



The
**Prisoner
Ombudsman**
for Northern Ireland

Prisoner Ombudsman for Northern Ireland

Annual Business Plan 2010-2011

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Prisoner Ombudsman Business Plan 2010-2011

Introduction

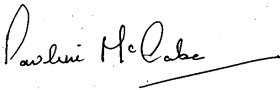
Following the devolution of Policing & Justice, I look forward to being involved in the development of the future programme of work for the Prison Service. I welcome the prominence given to the Prisons Agenda within the Hillsborough Agreement and the comments made about the powers of this office. It is my intention to secure statutory footing for the Office, as a matter of urgency in order to confirm our independence and objectivity. The devolution of policing and justice presents a real opportunity for that to now happen.

I welcome the changes that have been implemented to the Prison Rules this year. The changes will not only allow visitors to prison to pass on their complaints to my office, but will also streamline the internal complaints procedure for prisoners which has been reduced from three stages to two. We will be monitoring the changes carefully to ensure that the intended improvements are realised.

In the course of this year, I intend to continue to urge for this Office to be given the authority and the resources to investigate “near deaths” in prison custody, in certain circumstances. The learning that can be derived from the independent investigation of such incidents can only be helpful to the Prison Service and could prevent future deaths.

I shall also continue to try and influence the arrangements for the detention of young offenders. It is vital that the highest priority is given to offering young people an environment and regime that delivers, providing effective rehabilitation and directly impacts upon the likelihood of re-offending.

Given current financial challenges, we like all public sector organisations must deliver a highly efficient and cost effective service. This plan reflects our determination to do this.



A handwritten signature in black ink that reads "Pauline McCabe". The signature is written in a cursive style and is positioned above a horizontal line.

Pauline McCabe
Prisoner Ombudsman for Northern Ireland

Corporate Governance

Introduction

The Prisoner Ombudsman was established in 2005 and is responsible for the investigation of all complaints from prisoners and, in some circumstances, former prisoners, as well as complaints from visitors to prison. The Prisoner Ombudsman is also responsible for the investigation of all Deaths in Prison Custody.

Management & Accountability

The Prisoner Ombudsman, Pauline McCabe, was appointed by the Secretary of State under Section 2(2) of the Prisons Act (Northern Ireland) 1953, as extended by section 2 of the Treatment of Offenders Act (Northern Ireland) 1968. The Prisoner Ombudsman's role is set out within the Prison and Young Offenders Centre (Amendment) Rules (Northern Ireland) 2009.

Further Terms of Reference govern the investigation of eligible complaints and of Deaths in Custody. The Terms of Reference and the relevant Prison Rules can be found on the Prisoner Ombudsman's website www.niprisonerombudsman.gov.uk.

The Prisoner Ombudsman was accountable to the Secretary of State for Northern Ireland. Following the devolution of Policing and Criminal Justice the Prisoner Ombudsman is now accountable to the Northern Ireland Assembly through the Minister of Justice for Northern Ireland.

Corporate Accountability

The Prisoner Ombudsman is an Independent Statutory Office holder for policy and administrative purposes. For Corporate Governance the Prisoner Ombudsman is classified as an Advisory Non-Departmental Public Body.

The Director of Operations is responsible for ensuring that the Prisoner Ombudsman's policies and actions comply with Department of Justice rules and processes and for managing the resources allocated to the office efficiently, effectively and economically.

Annual Report

The corporate governance of the office by the Department of Justice is carried out through quarterly formal meetings, with an Annual Report made to the Secretary of State at the end of each financial year. The Annual Report published on the Prisoner Ombudsman's website and widely distributed.

Planning Context 2010-2011

The Corporate Plan for 2009-2012 (a copy of which is available at www.niprisonerombudsman.gov.uk) sets out the Office's direction and the vision for achieving our strategic objectives.

The following key issues will, in particular, affect our planning context, over the coming 12 months:

- 1) **Devolution** - The Prisoner Ombudsman welcomed the prominence that was given to prisons issues in the Hillsborough Agreement, including the requirement for review of the powers of the Prisoner Ombudsman's Office. The Prisoner Ombudsman looks forward to early discussions with the new Justice Minister about taking forward the Prisons Agenda. The Prisoner Ombudsman also welcomes the opportunity to demonstrate the efficient service provided by the Office and the value that is brought to the Prison system through having an independent Prisoner Ombudsman.

Prisons should be a model of how respectful, law-abiding citizens behave and a good complaints system provides prisoners with an appropriate way of dealing with concerns, problems and frustrations.

