

# Complaints about prison

This factsheet explains how you can complain about prison. It explains any time limits you have when making a complaint, and what you can do if you are still not happy.

## Key Points.

- There are lots of reasons you may want to complain about prison. For example, you might feel that staff did not do what they are supposed to do.
- You should make your complaint as soon as possible after the incident you are complaining about.
- You need to complain directly to the prison first.
- If you are not happy with the prison's response to your complaint, you might be able to go to the Prisons & Probation Ombudsman.

### This factsheet covers:

1. [Why might I want to complain?](#)
2. [How do I make a complaint?](#)
3. [What is the time limit for complaining about prison?](#)
4. [What if I am unhappy with how the prison handled my complaint?](#)
5. [Can anyone help me to complain?](#)
6. [How do I complain about a relative or friend's experience?](#)

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## 1. Why might I want to complain?

Being in prison can be very difficult.

You may feel that prison officers or other staff in prison have:

- behaved badly,
- broken the rules
- not respected your rights,

- treated you unfairly because of your mental health issues, or
- not considered your mental health issues, even though you told staff about them.

You can complain if you are not happy with the prison's services, such as cleaning facilities or healthcare. Some things that you might want to complain about are called 'reserved subjects'. The prison can't deal with these complaints. But they will pass them to someone who can.<sup>1</sup> You can find more information about reserved subjects in [Section 2](#) of this factsheet.

Below are some of the things you should include in your complaint.

- Which prison are you complaining about?
- Where and when were the incidents you are complaining about?
- Who was involved?
- What was said and done?
- Was any damage or injury caused?
- Are there any witnesses? If there are, include their details.

### **I want to complain about my healthcare. What do I do?**

You need to follow a different complaints process if you are not happy with your healthcare.

You can find more information about complaints about healthcare in [Section 2](#) of this factsheet.

### **I want to complain about my sentence or charge. What do I do?**

You can find more information about appealing your sentence or charge in our '**Complaints about court**' factsheet at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007, and ask them to send you a copy of our factsheet.

### **I want to complain about my solicitor. What do I do?**

You can find more information about complaining about your solicitor in our '**Legal advice**' factsheet at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007, and ask them to send you a copy of our factsheet.

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## **2. How do I make a complaint?**

Speak to a member of staff if you are worried about something in prison. You could talk to your personal officer or another member of staff to try to solve the problem. If this doesn't help, you can make a complaint.

To make a complaint, you should fill in a form, called a COMP 1. It should be easy to find a copy of this form. Once you've filled it in, you should put it in the complaint box. The complaint box should be easy to find, but not directly outside the wing office.<sup>2</sup>

If you would find it hard to fill in the form, a member of staff should write down your complaint for you. Or you can ask for other formats to be used, like Braille or audio cassette.<sup>3</sup>

You should get a reply within 5 working days. Or 10 working days, if you are complaining about a member of staff.<sup>4</sup> This might be a full answer, or a letter to say they are dealing with your complaint. But they should always give you a full answer within the time limit, if they can.<sup>5</sup>

### **I'm not happy with the prison's response to my complaint. Can I get someone else to look at it?**

You can fill in an appeal form if you are not happy with the prison's reply. This is called a COMP 1A.<sup>6</sup> The prison will look at your complaint again. You have 7 days to appeal after you get your response.<sup>7</sup>

The prison should reply to your appeal within 5 working days.<sup>8</sup> The person dealing with your appeal should work at a higher level than the person who looked at your complaint the first time.<sup>9</sup>

### **I'm still not happy with the prison's response to my complaint. Who do I complain to?**

You can contact the Prisons & Probation Ombudsman (PPO) if you are still not happy with the prison's reply.<sup>10</sup> There is more information about this in [Section 4](#) of this factsheet.

