Review of the Northern Ireland Prison Service

Conditions, management and oversight of all prisons

PRT Prison Review Team
Final Report October 2011

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Acknowledgments

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CONTENTS

Introduction

INTRODUCTION

Summary

An effective prison system, capable of reducing crime, is crucial to creating a safer society in Northern Ireland, and this report begins by describing what such a system would look like and why. It also sets out the crucial role of other departments and civil society, with some innovative examples of multi-agency work that need to be supported and extended.

The interim report in February identified significant and long-lasting problems in the Northern Ireland Prison Service and called for a programme of change and transformation of culture, approach and working practices. Yet little has changed in practice in the succeeding eight months, despite the launch of the Strategic Efficiency and Effectiveness programme, a new sense of purpose at the top of the service, and support from the Justice Minister. The endemic and systemic problems identified in the interim report remain unresolved, and public money is being wasted. Incremental improvements are not enough, and there needs to be a determined cross-party approach to driving through the whole package of change.

This is a unique opportunity to create a public sector prison system that is a model of excellence. It should not be wasted. Though the transformation will take time to complete, the next six months will be crucial.

In February, we published our interim report. It focused on the significant and long-lasting internal problems in the Northern Ireland Prison Service (NIPS) and the necessary components of a solution. It emphasised that gradual or piecemeal incremental improvements would not achieve the scale of change required; what was needed was a high-level and well-resourced change programme. We emphasised that this was a whole and inter-dependent package and should be implemented swiftly. That would require political support, leadership and direction.

We made five high-level recommendations

- Agreement on and ownership of the vision and aims of the system: that prisons should contribute to a safer society and reflect international best practice and human rights standards.

- A properly-resourced change programme, under a programme manager with experience of change management and a dedicated team.

- Measures to ensure and reinforce governance, accountability and performance, including more flexible working practices and staff deployment, a review of staffing numbers at all levels, and the reform of disciplinary and dispute procedures.

- A staff development package, with an early retirement scheme, running alongside a recruitment and progression programme, including an externally-delivered training programme to reach a significant number of staff and managers within 18 months

- Improved and consistent procedural and dynamic security, including a reconfiguration of existing prison space and operations to allow freer movement within prisons for lower risk prisoners

We envisaged that this would stimulate and help drive forward the change that was clearly needed, and that our second and final report would therefore be able to focus on the kind of prison system that could and should be constructed on that foundation. It is therefore disappointing and disturbing that in practice little has changed in the eight months since we reported.

Four months after our interim report was published, on 28 June, NIPS formally launched its SEE (Strategic Efficiency and Effectiveness) programme and promoted it as the vehicle for delivering the fundamental and end to end change envisaged in our interim report. It set out a new statement of purpose

'improving public safety by reducing the risk of reoffending through the management and rehabilitation of offenders in custody'

supported by three strategic priorities: safety, decency and security; reform and modernisation for a more efficient and effective service; reducing the risk of reoffending.

The launch statement promised action in line with the recommendations of the interim report. It focused heavily on the proposed exit package for staff wishing to leave. It also pointed to the need for a new and more efficient operating model, a two-tier prison officer grade with the upper tier being freed to focus on prisoner engagement and rehabilitation, and a promise (as yet undefined) of training and development packages for that role. A new prison estate strategy was also being developed, and a change programme team being recruited; mention was also made of the need for all departments to shoulder collective responsibility for creating a safer society.

While this is welcome, and to a large extent consistent with the perceptions and recommendations we made last February, it also reflects the fact that there has as yet been very limited progress in implementing any of our key recommendations.

There is still no change manager in place and no dedicated team to oversee the complex process of change needed. The early retirement scheme has not yet been launched, and may be limited in scope – and this 'exit package' has become the focus of staff and management attention, at the expense of proper attention to a 'staying on' package and the development of training, recruitment and retention plans for existing or new staff. Attempts to move

forward on better and more effective working practices have been slow, with little or no buy-in from the Prison Officers' Association. It is true that there have been some improvements in individual prisons, but they cannot be sustained, or achieve the transformational change that is needed, unless and until the underlying and fundamental problems identified in our interim report are resolved. In conversation, those managers and staff who are either seeking or would welcome change have spoken of the experience of the last seven months as like 'wading through treacle' or as a 'phoney war'.

Some events and factors have undoubtedly impacted on change and contributed to delay. The May elections made it difficult to obtain political buy-in or focus at a crucial time, to retain the momentum created by our interim report. The unprecedented rise in the prison population (up 13% in a year), and the continuing and sometimes acute problems around separated prisoners, have taken up a great deal of management attention, especially at Maghaberry.

Underlying and fundamental problems remain unresolved

The population rise reflects a continuing failure to get to grips with longstanding population drivers, such as the number of remand prisoners and fine defaulters, together with a new driver, the number of prisoners recalled under the Criminal Justice (Northern Ireland) Order 2008. The issues around separated prisoners show, in an acute form, the close interaction between unrest in prisons and unrest in the community and reinforce the need to get prisons right. They are also a symptom of a prison which is not running effectively as a whole, which is over-focused on physical security, with excessive staffing levels, and where concessions to separated prisoners merely serve to highlight the deficiencies and inconsistencies in the regime for others.

It is true that there is a sense of change and purpose at the top of NIPS, with considerable support from the Justice Minister. There is no

doubt that those responsible for the prison system recognise the size and shape of the problem and have been working hard to try to find solutions for it: indeed, their work is exposing some things that have remained hidden, or have previously been fixed only superficially. That, however, adds to the pressure to produce some real and sustainable wins.

The lengthy report that we commissioned on healthcare in prisons, released separately, shows that there has been some progress over a three-year period but this has been limited by longstanding issues of culture, staffing and governance which have been managed round, rather than tackled head-on. It also shows other systemic problems which we have found to be endemic in the prison system: lack of accurate data on which to build assessments of need to plan, deliver and monitor services; the waste of money caused by regime restrictions; silo working between different services and agencies; a focus on plans and policies rather than outcomes. This is both a warning and an object lesson: that managing change is a complex and interrelated process which requires dedicated management and political support. It is welcome that the Trust has responded to the review with an outcome-focussed service development plan which picks up key issues raised and is a foundation for further progress.

We spoke in our interim report of the 'culture of denial and compromise' which, before the devolution of justice to the Assembly, meant that problems were buried rather than faced. In a devolved administration, politicians literally cannot afford to stand over a system which is wasteful of public money and fails to deliver a safer society. But, unless there is a determined, cross-party approach to driving through the change that is needed, it will not be possible to create an effective prison system for Northern Ireland. Politicians, managers and staff need to recognise, as we made clear in our interim report, that this is not a question of incremental change. What is needed is a transformation of culture, approach and working practices, and, if necessary, confrontation with those who are

not prepared to make that journey and accept that change.

It would be tempting to focus this report once again on the well-rehearsed shortcomings of a service which is not delivering what Northern Ireland needs and is entitled to expect - indeed to a great extent we could simply re-issue the interim report. In the second half of this report, we outline some of the key and unresolved problems within the system and the barriers to change that exist. It is both important and urgent that those barriers, and those deficits, are recognised and overcome swiftly.

But this is not an inspection or investigation report: it is a once in a generation review of the entire Northern Ireland prison system: a service whose ethos was shaped in the Troubles, and which now needs to play its part in making Northern Ireland a safer society. We therefore begin by setting out the characteristics and underlying purpose of a good prison system. We draw on international experience as well as discussions and seminars with people in Northern Ireland, both within and outside the prison service, who want and need a better prison system: one which could play a leading role in helping people desist from crime and in making communities safer.

The next six months are crucial

The report also sets out the role that other parts of criminal justice, other departments and civil society need to play for prisons to be effective - like the Patten report, which did not consider that policing was a role for the police alone, but for all those with a stake in a safer and fairer society. We include, in Chapters 8 and 9, some examples of positive and innovative work, in partnerships between statutory, voluntary and community organisations and agencies, which offers real prospects for change and greater effectiveness, if it becomes part of core business: properly valued, securely funded and jointly planned. However, this too requires a sea-change in prisons' operation: there is limited incentive for other agencies and departments to invest

in prisons, if that investment cannot be used effectively, because of restrictive working practices or regimes. We hope that this part of our report will feed in to next year's reducing reoffending review.

As we said in our interim report, there is a window of opportunity to create a public sector prison system that is a model of excellence rather than a source of embarrassment: drawing on the experience and developing the skills of the many staff and managers we have met who would like to be part of such a system. But we also said: 'it is not a window that can realistically remain open indefinitely, given the need for an effective prison system and the resources being expended. That is a challenge for prison managers, staff and their associations, officials and government.' That window will soon close, and the challenge remains, as the Chief Inspector of Criminal Justice noted in his most recent annual report, raising the possibility of a strengthened role for the private sector. There is no reason why the public sector cannot run the kind of prisons that are described in this report; but, by the same token, it cannot continue to operate or defend a system which is both wasteful and ineffective.

The last eight months have raised considerable fears that our review, like others, will result in a report, but no fundamental change. That must not happen. Though the transformation we envisage will take time to complete, there is an urgent need to show that its foundations are securely in place. The next six months will be crucial.

PART I:
A NEW PRISON SYSTEM

The prison system that has developed in Northern Ireland is intimately connected to its history. Not only has the approach of those working in the service been conditioned by the experience of the Troubles, but events in prison play out in the community and vice versa. Prisons therefore have political, as well as criminal, resonance and importance. That is why this review was a key part of the Hillsborough Agreement that devolved justice to the Northern Ireland Assembly. And it is why the reform of the prison system, like the reform of policing, is an essential part of the move to a normalised society and a devolved administration, in which all departments, not just the Department of Justice, have a key and vested interest. It is important, in all societies, to have prison systems that are safe, humane and effective; this is even more the case for a society whose prison system is so much a part of its past. As our interim report showed, this will require fundamental change and transformation – which, as this final report makes clear, has still not effectively begun.

In order to begin the process, and to get and maintain support for it, it is necessary to know what the end point would look like. As well as providing the elements of secure custody, there are essentially two interlinked pillars of a good prison system. First, it must support and reflect human rights standards and ethical values. Second, it must be based on the premise that the prisoners within it can develop and change, and must provide the opportunities for them to do so. In fulfilling these obligations, it will also need to show that it is using and investing public money effectively. Those are the principles; in practice, the whole prison system, and each prison within it, needs to be organised around them.

CHAPTER 1:
VALUES AND PURPOSE

Summary

The foundations of an effective prison system are its values and purpose. They define what needs to be done, and how. Human rights standards should not be seen as negative or legalistic; they provide a positive, practical and ethical basis for running prisons. Together with recent criminological research, they also emphasise that, in order to protect society, prisons need to provide opportunities for prisoners to change and desist from crime. Simple containment will not achieve this: there needs to be positive work to provide prisoners with skills, tackle the underlying causes of offending and ensure resettlement support. This approach benefits victims as much as prisoners, by helping to reduce offending and encouraging reparation. It is a difficult task which requires well-trained and motivated staff.

In our interim report, we drew out three sets of values that are the pillars of an effective prison system: justice and fairness; safety and security; dignity and decency. Here we expand on those principles, and the reasons and purpose that lie behind them.

Human rights and values

Human rights law and standards are too often seen as a negative that thwarts otherwise desirable actions, or else as a source of blame. But because they rest on the concept of human dignity, they are a necessary and positive reference point for any institution dealing with human beings: requiring decisions which take account not only of whether something is possible or convenient, but whether it is right. This is particularly important in the closed world of prisons, where power inevitably rests with the custodian, not the prisoner. It is all too easy for prisons to default to a setting of institutional convenience – and this can become a slippery slope towards abuse. For that reason, universal and regional human rights instruments explicitly state that people deprived of their liberty must be treated humanely and with respect for the 'inherent dignity of the human person'[1].

The European Convention on Human Rights does not have such an explicit requirement; but it and other conventions, such as those that affect women, children and minorities, in effect go further. They do not differentiate between those in prison and those outside – in other words, prisoners have the same rights and responsibilities as any other person, except for those rights that are necessarily taken away by the fact of imprisonment.

The sharpest and most acute human rights issues arise in respect of the preservation of life and the protection against abuse. In imprisoning someone, the state acquires a duty of care – so that prisons need to take positive steps to prevent someone dying or being abused while in custody. That is why there have to be specific and independent systems to investigate deaths in custody

and to ensure that lessons are learnt; and why prisons need to ensure the protection of prisoners who are particularly vulnerable – by virtue of mental illness or disability, age, or because of the nature of their offence – even though these may also be some of the most challenging prisoners. It also means that issues like the use of force, segregation or disciplinary measures need to be closely monitored, to ensure that they are minimised and justifiable. Equally important are the decisions, often made at the discretion of front-line staff, about prisoners' daily life, which determine such things as whether prisoners have access to the things they need, to certain privileges, or to activities and time out of cell. Power imbalances can result in unfairness against individuals or groups, in particular minority groups: the presence of robust confidential complaints and internal management and audit systems are critical here, as is independent inspection.

Human rights are not a list of don'ts but a live, practical and positive grounding for running a prison

But a human rights approach is much more than the negative of preventing abuse – it provides a positive ethical base for the way prisons should be run. For that reason, the tests used by the prisons inspectorates in the UK and in other jurisdictions draw heavily on and are referenced against human rights concepts and provisions[2]. More widely, the recently-reissued European Prison Rules, produced by the Council of Europe, which oversees the European Convention on Human Rights, provide a set of minimum requirements for a place of detention in any part of continental Europe[3]. This attention to human rights is not just a question of complying with the law and treaty requirements. As the International Centre for Prison Studies' Human Rights Handbook for Prison Management

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1 *International Covenant on Civil and Political Rights*, Article 10; *Basic Principles for the Treatment of Prisoners*, Principle 1; *European Prison Rules*, Part 1; *African Charter on Human and Peoples' Rights*, Article 5; *American Charter on Human Rights, Article 5(2)*

2 *See Expectations: criteria for inspecting prisons* (HM Inspectorate of Prisons for England and Wales)

3 *European Prison Rules*, January 2006, as revised by and appended to Recommendation Rec (2006)2 of the Committee of Ministers, Council of Europe, 11 January 2006.

says: *'There is also a pragmatic justification for this approach. It works. The concept of human rights is not merely another subject to be added to the training curriculum. Rather, it suffuses all aspects of good prison management and is integral to it.'*[4] Human rights are not, therefore, a list of 'don'ts' or a series of legal cases, but a live, practical and positive grounding for running a good prison.

Approaching the issue from a criminological, rather than a legal perspective, much the same conclusion is drawn by one of the leading prison researchers, Professor Alison Liebling, in her work on the 'moral performance' of prisons. Prisons, she says, are places where *'relationships and the treatment of one party by another, really matter. They raise questions of fairness, order and authority, but also some other questions of trust, respect and relationships in an exceptionally palpable way.'*[5] Liebling has developed a tool for measuring the quality of prison life, as opposed to its inputs or outputs, which has been used, with both prisoners and staff, as an essential part of the prison systems' internal audit processes and performance assessments. This review has used that tool with staff at all three Northern Ireland prisons (see Chapter 6).

Purpose

This moral and human rights basis defines not just the way that a good prison is run, but its purpose. Prisons, by definition, exclude people, many of whom were already marginalised or excluded in the community. It is important that they hold those people securely during the period of their punishment. However, if they do nothing except contain them, they will reinforce and maintain that exclusion. There is no such thing as 'humane containment'. Containment is for objects, units, and goods, not human beings. Containment is carried out by guards who engage with security and keys, not officers whose task is to engage with people. Simple containment produces individuals who emerge more frustrated, less socialised and potentially more harmful. For that reason, both human

rights instruments and recent criminological theory and research stress the importance of prisons being a place where individuals can be encouraged and supported to change. In both the UN Standards and the European Prison Rules, rehabilitation is a core function of prison.

'The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life'[6].

'Life in prison shall approximate as closely as possible the positive aspects of life in the community.

'All detention shall be managed so as to facilitate the reintegration into free society of persons who have been deprived of their liberty'[7].

Similarly, Liebling's quality of life surveys found that 'personal development and humanity were highly correlated: the concept of humanity, as used by prisoners, included some kind of opportunity for growth.'[8]

Some of that development is achieved by providing opportunities and challenges in prisons. Many prisoners have significant educational deficits; others have little or no experience of consistent employment. Prison provides a space within which some of these deficits can begin to be tackled, and prisoners can be supported and challenged to engage in professionally delivered and relevant courses that will improve their life chances. Again, those needs are recognised in international human rights instruments, which refer to the need to provide educational and vocational training and employment and to assist prisoners in re-establishing themselves in the community:

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4   *A Human Rights Approach to Prison Management*,
    International Centre for Prison Studies, p.9
5   Liebling, A. with Arnold, H. *Prisons and their moral performance* (2004) OUP.

6   *UN Standard Minimum Rules for the Treatment of Prisoners,* 58.
7   *European Prison Rules*, 5-6
8   Liebling, A. (2011) *Is there a role for prisons in desistance?* European Union STARR project, Sofia, Bulgaria.

'As far as possible, the work provided shall be such as will maintain or increase prisoners' ability to earn a living after release.'[9]

'A systematic programme of education, including skills training, with the objective of improving prisoners' overall level of education as well as their prospects of leading a responsible and crime-free life.'[10]

'As far as practicable, the education of prisoners shall:

'a. be integrated with the educational and vocational training system of the country so that after their release they may continue their education and vocational training without difficulty; and
'b. take place under the auspices of external educational institutions.'[11]

The rights of victims and potential victims are served by prisons that can help people desist from crime

Prisons therefore need to provide sufficient good quality purposeful activity. That will include formal and professionally delivered training in essential skills, but it will also include opportunities to take part in and develop softer skills – arts, sports and other teamwork, parenting, peer support and life skills – which can change prisoners' views about themselves and their capabilities as well as providing the motivation to engage in or to make best use of more formal skills and qualifications. And, particularly for more serious offenders, there is a need, as part of a package of interventions, for programmes that focus on the causes of offending behaviour and seek to change ways of thinking and acting and reduce risk. Activity is also important as an end in itself: it makes prisons and prisoners safer. Self-harm is often a function of depression, which is greatly exacerbated if a prisoner is

locked up for long periods; assaults in prisons have usually been at their highest on Monday mornings, after long lock-up at weekends.

Many prisoners also have longstanding health and substance misuse problems, which contribute to their offending and exclusion. The high incidence of mental health problems among prisoners is well-recorded, as is dependence on both illegal and legal drugs (such as alcohol or prescription medication). Prison should not be, as it often is, the first or only way that people are able to access the services they need. But it is essential that it can provide an opportunity to engage with these needs, and that this is carried out as part of health and social care provision for the whole community, both to ensure that it is done professionally and that it provides a route map to support and treatment afterwards. For that reason, the European Prison Rules state:

'Medical services in prison shall be organised in close relation with the general health administration of the community or nation.'[12]

'Health policy in prisons shall be integrated into, and compatible with, national health policy.'[13]

Those who leave prison will have practical needs that require support and planning. - hence the focus on 'resettlement pathways' into homes, jobs, further education and training, healthcare and family support. Too often, the sudden transition from a closed environment to the realities of the outside world is poorly managed, and such support as there has been falls away when prisoners' hopes and expectations collide with reality.

A common response to this approach to running prisons is 'What about the victims? Why should we worry about a moral and ethical basis for treating people who have behaved immorally or unethically?' Those are legitimate questions. The answer is three-fold. First, victims rightly need to be confident that criminal acts attract punishment; and deprivation of liberty is the most extreme

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9 *European Prison Rules*. 106.1
10 *ibid*, 34
11 *Ibid*, 28.7

12 *European Prison Rules*, 40.1
13 *Ibid*, 40.2

punishment available to the courts. Second, and equally important, victims have a real interest in seeking to ensure that there are not more or repeat victims. The rights of victims, and potential victims, are best served by prisons that can contribute to desistance from crime. A prison that offers no possibility or expectation of change and no opportunities to develop, which demonstrates that power over others can be used arbitrarily or allows no space or demand for individual responsibility, will simply reinforce a criminal identity and make individuals and communities less safe. Third, it is clear that systems that support reparation – giving something back to victimised individuals or communities – provide tangible benefits for both victims and offenders, in a way that incarceration on its own does not. Hence the importance of restorative justice initiatives in Northern Ireland: both centrally driven, as in juvenile justice, and also community-based, as in community restorative justice initiatives.

This approach has implications for staff just as much as for prisoners. The focus on ethics, values and desistance does not mean a vague 'niceness' approach: on the contrary, it means setting and enforcing proper boundaries, encouraging and rewarding responsibility and pro-social behaviour, and working with prisoners to challenge and change their assumptions about themselves and others. That can only occur within the context of right and professional relationships.

The UN Standards and the European Prison Rules stress the importance of a properly-trained staff group, operating to a set of clear ethical and moral values.

'The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.'[14]

The more recent European Prison Rules go further:

'Staff shall manifest a clear sense of purpose of the prison system. Management shall provide leadership on how the purpose shall best be achieved...

'The duties of staff go beyond those required of mere guards and shall take account of the need to facilitate the reintegration of prisoners into society after their sentence has been completed through a programme of positive care and assistance...

'Particular attention shall be paid to the management of the relationship between first line prison staff and the prisoners under their care...

'Staff shall at all times conduct themselves and perform their duties in such a manner as to influence the prisoners by good example and to command their respect...

'Staff shall be carefully selected, properly trained, both at the outset and on a continuing basis, paid as professional workers and have a status that civil society can respect...

