



House of Commons
Northern Ireland Affairs
Committee

**The Northern Ireland
Prison Service:
Government Response
to the Committee's
First Report of Session
2007–08**

First Special Report of Session 2007–08

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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).

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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. 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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First Special Report

The Committee published its First Report of Session 2007–08 on 12 December 2007. The Government's response from Mr Paul Goggins MP, Minister of State for Northern Ireland, was received in the form of a letter on 18 February 2008. The response is published as the appendix to this report.

In the Government response, the Select Committee's conclusions and recommendations are in bold text: The Government's response is in plain text.

Appendix: Government response

Letter from Paul Goggins MP, Minister of State for Northern Ireland, to Sir Patrick Cormack MP, Chairman of the Committee.

Following publication of the Committee's report into the Northern Ireland Prison Service (NIPS) last December, I have pleasure in submitting the Government's response to the report.

I would like to express my appreciation to the Committee for their effort and commitment in carrying out this review and producing such a comprehensive report. The recommendations present a clear way forward for the Service and align with its strategic development programme.

In particular I was very pleased to announce on 18 December that Magilligan Prison would be rebuilt on the present site. Additionally, the development of a holistic strategy for the management of women offenders recognises their diverse and specific needs.

The challenges faced by the NIPS in the years ahead are significant but I am confident that these will be tackled. The normalisation agenda is being taken forward, with much effort going into the development of management and staff. All NIPS main grade officers are attending a two day training workshop between now and the summer which highlights their significant contribution to promoting public protection and reinforces the role of staff in engaging with prisoners to help them address their offending behaviour through positive engagement with prisoners.

The recommendations in your report will directly assist the Service in developing its services to meet the needs of a modern Criminal Justice system. I am confident that this will also support the programme for the devolution of justice and policing to the local Assembly.

The Northern Ireland Prison Service Reply

Introduction

The Northern Ireland Prison Service appreciates the Committee's comprehensive report which highlights many of the current challenges being faced by the Northern Ireland Prison Service. The Northern Ireland Prison Service is grateful for the commitment of members of the Northern Ireland Affairs Committee (NIAC) in examining *the operation of the Northern Ireland Prison Service, in particular 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.*

The Northern Ireland Prison Service is evolving after many difficult years where security and control dominated the prisons agenda. The Service in its statement of Purpose not only recognises the commitment to keep in secure, safe and humane custody those committed by the courts but also emphasises the need to help prisoners to address their offending behaviour and prepare for their release. Refocusing the work of the Service has inevitably proved challenging and the process of normalisation still continues.

The report of the Committee recognises the significant limitations of the existing estate. The report includes reference to a number of witnesses who came before it and who were critical of the current accommodation available, particularly at Maghaberry and Magilligan Prisons—Her Majesty's Chief Inspector of Prisons, representatives of the Independent Monitoring Boards, and Prison Officers Association and Prison Governors Association representatives. The Northern Ireland Prison Service agrees with the conclusions of the Committee that there should be significant additional capital investment in the prison estate.

The Northern Ireland Prison Service welcomes the Committee's endorsement of its intention to implement a new security categorisation procedure. This will ensure that prisoners are appropriately categorised according to the risk presented within the establishment and the risk were they to escape. The Prison Service intends moving to a position that ensures prisoners are accommodated according to their security category and that levels of supervision are commensurate to the risk presented.

The Prison Service welcomes the Committee's positive comments in relation to the dedication and commitment of education staff at all three establishments. However, the Prison Service also agrees with the Committee that there is an urgent need to increase education and training provision across the Service. The Committee quotes from recent Inspectorate reports which were critical of the current level of provision of education, work and time out of cell. The Service will continue to develop the learning and skills agenda and specifically seek to build on the working partnership with external further education colleges in providing a core curriculum, as well as building further links with local employers.

