

Complaints Procedure

The legal framework

Prisoners are legally entitled to make complaints (Rule 11 of Prison Rules 1999). The rules on prisoners' complaints are dealt with in the **Prisoner Complaints Policy Framework**. A copy of this framework should be available in the prison library.

How long do I have to complain?

Complaints should normally be submitted within **3 months** of the incident or circumstances which give rise to the complaint, or the date on which the issue became known to you.

What complaint form should I use?

In the first instance you should normally use the form **COMP1**. This is for ordinary complaints that do not need to be confidential. Completed complaints should be posted into the 'Complaints' boxes on the wings.

How long can I expect to wait for a response to a COMP1?

You should normally receive a response to a COMP1 within 5 working days. If the complaint involves another establishment or is against a staff member then the response is 10 working days.

Prisons must have arrangements in place to enable urgent complaints to be considered at weekends and on public holidays.

If the prison cannot give a full reply within the normal timeframe, an interim reply must be provided. This must include an indication of when a full reply can be expected.

What if I am unhappy with the response (or lack of a response) to a complaint?

If you are unhappy with the 'Stage 1' response, you have 7 calendar days to make a 'Stage 2' appeal on a COMP1A form. You can expect a response to a COMP1A within 5 working days.

A COMP1A must be answered by someone at a higher level than the person who gave the response to the original COMP1 complaint. The response to an appeal must not simply repeat the response already given.

What if I am still not happy with the response to my Comp1A appeal?

The next step is to contact the Independent Prisoner Complaint Investigations (IPCI) at:
Independent Prisoner Complaint Investigations
Third Floor, 10 South Colonnade,
Canary Wharf, London, E14 4PU

The IPCI will need copies of your COMP1 and COMP1A forms, and any responses from the prison. The prison must photocopy these forms without charge if you ask them.

The prison will not share personal information with the IPCI unless you give permission.

The IPCI may sometimes use 'Email a Prisoner' to communicate with you, despite the guidance noting that prisoners should have confidential access to the IPCI. You may wish to inform the IPCI if you do not want them to do this.

Time limits for complaints to the IPCI are:

- If you have received a final response from the prison you must submit your complaint to the IPCI within 3 months.
- If you have not received a final response within 6 weeks of the final stage of the complaint you can contact the IPCI (in practice they rarely take the complaint at this point but should contact the prison to see why they have not responded).
- Unless there are exceptional circumstances your complaint must be submitted within 12 months of the actual events complained of.

Confidential Access Complaints (COMP2)

If your complaint relates to a staff member who you do not want to read the complaint about them, you should use the confidential access system by completing a COMP2. Check the notes on the COMP 2 to see if your complaint is suitable for confidential access.

Once completed, place the complaint in the envelope and seal it. Then address it to the person who you want to read it. This must be one of the following:

- the governor/director of the prison where you are held;
- The prison group director/director's line manager in a contracted prison; or

Then post the envelope in the 'Complaints' box. The envelope will only be opened by the person to whom it is addressed. Written submissions/statements may also be sealed in an envelope, marked *Confidential Access* and posted in the 'Complaints' box.

A response to a COMP2 should be given within 5 working days if addressed to the governor or director and within 6 weeks if addressed to the prison group director/director's line manager.

Can I appeal a Comp2 response?

There is no formal mechanism for appealing the Comp2 complaint. If you're not happy with a Comp2 response, you can raise it with the IPCI. However, if you do have new information, or a good reason why the original response should be reconsidered, you can ask that your Comp2 be reconsidered by the prison.

You must be provided with two copies of the response to your COMP2 so that you do not have to ask prison staff to photocopy it.

Discrimination Incident Reporting Form (DIRF)

If your complaint relates to discrimination, harassment, or victimisation, you should use a DIRF complaint form. The prison must keep your complaint and their response private.

DIRFs should be handled by a manager, who should interview you to explore the issue. Serious allegations may be referred for an investigation. The prison should comply with the same timescales as COMP1 and COMP1A complaints.

If you are not satisfied with the prison's response to a DIRF, you may appeal it using a COMP1A form. You can escalate it to the IPCI as above, if you are still not satisfied with the response.

What are Reserved Subjects?

Reserved Subjects are complaints which cannot be considered internally in the prison. These are:

- Allegations against the governor / director
- Litigation against the Prison Service
- Deportation
- Mother and Baby Unit placement appeals

You should still use a COMP1 form but it will be dealt with by the Prison Group Director/Director's line manager or relevant units in HMPPS or the Home Office. You should expect a reply within **6 weeks**.

The Independent Monitoring Board

The IMB is responsible for monitoring the treatment of prisoners to check it is fair, just and humane. By law every prison must have an IMB and, although it does not constitute a stage in the formal complaints' procedure, prisoners retain the right to complain to the IMB and ask them to investigate matters within the prison for them. Forms to make an application to the IMB should be available on your wing and you then fill out the form and put it in the box marked 'IMB'. Only the IMB will see your complaint.

The IMB do not require your consent to access your prisoner records for the purposes of investigating your complaint.

Can the prison restrict my complaints?

If the prison legitimately believes you are abusing the process, they must decide how to manage your complaints. Prison staff must first discuss the issue with you to seek to find a simple solution.

The prison can make a decision to impose a limit on the number of complaints you can submit, but your legal right to make a complaint must not be completely withdrawn in any circumstances. If a restriction is placed on the number of complaints you can make, you must be advised of it and the length of time it will be in place.

Complaints about adjudications

To appeal against an adjudication conducted by a prison governor you need to complete a **DIS8** form. For further information on complaints about adjudications please see PAS Adjudications information sheet.

Complaints about healthcare

A healthcare complaint is a different process to making a prison complaint. This is because Healthcare in prison is overseen by the NHS. See PAS information sheet on Healthcare for details.

I want to report a crime

Section 4.15 of the Policy Framework states that the prison must allow a prisoner who is a victim of a crime to report it to the police, even if the prison has decided not to do so.

<p>PRISONERS' ADVICE SERVICE PO BOX 46199 LONDON EC1M 4XA Advice Line: TEL: 020 7253 3323 Mon, Wed, Fri 10am-12.30pm & 2-4.30pm</p>