' When selecting new staff the prison authorities shall place great emphasis on the need for integrity, humanity, professional capacity and personal suitability for the complex work that they will be required to do.'[15]

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14 *UN Standard Minimum Rules*. 45
15 *European Prison Rules*, 72-77

CHAPTER 2:
DESISTANCE: A WIDER PICTURE

Summary

Prisons cannot support change on their own, nor are they always the right place to do so. They need the support of the rest of society. Desistance from crime is a process, not an event, and has two aspects: the individual and the social. Plans and interventions should place individuals at the centre, working with, not on, them and aiming for change, not just control. Decisions about the services that should be provided should be informed by assessments of the prison population's risks, needs and resources. It is equally important to identify and strengthen prisoners' 'social capital': the relationships, communities and economic circumstances to which they will return. This requires partnerships with and across government, civil society, voluntary and community organisations and families.

Chapter 1 outlines the vision and value base for an effective prison system. But it is equally important not to overstate the role of prisons, and create the impression that prisons are the best, or indeed the normal, solution to tackling or preventing offending. Prison is the most extreme (and the most expensive) punishment available to the courts, and it should therefore be the last resort: used for serious and violent offending, and complemented by a range of other options that can prevent offending, provide a robust alternative for less serious offences, and offer through the gate support for those who have been in prison.

The risk of making prisons more positive places is that they are seen as the solution to problems that can and should be tackled in the community: mental health and drug problems, educational deficits, economic and social deprivation. The more that prisons soak up resources, the less is available for prevention and alternatives to custody - which can be more effective - and support on release, which is essential. Without investment outside prison, prisons will continue to have revolving doors.

Prisons that do not support change do not benefit either society or prisoners. But prisons, and prisoners, cannot do this on their own. There is no magic bullet, or scientific formula, which, if applied in prison, will turn out model citizens. That is where recent work on desistance is so important. This looks at the reasons why people stop offending and therefore desist from crime. It looks at the individual journeys that need to be made, but it also links those individuals to the personal, social and economic situation from which they came and to which they will return. It is one of the basic principles in the European Prison Rules that

'Co-operation with outside social services and as far as possible the involvement of civil society in prison life shall be encouraged.'[16]

Prisons, therefore, need to link into and be supported by the rest of society. Prison reform in Northern Ireland offers a unique opportunity to build this thinking and this model into the way that prisons run and prisoners are supported in society as a whole.

Prisons need to link into, and be supported by, the rest of society

Giving up crime, for those who have an established pattern of offending behaviour, is often difficult and rarely succeeds at the first attempt. In many respects, this is not surprising, at least when seen in the context of the life experiences and social problems that are typical amongst such prisoners. The UK Government Social Exclusion Unit's report *Reducing re-offending by ex-prisoners*[17] revealed that, compared to the general population, prisoners were much more likely to have been in care, to have truanted from school, to be unemployed, to have a history of mental illness, and to lack basic literacy and numeracy skills. Recent work in Northern Ireland on young people not in employment, education or training (NEETS) also shows a high correlation between this excluded group of young people and those who have been in or on the edge of care, had a negative experience of education and/or literacy and numeracy problems, been involved with drug or alcohol misuse, had a learning or physical disability, committed a crime or been mentally ill or homeless[18]. The cumulative effect of these sorts of life experiences and disadvantages is that many prisoners face very serious problems and obstacles to change in terms of their limited skills, social resources and opportunities.

Yet people from those backgrounds do give up crime. This 'desistance' is however a journey and a process, not an event. It takes place over time, and is characterised by false starts and backward steps as well as onward progress and change. A recent factsheet prepared by

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16 *European Prison Rules*, 7

17 *Reducing re-offending by ex-prisoners*, Social Exclusion Unit, July 2002
18 *A strategy for those not in education, employment or training (NEET),* Department of Employment and Learning, 24 March 2011

the National Offender Management Service in England and Wales[19] (in collaboration with desistance researchers) highlighted a range of factors, including:

- **Age and maturity, supported by positive family relationships**: people mature at different times, and strong attachments to children, and to partners who are not involved in crime, provide both a focus for time and attention and a reason for not returning to prison;

- **Sobriety:** Though the relationship between recovery from substance use problems and desistance from crime is different for different people, desistance will usually require tackling drug or alcohol problems;

- **Employment:** finding steady employment, particularly if it provides a sense of achievement and satisfaction, is an important factor in sustaining desistance;

- **Hope and motivation:** Desistance is often a difficult process, so people need to be committed to it and hopeful about it, if they are to succeed;

- **Not having a criminal identity:** People who succeed in desisting from crime need to find ways to see themselves differently – not as offenders or criminals but as something or someone more positive;

- **Having something to give**: People who recognize that they have a positive contribution to make – typically to their families or their communities – tend to fare better in their efforts to desist from crime;

- **Having a place within a social group**: Desisting from crime is not all about the individual; all of us need the support of positive social networks that can generate new opportunities when we are facing difficult transitions in our lives;

- **Being believed in**: People who are trying to move away from crime need and benefit from others believing in their capacity to do so; this reinforces their own motivation.

There are two elements in play here: the personal and the social/community.

The first recognizes that individuals are their own agents of change, and have strengths and resources, as well as risks and needs. Since desistance is an individual process which is and feels different for different people, approaches to rehabilitation have to accommodate and exploit issues of identity and diversity. Standardised specific interventions can play a part in this, but broader approaches to 'offender management' need to be tailored to the individual. Too often, the focus has been on the agencies and programmes designed to reduce reoffending, with the individual offender being the object of those interventions, often being bounced among them, or falling into the gaps between them, like a human pinball. Or else there has been the assumption that a certificate, or a course completion, is by itself the gateway to a completely different life.

Desistance theory, by contrast, puts the individual at the centre – rather like the model of personalised social care now being developed. Since desistance is about discovering the ability to take responsibility for steering the direction of one's life, offender management processes and interventions need to encourage and respect self-determination. This means working with prisoners, not on them, to plan and sequence the interventions, support and opportunities that need to be available. It also means finding ways to mark and celebrate the progress that people achieve in taking control of their lives, and recognising and focusing on the importance of relationships - between staff and prisoners, among prisoners, and between prisoners and those in the community who matter to them, both personally and professionally. It involves promoting and encouraging individual and mutual responsibility: for example through peer support schemes or work that benefits others.

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19 *Understanding desistance from crime*, Ministry of Justice (National Offender Management Service) with Professor Shadd Maruna, June 2010. For a more detailed account of desistance research see Maruna,S. (2001) *Making Good: How ex-convicts reform and rebuild their lives* Washington APA. Also see McNeill, F. and Weaver, B. (2010) *Changing Lives? Desistance research and offender management* Glasgow: Scottish Centre for Crime and Justice Research.

It is therefore important that the prisoner's individual pathway through the prison system is properly negotiated, charted and communicated to all those who play a part in supporting that journey. This means that processes of offender management need to start by engaging with the individual prisoner around questions about where he or she has come from (both in terms of personal history and background and in terms of offending behaviour), where he or she is going, and how he or she can be supported to get there. In other words, prison staff and prisoner need to assess whether the change journey is beginning, what its social and personal context is, what the obstacles to change might be, and what resources (formal and informal, inside and outside the prison) exist to support it. Every assessment and review process linked to sentence planning, prisoner progression and release should engage with these same questions, and should be informed by clear evidence of progress towards change. New ways of assessing progress towards desistance need to be developed in collaboration with research experts in these areas. This process should engage the whole prison, not just those designated as offender managers or specialists (see Chapter 3).

Desistance from crime is a journey and a process, not an event

If this is the right assessment and review process for individual prisoners, it must also be mirrored at the level of planning and strategy to support change for the whole population. So, for example, decisions about which services and programmes ought to be commissioned must be rooted in a careful assessment of the needs and resources of the entire population. Without it, planning of services lacks an adequate evidence base. When the needs and resources of the whole population are properly understood, difficult decisions about which needs can and cannot be met will have to be taken, but at least they can be based on a critical evaluation of what can best support change across the population.

Thinking about risk is a necessary part of these kinds of deliberation at the individual and strategic levels, but it is not sufficient. Too often, the preoccupation with risk leads to a negative focus on risk management, containment or minimisation which relies on imposing constraints and controls to secure safety within and beyond the prison walls. Where people refuse to change and represent a significant risk of serious harm, such measures of control are necessary. But for the vast majority of prisoners, the longer term safety of the public can be best supported by a system that is designed and delivered to support change, not just control.

This is not solely about individuals and their responsibility for personal change. The second important component is that individuals do not simply desist from something; they need to be able to desist into something. Interventions based only on human capital (or developing prisoners' capacities and skills) are important but will not be enough; there is also a need to identify and strengthen social capital: the relationships, communities and economic circumstances in which people find themselves. At a practical level, for example, a prisoner who leaves prison with nowhere to live, no prospect of employment and alienated or separated from her family is more than likely to reoffend. Equally, a young man whose crime is well-known within his community and who faces either retribution or exclusion may find prison the safest and most inclusive place to be.

All the responsibility does not therefore rest with individual offenders. Wider economic and social forces and community contexts have a crucial role in both generating and tackling crime problems. Successful social integration in the community is not something that any individual can achieve for him or herself; supporting desistance is therefore also about identifying strengths and resources in their social networks, and conversely tackling the social and economic barriers and the community issues that can create obstacles to change. Getting the internal dynamics of the prison system right will go a long way to making prisons places of change and development, but will not be enough on its

own. In a prison system which is seeking not to produce a docile and obedient population on the inside, but rather to support people to change and to sustain change after release, building the right partnerships is critical to securing success.

It follows that prisons, and the work that they can do, sit within a nexus of agencies and relationships that can support or undermine change: other statutory agencies within and outside criminal justice, voluntary agencies, and the families and communities to which prisoners belong and will return. All those organisations and groups, as well as prisoners themselves, need to be full partners in the desistance and reintegration processes. For these reasons, recent legislation in Norway has created a 'reintegration guarantee' for prisoners. Closer to home, the Scottish Prisons Commission proposed the creation of a legal duty for all public bodies to play their part in supporting reintegration[20].

Prisons therefore need to work with prisoners, with partner agencies, with communities, with civil society and with government on building positive social networks and creating new opportunities for ex-prisoners. Everyone who wants to live in a safer and more peaceful society has a stake in successfully reintegrating ex-prisoners; so everyone should play their part in making reintegration happen. We develop this, in practical terms for Northern Ireland, in Chapters 8 and 9.

20 *Scotland's Choice*, Report of Scottish Prisons Commission July 2008

CHAPTER 3:
PRISONS SUPPORTING CHANGE
Summary

In a prison system that is configured around human rights standards and supporting change, the whole of each prison needs to be run, led and staffed around those central aims. In this chapter, we set out the seven fundamental characteristics of such a prison and the elements that need to be in place to put them into practice. They are

- **A whole prison approach**

- **Fair and reasonable treatment**

- **Strong and meaningful relationships between staff and prisoners**

- **Effective staff development, appraisal and discipline systems**

- **Prisoner motivation and achievement**

- **Practical help to promote a crime-free life outside**

- **Supporting the development of a non-criminal identity**

1. **A whole prison approach**

   Key elements

   - A vision and mission for the prison that ensures a consistent and mutually reinforcing approach across all aspects of its operation. Safety, respect and desistance from crime are central goals, with strong leadership to drive the creation of a positive culture that supports implementation. This ensures that good work is not done in silos, with some parts of the prison working to undermine, or more passively not support, the overall approach.

   - Active engagement with staff at all levels and across disciplines to create a shared sense of purpose, supported by strong teamwork: recognising that all staff who have contact with prisoners, whether they are residential staff, security staff, teachers or chaplains, can create meaningful relationships with them, and have a responsibility to do so.

   - Regimes and management systems designed to support positive and proactive work with prisoners. This includes: maximising contact time between staff and prisoners; ensuring continuity of staffing; providing opportunities to exchange information about prisoners' progress; ensuring prisoners access good quality activities and interventions; enabling interdisciplinary working and work with external partners; building effective systems to direct and coordinate work with prisoners and engage them in the process; providing support and advice to staff.

   - A commitment to research and evaluation, both in order to assess the outcomes of innovations intended to support change, and to support a culture of continuous learning, informed by the best available evidence in the system and beyond it.

2. **Fair and reasonable treatment**

   Key elements:

   - A prison operating to consistent principles of safety, respect and justice, supported by management systems that ensure this happens. This is essential and extends beyond the residential, activity and treatment functions. For example, how security decisions are taken and implemented form an important part of a prisoner's experience; equally the treatment of family and friends who contact the prison or visit will be important in shaping a prisoner's attitudes and views.

   - A positive duty of care for prisoners, ensuring that the most vulnerable are supported and protected and that there are effective systems to reduce violence and work positively with both victims and perpetrators, using restorative justice principles.

   - Clarity and predictability about the regime and entitlements, backed by reliable and consistent systems to deliver what is promised.

   - Clarity about who can take what decision, the extent of discretion and how it is to be exercised, with clear and reasonable rules which staff can explain and defend, and prisoners can understand. This should result in prompt, consistent, transparent and logical decision-making without unnecessary referral upwards, and a willingness to explain to prisoners the thinking behind decisions and take full account of all relevant factors.

   - Equality of outcome between different groups of prisoners, recognising and providing for difference.

   - Systems of appeal and complaint which are transparent and support reasonable decisions.

- An approach to security, order and control which is proportionate to the risks and takes full account of quality of life issues for prisoners.

- Zero tolerance of criminal activity, ensuring a safe environment for staff and prisoners and a proper attention to the protection of the public

3. **Strong and meaningful relationships between staff and prisoners**
   Key elements:

- Selection of staff on the basis of their interpersonal skills and their motivation to forge positive, meaningful relationships with prisoners; recruitment processes designed with this in mind.

- Strong motivation by staff to act, and be seen to act, fairly in their dealings with prisoners.

- Willingness of staff to hear and understand a prisoner's point of view. This does not mean always saying yes, showing favouritism or giving way to threats.

- Belief in a prisoner's ability to change, and a willingness to demonstrate that belief.

- Ability to use authority appropriately and set limits, without compromising the ability to make positive relationships with prisoners

- Reliable delivery of any action promised, or a prompt explanation if it cannot be delivered.

4. **Effective staff development, appraisal and discipline systems**
   Key elements

- Staff support, development and appraisal systems that encourage and enable prison officers to develop and hone their skills in working with prisoners.

- A culture that publicly recognises and praises good work by staff, with systems to identify and highlight such work, but which does not tolerate unfair, capricious or aggressive behaviour.

- A code of ethics and values that supports good work by staff and sets out the standards and behaviours that underpin that work.

- A discipline process that reinforces that code by allowing action to be taken if those standards are breached, rather than one that is over-complex or specifies what should not happen.

5. **Prisoner motivation and achievement**
   Key elements

- A culture that publicly recognises and praises achievement by prisoners, with systems to identify and highlight their progress, for example through award ceremonies for achievement of a qualification or successful completion of a programme.

- Recognition of the diverse identities of prisoners, active support for culturally appropriate activities that validate and value those identities and provision of the necessary facilities and services to do so.

- An emphasis in dealing with prisoners on identifying strengths and building on them, rather than concentrating solely on risks and deficits, and a focus on giving positive messages to prisoners about their potential to improve and become free of crime, reinforced by staff training and supervision.

6. **Practical help to support a crime free life outside.**

   Key elements

   - Motivating prisoners to get off drugs and alcohol, and providing practical help to do so, including good detoxification facilities and ongoing support for recovery. This includes keeping drugs and alcohol out of the prison.

   - Providing professionally delivered healthcare, to identify and meet physical and mental health needs.

   - Increasing employability through development of job readiness skills, and providing sufficient and good quality education, skills training and work experience that is relevant to prisoners' needs and to the current jobs market.

   - Offending behaviour programmes that help prisoners to think logically, understand the impact of their crime on victims and teach techniques which reduce the risk of committing crime, focusing on life outside prison.

   - Permeability of service provision between prison and the community, so that services such as healthcare, substance misuse, education and skills training are provided by the same agencies and organisations that provide services in the community, and which can continue to provide support where necessary on release.

- Enabling positive engagement with civil society and external support groups during sentence. This includes encouraging and supporting contact with family and community networks, drawing on their strengths and experience.

- Preparation for release, with proper handover of the work done and progress made to others who can provide support outside. This must include active engagement and consultation with the Probation Service for those on licence, proper links with health, social care, education and employment services, voluntary and community organisations and the support of family and friends.

7. **Supporting the development of a non-criminal identity**

   Key elements

   - Opportunities for prisoners to have a degree of personal choice and to help others. Peer mentoring schemes like Insiders (peer support to new prisoners by trained prisoners), Listeners (suicide prevention support by trained prisoners), and Toe by Toe (basic literacy training provided to prisoners by prisoners) all provide positive opportunities to develop a non-criminal identity.

   - The use of arts projects, sports and teamwork activities, and other aspects of personal development to allow prisoners to develop new skills and relationships, to begin to see themselves differently and to be seen differently by others.

   - Opportunities for prisoners to give something back to the prison community, for example through participation in prisoner councils, or representation on prison committees.

- Opportunities for prisoners to give something back to the world outside, for example through learning how to repair or recondition goods that can be donated on to those who need them in local communities or overseas. Contact (even of an indirect nature) with the beneficiaries of such work can have a very positive effect.

- Facilitating as much positive contact as possible with society outside, linking the work done in prison to life outside and trying where possible to create positive, supportive relationships that can continue after sentence: for example through families, faith groups, arts organisations, sports clubs and other community support groups.

PART II: FROM HERE TO THERE

We have set out in Part I the principles, values and purpose that should underpin a good and effective prison system, and the way in which prisons should run in order to put them into practice. That sets the template for a changed prison system, capable of helping to change lives. It is manifestly not where the Northern Ireland prison system is at present, in spite of some good individual projects and developments. We begin this part of our report by considering the shape and size of the prison estate itself, but that is only the beginning. We go on to look at the current state of prisons - including equality, healthcare and substance use - and the comprehensive and coordinated change programme which is needed to change working practices and culture, including the training and deployment of staff. We then examine the essential partnerships that need to be in place – with statutory, voluntary and community bodies – to support a desistance-focused prison system, and the work that is already being done by multi-agency partnerships. Finally, we look at the specific and as yet poorly met needs of two distinct groups, women and young adults.

CHAPTER 4:
THE PRISON ESTATE

Summary

The prison estate must not be too big; and it must be fit for purpose. Building more capacity is not the answer without tackling some of the long-running issues that drive up the population: imprisonment for fine default, lengthy periods spent on remand, and the ineffectiveness of short custodial sentences. We recommend supervised activity orders as the norm for fine defaulters; statutory time limits for cases coming to court; and a statutory presumption against custody, and in favour of properly-resourced community penalties, for those who would face sentences of three months or less. Recalls to prison under the Criminal Justice Order also need to be carefully monitored.

Maghaberry holds too diverse a population: it should be divided into three 'mini-prisons': one for short-sentenced and remanded prisoners, one for those serving long or life sentences, and one for high risk prisoners. This would allow appropriate levels of security, activity and care. Magilligan should be either re-sited, reconfigured for long or life-sentenced prisoners, or refurbished: a decision needs to be made and implemented speedily. Appropriate step-down and supported accommodation should be developed in partnership with probation, voluntary and community agencies. We deal with provision for women and young adults in Chapter 9

There are two essential factors in planning and delivering a prison estate that can support change and desistance from crime. First, it must not be too big; second, it must be fit for purpose.

Size

Prisons are a necessary part of an effective criminal justice system. They are the most extreme punishment that our courts can impose, and provide protection for society from serious, violent and prolific offenders. However, they should be the last, not the first, resort of an effective criminal justice system. The more resources that are devoted to and soaked up by a prison system, the less the available resource – of money, time and energy – for essential work outside prison: to prevent crime, provide more effective alternatives, and support those who are released. Prisons in Northern Ireland, as elsewhere in the UK, are under pressure: with a 13% year on year increase in the number of prisoners. The temptation therefore is to build more capacity. Though that seems to offer short-term relief, it merely creates long-term problems, as every prison system has found. Like motorway building, prison-building stimulates more traffic. It offers sentencers and society an apparently easy answer to complex problems and encourages the imprisonment of those who need not, or should not, be there.

As our interim report pointed out, the prison population in Northern Ireland is inflated because of the number of fine defaulters and remand prisoners it holds. Half the women committed to Hydebank Wood in the last year were sent there for fine default. This is simply unacceptable. It does nothing to address the needs of offenders or society, and makes prisons much more difficult to run, with significant resources needing to be devoted to the crucial early processes of committal and assessment. Nor does it do anything to deal with the actual problem of people who are either too poor to pay a fine, or who can avoid payment at the further public expense of a couple of days in prison.

It is, in our view, indefensible that the opportunities to provide supervised activity orders as an alternative to custody for fine default, provided in the Criminal Justice Order

2008[21], have not been taken up. Pilot projects, which the PBNI had been ready to operate in the Lisburn and Craigavon areas, were deferred. There is now a proposal for a pilot in Craigavon alone. This is insufficient. There should be two additional pilots, in higher-density areas, reporting in 2012, with a view to rolling it out to other areas by 2013. The Order should then be amended and strengthened so that there is a presumption in favour of a supervised activity order (or distraint of income for those who can afford it) for fine default, and probation and other services should be resourced to support this. Following that, custody should be a wholly exceptional disposal for fine defaulters.

There is no shortage of reports pointing out the consequences of the huge delays in the criminal justice system that result in prisoners spending lengthy periods on remand. This is particularly shocking for children and young people, but is a systemic problem for adults also. Half the population of Maghaberry and Hydebank Young Offender Centre is there on remand. Previous reports, and Ministerial statements, have resisted imposing a statutory time limit for criminal proceedings, on the understandable ground that the system is not ready for that, and would inevitably fail. Our view now is the opposite: unless statutory time limits are imposed, the system will never be ready for it, for it is configured around the lack of any necessity for efficiency or speed. Like the youth justice review, we therefore recommend that there is legislation to impose statutory time limits between arrest and disposal, staggered so as to come into effect for different populations and courts over the next three years.