- 2) **Statutory Footing** – One of the strategic objectives of the Prisoner Ombudsman's Office is to provide independent and impartial investigation. Without statutory footing, the perceived independence of, and confidence in, the Prisoner Ombudsman, is adversely affected, as is the ability of the Office to resource and manage its service delivery in a way that is fit for purpose. Given that a key part of the role of the Prisoner Ombudsman is to ensure the state complies with its human rights obligations, it is difficult to justify non-statutory status. It is vital that the authority of the Office is underpinned by statutory footing and the Prisoner Ombudsman looks forward to early discussions with the

new Justice Minister in order to make this happen as a matter of urgency.

- 3) **Near Deaths** – A Judgement made in the House of Lords in 2008 determined that, in certain circumstances, “near deaths” in custody should be investigated by an independent body. The investigation of near deaths presents a very important opportunity to promote good practice in care and prevent deaths. The Prisoner Ombudsman looks forward to discussing with the new Justice Minister the criteria to be used in determining when an independent investigation is required. The Prisoner Ombudsman would welcome the opportunity, with appropriate resources, to undertake such investigations.

- 4) **Diversity** - The Northern Ireland Prison population continues to become increasingly diverse and the Prisoner Ombudsman is absolutely committed to providing a service that is respectful of, and responsive to everyone's needs. The Prisoner Ombudsman has made significant efforts to address all of the needs of the diverse prison population and will continue to proactively develop services to this end.

- 5) **The Prison Service Forward Agenda** – The Prisoner Ombudsman welcomed the provision in the Hillsborough Agreement for a review of the conditions of detention, management and oversight of all prisons. The Office looks forward to contributing to the review and to playing a positive role in the delivery of future Prison Service development objectives.

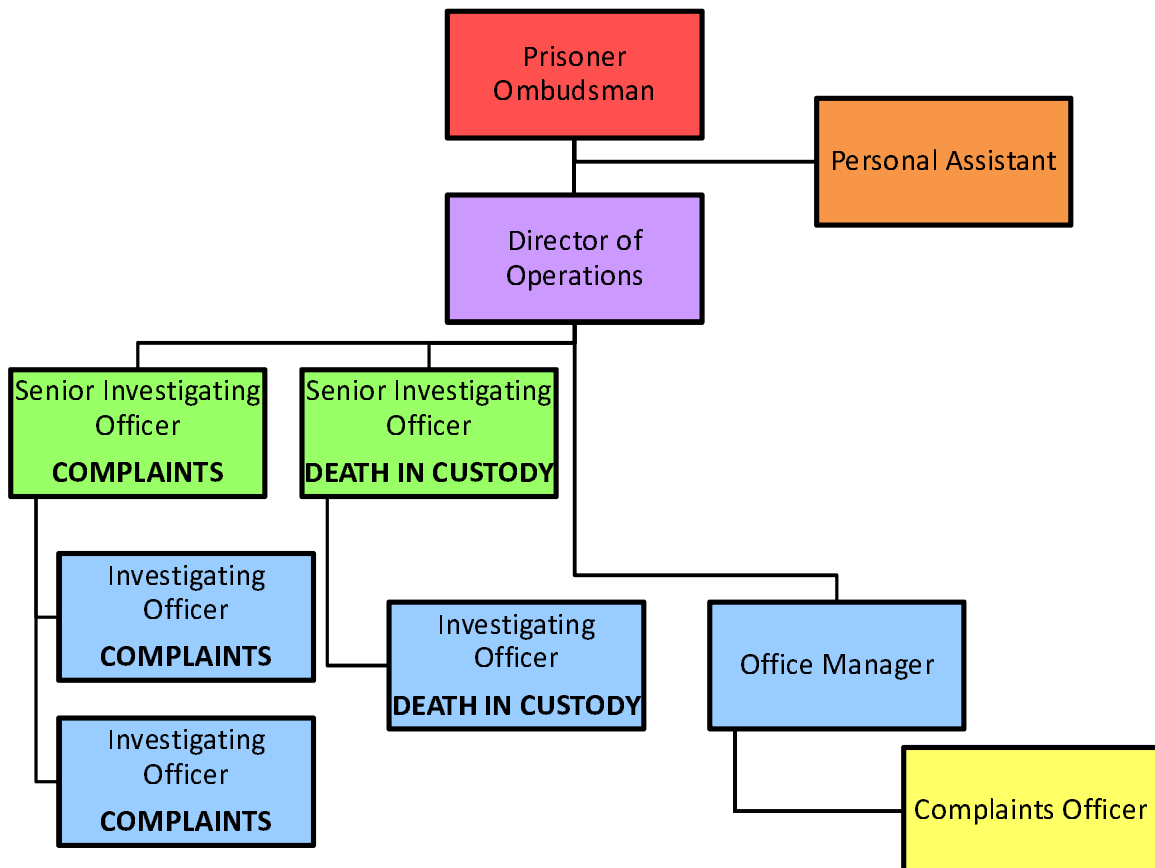
Budget and Resources

Budget

In 2010-2011 the budget for the Prisoner Ombudsman is:

	2010-2011
Staff costs	£414K
Non-staff costs	£256K

Organisation Chart



Our Mission

To help to ensure that prisons are safe, purposeful places through the provision of independent, impartial and professional investigation of complaints and Deaths in Custody.

Office Values

The Prisoner Ombudsman is committed to providing an independent and impartial investigation and as such has chosen to adopt the following six principles of good practice for a complaints system:

1. Getting it right – Having **clear** and **defined** roles and adherence to relevant legislation and guidance. Using time, money and resources, effectively and efficiently.
2. Being Prisoner Focused – Provision of an excellent service by **accessible** and **approachable** staff. Sensitivity to the needs of bereaved families.
3. Being open and accountable – Providing **honest** and **accurate** findings and being honest and fair to all those we meet through our work.
4. Acting fairly and proportionately – Being **impartial** and **objective** when conducting an investigation and being transparent and consistent when making decisions.
5. Putting things right – Providing realistic and achievable **solutions** that will help to improve the performance of services.
6. Seeking continual improvements – To look to continually improve processes and the service offered to complainants, relatives and other stakeholders.

Strategic Objectives

Strategic objectives set out in the 2009-2012 Corporate Plan

Strategic Objectives

- 1. Independent** – To develop and maintain prisoner confidence in the independence and objectiveness of the Office of Prisoner Ombudsman.

- 2. Professional** – To further develop the investigation processes for complaints and Deaths in Custody investigations, ensuring high standards of investigative practice, robustness and a proportionate approach.

- 3. Efficient** – To ensure that the Office is efficient and compliant with relevant legislative and governance requirements.

- 4. Service** – To highlight the learning from investigations, to provide an effective and courteous service to all stakeholders; to positively influence the implementation of recommendations, that improve service delivery; to answer any family questions about a Death in Custody and to meet the needs of the Coroner.

- 5. Communication** – To maximise awareness of the role of the Prisoner Ombudsman with key stakeholder in a changing environment and to keep those to whom we provide a service fully informed about the content and progress of investigations in which they have an interest.

- 6. Developing Role of Office** – To secure statutory footing and to further develop the role of the Office to meet emerging needs.

Operational Targets and Goals

INDEPENDENT

To develop and maintain prisoner confidence in the independence and objectiveness of the office of Prisoner Ombudsman.

Key Performance Indicators

KPI 1: To Review our governance with the new Minister of Justice to ensure that our independence is safeguarded.

KPI 2: To continue to argue for legislation to be introduced to deliver a statutory remit that delivers conspicuous independence.

KPI 3: To ensure our recently produced DVD and other publicity material is used to maximum effect to promote our independence.

Development Goals

DG1: To sustain visibility during and frequency of visits to prison.

DG2: To promote, through the annual report and all other publicity material, confidence in the independence of the Office over the next year.

DG 3: To provide assurances and build confidence within the prisoner population of the independent and impartial role played by the office.

DG 4: To produce comprehensive investigative reports which are evidence based and demonstrate objective decision-making.

PROFESSIONAL

To further develop the investigation processes for complaints and Deaths in Custody investigations, ensuring high standards of investigative practice, robustness and a proportionate approach.

Key Performance Indicators

KPI 4: To ensure an Investigator is on site within four hours of a confirmed Death in Custody.

KPI 5: To conduct annual reviews of Complaints and DIC manuals for quality assurance.

KPI 6: To conduct case conferences of all Death in Custody investigations in accordance with the time limits in the Death in Custody manual.

KPI 7: To hold fortnightly Senior Management Team meetings to review performance management data and to discuss relevant operational and strategic issues and plans.

Development Goals

DG 5: To provide creative opportunities for all staff to receive training that will add real value to service delivery and personal development.

EFFICIENT

To ensure that the Office is efficient and compliant with relevant legislative and governance requirements.