The Prison Service has worked to effect the transfer to the HPSS of lead responsibility for prisoner healthcare, and looks forward to its finalisation on 1 April this year. The Prison Service is committed to improved partnership working to ensure that prisoners are able to

access healthcare expertise commensurate to that found elsewhere within the community. The Service agrees with the Committee that improvements are necessary to the delivery of healthcare services, and welcomes the Committee's endorsement of the transfer of lead responsibility.

The Prison Service also welcomes the Committee's recognition that current facilities for prisoners suffering with personality disorders or mental health problems are inadequate and additional facilities should be provided. The Prison Service welcomes the Committee's positive comments in relation to the opening of the REACH Unit at Maghaberry. However, further discussion with health service providers is necessary, including further exploration with the Probation Board on the recommendation to provide an external hostel to assist with the resettlement of prisoners suffering from severe personality disorders.

In conclusion the Service agrees with the thrust of all the recommendations; the remainder of this paper sets out how the Service intends to take forward its development, encompassing their implementation. With appropriate resources, the commitment of its staff and the sustained support of a range of partners within the criminal justice system and outside it, the Service aspires to deliver the vision of a first class system that the Committee has so clearly set out.

The Northern Ireland Prison Service's comments on individual conclusions and recommendations:

The Prison Estate

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)

The Prisons Minister announced the outcome of the comprehensive Options Appraisal on the future of the prison estate, in particular in relation to the needs of adult male prisoners, on December 18, 2007. The Minister's announcement concluded that a new prison establishment is required and that it should be built on the existing Magilligan site. This decision supports the Committee's conclusion that further investment should be *made* on the Magilligan site, particularly given the excellent work that goes on at Magilligan and the external relationships that have been developed in the local area. The announcement included reference to a range of preparatory work all designed to deliver the future building programme which will progress depending on future spending review funding becoming available. In the shorter term, the Minister also announced the development of 400 additional cell spaces to be available for the Northern Ireland Prison Service by 2011, for which funding has been identified in CSR07.

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)

The Prison Service has committed to implementing the new security categorisation system by 31 March 2008. After careful consideration, the Prison Service concluded there were benchmarking and other advantages in aligning the Northern Ireland security categorisation system more closely with that used in England and Wales. Work has been taken forward to re-align the existing high, medium and low risk categories to Category A for highly dangerous offenders, for whom escape should be made impossible through to Category D for those who can reasonably be trusted to be accommodated in open conditions. NIPS envisage that up to 50% of the prisoners could be categorised as Category C, with 30% Category B. This should have the effect of significantly reducing the number of prisoners previously considered high risk.

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)

An inter-agency working group which was convened to examine how best to deal with fine defaulters reported in June 2007. Its recommendations, which are now being taken forward, include measures:

- to ensure that more people pay within the period allowed, by making sure they understand the rules and by proactively exploring payment by instalments;
- to give greater flexibility for chasing up fines by administrative action, rather than through the courts;
- to develop alternative sanctions.

On the last of these points, the draft Criminal Justice Order, on which the Minister has been consulting and which he intends to lay before Parliament presently, includes provision for supervised activity orders (of up to 100 hours) as an alternative to fine default. Beyond that, further legislative changes will be required—including the introduction of a system to enforce payments from earnings and/or benefits.

These measures help to address the Committee's concerns about exploitation of the system. There will always be some defaulters who will not be suitable for or will refuse to participate in community-based alternatives, for whom prison is the only option; nevertheless, our aim is to minimise that number.

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)

Delay is a serious issue, but one that is a priority for Ministers, for each of the criminal justice agencies, and for the organisations collectively through the Criminal Justice Board. The Prison Service welcomes the recognition of the impact of the higher remand population on its ability to provide appropriate interventions.

A report by Criminal Justice Inspection Northern Ireland in May 2006 highlighted that agencies were not sufficiently working together on the problem; that processes needed to be improved; that more active case management was required; and that special attention was needed for youth cases.

