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COMPLAINTS OF DISCRIMINATION IN JAILS MUST BE HANDLED BETTER TO ENSURE PRISONERS ARE TREATED FAIRLY, SAYS OMBUDSMAN

Inadequate investigations of alleged discrimination in jails risk undermining prisoners' confidence in the complaints process, the Prisons and Probation Ombudsman (PPO) has warned.

Elizabeth Moody, the Acting Ombudsman, said an analysis of more than 200 complaints handled by the PPO over five years showed that “all too often discrimination complaints are not investigated promptly.”

The PPO found that prison staff who investigate discrimination complaints “often lack the training and confidence to address equalities issues effectively, and that prisons often fail to collect the equalities data needed to carry out a meaningful investigation. This risks undermining prisoners' confidence in the effectiveness and legitimacy of the complaints process.”

The PPO independently investigates complaints from prisoners who have exhausted the internal complaints procedures. The most common complaints about

discrimination received by the PPO relate to religion, followed by disability, race, gender, nationality, sexuality and age.

The PPO published its latest Learning Lessons Bulletin: “*Complaints about Discrimination*” based on a sample of 208 complaints received between January 2012 and July 2017. The bulletin identified four areas where HM Prison and Probation Service (HMPPS) can improve the handling of discrimination complaints:

- Resources. In most prisons, responsibility for complaints about discrimination lies with a designated Equalities Officer. However, equalities staff often tell [the PPO] the hours allocated to their roles have been cut as a result of a reallocation of resources within the prison. “This means Equalities Officers frequently have to do the same important job with significantly less time and fewer resources. As a result, the administration of discrimination complaints can suffer.”
- Inadequate training. The bulletin notes that “we see too many cases where it is clear that managers do not understand the issues and lack confidence in responding to complaints about discrimination.”
- Failure to address discrimination issues. “One common theme we find...is the failure to engage with and directly address issues of discrimination. In some cases, managers respond to complaints about discrimination by simply asserting there has been no discrimination, without any attempt to investigate or to address the complaint.”
- Inadequate “big picture” information. In many cases not enough data is gathered on the personal characteristics of prisoners and key services (such as prisoner employment) to assess whether a complaint is justified or not. For example, the PPO could not investigate a complaint that only white British prisoners got the most desirable jobs in a prison because the prison did not record the characteristics of those who got such jobs.

Elizabeth Moody said:

“As a public body, HM Prison and Probation Service has a duty to ensure equality and prevent discrimination. The solutions are straightforward: prisons need to allocate sufficient resources to the investigation of complaints about

discrimination; and they need to ensure that the staff responsible for investigating these complaints (whether dedicated Equalities Officers or managers generally) are properly trained, that allegations of discrimination are addressed directly and not ignored or glossed over, and that equalities data is routinely collected. We recognise that this is not always easy to do this when resources are tight. Unless these steps are taken, however, prisons – and the wider public - cannot be sure that they are treating prisoners fairly and equally.”

- ENDS -

Notes to editors

1. The bulletin is available here –
2. The PPO investigates deaths that occur in prison, immigration detention or among the residents of probation approved premises. The PPO also investigates complaints from prisoners, those on probation and those held in immigration removal centres.
3. The Equality Act 2010 identifies nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex, and sexual orientation. The public sector equality duty gives public sector organisations, like prisons, specific responsibilities under the Act to eliminate discrimination and advance equality of opportunity.
4. David Lammy’s recent review into the treatment of, and outcomes for, black, Asian and minority ethnic (BAME) individuals in the criminal justice system showed members of the BAME population are disproportionately imprisoned and report disproportionately negative treatment as compared to white prisoners. These disproportionate experiences are echoed for other protected groups within the criminal justice system.
5. The Prison Reform Trust, in partnership with the Zahid Mubarek Trust, recently published research into the substance and handling of complaints arising from DIRFs (Discrimination Incident Reporting Forms). Their report raised a number of concerns about the DIRF process. Among these, the report identified issues with the standard of proof applied, instances of retaliation for prisoners submitting DIRFs, and overall confidence in the process.
6. Please contact John Steele on 020 3334 0357 or 07880 787452, or at john.steele@justice.gov.uk if you would like more information