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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 429**

**The Prison and Young Offenders Centre  
(Amendment) Rules (Northern Ireland) 2009**

**Complaints by visitors**

**39.** After rule 79H (complaints by former prisoners: records of complaints) insert—

**“Complaints by visitors: subject matter of complaints**

**79HA.**—(1) A visitor may complain, using the procedure set out in rules 79HB to 79HE about the following matters:

- (a) his treatment by any person employed in the Northern Ireland Prison Service and treatment includes an omission;
- (b) the facilities available to him at the prison; and
- (c) the cleanliness and adequacy of prison premises.

(2) If a visitor submits a complaint which does not deal with a matter set out in paragraph (1) the visits manager referred to in rule 79HB(1) shall write to the visitor, within seven days of receiving the complaint, informing him that his complaint is not appropriate to be dealt with under the procedure set out in rules 79HB to 79HE.

(3) A complaint under paragraph (1) is only appropriate to be dealt with under the procedure set out in rules 79HB to 79HE if it deals with a matter which is the responsibility of the Northern Ireland Prison Service.

(4) In this Part “visitor” means a person who is visiting or has visited a prisoner or former prisoner.

**Complaints by visitors**

**79HB.**—(1) On receipt of a complaint by a visitor the visits manager or the governor, as the case may be, shall pass it to the appropriate person within five days.

(2) Subject to rule 79HE (complaints by visitors: treatment of vexatious etc. complaints), the appropriate person shall consider the complaint and provide a response to the complaint as soon as possible and in any event no more than ten days after receiving the complaint.

(3) The appropriate person shall respond to the complaint by writing to the visits manager.

(4) On receiving a response under paragraph (3) the visits manager shall forward the response to a governor with responsibility for the subject matter of the complaint who shall return it to the visitor within seven days.

(5) In this rule “the appropriate person” means an officer or an employee of the Northern Ireland Prison Service with supervisory or managerial responsibility for the subject matter of the complaint.

### **Complaints by visitors: failure of the visits manager**

**79HC.** If at any stage the visits manager to whom the complaint was submitted fails to perform any of his functions under rules 79HA to 79HB the visitor may refer the matter to the governor or the Ombudsman.

### **Complaints by visitors: time limits**

**79HD.** A visitor must submit his written complaint under rule 79HB(1) within 21 days of the act, omission or other matter which forms the subject matter of the complaint.

### **Complaints by visitors: treatment of vexatious etc. complaints**

**79HE.**—(1) If the appropriate person under rule 79HB or his line manager is of the view that a complaint:

- (a) is vexatious;
- (b) is repetitive;
- (c) is frivolous;
- (d) raises no substantial issue; or
- (e) either on its own or taken together with other complaints, is intended to seriously hamper the proper operation of the complaints procedure set out in this Part of the rules;

he shall refer the complaint to the governor or, if he does not work under a governor, to a member of the Senior Civil Service.

(2) If the governor or, as the case may be, a member of the Senior Civil Service receives a referral under paragraph (1) he shall decide if he considers the complaint that is the subject of the referral:

- (a) to be vexatious;
- (b) to be repetitive;
- (c) to be frivolous;
- (d) raises no substantial issue; or
- (e) either on its own or taken together with other complaints, is intended to seriously hamper the proper operation of the complaints procedure set out in this Part of the rules.

(3) If the governor or the member of the Senior Civil Service considers the complaint to be of one or more of the descriptions set out in paragraph (2)(a) to (e) he shall write to the visitor who submitted the complaint informing him that he considers it to be a complaint of a description set out in paragraph (2)(a) to (e) and setting out why and as a consequence it will not be dealt with any further.

(4) If the governor or the member of the Senior Civil Service does not consider the complaint to be of one of the descriptions set out in paragraph (2)(a) to (e) he shall refer it back to the person that made the referral under paragraph (1), setting out the reasons for his decision, and inform him in writing to process the complaint in accordance with the procedure set out in rules 79HB to 79HD.

(5) The governor or the member of the Senior Civil Service shall write to the visitor or, as the case may be, provide a response to the person who made the referral under paragraph (1) within seven days of receiving the referral under paragraph (1).

(6) If a person receives a referral under paragraph (4) he shall process that complaint in accordance with the procedure set out in rules 79HB to 79HD and he shall not refer the complaint in question a second time under paragraph (1).

**Complaints by visitors: interpretation etc.**

**79HF.** If the governor or a member of the Senior Civil Service is the appropriate person under rule 79HB the procedure in rules 79HB to 79HD shall be at an end and shall be exhausted for the purposes of rule 79I(1) (complaints to the Ombudsman: exhaustion of internal procedure) once the complaint has been considered by the governor or a member of the Senior Civil Service and a response has been provided to the visitor.

**Complaints by visitors: records of complaints**

**79HG.** All those who deal with a complaint under the procedure in rules 79HA to 79HE must keep an appropriate record of the written complaint, the response to the complaint and the investigation of the complaint.”.