Key Performance Indicators

KPI 8: To scrutinise each month's expenditure against budget and monitor any variances and opportunities for more cost effective delivery.

KPI 9: To conduct quarterly reviews of performance against Business plan.

KPI 10: To conduct quarterly reviews of the Risk Register.

KPI 11: To make sure all telephone calls are answered within five rings.

KPI 12: To acknowledge all eligible complaints received within five days.

KPI 13: To ensure all complainants' are interviewed within four weeks of their eligible complaint being acknowledged.

KPI 14: To ensure a holding/progress letter is issued within 10 weeks of an eligible complaint being acknowledged. (if final report cannot be issued within 12 weeks).

KPI 15: To provide the Investigation Reports to Northern Ireland Prison Service (NIPS) for factual accuracy within 12 weeks of an eligible complaint being acknowledged.

KPI 16: To provide the Final Investigation Reports to the complainant within 18 weeks of the eligible complaint being acknowledged.

KPI 17: To provide the full Death in Custody Investigation Reports to Northern Ireland Prison Service for factual accuracy not later than nine months of the date of death.

Development Goals

DG 6: To further develop an efficient and streamlined service for capturing information on complaints, including more robust and comprehensive statistical data.

DG 7: To arrange an internal audit review of operational and administration procedures within the Office and to implement any agreed recommendations.

DG 8: To maintain and monitor current staffing levels against current workload of Office.

SERVICE

To highlight the learning from investigations, to provide an effective and courteous service to all stakeholders; to positively influence the implementation of recommendations, that improve service delivery; to answer any family questions about a Death in Custody and to meet the needs of the Coroner.

Key Performance Indicators

KPI 18: To track monthly the implementation of complaints' recommendations and conduct any necessary follow up action.

KPI 19: To monitor on a quarterly basis, the implementation of actions in relation to recommendations made in Death in Custody investigation reports and request updates from NIPS on progress.

KPI 20: To issue a holding letter within five days of receipt of any correspondence, if a full response cannot be provided before then.

KPI 21: To provide updates to families on the progress of a Death in Custody investigation as per the time limits specified in the Death in Custody manual.

KPI 22: To provide supplementary material for all Death in Custody reports to the Coroner as per the timeframes specified in the protocol with the Coroner.

KPI 23: To undertake work to explore reasons why certain complainant groups, such as women and young people, are under represented.

Development Goals

DG 9: To ensure information on recommendations accepted by NIPS, relevant Criminal Justice Inspectorate (CJI) and Her Majesty's Inspectorate of

Prisons (HMIP) reports, or other Judicial Review decisions, are taken into account in the investigation of new complaints.

DG 10: To maintain a high quality of professionalism in all correspondence issued by the office.

COMMUNICATION

To maximise awareness of the role of the Prisoner Ombudsman with key stakeholder in a changing environment and to keep those to whom we provide a service fully informed about the content and progress of investigations in which they have an interest.

Key Performance Indicators

KPI 24: To hold awareness raising sessions in prisons three times per annum.

KPI 25: To provide briefing sessions for Prison Officers as required following publication of Death in Custody Reports.

KPI 26: To issue three editions of “Inside Issues” magazine to prisoners each year.

KPI 27: To produce an Annual Report each year

KPI 28: To develop and implement a communications plan for raising awareness of the new role of the Office in respect of prison visitor complaints and complaints about Probation Services in prison.

Development Goals

DG 11: To monitor press coverage and to further develop constructive relationships with the media.

DG 12: To build on working relationships with Prison Officers Associations and Prison Governors Association within all three prisons.

DG 13: To continue to involve stakeholders in the developing role of the Office.

DEVELOPING ROLE OF OFFICE

To secure statutory footing and to further develop the role of the Office to meet emerging needs.

Development Goals

DG 14: To research and prepare the timely implementation of statutory footing for the Office.

DG 15: To develop greater understanding, among key influencers, of the need for the Office to be placed on statutory footing, including through an effective Communications Strategy.

DG16: To review the pilot arrangements for investigating complaints about Probation Services with prison and agree appropriate next steps.

DG17: To ensure the new arrangements for investigating complaints from prisoner visitors are implemented effectively.

DG18: To develop, implement and review protocols for information sharing with other relevant bodies.

DG19: To progress identified issues related to NIPS handling of “near deaths”.

DG20: To use the role of the Prisoner Ombudsman and stakeholder relationships to influence the future prison agenda, particularly in respect of a focus on purposeful activity, the reduction of reoffending, the treatment of young people and the delivery of the women’s strategy.