

The Investigator

News and views from the Prisons and Probation Ombudsman

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The Ombudsman's Opening

Welcome to the latest issue of The Investigator

As we publish Issue 6, we are well into the second lockdown in England and have had to revise some of the plans we had for returning in greater numbers to our offices and for visiting prisons again.

There are, though, some positives to our new ways of working, even if we miss the human contact and the chance to speak to people in prison face to face in the course of our investigations. The scanning of the letters sent to us is working well; letters are scanned securely by a company based in Reading and then emailed to our staff so that cases can be allocated in the normal way. We have started using email to contact people in prison and that, with the right safeguards, has been a positive change that we will look to continue in some way; it's quicker, greener and reflects the (slowly) increasing availability of digital platforms in prisons.

We had been planning to start our engagement groups with people in prison, but those plans have now been paused as prisons have announced new arrangements to respond to the latest lockdown. Until we can safely meet with groups to talk about our work, particularly how we respond to complaints, we will explore options for virtual engagement, using our existing surveys and thinking of new ways of making those connections.



Some of the highlights since we last published The Investigator in July 2020: on 3 November we contributed to a webinar, our first, in collaboration with academic partners from the University of Nottingham and colleagues from the Prison Reform Trust (PRT) and Revolving Doors Agency (RDA). You can read more on the webinar inside this edition. On 4 November, our Annual Report was laid before Parliament and copies were sent to many of the people who will be reading this edition of The Investigator. The Annual Report is an important record of our work over the last year and reflects another busy and varied year across all parts of the PPO. The report is now available on our website.

This edition contains articles we think reflect the work we have been doing in recent months, working in a different way but maintaining the service we offer and the important scrutiny role we play.

We welcome feedback on this publication and hope you enjoy reading it.

**Sue McAllister CB
Prisons and Probation Ombudsman**

This month's featured articles:

Email a Prisoner PPO success!

As you probably know, in late March, Prisons and Probation Ombudsman staff were unable to access our office due to the restrictions introduced by the government in response to the COVID-19 pandemic. This meant we were unable to access our post, or print and send letters to people in prison who had contacted us. In May, we found a solution to accessing post, but still had to think about how to respond.

We already knew a little about the Email a Prisoner (EMAP) service and found out this was being used successfully by many different organisations for communicating with prisoners, including legal professionals and charities.

We liked the idea that we would be able to use the service to get in contact with people in prison quickly, to provide decisions on whether we were going to investigate their complaint, and request further information if required. Using the reply function meant that if we needed to ask a question we could do this quickly using the service.

We knew that EMAP was being used successfully in almost all prisons in England and Wales. However, we decided that we could not use EMAP in the three prisons where prisoners accessed emails through a kiosk, because we felt it was important for prisoners to have a printed copy of our letters. We also thought very hard about those letters that were not suitable for EMAP. We know that the service is not confidential, and that printed emails might or might not be delivered to prisoners in a sealed envelope; and that we could not guarantee that prison staff had not read our emails. For that reason, we decided not to send anything that we judged to contain sensitive or confidential information – preferring to wait to send these letters under the greater protections of Rule 39.

We began using EMAP at the end of May 2020, focusing on letting people know if we would be investigating their complaint. We started sending some suitable investigation outcomes too. We have now sent out around 900 letters via EMAP.

EMAP has been incredibly helpful in allowing us to keep in touch with those who complain to us from prison. We are now able to print out letters from our office and we do this once a week. EMAP has been incredibly helpful in allowing us to keep in touch with those who complain to us from prison. We are now able to print out letters from our office and we do this once a week. However, we will continue to use EMAP for the time being. We soon plan to review our use of EMAP, including asking for the views of those who have received letters from us via EMAP, and prison staff who have helped facilitate the service.

You can contact us on: 0845 010 7938 (voicemail only) or write to us at: Prisons and Probation Ombudsman, Third Floor, 10 South Colonnade, London E14 4PU.

This article previously featured on Inside Time in September. You can read this here: <https://insidetime.org/email-a-prisoner-ppo-success/>

Susannah Eagle
Acting Deputy Ombudsman - Complaints

This month's featured articles:

Reducing Deaths in Prisons: Learning from prisoner lived experience?



The University of
Nottingham

UNITED KINGDOM • CHINA • MALAYSIA



Prisons &
Probation

Ombudsman

Independent Investigations



CRIMVOL
CRIMINAL JUSTICE RESEARCH



Reducing deaths in prisons:

LEARNING FROM
PRISONER LIVED
EXPERIENCE?

Sue McAllister CB
Prisons and Probation Ombudsman

The Prisons and Probation Ombudsman is supporting an independent research project, led by Dr Philippa Tomczak from the University of Nottingham, considering how our fatal incident investigations and reports, particularly the recommendations we make, can have more impact. We want our reports to effect change in prisons, so that prisons are safer and there are fewer preventable deaths.

