



House of Commons  
Northern Ireland Affairs  
Committee

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# The Northern Ireland Prison Service

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First Report of Session 2007–08

*Volume I*

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in any form before  
00.01 hrs Wednesday 12 December 2007.**





House of Commons  
Northern Ireland Affairs  
Committee

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**The Northern Ireland  
Prison Service**

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**First Report of Session 2007–08**

*Volume I*

*Report, together with formal minutes*

*Ordered by The House of Commons  
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## The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

### Current membership

Sir Patrick Cormack MP (*Conservative, South Staffordshire*) (Chairman)  
Mr David Anderson MP (*Labour, Blaydon*)  
Mr Gregory Campbell MP (*Democratic Unionist Party, East Londonderry*)  
Rosie Cooper MP (*Labour, West Lancashire*)  
Mr Christopher Fraser MP (*Conservative, South West Norfolk*)  
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Mr Denis Murphy MP (*Labour, Wansbeck*)  
Mr Stephen Pound MP (*Labour, Ealing North*)  
Mr Sammy Wilson MP (*Democratic Unionist Party, East Antrim*)

John Battle MP (*Labour, Leeds West*) was a member of the Committee during this inquiry.

### Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at [www.parliament.uk/niacom](http://www.parliament.uk/niacom). A list of Reports of the Committee in the present Parliament is at the back of this volume.

### Committee staff

The current staff of the Committee are Steve Priestley (Clerk), Judy Goodall (Inquiry Manager), Duma Langton (Committee Assistant), Becky Crew (Secretary), Karen Watling (Secretary), Becky Jones (Media Officer) and Jim Lawford (Senior Office Clerk).

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## Conclusions and recommendations

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1. While the Comprehensive Spending Review may provide the financial resources for the Northern Ireland Prison Service's remedial measures, it does not provide sufficient capital resources for the substantial re-design of the prison estate that we believe is required. If criminal justice is to be devolved, we hope that capital investment in the prison estate will be a priority of the Northern Ireland Executive. If not, it will be for the Secretary of State to argue for an increase in funding for capital investment beyond the period of the CSR. (Paragraph 22)
2. We commend the Northern Ireland Prison Service for commissioning the security reclassification exercise, as we believe it will provide a realistic basis for the future planning of the prison estate. We are convinced that any reconfiguration of the prison estate must incorporate sufficient flexibility to cope with a changing population, but must reflect need. We agree with Criminal Justice Inspection Northern Ireland that the security reclassification must be implemented at the earliest possible date. (Paragraph 28)
3. We were astounded to learn that fine defaulters comprised approximately 59% of all receptions of sentenced prisoners in Northern Ireland compared to 2.2% of receptions of sentenced prisoners in England and Wales.. The Minister told us that "it is quite preposterous that so many fine defaulters occupy places in the Northern Ireland prison system". We conclude that the imprisonment of fine defaulters represents a disproportionate demand on the scarce resources of the Northern Ireland Prison Service. The proposal for the Supervised Activity Order in the draft Criminal Justice (Northern Ireland) Order 2007 makes a good start with regard to this issue but we agree with the Minister that there is still scope for further action. Meanwhile, we recommend that steps be taken immediately to prevent exploitation by short-sentenced fine defaulters of the system for their admission and discharge. (Paragraph 37)
4. We conclude that the very high proportion of remand prisoners (higher than anywhere else in the UK) represents an additional unjustifiable burden on the Northern Ireland Prison Service. We recommend that the Government investigate why the criminal justice process is so slow in Northern Ireland and identify ways of eliminating delay. (Paragraph 39)
5. We further conclude that if the Northern Ireland Prison Service did not have to deal with a disproportionately high number of remand prisoners and with fine defaulters, its burden would be significantly lighter. Given the potentially significant additional burden that will be imposed on the Northern Ireland Prison Service by the introduction of indeterminate and extended public protection sentences, we recommend that removing these needless burdens be a matter of high priority. (Paragraph 40)
6. We conclude that the Northern Ireland Prison Service's estate strategy has to be demand-led, determined by projections of future prison population and the security categorisation of that population. It must also build in the flexibility where possible

to 'future proof' its investment in the prison infrastructure. The proposed security reclassification is expected to have a very significant impact on the categorisation of the prison population. This must underpin the estate strategy. (Paragraph 58)

7. We conclude that the existing prison buildings at Magilligan are inadequate and that they need to be replaced as a matter of priority. To retain the good work that is being done at the prison, particularly in the area of resettlement, we recommend that extensive prison facilities are rebuilt on the Magilligan site. (Paragraph 59)
8. We recommend that it should be a priority of the estate strategy that some of the pressure is taken off HMP Maghaberry, which experts have told us is one of the most complex and challenging prisons in the United Kingdom. Whilst there is a case for an additional (fourth) prison, close enough to Belfast and the courts to house more remand prisoners and to relieve some of the pressure on Maghaberry, we do not believe that such a prison should be a substitute for a facility at Magilligan. (Paragraph 61)
9. In view of the evidence given to us from the Life Sentence Review Commissioners, we recommend that there should be adequate facilities for life and other long-sentenced prisoners in Northern Ireland. These should provide opportunities for the constructive testing of such prisoners at progressively reduced levels of security prior to their release. Given the recent court decisions concerning the provision of treatment programmes for indeterminate sentence prisoners in England and Wales, and the planned introduction of indeterminate custodial sentences in Northern Ireland, there must also be adequate provision of appropriate offender management programmes for such prisoners. (Paragraph 62)
10. We conclude that the development of such basic self management skills forms an important basis for effective resettlement. We do not believe that prisoners should ever be subject to any overly restrictive regime unless it can be justified on security grounds. The limitations of the current women's regime at Hydebank Wood, which largely occur because of the shared site, have a negative impact on the women's resettlement. (Paragraph 69)
11. Prisoners in Northern Ireland deserve the best possible opportunities to rejoin society on their release as self-sufficient members of the community, and preparation for employment is a key aspect of that process. We recommend that the prison service provides a wider range of vocational training, appropriate to the needs of women prisoners. (Paragraph 72)
12. Whilst we accept that these important issues at Hydebank Wood are recognised by the prison service, we believe that it is of paramount importance that urgent attention be given to addressing the issues of the shared visits room, and, even more, the health care centre by seeking to ensure that whenever possible they are not used at the same time by women prisoners and male young offenders. We accept that prison staff have made every effort to make the best of less than ideal accommodation, and have responded well to specific difficulties. However, further investment in short term solutions is not an adequate response to a situation which cannot be allowed to continue indefinitely. (Paragraph 76)



13. We commend the prison service, particularly the staff at Hydebank Wood, for their efforts to provide a dignified, constructive and therapeutic regime for women prisoners in the face of repeated criticisms. We conclude that these efforts can only have limited results as long as the women continue to share a site with young offenders, although we accept that the land owned by the prison service at Hydebank Wood site is large enough for separate facilities to be provided there. (Paragraph 78)
14. We are convinced that there is a pressing need for a self contained women's prison facility in Northern Ireland. Some witnesses have suggested that it might be possible to do this at or adjacent to the Hydebank Wood estate. We are disappointed that the prison service did not include the women's needs in its prison estate options appraisal or appear to give serious consideration to this possibility. We regard this as a missed opportunity. However we are encouraged by Mr Goggins' statement that he has asked for a women's strategy and plans for a women's facility to be developed during 2008. We recommend that the Minister ensure that the development of plans and costings for a discrete women's facility, and a timetable for implementing the plans, are treated as a high priority. (Paragraph 81)
15. The Committee has seen or heard nothing to lead it to conclude that the human rights of any prisoner are being infringed but nevertheless feels that the comments of Mr O'Neill and of Ms Owers must be borne carefully in mind. (Paragraph 96)
16. Given the history of the Maze prison, where paramilitary groups took control of their wings from the prison authorities, and given the more recent evidence of threats to prison officers, we recognise that a degree of controlled movement on the separated wings is necessary. However, we also acknowledge with regret that the maintenance of this regime has inevitably had a negative impact on the educational and recreational opportunities available to some of these prisoners as well as the wider prisoner community. It is an issue which must be kept under constant review. (Paragraph 99)
17. In his evidence to the Committee on 21 November, the Minister acknowledged that it would be desirable to see separation phased out as the political situation improved but he was quite clear that he did not envisage an early end to separation. We believe that ending separation should be a high priority for those responsible for criminal justice after devolution and we would welcome an early debate on this issue among Northern Ireland's political representatives. (Paragraph 103)
18. We note that there are areas of prison healthcare which require improvement. We are concerned about the delays in effecting the transfer of responsibility for prison healthcare to the health service. We believe this delay could create staffing difficulties and confusion over lines of responsibility. We welcome the transfer and urge the Government and the Northern Ireland Assembly to ensure that it is completed in the very near future. (Paragraph 110)
19. Whilst we completely accept that the safety of the law abiding population must be of paramount concern, we note that the large number of prisoners with personality disorders in Northern Ireland prisons presents a challenge for the prison service, in terms of developing a regime to manage their behaviour, providing appropriate care

and reducing the risks they pose before and after release. We recommend that the Government give serious consideration to the arguments for amending the legislation in order to consider whether the best interests of such individuals would be served by bringing them within the scope of the Mental Health (Northern Ireland) Order 1986. Whatever the legislation, there is a pressing need for more facilities to be provided for the support of those with personality disorders. We commend the opening of the Reach Unit in HMP Maghaberry as a good start, but recognise that this must now be further developed. We support the proposal from the Probation Board and the Prison Service to provide a hostel to aid the resettlement of prisoners with personality disorders. (Paragraph 125)

20. We conclude that the lack of a high security hospital facility in Northern Ireland places a strain on the prison service. The need for remand prisoners, including those who are suffering from serious mental illness, to remain within Northern Ireland means that the prison service has no option but to accommodate such prisoners even though it is not equipped to provide appropriate care. We recommend that the prison service and the health service jointly discuss with the Scottish Executive and the government of the Republic of Ireland the possibilities of sharing secure hospital facilities. Before coming to a conclusion, it should also consider the provision of a small facility either at HMP Maghaberry or at Hydebank Wood, which is adjacent to the Knockbracken Healthcare Park. (Paragraph 128)
21. We commend the examples of good resettlement practice we saw in all of the prison establishments we visited. We conclude that what is needed now is a more strategic approach towards matching education, work and training provision with prisoners' needs, more focus on providing skills which will enable prisoners to secure employment and a programme of evaluation to assess which programmes are most effective. We support the Chief Inspector's recommendation that a personal officer scheme, or its equivalent, is introduced as a matter of priority, so as to ensure a better strategic match between resettlement activities and each prisoner's needs, and to encourage prisoners to remain committed to their individual resettlement plan. (Paragraph 145)
22. We strongly recommend that the Northern Ireland Prison Service continues with its drive to introduce a culture which encourages prison officers to engage with prisoners to a greater extent and to view their role as one of facilitating resettlement, rather than solely enforcing security. (Paragraph 149)
23. We do not believe that the Northern Ireland Prison Service has a sufficiently clear strategy on the integration of vulnerable prisoners. There is no clear statement as to what the policy is on integration of vulnerable prisoners and we recommend that one is made by the prison service. We conclude that there is a marked difference between the Northern Ireland Prison Service approach and those of the prison services in the Republic of Ireland, Scotland and England and Wales. We recommend that the Northern Ireland Prison Service reviews its policy and practices relating to vulnerable prisoners in order to ensure that they provide effective protection from bullying and victimisation. (Paragraph 153)

24. We conclude that the inspection arrangements of Northern Ireland prisons are operating satisfactorily and are pleased to note that Criminal Justice Inspection Northern Ireland has established effective working relationships with the Northern Ireland Prison Service and with other inspection agencies. (Paragraph 160)
25. We are pleased to note that the Prisoner Ombudsman's Office has become well established in Northern Ireland and that it has developed good working relationships with the prison service and with each prison establishment. We believe that, at a suitable opportunity, the role of the Office should be placed on a statutory footing. We are glad that arrangements are now underway to do so via amendments to the Criminal Justice and Immigration Bill. We support the proposal from PBNI that there should be a pilot period of a year or so during which the Ombudsman deals with probation complaints, and recommend that this pilot should lead to the development of longer term arrangements for handling of probation complaints. We call on the Northern Ireland Prison Service and DHSSPS to ensure that future arrangements for handling prisoner complaints about healthcare are carefully defined and clearly communicated to prisoners. (Paragraph 164)
26. We commend the work of the Independent Monitoring Boards and acknowledge gratefully the contribution made by those who offer their time on a voluntary basis. We support the IMBs' request to promote their role and underline their independence from the Prisoner Ombudsman's Office. We recommend that the development of a protocol on working arrangements between the two bodies is treated as a priority. (Paragraph 168)
27. We commend the work that the Northern Ireland Prison Service is doing to improve the efficiency of the prison estate and to reduce the cost per prisoner place. The implementation of efficiency measures has not been easy for either management or prison staff. (Paragraph 185)
28. However, we also conclude that the prison service is hampered by the innate inefficiency of its buildings. In particular the inappropriate use of high security accommodation at Maghaberry for low security prisoners, and the separated regime for some paramilitary prisoners, increase costs. We are accordingly convinced that capital investment is required to make the Northern Ireland Prison Service a truly first class prison service and to release greater long-term efficiency savings. (Paragraph 186)
29. The running costs of a prison estate in which low security prisoners were kept in low security accommodation would be much lower than the current running costs. We recommend that, rather than exclusively focussing on the worthy discipline of cost per prisoner place, the Northern Ireland Prison Service estimate the cost of providing the additional infrastructure that we recommend in Chapter 2, and that it estimate the efficiency savings that would accrue. We suggest that it would then be well placed to put the case for additional capital investment being made outside the Comprehensive Spending Review envelope. We believe that such investment would lead to substantial savings in the long run. (Paragraph 187)

30. We question whether it is appropriate to continue to set a target of reducing the cost per prisoner place. Our predecessor Committee recommended in 2004 that this target be abandoned for the foreseeable future and we are disappointed that this recommendation was not accepted. At that time, the Government undertook to “seek the most useful way to present the extra costs of separation” and, at the very least, we believe that the figure used for measuring the cost per prisoner place should be one which excludes the costs of running the separated regime. (Paragraph 188)
31. The Northern Ireland Prison Service accommodates a disproportionate number of remand prisoners. We recommend that the same political priority be placed on speeding up the process of bringing cases to trial as currently exists with regard to reducing the cost per prisoner place. (Paragraph 189)

# 1 Introduction

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1. We start from the premise that prisoners are sent to prison as punishment for crimes that they have committed and for which they have been duly convicted in the courts. We believe that it is the job of a prison service to do all in its power to hold safely and securely, prisoners who have been committed to its care, but also in a way that supports their rehabilitation as useful members of society, and equips them to live constructive and law-abiding lives on their release.

2. The Northern Ireland Prison Service is an executive agency of the Northern Ireland Office, with three operational establishments. HMP Maghaberry is a high security prison for sentenced and remand male prisoners, with separated facilities for some loyalist and some republican paramilitary prisoners. HMP Magilligan is a medium security prison for adult men, and HMP and YOC Hydebank Wood is both the only prison for female offenders in Northern Ireland and a medium to low security young offenders centre and prison for male remand prisoners and sentenced young offenders.

3. With only around 1500 prisoners, the Northern Ireland Prison Service is a very small prison service. Within an existing estate of only three prisons, it has to cater for all security categories of prisoners, sentenced and remand, male and female with the added complication of a separated regime for certain paramilitary prisoners in HMP Maghaberry.

4. The Committee decided on 14 March 2007 to undertake an inquiry into the Northern Ireland Prison Service, specifically to examine

the operation of the Northern Ireland Prison Service, in particular to examine whether the existing prison estate is adequate and appropriate for the secure accommodation of Northern Ireland's prisoners, and whether the Prison Service appropriately meets the health and education and training needs of prisoners.

In undertaking this inquiry, we have not set out to duplicate the more detailed work of the Inspectors or of the Prisoner Ombudsman, but rather to take a broader strategic view which we hope will enable the prison service to move forward constructively, in anticipation of the future transfer of responsibility for criminal justice to the Northern Ireland Assembly.

5. During the course of the inquiry, the Committee took formal evidence from Paul Goggins, MP, Minister of State at the Northern Ireland Office with responsibility for prisons, Mr Robin Masefield, Director of the Northern Ireland Prison Service, Ms Anne Owers, HM Chief Inspector of Prisons (HMIP), Mr Kit Chivers, Chief Inspector of Criminal Justice Inspection Northern Ireland (CJINI), the Prison Governors' Association, Mr Brian Coulter, the Prisoner Ombudsman for Northern Ireland, the Prison Officers' Association, the Northern Ireland Probation Board, the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), the Life Sentence Review Commissioners,<sup>1</sup> the Chairmen of the three Independent Monitoring Boards, the Northern

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<sup>1</sup> The Life Sentence Review Commissioners will be renamed the Parole Commissioners for Northern Ireland by the Criminal Justice (Northern Ireland) Order 2007

Ireland Human Rights Commission and Baroness Corston, author of a Review of Women with particular vulnerabilities in the criminal justice system of England and Wales.<sup>2</sup>

6. In connection with our scrutiny of health provision for prisoners, we took evidence in Belfast from Dr Philip McClements, the Northern Ireland Prison Service Associate Director for Healthcare, Professor Roy McClelland, Emeritus Professor of Mental Health, Queen's University Belfast and chairman of the Bamford Review of mental health in Northern Ireland, and Dr Ian Bownes, a consultant forensic psychiatrist.

7. We met the Northern Ireland Assembly Committee for Health, Social Services and Public Safety in Parliament Buildings in Stormont to discuss the process of the transfer of responsibility for prison healthcare from the Northern Ireland Prison Service to the Department for Health, Social Services and Public Safety. We discuss this issue in Chapter 5. We are grateful to Iris Robinson MLA MP, Chairman of the Assembly Committee and her colleagues for welcoming us to Parliament Buildings.

8. During our inquiry, the Committee visited each of the establishments in the Northern Ireland Prison Service, meeting prisoners and staff in April 2007 at the Prisoner Assessment Unit in Crumlin Road,<sup>3</sup> Belfast before visiting HMP Magilligan and the accommodation for women prisoners at Ash House in HMP Hydebank Wood. The Committee visited HMP Maghaberry and the accommodation for male young offenders at YOC Hydebank Wood in July 2007. The Committee also visited the Dochas Centre for women prisoners and Wheatfield Prison in the Republic of Ireland and HMP Belmarsh in London to compare practices and operations with the Northern Ireland Prison Service. We are grateful to the Governors of each of the prisons that we visited in Northern Ireland, England and the Republic of Ireland for welcoming the Committee to their establishments.

9. We give credit to all those volunteers who work within the prison service and offer our warmest thanks to them for their immense contribution.

10. The Committee is grateful to all of those who have assisted us in our inquiry and to Professor Sir Anthony Bottoms, of the Universities of Cambridge and Sheffield who has acted as an adviser to the Committee throughout.

