

Complaints about probation services

This factsheet looks at how you can complain about probation services and when you can complain. And what you can do if you are not happy with the outcome of your complaint.

Key Points.

- There are lots of reasons why you might want to complain about probation services.
- You must make your complaint within 12 months of the problem.
- Your probation will be managed by either the National Probation Service (NPS) or Community Rehabilitation Company (CRC). You must complain directly to the service that manages your probation.
- You can appeal if you are not happy with how the probation service dealt with your complaint.
- You may be able to get support to make a complaint about the probation service.

This factsheet covers:

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1. Can I make a complaint?

There are two services that manage offenders living in the community:¹

- The National Probation Service (NPS) manages high risk offenders and
- Community Rehabilitation Companies (CRC) manage low and medium risk offenders.

This factsheet is aimed at people who are on probation. But other people can also complain to the NPS or a CRC. You can complain if you are a:²

- current or past offender under the NPS or CRC,
- victim of a crime committed by someone under the NPS or CRC,
- relative of the offender,
- relative of the victim, or
- parent, partner, brother, sister or child of someone in the above groups that has died.

If you are making a complaint for someone else you need their consent, unless they have died. This means they must agree that you can complain for them. They must put their consent in writing and you must include this with the complaint you send.³

The person you are making a complaint for might not be able to read or write. You can write the consent form out yourself and ask them to put an 'X' next to a statement that says they consent. An independent witness will need to sign the consent form to say they witnessed the person marking an 'X' on the form.

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2. What can I complain about?

Your complaint must be:⁴

- about something a staff member did, or
- something you think a staff member should have done but didn't do.

You can complain if you think the probation service is not treating you fairly because of your mental health condition. For example, if your offender manager stops you from going to appointments with the Community Mental Health Team (CMHT).

When making a complaint, you need to think about the following.

- Where and when did it happen?
- Who was involved?
- What was said and done?
- Did you get injured or did any of your things get damaged?
- Did anyone see what happened, if so who?

Try to explain clearly what happened and why you are making a complaint.

You can't complain about something that the police are investigating or any decision by the:^{5,6}

- Courts,
- Parole Board,
- Crown Prosecution Service, or
- The Criminal Cases Review Commission.

If you want to complain about any time you spent in hospital, or about your solicitor then the process is different. You can find more information about:

- Complaints
- Legal Advice

at www.rethink.org. Or call our General Enquires 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 making a complaint?

You must make your complaint within 1 year. The time limit starts from:⁷

- when the problem you are making the complaint about happened, or
- when you found out about the problem.

If you don't want to make a complaint straight away, then write down the date the problem started. You will have 12 months from that date to make your complaint.

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4. How do I make a complaint?

Before making a formal complaint you can try speaking to your Probation Officer. Or you can speak to their manager, the Senior Probation Officer. You can do this face-to-face, over the phone or in writing.⁸

Make sure you clearly use the word 'complaint.'

They will investigate your complaint. They may want to speak to you to get more information. When they have looked into the complaint they should send you a letter. This should say what your complaint was and what they are going to do to put things right.

It is usually best to try and sort things out informally. But if you don't want to speak to your Probation Officer or the Senior Probation Officer you can make a formal complaint.

How can I make a formal complaint?⁹

You must make a formal complaint in writing. You can do this by email or by letter.

If you are under the NPS you should send your complaint to public.enquiries@noms.gsi.gov.uk.¹⁰

If you are under a Community Rehabilitation Company (CRC) you should follow their formal complaints procedure. You can find these online. Each CRC has a website. On the website it will tell you where to send your complaint to.

If you don't know what NPS or CRC you are under then you can find a full list of them here: www.gov.uk/government/publications/probation-directory

When should I hear back about my complaint?

After you make your complaint, you should hear back from the probation service within 5 working days.¹¹ They will tell you if they are going to investigate your complaint or not. If they decide to investigate they should contact you within 25 working days.¹²

What can I do if I am not happy with the response?

If you are not happy with the response you can appeal it.¹³ Your appeal must be in writing. It must be sent to the Deputy Director of the NPS division or the Chief Executive of the CRC.¹⁴

You have 20 working days from the date of their response letter to appeal.¹⁵ They should let you know that they have received your appeal within 5 working days.¹⁶

A panel of 3 people will look at your appeal. They may ask to meet you. The panel will investigate your complaint again. You should get a response within 20 working days.¹⁷

What can I do if I am not happy with the appeal response?

If you are still not happy with the reply you can contact the Prisons and Probation Ombudsman. [Section 5](#) looks at this in more detail.

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5. What if I am unhappy with how my complaint was handled?

If you are unhappy with the outcome of your appeal you can contact the Prisons and Probation Ombudsman (PPO).¹⁸ The PPO is independent from the NPS and CRC's.

You need to contact the PPO within 3 months of the appeal decision.

You can only complain to the PPO if you are the person directly affected by the complaint. But the PPO can sometimes accept complaints from third parties on behalf of individuals who are unable to act on their own behalf.¹⁹

You can only complain to the PPO in writing. You should give details about why you are unhappy with probation's response. It will help to send any paperwork you have from the probation complaints process. You can find the contact details of the PPO below.

Prisons and Probation Ombudsman

Telephone: 020 7633 4100 or 0845 010 7938

Address: Third Floor, 10 South Colonnade, London E14 4PU

Email: mail@ppo.gsi.gov.uk

Website: www.ppo.gov.uk

The PPO will tell you if they will investigate your complaint or not. If not, they should tell you why.

