

Prisoners - making a complaint

If things go wrong when you're in prison, you may be able to sort the problem out by making a complaint. There are different ways to make a complaint. These are:

- the prison complaints procedure
- complaining to the Independent Monitoring Board
- contacting someone outside the prison system.

You can't use these procedures to complain about **why** you are in prison. If you think you were found guilty of an offence that you didn't commit, you may be able to appeal to the court. You'll need to talk to a solicitor about this.

There are rules about discrimination in prison so if you feel you were treated unfairly because of your race, sex, ethnic background, sexuality, disability or religion, make sure you mention this in any complaint you make.

The prison complaints procedure

If you have a complaint, start off by talking to a prison officer. If this doesn't sort out the problem, think about making a written complaint. There's a deadline for this which is three months from the date when the problem happened.

Complaints forms are available on every wing and you shouldn't have to ask a prison officer for one. To make a complaint, fill out a form. Make sure you make a copy of what you've written. Then post the form into a yellow complaints box. These can be found on most landings and in other communal parts of the prison. The complaint will be dealt with first of all by a prison officer. If you're not happy with the outcome, you can appeal to someone more senior and then to the governor.

If you're still not satisfied, you may complain directly to the Prisons and Probation Ombudsman – see below.

Confidential complaints

You can make a confidential complaint about:

- ill treatment in prison
- the behaviour of staff on your wing
- sensitive medical issues.

Write down the complaint on a complaint form. Make a copy of it, then put it in an envelope and write on the envelope 'Confidential Access'. Seal the envelope and put it in a yellow complaints box.

The complaint may not stay confidential as an investigation in the prison may take place.

There are some things that can't be dealt with directly by the prison. These are called **reserved matters**. Reserved matters include things like parole, deportation (where you are taken back to your own country), repatriation (where you serve the rest of your sentence in your own country) and disciplinary hearings. To complain about these things, you can fill in the normal complaints form. But you may have to wait longer for a reply because the National Offender Management Service (NOMS) or Prison Service Headquarters will deal with the problem. You should get a written reply within six weeks.

If you want to complain about **healthcare** in prison, you should use the NHS complaints procedure. See under Further Help at the end of this fact sheet. The NHS complaints procedure does not apply in privately-run prisons which should have their own complaints procedure.

In England, there's a specialist organisation called ICAS that can help prisoners complain about NHS services. The contact details are:

- London – 0845 120 3784
- Essex – 0845 456 1083
- Herts and Beds – 0845 456 1082
- Cams, Norfolk and Suffolk – 0845 456 1084
- South East – 0845 600 8616
- South West – 0845 120 3782
- West Midlands – 0845 120 3748
- East Midlands – 0845 650 0088
- Yorks/Humberside – 0845 120 3734
- North East – 0845 120 3732
- North West – 0845 120 3735

Complaining to the Independent Monitoring Board

The Independent Monitoring Board is a group of independent people appointed by the government. They act as a 'watchdog' to make sure that the prison is being run properly and that prisoners are treated fairly. You can make a complaint to the Independent Monitoring Board at any time. But they will not usually look at a complaint unless you've already tried to sort out the problem by using the prison complaints procedure.

To make a complaint, to the Independent Monitoring Board, you can ask to speak directly to a member of the Independent Monitoring Board or write to them. Make a copy of what you have written and put the letter in an envelope marked 'Confidential Access'. Address it to the Chair of the Independent Monitoring Board. Seal the envelope.

You can talk to members of the Independent Monitoring Board out of the sight and hearing of a prison officer if the Board agrees. They can pass on information to prison staff. Although the Board will usually talk to you before they pass on information, this won't always happen.

Contacting someone outside the prison system

The Prisons and Probation Ombudsman

The Prisons and Probation Ombudsman is independent of the Prison Service. They can investigate most complaints made by prisoners. You should use the prison complaints procedure before you contact the Prisons and Probation Ombudsman. If the Ombudsman agrees with your complaint, they will make a recommendation to the Home Secretary or Prison Service to put the problem right.

To make a complaint to the Ombudsman, write a letter. Put your prison number at the top of the letter. Make a copy of what you have written and put the letter in an envelope marked 'Confidential Access'. Seal the envelope.

The address of the Prisons and Probation Ombudsman is:-

Prisons and Probation Ombudsman
Ashley House
2 Monck Street
London
SW1P 2BQ

Tel: 020 77035 2876
Fax: 020 77035 2860

It may take a long time for the Ombudsman to look into your complaint. If it takes longer than twelve weeks, you'll get monthly progress reports from the Ombudsman.

Complaints to other people

There's usually no point in making a complaint to someone else unless you've already used the prison complaints procedure. If you've used the prison complaints procedure and you're still not satisfied, you could try:

- writing to your MP. You can write to them at the House of Commons, London SW1A 0AA
- writing to your solicitor. You may get legal aid to pay for legal advice.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve any sort of problem.

Some Citizens Advice Bureaux run advice sessions in prison. If you're in prison, check if they run these sessions in your prison. If they don't run advice sessions, you

www.adviceguide.org.uk

could write to them explaining your problem. Ask a member of the prison staff for the address of your local CAB.

If you are not in prison, and you want to find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

Prisoners' Advice Service (PAS)

PO Box 46199
London
EC1M 4XA

Tel: 020 7253 3323 / 0845 430 8923, (Monday, Wednesday and Friday
9:30am - 1:00pm and 2:00pm - 5:30pm)

Fax: 020 7253 8067

E-mail: advice@prisonersadvice.org.uk

Website: www.prisonersadvice.org.uk

The Prisoners' Advice Service (PAS) provides advice and information to prisoners on their rights as prisoners. PAS does not deal with miscarriages of justice or appeals against conviction or sentence.

Other information on Adviceguide which might help

- Using a solicitor
- NHS and local authority social services complaints in England
- NHS complaints in Wales
- Help with legal costs
- Prisoners - letters
- Prisoners - getting further help

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