

Complaints about prison

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



- 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 and Probation Ombudsman.

This factsheet covers:

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1. Why might I want to complain?

It can be a very difficult experience to be in prison.

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

- behaved inappropriately towards you,
- did not act according to your rights,
- treated you unfairly because of your mental health, or
- did not consider your mental illness even though you told them about it.

You can complain if you are not happy with the service the prison gave. You can also complain if you think that prison staff have broken the rules or treated you badly.

Some things that you might want to complain about are called reserved subjects. This includes hearings or your security category. The prison cannot deal with these complaints but will pass them along for you. You can find more information about this in section 2.

These 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 there any damage or injury?
- Are there any witnesses? Include their details.

Your complaint must relate to something that happened in prison. If you are not happy with your solicitor, or about healthcare in prison then the process is different. Go to www.rethink.org for more information on these topics.

- Legal advice
- Complaints

Or call 0121 522 7007 and ask us to send you a copy.

2. How do I make a complaint?

Speak to a member of staff if you want to complain about something in prison. You could talk to your personal officer or another member of staff.

You can make a complaint if this does not help. You can fill in a COMP 1 form if you don't feel comfortable talking with someone. You can put this in a complaints box.¹ You should get a reply within 5 working days. Or 10

working days if you are complaining about a member of staff.² This might be a full answer or a letter to say they are dealing with your complaint.

You can fill in an appeal form if you are not happy with the prison's reply. You can put the appeal form in the same box you put your first complaint in.³ The prison will look at your complaint again. You have 7 days after getting your response to do this. The prison should reply to your appeal within 5 working days.⁴ The person dealing with your appeal should work at a higher level than the person who looked at your complaint the first time.⁵

You can contact the Prisons and Probation Ombudsman if you are still not happy with the prison's reply.⁶ See section 4 of this factsheet for more information about this.

Independent Monitoring Board

You can ask the Independent Monitoring Board to look at your complaint if you have already tried to resolve it with prison staff.⁷

The Independent Monitoring Board is independent from the prison. They monitor day-to-day life in the prison. They can deal with problems you are having. Your wing should have a leaflet about them. They cannot 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.⁸

Can I complain more privately?

You can also complain in a more private way. You can do this if your complaint is about something very serious or you can't talk to prison staff.⁹

To do this you can fill in a COMP 2 form.¹⁰ You can send this to:

- the governor of the prison,
- the head of the Independent Monitoring Board, or
- the Director of Custody.

You should send this in a sealed envelope. The prison should have envelopes that have the addresses pre-printed for you.¹¹

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 or people you are complaining about. But they should not share your complaint with anyone who does not need to know.¹²

You should not use this process for an ordinary complaint as it does not speed up the complaints process for you.¹³

Complaining about healthcare in prison

You should get the same healthcare and treatment in prison as anyone outside prison. 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 and other healthcare professionals for your physical health.

You should use the NHS complaints procedure if you have a complaint about your healthcare in prison. If you are in a private prison, it will have its own complaints procedure for healthcare.

You can find more about '**Complaints**' 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.

Complaining about a reserved subject

You can still fill in a COMP 1 form if you want to complain about a reserved subject.¹⁴ These are things that cannot be dealt with by the prison itself. An example of this would be a complaint about the behaviour of the Governor.¹⁵ The prison will pass this to the Prison Service Headquarters. You should get a reply within 6 weeks.¹⁶ If you are not happy with the reply, you can contact the Prisons and Probation Ombudsman. Section 4 of this factsheet explains this in more detail.

Can I change my mind about complaining?

Yes. You can stop your complaint if you change your mind. You can do this at any time, just tell a member of staff.

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

You must complain within 3 months of the incident you are complaining about. Your complaint can be looked at after 3 months if you have good reasons for the delay. It might also be looked at after 3 months if your complaint is very serious.¹⁷

You may have been through the prison's complaint process and want to pass your complaint to the Prison and Probation Ombudsman. You have 3 months after getting the reply from the prison to do this.¹⁸ There is more information about the Ombudsman in section 4 of this factsheet.

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

You can contact the Prison and Probation Ombudsman (PPO) if you are not happy with the outcome of your complaint.

You can only contact the PPO after you have been through the prison's appeal process. But you have to contact the PPO within 3 months of your appeal. The PPO is independent from the Prison Service and can look into complaints.

To complain to the PPO, you should tell them why you are unhappy with the prison's response. If you have any paperwork from the prison

complaint process, you should send this too. These are the PPO's contact details.

Prisons and Probation Ombudsman

An independent body that investigates complaints about prisons.

Telephone: 020 7633 4149 or 0845 010 7938

Address: PO Box 70769 London SE1P 4XY

Email: mail@ppo.qsi.gov.uk

Website: www.ppo.gov.uk

Write 'Confidential Access' on the envelope and seal it if you don't want prison staff to read your letter.¹⁹

The PPO will contact you within 10 days to tell you if they will investigate your complaint or not. If not, they should tell you why. You will get an investigator if the PPO decides to look into your case. They will try to settle your complaint using the following stages.²⁰

- **Local resolution** – trying to find an answer that you and the prison are happy with. This is the quickest way of trying to resolve your complaint.
- **Report or letter** – the PPO does this if you and the prison do not agree. It is also a quick way of trying to resolve your complaint.
- **Full investigation** – this will happen if you and the prison cannot agree. It is more detailed than the report or letter stage and takes longer. The investigator will gather information and say whether or not they think the PPO agrees with your complaint. If they do not agree, they should explain why. If they agree, they might make recommendations to the prison. This is to make sure the same thing does not happen again.