### **Independent Monitoring Board (IMB)**

You can ask the IMB to look at your complaint at any time.<sup>11</sup> But it is best to try to sort it with prison staff first.<sup>12</sup>

The IMB is independent from the prison. They monitor day-to-day life in prison. They make sure that staff give you the right standard of care and treat you decently.<sup>13</sup> They can listen to any problems you're having.<sup>14</sup> Your wing should have a leaflet about them. They can't change a decision that the prison has already made. But they can ask the governor why they made a decision. Or suggest what else the prison could do.<sup>15</sup>

### **Can I complain in a more private way?**

You can complain in a more private way. This is called a 'confidential access' complaint.

A confidential access complaint goes directly to the person you address it to, without anyone else seeing it.<sup>16</sup> You can do this if your complaint is about something very serious or sensitive that you don't want other people to know.<sup>17</sup>

You can address a confidential access complaint to the:<sup>18</sup>

- prison governor,
- head of the Independent Monitoring Board, or
- Deputy Director of Custody (DDC).

Fill in a COMP 2 form to make a confidential access complaint.<sup>19</sup>

Send it in a sealed envelope. The prison should have envelopes that have the addresses pre-printed for you.<sup>20</sup>

Although your complaint is more private, the person you complain to may still need to speak to other people about it. This could include the person you are complaining about. But they should not share your complaint with anyone who does not need to know.<sup>21</sup>

You should not use this process to try to speed up an ordinary complaint.<sup>22</sup>

### **Complaining about healthcare in prison**

You should get the same healthcare and treatment in prison as anyone outside prison.<sup>23</sup>

You can have medication and support from the prison healthcare team if you have a mental illness. You should also be able to see a doctor, dentist, optician, or other healthcare professionals for your physical health.<sup>24</sup>

All healthcare services for prisoners are funded by NHS England.<sup>25</sup> So you should complain to NHS England about any problems you have with the prison's healthcare service. This applies even if your prison's healthcare service is managed by a private company.<sup>26</sup>

You can find contact details for NHS England in the [Useful Contents](#) section at the end of this factsheet.

### **Complaining about a reserved subject**

You still fill in a COMP 1 form if you want to complain about a reserved subject. Reserved subjects are things that can't be dealt with by the prison itself. They are:<sup>27</sup>

- complaints about the prison governor,
- court action against the prison service, and
- appealing your deportation under immigration law.

The prison will pass a complaint about a reserved subject to the department that can deal with it.<sup>28</sup> You should get a reply within 6 weeks.<sup>29</sup> If you are not happy with the reply, you can contact the Prisons & Probation Ombudsman.<sup>30</sup> There is more information about this in [Section 4](#) of this factsheet.

### **Can I change my mind about complaining?**

You can usually stop your complaint at any time. You need to tell a member of staff. They will arrange for you to write on your complaint that you want to withdraw it.<sup>31</sup>

The only exception to this is if you have accused a member of staff of doing something. Sometimes the prison will want to keep on investigating this.<sup>32</sup>

You can find more information about:

- Complaints: NHS and Social Services
- Healthcare in prison

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007, and ask them to send you a copy of our factsheet.

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### **3. What is the time limit for complaining about prison?**

You should complain within 3 months. The 3 months will begin from:<sup>33</sup>

- the date the problem started, or
- the date you found out about the problem.

The prison may accept a late complaint if there's a good reason for it being late. Or if your complaint is so serious that it must be investigated.<sup>34</sup>

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### **4. What if I am unhappy with how the prison handled my complaint?**

You can contact the Prisons & Probation Ombudsman (PPO) if you are not happy with the prison's reply to your complaint. The PPO is independent from the Prison Service. They look into complaints and problems in prison.

#### **When can I contact the PPO?**

You can only contact the PPO once the prison has given you a final response to your complaint. You have to go through the prison's complaints process before you can ask the PPO to look at your complaint.

You have 3 months to contact the PPO once you have a final response to your complaint.<sup>35</sup> You need to contact the ombudsman within 12 months of.<sup>36</sup>

- the date the problem started, or
- the date you found out about the problem.