11. As Northern Ireland continues the process of normalisation after the years of the Troubles, and the Northern Ireland Assembly considers whether the Assembly and Executive are ready to take on functions in policing and criminal justice currently reserved to the Northern Ireland Office, we believe there is a historic opportunity for the prison service to design an up to date prison estate. Such a design would keep prisoners securely within its institutions but also help to develop them as individuals who are ready, where appropriate, to return to society and lead valuable and worthwhile lives.

12. Mr Finlay Spratt, Branch Chairman of the Prison Officers Association (Northern Ireland), in giving evidence to the Committee, asserted that over the years of the Troubles, prison staff were the "forgotten members of the security services". He pointed out that a

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2 *The Corston Report. A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system.* Home Office. March 2006.

3 Which is formally part of the establishment of HMP Maghaberry although located away from the site.

total of 29 prison staff were murdered by paramilitaries during this period and we acknowledge their sacrifice with gratitude. The prison service and its staff are now moving from the security dominated approach that was necessary during the Troubles, although constant vigilance on security issues is still necessary. Northern Ireland has an expensive prison service, with a cost per prisoner place considerably in excess of rates in the rest of the United Kingdom. This cost is, to a large degree, a legacy of the Troubles but it also reflects the costs which are an inevitable feature of a small and over-stretched estate. If the prison service is to achieve efficiency savings, we are convinced that significant capital investment is required.

## 2 The Prison Estate

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### Adequacy of the existing prison estate

13. The Northern Ireland prison population on 26 November 2007 was 1467.<sup>4</sup> At approximately 84 per 100,000 population, Northern Ireland has a much lower proportion of its population in prison than either England and Wales (148 prisoners per 100,000 population) or Scotland (139 prisoners per 100,000 population).<sup>5</sup> Northern Ireland prisoners are accommodated within three establishments with a total official capacity of 1503.<sup>6</sup> The overall annual average prisoner population increased by 10% from 1301 in 2005 to an average of 1433 in 2006. Since the beginning of 2001, the prisoner population has risen by over 70%; the prison service is planning for a further increase in its population of as much as 50% over the next 10-15 years.<sup>7</sup> The prison service is already facing a degree of overcrowding and significant doubling of prisoners (where cells designed for one person are occupied by two) at HMP Maghaberry.<sup>8</sup>

14. Two new Ready to Use (RTU) accommodation blocks, providing 60 cells each, are being developed for use at Magilligan and Maghaberry. They are due to be operational from mid-2008. The RTUs will provide the necessary cover for the construction of more permanent accommodation providing for the enlarged prison population. A pre-fabricated unit with capacity for 50 prisoners is also ready for use at Magilligan.

15. We observed the poor quality of the buildings at HMP Magilligan during our April visit. Prisoners there are mainly housed in H-block design accommodation erected in the 1970s as short-term accommodation; many of the facilities, including the workshops and health centre are in temporary structures built as long ago as 1940.<sup>9</sup> The Chairman of the Independent Monitoring Board at Magilligan commented that the buildings at Magilligan

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4 944 sentenced prisoners, 520 remand and 3 immigration detainees. This includes 28 sentenced women prisoners and 18 women remand prisoners.

5 Ev 188

6 The Northern Ireland Prison Service website identifies the official capacity of each prison as follows: HMP Maghaberry 745; HMP Magilligan 452; HMP and YOC Hydebank Wood 306.

7 Q 634

8 Ev 128

9 Ev 130

were well-maintained for what they were, but were overall of poor quality. We concur. The accommodation in the H-block design buildings lacked in-cell sanitation, but it was argued that installing such facilities would be “throwing good money away”, as what was required was a rebuilding of the prison.<sup>10</sup> The Northern Ireland Human Rights Commission agreed that the buildings at Magilligan were clearly inadequate, and criticised the lack of in-cell sanitation and the single buzzer system for both emergency calls and night-time lavatory requests as falling below the required human rights standards.<sup>11</sup>

16. The Chairman of the Independent Monitoring Board at HMP Maghaberry noted the inadequacy of the kitchens at the prison; a prison built to serve 450 prisoners was serving over 800 and was not fully functional.<sup>12</sup> Mr Brian Coulter, the Prisoner Ombudsman for Northern Ireland, told us he had received complaints from prisoners about the inadequate kitchen provision at HMP Maghaberry.<sup>13</sup> We understand that plans were developed to replace these kitchens.<sup>14</sup>

17. We did observe that the two newest blocks at HMP Maghaberry, Bush and Roe Houses, are of a recognisably higher standard than the rest of the Maghaberry accommodation. The unsatisfactory nature of the rest of the Maghaberry accommodation derives in large measure from its design (as is also the case at Magilligan). Better designs allow clear lines of sight that do not leave prison officers isolated. This is a point that was stressed in evidence by representatives of the Prison Governors’ Association who noted the implications for the cost effectiveness of the estate. The H-block design at Magilligan, and indeed the design of most of the accommodation at Maghaberry requires additional prison officers on duty. In contrast, the designs of Bush and Roe Houses, similar in design to the “radial spur” of a Victorian prison, were commended.<sup>15</sup> When we visited Belmarsh, the Governors there told us that the prison design worked well and enabled them to use prison officer time most efficiently.

18. Mr Spratt, speaking on behalf of the Prison Officers’ Association, strongly agreed that the H-block design accommodation was very staff intensive because “there are so many different hiding areas”, and he hoped that the design of the new RTU units at Maghaberry and Magilligan would address this problem.<sup>16</sup> He believed that the staffing levels in the RTUs would be reduced, as they were of a more open design.<sup>17</sup> Mr Spratt expressed appreciation that prison service management had consulted staff on the design of the RTUs. As a result he believed that the design would prove to be more successful.<sup>18</sup>

19. A number of witnesses spoke of the inadequacy of the existing prison estate, arguing that it needed substantial capital investment. Ms Anne Owers, HM Chief Inspector of

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10 Q 428

11 Q 523

12 Qq 436, 438

13 Q 165

14 Q 437 Mr McAllister advised us that the expected completion date was October 2007.

15 Q 76

16 Q 196

17 Q 201

18 Q 201



Prisons, believed that the Northern Ireland Prison Service faced a dilemma as to whether it should “do a bit of tidying up around the edges”, make the best of “unsatisfactory accommodation” and “put in a few more temporary units”, or whether what was actually required was “significant capital investment with more of a root and branch approach to getting rid of some of the extremely unsatisfactory accommodation”.<sup>19</sup>

20. The Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) argued that over a period of 30 years, almost all of the capital investment in the Northern Ireland Prison Service was put into Belfast Prison and the Maze Prison and was focussed on maintaining security.<sup>20</sup> Both of these prisons were now closed, and there was an urgent need to invest in a prison estate that was fit for the demands now placed on it.<sup>21</sup> Notwithstanding its high cost per prisoner place, the Northern Ireland Prison Service had faced costs in the transition from holding a large number of terrorist prisoners and politically-motivated prisoners, and it had a strong case for capital investment.<sup>22</sup>

21. Rt Hon Shaun Woodward MP, Secretary of State for Northern Ireland, welcomed the announcement in the Comprehensive Spending Review of £1.2 billion a year for the Northern Ireland Office over the next three years, saying “This settlement means [...] that we can move ahead with important new prison accommodation [...]. This settlement puts the [...] criminal justice system on a sustainable footing for the years ahead. This should be reassuring to the Executive as it continues its preparations for the devolution of justice and policing.”<sup>23</sup>

**22. While the Comprehensive Spending Review may provide the financial resources for the Northern Ireland Prison Service’s remedial measures, it does not provide sufficient capital resources for the substantial re-design of the prison estate that we believe is required. If criminal justice is to be devolved, we hope that capital investment in the prison estate will be a priority of the Northern Ireland Executive. If not, it will be for the Secretary of State to argue for an increase in funding for capital investment beyond the period of the CSR.**

23. The Life Sentence Review Commissioners were concerned about the adequacy of the facilities for assessing the risk to the community posed by life sentenced prisoners as they approached the end of their tariff, noting that the Prisoner Assessment Unit was located in the “former staff locker room of Belfast Prison”.<sup>24</sup> The prison estate did not allow for a “phased approach to testing prisoners under conditions other than in secure accommodation” or in the PAU as there was no open prison in Northern Ireland.<sup>25</sup> However, we were impressed on our visit to the Prisoner Assessment Unit by the work that was being done to prepare prisoners for eventual release into the community, whilst observing the shortcomings of the old and shabby buildings. In the Committee’s view, it is

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19 Q 6

20 Q 293

21 Q 293

22 Q 294

23 Northern Ireland Office press notice 9 October 2007

24 Ev 169

25 Ev 169

essential that the Prisoner Assessment Unit is replaced with purpose-built accommodation at the earliest practicable opportunity.

24. The Northern Ireland Probation Board emphasised the huge demands placed on HMP Maghaberry by the fact that low security prisoners are kept in a high security establishment.<sup>26</sup> Keeping low security prisoners, including fine defaulters, in a high security prison has an impact not only on the regimes provided for those prisoners but also for the allocation of prison service resources. It is more staff intensive, and therefore more expensive, to operate a high security regime where movement is more strictly controlled around the prison estate and prisoners are escorted in lower prisoner to staff ratios than in a lower security regime. The separation of some paramilitary prisoners, which we discuss in detail at Chapter 4, also adds to the complexity of the regime at Maghaberry.<sup>27</sup>

25. Catering for different categories of prisoners in one prison is a cause of inefficiency at Maghaberry. Ms Anne Owers argued that operating “prisons within prisons, to have quite separate zoned arrangements for different categories of prisoners” was a more effective approach than subjecting every prisoner to the security classification of the “most risky” individuals.<sup>28</sup> The Chairman of the Independent Monitoring Board at HMP Maghaberry noted that “high security is the umbrella security across the whole prison [...] right down to the area of fine defaulters”.<sup>29</sup> This had negative implications for the cost per prisoner place and the regime that was operated for the low security prisoners.

26. The prison service has been developing a new approach for identifying prisoners’ security classification to ensure that prisoners are managed at the lowest appropriate security level.<sup>30</sup> The new classification system was due to be implemented in 2007 but this has been delayed. Ms Anne Owers noted the need to make progress with the security reclassification in order to provide clear information about the requirements of the prison estate.<sup>31</sup>

27. Criminal Justice Inspection Northern Ireland indicated that the reclassification envisaged a very significant reassessment of the security categorisation of the prison population.<sup>32</sup> The existing system classified the October 2005 population as 11% high risk, 82% medium risk, and 7% low risk. The trialled reclassification model categorised 9% of the prison population as high risk, 34% as medium risk and 57% as low risk. The prison service has reported that it “must determine the future configuration of its estate” before the re-classification review can be implemented.<sup>33</sup> However, Mr Masfield informed the Committee that the prison service had decided to alter the existing threefold classification system (High, Medium and Low) to a fourfold (A,B,C,D) system as in England and Wales.

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26 Q 268

27 Q 268

28 Q 7

29 Q 423

30 Ev 149

31 Q 7

32 Criminal Justice Inspection Northern Ireland, *An Inspection of the Northern Ireland Prisoner Resettlement Strategy*, June 2007, paragraphs 5.8 – 5.10

33 *Ibid.* paragraph 5.12

He added that “one of the things we will work through in the near future is really identifying the prison population, just the numbers which fall into A, B, C and D, and that will give a better platform for us from which to plan for the future”.<sup>34</sup>

**28. We commend the Northern Ireland Prison Service for commissioning the security reclassification exercise, as we believe it will provide a realistic basis for the future planning of the prison estate. We are convinced that any reconfiguration of the prison estate must incorporate sufficient flexibility to cope with a changing population, but must reflect need. We agree with Criminal Justice Inspection Northern Ireland that the security reclassification must be implemented at the earliest possible date.**

## Sentencing and the courts

29. In anticipating an increase in the prison population and planning for its adequate accommodation, the Northern Ireland Prison Service must take account of wider policy developments which may have implications for the numbers of people sentenced to prison. In December 2006, the then Criminal Justice Minister at the Northern Ireland Office, David Hanson MP, announced his intention to bring forward proposals to reform the sentencing framework in Northern Ireland.<sup>35</sup> The draft Criminal Justice (Northern Ireland) Order was laid before Parliament in November 2007. The proposals include a number of options to increase the use of non-custodial disposals, to establish a new form of standard determinate sentence (incorporating custodial and community supervision components) and also propose the end of automatic 50% remission for offenders in Northern Ireland.

30. The proposals would also introduce a new indeterminate custodial sentence (ICS), modelled on the indeterminate “imprisonment for public protection” (IPP) sentences applicable in England and Wales under the Criminal Justice Act 2003. These sentences would be given to offenders who commit specified serious violent or sexual offences, where the court judges there to be a significant risk of the offender causing future “serious harm” to members of the public, and where an extended custodial sentence (ECS) is considered inadequate for public protection. The ICS would be available for offences with a maximum penalty of 10 years imprisonment or longer, and the offender would be released on licence at the discretion of a parole board. Additionally, an ECS, which would be a determinate sentence, would be available for a wider range of offences, but again only where the court judges that there is a significant risk of serious harm. In the ECS, the offender would be eligible for release after serving half of his custodial sentence but could only be released before completing the custodial sentence at the discretion of a parole board.

31. There is some debate about the net overall effect of the proposed sentencing reforms on the prison population. The Life Sentence Review Commissioners believed that the proposed public protection sentences would have a significant effect on prison numbers in Northern Ireland, increasing numbers by an estimated 12.5-15%.<sup>36</sup> Ideally, prisoners subject to an indeterminate sentence would be subject to testing in the environment of an

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34 Q 631

35 Ev 137

36 Qq 333, 343

open prison; the introduction of the indeterminate custodial sentence would increase the demand for such a facility.<sup>37</sup>

32. NIACRO believed that a very significant number of women and a smaller but still significant proportion of male prisoners could be adequately punished without custodial sentences.<sup>38</sup> The proposed sentencing reforms would increase the range of non-custodial disposals available to the courts in Northern Ireland, including provision for electronic tagging; conditional early release (making determinate sentence prisoners with the exception of sex offenders and those sentenced to extended sentences eligible for early release on curfew); making curfew an element of bail, licence conditions and community sentences; provision for drug treatment and testing orders as an alternative to custody for some offenders whose drug addiction is the cause of their offending; and a non-custodial sentence for fine-defaulters. NIACRO also argued that part of the pressure on YOC Hydebank Wood would be relieved if a firmer line were maintained that offenders under the age of 18 should be accommodated at the Juvenile Justice Centre in Bangor and not at the Young Offenders Centre.<sup>39</sup> We note that the new purpose built Woodlands Juvenile Justice Centre was officially opened in November and will provide accommodation for up to 48 young people between the ages of 15 and 16 years.<sup>40</sup>

33. The Minister told us that he estimated that there would be a net increase in the prison population as a result of the proposed new measures:

Our calculation is that if you look 15 years hence, because we are dealing with more serious offenders for longer, we estimate that that will mean an additional 120 prison places; but we also estimate that low-risk offenders, who will subsequently get community sentences, will take 60 away from that; so there would be a net increase, because of the new sentencing framework, of around 60 places.<sup>41</sup>

34. The sentencing proposals also provide for the introduction of a new non-custodial sentence for fine defaulters. Between 2-3% of prisoners accommodated by the Northern Ireland Prison Service are imprisoned for fine defaulting and the average time in custody for fine defaulters imprisoned in Northern Ireland in 2006 was six days.<sup>42</sup> The Northern Ireland Prison Service expressed concern that fine defaulters take up a disproportionate amount of the time and resources of prison staff in receptions, discharges, prisoner supervision and administration, including medical checks and interviews with Governors.<sup>43</sup> The Criminal Justice Board (CJB) commissioned a working group on fine defaulting which submitted its report in June this year. Following the report, the CJB has commissioned a pilot exercise for six months to ascertain the effectiveness of a Fine Enforcement Officer pursuing unpaid fines before the issue of warrants.<sup>44</sup>

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37 Q 342

38 Q 296

39 Q 318

40 Northern Ireland Office press notice 5 November 2007

41 Q 679

42 Ev 141

43 Ev 141

44 Ev 142

35. The Northern Ireland Human Rights Commission argued that the imprisonment of fine defaulters is in contravention of international human rights standards which demand that prisoners should “not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order”.<sup>45</sup> We were very pleased to learn that Part Two, Chapter Five of the draft Criminal Justice Order would create a Supervised Activity Order as an alternative to committal to prison for fine default. Such orders could be imposed for a minimum of 10 hours and a maximum of 100 of community activities. We also note that the Minister is considering a power to deduct from earnings and benefit.<sup>46</sup>

36. We were told by prisoners on our visits to Northern Ireland prisons that some fine defaulters preferred a short stay in prison as it wiped out their financial liabilities. We were further told that the system was open to abuse by those who knew how to minimise their actual prison sentence; an individual sentenced to three days imprisonment knew to present themselves to a police station after 2 p.m. on a Wednesday as they would then be released early on the Friday.

**37. We were astounded to learn that fine defaulters comprised approximately 59% of all receptions of sentenced prisoners in Northern Ireland compared to 2.2% of receptions of sentenced prisoners in England and Wales.<sup>47</sup> The Minister told us that “it is quite preposterous that so many fine defaulters occupy places in the Northern Ireland prison system”.<sup>48</sup> We conclude that the imprisonment of fine defaulters represents a disproportionate demand on the scarce resources of the Northern Ireland Prison Service. The proposal for the Supervised Activity Order in the draft Criminal Justice (Northern Ireland) Order 2007 makes a good start with regard to this issue but we agree with the Minister that there is still scope for further action. Meanwhile, we recommend that steps be taken immediately to prevent exploitation by short-sentenced fine defaulters of the system for their admission and discharge.**

38. The Northern Ireland Prison Service accommodates a much higher percentage of remand prisoners than the England and Wales service. In 2006, 37% of the Northern Ireland prison population was remand prisoners whereas the equivalent figure for England and Wales at March 2007 was 15%.<sup>49</sup> The number of remand receptions in Northern Ireland prisons rose from 1,922 in 2001 to 3,193 in 2006<sup>50</sup> and the 2006 figure represented a 15% increase on the number of remand receptions in 2005 (2,776). The Probation Board for Northern Ireland told us that the recent growth in the Northern Ireland prison population is mainly attributable to the growth in remands, rather than in numbers of sentenced prisoners, and pointed out that crime rates in Northern Ireland had fallen by 14% since 2002/03.<sup>51</sup> The Chairman of the Independent Monitoring Board for HMP Maghaberry noted that all education, workshops and other resettlement facilities were

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45 Ev 177; UN Standard Minimum Rules for the Treatment of Prisoners, Rule 94.

46 Q 680

47 Offender Management Caseload Statistics 2005, Table 7.1 p71 (Home Office Statistical Bulletin 18/2006) and Northern Ireland Prison Service, *Annual Report and Accounts 2006-07*, HC 863, Appendix 3 p29.