A great deal of recent work has been done on the effectiveness of non-custodial interventions for those who would otherwise get a short prison sentence. All these reports find that short sentences are costly and produce high reoffending rates. In England and Wales, the Prison Reform Trust has shown that around 60% of those sentenced to under 12 months in prison will reoffend within a year[22] and the National Audit Office assessed

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21 *Criminal Justice (Northern Ireland) Order* 2008, article 45
22 *The case for and against prison,* Matrix, 2008; *Bromley Fact File,* Prison Reform Trust, June 2011.

that their reoffending costs between £7 and £10 billion a year[23]. Recently, a national enquiry, carried out by a panel which included the Director of Victim Support, the Daily Telegraph's Peter Oborne, and the Chief Executive of NACRO, looked at examples of intensive community sentences In England. They were 'astonished and impressed by the rigour and impact' of much of this work, concluding that those programmes could deliver real reductions in reoffending at a fraction of the cost of prison[24].

Drawing on evidence like this and the seminal report of the Scottish Prison Commission[25], the Scottish Parliament passed legislation last year[26] to ensure that there is a presumption against prison for anyone who would otherwise be given a sentence of three months or less. Courts may only pass such sentences if they consider that there is no other method of dealing with the person apart from prison. All the evidence is that such statutory provision is necessary if prison is indeed to be a last resort. It also, of course, means putting proper resources into the rigorous and effective community provisions that are needed instead. As we show below, there are already models for that in Northern Ireland, including the work of the Inspire centre, supported by women's centres in the community, and the work of other voluntary, statutory and community groups.

Alternatives to prison for fine default should be in place by 2013

Finally, the prison population is being increased by prisoners recalled for breaches of licence conditions under the provisions of the Criminal Justice (Northern Ireland) Order 2008. Recall is a necessary sanction to ensure compliance of those serving part of their sentence in the community, but it should be used only when it is essential to

address risk or non-compliance, and for the shortest time necessary. There are indications that, at least initially, there were a significant number of recalls or requested recalls. This has consequences for the capacity of prisons, probation and the Parole Commissioners.

At present, there is no central NIPS record of the number or length of stay of recalled prisoners, and this prevents forward planning and the ability to alert others in real time to issues and problems that are developing, to prevent the problems that arose in England and Wales, where prisoners were sometimes recalled for technical breaches and could remain in custody for extended periods.

Recommendation 1
There should be supervised activity order pilot schemes in more than one location, rolled out during 2012. Building on the lessons learnt, and the resources required, there should be legislation in 2013 so that supervised activity or distraint of income is a presumption in cases of fine default.

Recommendation 2
Statutory time limits between arrest and disposal should be implemented in stages over the next three years, beginning with cases in the youth court and moving on to magistrates' courts and finally crown court cases.

Recommendation 3
The Reducing Offending Review should develop proposals, including a statutory presumption, to ensure that effective community sentences are the preferred method of dealing with those who would otherwise get short custodial sentences, and that there is the necessary investment in community alternatives.

Shape
The second key element is the kind of prisons that are built and run. We deal in the next chapter, in some detail, with the long-running question of the size and shape of a women's custodial facility in Northern Ireland, and the

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23 *Managing Offenders on short custodial sentences,* National Audit Office, March 2010
24 *Community or custody,* Make Justice Work, September 2011
25 *Scotland's choice,* Report of the Scottish Prison Commission, July 2008
26 *Criminal Justice and Licensing (Scotland)* Act, 2010

provision that should be made for young adults.

In relation to the majority adult male population, it is clear that there are problems and operational difficulties in relation to the two prisons at Maghaberry and Magilligan.

Maghaberry holds a very challenging mix of prisoners, which would be unknown in any other part of the UK. Over half its population are on remand, and one in ten of all prisoners there have been remanded for over 12 months. In addition, around a quarter of prisoners have sentences of two years or less. It is not possible, from existing statistics, to know how many, or what proportion, are serving sentences of 12 months, or 6 months, or less. That is a major gap in knowledge, which prevents effective and regularly updated planning. It is nevertheless clear that short-term prisoners, in prison for less serious offences, form a significant proportion of the population – and will do so, even if and when the number of remand and fine default prisoners is reduced or eliminated.

On the other hand, around a third of the population are serving life sentences, often remaining on the main houses at Maghaberry for many years, at a point when their risk is considered highest, and before they are transferred to the more relaxed regime on the other side of the prison, or they are recategorised as lower risk and transferred to Magilligan. Until this year, such prisoners who were close to release could also be transferred to the Prisoner Assessment Unit, where their return to the community could be staged and tested; but that has now closed, leaving a significant gap. In addition, Maghaberry holds around 60 prisoners who are separated from the rest of the population, by their own choice, because they have affiliations to Republican or Loyalist paramilitary groups: some, but not all, of whom are charged with or have committed serious and violent offences.

Trying to provide appropriate security, and sufficient and relevant activity, for all these populations is a challenge that Maghaberry has been unable to meet. As we said in our interim report, and repeat here, security is dominant and intrusive, affecting both the culture of

the prison and prisoners' access to activities, healthcare and other key services and supports. There is over-reliance on physical security – locks, gates and frequent lock-downs – as opposed to dynamic security, built around appropriate relationships and properly run and supervised activities.

There is a proposal to build further accommodation on the Maghaberry site. Our view is that this should in the end replace, rather than add to, the unsuitable accommodation now in use in the 'square' houses, which are old and oppressive and have poor sight-lines. We suggest that the aim should be effectively to create three 'mini-prisons': three separate areas clustered around a central hub of activities, resettlement support and health and substance use services. One would hold remanded, short-sentenced and low-risk prisoners, with a strong focus on safe and effective committal and initial assessment processes; support for prisoners who are vulnerable; short or modular interventions, courses, work and programmes; and practical resettlement support, with considerable external support. This would include assessing and meeting health and substance use needs and linking those to outside provision. Security and staffing levels would be appropriate to risk, with adequate perimeter security but relatively free movement within the perimeter and to and from activities and other services.

The second would be for life- and long-sentenced prisoners: drawing on initial assessments and continuing work started in the first prison area, but focusing more on assessing and responding to needs, risks and strengths in order to develop individual plans for desistance and change; providing the opportunity to engage in longer-term programmes, courses and skills training, with a view to progression within the prison system and release into the community. Both perimeter and internal security measures would be higher, but not excessive: designed to encourage positive staff-prisoner relationships and the development of prisoner responsibility. Free movement to and from activities and services, within a secure corridor, would be the norm.

The third would hold those assessed as category A risks - prisoners whose escape would be a high risk to the public or to national security – or those who wish to be segregated because of paramilitary affiliations. That would require high levels of perimeter security and appropriate staffing levels, but would also require sophisticated and well-supported dynamic security, that enables intelligence to be gathered and risks to be appropriately managed. Just as in the other prisons, the provision of sufficient and relevant activity is essential, both to allow progression and decategorisation and to enhance prisoner and staff safety and security

Maghaberry should be divided into three 'mini-prisons'.

Magilligan prison is the best-functioning of all three Northern Ireland prisons, at least in part because it has a single task: to hold lower-risk sentenced men who will fairly soon be returning to the community. It does, however, suffer from being in the wrong place for that purpose, in an isolated position on Magilligan Point, far away from most prisoners' homes or possibilities of employment. Much of its current accommodation, in H-blocks or temporary structures, is wholly unsuitable.

It would be better either to build a new prison near a centre of population, with links to local services, colleges and other support services, or to use the site to hold long- and life-sentenced prisoners who are not close to release and do not need to be close to the courts. Both would, however, involve considerable capital expenditure: the current configuration and accommodation are not suitable for a higher-risk population. Magilligan has suffered from considerable uncertainty about its future, which is demoralising and has caused planning blight in respect of much-needed improvements to the current site. The estates strategy should therefore speedily determine its future (or lack of it) and provide a clear and agreed timescale for closing, re-building and re-roling, or refurbishing it.

The closure of the Prisoner Assessment Unit in central Belfast has left an important gap in custodial provision. We were critical of the running of the unit, and the support available to prisoners in it, but the unit provided a unique opportunity to manage the difficult transition between prison and the community, in an urban environment close to many prisoners' homes, necessary support services and employment opportunities. The closure provides both the opportunity and necessity to work with probation and voluntary and community sector partners to create much better and more effective step-down supported accommodation for life-sentenced prisoners, and those with particular vulnerabilities and needs, such as mental health or substance misuse problems. There are already good examples of hostel and supported accommodation provided in the community by the voluntary sector, and this should be built on.

We deal with the future and build of Hydebank Wood in the following section on women and young adults.

Recommendation 4

The Northern Ireland Prison Service should keep and publish more detailed routine data on the prison population, including those recalled, and those serving sentences of up to 6, 12 and 24 months.

Recommendation 5

The Maghaberry site should be reconfigured into three 'mini-prison' areas: for short-sentenced and remand prisoners and new committals; long- and life-sentenced prisoners; and category A and separated prisoners, with appropriate support, regimes and security for each. The square houses should be demolished when new accommodation is built.

Recommendation 6

A clear decision should be made on the role and future of Magilligan. Ideally, a new prison should be built in a more accessible location. Failing that, there should be a timed programme either to rebuild it for a new role or to refurbish existing accommodation.

Recommendation 7

Funding should be found, in partnership with probation and voluntary and community organisations, for halfway house and step-down accommodation to manage long-sentenced prisoners' return into the community and provide supported accommodation for those with mental health and substance use issues.

CHAPTER 5:
PRISONS NOW: A STATUS REPORT
Summary

Six months on from our interim report, visits to the three prisons showed that there had been some progress, but that, whatever the efforts of managers, this cannot be sustained or developed without tackling the underlying problems identified in the interim report. Excessive staffing levels, high levels of sick absence, restrictions on the use of support staff and inefficient shift schemes wasted resources and made it impossible to provide sufficiently active and consistent regimes, especially at Maghaberry and Hydebank Young Offenders Centre. Magilligan was the most positive, though there was insufficient activity.

A review of suicide prevention documentation at Maghaberry revealed continuing weaknesses in the care and understanding of prisoners at risk. Equality and diversity work in the individual prisons was under-developed. Processes were not operating effectively, and monitoring tools were not sufficiently useful. There were some persistent discrepancies in outcomes for Catholic and Protestant prisoners in areas subject to staff discretion, such as the privileges scheme. Ethnicity and disability were poorly monitored, and foreign national prisoners often unsupported, with interpretation rarely used outside specialist areas.

Building the right number of prisons in the right way and in the right place is only the foundation of building a good prison system. What is constructed on that foundation depends crucially on the way prisons are run and the relationships that develop within them.

Here we describe the prison system as we found it six months after our interim report. We also focus on two areas that we undertook to look at in more detail: the prevention of suicide and self-harm and the promotion of equality and equal treatment. Both are fundamental to safety and fairness, and both have been the subject of public criticism and considerable concern. In neither case could we satisfy ourselves that lessons had been learnt or that systems were in place properly to monitor the implementation of policies. More fundamentally, both showed the need for a change of culture and approach among both staff and managers.

Six months on

Visits to the three prisons in July 2011 showed a little progress, but also revealed the scale of change needed. **Magilligan** provided the most positive picture. Central detailing had had a positive effect on the regime, and allowed some staffing efficiencies: a reduction in the number of senior officers on the units and the dropping of the circle officer post on the H-blocks. Nevertheless, there remained considerable over-staffing. Staff interacted reasonably well and decently with prisoners, though there was little understanding of how they might assist them not to reoffend. Population pressures were impacting badly on access to activities, and a there were insufficient opportunities for constructive activity. There was considerable concern about the trading of prescription drugs though order and control within the prison was good.

In spite of some improvements at **Maghaberry**, and considerable management effort , there remained significant weaknesses in staff deployment and culture. Central detailing had led to a more consistent regime, with noticeably fewer lockdowns; though high levels of staff sickness (10%) created significant pressures. This meant that important activity, including routine staff training, was not taking

place. The staffing levels in most operational areas of the prison were much higher than was necessary, and routines were inefficient and unnecessarily labour-intensive. Population pressures had led to the reopening of units that were meant to have been refurbished, and which could only be staffed through the use of overtime; the population was also becoming more diverse and longer-sentenced.

There was an expensive new education centre, but insufficient education staff to fully utilise it, and too few prisoners turning up for too short a time to make full use of this major new investment. A new unit had just been set up to try to allocate prisoners more effectively and maximise take-up but it was too early to judge its success. Relationships between staff and prisoners remained distant and superficial. Staff were still not present in the main areas where prisoners associated and exercised, effectively creating no-go areas.

An over-focus on physical security continued to disrupt the smooth running of the prison: the electronic locking system caused considerable delays and shortened the prisoner day, and the whole prison was locked down if there was a single alarm. Staff had little confidence that the changes they saw as inevitable would be accompanied by proper training or support.

The unresolved issues around separated prisoners, which we referred to in our interim report, continued to cause considerable disruption to the prison as a whole, with a succession of 'dirty protests' by dissident Republicans against full body-searching and regime restrictions. Full body-searching is a procedure which is intrusive and invades the privacy of all prisoners, but is justified as proportionate and necessary to prevent the smuggling of contraband or weapons. If other less intrusive and more effective electronic methods become available, they should be piloted, and their use considered. In other respects, the difficulties in managing separated prisoners effectively remained a symptom, rather than a cause, of the prison's problems: reflecting an over-emphasis on physical rather than dynamic security and a reliance on over-high staffing levels, and throwing into sharp relief the regime

restrictions and inconsistencies in the rest of the prison.

The **Young Offender Centre** at Hydebank Wood was in the worst shape: extremely short of staff, exacerbated by 10% sickness levels, so that some of the improvements noted in the recent inspection had not been able to be sustained. There were too few staff to run the full regime, even though there were high levels of time off owed to staff. For example, there was only one officer, instead of two, on the induction and committal units, truncating crucial induction and first night processes; in all units association was being curtailed and only a limited number of prisoners unlocked at any one time. Yet, because of restrictive working practices, officers in support grades were wastefully under-employed and there was over-staffing on the wings and in the 'bubbles'; many small changes were resisted by the POA. There was insufficient activity for prisoners, and a failure to use the available places effectively. Some staff showed real understanding of prisoners, but the prevailing approach was distant and judgmental, and there was little understanding of the scale of change required or how staff might reduce reoffending. Again, population pressures were affecting both sides of the prison.

Overall, the underlying problems remained those that we identified in the interim report: showing that progress cannot be sustained without overhauling the whole system. In particular, excessive staffing levels, unreasonable restrictions on the use of operational support staff and inefficient shift schemes wasted resources and made it impossible to provide a sufficiently positive, active and consistent regime, or to release staff for much-needed training and development.

Meanwhile, there have been continuing scandals and crises. The Prisoner Assessment Unit, the only open provision in the system, has closed down after inappropriate relationships between staff and prisoners were discovered. There were two self-inflicted deaths and one near-death on a single night at Hydebank Wood. Another prisoner has been released in error.

> ## Recommendation 8
> Efforts should be continued to see whether there is an effective and less intrusive method than full body-searching of ensuring that prisoners leaving and entering prison are not bringing in contraband.

Suicide prevention

One of the major concerns, within and outside NIPS, has been the efficacy of the procedures and support mechanisms for those at risk of suicide or self-harm: the SPAR (supporting prisoners at risk) process. Prisoner Ombudsman investigations have revealed failings in both support and understanding of those at risk.

As mentioned in the interim report, we were very concerned, during a night visit, to find poorly-completed suicide prevention documentation on the REACH landing at Maghaberry, which holds the most vulnerable prisoners and where there had been two recent self-inflicted deaths that had attracted very critical Ombudsman reports. In April, we therefore followed this up by examining a random selection of current and recently closed SPAR (support for prisoners at risk) forms at Maghaberry. We were not reassured that these procedures were properly implemented, or the causes of vulnerability understood and engaged with.

First, procedures for linking previous and current SPAR forms did not appear to be operating effectively. There were only two prisoners on open SPARs at the time of our visit, and both had previously-closed SPAR documents, which were simply held with other closed SPARs. On one of the current SPAR assessments it was stated that there was no history of self-harm, no further information and that this was an isolated incident; yet the previous SPAR noted that the prisoner was 'very suicidal' and had threatened to 'do himself in at the first chance'.

Second, SPARs appeared to be closed very quickly, with no evidence of a proper closure review or assurances that issues of concern had been dealt with, and sometimes only a few days after self-harm attempts. All those we saw

were closed within a matter of days, including the two that were subsequently re-opened.

Third, except for the chaplaincy and the Independent Monitoring Board, all the comments we saw were purely observational with no evidence of insight or in-depth conversations, even when these were mandated in the care plan. There were also inappropriate comments, such as 'he wallows in self-pity' and many references to 'manipulative behaviour'. This matched comments made to us by staff in other visits at both Maghaberry and Hydebank Wood: most staff considered self-harm to be manipulative and attention-seeking, and staff had also reported to managers that they considered the requirements for completion of documentation to be unrealistic and burdensome. Fourth, though care plans existed, the aims were often unhelpfully vague – such as 'stop cravings' or 'keep safe'; and not all reviews were done on time.

Finally and importantly, many of those at risk of suicide and self-harm had issues in relation to prescription drugs. As we said in the interim report, there is significant over-prescribing of medication, particularly benzodiazepines, in the community and many prisoners arrive with long histories of prescription drug use and addiction. Prescribing policies in prisons have been neither consistent nor safe: with delays in obtaining prescriptions, and a too swift reduction in supply, resulting in significant levels of anxiety and increased vulnerability. Some prisoners do self-harm in order to obtain more medication. This is often dismissed by both healthcare and prison staff as simply manipulation, when in some cases it is a reflection of poor clinical practice or inadequate communication or assessment. We deal in more detail with this in the following chapter on healthcare and substance use.

We passed these concerns on to the Director General, who commissioned a corporate audit and some further staff training. However, whatever the processes and one-off training that is provided, these continuing deficiencies reflect more general problems of staff culture and approach.

Equality and diversity

It appears that this area of work is significantly under-developed. Though policies and strategies have been developed at headquarters, this does not seem to have filtered down well into prisons. There are processes for monitoring and managing equality and diversity in individual prisons; however, it is far from clear that they are operating effectively. Each establishment has an equality and diversity committee, supposedly chaired by the Governor or Deputy Governor, with representation from all areas, including voluntary sector organisations and prisoner representatives. However, in practice attendance is variable, sometimes with as many representatives from headquarters as from the prison, and, except in the case of Hydebank Wood, without prisoner representatives. Minutes of these meetings show in general a poor understanding of the role of the meeting and much of the discussion is anecdotal. None of the issues described below were either picked up or questioned.

As late as 2005, prisons inspectors criticised the fact that there was no routine monitoring by religious affiliation in key areas of the prison regime and prisoners' treatment. This has since been remedied, and operational equality and diversity reports are produced for each establishment. We have examined them for the first six months of 2011. It is doubtful whether they are much use as monitoring tools, for a number of reasons. First, they do not clearly indicate when there are differential outcomes by religion: the religious breakdown of the population as a whole is not carried over into individual tables to establish whether the recorded percentages are disproportionate. To do this requires manual calculation; there is no range-setting traffic light system to alert managers to any discrepancy in the treatment of a particular group – and, as shown below, there appear in fact to be some persistent discrepancies. Second, there is insufficient

longitudinal information to establish trends: sometimes only one month's figures are provided, and even when there are statistics for previous months, total percentages are not provided. This suggests that there is little effective scrutiny in individual prisons, as monthly figures are often too small to draw conclusions or identify trends.

Equality and diversity work is significantly under-developed.

Finally, there is poor reporting against ethnicity and disability. There is no ethnic breakdown of the population in the monthly reports so it is impossible to determine whether outcomes are disproportionate (though NIPS does keep a separate ethnic breakdown). Some key areas, such as the privileges scheme and access to work and education, are not reported on against ethnicity and there is no reporting against nationality. Recording of disability is poor. There were no recorded disabled prisoners at all at Hydebank Wood, between 5 and 8 at Magilligan, and between 15 and 18 at Maghaberry. By contrast, at the last full inspections, 16%, 21% and 25% respectively of prisoners surveyed at these establishments considered that they had a disability, and during the recent inspection of Hydebank Wood, inspectors found a severely disabled young man with very limited mobility, but no personal evacuation plan in the event of fire or disturbance.

Outcomes by religious affiliation

In all prisons there is a disproportionate number of Catholics: around 55%, compared to 44% of Catholics in the general population according to the 2001 census. This is most pronounced in the lower age-groups (under 30), so allowance may need to be made for demographics (ie there may be a higher percentage of young Catholics in the population at large).

Examination of the equality and diversity reports for the first six months of 2011 showed some apparent and consistent

disproportionalities in treatment and outcome, in all the male prisons, in areas that depend principally on staff discretion (see Annex 3). There were no evident areas of concern in the information collected for the women at Hydebank Wood. These discrepancies do not appear to have been investigated, to see what lies behind these figures.

In comparison to their proportion in the population, Catholics were over-represented on the basic level of the incentives scheme in every male prison and in every month (except once at Maghaberry); conversely, though to a lesser extent at Magilligan, Protestants were over-represented on the enhanced level. Overall, Catholics were also disproportionately represented in matters relating to prison discipline – adjudication, use of force and segregation. In Hydebank Wood and Maghaberry, Catholics were disproportionately unlikely, and Protestants disproportionately likely, to be granted temporary release (for healthcare, emergencies or resettlement reasons). It also appears to be the case at Maghaberry that Catholic prisoners are over-represented in the poorer accommodation on the 'square houses' and Protestants over-represented in the newer and better units.

It is very disappointing that some of the discrepancies that we identify, particularly in relation to PREPS and adjudications, were also picked up in the independent review of equal treatment that NIPS commissioned in 2008 *(The Inside View):* There is now monthly monitoring. But monitoring is pointless if it does not highlight problems and lead to action to investigate and if necessary rectify them. Given the importance of being able to demonstrate equal treatment in Northern Ireland, this is a significant gap. The introduction of SMART monitoring, whereby any deviation, outside an accepted range, is flagged up each month, would alert managers and staff in real time to any differential outcomes that need to be addressed. Aggregated figures for those areas with low numbers (such as segregation or use of force) would also need to be collated.

