

## **How to make a complaint in prison**

The complaints system within prisons is the main way you can raise and resolve treatment which you think has been unfair or against the prison rules and instructions.

The *Prisoner Complaints Policy Framework* is the main instruction which gives guidance on this. It says that prisoners should know how to make a formal complaint and have ready access to the means to do so.

### **Before making a complaint**

Before making a complaint, it is worth seeing if you can resolve the problem first.

- You can speak to officers on your wing to see if they can help.
- You can also make a request on an application form, which you should find on your wing.

### **How to make a complaint**

You can make a complaint by completing a complaint form. This is also called a 'COMP1' form. On the form you should write down your name and prisoner number, explain your complaint and what you would like to be done about it.

Completed forms should be posted into locked complaints boxes specifically for the purpose on the wings.

Both ordinary complaint forms (COMP 1) and appeal forms (COMP 1A) must be made freely available to prisoners on the wing, close to the box in which the completed forms are submitted.

Complaint forms have a detachable slip. This should be completed and returned to you as soon as possible to confirm that it has been received.

### **What if I have difficulty writing?**

The complaints system should be inclusive.

- Prisons must allow you to make a formal complaint in person to a member of staff if needed.
- If you have limited use of English you must be allowed to submit a complaint in your own language - though the prison may require longer to respond to these cases.

## **When should I expect a response to my complaint?**

You should receive a response to a complaint within 5 working days.

If this is genuinely not possible the prison can provide an interim response to explain the reason for the delay and let you know when you should get a full reply. You should be kept informed about the progress of your complaint and receive the full response in a reasonable time.

More information about time limits can be found in Annex D of the *Policy Framework*.

## **The response**

A complaint 'should be answered by someone who is capable of providing an adequate and meaningful reply and is not the focus of the complaint'.

Staff are required to use a 'problem solving approach' when responding to complaints to ensure they deal with the real problem being raised. This means working out what the cause of the problem is, looking at possible solutions, and then implementing an agreed solution.

The Policy Framework says that:

*'Staff must apply 'balance of probabilities' as the standard proof to investigate complaints. Deciding that something is proven on a balance of probabilities means that it is more likely than not to have occurred. This requires that a dispute be resolved in favour of the party whose claims are more likely to be true, based on evidence provided.'*

If your complaint is not upheld you should be given a clear explanation why.

## **What can I do if I am unhappy with the response?**

Responses should address the issues raised, and should be polite and legible. A clear explanation should be provided for any complaint which is not upheld.

If you are unhappy with the response to your complaint you can appeal using a COMP 1A form, which you should do within 7 calendar days of receiving the response.

You should receive a response to the appeal within 5 working days. It should be from someone more senior than the person who provided the original response.

## **Can I take my complaint further after appeal?**

If you feel a complaint is still not resolved after appeal, you can ask the Independent Prisoner Complaints Investigations (IPCI) to look at it. IPCI are part of the Prison and Probation Ombudsman (PPO).

There is more information about how to do this on page 4 and in Annex C of the *Prisoner Complaints Policy Framework*.

## **Can I make a complaint about another prison?**

If you would like to make a complaint about a previous prison you were in you can do so by submitting a complaint form at the prison you are currently in. You should not be asked to write to that prison yourself. The *Policy Framework* states:

*'The prison where the prisoner is located at the time he or she submits a complaint or appeal is responsible for ensuring that a response is provided within the required timescales. The prison where the prisoner was located when the subject of the complaint occurred will be responsible for providing the actual response to the complaint within the required timescales.'*

## **Can I make a complaint in a more private way?**

If a complaint is about a particularly sensitive matter, you may wish to submit a confidential access complaint using a COMP 2 form. These forms and envelopes to seal them in should be readily available with the other forms.

You can address it to the Governor/ Director of the prison, the Prison Group Director (PGD) or the Chair of the local Independent Monitoring Board (IMB).

We advise using this only when appropriate because otherwise it can be returned to you to use standard complaints system and delay you getting a full response. Read the notes on the COMP 2 form carefully to help you decide if your complaint is suitable.

## **Reserved subjects**

Complaints about some subjects cannot be considered internally in the prison. These are known as 'reserved subjects' and must be sent to the Prison Group Director (or the equivalent for private prisons), or the relevant team at HMPPS for a response.

Reserved Subjects are:

- Allegations against the governor
- Litigation against the Prison Service
- Deportation

You should still use a COMP1 form to complain about a reserved subject. You should expect a reply within 6 weeks.

There is no internal appeal against the response to a complaint about a reserved subject. If you are dissatisfied with the response you received, you should contact the Prison and Probation Ombudsman.

## **Can use of the complaints system be restricted?**

The prison can impose restrictions on the number of complaints you make, such as limiting you to one per day, if you are considered to be abusing the complaint process. However, the *Prisoner Complaints Policy Framework* is clear that 'a prisoner's right to make a complaint must not be completely withdrawn in any circumstances'.