The PPO should look at your complaint within 12 weeks.²¹

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 think that they have missed something important. The PPO can reopen your complaint and do more work on it if they agree with you. The PPO will write to you with an explanation if they do not change their decision.²²

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

You can complain to the Parliamentary and Health Service Ombudsman (PHSO) if you are unhappy with the PPO's decision. To complain to the PHSO you need to fill out their complaints form. You can find this on their website. You then need to pass this on to your local MP.²³ To find out who your local MP is, go to the website <http://findyourmp.parliament.uk/> or contact the House of Commons Information Line on 020 7219 4272.

The contact details for the PHSO are:

Address: Millbank Tower Millbank London SW1P 4QP

Telephone: 0345 015 4033 8:30am to 5:30pm, Monday to Friday
Email: phso.enquiries@ombudsman.org.uk
Website: www.ombudsman.org.uk/

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5. Can anyone help me to complain?

You can ask a family member or friend to help if you find it hard to read or write. You could ask your Personal Officer, another member of prison staff or another inmate for help.

Advocacy

There may be advocacy services who could help you to make a complaint. You can search online for a local advocacy service or call our advice service on 0300 5000 927 and we can search for an advocate for you.

There are special advocates who can help with NHS complaints and healthcare in prison. They are part of the Independent Complaints Advocacy Service (ICAS). You can find more information on ICAS in our 'Advocacy' factsheet. You can download this for free from 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 might help you to fill in forms or make a complaint on your behalf. You can find out who your local MP is by going to the website <http://findyourmp.parliament.uk/> or contact the House of Commons Information Office on 020 7219 4272.

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

You can help your relative or friend complain about problems they have had in prison. You can help them by finding out about the complaints process and the local contact details. You could help to put the complaint together.

Your relative or friend should agree in writing that they are happy for you to complain for them. If they don't do this then the prison may not accept your complaint.

If your relative cannot 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 they are happy for you to complain for them. Your relative can then put their initials on the complaint form. You will need someone to be a witness for this such as a friend or family member.

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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 Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Civil Legal Advice

Offers free, confidential and independent legal advice for people in England and Wales who can get legal aid.

Telephone: 0845 345 4 345 (Mon-Fri 9am-8pm and Sat 9am-12:30pm)

Website: <http://find-legal-advice.justice.gov.uk/>

The Law Society

Has a list you can use to help find a solicitor.

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

Criminal Cases Review Commission

An independent public body that investigates possible miscarriages of justice in England, Wales and Northern Ireland. The Commission decides if the court of appeal should look at your conviction or sentence.

Telephone: 0121 233 1473

Address: 5 St Philip's Place, Birmingham, B3 2PW

Email: info@ccrc.gov.uk

Website: www.ccr.gov.uk

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

¹ Ministry of Justice. *Prisoner Complaints*, PSI 02/2012. London: Ministry of Justice; 2016. Page 4, para 2.1.1.

² As note 1, at [page 15] [Annex B].

³ As note 1, at [page 9] [para 2.7.1].

⁴ As note 1, at [page 15] [Annex B].

⁵ As note 1, at [page 4] [para 2.7.3].

⁶ As note 1, at [page 7] [para 2.4.4].

⁷ As note 1, at [page 37] [Annex J].

⁸ As note 1, at [page 7] [para 2.4.1].

FURTHER
READING

USEFUL
CONTACTS

REFERENCES

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- ⁹ As note 1, at [page 8] [para 2.5.4].
- ¹⁰ As note 1, at [page 7] [para 2.5.1].
- ¹¹ As note 1, at [page 7] [para 2.5.1].
- ¹² As note 1, at [page 8] [para 2.5.5].
- ¹³ As note 1, at [page 8] [para 2.5.6].
- ¹⁴ As note 1, at [page 31] [Annex I].
- ¹⁵ As note 1, at [page 16] [Annex C].
- ¹⁶ Prisoners Advice Service. *Complaints Procedure*. Available from <http://www.prisonersadvice.org.uk/download/522/> (accessed August 2016)
- ¹⁷ As note 1, at [page 4] [2.1.4].
- ¹⁸ As note 1, at [page 37] [Annex J].
- ¹⁹ Ministry of Justice. *The Prisons and Probation Ombudsman*, PSI 58/2010. London: Ministry of Justice; 2010. Para 4.8.
- ²⁰ Prison and Probation Ombudsman. *Complaints What to Expect*. www.ppo.gov.uk/investigations/make-complaint/what-to-expect/ (accessed August 2016).
- ²¹ As note 21.
- ²² Prison and Probation Ombudsman. *Complaints FAQs*. www.ppo.gov.uk/investigations/make-complaint/complaints-faq-2/ (accessed August 2016).
- ²³ Parliamentary and Health Service Ombudsman. *How to complain*. www.ombudsman.org.uk/make-a-complaint/how-to-complain (accessed 09 September 2016).

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This factsheet is available
in large print.

Rethink Mental Illness Advice Service

Phone 0300 5000 927

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

Email advice@rethink.org

Did this help?

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

Drop us a line at: 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

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

 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.

Can you help us to keep going?

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