Race, nationality and ethnicity

The national and ethnic mix in prisons in Northern Ireland has changed considerably in recent years, and this is a particular challenge in a community which is predominantly white and English-speaking. The majority of foreign nationals are from eastern Europe, primarily Lithuania and Poland, or from China. Only around 1% of the prison population is Black or South Asian. Irish Travellers also account for about 1% of the population.

NIPS collates annual statistics on use of force and regime levels by ethnicity and nationality, which do not show any areas of concern except for high usages of force against Travellers in Maghaberry and Hydebank Wood. It is not possible to detect disproportionality in the routine equality and diversity reports, or in any other area, as there is no ethnic breakdown of the population as a comparator.

In discussion with black and minority ethnic and foreign national prisoners in all three prisons, it was clear that there was a considerable degree of cultural and racial blindness. To varying degrees, prisoners reported discriminatory attitudes and treatment, varying from casual racism, often exhibited in the use of discretion. Many said that the best opportunities went to those who were white, Protestant and Northern Irish (nearly all foreign nationals were Catholic or non-Christian); and some Travellers reported discriminatory treatment. No prisoners said that they had had active contact from a diversity or foreign national officer, or help with immigration issues. Prisoners at Magilligan and Hydebank were more mixed in their responses, and those at Magilligan stressed that it was better than Maghaberry.

This was confirmed in the Maghaberry meetings. Prisoners provided many examples of racist and abusive language and favouritism. There was particular concern about the absence of interpretation, especially for health problems, and several examples of undiagnosed serious illness, including a heart attack. One prisoner seeking to make a request to an officer was told he could only do so if he wrote it in English. Many reported feeling depressed and isolated and pointed out that there had been two suicides of foreign nationals in the prison recently. One extremely distressed prisoner raised a number of easily resolvable practical problems, which should have been spotted and dealt with earlier.

Limited and inconsistent information is available about the use of interpretation and translation, but what is available shows very low usage, especially at Maghaberry, and usage that is confined mainly to specialist services, such as offender management and immigration. There is no evidence of use by healthcare and no recorded use on the residential wings, except for some at committal in Hydebank. At all prisons, there was a local rule that foreign nationals could not have free phone calls in lieu of visits if they had more than £50 in their private cash; they therefore faced the choice between saving for their release or to help their families overseas, or being unable to afford expensive overseas calls.

Recommendation 10
Equality and diversity reports should be presented in a form that signals clearly where there are differential outcomes in relation to religion, race or ethnicity. They should be routinely examined in equality committees and if necessary action taken. Ethnicity and disability should be better recorded and monitored.

Recommendation 11
Records of interpretation usage should be kept in each prison, by department and unit or house and regularly interrogated by managers. Support groups for foreign nationals should be established, and issues raised actioned by managers.

CHAPTER 6:
HEALTHCARE AND SUBSTANCE MISUSE
Summary

Independent reviews of healthcare and substance misuse services, three years after responsibility transferred to the DHSSPS, showed some progress, but also gaps and weaknesses, especially in healthcare. Both areas suffered from systemic problems identified elsewhere in this report: waste of money and resources because of over-restrictive or inefficient prison regimes; silo working that inhibited joint care; gaps in data collection and analysis to assess need, develop services and monitor outcomes. They also revealed the need for joint work across criminal justice, and between criminal justice and health, to ensure adequate provision outside prison and continuity of care afterwards.

Governance and accountability structures for the delivery of healthcare were complex. Clinical management was being strengthened. A lack of information-sharing protocols inhibited joint care and planning, and pathways for primary and mental health care had not yet been developed. Attempts were being made to deal with longstanding problems of prescribing and medicines management. New centres at Maghaberry offered an opportunity for better support for those with mental or personality disorders.

Substance misuse services had developed, though first night prescribing for opiate dependent prisoners, and prescribing systems for those dependent on prescription drugs were not sufficiently consistent or safe. There were long waiting times for psycho-social support. Throughcare arrangements were developing, but were hindered by the lack of joined-up working within and outside prison.

Three years after the transfer of responsibility for prison healthcare and substance misuse services to the Department for Health, Social Services and Public Safety (DHSSPS), we commissioned two independent reviews into the delivery of these services. Their detailed findings are summarised in separate reports, issued alongside this one, which describe the service being provided at each of the three prisons in April 2011[27]. Here we focus on high-level issues and key recommendations.

Both reviews showed that there had been some progress, particularly in substance misuse services, but that there remained significant gaps and weaknesses. The slow pace of progress, especially in healthcare, reflects in microcosm some of the systemic issues and barriers to transformational change in the prison system in general. Among them are: the waste of money and deficiencies in care caused by over-restrictive prison regimes; unresolved staffing issues; silo working between different departments; insufficient data and data analysis to assess need, develop and implement strategies and monitor outcomes. As with the prison service in general, the process that is needed is much more than simply the transfer of budgets and responsibility; it requires a transformational change, changing cultures as well as practices and processes.

An accurate assessment of health needs in each prison is essential

A further important finding from these reviews, which feeds into our analysis of desistance in Chapter 8, is the need for service provision and continuity of care outside, as well as inside, prison. Information exchange and diversion are important within the criminal justice system, but the responsibilities go wider. Untreated and unsupported mental health and substance use problems are key factors in offending; too often the treatment

that is needed is accessed only through the prison gate, and also ceases at the gate. The endemic benzodiazepine problem, the need for acute mental health beds and supported accommodation are issues that need to be tackled in the community, not just in prison. These were some of the key findings of the Bamford Review, which issued its final report in 2007/8.

Healthcare

In April 2008, responsibility for commissioning and delivering prison healthcare passed over to the DHSSPS. It is commissioned by the Health and Social Care Board (HSCB), in conjunction with the Public Health Agency, and delivered by the South Eastern Health and Social Care Trust (SE Trust).

The overall finding of the independent review was that, while there had been some progress, and more was planned, the services provided were basic, and still reminiscent of prison health delivery before the transfer of responsibility for health services. In summary, the reviewer found that both the primary care and mental health pathways were not developed, that medical and nursing staff were not used effectively, and that services were not sufficiently geared to assessed need. Reviews and inspections have chronicled some of these deficiencies, most recently in the inspection of Hydebank Wood, and show that there is considerable unmet need, in terms of both mental and physical health.

One of the HSCB's commissioning teams, the Prison Health Commissioning Team, is responsible for the commissioning and performance oversight of healthcare in prisons, under a service and budget agreement (SBA) with the SE Trust. Governance and management arrangements for the actual delivery of healthcare are, however, complex, and are not conducive to joint working and clear accountability. Though the Trust is commissioned to deliver services, it does not directly employ or manage the great majority of staff who provide it, and who are still employed by NIPS. Funds were only transferred over for health and not social care, and only for direct provision, not for the clinical,

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27 *Prison Health Services April 2011*, Susan Russell; Report on *Substance Misuse Treatment in the Prisons of Northern Ireland*, Anthony Hewitt. Reviews commissioned by the Prison Review Team.

management and administrative systems that lie behind it, or for the unmet need that a professionally-delivered service was likely to expose.

There is still no finalised and agreed strategy or implementation framework with clearly identified priorities, accountabilities, resource requirements, timescales and success measures. A Partnership Board was set up to manage the transition, but this now needs to become a more robust permanent structure, under the direction of the HSCB /PHA, with clear linkages to commissioning and delivery. The routine interface with NIPS is not at a sufficiently senior or direct level: it requires senior healthcare input at Board level to ensure joint strategic planning. At a seminar we convened, some of those responsible for commissioning health services in prisons were not aware of, and had not been involved in, the NIPS change programme. Moreover, it is essential to ensure that healthcare provision within prisons can be effectively linked to support on release, and that there exist community services that can prevent unnecessary use of custody. This will require buy-in from the four other health and social care trusts in Northern Ireland. A mapping exercise (Annex 2) shows that most prisoners are released into the area covered by the Belfast Trust and that there are significant clusters in towns in each of the other three.

There has not yet been an accurate assessment of health needs in each of the three different Northern Ireland prisons. That is an essential prerequisite to developing a health improvement plan for each prison, providing a work programme and framework for three implementation sub-groups reporting to the main Board and feeding into an overview and planning systems for Northern Ireland as a whole. Those plans will need to recognise the needs of specific groups: women, young adults, older and disabled prisoners, and those from ethnic minorities or other countries. Equally, now that information is held on a Trust platform, there is an opportunity to develop, and to interrogate, much more robust performance management measures: at the time of the review, there was no accurate

measure of take-up of services or attendance at clinics.

There is a need for strong clinical leadership of all three healthcare centres, to support and train staff and change cultures, and to ensure that healthcare is not simply subsumed into security and operational needs. It is helpful that clinical management is being improved, with a lead GP and primary and mental health leads across prisons, but healthcare managers also need to play a key role and be part of each prison's senior management team.

It is hoped that the much-delayed transfer of all healthcare staff to the SE Trust will take place by April 2012. This is welcome, though it has been allowed to drift for too long without decisive action at a sufficiently high level. But irrespective of that, most staff are nurse-trained and it is essential to ensure proper clinical accountability and governance, so that they fulfil their professional responsibilities and the requirements of the Nursing and Midwifery Council Code. There is not as yet a sufficiently clear distinction between healthcare and security, with nursing posts focusing on a therapeutic role and the delivery and quality of services. The arrival of healthcare assistants has been a positive measure, but there is also the need to define the role of non nurse-qualified staff and reduce the use of agency nurses.

Silo working gets in the way of joint care

The review clearly showed how silo working in prisons, and the absence of agreed information-sharing protocols, got in the way of joined-up care. Healthcare staff were not sufficiently involved in the reviewing and support of prisoners at risk of suicide or self-harm. There was limited information exchange and insufficient joint working across health, offender management and residential care. Similarly, there were not yet agreed and implemented pathways for either primary or mental health care and that impeded continuity of care within and between prisons.

There continued to be resistance from nursing staff to this approach.

GP care is being reorganised and restructured to mimic a GP practice in the community. But, especially at Maghaberry, there remained major problems of access to clinics and appointments because of regime restrictions. This created delays and wasted precious clinical resources. Nurses were not always deployed to best use, and sometimes redeployed elsewhere, limiting the number and consistency of nurse-led clinics, which should complement GP care and provide health promotion services and support for long-term conditions. Monitoring of the use of and necessity for outside hospital appointments was much-needed: ideally the considerable associated costs of escorts and bed-watches should be borne by healthcare, with resources transferred from NIPS, as an incentive to provide services within the prison where feasible.

Prescribing and medicines management have been persistent and well-recorded problems, even following the transfer of healthcare. There has not been consistent prescribing in relation to those who are heavy users of prescription drugs in the community (see substance use section below) and in addition prisoners have not been able to access prescribed medication immediately on committal. This has had consequences for prisoner safety and care, and will hopefully be addressed under the new GP arrangements and pharmacy contract.

Continuity of care on release is also important, particularly for short-stay prisoners and those with substance misuse or mental health problems. The Trust funded two discharge liaison nurses, who were using referral criteria developed in the community for those at extra risk released from hospital. These criteria are too narrow for use in prison: most prisoners are vulnerable on release, and their risk of reoffending is compounded if mental health, substance misuse or other health problems are not supported. All health centres should have effective pre-release discharge arrangements, in conjunction with service providers outside, including registration with a GP, who is often

the gateway to mental health and substance use services in the community.

Mental health is a major issue in all prison systems. Too many people with mental health problems end up in prison by default, because these issues are not picked up or treated earlier. The need for a joint approach, and for sufficient community services, was highlighted in the final report of the Bamford Review[28]. These issues were picked up in the 2010 CJINI report, Not a marginal issue[29], which called for earlier screening and assessment, more diversion and better reintegration, with greater collaboration between criminal justice agencies and between justice and health. In that context, it is disappointing that the fledgling mental health diversion scheme, with a mental health nurse operating out of only one police station, has not been extended.

Within prisons, the need for a pathway and effective information sharing is particularly important in this area, as is training for all staff, not just healthcare staff, in mental health awareness and dealing with people with personality disorders: including all residential staff, education staff, IMB members and the chaplaincy. In relation to personality-disordered prisoners, offender management is key to identifying risks and needs and ensuring that relevant services are available as part of a sentence plan. Personality disorder is not yet covered under the Northern Ireland Mental Health Order, though there are plans to do so. It is also necessary to establish and monitor the need for secondary care for those with severe and acute mental disorder – both to ensure speedy transfers where needed and to press for sufficient beds in secure and psychiatric intensive care (PICU) units to meet the demand. There is not enough of this provision in general, and in particular for women and young adults.

The re-opening of the REACH unit at Maghaberry and the new Donard day centre, whose running is funded through the Northern Ireland personality disorder strategy, are important and potentially valuable additions

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28 *A comprehensive legal framework for mental health and learning disability* Bamford Review, August 2007
29 *Not a marginal issue,* Criminal Justice Inspectorate of Northern Ireland, March 2010

to the care of vulnerable or mentally or personality disordered prisoners. But it will be important to ensure support and training for staff, proper criteria for admission, reintegration strategies back into the main prison, and that the expensive resources provided are properly used and their use monitored.

This is still a service in development, and we were reminded many times by the SE Trust that there are plans, processes and committed individuals in place, and that progress is being made. But it is nevertheless disappointing that, three years later, we were often reviewing plans, not outcomes. The slow pace of change is a telling reminder, in the context of the overall NIPS change programme, that transformational and cultural change are not simply a matter of new leadership, or even new money, but require a dedicated change management team.

The detailed healthcare review provides pointers to the way forward, as the service develops further. Here we list some key high-level recommendations.

Recommendation 12

The current governance structure for the delivery of healthcare in prisons should be strengthened and clarified, in the context of links between criminal justice and healthcare more generally. This should include direct representation from health and social care at a senior level on the Prisons Board. It should also include clarifying and strengthening the governance of healthcare delivery, through a permanent board, linked to the commissioning structure and accountable for the implementation of an agreed strategy.

Recommendation 13

There should be a joint healthcare and criminal justice strategy, covering all health and social care trusts, with a joint board overseeing commissioning processes within and outside prisons, to ensure that services exist to support diversion from custody and continuity of care.

Recommendation 14

Data collection and monitoring should be improved, and health needs assessments carried out in each prison to frame and support individual improvement plans and assess performance and delivery.

Recommendation 15

The transfer of healthcare staff to the SE Trust should be expedited. In the meantime, clinical leadership and governance should be strengthened, so that nurses fulfil their professional obligations.

Recommendation 16

Clear pathways for primary healthcare and mental healthcare should be established and implemented as a matter of urgency, and the operation of the REACH and Donard units monitored.

Recommendation 17

Joint working between healthcare and other prison departments and services should be developed to support prisoner care and resettlement, and information-sharing protocols should be developed to enable this.

Substance misuse

One of the major problems in Northern Ireland is the over-prescribing, diversion and misuse of prescribed medication, particularly benzodiazepines, in the community at large. There has been some work to address this in the 'Beating the Blues' project, but, as noted in the most recent report of the Bamford Monitoring Group[30], this needs to be strengthened, and increased psycho-social support provided, to deal with anxiety management. This problem inevitably affects prisons, as individuals arrive with significant and often risky levels of use. A coordinated approach, inside and outside prisons, is therefore essential.

In relation to all substance misusers, advance information about risks and needs from other agencies (such as police, courts and probation) would assist safe treatment, and protocols with those agencies would assist early identification.

As in many other areas, data is not effectively used to identify need. Data collected during healthcare screening is not collated to provide analysis, nor is it sufficiently sophisticated or in-depth, particularly in relation to prescription drugs. This almost certainly underestimates the problem and does not assist identification of risk or clinical planning based on assessed need. It also does not allow effective strategic planning. Each prison should have an annual substance misuse needs assessment and review to inform its planning, with an annual strategy and action plan monitored by senior managers. Individual strategies should align with the revised national strategy, and be overseen by a multi-disciplinary group, including those responsible for supply reduction.

Prison health performance indicators for Northern Ireland need to be more specific about clinical substance use interventions, to reflect good practice. Current pathways for addressing substance misuse problems lack specificity or guidance in important areas of clinical decision-making. Treatment options are therefore left to doctors who may not be specialists and whose approach has lacked

consistency. There is a need for integrated pathways, involving all the relevant agencies and departments within and outside the prison, based on a prisoner's care plan, and emphasising the need for throughcare. Some of the treatment protocols need developing and expanding, particularly in relation to substitute prescribing. However, actual clinical practice does not always follow protocol, particularly in relation to withdrawal or reduction from benzodiazepine dependency, and the psychosocial support needed (as stated In Chapter 4, this has a direct connection to self-harm and suicide risks). There is a need for regular audit and increased governance oversight.

First night treatment for opiate users did not meet best clinical practice, relying on symptomatic relief, when in some cases substitution treatment would be more appropriate. A particular issue was the fact that community providers were not always able or willing to continue treatment on release, but protocols could be developed to manage this more safely. As in the rest of healthcare, waiting times for treatment were not monitored, to ensure that where appropriate substitute prescribing could begin within 24 hours.

Alcohol misuse is taken seriously in prison and the community.

It was positive that alcohol misuse was taken seriously, and prisoners referred for treatment if it was a factor in their offending, not only if their levels of use were hazardous; and also that a focus on alcohol misuse was a feature of community services also.

There were a number of different teams involved in the care and treatment of substance misusers. The primary care team carried out initial screening and all clinical interventions for benzodiazepine and alcohol dependency. Specialist substance misuse nurses from the prisons addiction team dealt with opiate-dependent prisoners and developed their treatment plans. Care and

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30 *Annual Report of the Bamford Monitoring Group,* August 2011 pp28-9

treatment was therefore divided on the basis of the substance used. This meant that some individuals with complex needs or risks, who were not opiate dependent, were not referred to the specialist team, and also that the Northern Ireland healthcare standards on substance misuse were not applied to their treatment.

AD:EPT provided all psycho-social interventions, including counselling. They were an active presence on wings and houses, and prisoners were able to self-refer for support and treatment. There were however waiting lists for their services in all prisons, and some prisoners were not able to be seen before release. It is important to review this provision to see whether there is a need to change the service model to eliminate delays, or whether additional resources are needed. It is important not to dilute the service.

There are currently few programmes in prisons to motivate and support change, and it is unlikely that there are sufficient numbers of prisoners to benefit from the usual programmes, which may be better delivered in the community, with prisons focusing on one-to-one interventions and support, such as the 12-step programme. Narcotics Anonymous could also be introduced, and there is considerable potential for peer support from long-term abstinent prisoners (see for example the Prince's Trust work with young adults at Hydebank Wood).

There is at present a low number of prisoners in Northern Ireland recognised as being opiate dependent, though this may underestimate actual use, which appears to be growing. There is an opportunity to avoid some of the problems that were created in England and Wales as a result of over-reliance on substitute prescribing, without a similar focus on supporting prisoners towards recovery and abstinence. Strategic planning, both in prisons and the community, would allow the development of specialised group interventions and programmes, peer support and one-to-one interventions to help support change, without increasing risk. This could also apply to prescribed medication.

As in other areas of prison life, silo working and poor communication inhibited effective and joined-up prisoner care. There was room for more integrated working between the three agencies involved in treatment: primary care, secondary care addictions teams, and AD:EPT, and in particular there was a need for closer partnership between the two health teams and AD:EPT. An integrated multi-disciplinary team, particularly at Maghaberry, would be beneficial, and in any event there should be weekly formal meetings and joint reviews and joint working for substance misusers with complex needs or particular risks.

Over-prescribing and misuse of prescription drugs is a major problem

More generally, there was a need for better communication with, and understanding from, other parts of the prison, particularly the offender management unit and residential staff. In general, residential staff attitudes were thought to have improved, but there was still a limited understanding of substance misuse and a tendency to refer all issues to healthcare. There was a particular problem with information-sharing and communication and, as in all healthcare matters, a need for information-sharing protocols to ensure that relevant information could be exchanged in prisoners' best interests. This is also particularly relevant in dealing with the many prisoners who have dual disorders - mental health or personality disorder along with substance misuse - which necessitates joint working with mental health teams and those supporting personality-disordered prisoners.

Throughcare and aftercare are crucial. Continuity of care between prisons seemed good, but a much greater concern is the risk of overdose and death immediately after release. This requires good throughcare planning and prompt and effective community take-up. Release planning should begin at committal, ensuring connection with community agencies; the current waiting times for AD:EPT treatment can prevent this. Links for opiate dependent prisoners were developing well but one major

gap was that AD:EPT teams, largely responsible for other forms of substance misuse, were not able to talk directly to community addiction teams or make direct referrals. This again pointed to the need for information-sharing among all those, including the offender management unit, who might be involved in the care of prisoners – to allow integrated offender management, with a case manager responsible for oversight and coordination of care plans, particularly in complex cases. This should be supported by inreach services from key community agencies, for example those that can provide accommodation.

Effective protocols between prison and community providers are essential in ensuring continuity of care, especially for remand prisoners who can be released midway through a course of treatment, and for those dependent on prescribed drugs. Remand protocols only existed with one trust at the time of the review, though others were being developed; but there were none for prescribed drugs. It was very positive, however, that community services for alcohol misuse were well developed, with 60% of provision being for alcohol. However, most services were concentrated in Belfast and there was little rural provision.

Recommendation 18

There should be a cycle of annual needs assessments, service monitoring and planning for substance misuse services, supported by effective data collection.

Recommendation 19

There should be increased partnership working and integrated care amongst the three providers of substance misuse services (primary care, secondary care and AD:EPT), and with other departments and services in the prisons, supported by information-sharing protocols.