You can find the PPO's contact details in the [Useful Contacts](#) section of this factsheet.

#### **What should I tell the PPO?**

You should tell the PPO why you're unhappy with the prison's reply. And you should send any paperwork you have from the prison's complaint process.

If you don't want prison staff to read your letter, write 'Confidential Access' on the envelope and seal it.<sup>37</sup>

### **How will the PPO deal with my complaint?**

The PPO should contact you within 10 days to tell you if they will investigate your complaint. If they won't investigate your complaint, they will tell you why.<sup>38</sup>

If the PPO investigates your complaint, they should finish their investigation within 12 weeks. But it may take longer if your complaint is serious.<sup>39</sup>

### **What can I do if I disagree with the PPO's decision?**

You can write back to the PPO if you disagree with their decision. You might think that the PPO does not understand your complaint. Or that they have missed something important.

If they agree with you, the PPO can reopen your complaint, and do more work on it. The PPO will write to you with an explanation if they do not change their decision.<sup>40</sup>

### **What can I do if I still disagree with the PPO's decision?**

If you are still unhappy with the PPO's decision, you can complain to the Parliamentary & Health Service Ombudsman (PHSO).<sup>41</sup>

To complain to the PHSO, you need to fill out their complaint form. You can find this on their website here:

[www.ombudsman.org.uk/making-complaint/complain-us-getting-started/complaint-forms](http://www.ombudsman.org.uk/making-complaint/complain-us-getting-started/complaint-forms).

Or you can call them to ask for a copy. Their contact details are in the [Useful Contacts](#) section of this factsheet.

You then need to pass the complaint form to your local MP.<sup>42</sup> To find out who your local MP is, go to this website: [www.parliament.uk/mps-lords-and-offices/mps](http://www.parliament.uk/mps-lords-and-offices/mps). Or contact the House of Commons Enquiry Service. Their contact details are in the [Useful Contacts](#) section of this factsheet.

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## **5. Can anyone help me to complain?**

You can ask the following people to help you to make a complaint:

- a friend or relative,
- another prisoner,
- your Personal Officer,
- another member of prison staff,
- an advocate, or
- your local member of parliament (MP).

## **What's an advocate?**

An advocate is someone who can help you to understand your rights and get your voice heard. They are free to use and don't work for the NHS or prison service.

An NHS complaints advocate can help you to make an NHS complaint.

There may be an advocacy service to help you to make other types of complaints. But this isn't available everywhere. It is usually called 'generic' or 'community' advocacy.

### How do I find an advocate?

- ask prison staff,
- ask a friend or family member to search for you, or
- call a charity who can search for you.

Your friend or relative can find your local service by doing an internet search. For example, they can search 'NHS Complaints Advocacy in Birmingham'.

If you would like to contact our advice line, you can find our contact details on the last page of this factsheet.

## **Your MP**

You could ask your local MP to help you to make a complaint. They might help you to fill in forms. Or make a complaint on your behalf.

### How do I find my MP?

You can find your local MP by going to the following website:

[www.parliament.uk/mps-lords-and-offices/mps](http://www.parliament.uk/mps-lords-and-offices/mps).

Or by contacting the House of Commons Enquiry Service. Their contact details are in the [Useful Contacts](#) section at the end of this factsheet.

You can find more information about 'Advocacy' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007, and ask them to send you a copy of our factsheet.

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## **6. How do I complain about a relative or friend's experience?**

You can help a relative or friend to complain, if they want you to.

You could:

- Give them information about how the complaints process works.
- Explain to them how the complaints process works.
- Help them to write their complaint.

- Find out who to send the complaint to.
- Help to monitor the progress of their complaint.

### **Can I complain on my relative or friend's behalf?**

Your relative or friend should give their consent to say that they are happy for you to take a complaint forward on their behalf. Get written consent from them to do this. If you don't have consent, the office may not accept your complaint.