48 Q 680

49 HMIP Annual Report 2006-07 p14

50 The Northern Ireland Prison Population in 2006, Northern Ireland Office Research and Statistical Bulletin 4/2007.

51 Ev 189

geared towards sentenced prisoners and there was little that could be done for remand prisoners in this respect.<sup>52</sup> The Minister explained to us that in his view the number on remand was so high because the criminal justice process took too long and the length of stay for remand prisoners was therefore longer than it should be. The real answer was to speed it up, for example by encouraging greater co-operation between the Prosecution Service and the Police Service of Northern Ireland.<sup>53</sup> The Minister also said that he would introduce bail with electronic tagging and that this measure, which is included in the draft Order, would reduce remands.

**39. We conclude that the very high proportion of remand prisoners (higher than anywhere else in the UK) represents an additional unjustifiable burden on the Northern Ireland Prison Service. We recommend that the Government investigate why the criminal justice process is so slow in Northern Ireland and identify ways of eliminating delay.**

**40. We further conclude that if the Northern Ireland Prison Service did not have to deal with a disproportionately high number of remand prisoners and with fine defaulters, its burden would be significantly lighter. Given the potentially significant additional burden that will be imposed on the Northern Ireland Prison Service by the introduction of indeterminate and extended public protection sentences, we recommend that removing these needless burdens be a matter of high priority.**

## Estate strategy

41. The Northern Ireland Prison Service is developing a comprehensive strategy in order to make the Service more efficient and better able to meet current and future demands. This includes plans to develop the prison estate to bring accommodation and prisoner facilities up to date, and to ensure that there is sufficient accommodation to meet the needs of the projected prisoner population for the next ten to fifteen years. We trust that the estimate on which accommodation needs have been calculated is sufficiently realistic to ensure that prison facilities will not be overcrowded by the time they are ready.

42. Ideally, a prison service accommodates prisoners at a level of security that is appropriate for their security classification. Some prisoners are kept in highly secure accommodation, but others are kept in less controlled conditions which encourage their rehabilitation and personal development and require lower levels of prison resources. Ideally too, remand prisoners who have an uncertain but usually short term in prison are not held in close contact with longer-sentence prisoners who need to settle to an extended period in custody. With only three prison institutions, the Northern Ireland Prison Service has very little flexibility in how it provides for each of the different categories of prisoner for which it cares. It must accommodate often low numbers of prisoners in certain categories and cannot take advantage of the economies of scale applicable in a larger estate. This makes it an innately expensive prison service.

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52 Q 421

53 Qq 684, 685

43. We were impressed on our visit to HMP Maghaberry by the extraordinary complexity of the task facing the prison authorities in accommodating remand and sentenced prisoners with sentences ranging from a matter of days to life sentences, and the full range of security classifications within a high security establishment. In addition, they must cope with the demands of providing separated accommodation for some loyalist and republican paramilitary prisoners. No prison in the United Kingdom compares in terms of the numbers of functions that it is expected to perform. We were impressed by the commitment and dedication of governors and prison officers and auxiliary staff that we met, but believe that steps need to be taken to simplify the task faced by the prison staff in Maghaberry.

44. In discussing the structure of the prison estate, the Northern Ireland Probation Board called for:

Greater diversity of provision, a specialist provision for females, for example. Perhaps we need a low risk prison, an open prison facility of some kind. Perhaps we need better facilities for those who are mentally ill and those with addiction problems. So it may not be a choice between location A or location B, but it may be first of all a decision taken about what is the range of prison facilities that we need in Northern Ireland in the future and then discuss what is the best location for each.<sup>54</sup>

We believe that these points merit the most serious consideration

45. Ms Owers believed that, ideally, the prison system would be comprised of “small, specialised units” with special facilities - for example, for high security prisoners, women and young offenders<sup>55</sup> - but that, for a small prison population, this was an expensive solution.<sup>56</sup> The Committee was impressed on its visit to Dublin by the Irish Prison Service’s plans to develop a multi-use prison at Thornton Hall on a very large site and with adjacent court facilities. The ideal solution for Northern Ireland might not be a proliferation of new prisons, but the building of more self-contained units at existing prisons to enable each prisoner to benefit from the type of regime most appropriate to them.

46. The Life Sentence Review Commissioners drew the Committee’s attention to the lack of an open prison facility in Northern Ireland, and argued that this had an impact on the proper rehabilitation of life sentenced prisoners.<sup>57</sup> Under the best practice model, as in England and Wales for example, life sentence prisoners move through various levels of security and freedom of movement, finishing with three years in an open prison.<sup>58</sup> The Commissioners believed that the lack of an open prison facility reduced the opportunities for constructive testing of long sentence prisoners.

In an ideal world a life sentence prisoner, as he goes through the punishment phase of his sentence, will address his or her offending and will be assisted in doing that to the point where one can say it is worth testing this prisoner. It is not ideal, by any

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54 Q 270

55 Q 7

56 Q 7

57 Q 333

58 Q 336

means, to test the prisoner by discharging him without any restraints or constraints and without any kind of structuring into the community. So the idea is that they move through the regimes in the prison environment and, as it were, they pass at each stage. Then they reach the lowest category of security [...] the open prison facility, which, because they are in a relatively free environment, provides indications as to whether they can cope with the vicissitudes [...] of their lives in an appropriate way. That gives you some indication that if they move into the community they may well be able to cope in that appropriate way.<sup>59</sup>

We accept the good sense and logic of this argument but must place on the record our recognition of the attempts made at Foylevue within the Magilligan prison complex to develop facilities for pre-release prisoners which are similar to an open prison.

47. We note the recent court decisions made concerning the provision of treatment programmes for indeterminate sentence prisoners in England and Wales. Overcrowding has meant that some prisoners with indeterminate sentences for public protection (IPPs) have been unable to access the programmes that they need in order to demonstrate that they no longer represent a danger (either because the courses have been oversubscribed or because they been held in local prisons where the necessary programmes are not available). In *R (Walker and Wells) v Secretary of State for Justice*, the Divisional Court found that the imposition of an indeterminate sentence without making adequate provision for treatment is unlawful.<sup>60</sup> The claimants had received IPP sentences, but the first claimant's minimum term was due to expire in November 2007 and he had not been able to access treatment programmes. In the subsequent case of *R (James) v Secretary of State for Justice*, the claimant had served his minimum term but remained incarcerated in the local prison where he was unable to undertake the necessary offending behaviour programmes.<sup>61</sup> The failure to provide the necessary resources was deemed unlawful; because the prisoner was prevented from being able properly to show that he was no longer dangerous, his subsequent detention was unlawful.

48. The Northern Ireland Prison Service told us that it is widely recognised that the infrastructure at Magilligan falls well short of acceptable standards and must be replaced,<sup>62</sup> either with new buildings at the same site, or at a different location. Rt Hon Paul Goggins MP, Minister of State at the Northern Ireland Office with responsibility for prisons, announced on 21 February that a decision regarding the best location for a replacement for Magilligan prison would be made later in 2007, and the Prison Service has prepared a thorough options appraisal setting out the factors for and against the different options. The Minister told us that he expected to finish scrutinising the appraisal and make an announcement by the end of 2007. We are grateful for his confirmation that he will take the recommendations of this Report into account before reaching his conclusions.<sup>63</sup>

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59 Q 350

60 [2007] EWHC 1835 (Admin)

61 [2007] EWHC 2020 (Admin)

62 Ev 130

63 Qq 686, 687



49. HMIP/CJINI pointed out that the building of a new prison was an opportunity to address some of the problems which it had raised in recent inspection reports, such as the need to develop a more representative workforce and to engage residential prison officer staff more actively in the rehabilitation of prisoners.<sup>64</sup> The inspectors recommended that “It will be important that any relocation of the prison estate ... should aim at affording equal access to all sections of the community, both for employment and for families visiting the prisons and opportunities for resettlement”.<sup>65</sup>

50. Mr Brian Coulter, the Prisoner Ombudsman, told us about the factors which he believed should influence that choice:<sup>66</sup>

It is important that decisions on the future location for Magilligan Prison should be driven by the Prison Service strategic objectives. [...] One of the key objectives for any Prison Service must be to prepare prisoners for reintegration to their community. Central to this is the maintenance of contact between prisoners and their families. The location of Magilligan Prison does not for many prisoners lend itself to achieving this. The burden upon families is considerable. Furthermore the opportunities for prisoners to prepare for employment are limited by the present location for many prisoners.<sup>67</sup>

51. On our visit, we were impressed by the prison’s positive links with the local community and its resettlement work. Mrs Olwyn Lyner, Chief Executive of NIACRO agreed that although the specialist resettlement staff at Magilligan had achieved some very positive results, the geographical location of Magilligan limited opportunities for the effective resettlement of prisoners, stating that:

there is no doubt that Magilligan, because it has been there for a very long time, has lots of links into its local community, but it will not pass an accessibility test. ... We feel that there would be two advantages to a site which would be more centrally located in a stretch that might run between Antrim and Ballymena. One is that it would be more central in terms of the transport network, and secondly there would be a useful connection with Maghaberry Prison in terms of the movement of staff.<sup>68</sup>

52. Mr Finlay Spratt, Chairman of the Prison Officers Association was “totally, totally against” the building of the prison on a new site, because the association had 450 members who worked at Magilligan, and there was “a good staff atmosphere” and “excellent” morale there. Mr Spratt robustly refuted arguments that the relative remoteness of Magilligan could have an adverse effect on prisoner resettlement:

This argument, ‘it’s too far removed’, well, I am sorry, we send prisoners to prison, we have to house them somewhere, and I think Magilligan is as good a location as you can get anywhere throughout Northern Ireland. If you are talking about

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64 Eg HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice Northern Ireland, *Report of an unannounced inspection of Magilligan Prison 10-19 May 2006*

65 Ev 167

66 Q 171

67 Ev 179

68 Qq 299, 300

taxpayers' money, why go and buy a new site when you already have the structure there?<sup>69</sup>

53. Mrs Joan Doherty, Chairman of the Independent Monitoring Board for HMP Magilligan was also supportive of rebuilding at the Magilligan site. She described and commended the range of resettlement work carried out at Magilligan, for example in terms of training and work placements for prisoners reaching the end of their sentences and permanent jobs for prisoners on release. She pointed out that the much valued community links on which this work depended, had taken many years to become well established. She stated that the local population and the other members of her Board wanted to keep a prison at Magilligan, and that there was sufficient land to accommodate it. According to Mrs Doherty, Magilligan had its own culture, distinct from that of Belfast, and that culture was worth preserving.<sup>70</sup>

54. Mr Gregory Campbell MP, a Member of the Committee and in whose constituency Magilligan is sited, argued for a rebuilding of the prison on the Magilligan site.<sup>71</sup> The Magilligan site would not face the same planning obstacles that an alternative site in Ballymena or Antrim would face. Locating a new prison in Ballymena and closing Magilligan would also mean that all prisons in Northern Ireland would be within a 25 mile radius of the greater Belfast area. Mr Campbell also argued that retaining a prison at Magilligan, located in the Limavady council area which was 56% Catholic, held out a better chance of building a more balanced workforce in the prison than moving it to an area that was predominantly Protestant. We particularly commend the excellent work done in the local community by inmates in the Foyleview unit and the strong links between the prison and the local higher education campus. It would not be a routine matter to replicate these successes in another area.

55. The Committee wrote to the Minister in July to express its views on the question of the replacement of HMP Magilligan. The letter noted that, although there was no question of the urgent need to replace the H-block design accommodation at Magilligan, the site itself was capable of extensive and versatile redevelopment. It commented that:

Prisons are not only about buildings. They are about the accumulated wisdom of staff, the links that are made with the surrounding community in relation to educational opportunities and resettlement and, perhaps above all, the morale of those committed staff who work there. There are many acknowledged areas of good practice at Magilligan which should not be lightly discarded. Nor should it be forgotten that any new prison would have significant teething problems before it could establish itself.<sup>72</sup>

It also suggested that rebuilding at the Magilligan site was likely to be a lower cost option than development of a new site closer to Belfast and an option that could be phased over a number of years, which would itself spread the cost. Since sending this letter, the

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69 Qq 197- 200

70 Qq 427, 428

71 Ev 153

72 Ev 152

Committee has visited Wheatfield prison in the Republic of Ireland and HMP Belmarsh, both of which have nearby court facilities. If it is decided to use any part of the Magilligan site for remand prisoners, then we believe that careful consideration should be given to the provision of an adjacent court facility.

56. We therefore welcome the clarification from Mr Masefield, Director of the Northern Ireland Prison Service, at the evidence session on 24 October 2007 that the existing site at Magilligan is still in strong contention for the replacement.<sup>73</sup> We visited HMP Magilligan and were impressed by the leadership shown by its Governors and by the morale of the staff we met and their commitment to their work. We were particularly impressed with the resettlement work being undertaken in the Foyleview facility at the prison. Creating a successful prison environment is not a straightforward objective to achieve and cannot easily or immediately be created on a new site. Experience in England and Wales strongly confirms that many new prisons undergo significant problems in the early years of their existence before routines and community links have become established.

57. With the current estate at its disposal, the Northern Ireland Prison Service is obliged to accommodate a large number of prisoners in accommodation which is substantially more secure than that which is required. This number has increased following the recent security reclassification of prisoners. To a degree, this is inevitable given the complexity and small size of the Northern Ireland prison estate, but it is wasteful of prison service resources and impairs the regimes of prisoners.

**58. We conclude that the Northern Ireland Prison Service's estate strategy has to be demand-led, determined by projections of future prison population and the security categorisation of that population. It must also build in the flexibility where possible to 'future proof' its investment in the prison infrastructure. The proposed security reclassification is expected to have a very significant impact on the categorisation of the prison population. This must underpin the estate strategy.**

**59. We conclude that the existing prison buildings at Magilligan are inadequate and that they need to be replaced as a matter of priority. To retain the good work that is being done at the prison, particularly in the area of resettlement, we recommend that extensive prison facilities are rebuilt on the Magilligan site.**

60. In Maghaberry, remand prisoners and long-term sentenced prisoners are held together. We heard about similar issues when we visited HMP Belmarsh and noted that HMIP had commented in its 2005 inspection report of Belmarsh that the regime for ordinary prisoners suffered because of the "security and staffing levels required for the minority of category A prisoners – whose needs and risks continued, understandably, to dominate the prison's approach and focus". Maghaberry also faces the challenge of providing a regime for separated paramilitary prisoners.

**61. We recommend that it should be a priority of the estate strategy that some of the pressure is taken off HMP Maghaberry, which experts have told us is one of the most complex and challenging prisons in the United Kingdom. Whilst there is a case for an additional (fourth) prison, close enough to Belfast and the courts to house more**

remand prisoners and to relieve some of the pressure on Maghaberry, we do not believe that such a prison should be a substitute for a facility at Magilligan.

62. In view of the evidence given to us from the Life Sentence Review Commissioners, we recommend that there should be adequate facilities for life and other long-sentenced prisoners in Northern Ireland. These should provide opportunities for the constructive testing of such prisoners at progressively reduced levels of security prior to their release. Given the recent court decisions concerning the provision of treatment programmes for indeterminate sentence prisoners in England and Wales, and the planned introduction of indeterminate custodial sentences in Northern Ireland, there must also be adequate provision of appropriate offender management programmes for such prisoners.

### 3 Women prisoners

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63. All women prisoners in Northern Ireland are accommodated at Hydebank Wood, a prison and young offenders' facility which opened in 1979. We made two visits to Hydebank Wood, in April and July 2007. Women prisoners are accommodated in Ash House, one of six blocks on the site. The other blocks house about 250 male young offenders, aged mainly between 17 and 23. The population of women prisoners is small, but includes a broad age range (at times from as young as 17 to over 70 years old) with a complex mix of offences and sentences. In April 2007 there were 23 sentenced prisoners and 15 on remand, with offences ranging from murder to possession of drugs and disorderly behaviour. Sentences have ranged from a few days to life imprisonment. The Probation Board Northern Ireland (PBNI) told us that research had shown that around 50 per cent of the women in Hydebank Wood had no previous convictions.<sup>74</sup> Mental health is a major issue; at the time of our visit, 25 of the 38 women were receiving some form of mental health support. There is no separation at Hydebank Wood on the basis of paramilitary allegiance and during the period of our inquiry, there were no women in the prison system who had applied to move to separated conditions.

64. Prior to June 2004, women prisoners were accommodated at Mourne House, a self contained facility adjacent to HMP Maghaberry. Mourne House had capacity for 56 women prisoners and was modelled on the concept of smaller residential units found at Cornton Vale in Scotland. However, a series of troubling events took place at Mourne House, including two serious suicide attempts, a hunger strike involving a Republican woman prisoner and the suspension and eventual dismissal of prison officers allegedly engaged in 'inappropriate relationships' with women prisoners. In 2002, HMIP inspected Mourne House and made nearly 50 recommendations, two of which were that it should become a discrete women's facility, managed separately from the men's prison; and that the Northern Ireland Prison Service should draw up a policy and strategic plan for the treatment of women in custody. However, these recommendations were not acted upon. HMIP later stated that "Virtually none of our recommendations, including those (two)

fundamental ones, were put into effect. Indeed, the treatment of and conditions for women at Mourne House became worse ...”<sup>75</sup> Instead, in response to the criticisms of Mourne House, the prison service took the decision to move women prisoners to Hydebank Wood in June 2004. This decision was seen as a mistake by, among others, CJINI/HMIP, who did not believe that the move of women away from a self-contained women’s facility to a site shared by male young offenders was appropriate. It undertook a short, unannounced inspection of the Hydebank Wood women’s unit in November 2004 and concluded that:

This inspection found that relationships between staff and prisoners had improved since the move from Mourne House... But the report records some significant concerns: about safety ... and about the extent to which Ash House can provide a suitable environment for women... This is not primarily the fault of staff and managers ... It was the consequence of a poorly implemented decision to move women from a purpose-built environment, which was not being managed or operated as it should have been, to a much less suitable facility.... [The Northern Ireland Prison Service] needs to plan for a discrete and suitable separate location in which [women] can be held safely and purposefully.<sup>76</sup>

65. In his evidence to the Committee, Mr Kit Chivers confirmed to us that he still held the view that Hydebank Wood should again become a dedicated site for male young offenders and that there should also be a separate facility which could focus on the specific needs of women:

I think what we need to think of, whenever it can be afforded, is a separate women’s facility on a different site outside the perimeter of Hydebank Wood at least, so that there is clear segregation.<sup>77</sup>

66. The view that women prisoners need a separate facility was shared by many of our witnesses. For example, the Prison Governors Association described it as “inappropriate” for women and young offenders to share the same site,<sup>78</sup> the POA stated that it was “essential” that male and female prisoners should be located on separate sites<sup>79</sup> and the PBNI that Hydebank Wood was not “an appropriate location for female offenders if ... the Northern Ireland criminal justice system is to seriously, positively, innovatively and creatively engage with female offenders to reduce re-offending”.