Recommendation 20

There should be a clinical audit specific to substance misuse, to ensure low dosage withdrawal-led substitute prescribing, beginning at committal, for all those dependent on opiates and consistent and safe prescribing for those who are benzodiazepine dependent.

Recommendation 21

In relation to both healthcare and substance use, there should be integrated discharge and care planning between prison and community services, in all health and social care trusts. This should be supported by information-sharing protocols, inreach and outreach links and transfer protocols, to ensure continuity of treatment and support after release.

CHAPTER 7:
CHANGING PRISONS, DEVELOPING STAFF
Summary

Our interim report emphasised the need for a comprehensive and integrated change programme, with a dedicated change management team, under an experienced change programme manager. This has still not happened and has considerably inhibited progress, to the frustration of good staff and managers. Focus has been on an exit package (still not agreed), rather than the 'staying on package' of staff development within a refreshed service. Underlying problems in working practices and staff deployment have not been resolved. Nor has there been a review of management and administrative functions. Politicians and officials need to understand the scale of the problem, and support the fundamental changes needed in a service that is over-expensive and under-effective. There should be some independent oversight of actual outcomes against our recommendations.

A sufficiently broad exit package has to be accompanied by a fully-resourced and externally-delivered development programme for those remaining or being recruited. Staff surveys show that they lack confidence in prisoner care and feel unsupported by management. There should be a combination of immediate short courses, exchange programmes and longer-term training for officers and managers in their new roles. Disciplinary systems are too negative and complex and should be revised; in the interim, a professional standards unit should oversee all disciplinary matters. Appraisal systems and a well-publicised awards system should reward and give public recognition for good work by staff.

In our interim report, we stressed both the scale and the interdependency of the change programme, and therefore that it needed a dedicated change management team, led by an experienced change programme manager. Recent events reinforce that view.

The change programme

There is clearly commitment at the top of the organisation to a comprehensive programme of change, and its main components were outlined by the Director General and the Minister at the launch of the Strategic Efficiency and Effectiveness (SEE) programme in June this year. However, without investment in a dedicated team and the resources needed to refresh and develop the staff, it remains a plan, not a programme.

The lengthy processes of procurement, recruitment and the need for cross-departmental approval have considerably delayed NIPS' ability to bring in the external expertise that is desperately needed – for change management, human resources and training. Individual managers are focusing on individual items, without a clear roadmap of timescales and dependencies - some have described their role as 'plate-spinning'. At the same time, they have to carry on business as usual in a highly pressurised and politicised service. Key partners, both within government and in other agencies, have not yet been brought onside or engaged in integrated planning about their role in important aspects of the programme.

This piecemeal approach to change is amply demonstrated in the lengthy negotiations about an early retirement scheme, which have dominated work and discussions over the last eight months and which are still not resolved. As we stressed in our interim report, this is in fact only a part of a much bigger picture, which involves developing and supporting the staff that remain, and deploying them more effectively and efficiently. A great deal of managerial time and energy has been consumed in drawing up the lengthy and detailed business plans required to secure the necessary consents for an exit package sufficiently generous to allow enough staff to leave with dignity and to refresh and diversify the service'. Yet, without being able clearly to

demonstrate how this is part of a deliverable and clearly plotted change programme, it is more difficult to convince government as a whole to invest to save: this requires confidence that there will be savings as well as investment. It is also much more difficult to engender enthusiasm and support for change among staff, many of whose eyes are focused on the exit door. Though it is hoped that the foundations have at last been laid, these protracted processes have reduced momentum, increased frustration and helped entrench resistance to change.

This is a whole package, not a series of incremental changes.

That resistance is clearly still there, and will need to be confronted. It does no justice to those staff who are already working differently or are ready to become change agents: still less to the innovative work that we describe later in this report. Our interim report, and the SEE programme, offered an opportunity to engage in the creation of a service that was different and better, for staff as well as prisoners. We made clear that the window of opportunity could not remain open for ever, and that fundamental and longstanding problems would need to be faced and tackled. We pointed to the risk of long battles of attrition with the POA about each constituent part of a change programme that needs to be coordinated and interdependent.

Yet that is what has in practice been happening. The move to central detailing - so that staff deployment and leave is controlled and organised by senior managers in the best interests of the whole institution - has undoubtedly led to a more consistent regime at Magilligan and to an extent at Maghaberry: though this has been disrupted by frequent 'work to rule' action at the latter prison. But its implementation was delayed for four months, due to long drawn out negotiations with the POA about the mechanics of its operation. It is a matter of great concern that, as soon as central detailing imposed some much-needed controls over ad hoc and annual

leave, staff sick leave rocketed to around 10% in Maghaberry and Hydebank Wood during July - almost twice the rate for prison staff in England and Wales.

More fundamentally, central detailing cannot compensate for the underlying problems in working practices and staff deployment, which have still not been tackled, and which were identified in our interim report.

'The first essential will be to agree more flexible and efficient working practices and staff deployment to replace practices and agreements that have accrued over time, to ensure that they reflect agreed hours and allow a regular and consistent regime to be provided. The effective management of sickness absence, while recognising legitimate work-related causes, and the central detailing pilot are important first steps, and need to be implemented effectively and consistently. But they are only first steps.

'[The proposed move to] a 37-hour week in effect results in additional expenditure of nearly £2 million, at a time of budget cuts. It is therefore both reasonable and essential to expect that, in return, all the current anomalies in working practice are removed so that actual and agreed working hours are aligned. This will mean the abolition of the never-used 'reserve hours', as well as local agreements that in practice mean that shifts can start late and finish early. It will also require a move to a 5-day working week, and the calculation of annual leave in hours, rather than days.

'There will also have to be agreement on revised staffing levels and shift patterns to supersede the current framework agreement and local agreements. That should be based upon a business model, an assessment of risk and a clear definition of the expected role of staff in post - which will require support and staff development, as set out below. In the meantime, and while those levels are uneven in relation to staff and prisoner numbers, there should be recognition of the need for management flexibility to redeploy staff to reflect workload.

'A further issue that needs to be tackled is the process for settling disputes between staff side unions and management. There should be a process for determining what action should be taken if there is a failure to agree, and which sets out clear timelines for each stage of a dispute, allowing properly risk-assessed operational changes, which do not change staff terms and conditions, to be implemented. This may be possible within the confines of the existing disputes resolution procedure[32].'

None of this, except for a form of central detailing, has yet been achieved or agreed, and therefore a more consistent regime has been achieved at the expense of other important tasks such as offender management, family visits and drug testing.

As we stressed, this has to be seen as a whole package, not a series of individual and incremental changes, each of which can be the subject of protracted negotiations, compromises or even withdrawals. Given that this will be a very different model from that to which staff are accustomed, there has already been resistance: the POA have declined to participate in the development of the new oprating model that was proposed. Ministers are entitled to seek reassurance that this is being managed properly and communicated effectively. Managers, however, need to have the assurance of political and official backing for the large-scale change in working methods that is needed, without which Northern Ireland's prisons will continue to be over-expensive and under-effective.

Equally, our interim report stressed the need for a review and restructuring of management, administrative and support functions both in NIPS headquarters and in individual prisons.

'There need to be early steps to clarify and rationalise management and support structures. First, there needs to be a clear and stated definition of the separate but complementary roles, responsibilities and accountabilities of the Permanent Secretary; the Director-General and headquarters; and the governing governors and management teams in individual prisons. During the period of the change programme, there will

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32 *Interim report* Prison Review Team, February 2011, p 48-49

be considerable pressure on headquarters to set up and deliver the structures and accountability mechanisms required. Some aspects and roles will need to be strengthened, at least in the short term.

'However, there is also the need to address over-staffing and anomalies in general management and support roles. The governor grade scale should be flattened, and managerial staffing levels in each prison reviewed and reconfigured to ensure clarity of role and effectiveness of management. There should be a review of administrative and support staffing both at headquarters and in individual prisons to determine what support is needed and at what level, and what can and should be provided centrally. This would aim to reduce duplication, enhance efficiency and to ensure that the needs of running a small but complex service are matched by the skills available. Similarly, there should be a review of the governor grade scale and of the managerial staffing levels needed in each prison[33].'

The inter-relationship of headquarters and prison governors is certainly clearer, with more delegated responsibility to governors in operational matters, and greater visibility and support from headquarters and in particular the Director General. This has undoubtedly improved morale among governing governors; but, without the other essential changes referred to above, it has not yet given them the tools they need to manage effectively. While the senior management team at headquarters has been strengthened, it still lacks key expertise: we refer in the next chapter to the need for someone who can engage with outside agencies to push forward the rehabilitation agenda, and we referred in our interim report to the need for expert human resources expertise. The other issues we identified in relation to managers and support staff have not yet been tackled.

It is clear that within NIPS, the focus on the here and now – running a very pressured prison system, dealing with departments and unions – has been at the expense of detailed planning for the essential cultural and operational changes needed to move to a

service focused on rehabilitation. Without a change management team in place, essential dependencies have not been identified and priorities set. There has been little concrete elaboration of the key proposals in our interim report for training and development to support staff – managers as well as officers - who will remain in a new and differently-focused service. This should have been developed in parallel to an exit package for those leaving. Nor is it clear that the scale of the problem, and of the fundamental change needed, is always communicated to the public and politicians.

Complex change requires a properly-resourced and experienced change management team.

We therefore repeat the need for a properly-resourced, experienced and dedicated change programme team. This is essential to oversee a complex process and to ensure that the relevant skills and experience are available to drive through and properly implement the scale of change needed. Their first task will be planning and mapping: to develop the programme plan, to ensure that it is comprehensive, realistically timed, sufficiently resourced, with key dependencies and risks identified, and with a reporting and progress chasing system to monitor implementation. They will need to identify any additional support, including IT support, and ensure that necessary additional technical, legal and professional advice can be procured promptly, particularly in relation to employment issues. They will also need an effective communication strategy, to ensure that clear messages are sent to staff and managers, and that they reflect what is actually going to happen, rather than what might.

The change management team should report to a programme steering group headed by the Director General, meeting at least monthly to review progress, take big decisions and ensure action is taken to keep the programme on track. In view of the importance and potential

33 Interim report Prison Review Team, February 2011, p 49

difficulty of the process, we also consider that there should be quarterly reports to a high-level Ministerial oversight group, with external representation from a non-executive director of the Prisons Board and the Criminal Justice Inspectorate. There should be regular progress reports to the Justice Committee, to ensure public and Assembly oversight and engagement with the process. We also believe that the Criminal Justice Inspectorate should be given additional funds to create a dedicated resource to independently monitor the actual outcomes in prisons and other associated areas of criminal justice against the recommendations of this report and to provide independent confirmation of progress to these meetings.

In the longer term, we believe that the model under which NIPS is currently working inhibits its ability to act as an effective operational body, able to respond swiftly to developing events, particularly when trying to drive through fundamental change. The PSNI is able to benefit from its constitutional separation, in operational matters, from government and executive. NIPS, rightly, does not have the same level of separation, being directly democratically accountable to Ministers, but neither is it simply another part of the generic civil service or the Department of Justice.

NIPS is in theory an executive agency, but it lacks the operational freedom that was originally envisaged for such agencies: direct control of decisions to hire and fire, ability to set pay and conditions, procure and contract, seek legal advice and take legal action, or even invest. This is not an effective model for a highly operational service, which needs to be able to respond swiftly to developing events and is trying to drive through fundamental change. In our view, once the necessary structural reforms have been achieved, the Director General should be directly accountable through the Minister to the Assembly for the operation of the service, with a devolved budget and the operational freedom to run the service within the financial and political parameters set by the Executive. This of course

assumes that the reforms that we advocate, and that the system requires, are achievable within a wholly publicly-run service.

Recommendation 22

A dedicated change management team should urgently be put in place, headed by an experienced change manager, to coordinate, prioritise, oversee and communicate the complex change process that is required, reporting regularly to a programme steering group headed by the Director General. In particular, this will require expert human resources input.

Recommendation 23

There should be oversight of the change process, by a high-level Ministerial group including external involvement from a non executive director of the Prisons Board and the Chief Inspector of Criminal Justice, with regular reports to the Justice Committee. The CJINI should be given additional resources to carry out independent monitoring of outcomes against our recommendations.

Recommendation 24

A new operating model for the staffing of prisons should be agreed within the next six months. It should include more flexible and efficient working practices and staff deployment, as set out in our interim report (pp 47-49), a review of staffing numbers at all levels of the service, and the reform of dispute procedures.

Recommendation 25

The Strategic Efficiency and Effectiveness programme should be shared with other relevant government departments, particularly DFP, DHSSPS and DEL, who may have an interest in, or be affected by it, and integrated into their planning and implementation processes.

Developing staff

A changed service requires a changed approach from staff. As we noted in our interim report, NIPS is a service which has not recruited

to main grade prison officers since 1994, and where continued staff development and training has been and continues to be neglected. Therefore, one of the key recommendations in our interim report was for a twin-track approach: to allow sufficient staff to leave the service so that new staff can be recruited, and at the same time to inaugurate a 'staying on' package for the wholesale reskilling and development of the staff who remain.

The exit package has been the main talking point within the service and within government for the last eight months. That is unfortunate, for it has focused attention on those who may, or can, leave, at the expense of those who want, or are needed, to stay. Of course, there needs to be a sufficiently generous package so that those who wish or need to leave can do so with dignity, and to create enough spare capacity to refresh and recruit new staff at all grades, for example to allow progression for well-motivated support staff, who were promised it when they joined. That package also needs to be part of a greater whole, towards a more efficient and effective service, and we deal above with the progress, or lack of it, in moving forward to address the fundamental problems that still remain.

But it also, crucially, needs to be part of a twin-track approach, as we made clear in our interim report. The other track is a large-scale process of development and training to refresh those staff and managers who remain – staff as well as prisoners need to be open to change and challenge. Alongside this, there is a need for a code of ethics and values, supported by clear and well-implemented processes of appraisal and discipline. Both were essential parts of the transformation of the PSNI.

Staff quality of life surveys were carried out in all three prisons, using appreciative inquiry methods. These surveys are now carried out in prisons in England and Wales as part of the audit and performance assessment processes. There was a common pattern across all three prisons among discipline staff, who in general were distant and distrustful towards both prison managers and prisoners (see the graph

at Annex 3). They did not feel that their work was recognised or that they were involved in decisions about the running of the prison, did not feel safe or secure, and reported high levels of stress at work. Compared to other prisons surveyed, they reported a greater social distance from prisoners, and a greater reliance on authority and control. This was particularly the case at Maghaberry and Magilligan. In all prisons discipline staff were likely to be more negative about relationships with and support for prisoners than other grades, and female staff more positive than male staff. This indicates the degree of cultural change that is needed, as well as the need for more effective management skills, to support, communicate with and engage staff in the change process.

Existing training methods and facilities will not be sufficient: they are likely simply to replicate and reinforce what is, rather than what ought to be. Nor will small-scale projects that develop the skills of a small number of staff and managers, without providing peer or institutional support for those skills to be used. For that reason, our interim report recommended a training programme, externally delivered, that could reach a large number of staff at all grades during an 18-month period. We said that tenders for delivery should be invited.

We repeat that this is both essential and urgent. Given the delays so far, we consider that there should be a three-pronged approach: short courses, using external expertise, that can be delivered and accessed swiftly by a significant number of staff and managers; an exchange programme for staff and managers with other jurisdictions in the UK, that should be mandatory before any promotion; and the development of longer training programmes that become part of staff recruitment, induction and development, in line with the proposals for a two-tier approach to prison officer work, which envisages some officers becoming qualified offender supervisors, working alongside those in support roles.

The first two would kick-start a process of change: reinforcing and supporting a different approach, and allowing staff and managers to experience other ways of running prisons and to work alongside those with experience in other systems. The third should be a pillar of the new and refreshed service. However, without tackling the waste and over-staffing in the current operational model (see above), it will be difficult to release staff for training and development.

Staff training and development, across all grades, is urgent and essential

This staff training and development programme should be accompanied by a new approach to discipline and appraisal. The current disciplinary system is complex and negative: setting out a detailed list of things that are prohibited and fostering a culture of blame and defensiveness. It does not work, nor does it inculcate or reinforce the ethical and value systems that should underpin work in prisons. A new disciplinary system should be based upon positive values and an ethical code: a clear statement of what actions and behaviours are required, with a series of interventions and approaches to ensure that staff who fall short of this are encouraged to learn from their mistakes, helped to understand what they have done and supported or retrained to ensure it does not recur. However, if that fails, and staff refuse to engage, or if there is serious wrongdoing, managers have to be able to take formal action, which can lead to dismissal. Such actions or negligence, and misplaced loyalty to colleagues, damage the service and its public acceptability. In the interim, and while the current systems exist, there should be a dedicated professional standards unit headed by a capable manager, which focuses on discipline issues and professional standards

and deals directly with all serious discipline matters.

Equally important is a well-run and clearly-understood appraisal system, which rewards and reinforces good practice and is the basis for progression through the workforce. Prison staff carry out very difficult work, hidden from public view, and therefore often unrecognised and unacknowledged. Public recognition of this important and difficult work, both internally within the prison system and externally among the general public, is essential in validating and supporting good practice and commitment. We therefore think that it would be helpful for NIPS to set up and publicise its own awards system, with external input, to recognise individuals or teams who carry out positive and innovative work.

Recommendation 26
There should be a twin-track approach to refreshing and developing staff. There should be an early retirement scheme which allows a significant number of staff to leave and new staff to be recruited, alongside a training and development programme, externally delivered, for those who remain or join. This should include short courses and exchange programmes that can swiftly be delivered, alongside the development of longer training programmes to equip staff for the new roles envisaged.

Recommendation 27
There should be a new code of ethics and values, and new disciplinary and appraisal systems based on the code. In the interim, a professional standards unit should oversee all disciplinary matters.

Recommendation 28
The Northern Ireland Prison Service should develop its own awards scheme, with external assessors, to provide public recognition for innovative and positive work done in prisons.

CHAPTER 8:
MOVING ON: PARTNERSHIPS FOR CHANGE
Summary

A prison system geared towards change and desistance needs to be supported by effective partnerships with statutory, voluntary and community agencies and organisations. Prisons should assess need in order to develop individual custody and sentence plans and to ensure that the right services are in place and planned. The partnership with probation, which has successfully launched offender management units, can be strengthened further, as can wider integrated offender management work, involving police and the voluntary sector.

Education, skills training, employment and housing are all important; as are soft skills, peer mentoring and restorative justice projects. All departments, not just the Department of Justice, have an interest in reducing crime and can help deliver services in and outside prisons. Voluntary and community sector organisations are also key partners, and are already involved in some successful and innovative schemes. But real partnership involves joint planning, not just delivery, and a commitment to facilitate and support this work as part of core business, both operationally and financially.

Desistance is a social as well as an individual issue and therefore requires engagement with the places and circumstances to which prisoners return, to build up the social capital they will need. Families and communities can and should play a key role, and there are some good examples to build on. Finally, the principle of justice reinvestment for a safer society – placing resources in communities to reduce crime - should be central to Northern Ireland's reducing offending strategy. The need to prevent offending and reoffending should be built into all departments' strategies and plans.

In Chapters 2 and 3, we set out the principles, structures and practical outcomes for a prison system that works with others towards helping prisoners to change and to desist from crime. This chapter develops this in the context of Northern Ireland, and describes the partnerships, in and outside criminal justice, that need to be developed to sustain this approach. Joint working within prisons has proved problematic and it is therefore scarcely surprising that partnership working with other agencies – statutory, voluntary and community – has been patchy and fragile. But these partnerships are essential if effective work of sufficient quality is to be done in prisons and continued afterwards.

Prisons and criminal justice partnerships

As we made clear in Chapter 3, there needs to be a whole prison approach to enabling change and desistance among prisoners. Yet this report frequently refers to silo approaches, in which different parts of the prison and different agencies work separately, or in competition. Health, substance misuse, education and training, offender management, chaplaincy, security and residential functions operate in their own areas, sometimes not even exchanging information and often in competition or collision with each other. As we noted in our interim report, this can mean a 'prisoner beauty contest' where some prisoners are working with a plethora of agencies and others, often the most needy, with none. There are plans for a new role for prison staff, focused on offender management; but to be successful that will require a much more sophisticated approach to identifying and meeting need, and to joint planning and delivery of interventions and support. We also make frequent reference to the way in which regime restrictions undermine positive work and activity, and therefore new operational models are essential to support desistance-focused work.

In Chapter 2, we stress the need for personalised custody and sentence plans to be developed with each individual prisoner, focused around her or his needs, risks and strengths and engaging all the agencies and disciplines that will be needed to deliver

change. This is the golden thread that needs to run through custody and beyond.

There are also wider organisational consequences. Creating a desistance-based prison system requires a fresh look at NIPS's approach to, rationale for, and monitoring of the planning and commissioning of services in prisons. When making or reviewing decisions, NIPS needs to be clear about exactly where and how the service is supposed to fit in the process of supporting positive change and development in prisoners, and which is the best organisation, individual or group to provide that service. Internal commissioning of offender programmes, external commissioning of specialist substance misuse services, arts interventions, learning and skills, and the development of follow-on services such as step-down accommodation and support – all of these decisions need a transparent logic rooted in the central aim of developing a prison system that supports a safer society by helping people to change.

There is no department that does not have an interest in the reduction of crime.

It is not possible to ensure that provision is relevant without an accurate and regularly updated assessment of need. The information base available to NIPS in this, as in other areas, is at present inadequate and data is not routinely collected or analysed. It is a waste of scarce resources to commission services that are not relevant to prisoners' requirements, and a waste of precious opportunities not to know where the gaps in provision are. Not everything needs to be provided within prison, and we sketch out below the partnerships with other agencies that need to be deployed after release. But without an accurate assessment of need, it is impossible to plan or partner effectively.