If your relative can't read or write, then you can write out a letter for them. You can ask them to put an X in a box next to a sentence saying that they are happy for you to complain for them. Your relative should also put their initials on the complaint form. You will need someone to be a witness to this, such as a friend or family member.

You are allowed to make a complaint about something that has affected you directly, without your relative's consent.

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You can find more information about:

- Criminal courts and mental health
- Prison – going in
- Prison – what happens while I am in prison
- Prison – planning for release

at [www.rethink.org](http://www.rethink.org) Or call our General Enquiries team on 0121 522 7007, and ask them to send you a copy of our factsheet.

### **Civil Legal Advice**

Civil Legal Advice gives free, confidential advice for people in England and Wales who can get legal aid.

**Telephone:** 0345 345 4 345. Open Monday-Friday, 9am-8pm. Saturday, 9am-12:30pm.

**Website:** [www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice)

### **The Law Society**

The Law Society is an independent professional body for solicitors in England and Wales. They have a search facility you can use to find a solicitor.

**Website:** <http://solicitors.lawsociety.org.uk>

Further  
Reading

Useful  
Contacts

### **Equality Advisory Support Service (EASS)**

The EASS gives advice on discrimination and human rights to people in England, Scotland, and Wales.

**Telephone:** 0808 800 0082. Open Monday-Friday 9am-7pm. Saturday 10am-2pm.

**Address:** FREEPOST EASS HELPLINE FPN6521

**Email:** via form on their website here:

[www.equalityadvisoryservice.com/app/ask](http://www.equalityadvisoryservice.com/app/ask)

**Website:** [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

### **House of Commons Enquiry Service**

The House of Commons Enquiry Service can tell you who your MP is, and give you information about how the House of Commons works.

**Telephone:** 0800 112 4272. Open Monday-Friday, 10am-12pm and 2pm-4pm.

**Address:** House of Commons Enquiry Service, House of Commons, London, SW1A 0AA

**Email:** [hcenquiries@parliament.uk](mailto:hcenquiries@parliament.uk)

**Website:** [www.parliament.uk/mps-lords-and-offices/offices/commons/hcio/contact-us](http://www.parliament.uk/mps-lords-and-offices/offices/commons/hcio/contact-us)

### **NHS England**

They fund all prison healthcare services in England. You can complain to them if you're not happy with the standard of healthcare you get.

**Telephone:** 0300 311 2233. Open weekdays, 8am-6pm, except Wednesdays when they open at 9.30am.

**Address:** PO Box 16738, Redditch, B97 9PT

**Email:** [england.contactus@nhs.net](mailto:england.contactus@nhs.net).

**Website:** [www.england.nhs.uk/contact-us/complaint/complaining-to-nhse](http://www.england.nhs.uk/contact-us/complaint/complaining-to-nhse)

### **Parliamentary & Health Service Ombudsman (PHSO)**

They investigate complaints about NHS England, government departments, and other public organisations.

**Telephone:** 0345 015 4033. Open Monday-Friday, 8:30am-5:30pm.

**Address:** Millbank Tower, 30 Millbank, London, SW1P 4QP

**Email:** [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)

**Website:** [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

### **Prisoners' Advice Service (PAS)**

PAS gives free legal advice and information to prisoners in England and Wales on their rights, conditions of imprisonment, and Prison Rules.

**Telephone:** 020 7253 3323. Open Monday, Wednesday, Friday 10am-12.30pm and 2pm-4.30pm.

**Address:** Prisoners' Advice Service, PO Box 46199, London, EC1M 4XA.

**Email:** [advice@prisonersadvice.org.uk](mailto:advice@prisonersadvice.org.uk)

**Website:** [www.prisonersadvice.org.uk](http://www.prisonersadvice.org.uk)

### **Prisoners' Families Helpline**

The Prisoners' Families Helpline can support anyone in England and Wales whose family member is in the criminal justice system. They give advice and information on all aspects of the system. For example, what happens when someone's arrested, visiting a prison, and preparing for release.