## Independent Prisoner Complaints Investigations (IPCI)

You can write to the Independent Prisoner Complaints Investigations (IPCI) if you have tried to solve your complaint with prison staff and you are still not happy. IPCI are part of the Prison and Probation Ombudsman (PPO).

Staff at IPCI do not work for the prison. Their job is to look at complaints from prisoners about their management, supervision, care and treatment

IPCI will only be able to investigate your complaint if:

- you have completed the internal complaints process
- it is less than three months since you had a response to the final stage of your complaint
- there is a substantial issue raised
- you are the person directly affected by the complaint you have raised

IPCI staff will not normally come and speak to you themselves so you need to tell them as much as you can when you write to them. You can do this using the IPCI form or in a letter if you do not have access to this.

You should also send copies of your completed complaint forms and copies of any other papers relevant to your complaint. If you don't have the complaint forms, explain this in your letter, but be aware it may take longer to get a response.

IPCI will decide whether to uphold your complaint or not. If they think you were not treated in the right way, they may ask the governor to change their decision or recommend changes to the head of the Prison Service.

Write to IPCI at:

IPCI,  
Third Floor,  
10 South Colonnade,  
Canary Wharf,  
London  
E14 4PU

More information can be found in Annex C of the *Prisoner Complaints Policy Framework*.

## Complaints about health

If your complaint is to do with health you should speak to the healthcare team in the prison first. Healthcare service should have their own complaints process and be able to give you information on this. This is a separate complaints system to the one used by the prison.

If you are not happy with the response you can submit a complaint to NHS England. You can contact them at:

NHS England  
PO Box 16738  
Redditch, B97 9PT  
Tel 0300 3112 233

You should include the following:

- your name and address
- the name of the service you want to complain about
- a clear description of what you want to complain about and when it happened
- any relevant documents you have

NHS England advise that they need consent to share the complaint with the service so they can investigate it. They suggest you include the following line in order to speed up the process:

“I give permission for my complaint to be shared with (insert name of GP / dental surgery etc.) in order for NHS England to carry out an investigation.”

NHS England aims to respond within 20 working days.

If you are not happy with the response by NHS England you can then ask the Parliamentary and Health Service Ombudsman to look at your complaint.

Write to the ombudsman at  
The Parliamentary and Health Service  
Ombudsman  
Millbank Tower  
Millbank  
London  
SW1P 4QP

or call:  
0345 015 4033,  
8.30am-5.30pm, Monday to Friday

## **Other people you can contact about your complaint**

### Your MP

You can write to the MP for your home area.

Make sure you write your home address on your letter to them.

You can ask your MP to pass on your complaint to the Parliamentary and Health Services Ombudsman for them to look at as well.

### Your solicitor

Your solicitor can help you with any questions to do with the law.

### The Police

You can write to the local police if you think that a crime has been committed. Ask someone called the police liaison officer in prison for the right address to send your letter to.

### You can send a petition to the Queen, parliament or your member of European Parliament

There is more information in Annexes E of *Prisoner Complaints Policy Framework*. There is a form in there you can copy to make your petition.

### The Criminal Injuries Compensation Authority

If you have been injured because someone committed a violent crime against you, you can write to this organisation. They work to give people compensation (money) for injuries they get because of violent crime or for some other reasons. You can write to them at:

CICA  
Alexander Bain House  
Atlantic Quay,  
15 York Street,  
Glasgow  
G2 8JQ

## Further information

The following may be of interest to you. If you are unable to access them elsewhere feel free to contact our Advice and Information Service and we will be happy to send you a copy.

Useful PSIs, PSOs and Policy Frameworks (these should be available in the library):  
*Prisoner Complaints Policy Framework*

## Other

Prisoners' Advice Service information sheet '*Complaints*'

You may be able to get staff to print information from these sites for you:

<https://www.england.nhs.uk/contact-us/complaint/>

<http://www.cqc.org.uk/content/complain-about-service-or-provider>

## Contact our Advice and Information Service

We are a small service which provides information and advice for people in prison. We are independent of the prison service.

Our freephone information line is **0808 802 0060**.

This number is **free** and you do not need to put it on your PIN.

This number is open:

Monday	3pm – 5pm
Wednesday	10:30am – 12:30pm
Thursday	10:30am – 12:30pm

When we are not taking calls you can still leave a short voicemail. Please give your name, prison number, the prison you are in and what information you are looking for. Voicemails will be checked during working hours Monday to Friday and we will respond as soon as possible by post or email a prisoner.

You can write to us at:

**Prison Reform Trust**  
**FREEPOST ND 6125**  
**London**  
**EC1B 1PN**

You do not need to use a stamp.