One of the key partnerships is between prisons and probation services. Legally, these are the two statutory organisations charged with executing the sentences of the courts, and increasingly the legislative context (for

example, the release arrangements required by the Criminal Justice Order (CJO)) requires them to work more closely together. In our review, we have found evidence that their relationship is becoming more effective; the successful development of the Offender Management Units (OMUs) in the prisons is the most obvious example. With the proposed move away from OMUs as such, and towards the development of offender supervision as one of the two key roles for residential prison officers, the challenge will be to retain the focus, quality and multi-disciplinary approach that has characterised offender management work so far. In addition, the challenge presented by the increasing number of prisoners now being recalled to prison for breaches of licence under the CJO demands close cooperation between the two services, to monitor the reasons for and the necessity of recall to custody and ensure that risks are managed and minimised (see Chapter 4).

The prisons-probation partnership in Northern Ireland can and should develop much further, without threatening the operational independence and different traditions of the two services. For example, deeper understanding of each other's practices, responsibilities, strengths and challenges could be secured by a staff exchange programme. Community-based probation staff could do more work inside prisons (for example, in offending behaviour work, where some have particular expertise that prisons desperately need). Prison staff, particularly those who have developed positive relationships with prisoners during their sentences, could do more work in the community, following some prisoners out and being part of initial post-release supervision and support. Some resources could be shared by the two services, particularly those required in the delivery of specialised assessments and interventions. In a small jurisdiction, it would seem to be worth examining whether both services could share their forensic and clinical psychology services, for example; and also to be clear about where offending behaviour programmes should most usefully and effectively be done.

Members of the Review Team have also seen a number of examples of formal inter-agency working that includes police as well as probation in England and Wales, usually in the form of integrated offender management (IOM) projects. There are different models and target groups: some are police-led, some probation-led and a few voluntary sector led. At their best, they use the different skills and expertise of the different partners, and in some cases use ex-offenders as peer mentors. They usually work with prolific offenders, whether they are subject to formal supervision or not. Many of those they work with are ex-prisoners who have served numerous short sentences for acquisitive crimes. Most of the projects combine strategies to 'prevent and deter', 'catch and control' and 'rehabilitate and resettle'. Those who engage are offered every support to make the positive changes required; those who do not will become targets of increased policing efforts, if intelligence suggests that they are actively offending. The projects that work best are genuine partnerships, ideally with pooled budgets, that recognise the skills and expertise of each agency. Lessons learnt from the evaluations of such schemes could help inform the developing IOM project in Northern Ireland[34].

However, this work also crucially depends on effective partnerships outside criminal justice. Prisoners are people as well as offenders, and people who will usually spend only short periods at any one time in prison. Many of the key reforms and progress in prison systems throughout the world have been achieved by letting the outside in: encouraging, and indeed even requiring, other agencies to provide services in prison and continued support on release.

That involves other departments in Northern Ireland accepting responsibility for, and contributing to, the rehabilitation of, ex-prisoners – both while they are in prison and when they leave. We have already referred to the role of the DHSSPS both in delivering

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34 *An evaluation of the Diamond Initiative: year 2 findings*, London Criminal Justice Partnership April 2011; forthcoming evaluation of *Innovative Voluntary and Community Sector Involvement in Integrated Offender Management* (available from Clinks, London); see also *Community or Custody*, Make Justice Work, September 2011.

healthcare and substance use services in prisons and in planning to ensure alternatives to custody and continuity of treatment on release. Other departments responsible for education and training, employment and housing, social services and community development also need to be engaged in the resettlement and rehabilitation of prisoners. There is virtually no department in the devolved administration that does not have an interest in, and a need to contribute to, the reduction of crime. However, there has so far been little interest in cooperating with, or planning, such work. The recent Cost of Crime survey[35] showed most departments unwilling or unable to estimate the effects of crime in the areas for which they are responsible. Hence the recommendation in our interim report: that the role of prisons should sit within a Northern Ireland wide safer society strategy, engaging all parts of the Executive as well as voluntary and community services and partners.

For example, the Department for Employment and Learning has not so far been a key partner in the planning and delivery of education and skills training in prisons. Except in Magilligan, where there has been some positive engagement with North West Regional College, prison education and training operates in a vacuum, delivering courses that may or may not be relevant to prisoners' needs or employment possibilities and which are often disrupted or under-used because of regime restrictions. The funding arrangements that further education colleges rely on, which depend upon successful course completions, have proved unworkable in a prison setting, particularly prisons which hold short-term prisoners. It has therefore been uneconomic for colleges to provide services into Maghaberry and Hydebank Wood. A review of the delivery of education and training is now taking place.

This is not a role for statutory services alone. There are many effective voluntary organisations in Northern Ireland, offering essential support and training for social and economic integration. To be effective, though, they need not to be merely seen

as delivery agents – in other words, where the statutory agency decides what should be done and looks out for other agencies or groups to sub-contract that activity to, often with limited funding and no certainty of continuity. Real partnership involves joint planning, as well as delivery; it means that statutory as well as voluntary agencies may need to change the way they operate, and jettison some cherished practices or beliefs. Otherwise, what commonly happens is that a number of individual agencies orbit prisons and prisoners, sometimes replicating services, sometimes leaving gaps, sometimes letting prisoners down by failing to be able to sustain a service, and sometimes offering a model that is contradicted and undermined by the way the rest of the prison works.

External expertise is needed to structure new partnerships.

Some of the most successful and innovative projects involve cooperation between the voluntary, statutory and community sectors, stretching into and outside prison. One of those is the Jobtrack project: a partnership between prison and probation services and NIACRO that has successfully helped many prisoners – nearly one in four of those who complete the course – to get into employment. This has involved building links with employment services, community training and education providers, ex-prisoner and community groups and employers, and offering proactive support to prisoners who are, often for the first time, engaged in full-time employment. Another voluntary sector agency, Extern, has developed a range of initiatives to support prisoners into employment, including a training and work experience programme with long-sentenced prisoners in Maghaberry. The Give and Take partnership between Include Youth and the health and social care trusts offers employment and support to young people who are not in education, employment or training, including ex-prisoners and offenders, and who are often hard to reach. In the sections on women and young adults that

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35 *Cost of Crime in Northern Ireland: Report No 1,* Department of Justice July 2010

follow, we note some of the other positive, joined-up and community-focused work that is already under way with those groups, and which we believe should be built on as the mainstream way of working. That could serve as a model for engagement with offenders more widely.

Much more could, however, be done. Most of these partnerships are fragile, in that they depend on external, often time-limited, funding: they are not a core part of what prisons do. As yet, they touch only a minority of prisoners. They are not yet true partnerships, as the prison service cannot be relied upon to ensure consistent access for outside agencies into the prison, or for prisoners to education and work opportunities. Prison regimes are not configured around education, training and purposeful activity as the central part of the prison day: for example, a state of the art education centre at Maghaberry is under-used and under-developed. Like all the other agencies, from health to education, who are putting, or who might put, resources into prisons, external partners cannot be sure that some of that investment will not be wasted because of regime shut-downs or restrictions on access.

Moreover, many opportunities are missed – for example, the possibility of external employers coming in to the prison to run work training projects (such as the Timpsons workshops in some English prisons, or the employer-run projects in Finland). There is as yet no strategic planning or delivery of a whole-service programme or policy to provide quality interventions in prisons, with through the gate support afterwards.

The prison service needs to identify and structure partnerships with other key statutory, voluntary and community organisations and agencies, and then to ensure that its side of the bargain is kept. In our interim report, we noted that there was a lack of expertise and understanding in this area within NIPS and we called for an external appointment, of a post at senior level to plan and direct this work. At present, NIPS is undertaking a review of education and skills training, with a view to further work that can result in this being tendered out. But this is a

lengthy process, with the likelihood that these crucial areas will lag behind other parts of the change programme. We remain convinced that it is only by bringing in external expertise, from a Director with experience of outside training or resettlement work, that there will be the required drive, understanding and approach.

Providing prisoners with education and employability skills and possibilities is, however, only part of the picture. Too often it has been assumed that there is a kind of simple equation: add in literacy, numeracy and IT skills and a cognitive behaviour programme and out will come a changed and law-abiding citizen. As we have already stated, the process of desistance from crime is much more complex, involving both personal and social elements.

Innovative projects involve cooperation between statutory, voluntary and community sectors

It is important to provide activities and opportunities for the kind of personal development that is essential, both to encourage engagement with formal education and skills training and to stimulate the personal change and responsibility that is needed to make best use of any successes in prison. The use of arts projects, sports and teamwork activities, and other aspects of personal development, such as parenting and life skills courses, can create opportunities for prisoners to develop new skills and relationships, to begin to see themselves differently and to be seen differently by others, and to open up the possibility of change and the motivation to take other steps to support their development. In many cases, this is best done by voluntary and community sector partners, who bring both expertise and the essential post-release links.

Aspects of prison life that allow prisoners to take responsibility for themselves and others are also important. Prison can take away personal responsibility – for oneself and for

families, communities and victims. Allowing elements of personal responsibility and choice, within the limits of necessary security and safety, is important. That can be through peer supporter schemes, such as the Toe by Toe system (whereby prisoners help others with literacy problems), the Listener scheme (where trained prisoners, with the support of the Samaritans, provide support for those at risk of suicide or self-harm) or the work of peer advisers, trained to give advice and help with practical reintegration issues. These schemes have a double benefit, both to those receiving and those providing the service.

Restorative justice also has a place within prisons, both as a way of avoiding and dealing with conflict and in projects that allow prisoners to give something back to others are an important factor. That may involve carrying out work for disadvantaged individuals in the community or overseas – repairing bicycles, wheelchairs, spectacles or white goods. Shotts prison in Scotland has taken this further: prisoners who undertake voluntary work in prison, through schemes like this, can gain 'time credits' which are donated to a time bank in the local community, so that residents and organisations in the community can use them to access services from other members of the time bank without charge – such as gardening, decorating or transport services.

Recommendation 29
Accurate data should be collected about prisoners' needs and risks in all three prisons, as a basis for planning and commissioning services.

Recommendation 30
Each prisoner should have a personalised custody or sentence plan, developed together with him or her, which reflects his or her own needs, strengths and risks. It should identify and engage all the other agencies and disciplines within and outside prison that are needed to support change.

Recommendation 31
The Northern Ireland Prison Service and the Probation Board for Northern Ireland should undertake joint work to plan and deliver integrated services, explore staff exchange and consider shared services.

Recommendation 32
The Northern Ireland Prison Service should create and recruit to a new post at Director level, focused on rehabilitation: bringing in expertise in working with other statutory, voluntary and community agencies and private sector employers, to structure and develop appropriate partnerships. This should focus on effective and professionally delivered education, work and skills training within prisons, linked to employment and educational opportunities and support in the community, as well as other soft skills necessary to support personal development and change.

Wider partnerships: social and community

Desistance is as much a social issue as an individual project; if its ultimate objective is successful social integration, then it is as much about the state, the communities and the families doing the reintegrating (or the rejecting) as it is about the individual trying to become a better citizen. The challenges of desistance and reintegration – of supporting change – are both private and public, both personal and political, both individual and collective.

It is essential to provide help and support with the practicalities of re-entry to the community, particularly for those prisoners who lack family and social support or experience of settled accommodation or employment. That requires work within prisons - resettlement planning that begins at committal and continues throughout the period spent in custody, whether on remand or sentence – but also continuity of support on release, to reinforce change and progress made in prison and to help unlock sources of help and opportunity outside. That requires engagement with the

communities to which people will return, in order to build the 'social capital' they will need to restructure their lives. There are already examples in Northern Ireland of successful and innovative cooperation between statutory, voluntary and community organisations, which should be built on.

Families are the closest communities to which prisoners may return. Historically, access to and by families was seen by prisons as at best peripheral and at worst an annoying interruption to prison regimes. More recently, children and families have been identified as an important part of resettlement work, with initiatives that range from child-centred visits to parenting support and courses. The best of these are facilitated by, and rely on the expertise of, voluntary sector organisations which can maintain links with the family outside prison, and which recognise the needs and rights of the family as well as the prisoner or prison: the strains imposed by the imprisonment of a family member, and the generational effect this may have on children in particular. If visits, for example, are seen as part of a child's right to family life, as provided for in the International Convention on the Rights of the Child,[36] rather than a prisoner's privilege, they are not something that should either be used as an incentive or taken away as a punishment; and they should take place in as normal a setting as possible[37].

Increasingly, prisons also have family support officers, whose role is to organise family friendly events and to help prisoners keep in touch with families and deal with family problems. Yet there is still a strong sense that these activities and approaches are seen as optional extras, not essential components of a good prison regime, reflecting the rights and needs of families, particularly children. Specialist services that support a child- or parent-centred approach are still not fully recognised, and are extremely vulnerable to be

decommissioned or cut back when regimes are stretched[38].

Prisoners will also return to the wider local community. A 'prisons-out' approach to reintegration is likely to fail; a 'communities-in' approach is also required. The community aspect is particularly crucial in Northern Ireland: both because of the fact that communities are still divided, and also because, in a small jurisdiction, returning prisoners, particularly those who have committed serious offences, will not be anonymous and therefore may find it harder to find acceptance or to re-invent themselves. Communities' ability and willingness to accept and reintegrate offenders is therefore an essential part of desistance. Grass-roots community groups, many of them with considerable experience of working with ex-prisoners, need to be integral partners, alongside statutory and voluntary agencies.

The Base 2 project, supporting those who are under threat if they return to their communities, is an example of such cooperative work, using community restorative justice initiatives to reduce tensions and intra-community violence. In a different context, the Inspire project for women has also been able to draw upon decades of experience in women's centres, and the Northern Ireland Housing Executive has identified and actively worked on the links between community safety and support for released prisoners (see Chapter 9). These projects benefit society as a whole, as well as ex-prisoners, and could be further developed across the prison system to support reintegration, at least in cases where simmering conflicts remain unresolved and threaten a prisoner's resettlement prospects. We also heard encouraging evidence about the development of community chaplaincy as a means of developing social capital and social support for ex-prisoners.

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36 See *International Convention on the Rights of the Child* eg Article 16 on the child's right to family life and Article 9.3 in relation to children separated from a parent.

37 See *European Prison Rules*. 24.4

38 For a more detailed discussion of the needs and rights of children with parents in prison, see *Children of imprisoned parents*, Danish Institute of Human Rights, European Network for Children of Imprisoned Parents, University of Ulster and Bambinisenzasbarre, ed, Scharff-Smith and Gampell, 2011, for an overview of the arrangements in place for children of prisoners and detainees within the EU

Belfast postcodes of serving prisoners, March 2011
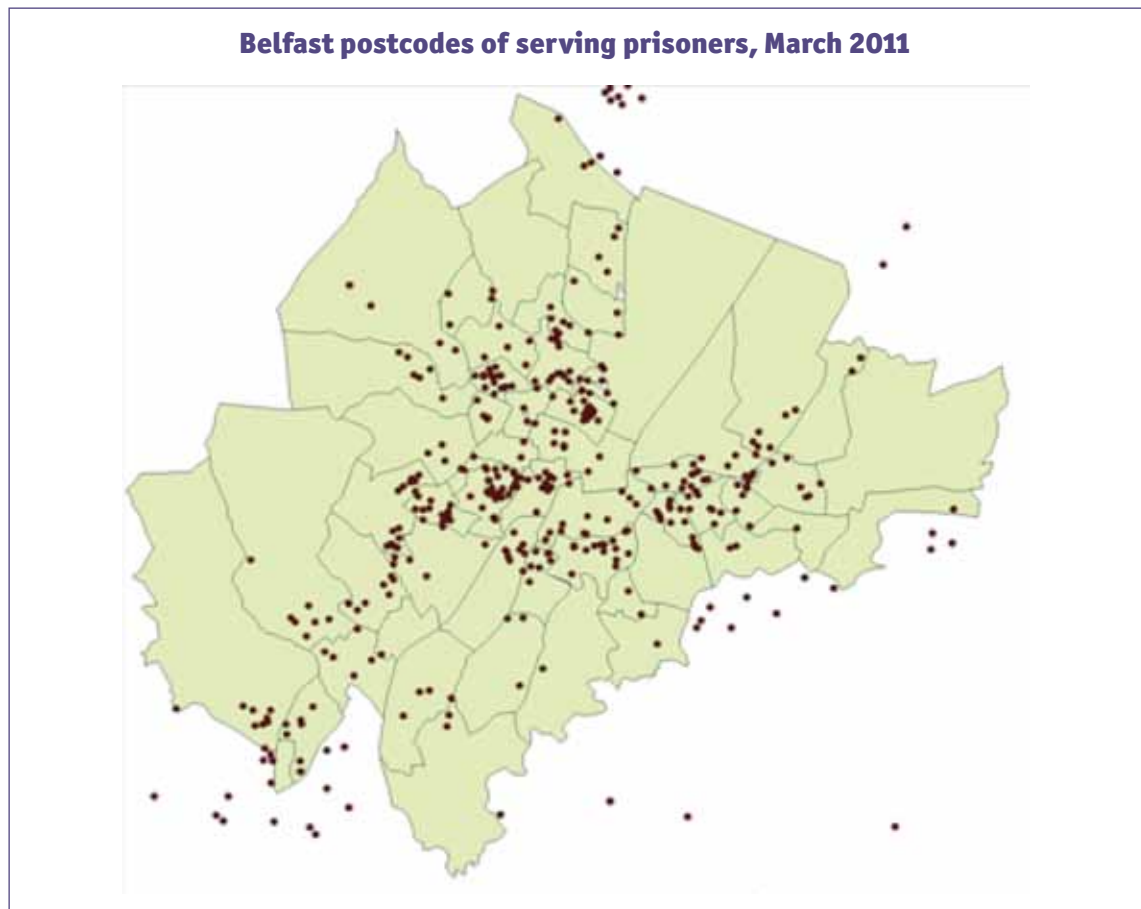
We are grateful to Professor Shadd Maruna and Dr Pete Shirlow of the Institute of Criminology and Criminal Justice at Queen's University Belfast and to Professor Victor Mesev of Florida State Tallahase for their generous help with the mapping and analysis of prisoner postcodes. This sheds significant light on the communities where this approach might yield results. Supplied with postcode data for all prisoners in custody on a given day in March 2011, the ICCJ mapped the prisoners' home addresses. While it is no surprise that most prisoners come from Belfast, with a second cluster in Derry, the distribution of prisoners within Belfast is revealing.

This mapping technique, which would need to be repeated several times to generate reliable data, has been used in other jurisdictions to suggest where justice system resources might be invested upstream in areas of deprivation to reduce crime and to reintegrate ex-prisoners. We mention below the broader debate about 'justice reinvestment' which we believe should inform the proposed Reducing Offending Review. The more immediate and

pragmatic point is that this kind of mapping at least points to where the reintegration issues and challenges are likely to be felt most keenly – both by ex-prisoners and by their communities. If NIPS does nothing during the sentence to work with community organisations to mediate the relationships between prisoners and their communities, it runs the risk of investing heavily in individual change while neglecting the social or community context in which that investment will succeed or fail.

Community groups and networks, such as community restorative justice groups, have played a part in community safety initiatives, such as the West Belfast Community Safety Forum. A recent CJINI inspection found that this has made a positive contribution, helping to focus the needs of existing agencies in the area and provide a connection between local demands and the services provided by government agencies. The CJINI has also reported positively on community restorative justice schemes, delivered through both Community Restorative Justice Ireland and

Northern Ireland Alternatives, recording the value of work done outside the formal criminal justice process, particularly with young people, and recommending that it be continued and broadened. As the agencies of the state acquire greater legitimacy in the new Northern Ireland, it is important not to ignore the important role of grassroots community groups, which can play a key role both in preventing crime and mediating its consequences.[39]

The unique history and circumstances of Northern Ireland also mean that its communities contain a significant number of politically motivated ex-prisoners, fewer than 6% of whom have reoffended. Though there are important differences between the experiences of politically-motivated ex-prisoners and 'ordinary' ex-prisoners, there are lessons to be learnt from the former about the personal, familial, community-level and legal aspects of reintegration – and about the part that peer support can play in coping with the challenges it presents[40]. Much could be gained by drawing on these experiences to develop a 'bottom-up approach' to developing the reintegration agenda engaging ex-prisoners and community groups, so as to counteract some of the deficiencies that may arise from a top-down process. The PBNI has considerable experience of effective community engagement in this context, which predates the peace process, and continues to invest 7% of its budget in community development. This history and experience could be drawn upon.

39 *Northern Ireland Alternatives,* CJINI, February 2010: *Community Restorative Justice Ireland,* CJINI, August 2011. McEvoy, K. and Eriksson, A. *Who owns Justice? Community, state and the Northern Ireland transition,* in Shapland, J. ed (2007) *Justice, Community and Civil Society.*
40 Dwyer, C.D. (2010 *Release and reintegration: the experience of 'politically motivated' former prisoners in Northern Ireland* PhD thesis, Queen's University Belfast; Shirlow, P. and McEvoy, K. (2006) *Beyond the Wire: former prisoners and conflict transformation in Northern Ireland,* London: Pluto Press

Recommendation 33

The desistance strategy developed in NIPS must involve partnership with and support for families and community organisations to build social capital and prevent social exclusion, drawing upon and extending existing initiatives and experience.

Justice reinvestment

It is essential that prisons are an active and effective partner in reducing reoffending and creating a safer society. They need to have the resources, and even more importantly, the vision and culture, for this to happen. However, a narrow focus on prisons alone risks diverting energy and resource into custody at the expense of more effective and crucial work outside prison, to prevent offending, provide more effective community interventions and support prisoners on release. That is the message of 'justice reinvestment': placing resources into the communities from which prisoners come and to which they will return, to deal at source with the social, community and economic issues that lie behind offending and affect the life of the whole community.

'Justice reinvestment' requires a cross-departmental safer society strategy.