67. The women at Hydebank Wood are located in a separate accommodation block, Ash House, but most of the other facilities, such as the visitor area, the health centre and the education centre are also used by the young offenders. Because the site is shared between female prisoners and male young offenders, the women are usually escorted by a prison officer when moving around the estate and are restricted in their ability to walk freely

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75 HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice Northern Ireland, *Report of an unannounced inspection of Ash House Hydebank Wood Prison 28-30 November 2004*, p5 and *A review of non-natural deaths in Northern Ireland prison service establishments (June 2002-March 2004)*, November 2005, “The McClelland Review”, p51

76 *Ibid.* pp5-6

77 Qq 7, 13

78 Q 85

79 Q 206

around the grounds. The Northern Ireland Human Rights Commission (NIHRC) has reported that the shared site has resulted in a more restrictive regime for prisoners:

What we found ... was that because the young men and the women were sharing the campus it meant that there was a more restricted environment and restricted regime, which did not just affect the women, it also affected the young men. For example, it meant that even women who would have been risk assessed as not posing a threat within the site were not able to walk short distances by themselves, they would have to be accompanied by prison officers. ...It also had an impact on the education centre. Again, teachers said that the movement of male and female prisoners had to be very choreographed and that that detracted from the kind of educational environment they sought to provide in the education centre.<sup>80</sup>

CJINI/HMIP observed in 2004 that:

Access to exercise in the fresh air was not regularly available and was subject to cancellation due to lack of staff. Prisoners said that when exercise was offered it was usually just in the caged yard ... which they referred to as the 'hamster cage', as this was more convenient for staff.<sup>81</sup>

68. Since the 2004 inspection at Hydebank Wood, the prison service has made notable improvements. The new exercise area for women, adjacent to Ash House, was nearing completion when we visited, and more recently we heard that the male and female gardening areas had been exchanged so that the female gardening area was closer to Ash House. We must record that we were favourably impressed by the quality of accommodation and facilities at Ash House. However, there is a limit to what can be achieved within a shared site. When we visited the Dochas Centre (a purpose built, self contained women's prison facility) in Dublin, one of the most striking features of the design was that it enabled prisoners to move freely about the entire women's estate during unlock times. This facility was used to encourage them to take personal responsibility for managing their time, so that they might learn to attend appointments, education and work on time, as well as enabling them to enjoy fresh air in the garden with minimal supervision.

**69. We conclude that the development of such basic self management skills forms an important basis for effective resettlement. We do not believe that prisoners should ever be subject to any overly restrictive regime unless it can be justified on security grounds. The limitations of the current women's regime at Hydebank Wood, which largely occur because of the shared site, have a negative impact on the women's resettlement.**

70. The 2004 HMIP inspection report of Hydebank Wood described the education curriculum as limited and the level of provision inadequate. Access to the library was poor because staff shortages meant that it was not always possible to take groups across to the library, but the prisoners spoke highly of the service they received from the qualified

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80 Q 480

81 HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice Northern Ireland, *Report of an unannounced inspection of Ash House Hydebank Wood Prison, 28-30 November 2004* p41

librarian when they were able to get there.<sup>82</sup> It also noted that there were insufficient work opportunities (either employment or vocational training) to meet the objective that prisoners should be prepared for employment on release.<sup>83</sup> Mr Jimmy McClean, Chairman of the IMB for Hydebank Wood told us that this was still the case:

The vocational training on offer at Hydebank Wood was originally based on the perceived needs of male young offenders. The arrival of women prisoners did not change that. Currently the only vocational training open to women at Hydebank Wood is horticulture. The IMB has suggested other training subjects such as professional hairdressing, business skills and so on but the small number of potential trainees is always put forward as the reason for saying that such courses are not viable<sup>84</sup>

71. The choice of vocational training available to women at Hydebank Wood is very restricted although what is offered is of a good quality. A wider range would provide women with more opportunities for purposeful activity and would help them secure employment on release. The Dochas Centre for instance provides a more extensive range of training and education to women prisoners in Ireland, including hairdressing, industrial cleaning and sewing. Although the prisoner population in the Dochas Centre is around twice that of Hydebank Wood, it is still relatively small and serves as a useful comparator. We were encouraged to hear that the Northern Ireland Prison Service is developing closer links with the Dochas Centre and we hope that this will lead, among other things, to the development of more women-focused vocational training at Hydebank Wood.

**72. Prisoners in Northern Ireland deserve the best possible opportunities to rejoin society on their release as self-sufficient members of the community, and preparation for employment is a key aspect of that process. We recommend that the prison service provides a wider range of vocational training, appropriate to the needs of women prisoners.**

73. Visiting for women at Hydebank Wood takes place in a visits room shared with the male young offenders. Mrs Olwyn Lyner, Chief Executive of NIACRO, told us that this was an unsatisfactory arrangement:

One of the issues which I think is distressing in relation to Hydebank Wood is the women sharing the visits area with the young men. The interaction that the women, whether they be 20 or 40, have with their children is quite different from that which the young men have with very small children and for all of that to be happening in the same place is difficult for the women.<sup>85</sup>

Her view is shared by the NIHRC, who have reported that:

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82 HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice Northern Ireland, *Report of an unannounced inspection of Ash House Hydebank Wood Prison 28-30 November 2004* pp37 – 38.

83 *Ibid.*

84 Q 413

85 Q 316

Women were conscious of the presence of the young men from the Young Offenders' Centre. They sometimes felt vulnerable and self-conscious sitting in the visits area, especially if their case had a high media profile. Mothers worried about the impact on their children of visits in a room shared with a larger number of male young offenders.<sup>86</sup>

We were able to see the visits room being used and we concur with these views.

74. The NIHRC also expressed concerns about the healthcare centre, which is shared by women and male young offenders:

In terms of healthcare [the shared healthcare centre] had particularly severe implications. We actually list the example of a self-harming suicidal woman in the report. We use her case study. She was in the healthcare centre and because there was a young boy in the healthcare centre who was risk assessed as a threat to women – he had threatened female staff – it meant that neither he nor the self-harming woman could be let out of their cells at the same time, so it meant extreme periods of lock-up for both the young boy and the self-harming woman.<sup>87</sup>

The Bamford review of mental health recommended that health services should be gender specific and recognise the specific needs of both male and female users. It stated that “it is particularly important to be clear about the reasons to either separate or integrate male and female service users. For example, much of the therapeutic work to address the effects of sexual abuse and trauma may be better carried out in a single sex environment. In other situations an integrated environment may facilitate work on social skills.”<sup>88</sup>

75. Sharing of the Hydebank Wood estate has implications not only for the women, but also for the male young offenders. Ms Anne Owers told us that she believed that the young offenders at Hydebank Wood suffered because of the need to share facilities. She pointed out that at Hydebank Wood, vocational work spaces were only available for 25% of the young offenders, with 50% unemployed altogether, and said that it would be possible to provide a much more focused environment for both groups if they had separate sites.<sup>89</sup> In the longer term, the growth of the young offender population may be such that Ash House will again be required to accommodate the young men.

**76. Whilst we accept that these important issues at Hydebank Wood are recognised by the prison service, we believe that it is of paramount importance that urgent attention be given to addressing the issues of the shared visits room, and, even more, the health care centre by seeking to ensure that whenever possible they are not used at the same time by women prisoners and male young offenders. We accept that prison staff have made every effort to make the best of less than ideal accommodation, and have responded well to specific difficulties. However, further investment in short term**

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86 *The prison within. The imprisonment of women at Hydebank Wood 2004-06*. Northern Ireland Human Rights Commission. July 2007. p65.

87 Q 480

88 *The Bamford Review of Mental Health and Learning Disability (Northern Ireland), Forensic Services*, October 2006 para 11.75.

89 Q 21



**solutions is not an adequate response to a situation which cannot be allowed to continue indefinitely.**

77. When we visited Hydebank Wood, we were impressed by the desire and determination of prison staff to respond positively to recommendations for change and to provide the best possible regime for women within the restrictions of a shared physical environment. We heard about the recent development and implementation of new policies for example to tackle alcohol addiction, to manage the care of self-harming women and to improve induction and first night arrangements for new inmates. We saw, and were impressed by the refurbished accommodation in Ash House, including the long term special privilege landing for women with enhanced prisoner status, the mother and baby facilities and the newly built recreation area next to Ash House.

**78. We commend the prison service, particularly the staff at Hydebank Wood, for their efforts to provide a dignified, constructive and therapeutic regime for women prisoners in the face of repeated criticisms. We conclude that these efforts can only have limited results as long as the women continue to share a site with young offenders, although we accept that the land owned by the prison service at Hydebank Wood site is large enough for separate facilities to be provided there.**

79. Baroness Corston in her review of women in the criminal justice system called for a fundamental rethinking of provision for vulnerable women, and a re-design of women's custody. She recommended that there should be a distinct approach for women within the criminal justice system; that treating men and women in the same way results in inequality of outcome; and that there is a need to develop different services for men and women so that women can be treated according to their different needs. Ms Anne Owers was of the view that these recommendations could usefully inform the future development of women's prison facilities in Northern Ireland:

You could model something on what Jean Corston recommends, which is smaller units, not with the level of security that you need for high security men's prison, with a lot more permeability between women and their families and also putting in place the kind of mental health and vulnerability support that is needed for an awful lot of the women that end up in prison. So you could see this as a really positive opportunity to develop something that really was modelled around the needs of women because prisons in all the jurisdictions in the UK were built largely around the needs of men.<sup>90</sup>

Baroness Corston explained to us that:

I think that the essential message that I tried to convey is that prison is, if you like, a male construct. ... The people who generally have run our prison service have been men, and the model of a prison is a male prison, where there is a propensity for violence inside, a propensity for aggressive and violent behaviour, so therefore what you need is a secure border, you need to search people repeatedly, and you have to keep them locked up. ... if you treat men and women the same the outcome is not

equal. I give one example: if you look at most prisons the big challenge for prisons is seen to be purposeful employment when they leave prison ... For most women, coming out of prison, the one thing they care about is somewhere to live with their children, because only 5% of their children are looked after by their fathers.<sup>91</sup>

80. The prison service has accepted that a new purpose built female facility needs to be built but has not given formal indication of when this might be achieved.<sup>92</sup> The approach since the move to Hydebank Wood has been to make whatever adjustments have been possible within the restrictions of a shared site. In some cases, such as the refurbishment of Ash House, this has involved significant financial investment. Whilst we support the prison service's efforts to improve the women's regime, we share the concerns of Mr Kit Chivers who told us that he was "slightly apprehensive to find that they (the prison service) were planning to do more of a sticking plaster nature to improve facilities there (Hydebank Wood) rather than facing up to the need for a hard decision in the long run".<sup>93</sup> The Minister, Paul Goggins MP, confirmed to us that in his view "there does need to be separate accommodation for women".<sup>94</sup> He told us that before making a decision with regard to that facility, he considered it important to look at the wider issues of women in the criminal justice system. This would help determine the appropriate size of the new facility.<sup>95</sup>

**81. We are convinced that there is a pressing need for a self contained women's prison facility in Northern Ireland. Some witnesses have suggested that it might be possible to do this at or adjacent to the Hydebank Wood estate. We are disappointed that the prison service did not include the women's needs in its prison estate options appraisal or appear to give serious consideration to this possibility. We regard this as a missed opportunity. However we are encouraged by Mr Goggins' statement that he has asked for a women's strategy and plans for a women's facility to be developed during 2008. We recommend that the Minister ensure that the development of plans and costings for a discrete women's facility, and a timetable for implementing the plans, are treated as a high priority.**

## 4 Separation of paramilitary prisoners

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82. After the closure of HMP Belfast in 1996 and HMP Maze in 2000, HMP Maghaberry, which opened in 1986, became the only prison in Northern Ireland holding male prisoners who were members of paramilitary organisations. As it had done when HMP Maze was open, Maghaberry continued to accommodate such prisoners on an integrated basis with other prisoners. Following a series of protests in the summer of 2003, the Government commissioned a review of conditions at Maghaberry, "particularly as they relate to

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91 Q 540

92 Ev 130

93 Q 20

94 Q 694

95 Qq 694-697

safety”.<sup>96</sup> The review was conducted by a panel chaired by Sir John Steele, a former Director of the Northern Ireland Prison Service. The panel’s report noted that it would be very difficult to maintain the status quo of an integrated regime if, as was considered likely, the protests became more widespread, because “prison staff might well be put at even more risk”, and concluded that alternative arrangements were “necessary in the interests of safety”.<sup>97</sup> The panel then considered a range of options other than integration. They concluded that most of these were impracticable, but that “separation by paramilitary affiliation” could provide a safer environment than the status quo, provided that “staff remain on landings, normal lock-ups are applied and prisoners have the option of mixed accommodation.” Because of previous experience at HMP Maze (which we discuss below), this conclusion was reached only after “much soul-searching” and on the basis that “the Government will never again concede complete control of the wings to prisoners as happened at [the] Maze”.<sup>98</sup> In accepting the recommendations of the Steele Review, the Government endorsed the review’s conclusions about the need to avoid a return to Maze-like conditions.

83. Our predecessor Committee conducted an inquiry into the decision to separate paramilitary prisoners at HMP Maghaberry in October to December 2003.<sup>99</sup> Jane Kennedy, the then Minister of State for Northern Ireland told them that “... the recommendations that the review came forward with ... did say that we should strive to change the system to meet some of the demands that prisoners were making but to do it in a way that maintained safety for prisoners and for the prison officers as well and in a way which meant that the Prison Service retained control over the prisoners at all times”.<sup>100</sup>

84. The Committee’s 2003 report noted the strain that separation of prisoners at Maghaberry had placed on the prison’s resources and drew attention to the consequent effect of separation on the regime for ordinary prisoners. The Committee recommended that the capital and operational costs of running the separated regime should be calculated and met outside the Prison Service’s main budget and that further efficiency savings should not be required of the service while separation was in operation.<sup>101</sup> The Committee also drew attention to the extraordinary complexity of HMP Maghaberry, housing high security prisoners, short sentence prisoners, remand prisoners, a few immigration detainees and all women prisoners (who were subsequently transferred to Hydebank Wood) in addition to accommodating separated prisoners. In the Committee’s view, this “created too much of a burden both for staff and for the system”.<sup>102</sup>

85. Our predecessor Committee noted that at HMP Maze, the separate treatment of paramilitary prisoners had been associated with “a significant loss of management control

96 *Review of Safety at HMP Maghaberry* (The Steele Report), August 2003, [www.nio.gov.uk](http://www.nio.gov.uk).

97 *Ibid.*

98 Letter from the Steele Review team to Rt Hon Paul Murphy MP, August 2003

99 Northern Ireland Affairs Committee, Second Report of Session 2003-04, *The separation of paramilitary prisoners at HMP Maghaberry*, HC 302.

100 *Ibid.* Q 735.

101 *Ibid.* paragraphs 89-90.

102 *Ibid.* paragraphs 161-162.

over the paramilitary areas”.<sup>103</sup> Certain paramilitary prisoners were even recognised as “officers commanding” their housing blocks, as in a prisoner of war camp.<sup>104</sup> Sir John Steele acknowledged to our predecessor Committee that the separation of paramilitary prisoners at HMP Maghaberry had been opposed by “all the prison professionals that [the panel] met” for fear that the situation in the Maze prison would be recreated at Maghaberry.<sup>105</sup> The Steele Review fully acknowledged fears that the situation at the Maze would be replicated where “a prisoner could be tortured to death and the Prison Service would not know until the body was handed out. A tunnel could be dug and a cell filled with soil and the Prison Service would not know”.<sup>106</sup> In his evidence during our inquiry, Mr Bob Cromie, Deputy Chairman of the Prison Governors’ Association, recounted his experiences as a governor on the H-blocks in the Maze prison in the “bad old days, [when] the inmates had control” during the 1980s. He described being regularly surrounded by 25 or 30 prisoners and being unable to get out of the wing for several hours in the H-blocks.<sup>107</sup>

86. An illustration of the legacy of the paramilitary threats to prison staff is that prison officers in Northern Ireland are still entitled to personal issue firearms for personal protection. Representatives of the Prison Governors’ Association noted that some prison officers had returned their weapons, whilst others were adamant that they were still necessary.<sup>108</sup> In his evidence to the Committee on 21 November, the Minister emphasised that there were still real threats to prison officers from dissident Republican groups and others.<sup>109</sup>

87. The Committee took extensive evidence on this subject, much of which is referred to below. We must at the outset however, place it on the record that a prisoner only goes into a separated wing at his own request and that he has the option to withdraw from separation at any time.<sup>110</sup> The Minister told us that as at 21 November 2007, there were 31 Republican and 34 Loyalist prisoners in separated accommodation.<sup>111</sup>

88. Ms Anne Owers spoke of the psychological effect on prison officers of the establishment of the separated regime at Maghaberry. She believed that it had “knocked back the confidence that had been starting to emerge of engaging the prisoners in a more proactive way”.<sup>112</sup> However, representatives of the Prison Governors Association denied

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103 Northern Ireland Affairs Committee, Second Report of Session 2003-04, *The separation of paramilitary prisoners at HMP Maghaberry*, HC 302, paragraph 9.

104 *Ibid.* paragraph 9.

105 *Ibid.* paragraph 24.

106 The Steele Report, paragraph 47.

107 Q 104

108 Q 106

109 Qq 720-723

110 The full entry criteria, proposed during prison service’s review of the separated regime in 2006, are that the prisoner wishes to be admitted to separated conditions; he is of male gender; he has attained the age of 18 years; he is a member or supporter of a proscribed organisation connected with the affairs of Northern Ireland; admitting him to separated conditions would not be likely to prejudice his safety; admitting him to separated conditions would not be likely to prejudice the safety of others; and admitting him to separated conditions would not be likely to prejudice the maintenance of security or good order in prison. [www.niprisonsservice.gov.uk](http://www.niprisonsservice.gov.uk) .

111 Q 716

112 Q 22

that the separated regime had raised concerns amongst prison officers about their security.<sup>113</sup>

89. Ms Anne Owers also reported that her office's confidential prisoner surveys had revealed that a higher percentage of prisoners at Maghaberry said that they had felt unsafe in the prison since the introduction of separation than had done so before.<sup>114</sup> She argued that the separated regime represented both an unwarranted drain on resources and was damaging to the culture of the prison for both prisoners and prison officers.<sup>115</sup>

90. Under the current separated regime, prisoners are subject to "controlled movement" on the landings whereby a maximum of three are allowed out of their cells together at one time, escorted by five prison officers.<sup>116</sup> The Prison Officers Association argued that, at one level, separation had worked well as only one prison officer had been assaulted since separation was introduced.<sup>117</sup> It had opposed the reintroduction of separation but was convinced that, given that it had been re-introduced, certain measures such as controlled movement had to be implemented to avoid a repetition of the situation at the Maze prison where the prisoners effectively took control of the prison.<sup>118</sup>

91. The Prison Officers Association expressed concern that separation diverted scarce resources from other parts of the prison.<sup>119</sup> In the event of staff shortages, prison officers were—because of safety concerns in the separated accommodation—always diverted from other activities, such as running programmes for ordinary sentenced prisoners, to maintain the full complement on the separated wings.<sup>120</sup> "All the resources, all the staff, are directed towards the separated regimes and the rest of the inmates lose out."<sup>121</sup> We noticed on our visit to Maghaberry in July that separated prisoners were located in the best and most modern buildings. We accept that this is to facilitate control rather than to grant privileges, but it is unfortunate and could cause resentment among other prisoners.