**Telephone:** 0808 808 2003. Open Monday to Friday, 9am-8pm. And weekends, 10am-3pm.

**Address:** Prisoners' Families Helpline, Pact, 29 Peckham Road, London, SE5 8UA

**Email:** [info@prisonersfamilies.org](mailto:info@prisonersfamilies.org)

**Website:** [www.prisonersfamilies.org](http://www.prisonersfamilies.org)

### **Prison Reform Trust**

This is an independent charity that works to improve support for prisoners. They run a helpline that advises prisoners.

**Freephone information helpline:** 0808 802 0060. Open Monday & Thursday 3.30pm-5.30pm. Wednesday, 10.30am-12.30pm.

**Helpline:** 020 7251 5070. Open Monday to Friday, 10am-5pm. This number is not free, but you do not need to put it on your pin.

**Address:** Prison Reform Trust, FREEPOST ND 6125, London, EC1B 1PN

**Email:** through form here: [www.prisonreformtrust.org.uk/contactus](http://www.prisonreformtrust.org.uk/contactus)

**Website:** [www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk)

### **Prisons and Probation Ombudsman**

An independent body that investigates complaints about prisons.

**Telephone:** 020 7633 4149 or 0845 010 7938

**Address:** 3<sup>rd</sup> Floor, 10 South Colonnade, London, E14 4PU

**Email:** [mail@ppo.gov.uk](mailto:mail@ppo.gov.uk)

**Website:** [www.ppo.gov.uk](http://www.ppo.gov.uk)

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<sup>1</sup> Ministry of Justice. *Prisoner Complaints*, PSI 02/2012. London: Ministry of Justice; January 2016. Paragraph 2.6.

<sup>2</sup> As note 1, paragraph 2.1.1.

