after recommendations had been made to the prison, or else with the time taken to complete the investigation. This suggests that better communication could reduce frustration with delays. Several complainants said the PPO could improve by explaining what was happening when things were held up. The surveys are sent the month after an investigation is closed, so in some cases the prison will still be in the target time frame for acting on our recommendations.

*"Could have kept the comp open and checked within a 3-6 month period to ensure the establishment done what they said they were going to."*

*"My only upset is that the Ombudsman's recommendations are not being implemented via the prison (who have disregarded them). Why can't the Ombudsman have more power to order the recommendations to be adhered to?"*

*"Sometimes in prison, 3 months of waiting for outcome is a long time and people give up and don't bother due to this."*

*"I am still not really sure why it took 18 months to conclude."*

### 2.6.3. Any other comments

Many people used this section to express their overall opinion of the PPO or the investigation. This mostly reflected the division in satisfaction between upheld complaints, and not upheld and ineligible cases. There were also comments made about the impact of changes in prison, particularly the limits on legal aid, and one request that our service become more accessible for people with learning difficulties or disabilities.

*"A lot of people turn to you for help so do your best."*

*"All in all they do a good job in very trying circumstances. Well done!!"*

*"Because you will no longer be able to use solicitors the PPO needs to step up"*

*"Because of the complaints system in place there is no other option but to use PPO but I don't feel that complaints are taken or investigated seriously enough & that if it can the PPO will take the side of the prison. Yes I would use PPO again but I don't hold much expectation for PPO & any future complaints would be passed through PPO as a matter of course before going to Secretary of State which I feel is where this complaint is heading. This is my honest opinion."*

*"I am grateful to all at your offices from the person who answers the phone, (who has at times been more than helpful as well as understanding the limited situation I find myself in) all the way through to the investigator who has always been thorough and fair. I am personally very pleased that there is some kind of recourse when one feels aggrieved."*

*"Make it easier for those with learning difficulties or disabilities."*

### 3. Conclusions and lessons

The findings from the second year of the survey are broadly in line with the first and the same lessons remain relevant. There has been progress, and it is positive to see overall - albeit slight - increases in positive views of our performance and complainant satisfaction.

The survey results suggest the following lessons which we will build into our business planning:

- We will devise a new communication strategy to ensure dissemination of information about our remit and what we can investigate. This strategy will be aimed at prisoners, immigration detainees and those under probation supervision, but also to solicitors, Independent Monitoring Boards (IMBs), advocates and other providers of information to potential complainants. The strategy will also identify ways to make this information more accessible to those with low literacy, disabilities, or English as a second language.
- We will issue formal reminders to services of their obligations with regard to the PPO, for example that under PSI 58/2010 Governors *must* ensure that:
  - *Information about the PPO is made widely available to all prisoners*
  - *Posters and leaflets in respect of the PPO are displayed in prison libraries, reception and on all prisoner noticeboards*
  - We will work with HM Inspectorates of Prisons and Probation, IMBs and advocates to ensure this information is actually in place.
- We will communicate effectively with individual complainants. In particular, investigators will: explain decisions and keep complainants up to date (including about any delays); explain that the prison will be contacted during the investigation to gather evidence in order to make a fair decision; and clarify that, unless information is missing from the original complaint forms and letter to the PPO, the complainant may not hear anything further until the final decision.





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