92. The Life Sentence Review Commissioners shared concerns about the resources that were taken up in providing for the separated regime.<sup>122</sup> They also noted that, because of their paramilitary status, separated prisoners tended not to engage with prison or probation staff and did not take advantage of the facilities offered.<sup>123</sup> There was an inconsistency in separated prisoners' continued adherence to paramilitary associations and

113 Q 101

114 Q 33

115 Q 25

116 This arrangement does not apply during recreation periods where larger groups may congregate together. Prison officers escort prisoners to and from the recreation areas in small groups and do not remain in the recreation areas with the prisoners; hence there are no safety issues for officers at these times (see *Review of the Separated Regime*, para 3.6, January 2006, [www.niprisonsservice.gov.uk](http://www.niprisonsservice.gov.uk)).

117 Q 220

118 Q 223

119 Q 220

120 Q 220

121 Q 222

122 Q 344

123 Q 353

the requirement to address offending behaviour that was expected of life sentence prisoners.<sup>124</sup> Life sentence prisoners were expected to address their offending and take advantage of the facilities offered by the Prison Service and the Probation Service, enabling them to indicate that they would not pose a risk of serious harm to the public if they were released.<sup>125</sup> It was difficult for the prison staff and the prisoner to engage with such programmes if the prisoner was on the separated regime.<sup>126</sup>

93. The Northern Ireland Human Rights Commission was critical of the “excessive security” in the separated wings.<sup>127</sup> Under the existing timetable in the separated regime, prisoners would be out of their cells for as little as four hours every other day.<sup>128</sup> The Commission also reported allegations of “arbitrary” strip searches that were concerned less with security or drug control than with harassment and control of prisoners.<sup>129</sup> It questioned whether the separated wings needed to be so rigorously controlled.<sup>130</sup> However, the Committee was also told of prisoners in the separated wings who had to be locked up for their own safety. Some loyalist prisoners were indeed reported to be on 23-hour lock up in the Special Supervision Unit (SSU) after the police had alerted the Prison Service to specific threats to these individuals.<sup>131</sup>

94. Professor McWilliams, Chief Commissioner of the Northern Ireland Human Rights Commission, believed that there had been a “deterioration in the provision of services in terms of access to education and access to recreation”.<sup>132</sup> She also reported that she had been “quite shocked at the lack of hygiene standards that we observed given that these prisoners are eating their food in their own cells”.<sup>133</sup> The Commission believed that the “regime for the separated prisoners was worse and had less services than the regime for the so-called “ordinary” prisoners”. The Commission expressed no view on the continuation of separation. It noted that paramilitary prisoners had, as recommended by the Steele Review, the option of requesting mixed accommodation, but, Mr O’Neill, Commissioner, explained that it had no remit to encourage prisoners to opt out of the separated regime. He also said that “while it is in existence as a regime I think it is very important for us to ensure that human rights standards are maintained”.<sup>134</sup>

95. Ms Anne Owers described the regime available to separated prisoners as “really, really poor” and said that “So you had a group of prisoners who were pulling in all the resources

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124 Q 353

125 Q 355

126 Qq 355, 356

127 Q 503

128 Q 503

129 Q 503

130 Q 504

131 Q 518

132 Q 512

133 Q 512

134 Q 513

to themselves but actually nothing was much happening with them that was going to make them less likely to offend once they left”.<sup>135</sup>

**96. The Committee has seen or heard nothing to lead it to conclude that the human rights of any prisoner are being infringed but nevertheless feels that the comments of Mr O’Neill and of Ms Owers must be borne carefully in mind.**

97. British Irish Rights Watch agreed that the regime for separated prisoners was inferior to that offered to other prisoners and stated that it was unjustifiable to discriminate in this way against prisoners who were in segregated accommodation for their own safety.<sup>136</sup> It also suggested that separated prisoners were unfairly treated in the application of the prison privileges scheme, and that separated prisoners and their visitors were subject to more searches than ordinary prisoners. British Irish Rights Watch argued that:

separated prisoners are often convicted of the same crimes as integrated prisoners, and have chosen to be separated for their own safety. It is thus unclear why they are perceived as being more dangerous than their integrated counterparts. It seems that this perception is a hangover from the days when all paramilitary prisoners were segregated, and were in a constant battle for control over the wings with the prison authorities.<sup>137</sup>

98. We believe that this argument is based on the assumption that paramilitaries have chosen to be segregated for their own safety. Historically, the safety issue is more complex than this. It is true that the Steele Review recommended separation on the grounds of overall safety in the prison, and that prisoners only go into the separated regime at their own request. However, the Steele Review did not advocate separation only on the grounds of prisoners’ safety; the safety of prison officers was also high on the review panel’s policy agenda, as was the issue of “ordinary prisoners” being open to “bullying and recruitment” by paramilitaries. Similarly, the current criteria for admission to the separated wings take into account wider dimensions of safety. We believe it appropriate for the Prison Service to take these factors into account, together with the bitter experience of the Maze, when setting a regime, provided that the regime complies fully with required human rights standards. We note also that paramilitary prisoners seem to be at some risk from within their own community as well as from paramilitaries from the other community; splits within and between loyalist paramilitary groups and between dissident republican groups have been reflected in tensions in HMP Maghaberry.

**99. Given the history of the Maze prison, where paramilitary groups took control of their wings from the prison authorities, and given the more recent evidence of threats to prison officers, we recognise that a degree of controlled movement on the separated wings is necessary. However, we also acknowledge with regret that the maintenance of this regime has inevitably had a negative impact on the educational and recreational opportunities available to some of these prisoners as well as the wider prisoner community. It is an issue which must be kept under constant review.**

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135 Q 22

136 Ev 154

137 Ev 154

100. Our predecessor Committee expressed its reservations about separation,<sup>138</sup> and we have heard evidence that it is damaging for the culture of the Northern Ireland Prison Service. Separation of paramilitary prisoners perpetuates a culture in the Northern Ireland Prison Service of distance between prison officers and prisoners, with prison officers relegated to the position of “turnkeys” because of the dangers of conditioning rather than engaging constructively with prisoners and helping them to address their offending behaviour and begin to prepare for rehabilitation into society. This undermines much of the positive work that the prison service is doing to encourage engagement elsewhere in the prison estate. It also creates the paradoxical situation where the prison officers who are most at risk are those who have least opportunity to exercise their initiative and talents as prison officers.

101. We also note the high resource and opportunity cost of running the staff intensive separated regime. The Minister told us that there was “no question it is an expensive facility to run”.<sup>139</sup> We noted in Chapter 2 that the separated regime adds to the extraordinary complexity of HMP Maghaberry and we have no doubt that this has a significant impact on the quality of the regime that can be offered to ordinary prisoners because of the staffing priority that is always given to the separated regime.

102. The case for separation of paramilitary prisoners will become increasingly difficult to sustain as Northern Ireland continues its process of normalisation. No other prison service within the UK allows for separation of accommodation on the grounds of organisational affiliation. Throughout the period of the Northern Ireland Troubles, paramilitary prisoners from Northern Ireland who committed offences in England were held in integrated prison accommodation. Conditions in the Maze developed as they did, and separation at Maghaberry was conceded, solely because of the power that paramilitary organisations in Northern Ireland had to put at risk the lives and wellbeing of other prisoners and prison staff.

**103. In his evidence to the Committee on 21 November, the Minister acknowledged that it would be desirable to see separation phased out as the political situation improved but he was quite clear that he did not envisage an early end to separation. We believe that ending separation should be a high priority for those responsible for criminal justice after devolution and we would welcome an early debate on this issue among Northern Ireland’s political representatives.**

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138 Northern Ireland Affairs Committee, Second Report of Session 2003-04, *The separation of paramilitary prisoners at HMP Maghaberry*, HC 302, HC 302

139 Q 717



## 5 Health

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### Transfer of responsibility for prison healthcare

104. When we began our inquiry, we were told that a decision had been made to transfer responsibility for prison healthcare from the prison service to the Department for Health, Social Services and Public Safety on 1 April 2007. We discovered on our visit to Northern Ireland in April 2007 that although the main prison healthcare budget had been transferred on 1 April, the transfer of lead responsibility had been postponed for six months. The Northern Ireland Prison Service's Annual Report 2006/07 confirmed these points and explained that "there have been extensive discussions with DHSSPS and HPSS bodies about the detail of the transfer and partnership working is being progressively introduced".

105. In view of the planned transfer of responsibility, we held a joint meeting with the Northern Ireland Assembly Committee for Health, Social Services and Public Safety to discuss the transfer, the reasons for the delays and other issues affecting both the prison service and the health service, including the provision of secure hospital accommodation in Northern Ireland. We plan to meet again to follow up progress on these issues.

106. In October, we were told that some details of the transfer had still not been resolved and that it had been further delayed. Mr Masefield told us that in his view the necessary arrangements were in place to finalise the transfer by 1 October, but that it had been delayed because the DHSSPS had requested an increased budget to effect the transfer.<sup>140</sup> He suggested that this budget issue may have arisen because additional funding had been provided to effect the equivalent transfer in England and Wales in 2001. However he added that the annual prison healthcare budget for Northern Ireland was already proportionately more than that for England and Wales, and was in his view adequate. The Minister told us in his evidence of 21 November that the main obstacle to the completion of the transfer was the budget.<sup>141</sup> He explained that extra resources had been made available for mental healthcare and said that in his view the proposed budget provided sufficient resources. He added that he was hopeful that the transfer would be completed "shortly".<sup>142</sup>

107. The intention behind the transfer is to provide an equivalent level of health care in the community and in prison. Witnesses welcomed the transfer and agreed that it was a positive step which would bring benefits to prisoners. Ms Anne Owers told us that:

One wants to see a situation where there is equivalent care in prison and out of prison, particularly given the fact that the morbidity in those in prison is likely to be higher than the outside community both in terms of physical and mental illness, but also in terms of the fact that most people are in prison for relatively short periods of

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140 Qq 657, 658

141 Q 711

142 Qq 706-708

time and they are going to require care in the community once they are out, and we want a situation where that is made as seamless as possible.<sup>143</sup>

Following a recent review of the care and support of prisoners in England and Wales with mental health needs, Ms Anne Owers concluded that the transfer of prison healthcare responsibility to the health service in England and Wales had been beneficial:

There can be no doubt that, over this period [the last five to ten years], the quality and extent of treatment available to mentally ill prisoners has improved. The presence of trained healthcare professionals, and the direct involvement of the National Health Service, has had a direct effect on the care of patients, and an indirect effect on the better understanding of mental illness among prison staff as a whole.<sup>144</sup>

Although much does remain to be done, we did see the validity of this observation on our visit to HMP Belmarsh.

108. Dr Philip McClements, the Northern Ireland Prison Service Associate Director for Healthcare, said that a key benefit of the new arrangements would be a clear separation between policy and performance management, commissioning and provision. He outlined three main areas where he expected that prisoners would benefit from the transfer; mental health treatment, drug and alcohol addiction care and GP services. He also felt that, despite some initial reluctance, the POA now accepted that the transfer was necessary and that there would be clear benefits for healthcare staff:

...there is a lot to be gained from the mutual exchange of experience and understanding which would come about when the doors opened and the Health Service came in. We certainly feel that our staff are isolated from the world of health outside, so they become institutionalised working in this setting and would benefit greatly from exposure to the newer and wider ideas which go in the Health Service.<sup>145</sup>

109. Another area where witnesses wished to see improvements made was with regard to continuity of care between prison and the community. NIACRO told us that it was concerned about delays in providing medication after individuals have arrived in prison:

A really important thing ... is the length of time which somebody who comes in into the process arrives into prison on day one and says, "I am on medication" has to wait before that ... is sorted and you are back on your hard drug or whatever, and that seems inappropriate.<sup>146</sup>

The Chairmen of the Independent Monitoring Boards had concerns about the withdrawal or drastic reduction of medication:

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143 Q 43

144 HMIP *The mental health of prisoners; A thematic review of the care and support of prisoners with mental health needs* October 2007 p5.

145 Q 587

146 Q 321

When inmates are transferred from Maghaberry to Magilligan their medication is either reduced, withdrawn completely or changed, and we would have a number of complaints about that. We have been discussing it with the governor and we have been monitoring it. If you change, reduce or withdraw somebody's medication and they have been on it for a long period of time that can lead to major problems and I think we might have seen the outcome of a number of those in the past year.<sup>147</sup>

The withdrawal or drastic reduction of medication we are finding a big problem with women prisoners. Apparently, for the rate of prescribing, Northern Ireland is top of the league. This was in the outside prison situation. When these ladies come into prison their medication is either withdrawn or drastically reduced and these are vulnerable people who are having the crutch of medication withdrawn and they are finding it extremely difficult to get by.<sup>148</sup>

**110. We note that there are areas of prison healthcare which require improvement. We are concerned about the delays in effecting the transfer of responsibility for prison healthcare to the health service. We believe this delay could create staffing difficulties and confusion over lines of responsibility. We welcome the transfer and urge the Government and the Northern Ireland Assembly to ensure that it is completed in the very near future.**

## Mental health services

111. One of the biggest challenges for prison healthcare is the prevalence of mental illnesses and other psychiatric disorders among prisoners. This is not just an issue within prisons, there is also a recognised need to improve mental health services in the Northern Ireland community and a review, originally chaired by Professor David Bamford who died during the course of the review, was set up in late 2002 to examine how services for people in Northern Ireland with mental illness or learning disabilities could be improved. Paul Goggins gave his initial response to the findings of the Bamford Review at a conference in Belfast in October 2006 and acknowledged that mental health and learning disability services in Northern Ireland needed major reform:

Health and social services for people with mental health problems or a learning disability have not moved with the times. They are out-dated and do not meet people's needs. We need to move away from an over reliance on hospital care to more responsive care and treatment from GPs and community teams. We need to promote effective counselling and personal support and reduce dependency on medication. We need to put patients first.<sup>149</sup>

112. The Bamford Review consisted of a number of interlinked reviews, including one of forensic services which commented on the extent of mental health problems among prisoners. It noted that:

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147 Q 449

148 Q 454

149 DHSSPS News release 31 October 2006.

Mental health problems, and mental illness, are the most prominent single health challenge in the prison environment. In a recent study by Blaauw 2004, an estimated 63% of prisoners had a psychiatric disorder, compared with 16% of the general population. These disorders included affective disorders, anxiety, psychosis, alcohol and substance misuse and personality disorder. Although no comprehensive similar study has been carried out in Northern Ireland, the evidence suggests that if anything the figure is even higher. There is an urgent requirement for detailed assessment of mental health needs of prisoners in Northern Ireland.<sup>150</sup>

113. NIACRO told us that it welcomed the focus on the mental health needs of prisoners, but questioned whether the health service would be able to address those needs, given the lack of provision for the wider community:

So certainly we would welcome the health input and control of health-related matters, and that includes ... mainstream medical physical conditions as well as psychiatric, but we would have serious concerns, particularly around the psychiatric elements of that, because if they are of a fairly low standard already ... what chance is there of people who are in a contained situation accessing quality services?<sup>151</sup>

114. The incidence of suicides in Northern Ireland prisons was also the subject of an independent review, which was commissioned in May 2004 following six non-natural deaths in Northern Ireland prisons in the preceding 2 years. These prison deaths occurred at a time when there were UK-wide concerns about an increase in self-harm and suicide in prisons, and in Northern Ireland prisons there were increasing pressures due to paramilitary separation issues. The review, chaired by Professor Roy McClelland, analysed recent non-natural deaths, reviewed risk awareness and its management and analysed the systems, procedures, conditions and culture within Northern Ireland's three prison establishments. It included observations and interviews with prisoners and staff. The report, published in November 2005, listed 30 recommendations (the majority for the prison service) relating to risk management, information sharing, prison health, raising standards, training, health service responsibilities and implementing the recommendations.

115. Ms Anne Owers noted in her recent report on the mental health of prisoners that:

...care and support for those with mental and emotional needs should not be seen as the exclusive province of mental health professionals. It requires a holistic approach, as developed by this Inspectorate in its model of a 'healthy prison' – one where prisoners are safe, treated respectfully, able to engage in purposeful activity, and prepared for resettlement. Notably it was activity and support from staff and other prisoners that were the two things thought to be most helpful by prisoners with mental health and emotional problems, and the absence of these crucial elements

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150 *The Bamford Review of Mental Health and Learning Disability (Northern Ireland) Forensic Services*, October 2006, para 6.14.

151 Q 322

was thought most likely to make things worse. In overcrowded, under-resourced prisons, these essential elements of care are, however, at a premium.<sup>152</sup>

It is clear that, despite the planned transfer of healthcare responsibility to the health service, the prison service will continue to have a key role to play in the care of prisoners with mental health needs. This will require effective partnerships between health and prison staff.

### ***Prisoners with personality disorders***

116. Dr Bownes, consultant forensic psychiatrist, estimated from his experience over the past twenty years that around 65% of prisoners had mental health problems, but explained that only around a quarter of these had significant mental illness as defined within the terms of the Mental Health (Northern Ireland) Order 1986.<sup>153</sup> He told us that many prisoners were “poorly personally resourced and personality disordered individuals”.<sup>154</sup>

117. The number of prisoners with personality disorders presents particular challenges for the Northern Ireland Prison Service. The PGA told us that “the view of our Association would be that ... there are people who wind up in prison who probably should be in hospital”.<sup>155</sup> However, the Mental Health Order, does not allow for the detention and treatment of individuals with personality disorders, and offenders with personality disorders are therefore detained in prison rather than in a hospital. According to Fred Browne, Consultant Forensic Psychiatrist:

The Order does not recognise a separate category of psychopathic disorder and does not allow for the detention and treatment of persons diagnosed with a psychopathic disorder, regardless of whether they are considered amenable to treatment. People may, of course, be detained and treated under the provisions of the Order when personality disorder coexists with mental illness or severe mental impairment.<sup>156</sup>

118. The term ‘personality disorder’ tends to be used very broadly to cover a range of different behaviours, but a common factor is that usually the disorders are considered as less responsive to treatment. The challenge for the prison service is therefore to provide an environment where such prisoners can be appropriately cared for, and their behaviour properly managed so as to improve the prisoners’ potential and reduce their future risk of re-offending, rather than a regime which would aim to ‘correct’ the personality disorder.

119. The Bamford review suggested that personality disorder is “the most controversial, emotive and poorly understood issue at the interface between the criminal justice system and the Health and Social Services” and that “the term is so broad and the different types of personality disorder may have such different manifestations that the term ‘personality

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152 HMIP *The mental health of prisoners: A thematic review of the care and support of prisoners with mental health needs*, October 2007 p6.