The PPO aims to deal with your complaint within 12 weeks.²⁰

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

You might disagree with the PPO's decision. You might think that the PPO does not understand your complaint. Or it has missed something important.

You can appeal to the PPO if you disagree with them. You can do this by writing back to them and explaining why you disagree. The investigation will be reviewed by a member of senior staff who has not been involved in the case before.²¹ If your appeal is not successful they will write to you and explain why.

What can I do if I disagree with the PPO's decision about my appeal?

If you still aren't happy with the PPO's response you can take your complaint to the Parliamentary and Health Service Ombudsman (PHSO).²²

To do this you have to fill in a PHSO complaint form. You can find these on their website. You have to pass this on to your local MP.²³ To find out who your local MP is, go to the website www.parliament.uk/mps-lords-and-offices/mps/ or contact the House of Commons Enquiry Service on 020 7219 4272. The contact details for the PHSO are below.

Parliamentary and Health Service Ombudsman (PHSO)

Telephone: 0345 015 4033 (08.30 am- 05.30pm Monday to Friday)

Address: The Parliamentary and Health Service Ombudsman, Millbank Tower, Millbank, London, SW1P 4QP

Email: phso.enquiries@ombudsman.org.uk

Website: www.ombudsman.org.uk/

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6. Can anyone help me complain?

You could ask a family member or friend to help you make your complaint.

Advocacy

There might be advocacy services that could help you make a complaint. You would need to speak to a community advocacy service. These are also sometimes called generic advocacy services. To search for services you can try the following.

- Use an internet search engine – use search terms like ‘community advocacy Leicestershire’ or ‘general advocacy Devon’.
- Ask a support worker or key worker, if you have one.
- Ask you local council whether they have a list.

You can find more information about ‘**Advocacy**’ at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Your MP

You could ask your local MP to help you make a complaint. They could either help you to complete forms or perhaps make a complaint on your behalf.

You can find out who your local MP is by going to the website www.parliament.uk/mps-lords-and-offices/mps/ or contact the House of Commons Enquiry Service on 020 7219 4272.

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A blue square logo with the text 'Useful Contacts' in white, sans-serif font. The word 'Useful' is on the top line and 'Contacts' is on the bottom line.

Civil Legal Advice

This organisation can sometimes offer free, confidential and independent legal advice for people in England and Wales.

Telephone: 0345 345 4 345 (Mon-Fri 9am-8pm and Sat 9am-12:30pm)

Website: www.gov.uk/civil-legal-advice

The Law Society

You might want to get some legal support after making a complaint. This organisation can help you find a solicitor.

Telephone: 020 7242 1222

Email: Online form on the website www.lawsociety.org.uk/get-in-touch/

Website: www.lawsociety.org.uk/find-a-solicitor/

Equality Advisory Support Service (EASS)

Gives advice on discrimination and human rights issues to people in England, Scotland and Wales.

Telephone: 0808 800 0082 (Mon-Fri 9am-7pm and Sat 10am-2pm)

Address: FREEPOST EASS HELPLINE FPN6521

Email: Online form [here](#)

Website: www.equalityadvisoryservice.com

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References

¹ National Probation Service. *About us*. www.gov.uk/government/organisations/national-probation-service/about (accessed 23 November 2018).

² National Offender Management Service (NOMS). *National Offender Management Service Probation Standard Complaints Procedure*, PI 51/2014. London: NOMS; 2014 (Revised 2016). Para 2.3 and 2.4.

³ As note 2, at para 2.4.

⁴ As note 2, at para 2.5.

⁵ As note 2, at para 2.7.

⁶ As note 2.

⁷ As note 2, at para 2.6.

⁸ As note 2, at para 2.12.

⁹ As note 2, at para 2.15-2.22.

¹⁰ Gov.uk. *Her Majesty's Prison and Probation Service – complaints procedure*. www.gov.uk/government/organisations/her-majestys-prison-and-probation-service/about/complaints-procedure (accessed 28th November 2018).

¹¹ As note 2, at para 2.19.

¹² As note 2 at para 2.21.

¹³ As note 2, at para 2.22.

¹⁴ As note 2, at para 2.23.

¹⁵ As note 2, at para 2.22.

¹⁶ As note 2, at para 2.23.

¹⁷ As note 2, at para 2.26.

¹⁸ As note 2, at para 2.27.

¹⁹ Prisons and Probation Ombudsman. *How to submit a complaint*. www.ppo.gov.uk/investigations/make-complaint/how-to-make-a-complaint-dvd/ (accessed 23 November 2018).

²⁰ Prisons and Probation Ombudsman. *What to expect when you make a complaint*. www.ppo.gov.uk/investigations/make-complaint/what-to-expect/ (accessed 12 December 2018).

²¹ Prison and Probation Ombudsman. *How to appeal*. www.ppo.gov.uk/investigations/make-complaint/complaints-faq/ (accessed 12 December 2018).

²² As note 22.

²³ Parliamentary and Health Service Ombudsman. *Making a complaint – Complain to us: Getting started – Complaint forms*. www.ombudsman.org.uk/making-complaint/complain-us-getting-started/complaint-forms; (accessed 30 November 2018).

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Monday to Friday, 9:30am to 4pm
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or write to us at Rethink Mental Illness:
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Birmingham B9 9LL

or call us on 0300 5000 927.

We're open 9:30am to 4pm
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 twitter.com/rethink_

 www.rethink.org

Need more help?

Go to **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.

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