

PROBATION COMPLAINTS

Can I make a complaint against my Probation Officer?

Anybody who is or has been under probation supervision can bring a complaint against the probation service.

To be considered, your complaint has to be about an action or a decision taken by probation staff, the local Probation Board, a Board member, a contractor, agent or volunteer working for the probation service. You can also complain about a failure to take action or make a decision by any of these people.

The probation service cannot look into a complaint that is already being investigated by the police or subject to a decision of the courts, statutory tribunal, Parole Board, Crown Prosecution Service or the Criminal Cases Review Commission.

In general, complaints will only be considered if they are made about something that has happened in the last 12 months, or about something that the complainant could have known about in the last 12 months.

Resolving a Complaint Informally

Firstly, it is advisable to try to resolve the problem informally with the probation officer in question or his/her superior. They have no obligation to change their behaviour if they have been acting reasonably.

It may be very difficult to request a change of probation officer unless it can be demonstrated that that officer

has acted unreasonably towards the complainant.

Making a Formal Complaint

Prisoners may bring a formal complaint in writing to their local Probation Area's Chief Officer. There are 35 local probation areas. Within five working days of receiving a complaint, the Chief Officer should respond, explaining how that complaint will be handled and informing the complainant of the expected date of any outcome.

If the complaint is about an issue involving the Chief Officer, it should be addressed to the Secretary of the Area Probation Board.

Appealing the Outcome of the Complaint

If a complainant is not satisfied with the outcome, an appeal must be made within 15 working days to the Secretary of the Area Probation Board. Again, that letter should be acknowledged within five working days of being received.

A panel, including at least one Board member, will look at any appeal. They may ask to meet the complainant and the investigating officer (of the original complaint). The outcome of the appeal will be sent to the complainant within 20 working days of receipt of the appeal. If the panel requires additional time for their investigations, this will be communicated to the complainant.

Appeals to the Prisons and Probation Ombudsman ('PPO')

If the complainant remains unsatisfied, a complaint can be made (either in writing or by filling out a PPO application form) to the PPO, within one month of the appeal decision being made. Similarly, a complaint may be made to the PPO if the Area Probation Board have not replied to the complainant within 6 weeks of the appeal having been received.

The PPO will respond to the complainant within 10 days, informing him/her of whether or not that complaint has been accepted. If a complaint is not accepted, an explanation as to why will be given.

If a complaint is accepted, it will be allocated to an investigator who will contact the complainant directly.

The investigator will first consider if there is a way of resolving the complaint without a full investigation. If so, the investigator will contact the complainant and the Area Probation Board to try to negotiate a settlement. If a settlement is not possible, a full investigation will be started.

The PPO aims to deal with any complaint within 12 weeks of starting the investigation.

If a complaint is not upheld, the complainant will receive a letter with a detailed explanation of the findings of the investigation and the specific reasons why the PPO have not upheld the complaint.

If the complaint is upheld, the investigator will write to the complainant, setting out the details, the findings and the conclusions. The PPO may also make certain

recommendations to the Probation Area against whom the complaint was brought to help them ensure the problem does not occur again.

If the complaint warrants it, the PPO will write a full report. A draft copy of this report will be sent to the complainant and to the Probation Area against whom the complaint was brought, to check that the details of the complaint are accurate. Once confirmed, a final copy of the report will be sent to both parties.

The contact address for the PPO is:

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

What if the complaint relates to the content of my OASys report?

Under the Data Protection Act 1998, the Probation Services is obliged to keep all personal information accurate and up to date.

If there is a fact within your OASys report that you can prove to be incorrect, then the probation officer responsible for reviewing the report is obliged to amend or delete the contents of the record.

If there is a fact, or opinion in the report you disagree with, but cannot clearly prove or disprove, probation are obliged to note on the record that the information in question is in dispute.

Further information on challenging inaccurate OASys reports is contained in our DPA information sheet.

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