On 3 November, Philippa's partners and collaborators in this project, including the PPO, held a webinar to give an update on, and an overview of, the research. We also used the event to launch two reports which represented the views of people with lived experience of prison on what made prisons, and prisoners, vulnerable to the risks of self-harm and, in the worst cases, to deaths in custody.

This article is about the experience of holding the webinar, a first for the PPO and for most of the other people who were involved in the planning, hosting, chairing and presenting, as well as the work that went on behind the scenes to make it happen. In these times of remote working and networking, the webinar has become a great way of bringing people together and a platform to share knowledge and learning with greater numbers of our partners and stakeholders than would have been possible in the days of travelling to conferences. We needed to get it right, and, we're relieved to say, we did. These are some of the things we learned, recorded with enormous thanks to all involved in the event in whatever capacity.

Practice, practice, practice, especially if, like us, you're doing it for the first time. We had difficulties getting everybody into the same virtual 'room', because we all came from different organisations and had different Microsoft Teams accounts. Our colleague, Soruche Saajedi, from Prison Reform Trust, worked tirelessly to find a solution and we had several failed attempts before we found the solution. Once found, it worked beautifully but it would have been a show stopper, literally, had we left it until the day and assumed all of us, chair and presenters, would be able to click the link and get straight in.

Have a backup plan. This meant for us, pre-recording our presentations, including slides with video and audio and loading them ready for use in case our live appearances met any obstacles on the day. In the end, we didn't need them, but it was hugely comforting to know they were there, especially when we saw that more than 400 people had signed up for the event.

Leave long enough for questions. We had planned a 90-minute event, the last half hour of which was a question and answer session chaired by Sara Hyde, from Philippa's team. The question and answer function on Microsoft Teams worked well and we were able to see the questions and select the ones we had the time and the information, to answer. But, we could, certainly, have had an hour for questions and still left attendees wanting. A note for next time, which we are already planning, by the way. Still on the subject of questions and answers, it was good to have the written record of the questions asked and we were able to follow up on some of them, going back to the person who had asked the question via direct messages a few days later.

The important role of the chair can't be over stated, and we were lucky to have Sara, who was less new to webinars than many of us and who was also a very experienced chair. Sara was the thread that ran through the various presentations, introducing speakers and managing the (thankfully very small) stutters to the proceedings as new slides were loaded and presenters marshalled. Sara also, and most crucially fielded the questions, ensuring we kept to time, and that the questions reflected the theme of the event.

A week after the webinar, we met, virtually of course, to review how we all felt it had gone and how we felt now it was over. Without exception, those who had been involved felt positive about the event, about how the information had been delivered and received and, importantly, about the fact that so many people had signed up and attended. This is, clearly, an area of research which is of interest to many people from a wide range of disciplines and sectors.

In this article, we have only mentioned a few of the people involved by name but there was a much larger group who made the webinar a success and who are supporting this research. It was a great example of collaboration across organisations and thanks go to everyone who played a part.

We are already planning the next one.

The reports on prisoner experience are available online:

Revolving Doors

<http://www.revolving-doors.org.uk/file/2500/download?token=Ran37WyS>

Prison Reform Trust

https://drive.google.com/file/d/1PESzHEM6YZFrNr3sZFuWboDXJNb_i0no/view

This month's featured articles:

How to submit an eligible complaint

The PPO independently investigates complaints from people in prison, Young Offender Institutions, Secure Training Centres, immigration detention and on probation. This article explains how those in prison can submit an eligible complaint.

Before we can investigate your complaint, we must check that it is eligible. This means that:

- The subject of your complaint must be within the remit of the PPO.
- You must complete the full internal prison complaints process first.
- You must send your complaint to the PPO in time.
- You must submit a brief covering letter and all your COMP forms and replies.

Subject of your complaint

The PPO investigates complaints about the actions (or failures or refusals to act) and decisions of prison staff about your management, supervision, care and treatment while in prison. For example, we can investigate complaints about lost property, adjudications, decisions about matters such as categorisation, Release on Temporary Licence and Home Detention Curfew. We can also investigate complaints about the conduct of staff, including the use of force. However, we do not investigate healthcare matters, issues with sentencing or decisions made by ministers, the police, the CPS or the Parole Board.

The internal complaints process

We can only investigate your complaint after you have completed the prison's internal complaints process first. This is to allow the prison a chance to resolve your complaint. For most complaints, this means you must submit a COMP 1 complaint and if you are dissatisfied with the response, a COMP 1A appeal within seven days. For particularly serious or sensitive matters, you may submit a COMP 2 confidential access complaint to complain directly to the Governor or Director.

To submit an internal complaint, you should complete the relevant COMP form, which should be available on the wing, and put it in the wing complaints box.

Timescales

You must complain to the PPO within three months after you receive the full reply (rather than any interim response) to your COMP 1A appeal or COMP 2 confidential access complaint. If you do not receive a response to your internal prison complaint within six weeks, you may then complain to the PPO.

