

PROBATION COMPLAINTS

Who can make a complaint against a Probation Officer?

Anyone can submit a complaint including, people under probation supervision, or the victims of crime or members of their family.

What can anyone complain about?

Complaints to probation must relate to the delivery of probation services. To be eligible for consideration, complaints must arise from actions or decisions, or failures to act or decide, with respect to the delivery of probation services, on the part of the employees of the National Probation Service (NPS).

Where are the rules on probation complaints?

The rules governing probation complaints are set out in Probation Circular (PI) 51/2014. The PI sets out the Secretary of State for Justice's directions in relation to the scheme to be operated by the NPS for the handling of complaints only with respect to the delivery of probation services. It is designed as a set of minimum requirements with which the NPS must comply.

How long do I have to complain?

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.

Complaints will not be eligible for investigation under the complaints procedure if the subject matter is under criminal investigation, or subject to the decision of a court, a statutory tribunal, the Parole Board, the Crown Prosecution Service or the Criminal Cases Review Commission or if the issue or issues that form the basis of the complaint have been determined by any of these.

Resolving a complaint informally

Firstly, the guidance says 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 consider

they have been acting reasonably.

Please note that it may be very difficult to request a change of probation officer unless it can be demonstrated that that officer has acted unreasonably towards you.

An initial complaint regarding the delivery of probation services may be made in writing, by telephone or through direct personal contact. At the end of the informal stage, complainants must be sent a letter outlining outcome of the complaint.

Making a formal complaint

All complaints concerning the delivery of probation services under this stage of the procedure should be addressed, as appropriate, to the Deputy Director with responsibility for the relevant NPS division or his or her designated officer. There is no specific complaint form.

Complainants must be informed, within 5 working days of receipt of their complaint, whether it is eligible for consideration and, if so, the procedure under which it will be considered and the date by which they will receive a reply.

The complaint will be investigated and the outcome, with reasons, sent in writing to the complainant within 25 working days of acknowledgement of the complaint. If the Deputy Director, exceptionally, needs more time, he or she must write to the complainant setting out the reasons for the delay.

Appealing against the outcome of a complaint

At the time they are notified of the outcome, complainants must be informed that, if they are not satisfied, they have 20 working days from the date of the reply in which to appeal, and that they must state the reasons for their dissatisfaction. There is no obligation to accept an appeal received outside this time limit, but the NPS has discretion to do so if there are exceptional circumstances or if satisfactory reasons are provided for the appeal being late. The appeal should be acknowledged within five working days of

being received. Appeals must be made in writing to the relevant Divisional Director.

The Divisional Director will convene an appeal panel of at least three people, to include senior staff who have not been involved in the subject of the complaint or its investigation.

The outcome of the appeal will be sent in writing to the complainant within 20 working days of receipt of the appeal. If this requirement cannot be met, the complainant must be notified in writing of the reasons for the delay.

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 three months of the appeal decision.

The PPO should respond to the complainant within 10 days, informing them whether the 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 by trying 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 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 NPS 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 will

be sent to the complainant and to the NPS, 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
Third Floor, 10 South Colonnade
London E14 4PU

Parliamentary Ombudsman

If the complainant is still dissatisfied with the way the complaint been dealt with, s/he may ask the Parliamentary Ombudsman to investigate. The Parliamentary Ombudsman investigates complaints about government departments and public bodies however cases have to be referred by an MP.

Repeated or vexatious complaints

The NPS will not reconsider a complaint if it has already been investigated (though reconsideration may be necessary if significant new information comes to light).

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

Under the Data Protection Act, the NPS 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 Data Protection information sheet.

PRISONERS' ADVICE SERVICE
PO BOX 46199
LONDON EC1M 4XA
Advice line: TEL: 020 7253 3323
Mon Wed Fri 10:00-12:30 and 14:00-16:30