153 Q 588

154 *Ibid.*

155 Q 120

156 *Advances in Psychiatric Treatment* (2000) 6: 411-413.

disorder' by itself conveys little meaning.” The report stated that there are no specific forensic services in Northern Ireland for the assessment and treatment of personality disorder, whereas in England “there has been substantial financial investment in forensic services for people suffering from personality disorder.” It recommended that outpatient and day patient services should be provided for prisoners suffering from personality disorder and that a residential secure service should also be developed.

120. The Prisoner Ombudsman told us that he was particularly concerned about the “high number” of prisoners with personality disorders, and suggested that the prison service needed more help to be able to offer enhanced therapeutic facilities to these prisoners.<sup>157</sup> He believed that prison staff needed to be specially trained to deal with personality disorders and mental health needs and that the care of such prisoners required substantial new investment. The Northern Ireland Prison Service this year opened a small therapeutic facility, the Reach Unit, in HMP Maghaberry, providing a 24 bed unit for prisoners with personality disorders. The Prisoner Ombudsman described the Reach Unit as “a major step forward”, but pointed out that he understood that the prison service had encountered difficulties in recruiting suitably experienced psychologist staff for the unit.<sup>158</sup>

121. The NIHRC agreed that better therapeutic facilities were required for prisoners with personality disorders:

People with serious mental health problems should wherever possible be provided with therapeutic alternatives to prison. This includes people diagnosed as ‘personality disordered’. A coherent and multi-agency strategy should be developed to respond to the needs of offenders diagnosed as mentally ill and ‘behaviourally’ or ‘personality disordered’. There should be the development of community-based therapeutic facilities offering age-appropriate and gender-specific programmes to identify and meet needs.<sup>159</sup>

122. The Life Sentence Review Commissioners suggested that there needed to be more input into the assessment and management of prisoners with a personality disorder in order to reduce risk:

The Commissioners note that at present there is little if any input into the assessment and management of prisoners with a personality disorder. This needs to be addressed in terms of specific difficulties eg self-harm and impulsivity at an individual level to reduce risk. As a first step the Commissioners commend the recent opening of the Reach facility in Maghaberry Prison which is a 24 bed unit located to house prisoners who have personality disorders and for which the staff receive specialised training.<sup>160</sup>

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157 Q 180

158 Q 180

159 Ev 175

160 Ev 169

123. PBNI told us that it was particularly concerned about prisoners who had not been diagnosed as having a defined ‘treatable’ mental illness, but whose behaviour represented a danger to themselves or to others.<sup>161</sup>

Members will be aware that the mental health legislation is different in Northern Ireland and a personality disorder does not fall within the remit of mental disorder. That poses particular problems for the PBNI ... The issue has been that there is no facility in Northern Ireland for the personality disordered dangerous offender ... It is a really big dilemma where you had the needs of the offender, who has got a personality disorder, but you have also got the responsibility which the Probation Board has in terms of public protection.<sup>162</sup>

The PBNI told us that it was jointly considering with the prison service the establishment of a half way house to help with the process of resettling prisoners with personality disorders who pose a significant but manageable risk to the community. The half way house would provide a more open, but still secure environment, thereby offering more public protection and more appropriate resettlement for these prisoners. Mr Masefield explained that it might be possible to develop such a hostel using buildings owned by the prison service in Crumlin Road, Belfast. We note that the CJI interim report on the management of sex offenders identified one its two pressing concerns to be the “serious pressure on the offender hostels, which are essential for management of the most dangerous offenders”.<sup>163</sup>

124. Dr McClements told us that in his view, legislative changes permitting the detention of people with severe personality disorders would be beneficial, but that this would have to be supported by the provision of new health facilities:

A simple change in the legislation will not do very much overnight to change the culture, to change the absence of a culture of treating people with personality disorder within NHS hospitals. We would also require secure hospitals, we would require a range of secure facilities and semi-secure facilities within the community so that individuals who are treated under mental health legislation, when they are well or relatively well they could step down into facilities in the community. It is not just a simple matter of changing the legislation ...<sup>164</sup>

Dr Bownes, forensic psychiatrist, described the opening of the Reach Unit at Maghaberry as a good start and suggested that the experience gained there be used to inform the further development of facilities for prisoners with personality disorders.<sup>165</sup>

**125. Whilst we completely accept that the safety of the law abiding population must be of paramount concern, we note that the large number of prisoners with personality disorders in Northern Ireland prisons presents a challenge for the prison service, in terms of developing a regime to manage their behaviour, providing appropriate care**

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161 Ev 190

162 Q 273

163 CJI *The Management of Sex Offenders Interim Report* December 2006 pvii.

164 Q 607

165 Q 618

and reducing the risks they pose before and after release. We recommend that the Government give serious consideration to the arguments for amending the legislation in order to consider whether the best interests of such individuals would be served by bringing them within the scope of the Mental Health (Northern Ireland) Order 1986. Whatever the legislation, there is a pressing need for more facilities to be provided for the support of those with personality disorders. We commend the opening of the Reach Unit in HMP Maghaberry as a good start, but recognise that this must now be further developed. We support the proposal from the Probation Board and the Prison Service to provide a hostel to aid the resettlement of prisoners with personality disorders.

### *Secure hospitals in Northern Ireland*

126. The Bamford review identified a number of major gaps in high and medium secure inpatient provision in Northern Ireland. It explained that there is no high security hospital in Northern Ireland and that the State Hospital, Carstairs, Scotland had provided most of the high security care and treatment for those adults from Northern Ireland with mental illness or severe mental impairment who, because of their dangerous, violent or criminal propensities, could not be cared for in any other setting. However, remand prisoners cannot be sent to a hospital outside Northern Ireland, and Carstairs Hospital rarely admits patients with a primary diagnosis of personality disorder. Prisoners falling into either of these two categories remain the responsibility of the prison service. Dr Bownes told us that in his view, this lack of provision was indefensible:

Over the years, every 12 to 18 months, we tend to have a very unfortunate situation where we have someone who might have a five or ten year history of schizophrenia and has killed a relative or killed someone close to them and they have to languish in prison and are sub-optimally treated in a totally inappropriate setting. I think we are probably the only country, certainly within Ireland and the UK and possibly within Western Europe, that cannot transfer someone suffering from major mental illness who has committed a serious offence and requires treatment in condition of higher security. They cannot leave the jurisdiction and that is something which is indefensible in this current situation.<sup>166</sup>

127. The Shannon Clinic, Belfast (Northern Ireland's Regional Medium Secure Unit), was opened in April 2005, but has limited facilities for women and no facilities for individuals requiring longer stay (over 2 years) treatment.<sup>167</sup> Dr Bownes told us that:

Traditionally ... there has been some reluctance to take prisoners from the prison to NHS settings; particularly there has been a worry about the expression of violence or perhaps any active or passive affiliation which they may have had to paramilitary organisations and what that might bring to the NHS hospital which would be receiving them. Things have improved quite considerably. We do not have dedicated beds within the psychiatric intensive care units or within the Shannon Clinic for

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166 Q 589

167 *The Bamford Review of Mental Health and Learning Disability (Northern Ireland) Forensic Services*, October 2006 paras 8.32, 8.33.



immediate transfer of prisoners from the prisons, it is dependent on the clinical need of other people outside the prison.<sup>168</sup>

Dr Bownes added that the possibility of commissioning a higher security level facility within the Shannon Clinic was being considered, but that these discussions were at a very early stage.<sup>169</sup> Dr McClements suggested that to build a separate NHS high security facility might not make sense on economic grounds, but that a suitable alternative might be for the Prison Service and Health Service jointly to provide a six or eight bed high security unit, possibly within HMP Maghaberry “for this difficult group of prisoners that we cannot cope with”.<sup>170</sup> Another option would be to develop an arrangement to share the secure hospital facilities in the Republic of Ireland. The Minister told us that the DHSSPS would need to take the lead on such an initiative, but that if it were to do so, he would be willing to discuss such a development with them.<sup>171</sup>

**128. We conclude that the lack of a high security hospital facility in Northern Ireland places a strain on the prison service. The need for remand prisoners, including those who are suffering from serious mental illness, to remain within Northern Ireland means that the prison service has no option but to accommodate such prisoners even though it is not equipped to provide appropriate care. We recommend that the prison service and the health service jointly discuss with the Scottish Executive and the government of the Republic of Ireland the possibilities of sharing secure hospital facilities. Before coming to a conclusion, it should also consider the provision of a small facility either at HMP Maghaberry or at Hydebank Wood, which is adjacent to the Knockbracken Healthcare Park.**

## 6 The prison regime

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### Education, training and employment

#### *The role of education, training and employment in effective resettlement*

129. One of the Prison Service’s strategic aims is “to assist family reintegration and help reduce re-offending by providing prisoners with relevant skills, activities, services and resettlement programmes”. The provision of education, training and employment fall within the seven defined areas of work within the Northern Ireland Prisoner Resettlement Strategy, an initiative led jointly by the Probation Board for Northern Ireland and the Northern Ireland Prison Service. The other six areas are: accommodation; mental and physical health; drugs and alcohol; finance, benefits and debt; children and families of offenders; and attitudes, thinking and behaviour. The Northern Ireland Prison Service’s

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168 Q 590

169 Q 594

170 Q 594

171 Q 709

Annual Report 2006-07 notes that “employment is one of the key factors in reducing the risk of reconviction”.<sup>172</sup>

130. PBNi told us that it had “a very impressive record in terms of the management of offenders in the community and the reduction of re-offending” and that “of three people released, two of them will not re-offend within two years”.<sup>173</sup> Paul Doran, Deputy Chief Probation Officer explained the importance of providing education and training in reducing levels of re-offending:

... prison should be seen as an opportunity for people who have maybe poor literacy or poor employment records to address that. We know that the majority of prisoners have literacy problems and it is a chance which should be taken. Also, the opportunities to take up employment are the most important factor in the prevention of further offending. Employment has been shown by research paper after research paper to be the most effective method of preventing a person re-offending.<sup>174</sup>

131. The provision of sufficient purposeful activity for prisoners is also an important factor in maintaining good mental health. Dr McClements, Associate Director for Healthcare, told us that:

... meaningful activity in life is so essential. I would feel personally that if I was confined to prison and did not have activities and was in my cell for long periods of time, that in itself would be a trigger factor for mental illness or even more drastic things to happen, for example intentional suicide.<sup>175</sup>

### **Level of provision**

132. At each of the three prison establishments we saw a range of impressive education facilities, workshops and classrooms for offender management classes. We heard that many of the training courses were fully accredited with external bodies so that prisoners were able to secure recognised qualifications to assist with their future search for employment. We also heard about the range of employment opportunities available to prisoners, both inside the prisons, and in the community. Working with prisoners to assist them in their rehabilitation in these ways requires a high degree of dedication and commitment. These qualities were clearly in evidence among both professional and voluntary staff at all three establishments.

133. We visited Foyleview, a resettlement unit at HMP Magilligan. The role of the unit is to aid the resettlement of prisoners, as they near the end of their sentence, by providing support and opportunities for prisoners that promote self empowerment, family relationships, employment, housing and citizenship. It was established in 1994 and has formed strong links with the local community. The facilities include community

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172 The Northern Ireland Prison Service, *Annual Report and Accounts 2006-07*, HC 863, p15

173 Q 254

174 Q 267

175 Q 614

workshops, community work placements in the voluntary and public sector and full time employment with a range of approved employers. We were told during our visit in April, that by that date, 1059 prisoners had entered Foyleview, of whom 783 had successfully completed a resettlement programme and that only 32 of those entering the programme had re-offended.

134. We also visited the Prisoner Assessment Unit (PAU) in Crumlin Road in April. Its main task is to prepare life sentenced prisoners for their eventual release into the community. When there is sufficient capacity, it also caters for long term and short prisoners who meet the criteria, or who have passed through the Foyleview Unit at HMP Magilligan. Prisoners in the PAU progress through three phases prior to their release on licence. In the first phase, arrangements are made for job interviews and appropriate employment secured; in the second the prisoner works outside the PAU, but returns each weekday night; and in the third the prisoners live and work full-time in the community but report to the PAU at least once a fortnight. Prisoners usually spend around a year in the Unit.

135. We saw an interesting range of education facilities and workshops, and dedicated teams of staff at all of Northern Ireland's prison establishments. Our impression of the Maghaberry Prisoner Assessment Unit was that it was working well, but that there was insufficient capacity for all of the prisoners who might benefit from its facilities and inadequate and outdated accommodation. We were impressed by the staff at Magilligan's Foyleview unit, and with its culture of encouraging the development of a work ethic and creating a sense of ownership and pride amongst the prisoners.

136. However, the most recent inspection reports for all of the prison establishments have concluded that the overall level of provision of education, work and time out of cell is insufficient. The 2005 Maghaberry inspection report noted that "there were long waiting lists for essential skills programmes and only limited literacy and numeracy support in workshops", "employment opportunities were limited, and many prisoners had no purposeful activity" and "many prisoners were not allocated work or education, and the regime was particularly impoverished for them; they could spend up to 22 hours in their cells each day".<sup>176</sup> The 2006 assessment for Magilligan was that "Activities for prisoners were too limited, particularly for a training prison. Eighty prisoners had no activity and the high number of cleaners and domestic orderlies suggested that further unemployment was being masked".<sup>177</sup> For Hydebank Wood women's prison in 2004, it was noted that "the education curriculum was limited and there were waiting lists for classes", "The majority of prisoners were employed in domestic tasks and there were waiting lists for work. No accredited employment or training was taking place", and "Time out of cell was reasonable but there was insufficient purposeful activity".<sup>178</sup> The 2005 report of Hydebank Wood YOC concluded that "There was generally insufficient purposeful activity to meet the

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176 HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice Northern Ireland, *Report of an unannounced inspection of Maghaberry Prison 14-15 October 2005*, p49, p51, p55

177 HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice Northern Ireland, *Report of an unannounced inspection of Magilligan Prison 10-19 May 2006*, p47

178 HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice Northern Ireland, *Report of an unannounced inspection of Ash House Hydebank Wood Prison 28-30 November 2004*, p37, p38, p41

needs of the population and too little emphasis on developing a learning culture, with too few young men involved in education”.<sup>179</sup>

137. Mr James McAllister (Chairman, Maghaberry IMB) agreed that there was inadequate provision at Maghaberry:

... when I go to the workshops in Maghaberry there is not a great deal happening. If I go over lunch there is nothing happening. There are moves to reflect a better working day, but I also feel that prisoners in Maghaberry have become lazy because of the lack of activity there.<sup>180</sup>

We accept that Maghaberry is a complex prison. However, providing the range of adequate education and training facilities that is commonly accepted as being necessary means that there has to be an acceptance that adequate resources for them are made available from the prison budget.

### ***Strategic approach and evaluation***

138. We saw on our visits to Northern Ireland prisons, and heard from witnesses about some excellent education, work and training programmes and the dedicated staff who deliver these programmes. However, it is clear from the evidence we heard that there are large numbers of prisoners who do not get the opportunity to participate. We believe that it is a false economy to make inadequate provision for education and training, given the key rehabilitative function of prisons. The Criminal Justice Inspection review of the Northern Ireland Resettlement Strategy found that the concept of resettlement had become well-established since the introduction of the programme in 2003, and that there was a positive commitment at strategic levels within the prison service and PBNI, but that there was a need for a more consistent and comprehensive implementation of the strategy throughout the prison service:

The resettlement culture within prisons is innovative, and there is a refreshing willingness to experiment. The downside of this approach is a sometimes ad hoc and localised development of resettlement. While many of the initiatives are good things in themselves, piecemeal activity can mean that learning is not shared nor practice consolidated, and progress is vulnerable to being overtaken by the next good idea.<sup>181</sup>

139. Criminal Justice Inspection noted that “the aspiration of prison working life reflecting the working day outside is a long way from reality” and that “while 95% of Magilligan’s prisoners are notionally allocated work, much of this is neither fulltime nor meaningful”.<sup>182</sup> One of its comments was that the Prison Service’s Key Performance Targets focused on volume rather than impact on prisoners, which meant that “some prisoners end up in activities that are inappropriate to their needs while staff become frustrated by inconsistent

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179 HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice Northern Ireland, *Report of an unannounced inspection of Hydebank Wood Prison and Young Offender Centre*, p13

180 Q 423

181 Criminal Justice Inspection Northern Ireland, *An Inspection of the Northern Ireland Prisoner Resettlement Strategy*, June 2007, pviii

182 *Ibid*, p23.

attendance patterns”.<sup>183</sup> The Life Sentence Review Commissioners commented on the sometimes poor match of prisoners to appropriate programmes:

The difficulty is that prisoners need tailored programmes. This is anecdotal, this is a situation I came across: a prisoner in his last three years had not improved his literacy sufficiently to be able to undertake a sex offenders’ treatment programme. That is not acceptable. The literacy should have been addressed as part of an education plan right at the start of his sentence and he should not have been coming through his sentence at the three year pre-tariff stage not able to participate in a sex offenders’ treatment programme because he was illiterate.<sup>184</sup>

The Life Sentence Review Commissioners also mentioned the lack of assessment or evaluation of the effectiveness of those programmes:

Only recently there has been some research done which indicates that some courses are not terribly successful in rehabilitating prisoners and creating a lower risk, and other courses seem to be quite good. So I think it is essential that the Prison Service should continue to look critically at the courses they provide to see which ones are going to do good and which ones are not.<sup>185</sup>

140. Other witnesses also commented on the need to focus efforts on the types of programmes which would help prisoners secure employment on release, and in particular, programmes which prisoners themselves could see would bring them benefits and so be more motivated to engage with. For example, NIACRO told us that:

There is a big focus in the Prison Service on literacy and numeracy, and so I can accept that because the evidence is very strong that people are lacking in it, but it is easier to motivate people towards skills which will take them to employment. They are not bought on the notion that literacy and numeracy will necessarily take them there. They want the fork lift truck driving and they want the card to go onto the building sites, and it is in that area that we need to work with people’s motivation, because unless you have got somebody who is motivated it is very difficult to get them to engage.<sup>186</sup>

We note with approval the variety of facilities available at the Dochas Centre and at Wheatfield prison in the Republic of Ireland and to a slightly lesser extent at HMP Belmarsh. We would welcome the Northern Ireland Prison Service developing stronger links with their colleagues in the rest of the UK and in the Republic of Ireland.