Submitting your complaint to the PPO

If you remain dissatisfied after you have completed the internal prison complaints process, you can then complain directly to the PPO. Here are a series of things you must do when submitting your complaint:

- You should write a brief covering letter, which explains your complaint and what you would like staff to do to resolve it.
- You must submit a separate complaint for each different issue. We can only accept complaints about matters for which you have completed the internal prison complaints process.
- You should include the key information that is relevant to your complaint, such as the date of an incident or decision, or a list of items of lost property which includes a description of each item.
- You should keep your covering letter focused on the key points and avoid unnecessary background information. We understand that people have various levels of writing ability, so you may wish to ask an IMB member if you need help writing your letter.
- You should send your covering letter, copies of your COMP forms and all replies to the PPO at the address below.
- Please do not send us any original documents as we are currently unable to return them due to the working restrictions caused by the Covid-19 pandemic. You can mark the envelope with Rule 39 for confidential access. The prison will pay the postage cost.
- On receipt of your complaint, we aim to write to you within 10 working days to let you know if we have accepted your complaint as eligible for investigation.

You can contact us on: 0845 010 7938 (voicemail only) or write to us at: Prisons and Probation Ombudsman, Third Floor, 10 South Colonnade, London E14 4PU.

This article previously featured on Inside Time in October. You can read this here:
<https://insidetime.org/how-to-submit-an-eligible-complaint/>

Alix Westwood
Complaints Investigator



View from the investigator's desk

The Key Worker Scheme

The key worker system is an important part of HMPPS's response to self-inflicted deaths, self-harm, and violence in prisons. It is intended to improve safety by engaging with people, building better relationships between staff and prisoners, and helping people settle into life in prison. All prisoners in the male closed estate must be allocated a key worker whose responsibility is to engage, motivate, and support them through their time in prison. Governors in the male closed estate must ensure that time is made available for key workers to spend an average of 45 minutes per prisoner per week for delivery of the key worker role, which includes individual time with each prisoner.

Since the roll out of the key worker scheme in 2018-19, the PPO has seen examples where it is working well and is making a real contribution to prisoners' safety. However, it is in the nature of the PPO's work, that we have also seen cases where the scheme is not being delivered in the way intended. The following two cases are examples of this.

Case study 1

Mr A was 19 years old, he had a history of self-harm, depression, and substance misuse. During his time in prison, Mr A was involved in disruptive behaviour, violence towards another prisoner, and substance misuse. These issues were dealt with through adjudications, reducing Mr A to the basic regime, referral to a substance misuse recovery worker, and periods in the segregation unit. On the last occasion, after Mr A was found in possession of an illicit substance, he was punished with five days cellular confinement. A few hours after his segregation began, staff found Mr A hanging in his cell. He was pronounced dead shortly afterwards.

Mr A met his key worker weekly for the first 12 weeks he was in prison. However, after this Mr A's key worker had not been allocated any time to conduct his key worker duties. He did not meet Mr A for seven weeks before he died. Previous key worker sessions had involved meaningful exchanges about Mr A's behaviour, family, anxiety, and drug use, with the key worker and Mr A building a good rapport. The key worker's failure to see Mr A in his last few weeks was therefore a missed opportunity to discuss changes and to engage with Mr A to discuss how he felt about his drug use, his behaviour, the further charges he faced and a potential long sentence. The PPO recommended that the Governor should ensure that key workers are allocated sufficient time per prisoner, for an average of 45 minutes per week, to include individual time with each prisoner.

Case Study 2

Mr B was 40 years old. During his time in prison, his father died from a terminal illness, Mr B also suffered from depression, he fell behind on his studying, and in the two weeks before he died, he was engaged in antisocial behaviour which might have been reflective of being bullied or in debt. Prison staff also found Mr B under the influence of illicit substances a number of times. The prison dealt with these issues by placing him on the basic regime, and with care plans for substance misuse, including supporting him through cognitive behavioural therapy. After a number of phone calls the week before he died, Mr B's partner asked him to stop calling her. Two days later, Mr B was found hanging in his cell and was pronounced dead shortly afterwards.

During Mr B's time at the prison, he had just one key worker session. His key worker at the time of his death had never seen him, he did not know for how long he had been Mr B's key worker and said that prison staff were rarely allocated keyworker duties on their rota due to staffing levels. Given Mr B was having difficulties with his partner and might have been in debt, key worker sessions may have alerted the prison to his risk factors. The PPO recommended that the Governor should ensure that there is an effective key worker scheme which provides meaningful support to prisoners, in line with national policy.

In addition to the two case studies above, the PPO has made other recommendations, including the need for:

- key workers to meet their assigned prisoners within their first few days of arrival;
- high quality case notes that record key worker interactions;
- an effective key worker scheme, including meaningful communication and identifying prisoners' needs; and
- involving key workers in ACCT reviews.

Lucy Higgins

Head of Learning Lessons

Gurmukh Panesar

Research Officer

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