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- <sup>3</sup> As note 1, paragraph 2.1.3.
- <sup>4</sup> As note 1, page 15.
- <sup>5</sup> As note 1, paragraph 2.3.3.
- <sup>6</sup> As note 1, paragraph 2.1.1.
- <sup>7</sup> As note 1, page 15.
- <sup>8</sup> As note 1, page 15.
- <sup>9</sup> As note 1, paragraph 2.7.3.
- <sup>10</sup> As note 1, paragraph 2.4.4.
- <sup>11</sup> As note 1, page 37.
- <sup>12</sup> National Council for Independent Monitoring Boards (NCIMB). *National Monitoring Framework*. London: NCIMB; 2016. Page 6.
- <sup>13</sup> Independent Monitoring Board. *About us*. [www.imb.org.uk/about-us](http://www.imb.org.uk/about-us) [accessed 5<sup>th</sup> July 2019].
- <sup>14</sup> Rule 78(1), *Prison Rules 1999*. SI 1999/728. London: TSO; 1999.
- <sup>15</sup> As note 12, section 3, page 3.
- <sup>16</sup> As note 1, paragraph 2.5.1.
- <sup>17</sup> As note 1, paragraph 2.5.3.
- <sup>18</sup> As note 1, paragraph 2.5.1.
- <sup>19</sup> As note 1, paragraph 2.5.1.
- <sup>20</sup> As note 1, paragraph 2.5.1.
- <sup>21</sup> As note 1, paragraph 2.5.5.
- <sup>22</sup> As note 1, paragraph 2.5.2.
- <sup>23</sup> National Audit Office. *Mental Health in Prisons*. London: NAO; June 2017. Page 6.
- <sup>24</sup> NHS England. *Service Specification - Integrated Mental Health Service for Prisons in England*. NHS England: London; March 2018. Page 48.
- <sup>25</sup> Gov.uk. *Healthcare for offenders*. [www.gov.uk/guidance/healthcare-for-offenders](http://www.gov.uk/guidance/healthcare-for-offenders) [accessed 6<sup>th</sup> June 2019].
- <sup>26</sup> Informed confirmed by called to NHS England on 5<sup>th</sup> July 2019.
- <sup>27</sup> As note 1, Annex C.
- <sup>28</sup> National Offender Management Service (NOMS). *Service Specification for Processing & Resolution of Prisoner Complaints*. London: NOMS; 2015. Page 9.
- <sup>29</sup> As note 1, page 15.
- <sup>30</sup> As note 1, paragraph 2.6.2.
- <sup>31</sup> As note 1, page 32.
- <sup>32</sup> As note 1, paragraph 2.1.9.
- <sup>33</sup> As note 1, paragraph 2.1.4.
- <sup>34</sup> As note 1, paragraph 2.1.4.
- <sup>35</sup> Prison & Complaints Ombudsman. *How to submit a complaint*. [www.ppo.gov.uk/investigations/make-complaint/how-to-make-a-complaint-dvd](http://www.ppo.gov.uk/investigations/make-complaint/how-to-make-a-complaint-dvd) [accessed 6<sup>th</sup> June 2019].
- <sup>36</sup> Ministry of Justice. *The Prisons and Probation Ombudsman*, PSI 58/2010. London: Ministry of Justice; 2010. Paragraph 4.6.
- <sup>37</sup> As note 36, paragraph 4.8.
- <sup>38</sup> Prisons & Probation Ombudsman. *Frequently asked questions about complaints*. [www.ppo.gov.uk/investigations/make-complaint/complaints-faq-2](http://www.ppo.gov.uk/investigations/make-complaint/complaints-faq-2) [accessed 13<sup>th</sup> May 2019]. Question 'What happens after I have complained?'.
- <sup>39</sup> Prisons & Probation Ombudsman. *What to expect when you make a complaint*. [www.ppo.gov.uk/investigations/make-complaint/what-to-expect](http://www.ppo.gov.uk/investigations/make-complaint/what-to-expect) [accessed 13<sup>th</sup> May 2019].
- <sup>40</sup> As note 38, question 'What if I am unhappy with the Ombudsman's decision?'.
- <sup>41</sup> As note 40.
- <sup>42</sup> Parliamentary and Health Service Ombudsman. *Complaint forms*. [www.ombudsman.org.uk/making-complaint/complain-us-getting-started/complaint-forms](http://www.ombudsman.org.uk/making-complaint/complain-us-getting-started/complaint-forms) [accessed 13<sup>th</sup> May 2019].

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This factsheet is available  
in large print.

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## Rethink Mental Illness Advice Service

Phone 0300 5000 927

Monday to Friday, 9:30am to 4pm  
(excluding bank holidays)

Email [advice@rethink.org](mailto:advice@rethink.org)

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### Did this help?

We'd love to know if this information helped you.

Drop us a line at: [feedback@rethink.org](mailto:feedback@rethink.org)

or write to us at Rethink Mental Illness:

RAIS  
PO Box 17106  
Birmingham B9 9LL

or call us on 0300 5000 927.

We're open 9:30am to 4pm  
Monday to Friday (excluding bank holidays)



Leading the way to a better  
quality of life for everyone  
affected by severe mental illness.

For further information  
on Rethink Mental Illness  
Phone 0121 522 7007  
Email [info@rethink.org](mailto:info@rethink.org)

 [facebook.com/rethinkcharity](https://www.facebook.com/rethinkcharity)

 [twitter.com/rethink\\_](https://twitter.com/rethink_)

 [www.rethink.org](http://www.rethink.org)

### Need more help?

Go to [www.rethink.org](http://www.rethink.org) for information on symptoms, treatments, money and benefits and your rights.

### Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

### Need to talk to an adviser?

If you need practical advice, call us on 0300 5000 927 between 9:30am to 4pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

### Can you help us to keep going?

We can only help people because of donations from people like you. If you can donate please go to [www.rethink.org/donate](http://www.rethink.org/donate) or call 0121 522 7007 to make a gift. We are very grateful for all our donors' generous support.



Rethink Mental Illness is a partner in:

**time to change**

let's end mental health discrimination