141. Ms Anne Owers agreed that whilst the provision of basic literacy and numeracy education was essential, more focus was also needed on equipping prisoners with skills that would enable them to secure future employment:

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183 Criminal Justice Inspection Northern Ireland, *An Inspection of the Northern Ireland Prisoner Resettlement Strategy*, June 2007, p24

184 Q 365

185 Q 381

186 Q 309

... it is also partly simply about redirecting resources into workshops that can provided both literacy and numeracy and skills that really will get people jobs outside the prison and pushing the resources into those kinds of activities.<sup>187</sup>

142. CJI has pointed out that the Prison Service itself has concluded that there was no coordinated strategy of prisoners' activities, that large numbers of prisoners ended up in activities that were inappropriate to their needs and that non-developmental activity (such as orderly duties) often took priority over developmental activity (work, programmes and education).<sup>188</sup>

143. One of the recommendations arising from the CJI inspection of the resettlement strategy was that the prison service should recommit to establishing a personal officer scheme or its equivalent for all prisoners, within a meaningful timescale.<sup>189</sup> The prison service for England and Wales describes the role of the personal officer as follows:

A personal officer is a prisoner's first port of call if they have questions, complaints or need advice. They also play an important part in making and changing their sentence plan, to help them make the best use of their time in prison and prepare them for a law-abiding life on release.<sup>190</sup>

144. One of the key roles of personal officers in Northern Ireland would be to manage individual prisoners' resettlement plans so as to help ensure that prisoners have access to appropriate activities and are encouraged to remain committed to their resettlement plans. We note with concern that in contrast with the rest of the UK where it is now routine to have personal officers, there are none in place in Northern Ireland. Their absence is one of the most dramatic illustrations of the different culture there. Inspectors were told that the prison service had "too many staff in the wrong places" (ie fulfilling security duties) and that this had impeded attempts to introduce a personal officer scheme throughout the prison estate since 2000.<sup>191</sup> They were also told that a personal officer scheme was unworkable for the Northern Ireland Prison Service and that instead, the prison service is proposing to introduce a case management system to coordinate resettlement activities (although this might not be fully introduced for several years).<sup>192</sup>

**145. We commend the examples of good resettlement practice we saw in all of the prison establishments we visited. We conclude that what is needed now is a more strategic approach towards matching education, work and training provision with prisoners' needs, more focus on providing skills which will enable prisoners to secure employment and a programme of evaluation to assess which programmes are most effective. We support the Chief Inspector's recommendation that a personal officer**

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187 Q 54

188 Criminal Justice Inspection Northern Ireland, *An Inspection of the Northern Ireland Prisoner Resettlement Strategy*, June 2007, p25

189 *Ibid.*

190 [www.hmprisonsservice.gov.uk](http://www.hmprisonsservice.gov.uk)

191 Criminal Justice Inspection Northern Ireland, *An Inspection of the Northern Ireland Prisoner Resettlement Strategy*, June 2007, paragraph 6.6

192 *Ibid.* paragraph 6.7

**scheme, or its equivalent, is introduced as a matter of priority, so as to ensure a better strategic match between resettlement activities and each prisoner's needs, and to encourage prisoners to remain committed to their individual resettlement plan.**

### **Security led culture**

146. Witnesses suggested that a major barrier to effective resettlement was the focus on security at the expense of resettlement. CJI concluded in its resettlement inspection report that:

Of all the challenges that resettlement faces, it is the predominant security culture that most impedes much of the progress to which NIPS aspires. High levels of searching and shutdowns, combined with the fact that most prisoners have to be escorted everywhere within the prisons, have a negative impact on culture and relationships.<sup>193</sup>

Mr Kit Chivers told us that:

...it all comes down to changing the culture of the prisons. The prisons still have this culture of being basically obsessed with security, being instruments of security of the State and not focusing on resettlement and reducing convictions as their first objective. ... the problem is actually changing the operation of the prison officers on the ground and getting them to change their mindset from being basically turnkeys to being professionals who are interacting with the prisoners...<sup>194</sup>

147. In Chapter 2, we referred to the delay in implementing the new security classification model, which suggested that 50% of Northern Ireland's prisoners could have their security classification downgraded. CJI noted that this delay had significant consequences for resettlement work, because it perpetuated the need for most prisoners to be escorted everywhere within prisons and the negative impact on culture and relationships. CJI recommended that:

Of all the reviews recently undertaken by NIPS, this is probably the most important for resettlement purposes, and we recommend that the Security Classification Review's recommendations be implemented with a degree of urgency.<sup>195</sup>

148. NIACRO told us that it believed that only around 10% of resources were spent on resettlement as opposed to detection and prosecution and that "this is a key issue for the Prison Service, that it actually manages to focus its resources away from security, the requirement of the last 30 years and much more towards resettlement".<sup>196</sup>

**149. We strongly recommend that the Northern Ireland Prison Service continues with its drive to introduce a culture which encourages prison officers to engage with**

193 Criminal Justice Inspection Northern Ireland, *An Inspection of the Northern Ireland Prisoner Resettlement Strategy*, June 2007, p24

194 Q 53

195 Criminal Justice Inspection Northern Ireland, *An Inspection of the Northern Ireland Prisoner Resettlement Strategy*, June 2007, p25

196 Q 292

**prisoners to a greater extent and to view their role as one of facilitating resettlement, rather than solely enforcing security.**

### Vulnerable prisoners

150. The prison systems of both England and Wales and the Republic of Ireland have a significant number of vulnerable prisoner units (VPUs) or protection units. These normally house sex offenders, prisoners who are ex-police officers, prisoners with debt problems and those seeking protection from criminal gangs. The Northern Ireland Prison Service has no official VPUs. Mr McAleer, Chairman of the PGA said that “it has always been the policy of the Northern Ireland Prison Service not to segregate, which is sort of different from over here, where sex offenders were segregated; it was always our policy to integrate them into the system”.<sup>197</sup> However, he also suggested that this policy was sometimes varied if necessary, saying that “the governor is in command of the prison and the governor of any prison can have any regime he likes, so he could take decisions on the day to integrate or segregate, depending on some operational issue; but the overall policy within the Northern Ireland group, unlike over here (England), was not to segregate them.”<sup>198</sup>

151. When we visited Magilligan, we were told that the policy was to integrate sex offenders fully with other prisoners. However, some prisoners told us that they felt that sex offenders were given preferential access to the woodwork workshop, and at the time of our visit many of those in the workshop told us that they were sex offenders. The 2006 inspection report for Magilligan noted that there was a degree of separation for accommodation and visits:

Eighty-three (21%) of prisoners were identified as vulnerable, mainly because of the nature of their offence. Although largely accommodated separately, they were partially integrated and completed induction with other committals. In our survey, perceptions of safety were worse among vulnerable prisoners, with 69% of those on H2 C and D and Sperrin saying they had felt unsafe at some time.... Separate tables were used for vulnerable prisoners in visits, and the furniture workshop provided work mainly for vulnerable prisoners.<sup>199</sup>

152. The 2005 Maghaberry inspection report noted that:

In our survey, 62% of prisoners said they had felt unsafe in the prison. This compared to a 38% benchmark for local prisons. More than the benchmark also said they had been victimised by other prisoners, and the survey indicated this had increased by 11% since our survey from 2002.<sup>200</sup>

The report also noted that:

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197 Q 130

198 Q 135

199 HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice Northern Ireland, *Report of an unannounced inspection of Magilligan Prison 10-19 May 2006* p32

200 HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice Northern Ireland, *Report of an unannounced inspection of Maghaberry Prison 14-15 October 2005*, p29



There was a small vulnerable prisoner unit (VPU) located on Lagan landing 5. The unit had 24 spaces and 16 were occupied. The regime was landing-based, and included some education provision and gym. We found no evidence that vulnerable prisoners here felt particularly unsafe.<sup>201</sup>

**153. We do not believe that the Northern Ireland Prison Service has a sufficiently clear strategy on the integration of vulnerable prisoners. There is no clear statement as to what the policy is on integration of vulnerable prisoners and we recommend that one is made by the prison service. We conclude that there is a marked difference between the Northern Ireland Prison Service approach and those of the prison services in the Republic of Ireland, Scotland and England and Wales. We recommend that the Northern Ireland Prison Service reviews its policy and practices relating to vulnerable prisoners in order to ensure that they provide effective protection from bullying and victimisation.**

## 7 Accountability

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### Prison inspections

154. Criminal Justice Inspection Northern Ireland (CJINI) is an independent statutory inspectorate, established under the Justice (Northern Ireland) Act 2002, constituted as a non-departmental public body in the person of the Chief Inspector. It is funded by and reports to the Secretary of State for Northern Ireland, who has powers to direct the Chief Inspector to undertake specific pieces of work. Normally, however, the Chief Inspector proposes a programme of work, which is subject to the approval of the Secretary of State. CJINI has a duty under the 2002 Act to inspect the Northern Ireland Prison Service and has the power to delegate that responsibility to HM Inspector of Prisons (HMIP). Mr Kit Chivers, Chief Inspector CJINI, told us that in most cases he preferred to work in partnership with other inspectorates, and that in the case of prison inspections HMIP usually provided the lead inspector who would form a team with members from both CJINI and HMIP.<sup>202</sup> The members of the team shared their findings and published the reports jointly. Starting with the inspection of HMP Magilligan in September 2004, inspections of Northern Ireland Prison Service establishments have been led by HMIP with the participation of inspectors from CJINI, and the resulting reports have been jointly signed by both Chief Inspectors.<sup>203</sup> The programme of inspections has been similar to that for prisons in England in Wales, comprising a mix of scheduled and unannounced inspections with each prison having at least one full inspection and one follow-up inspection every five years.

155. The inspection reports that have been issued to date under those arrangements are HMP Magilligan (March 2005 and December 2006), Hydebank Wood – Women Prisoners

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201 HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice Northern Ireland, *Report of an unannounced inspection of Maghaberry Prison 14-15 October 2005* p30

202 Q 1

203 Ev 165

(May 2005), Hydebank Wood YOC (October 2005) and HMP Maghaberry (May 2006). The inspections have been based on a methodology similar to that used for prisons in England and Wales, but the remit of CJINI is wider than that of HMIP (for example CJINI has a broader interest in the management of the Prison Service and the pay, conditions and training of its staff) so it is not always possible to make direct comparisons between the two prison services. CJINI also monitors how the Prison Service relates to other parts of Northern Ireland's criminal justice system and has covered aspects of the Prison Service's work in its broader reports on the Management of Sex Offenders (March 2005 and December 2006), Target Setting and Performance Management (January 2006) and the Northern Ireland Resettlement Strategy (June 2007).

156. The inspection of secure psychiatric accommodation is the responsibility of the health board and does not fall within the remit of CJINI/HMIP.

157. Other, non-criminal justice inspectorates have a role in the work that takes place in prisons. CJINI has negotiated joint working arrangements with these inspectorates in order to minimise the inspection burden on the Northern Ireland Prison Service and so that the inspection report provides a comprehensive review of the operation of the whole prison. CJINI has worked jointly with the Adult Learning Inspectorate (ALI), and is planning a similar relationship with the Northern Ireland Education and Training Inspectorate now that it has taken on ALI's inspection functions. HMIP and CJINI are developing a Memorandum of Understanding with the Regulation and Quality Improvement Authority, which inspects health and social services in Northern Ireland, so that HMIP will continue to inspect the delivery of healthcare in prisons, while the Regulation and Quality Improvement Agency inspects commissioning.<sup>204</sup>

158. Ms Anne Owers, HM Chief Inspector of Prisons, told us that she believed the existing inspection arrangements to be satisfactory and that she did not believe that the Northern Ireland Prison Service was 'over-inspected':

I truly do not think that (over inspection) needs to be a concern. I cannot speak for the NIHRC because that is something that is specific to Northern Ireland, it is new and obviously (CJINI) will be working out what the relationship is with that. But the whole reason that we do inspections jointly with the education inspectorate and the healthcare inspector ... is so that prisons do not get three or four separate people turning up on three or four separate occasions ... we and (CJINI) together organise the programme for inspection and bring in these other organisations to provide their specialist assistance. ... So we can do two things. First of all we can reduce the burden on the prison and prison service and secondly an inspection can provide a holistic picture of the whole establishment<sup>205</sup>

159. In Northern Ireland, aspects of the prison regime have also been subject to scrutiny from the Northern Ireland Human Rights Commission (NIHRC) The NIHRC is a statutory body created by the Northern Ireland Act 1998, with a range of duties relating to human rights issues. It is able to conduct investigations, and has the power to assist

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204 Ev 166

205 Q 50

individuals when they are bringing court proceedings, to intervene in proceedings and to bring court proceedings itself. The NIHRC has conducted valuable research into women's imprisonment and into children in custody, and regularly submits responses to prison service consultations on draft policies.<sup>206</sup>

**160. We conclude that the inspection arrangements of Northern Ireland prisons are operating satisfactorily and are pleased to note that Criminal Justice Inspection Northern Ireland has established effective working relationships with the Northern Ireland Prison Service and with other inspection agencies.**

## Prisoner complaints

### *The Prisoner Ombudsman*

161. In February 2005, the then Secretary of State, Rt Hon Paul Murphy MP, appointed Mr Brian Coulter as the first Prisoner Ombudsman for Northern Ireland. His remit is to investigate complaints by prisoners who have failed to obtain satisfaction from the Northern Ireland Prison Service complaints system. If the Ombudsman upholds the complaint, he will make recommendations to the Prison Service. The Ombudsman told us that he also (at the request of the Minister) conducts investigations into deaths of prisoners in prison custody, monitors the use of force at the disposal of the prison service and conducts thematic reviews (normally at the instigation of the Director of the Northern Ireland Prison Service).<sup>207</sup> The Ombudsman is independent of the Prison Service and reports to the Secretary of State. Mr Coulter suggested to us that his role should be placed on a statutory footing in order to secure the independent powers of his Office.<sup>208</sup> He pointed out that the management of complaints is described in the Review of the Criminal Justice System in Northern Ireland 2000 as an essential part of effective accountability mechanisms. Mr Coulter told us that:

One important issue in relation to statutory footing is that I should be accountable to Parliament for my aspect of prison service oversight and eventually, with devolution, to the Northern Ireland Assembly. This above all would underscore the independence of my Office. I am told that the failure to deliver proper statutory footing for my Office in accordance with the wishes of the Secretary of State for Northern Ireland and the Prisons Minister is due to lack of resources with particular regard to non availability of persons with legislative drafting skills. I hold the view that the Northern Ireland Office has a duty to provide for the development of my office and that the prevailing situation reflects an unacceptable policy vacuum.<sup>209</sup>

162. Mr Coulter also said that he believed it would be logical to include the Probation Service within his remit (as is the case for his equivalent in England and Wales).<sup>210</sup> The

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206 Ev 173

207 Q 140

208 Ev 181

209 Ev 181

210 Qq 153, 178

PBNI, subject to the resolution of some specific issues, was supportive of the Prisoner Ombudsman dealing with complaints against probation officers. Mr McCaughey, Chief Probation Officer, informed us that the PBNI had proposed a pilot whereby the Ombudsman would begin to deal with complaints for a year or so, with the PBNI paying the costs for that period.<sup>211</sup> The Minister told us that he had decided not to extend the Ombudsman's role to include probation, but that the Ombudsman had agreed to deal with complaints from prisoners about the probation service on a voluntary trial basis.

163. Mr Coulter informed us that he believed he should retain responsibility for investigating complaints about healthcare after the transfer of responsibility for healthcare provision had moved from the prison service to the DHSSPS.<sup>212</sup> Oversight of clinical governance was also raised as a matter of concern by the IMBs:

There is a number of issues which concern us (about the transfer of responsibility for health to the DHSSPS). First of all clinical governance. What is going to happen, and if the prisoners have complaints regarding health who will they go to? ... That is still being discussed.<sup>213</sup>

Dr Philip McClements told us that his view was that:

If you are asking me for a personal view of how that will all shake out, my firm belief is that if the transfer takes place, then the health-related issues in prisons must be investigated by the Health Service Ombudsman and not the Prisoner Ombudsman but, likewise, the prison components of complaints would still rest with Mr Coulter. The difficulty is in looking at deaths in custody where you always have both areas, there are always health issues and prison discipline and it is how you properly take advice on both those sides of that particular equation.<sup>214</sup>

**164. We are pleased to note that the Prisoner Ombudsman's Office has become well established in Northern Ireland and that it has developed good working relationships with the prison service and with each prison establishment. We believe that, at a suitable opportunity, the role of the Office should be placed on a statutory footing. We are glad that arrangements are now underway to do so via amendments to the Criminal Justice and Immigration Bill. We support the proposal from PBNI that there should be a pilot period of a year or so during which the Ombudsman deals with probation complaints, and recommend that this pilot should lead to the development of longer term arrangements for handling of probation complaints. We call on the Northern Ireland Prison Service and DHSSPS to ensure that future arrangements for handling prisoner complaints about healthcare are carefully defined and clearly communicated to prisoners.**

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211 Q 289

212 Qq 153, 178

213 Q 449

214 Q 587

### *Independent monitoring boards*

165. An independent monitoring board (IMB) is appointed for each prison in Northern Ireland by the Secretary of State under the Prison Act (Northern Ireland) 1953. The IMBs deal with a variety of issues relating to the treatment, healthcare and welfare of prisoners, and they consider requests and complaints made by prisoners. In order to fulfil their role, each member of a Board has the right of access to all parts of the prison and to each prisoner at any time. The IMBs have an oversight of prison staffing and administrative issues only in so far as these impact on the welfare of prisoners. IMB representatives are present as observers of all major incidents. Mr McAllister (IMB Chairman, HMP Maghaberry) told us that the Prison Service took the role of the IMBs seriously, and that there were good communications between the IMBs and different parts of the Prison Service.<sup>215</sup>

166. The IMB 2005/06 reports note that the IMB secretarial function was transferred from the prison service to the Prisoner Ombudsman's Office and that the IMBs started to work alongside the Ombudsman in dealing with prisoners' complaints during that period. Mr McAllister explained that there was no statutory or formal relationship setting out the structure or framework for a relationship between the IMBs and the Prisoner Ombudsman, but that the two offices shared much in common in terms of prisoners' rights and in their roles in responding to prisoners' complaints. He explained that work was in progress to set up a protocol on working arrangements between both parties.<sup>216</sup> However, Mr McAllister also explained that since the IMBs secretariat had moved from the Prison Service to the Prisoner Ombudsman's Office (to underline the IMBs' independence from the Prison Service), difficulties had arisen in relation to service provision and the independence of the IMBs from the Ombudsman:

There is a perception among prisoners and prison staff alike that the IMB is a branch of the Ombudsman's office. Although there are some similarities in the work of both offices and there is a necessity to work together in areas of mutual concern, it is crucial to the IMBs that we are not only independent but that we are seem to be independent.<sup>217</sup>

167. The Committee on Administration of Justice (CAJ)<sup>218</sup> suggested that since the IMBs were a relatively new institution, it might be useful if Criminal Justice Inspection were to undertake in due course a thematic inspection of the operation of the IMBs to see how well they were working.<sup>219</sup>

**168. We commend the work of the Independent Monitoring Boards and acknowledge gratefully the contribution made by those who offer their time on a voluntary basis. We support the IMBs' request to promote their role and underline their independence**

215 Q 386

216 Q 386

217 Q 386

218 CAJ is an independent non-governmental organisation affiliated to the International Federation of Human Rights.

219 Ev 162

from the Prisoner Ombudsman's Office. We recommend that the development of a protocol on working arrangements between the two bodies is treated as a priority.