This will require active engagement and support from departments outside the Department of Justice: not only the obvious departments such as DHSSPS and DEL, but all other parts of the Executive. The need to prevent offending and reoffending should be built into departments' strategies and plans, with links into prisons and probation and community safety partnerships. However, there is at present little incentive for other departments, or local authorities, to invest in preventive, alternative or rehabilitative work. Indeed, financially, the reverse is true: imprisonment can be a 'free good' in that some of the most difficult, challenging and costly individuals for agencies working in the community are taken off their books, at least for a short period, and paid for out of the NIPS budget. Merely shifting resources, such

as the relocation of healthcare funding to the DHSSPS, is only part of the answer: as we point out, it did not come with the requirement that every health and social care trust, and mental health provision throughout Northern Ireland, should operate in a way that minimises the use of prison and contributes to reducing offending.

In order to avoid perverse incentives on local authorities and agencies, there have been pilot projects in the US whereby budgets have been devolved to local state authorities, with a clawback arrangement for every resident of that area who is then sent to custody. The Institute of Public Policy Research has recently suggested a similar arrangement for regional local authorities in England[41] and the Youth Justice Board is piloting this approach in relation to young offenders in four local areas, providing enhanced budgets to youth offending services with clawback for each young person imprisoned.

In a small and coherent jurisdiction like Northern Ireland, it should be possible to develop a cross-departmental strategy that fulfils that aim by deploying resources most effectively and rewarding preventive work. We raised this in our interim report, and believe that this is the model that should be developed in the Reducing Offending Review, planned for early 2012.

Recommendation 34

There should be a cross-departmental safer society strategy, agreed by the Executive and overseen by the Assembly, to ensure that reducing offending is part of each department's strategy and budgeting, and which engages voluntary and community organisations in both planning and delivery.

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41 Redesigning justice: reducing crime through justice reinvestment, IPPR August 2011

CHAPTER 9:
WOMEN AND YOUNG ADULTS
Summary

Women and young adults are poorly catered for in prison systems geared around adult males. Hydebank Wood is an unsuitable environment for both.

In general, women offenders have low levels of risk but high levels of vulnerability. They are more likely to be main carers of children, and less likely to reoffend. Recent reports, and human rights standards, stress the focus on community-based models, and the Inspire project has provided an innovative, flexible and dynamic approach. This model should be extended and properly funded and should become the default setting for women who offend or are at risk of offending, while retaining its community and voluntary sector focus and holistic approach. A new small prison should be built for the small number of women requiring custody. Isolation will be a major problem, and this facility therefore needs to be located within an actual or virtual community network, to ensure permeability of service provision and support, and with cross-deployment of staff.

Young adults are often prolific offenders, but the right intervention at this stage pays dividends, whereas the wrong intervention can embed exclusion and continuing criminality. Better transition between youth and young adult services is needed, with additional support during this period. There is some innovative work, such as the RIO project, but this is usually time-limited and externally-funded. There should be a community-based pilot for young adults, on the model of the Inspire project, involving statutory, community and voluntary agencies. Hydebank Wood is inadequate for those who need to be in prison, with poor activity provision. It should be reconfigured as a secure college, focused around education and skills training, with specially trained staff, working in collaboration with colleges, employers and the voluntary sector. Children under 18 should not be held there.

There are two groups of prisoners for whom most prison systems cater badly: women and young adults. The majority of prisoners are adult men, and prisons to a large extent reflect their needs and risks. Women, who form only a small proportion of the prison system, have particular vulnerabilities and needs. Young adults, in transition from childhood to adulthood, find at the age of 18 that many of the systems and specific protections they enjoyed as juveniles fall away, and that includes the specialist support available in the juvenile justice system.

In Northern Ireland, both of these groups are held on the same site, in separate parts of Hydebank Wood. It is an entirely unsuitable environment for either group. A reformed and desistance-focused prison system might usefully begin with these groups: both because of their vulnerability and the opportunity that they present, and because some innovative work has already started, or could be built on relatively easily. Lessons learnt around the treatment of these niche populations could then be extended through the prison system as a whole.

Women

There has been a great deal of recent work and research into the specific needs and suitable environments for women who offend, or who are at risk of offending, including in Northern Ireland[42]. Throughout the UK, they are a small minority of those held in prison systems largely designed around the needs and risks of men. As a group, they present low levels of risk but high levels of vulnerability, particularly in relation to mental health, substance misuse and previous abuse.

Women in prison are very likely to be main or sole carers of children and much less likely than their male counterparts to be able to rely on someone else to keep home and family together if they are imprisoned: studies suggest that nine out of ten men in prison are able the rely on their children being cared for by their partner, whereas this is true for only a quarter of women. Women in prison in Northern Ireland are also in general an

older population than men: the majority are aged between 30 and 50. The most recent reconviction rates for women offenders are much lower than those for men, at 20%.

Baroness Corston's report on women in the criminal justice system in England and Wales was subtitled 'the need for a distinct, radically different, visibly-led, strategic, proportionate, holistic, women-centred, integrated approach'. It led to increased focus on community alternatives to custody, and support for 45 separate projects – which themselves built on existing centres in England and Scotland that offered one-stop, holistic support, tailored to the assessed needs of women as people and mothers rather than just to their perceived risks as offenders. The different centres offer different models of community-based work: ranging from the 218 Centre in Glasgow, which contains within it a quasi-custodial unit; through centres where attendance is part of compulsory licence conditions; to those which resist any links with enforcement, where attendance is purely voluntary and the service offered may be open to all women, not just those who have offended or are at risk. This approach is also the one adopted in the most recent development of international standards governing the treatment of women in prison and non-custodial alternatives, the Bangkok Rules, adopted by the United Nations in July 2010:

'Gender-specific options for diversionary measures and pre-trial and sentencing alternatives shall be developed within Member States' legal systems, taking account of the history of victimization of many women offenders and their caretaking responsibilities.

'Women offenders shall not be separated from their families and communities without due consideration being given to their backgrounds and family ties. Alternative ways of managing women who commit offences, such as diversionary measures and pre-trial and sentencing alternatives, shall

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42 see Scraton, P. and Moore, L. (2005) *The Hurt Inside: the imprisonment of women and girls in Northern Ireland*, Northern Ireland Human Rights Commission.

be implemented wherever appropriate and possible.'[43]

There are some issues that are specific to Northern Ireland. The first is the large number of women drawn into prison because of fine default. As our interim report noted, half the women committed to Hydebank Wood in 2010 were there for fine default, and at our most recent visit, six of the 52 women held there were fine defaulters. This amounts to criminalising poverty: very often women go to prison because they cannot afford to pay the fine. Secondly, as elsewhere, a high proportion of women in prison (36% in August 2011) are on remand. We deal with fine defaults and remand issues in general in Chapter 4. The over-use of prescription drugs, particularly benzodiazepines, is also something that affects Northern Ireland in general, but disproportionately affects women (see Chapter 5).

On a more positive note, there is a long and strong history of women's centres in Northern Ireland, which grew out of the women's movement and communities themselves, and which provide a model of positive engagement with women in general, and women who are marginalised or vulnerable in particular. It was out of that experience that the Inspire project in Greater Belfast was developed, led by the PBNI, and involving NIACRO and the Women's Support Network (of women's centres). It is a very effective partnership between statutory, voluntary and community agencies and services. Its most recent evaluation has shown significant improvements in self-reported approaches to reoffending, self-esteem, relationships and substance use. Its inreach work into Hydebank Wood, through the Women's Community Support Project (WCSP) has changed attitudes and approaches among prison staff, as well as offering essential through the gate support for women prisoners. Workers from WCSP have been able to offer what other agencies rarely can: out of hours support for women in crisis.

The fact that Inspire is operating outside the mainstream and with separate funding has allowed it to be innovative, flexible and dynamic. It has had to build on services and support systems that already exist for all women, rather than creating new and specific ones for women who offend, and thus pushing them into a criminal silo. However, the downside of this is that its funding is fragile and its reach limited. Some services are not resourced at all. The valuable Barnardo's project to help women's relationships with their teenage children folded for want of £10,000 a year. The Women's Community Support Network receives only short-term funding for one full-time and two part-time workers, and indeed at one point the service into Hydebank Wood was being sustained by unpaid time from workers at Shankill Women's Centre. There is no equivalent service outside the Greater Belfast area.

There is broad agreement that this is a model that can and should be built on, and that this, rather than prison, should be the default setting for dealing with women who offend or are at risk of offending. This is the direction of travel suggested by the Northern Ireland Strategy for the Management of Women Offenders[44]. It would require buy-in and funding from mainstream services and departments to provide access to accommodation, healthcare, employment and educational provision. But it is vitally important that it retains its community and voluntary sector base, does not become a criminal justice silo, and retains the principle that services should cohere around a woman, rather than women having to access multiple, and sometimes conflicting, services.

There are also some tensions and issues both for statutory and voluntary services: principally the nexus between community support and enforcement. There are centres in England (such as the Isis project in Gloucester) which have successfully managed to retain a community, women-centred ethos while also being an attendance centre for those subject to probation supervision. The advantage of the

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43 *UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders* (Bangkok Rules) July 2010: Rules 57 and 58. See also *The Hurt Inside* (op. cit)

44 *Strategy for the management of women offenders*. NIO, February 2009

Women's Support Network is that it could offer different models of intervention and support for women at different times and places, with the possibility of step-down facilities from prison through probation to generic community provision.

There will, however, continue to be a need for custodial provision for the small number of women who have committed serious or violent offences. There is also clearly a need for a separate medium secure provision for women with severe mental or personality disorder. The European Prison Rules require that particular attention is paid to the specific 'physical, vocational, social and psychological needs' of women in all aspects of their detention[45], and the Bangkok Rules specify in much greater detail the specific needs of women in relation to families, support, reintegration and previous abuse and vulnerability[46].

It is accepted that the current custodial environment for women, in Ash House, is wholly unsuitable: because of its design, its mixed population of short-sentenced, remanded, mentally ill and long-sentenced women, and its co-location with young adults. There are designs – such as The Orchard in Ealing, London – which provide a much more therapeutic environment for women who need to be held securely, whether for mental health or other reasons. There is a need for both kinds of facility – custodial and medium secure mental health provision – in Northern Ireland, so that women could be moved from one to the other when and if acute care was needed.

However, size matters. In Chapter 4, we stressed the dangers, in general, of increasing capacity in prisons and therefore increasing their use. That is even more the case in relation specifically to women. Women's imprisonment has a generational effect on their children and families, and therefore engages their children's rights, as well as their own. The vulnerability and different pattern of offending and reoffending has already been alluded to. If community provision is the norm, as recommended above, custodial provision should be smaller, not larger.

Providing the necessary range, quality and variety of services for a small custodial population will be challenging. Many of the women will be serving long sentences, and may spend decades in prison. The consequences of enclosed and self-contained environments where a small number of women see only each other, without being exposed to outside stimulus, were evident in the claustrophobic women's wing in Durham prison in England, where there was a succession of suicides. For that reason, the wing closed and women were dispersed elsewhere. That is not an option in Northern Ireland.

The Inspire project has been innovative, flexible and dynamic

It will therefore be necessary to locate a small women's prison within an actual or virtual community network, to prevent isolation and ensure a range of service provision. Women in custody will need to tap into and be supported by the same services that support women in the community – and therefore a key link should be with the community provision described above. The custodial facility should be staffed by a multi-disciplinary and properly-trained staff group providing support and care. The ideal configuration would be a complex of buildings that contained a secure custodial pod, with other services (education, health, probation, community service, programmes etc) attached and within a secure perimeter. These services could be accessed by all women either in custody, under supervision or subject to other court orders.

Even without physical proximity, however, it would be possible to create a virtual complex, drawing on staff and support from the WCSP and other agencies and ensuring permeability of service provision and support between prison and the community. Good interaction and integration with community services, social services and health services could create a first class seamless service for women. That would also allow cross-deployment of staff: when the custodial population was low, staff

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45 *European Prison Rules* 34.1
46 *Bangkok Rules* passim

could be deployed to work in the community with the client group.

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Recommendation 35

The Inspire model should be adopted as the norm for dealing with women who offend. It should be centrally funded, but planned and delivered by a partnership of statutory, voluntary and community organisations.

Recommendation 36

A new small custodial facility for women should be built, staffed and run around a therapeutic model. It should be supported by an acute mental health facility and draw on a network of staff, services and support in the community.

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Young adults

The young adult population of Hydebank Wood is in many ways a forgotten group in the Northern Ireland penal system; and this is true of young adults throughout the United Kingdom, for whom much statutory support and protection fall away at age 18. The resources available at Hydebank Wood are far poorer than those for the under-18s held at Woodlands; young adults also fall outside the remit of the Youth Justice Agency and the innovative restorative justice approach used for juveniles; and they lose the specialist support of child and adolescent mental health services.

Compared to the women who share the site, the young offenders centre has also attracted far less political, media or academic interest. Yet this is an age-group which on the one hand is prone to prolific offending and reoffending and on the other is capable of change and redirection. In England and Wales, they constitute less than 10% of the population, but a third of those within the criminal justice system. The right intervention at this crucial time can pay dividends; the wrong intervention, such as a short prison sentence, can embed exclusion and continuing criminality.

Though young adults are not specifically covered in any of the international conventions relating to custody, they are referred to in

the Beijing Rules (the UN Minimum Standards for the Administration of Juvenile Justice). Section 3.3 states that 'Efforts shall be made to extend the principles embodied in the Rules to young adult offenders.'

Those principles are:

'To further the well-being of the juvenile and her or his family.

To develop conditions that will ensure a meaningful life in the community and foster a process of personal development and education.

Take positive measures, using families, volunteers, schools and other community institutions to reduce the need for legal intervention.

Ensure that juvenile justice is an integral part of national development within a framework of social justice.

Improving and sustaining the competence of personnel involved in the services, including their methods, approaches and attitudes[47].'

Adult statutory services are not geared or resourced to deal with this age-group effectively. It is not realistic to assume that an eighteenth birthday celebration results in an instant transformation from child to adult: the process of maturity is much more gradual and differential than that. For that reason, Transition to Adulthood (T2A), an alliance of practitioners, academics and policy groups, has been developing and evaluating ways of working with young adults. It has drawn on academic studies on maturity and examples in other countries, such as Germany, where young people usually continue to be dealt with in the youth justice system up to the age of 24. It is running three pilot projects in England and supporting a project in Northern Ireland.

One of the important features of this work, which has also been picked up in the Northern Ireland Youth Justice Review, is the need for proper transition between youth and young adult services. Too often, young adults fall

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47 *UN Minimum Standards for the Administration of Juvenile Justice (Beijing Rules)* November 1985: Part I and 3.3.

through the gap and are 'lost in transition'[48]. This has implications for work both in the community and custody. One of the key messages coming out of three very different T2A pilots, all involving partnerships between voluntary and statutory agencies, is the need for additional support for this age-group. At least for a time, young people need a key worker, who they can relate to and who will be alongside them – helping to negotiate their way through adult services, signpost them to the right provision and crucially be there at times of maximum need and temptation (which may well not be between 9 and 5 on a weekday). Interestingly, probation officers working in the pilots have also valued this way of working, which fits more readily into the social work base from which they came, which has of course been retained much more strongly in Northern Ireland. This approach, and its positive effect in reducing rates of reoffending, was particularly commended in the independent evaluation of the English pilot schemes[49].

There should be a community-based pilot project for young adults

The focus in much of this work has been on effective support in the community, as an alternative to, or a support after, custody. This has particular resonance in Northern Ireland. Community divisions and paramilitary activity play a significant role, particularly for young people. The substance use review we commissioned noted the difficulty of persuading young people to admit to drug dependency for fear of repercussions on return to their communities. But conversely, as shown in the previous chapter, community restorative justice schemes, developed during the Troubles, have a much greater role to play than would be the case in England and Wales: reference has already been made to the Base 2 initiative. There are also strong voluntary

sector organisations, such as Include Youth, the Prince's Trust and NIACRO, with long experience in working innovatively with this age-group.

There are already some innovative projects: such as the RIO project, supported by the Northern Ireland Housing Executive and Belfast City Council, with the help of NIACRO. This offers support, through community organisations, for short-sentenced young adults from Hydebank Wood who have no other statutory support and who are at risk of reoffending – recognising that they would otherwise be problematic, and reduce the quality of life in their communities on release. The Give and Take scheme is run by Include Youth for 16-21 year olds who are referred through the health and social care trusts and who would not otherwise be in employment or education and are hard to place, often because of lives spent in care or in prison. Young people can participate for up to 24 months and mentoring and support is provided during this period and in transition from the scheme. The Prince's Trust has been providing a peer mentoring scheme for young adults with substance misuse problems, together with support on release.

Yet, as with the Inspire project, these are all time-limited and externally-funded initiatives, not part of the core business and funding streams; and too often they start in prisons, rather than in the community. Out of these experiences and the experience of the English pilots, we recommend that there should be a community-based pilot project, on the same model as Inspire, bringing together statutory, voluntary and community sector partners, to provide holistic community-based support for young adults who have offended, and to identify and seek solutions to the barriers to their reintegration, such as safe and suitable accommodation.In addition to this, there will clearly be a need for custodial provision for young adults who commit serious or prolific offences. This needs to be an environment which supports, stretches and challenges young adults and helps to make good some of the deficits in their previous life experience in order to bring about change. At present, provision in Hydebank Wood falls woefully

48 *Lost in Transition*, Report of Barrow Cadbury Trust Commission on young adults in the criminal justice system, 2005
49 *Found in Transition* (Final Report of Formative Evaluation of T2A Pilots), Burnett and Hanley Santos, Centre for Criminology Oxford University, December 2010

short of that: there is insufficient activity, some of dubious quality, and it was rated as 'poor' (the lowest possible rating) in the most recent inspectorate report. There was no coherent strategy, an outdated curriculum, insufficient collaboration with external partners, serious problems of teaching and under-achievement and poor allocation systems[50] Resources and external investment were not only insufficient, but were wasted and under-used.

Hydebank Wood should become a secure college, in collaboration with outside agencies

Young men who arrive at Hydebank from Woodlands quite often welcome the move, but they do so for the wrong reasons: because they are essentially left alone. In our own visits, we found that there is too little proactive engagement with residential staff, or real understanding of the needs and risks of young people.

There is therefore a need for considerable investment of resources and personnel at Hydebank Wood. We have already recommended that children under 18 should not be held there, and we continue to do so. However, that is only a beginning: it is not just a question of moving 15-18 year olds to Woodlands, but moving the Woodlands ethos to Hydebank Wood, so that it provides focused support, challenge and opportunity for this forgotten age group.

The residential accommodation at Hydebank is wholly unsuitable to allow and facilitate positive engagement between staff and young people. Providing a new women's prison elsewhere would create an opportunity for a gradual and much-needed building programme. But that is not the main problem, nor should necessary change wait on those resources being available. What is needed is a change of culture, approach and provision. Essentially, the Young Offender Centre should

become a secure college, reconfigured around education and skills training, including soft skills, and working in collaboration with outside colleges, employers and voluntary sector organisations. It should have a multi-disciplinary and multi-agency staff group, committed and trained to work with adolescents and young adults, and with the capacity to offer one to one interventions where needed. Finally, it should be permeable, with routine engagement from statutory, voluntary and community services that can support young men on release, and with strong links to the kind of community multi-agency partnership described above.

As we said in the previous chapter, this requires genuine partnerships and mutual accountability. It could be a model for provision across the prison estate, and of good practice internationally.

Recommendation 37
A community-based pilot project should be set up for young adult offenders, on the model of the Inspire project, as a statutory, voluntary and community partnership offering an alternative approach and providing community support for young adult offenders.

Recommendation 38
Under-18s should not be held at Hydebank Wood.

Recommendation 39
There should be a rebuilding programme at Hydebank Wood YOC, to provide suitable accommodation that allows proactive and safe engagement between staff and young people.

Recommendation 40
Hydebank Wood should become a secure college, offering a full programme of skills-based activities and one to one support, with a multi-disciplinary trained staff group, and working in partnership with a range of external providers and agencies.

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50 *Report on a short follow-up inspection of Hydebank Wood,*
    Criminal Justice Inspectorate of Northern Ireland April 2011.

