

Complaints about probation

This factsheet explains how to complain about your probation. You can complain to the National Probation Service (NPS) or the Community Rehabilitation Company (CRC) you are under. It explains what you can do if you are not happy with the reply you get.



KEY POINTS

- You can complain for lots of different reasons. For example, you might think the staff did not do what they were supposed to do.
- You should make your complaint within 1 year of the incident you are complaining about.
- You must complain directly to the service first. If you are not happy with their decision then you can appeal against it.
- If you are still not happy with the service's response you can go to the Prison and Probation Ombudsman.
- You might be able to take it to the Parliamentary and Health Service Ombudsman if you are still not happy with this outcome.

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1. Can I make a complaint?

The National Probation Service (NPS) manages high-risk offenders who are living in the community. Community Rehabilitation Company's (CRC) manage low-medium risk offenders living in the community.¹

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 and past offender under the NPS or CRC,
- victim of a crime committed by someone under the NPS or CRC,
- relative or friend of the offender,
- relative or friend 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 have agreed 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 complaining for might not be able to read or write. In this case you can write the consent form out yourself and ask them to put an X next to a statement that says they consent. You will need a witness when this happens and all 3 of you need to sign the form. If they cannot sign the form you can write out their full name and ask them to put their initials next to it.

2. What can I complain about?

You can complain if you are not happy with probation. Your complaint must be about something a staff member did. Or you can complain if they have decided not to do something you think they should.⁴

You can complain if you think the probation service is not treating you fairly because of your mental health condition. Such as 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 any of your things get damaged?
- Did anyone see what happened, if so who?

Try to explain clearly what happened and why you are complaining.

You cannot 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. Go to www.rethink.org for more information on these topics.

- Complaints
- Legal Advice

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

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3. How do I make a complaint?

You have to complain to the NPS or CRC service directly. There are 2 different stages to making a complaint about probation.

First stage: Informal Stage⁷

This is the first stage. You can try speaking to the person involved in your complaint. If you don't want to speak to the person directly, you could speak to their manager. You can do this face-to-face, over the phone or in writing.

If they resolve your complaint they should send you a letter. This should say what your complaint was and what the resolution is.

You don't have to speak to any staff members if you don't want to. You can go straight to the formal stage if you want to.

Second stage: Formal Stage⁸

You can then make a formal complaint if this does not work. You must do this in writing using a COMP 1 form or in a letter. You should send all your paperwork to:

- the Deputy Director of the NPS division you are in, or
- the Chief Executive of the CRC you are under.

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

If you or someone else wants to complain, but cannot read or write then you can ask the NPS or CRC for reasonable adjustments. You can ask them to make your complaint verbally instead.

You can find more information on reasonable adjustments in our **Discrimination and Mental Illness** factsheet. You can download this for free from www.rethink.org or call 0121 522 7007 and ask us to send you a copy.

After you make your complaint, you should hear back from them within 5 working days. 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.

If you are not happy with the response, you can appeal it.⁹ 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.

You have 20 working days from the date of their response letter to appeal.¹⁰ They should accept your appeal within five working days.¹¹

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.¹²

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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4. What is the time limit for complaining?

You have to make your complaint within 1 year. This time limit starts from:¹³

- when the problem you are complaining 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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5. What if I am unhappy with how probation handled my complaint?

If you are unhappy with the outcome of your appeal, you can contact the Prisons and Probation Ombudsman (PPO).¹⁴ The PPO is independent from the NPS and CRCs. You have 3 months from the date of the appeals response letter to do this.¹⁵

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: PO Box 70769, London, SE1P 4XY

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. If the PPO does investigate, you will get an investigator. They will try to settle your complaint using the following stages:¹⁶

- **Mediation** – this means trying to find a solution that you and probation are happy with. This is the quickest way of trying to resolve your complaint.
- **Report or letter** – the PPO does this if you and probation do not agree. It is also a quick way of trying to resolve your complaint.
- **Full investigation** – this will happen if you and probation cannot agree. It is more detailed than a report or letter and takes longer. The investigator will look at all the information and say if they think the Ombudsman should agree with your complaint. If not, they will explain why. If they do agree with your complaint, they might make recommendations to the NPS or CRC. This might help make sure the same thing does not happen again.

The PPO aims to deal with your complaint within 12 weeks.¹⁷

What can I do if I still 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 have to appeal to the PPO if you disagree with them. You can do this by writing back to them and explaining why you disagree. The PPO might decide to reopen your complaint and do some more work on it. If they still stand by their original decision, they will write to you to explain why.¹⁸

If you still aren't happy with the PPO's response then you can take your complaint to the Parliamentary and Health Service Ombudsman (PHSO).¹⁹

To do this you have to fill in a PHSO complaints form. You can find these on their website. You have to pass this on to your local MP.²⁰ 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 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. You can search online for a local advocacy service.

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 <http://findyourmp.parliament.uk/> or contact the House of Commons Information Office on 020 7219 4272.

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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 7320 5650

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

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

Criminal Cases Review Commission

This organisation is an independent public body that investigates possible miscarriages of justice. 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.x.gsi.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

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¹ National Probation Service. *About us.*

www.gov.uk/government/organisations/national-probation-service/about (accessed 25 July 2016).

² Unlock. *Probation – complaints about probation.*

<http://hub.unlock.org.uk/knowledgebase/complaints-probation/> (accessed 25 July 2016).

³ National Offender Management Service (NOMS). *National Offender Management Service Probation Standard Complaints Procedure*, PI 51/2014. London: NOMS; 2014. Para 2.4.

⁴ As note 3, at [para 2.5].

⁵ As note 3, at [para 2.7].

⁶ As note 2.

⁷ As note 3, at [para 2.8-2.11].

⁸ As note 3, at [para 2.12-2.18].

⁹ As note 3, at [para 2.19].

¹⁰ As note 3, at [para 2.19].

¹¹ As note 3, at [para 2.20].

¹² As note 3, at [para 2.21-2.23].

¹³ As note 3, at [para 2.6].

¹⁴ As note 3, at [para 2.24].

¹⁵ Prisons and Probation Ombudsman. *How to submit a complaint.*

www.ppo.gov.uk/investigations/make-complaint/how-to-make-a-complaint-dvd/ (accessed 25 July 2016).

¹⁶ Prisons and Probation Ombudsman. *What to expect when you make a complaint.* www.ppo.gov.uk/investigations/make-complaint/what-to-expect/ (accessed 25 July 2016).

¹⁷ As note 16.

¹⁸ Prison and Probation Ombudsman. *How to appeal.*

www.ppo.gov.uk/investigations/make-complaint/complaints-faq/ (accessed 25 July 2016).

¹⁹ Parliamentary and Health Service Ombudsman. *Making a Complaint.*

www.ombudsman.org.uk/make-a-complaint (accessed 25 July 2016).

²⁰ Parliamentary and Health Service Ombudsman. *How to complain.*

www.ombudsman.org.uk/make-a-complaint/how-to-complain (accessed 25 July 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)



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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



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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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