## 8 Efficiency

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169. The Northern Ireland Prison Service is very expensive to run when compared to the England and Wales and Scottish Prison Services by the measure of cost per prisoner place (CPPP). The actual cost per prisoner place in Northern Ireland for 2006-07 was £90,298, substantially above the interim target of £85,250.<sup>220</sup> The average annual cost per prisoner place in Scotland in 2006-07 was £30,989.<sup>221</sup> Directly comparable figures for England and Wales are no longer published, but, for example in 2006-07, the cost per prisoner place for a male category C prison was £22,027. The Northern Ireland Office and HM Treasury have prioritised the reduction of cost per prisoner place in Northern Ireland. The Northern Ireland Office's PSA Target 4 seeks to reduce the cost per prisoner place in Northern Ireland to £82,500 by 2007-08. The prison service met the interim targets for reducing cost per prisoner place in 2003-04, 2004-05<sup>222</sup> and 2005-06; in 2005-06, cost per prisoner place was £85,900 against an interim target of £86,900.<sup>223</sup>

170. The Northern Ireland Office has informed the Committee that in 2006-07 the prison service:

came in within its allocated budget; the higher CPPP was due solely to the decision to defer the building of accommodation, which had been anticipated in the 2004 Spending Review when the targets were set. The target for 2007-08 is £82,500 and steps are being taken to achieve this target, including the implementation of a pay and efficiency package in April 2007.<sup>224</sup>

We are concerned that the Northern Ireland figures include the costs of running the separated regime, despite the recommendation of our predecessor Committee that the costs of running the separated regime should be kept separate.<sup>225</sup> We believe that this distorts the overall measurement of cost per prisoner place for the Northern Ireland Prison Service.

171. Some of the additional costs of running the Northern Ireland Prison Service are a legacy of the Troubles, when a security premium was added to the pay of prison officers. The large reduction in the number of prison officer posts after the closure of HMP Maze in 2000 led to a fall in recruitment, with the result that the Service has a higher proportion of

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220 Northern Ireland Prison Service Annual Report and Accounts for 2006-07, Session 2006-07, HC863, Performance against key targets.

221 Scottish Prison Service Annual Report 2006-07.

222 Northern Ireland Affairs Committee, Second Report of 2005-06, *The Work of the Committee in 2005*, HC 928, Appendix 1.

223 Northern Ireland Affairs Committee, Second Report of 2006-07, *The Work of the Committee in 2006*, HC 294, Appendix 2.

224 Winter Supplementary Estimate 2007: Written Memorandum by the NIO to the Northern Ireland Affairs Committee.

225 Northern Ireland Affairs Committee, Second Report of Session 2003-04, *The separation of paramilitary prisoners at HMP Maghaberry*, HC 302, HC 302, paragraph 90.

staff at the top of their pay grade than would be the case in most prison services. It must also be borne in mind that the high number of fine defaulters and prisoners remanded in custody also has a large impact on prison costs.

172. The Northern Ireland Prison Service has implemented a three year pay and efficiency package comprising a 2% increase in basic pay each year for the three years of the package 2007-10; a 1.5% increase in pay each year conditional on the achievement of efficiencies; 10% efficiencies in the deployment of prison officer grades; new shift systems and deployment practices; and the introduction of new staff grades.<sup>226</sup> The package promises to maintain or enhance existing regimes and develop the role of prison officers on the basis of “prisoner engagement and the Respect agenda”.<sup>227</sup> The main efficiency saving is to be achieved through the 10% reduction in prison officer grade posts (known as main grade officers (MGOs)), equivalent to a reduction of 150 staff. The change in shift patterns has led to many staff accustomed to working a four day week (with longer shifts), working shift patterns of a nine day fortnight.

173. Representatives of the Prison Governors’ Association complained that prison governors were constantly being compared in cost per prisoner place terms with prisons in England and Wales, and that the Northern Ireland Prison Service could never compete with the economies of scale that applied to the England and Wales estate.<sup>228</sup> NIACRO agreed that comparing cost per prisoner place in Northern Ireland with the figure for England and Wales was not comparing like with like, as the same arrangements for use of third party providers did not apply in each service and the England and Wales service had not faced the transitional costs that the Northern Ireland Prison Service had faced in moving the service away from the direction that had been necessary during the years of the Troubles.<sup>229</sup>

174. A new grade of staff, Officer Support Grade (OSG) is being introduced to undertake work which could require contact with prisoners but which does not require the staff to engage fully with prisoners and does not need the full range of skills of a prison officer.<sup>230</sup> OSG staff will be introduced to replace natural wastage of MGOs. The prison service also employs Night Custody Officers (NCOs) to undertake night duty work.

175. The Prisoner Escorting and Court Custody Service was established in February 2007; around 100 staff were transferred from a private sector firm to the prison service to work as Prisoner Custody Officers (PCOs), working with prison officers in undertaking duties in the courts and in inter-prison transfers.<sup>231</sup> Sixty-six further PCOs are being recruited enabling MGOs to be redeployed. The prison service expects this programme to deliver significant financial savings.

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226 Ev 143

227 *Ibid.*

228 Q 93

229 Q 294

230 *Ibid.*

231 Northern Ireland Prison Service, *Annual Report and Accounts for 2006-07*, HC 863, Chapter 1.

176. The Northern Ireland Prison Service no longer recruits at MGO level but anticipates that staff recruited at OSG, NCO or PCO level will move up, in time, into MGO ranks. The introduction of these three auxiliary grades is expected to release experienced, more highly graded, MGO prison officers to work directly with prisoners including “delivering rehabilitation and resettlement programmes” and encouraging prisoners to engage in programmes to reduce offending behaviour.<sup>232</sup> The introduction of the auxiliary grades will also deliver efficiency savings in a 10% reduction in more highly graded MGO posts.

177. Mr Kit Chivers, Chief Inspector of Criminal Justice Inspection Northern Ireland, stated that only about 10% of prison service staff were from the nationalist community.<sup>233</sup> This community imbalance will not change unless staff who are both recruited into the auxiliary grades and then progress to main grade officer are more representative of both communities. Ms Anne Owers proposed that “as part of the normalisation process”, the prison service should reflect the population of Northern Ireland and the population of its prisons.<sup>234</sup>

178. Mr Chivers told us that, in terms of achieving efficiency savings, the strategy of recruiting staff at auxiliary grades, rather than at prison officer level, was sound. Auxiliary staff could take on a wide range of duties, while prison officers would work primarily in interaction with prisoners and in “developmental work”.<sup>235</sup> He suggested that the employment of auxiliary grades together with a rising prison population would have the effect of reducing the cost per prisoner place.<sup>236</sup>

179. Although many prison officers were equipped with the skills to deliver the resettlement and rehabilitation programmes, “a significant cultural and attitudinal change” was required to move away from the previous “security dominated” approach.<sup>237</sup> Mr Kit Chivers spoke of the need for prison officers “to change their mindset from being basically turnkeys to being professionals who are interacting with the prisoners”.<sup>238</sup> The Prison Officers Association acknowledged the bunker mentality that affected many prison officers, arguing that this was a legacy of the threats to prison officers from paramilitaries, both inside and outside prison, during the Troubles.<sup>239</sup> The ever present concern of prison officers being suborned necessitates clear guidance and ground rules which can militate against interaction between prison officers and prisoners in the separated wings. The difficulty is that this is not the appropriate response within the mainstream prison system, and the prison service has to deal with both situations.

180. In addition to the physical threats to security from paramilitaries, prison officers who had served in the Maze prison remembered the development of an environment in which

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232 Ev 144

233 Q 36

234 Q 42

235 Q 38

236 Q 52

237 Ev 144

238 Q 53

239 Q 195



prison management effectively lost control over areas of the prison accommodating paramilitaries. It was difficult to convince prison officers that the threat to them and their families was lifted,<sup>240</sup> particularly in the context of continuing operations by dissident republican groups.<sup>241</sup>

181. The Northern Ireland Prison Service acknowledges that the “culture of the organisation is grounded in the approach necessary to deal with terrorist prisoners. For many years the focus was on security and the need to maintain a distance from prisoners to avoid dangers such as the potential for conditioning.[...] The time is now right to embark on a cultural change across the service”.<sup>242</sup>

182. The Prison Governors’ Association reported that sick levels had risen from around 5% in each prison to 9% at HMP Maghaberry, 4% at HMP Magilligan and 9% at HMP and YOC Hydebank Wood since the implementation of the new shift patterns.<sup>243</sup> The Prison Officers Association complained that morale was very low as a result of the introduction of the new shift patterns, although it did suggest that its introduction had been better handled at HMP Magilligan.<sup>244</sup>

183. Parts of the Northern Ireland Prison Service routinely require higher ratios of staff to prisoners than the England and Wales Prison Service; this is particularly evident within the separated wings at Maghaberry. The Prison Governors’ Association told us the staffing levels at Hydebank Wood in fact compared favourably with many Young Offenders Institutions in England and Wales.<sup>245</sup> It also argued that the staffing ratios at HMP Maghaberry, which was run as a high security prison even though it contained many low security prisoners, compared well with those at several category A prisons in England and Wales.<sup>246</sup> The cost per prisoner place in the Northern Ireland Prison Service would be lower if prisoners were accommodated in prisons that were suitable for their security categorisation.

184. Economies of scale can lead to cost reductions. However, Northern Ireland’s geographical isolation and the small size of the Northern Ireland Prison Service, accommodating the full range of prisoner categories in only three institutions, mean that some inefficiencies are inevitable. The costs of running a prison headquarters capable of covering the same range of issues as much larger prison services, are also proportionately much higher in Northern Ireland. Our predecessor Committee concluded that “the combination of a small prison estate, and the multiplicity of regimes the prison service is required to provide within that small estate, have much to do with the difficulties the Service is facing.”<sup>247</sup>

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240 Q195

241 Q 669

242 Ev 143

243 Q 109

244 Q 193

245 Q 107

246 Q 107

247 Northern Ireland Affairs Committee, Second Report of Session 2003-04, *The separation of paramilitary prisoners at HMP Maghaberry*, HC 302, paragraph 161.

185. We commend the work that the Northern Ireland Prison Service is doing to improve the efficiency of the prison estate and to reduce the cost per prisoner place. The implementation of efficiency measures has not been easy for either management or prison staff.

186. However, we also conclude that the prison service is hampered by the innate inefficiency of its buildings. In particular the inappropriate use of high security accommodation at Maghaberry for low security prisoners, and the separated regime for some paramilitary prisoners, increase costs. We are accordingly convinced that capital investment is required to make the Northern Ireland Prison Service a truly first class prison service and to release greater long-term efficiency savings.

187. The running costs of a prison estate in which low security prisoners were kept in low security accommodation would be much lower than the current running costs. We recommend that, rather than exclusively focussing on the worthy discipline of cost per prisoner place, the Northern Ireland Prison Service estimate the cost of providing the additional infrastructure that we recommend in Chapter 2, and that it estimate the efficiency savings that would accrue. We suggest that it would then be well placed to put the case for additional capital investment being made outside the Comprehensive Spending Review envelope. We believe that such investment would lead to substantial savings in the long run.

188. We question whether it is appropriate to continue to set a target of reducing the cost per prisoner place. Our predecessor Committee recommended in 2004<sup>248</sup> that this target be abandoned for the foreseeable future and we are disappointed that this recommendation was not accepted. At that time, the Government undertook to “seek the most useful way to present the extra costs of separation” and, at the very least, we believe that the figure used for measuring the cost per prisoner place should be one which excludes the costs of running the separated regime.

189. The Northern Ireland Prison Service accommodates a disproportionate number of remand prisoners. We recommend that the same political priority be placed on speeding up the process of bringing cases to trial as currently exists with regard to reducing the cost per prisoner place.

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<sup>248</sup> Northern Ireland Affairs Committee, Second Report of Session 2003-04, *The separation of paramilitary prisoners at HMP Maghaberry*, HC 302, paragraph 89.

# Formal minutes

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**Wednesday 5 December 2007**

Members present:

Sir Patrick Cormack, in the Chair

Mr David Anderson	Kate Hoey
Mr Gregory Campbell	Dr Alasdair McDonnell
Rosie Cooper	Mr Denis Murphy
Mr Christopher Fraser	Stephen Pound
Mr Stephen Hepburn	Sammy Wilson
Lady Hermon	

Draft Report (*The Northern Ireland Prison Service*), proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 189 read and agreed to.

*Resolved*, That the Report be the First Report of the Committee to the House.

*Ordered*, That the Chairman make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Several Papers were order to be reported to the House for printing with the Report.

[Adjourned till 3.45pm on Wednesday 12 December.

# Witnesses

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<b>Wednesday 16 May 2007</b>	
<b>Mr Gerry McAleer</b> , Chairman, and <b>Mr Bob Cromie</b> , Deputy Chairman, Prison Governors Association	Ev 12
<b>Wednesday 6 June 2007</b>	
<b>Mr Brian Coulter</b> , Prisoner Ombudsman for Northern Ireland and <b>Mr David McCall</b> , Principal Administrative Officer	Ev 23
<b>Mr Finlay Spratt</b> , Branch Chairman (Northern Ireland) and <b>Ms June Robinson</b> , Area Secretary, Prison Officers' Association	Ev 29
<b>Wednesday 13 June 2007</b>	
<b>Mr Ronnie Spence CB</b> , Chairman, <b>Mr Brian McCaughey</b> , Chief Probation Officer and <b>Mr Paul Doran</b> , Deputy Chief Probation Officer, Northern Ireland Probation Board	Ev 39
<b>Mrs Olwen Lyner</b> , Chief Executive, and <b>Mr Pat Conway</b> , Director of Services, Northern Ireland Association for the Care and Resettlement of Offenders	Ev 46
<b>Wednesday 27 June 2007</b>	
<b>Mr Peter Smith QC</b> , Chairman of Commissioners, <b>Dr Ronald Galloway</b> , Commissioner, and <b>Mrs Elsbeth Rea OBE</b> , Commissioner, Life Sentence Review Commissioners	Ev 54
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<b>Mrs Joan Doherty</b> , Chairman, <b>Mr James Joseph McAllister</b> , Chairman and <b>Mr Christopher "Jimmy" McClean</b> , Chairman, Independent Monitoring Board	Ev 63
<b>Professor Monica McWilliams</b> , Chief Commissioner, <b>Mr Eamonn O'Neill</b> , Commissioner and <b>Dr Linda Moore</b> , Researcher, Northern Ireland Human Rights Commission	Ev 72
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<b>Rt Hon Baroness Corston</b> , a Member of the House of Lords and <b>Ms Jenny Hall</b> , Secretary to the Corston Review of women with particular vulnerabilities in the criminal justice system	Ev 83
<b>Tuesday 16 October 2007</b>	
<b>Dr Philip McClements</b> , Associate Director for Healthcare, Northern Ireland Prison Service, <b>Professor Roy McClelland</b> , Emeritus Professor of Mental Health, Queens University and <b>Dr Ian Bownes</b> , Consultant Forensic Psychiatrist	Ev 92
<b>Wednesday 24 October 2007</b>	
<b>Robin Masefield</b> , Director, <b>Max Murray</b> , Deputy Director, Head of Operations, <b>Mark McGuckin</b> , Deputy Director, Finance and Personnel, Northern Ireland Prison Service.	Ev 101

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Not to be published in full, or in part, in any form before  
00.01 hrs Wednesday 12 December 2007.

**Wednesday 21 November 2007**

**Paul Goggins MP**, Minister of State, Northern Ireland Office, and **Robin Masefield**, Ev 116  
Director, Northern Ireland Prison Service

## List of written evidence

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1	Northern Ireland Prison Service (NIPS)	Ev 128
2	Police Service of Northern Ireland	Ev 152
3	Letter from the Chairman of the Committee to Mr Paul Goggins MP, Minister of State, Northern Ireland Office	Ev 152
4	Gregory Campbell MP	Ev 153
5	British Irish Rights Watch	Ev 154
6	The Butler Trust	Ev 158
7	Committee on the Administration of Justice	Ev 160
8	Faculty of Forensic Psychiatry, Belfast Health and Social Care Trust	Ev 164
9	HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice	Ev 165
10	Life Sentence Review Commissioners	Ev 168
11	Northern Ireland Association for the Care and Resettlement of Offenders	Ev 170
12	Northern Ireland Human Rights Commission	Ev 172
13	Prison Ombudsman for Northern Ireland	Ev 178
14	Prison Governors Association	Ev 182
15	Prison Officers' Association	Ev 183
16	Probation Board for Northern Ireland	Ev 188
17	University and College Union	Ev 191
18	Mr Jeremy Bryce	Ev 191
19	Professor Phil Scraton, Queen's University	Ev 193
20	Mr Oliver Shanks	Ev 196

## List of unprinted evidence

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The following memoranda have been reported to the House, but to save printing costs they have not been printed and copies have been placed in the House of Commons Library, where they may be inspected by Members. Other copies are in the Parliamentary Archives, and are available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

Threshold

Include Youth

Independent Monitoring Boards

Opportunity Youth

# List of Reports from the Committee during the current Parliament

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The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

## Session 2006–07

First Report	Draft Protocol for Community-based Restorative Justice Schemes	(HC 87)
Second Report	The Work of the Committee in 2006	(HC 294)
Third Report	Tourism in Northern Ireland and its Economic Impact and Benefits	(HC 119)
First Special Report	Draft Protocol for Community-based Restorative Justice Schemes: Government Response to the Committee's First Report of Session 2006-07	(HC 475)
Second Special Report	Tourism in Northern Ireland and its Economic Impact and Benefits: Government Response to the Committee's Third Report of Session 2006-07	(HC 545)

## Session 2005–06

First Report	Education in Northern Ireland	(HC 726)
Second Report	The Work of the Committee in 2005	(HC 928)
Third Report	Organised Crime in Northern Ireland	(HC 886))
First Special Report	The Work of the Committee in 2004: Government Response to the Committee's Fourth Report of Session 2004-05	(HC 393))
Second Special Report	The Functions of the Office of the Police Ombudsman for Northern Ireland: Responses by the Government and the Office of the Police Ombudsman for Northern Ireland to the Committee's Fifth Report of Session 2004-05	(HC 394)
Third Special Report	The Parades Commission and Public Processions (Northern Ireland) Act 1998: Government Response to the Committee's Second Report of Session 2004-05	(HC 395)
Fourth Special Report	The Challenge of Diversity: Hate Crime in Northern Ireland: Government Response to the Committee's Ninth Report of Session 2004-05	(HC 396)
Fifth Special Report	Air Transport Services in Northern Ireland: Government Response to the Committee's Eighth Report of Session 2004-05	(HC 529)
Sixth Special Report	Ways of Dealing with Northern Ireland's Past: Interim Report – Victims and Survivors Government Response to the Committee's	(HC 530)

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Not to be published in full, or in part, in any form before  
00.01 hrs Wednesday 12 December 2007.

	Tenth Report of Sessions 2004-05	
Seventh Special Report	The Functions of the Northern Ireland Policing Board Responses by the Government and the Northern Ireland Policing Board to the Committee's Seven Report of Session 2004-05	(HC 531)
Eight Special Report	Decision to Cease Stormont Prosecutions	(HC 814)
Ninth Special Report	Organised Crime in Northern Ireland: Government Response to the Committee's Third Report of Session 2005-06	(HC 1642)