ANNEXES:

ANNEX 1: PERCENTAGES OF PRISONERS BY RELIGION IN DIFFERENT CATEGORIES

ANNEX 2: PRISONERS' HOME ADDESSES IN JULY 2011 BY HEALTH AND SOCIAL CARE TRUST

ANNEX 3: FROM SQL SURVEY RESEARCH CARRIED OUT IN THREE NORTHERN IRELAND PRISONS

ANNEX 4: TITLE

ANNEX 5: RECOMMENDATIONS

PERCENTAGES OF PRISONERS BY RELIGION IN DIFFERENT CATEGORIES

JANUARY-JUNE 2011[1]

Hydebank Wood Young Offender Centre (excludes adults)		
	Catholic	Protestant
Average % population	56%	34%
Basic privileges level	74% (63)	21% (17)
Enhanced privileges level	49% (242)	43% (213)
Adjudications	62% (367)	24% (143)
Use of force	61% (33)	22% (12)
In segregation unit	71% (22)	19% (6)
Approved leave applications	36% (36)	64% (63)

HMP Maghaberry (excludes young adults and separated prisoners)		
	Catholic	Protestant
Average % population	54%	34%
Basic privileges level	66% (101)	21% (32)
Enhanced privileges level	44% (850)	41% (789)
Adjudications	67% (407)	23% (142)
Use of force	68% (133)	20% (40)
In segregation unit	64% (54)	28% (24)
Approved leave applications	36% (65)	64% (118)

HMP Magilligan (excludes young adults)		
	Catholic	Protestant
Average % population	56%	35%
Basic privileges level	82% (91)	16% (18)
Enhanced privileges level	52%(1008)	38% (738)
Adjudications	73% (178)	21% (52)
Use of force	95% (18)	5% (1)
In segregation unit	67% (22)	27% (9)
Approved leave applications	58% (425)	37% (275)

1   Source: *Equality and Diversity reports,* Northern Ireland Prison Service

Prisoners' Home Addesses in July 2011 by Health and Social Care Trust

JANUARY-JUNE 2011

Legend:
- HMP Magilligan
- HMP Maghaberry
- Belfast HSCT
- Northern HSCT
- South Eastern HSCT
- Southern HSCT
- Western HSCT
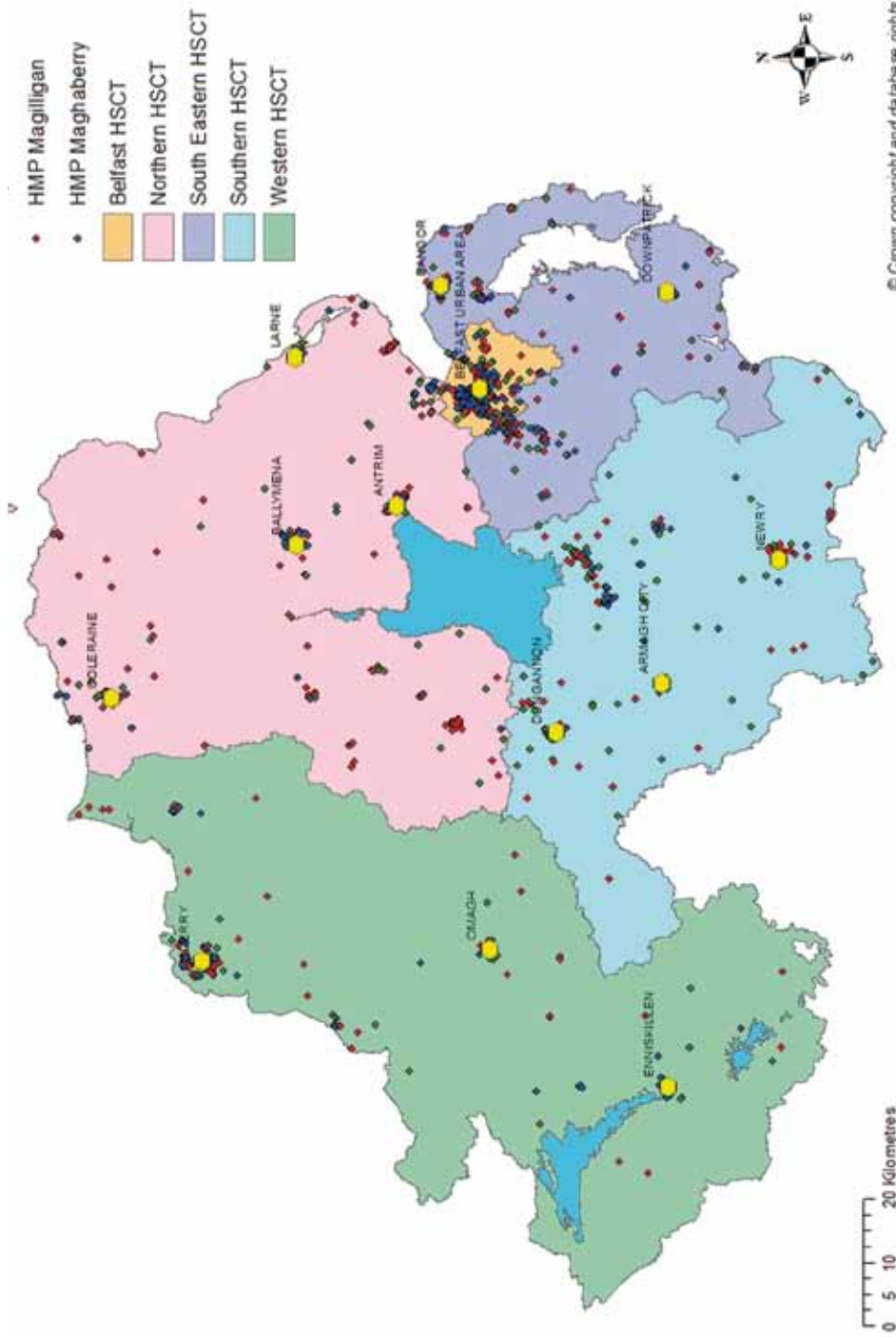
© Crown copyright and database rights

0 5 10 20 Kilometres

From SQL Survey Research carried out in three Northern Ireland Prisons

Discipline Staff Scores for Hydebank Wood Prison Compared to other Prisons

JANUARY 2011
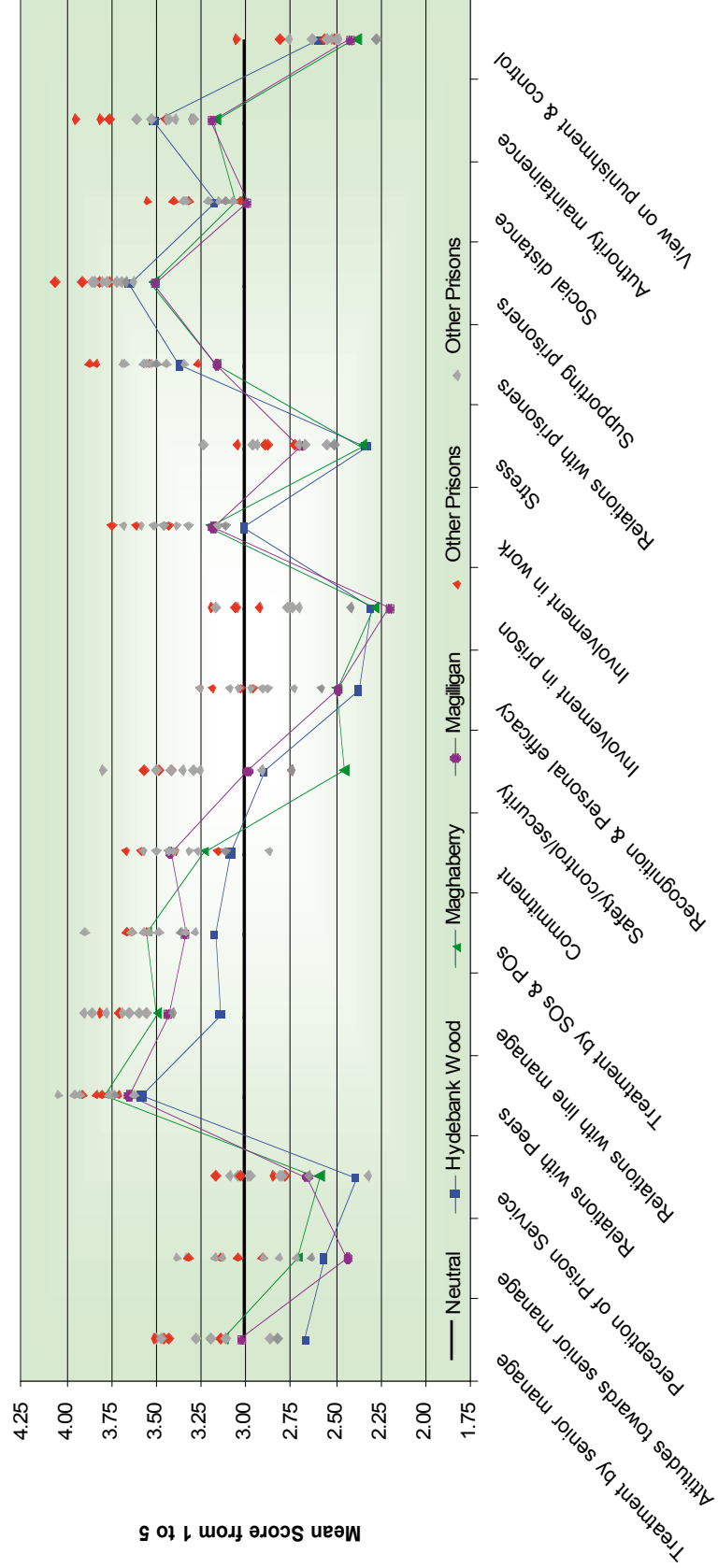
Note: The 'Other Prisons' scores, highlighted in red, should be treated with caution as only about 20 participants contributed to each.

EVIDENCE, MEETINGS & VISITS

Responses to Call for Evidence

NI Prison Service

Staff & Prisoners
Maghaberry Independent Monitoring Board

Outside Organisations Working in Prisons

Barnardo's

Children's Law Centre

Extern

Include Youth

NIACRO

Parole Commissioners for NI

Prison Fellowship NI

Probation Board NI

Quaker Service

Shannon Trust – Toe by Toe

Independent Bodies

British Irish Rights Watch

Committee on the Administration of Justice

NI Ombudsman

Northern Ireland Human Rights Commission

Prisoner Ombudsman

The Law Centre (NI)

Disability Action

Prison Reform Trust

Victim Support

Health

Department of Health,
Social Services & Public Safety

Northern Health & Social Care Trust

Public Health Agency, Health and Social Care Board

Royal College of Nursing

South Eastern Health & Social Care Trust

Ministerial/Departmental

DENI Education & Training Inspectorate

Department for Employment & Learning

Department of Culture Arts & Leisure

Director General NIO

Political

Alliance Party

DUP

SDLP

Sinn Féin

Lisburn City Council

Academic and other contributions

Corston Report

Liz Hogarth, former Head of Women's Policy Team, NOMS

Clare Hyde, Calderdale Women's Centre

Queen's University Belfast

Professor Shadd Maruna, Institute of Criminology and Criminal Justice

Professor Kieran McEvoy, Institute of Criminology and Criminal Justice

Dr Nicola Carr, School of Sociology, Social Policy & Social Work

Professor Phil Scraton, Institute of Criminology and Criminal Justice

Dr Azrini Wahidin, School of Sociology, Social Policy & Social Work

University of Cambridge

Dr Loraine Gelsthorpe, Institute of Criminology

University of Ulster

Dr Derick Wilson, Social Policy & Research Institute

Mr Hugh Campbell, School of Sociology &
Applied Social Studies

Mr Tim Chapman, School of Sociology &
Applied Social Studies

Professor Paul Carmichael, Dean of Faculty of
Social Sciences

Dr Cathy Gormley-Heenan, Director of SPRI

Dr Mary O'Rawe, School of Law

Dr John Topping, School of Criminology,
Politics and Social Policy

Mrs Alice Diver, School of Law

Dr Tracy Irwin, School of Education

Dr Una Convery, School of Criminology, Politics
and Social Policy

Dr Linda Moore, School of Criminology, Politics
and Social Policy

Meetings and Seminars

Access to Justice Review Team

AD:EPT (Alcohol and Drugs: Empowering
People through Therapy)

Barnardo's Parenting Matters

Children's Law Centre

Church leaders

Coiste na nIarchimí

Committee on the Administration of Justice

Community Restorative
Justice Ireland (CRJI)

Criminal Justice Inspectorate NI

Department for Employment and Learning

Department for Social Development

Department of Finance and Personnel, Minister

Department of Health, Social Services & Public
Safety

Department of Justice, Minister

Department of Justice, Permanent Secretary

DUP Senior Team

Ex-prisoner representatives

Ex-prisoners Interpretation Centre (EPIC)

EXTERN

Falls Community Council

First Minister and deputy First Minister

Governor, Isle of Man Prison

Hydebank Wood staff groups: all levels

Health and Social Care Board

Include Youth

Independent Monitoring Boards

Inspire Project

Integrated Prisoners

Irish Congress of Trade Unions

Justice Committee

Justice Review Team

Maghaberry healthcare staff

Maghaberry staff groups: all levels

Magilligan staff groups: all levels

NI Council for Ethnic Minorities

NI Court Service

NI Housing Executive – Supporting People

NI Human Rights Commission

NI Prisoner Ombudsman

NIACRO

NIPS Addiction Consultant

NIPS Chaplaincy

NIPS Director General and Directors

NIPS Governing Governors and Deputies

NIPS Healthcare staff

NIPS Prison Service Management Board

NIPS Psychology staff

NIPS Strategic Efficiency and Effectiveness
Programme Team

NIPS Women's Project

NIPSA

Northern Health and Social Care Trust
Community Addictions Unit

Northern Ireland Alternatives

Opportunity Youth

Parole Commissioners

Prison Governors' Association

Prison Officers' Association

Probation Board NI, past and present staff

Professor Roy McClelland

PSNI

Public Health Agency

Quakers

Queen's University Belfast – Institute of Criminology and Criminal Justice,

School of Law; School of Sociology, Social Policy & Social Work

Reducing Reoffending Review Team

Regulation & Quality Improvement Authority (RQIA)

Samaritans

SDLP

Separated Prisoners (Loyalist and Republican)

Sinn Féin Senior Team

South Eastern Health and Social Care Trust

Tar Isteach

The Prince's Trust, Northern Ireland - 1-1 Project

University of Ulster – School of Social Sciences; School of Sociology & Applied

Social Studies; School of Criminology, Politics and Social Policy;

School of Education; School of Law

Welcome Organisation, Belfast

Women's Aid

Women's Centres – Shankill; Windsor; Falls; North West

Women's Support Network

Young Voices

Youth Justice Agency

Youth Justice Review Team

Reviews & Surveys Commissioned

Prison Health Services

Prisoner postcode survey (Queen's University, Belfast)

Report on substance misuse treatment in the prisons of Northern Ireland

Survey of Prisoners at Maghaberry

(HM Inspectorate of Prisons for England and Wales)

Survey of the Quality of Staff Life (SQL) at all three Prisons

(NOMS Audit and Corporate Assurance Team)

Visits Carried Out

218 Project for Women Offenders, Glasgow

Derry Women's Centre

HMP Belmarsh, England

Maghaberry Prison

Magilligan Prison

HMP Wormwood Scrubs, England

Hydebank Wood Young Offenders Centre & Prison

Integrated Offender Management Pilot, Gloucestershire Association for Voluntary and Community Action (GAVCA)

Portlaoise and Midlands Prison, Republic of Ireland

Transition to Adulthood (T2A) Alliance

Woodlands Juvenile Justice Centre, Bangor

Young Voices (Hydebank Wood)

Seminars & Focus Groups

November/December 2010 May 2011	Staff/Prisoner Focus Groups – Hydebank Wood, Maghaberry, Magilligan
16 May 2011	New Approach to Women Offending in NI
1 & 2 June 2011	Desistance, Resettlement and Reintegration in Northern Ireland's Communities
25 July 2011	Prisons Substance Misuse & Healthcare

RECOMMENDATIONS

Recommendation 1

There should be supervised activity order pilot schemes in more than one location, rolled out during 2012. Building on the lessons learnt, and the resources required, there should be legislation in 2013 so that supervised activity or distraint of income is a presumption in cases of fine default.

Recommendation 2

Statutory time limits between arrest and disposal should be implemented in stages over the next three years, beginning with cases in the youth court and moving on to magistrates' courts and finally crown court cases.

Recommendation 3

The Reducing Offending Review should develop proposals, including a statutory presumption, to ensure that effective community sentences are the preferred method of dealing with those who would otherwise get short custodial sentences, and that there is the necessary investment in community alternatives.

Recommendation 4

The Northern Ireland Prison Service should keep and publish more detailed routine data on the prison population, including those recalled, and those serving sentences of up to 6, 12 and 24 months.

Recommendation 5

The Maghaberry site should be reconfigured into three 'mini-prison' areas: for short-sentenced and remand prisoners and new committals; long- and life-sentenced prisoners; and category A and separated prisoners, with appropriate support, regimes and security for each. The square houses should be demolished when new accommodation is built.

Recommendation 6

A clear decision should be made on the role and future of Magilligan. Ideally, a new prison should be built in a more accessible location. Failing that, there should be a timed programme either to rebuild it for a new role or to refurbish existing accommodation.

Recommendation 7

Funding should be found, in partnership with probation and voluntary and community organisations, for halfway house and step-down accommodation to manage long-sentenced prisoners' return into the community and provide supported accommodation for those with mental health and substance use issues.

Recommendation 8

Efforts should be continued to see whether there is an effective and less intrusive method than full body-searching of ensuring that prisoners leaving and entering prison are not bringing in contraband.

Recommendation 9

The Prisoner Ombudsman should be invited to carry out random reviews of SPAR documentation, and her findings should be reflected in training for managers and staff.

Recommendation 10

Equality and diversity reports should be presented in a form that signals clearly where there are differential outcomes in relation to religion, race or ethnicity. They should be routinely examined in equality committees and if necessary action taken. Ethnicity and disability should be better recorded and monitored.

Recommendation 11

Records of interpretation usage should be kept in each prison, by department and unit or house and regularly interrogated by managers. Support groups for foreign nationals should be established, and issues raised actioned by managers.

Recommendation 12

The current governance structure for healthcare in prisons should be strengthened and clarified, in the context of links between criminal justice and healthcare more generally. This should include direct representation from health and social care at a senior level on the Prisons Board. It should also include clarifying and strengthening the governance

of healthcare delivery, through a permanent board linked to the commissioning structure and accountable for the implementation of an agreed strategy.

Recommendation 13

There should be a joint healthcare and criminal justice strategy, covering all health and social care trusts, with a joint board overseeing commissioning processes within and outside prisons, to ensure that services exist to support diversion from custody and continuity of care.

Recommendation 14

Data collection and monitoring should be improved, and health needs assessments carried out in each prison to frame and support individual improvement plans and assess performance and delivery.

Recommendation 15

The transfer of healthcare staff to the SE Trust should be expedited. In the meantime, clinical leadership and governance should be strengthened, so that nurses fulfil their professional obligations.

Recommendation 16

Clear pathways for primary healthcare and mental healthcare should be established and implemented as a matter of urgency, and the operation of the REACH and Donard units monitored.

Recommendation 17

Joint working between healthcare and other prison departments and services should be developed to support prisoner care and resettlement, and information-sharing protocols should be developed to enable this.

Recommendation 18

There should be a cycle of annual needs assessments, service monitoring and planning for substance misuse services, supported by effective data collection

Recommendation 19

There should be increased partnership working and integrated care amongst the three providers of substance misuse services (primary care, secondary care and AD:EPT), and with other departments and services in the prisons, supported by information-sharing protocols.

Recommendation 20

There should be a clinical audit specific to substance misuse, to ensure low dosage withdrawal-led substitute prescribing, beginning at committal, for all those dependent on opiates and consistent and safe prescribing for those who are benzodiazepine dependent.

Recommendation 21

In relation to both healthcare and substance use, there should be integrated discharge and care planning between prison and community services, in all health and social care trusts. This should be supported by information-sharing protocols, inreach and outreach links and transfer protocols, to ensure continuity of treatment and support after release.

Recommendation 22

A dedicated change management team should urgently be put in place, headed by an experienced change manager, to coordinate, prioritise, oversee and communicate the complex change process that is required, reporting regularly to a programme steering group headed by the Director General. In particular, this will require expert human resources input.

Recommendation 23

There should be oversight of the change process, by a high-level Ministerial group including external involvement from a non executive director of the Prisons Board and the Chief Inspector of Criminal Justice, with regular reports to the Justice Committee. The CJINI should be given additional resources to carry out independent monitoring of outcomes against our recommendations.

Recommendation 24

A new operating model for the staffing of prisons be agreed within the next six months. It should include more flexible and efficient working practices and staff deployment, as set out in our interim report (pp 47-49), a review of staffing numbers at all levels of the service, and the reform of dispute procedures.

Recommendation 25

The Strategic Efficiency and Effectiveness programme should be shared with other relevant government departments, particularly DFP, DHSSPS and DEL, who may have an interest in, or be affected by it, and integrated into their planning and implementation processes.

Recommendation 26

There should be a twin-track approach to refreshing and developing staff. There should be an early retirement scheme which allows a significant number of staff to leave and new staff to be recruited, alongside a training and development programme, externally delivered, for those who remain or join. This should include short courses and exchange programmes that can swiftly be delivered, alongside the development of longer training programmes to equip staff for the new roles envisaged.

Recommendation 27

There should be a new code of ethics and values, and new disciplinary and appraisal systems based on the code. In the interim, a professional standards unit should oversee all disciplinary matters.

Recommendation 28

The Northern Ireland Prison Service should develop its own awards scheme, with external assessors, to provide public recognition for innovative and positive work done within prisons.

Recommendation 29

Accurate data should be collected about prisoners' needs and risks in all three prisons, as a basis for planning and commissioning services.

Recommendation 30

Each prisoner should have a personalised custody or sentence plan, developed together with him or her, which reflects his or her own needs, strengths and risks. It should identify and engage all the other agencies and disciplines within and outside prison that are needed to support change.

Recommendation 31

The Northern Ireland Prison Service and the Probation Board for Northern Ireland should undertake joint work to plan and deliver integrated services, explore staff exchange and consider shared services.

Recommendation 32

The Northern Ireland Prison Service should create and recruit to a new post at Director level, focused on rehabilitation: bringing in expertise in working with other statutory, voluntary and community agencies and private sector employers, to structure and develop appropriate partnerships. This should focus on effective and professionally delivered education, work and skills training within prisons, linked to employment and educational opportunities and support in the community, as well as other soft skills necessary to support personal development and change.

Recommendation 33

The desistance strategy developed in NIPS must involve partnership with and support for families and community organisations to build social capital and prevent social exclusion, drawing upon and extending existing initiatives and experience.

Recommendation 34

There should be a cross-departmental safer society strategy, agreed by the Executive and overseen by the Assembly, to ensure that reducing offending is part of each department's strategy and budgeting, and which engages voluntary and community organisations in both planning and delivery.

Recommendation 35

The Inspire model should be adopted as the norm for dealing with women who offend. It should be centrally funded, but planned and delivered by a partnership of statutory, voluntary and community organisations.

Recommendation 36

A new small custodial facility for women should be built, staffed and run around a therapeutic model. It should be supported by an acute mental health facility and draw on a network of staff, services and support in the community.

Recommendation 37

A community-based pilot project should be set up for young adult offenders, on the model of the Inspire project, as a statutory, voluntary and community partnership offering an alternative approach and providing community support for young adult offenders.

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