The Criminal Justice Board has responded, through a Delay Action Team, by:

- creating a dynamic. The Criminal Justice System has signed up to standards (targets) for case progression, which get steadily tougher over the next three years. The Minister will be personally reviewing these later this year to ensure that they continue to provide an appropriate degree of challenge. A major conference on improving the pace of the justice system takes place on 18 February as part of Criminal Justice Week;
- improving processes. An action plan on delay is leading to 80 areas receiving attention. A fast-track for appropriate cases is being piloted, and case progression officers have been appointed in some courts. Improved police targets for youth cases are being put in place;
- bringing forward changes to the law, including better arrangements for police bail and the option of home curfew and electronic monitoring (both in the draft Criminal Justice Order), so that accused persons are only remanded when it is really needed.

Delay is a longstanding problem, but it is being tackled—with the results showing in tangible reductions to the time taken for cases to reach the courts.

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)

The Prison Service is very mindful of the additional challenges and opportunities arising from the draft Criminal Justice (NI) Order. The introduction of public protection sentences (both indeterminate and extended sentences) will undoubtedly increase the workload, particularly in relation to delivery of programmes and interventions to address prisoners' risk. The Prison Service welcomes the Committee's view that a reduction in the remand population would reduce the burden currently placed on the Service, and allow prisoners increased opportunity to address their offending behaviour during their sentence. The Prison Service is also liaising with HMPS in England and Wales to obtain the benefit of their experience in introducing indeterminate and extended public protection sentences in implementing the Criminal Justice Act 2003. The current situation in Northern Ireland is not helped by the critical shortage of qualified forensic psychologists to help take forward programme work and interventions to address prisoner risks, however the Service is committed to finding a range of solutions to ensure the availability of the requisite programmes. The Service welcomes the additional resources provided by the Government to facilitate the implementation of the Criminal Justice (NI) Order - a total of £14 million over three years.

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)

The Prison Service is presently implementing the revised security categorisation system. The initial phase of this work is expected to be completed by 31 January. The impact should be to significantly reduce the number of prisoners who would be considered high or medium risk in categories A and B. The outcome of the new categorisation system will inform the future development of the prison estate and in particular the design of buildings and provision of security infrastructure. In addition, categorisation will inform decisions on staff : prisoner ratios and staffing complements. The Prison Service has already taken forward significant work, including discussions with the POA, as key stakeholders, on the design and staffing of the new residential units currently being built at Magilligan and Maghaberry. However, future designs of accommodation units and supporting infrastructure must also take account of the fact that Northern Ireland will have only two adult male establishments for the foreseeable future. It is important that future designs provide for maximum flexibility for the transferring of prisoners between establishments, including the ability for the replacement Magilligan Prison to accommodate a number of Category A prisoners.

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)

As members of the Committee are aware, the Government welcomed this clear recommendation. On 18 December the Prisons Minister announced that the replacement prison for Magilligan will be built on the Magilligan site. This was influenced to a large extent by the current good work being done at Magilligan including the positive relationships that exist with the local community.

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)

There is no doubt that Maghaberry is an exceptionally complex establishment. At present Maghaberry accommodates remand prisoners, sentenced prisoners, including life sentenced prisoners, prisoners with mental health problems, prisoners with severe personality disorders, and the prison population includes a full range of prisoner needs. Northern Ireland is too small to develop specialist units to provide for the needs of certain categories of prisoners. A new 50 bed unit has opened at Alpha in Magilligan, which will help alleviate the current pressures on Maghaberry. Sixty cells in high quality residential accommodation at Magilligan will also come on line this autumn. The Prison Service agrees with the Committee's view that whilst there is a case for an additional prison closer to Belfast, this is not an immediate priority. The Options Appraisal has taken a planning assumption of 2300 adult males by 2022, and the population will be kept under regular review, so that as need is identified plans can be made accordingly.

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)

At present there are over 170 life sentenced prisoners accommodated by the Northern Ireland Prison Service. The life sentenced population is increasing significantly each year. This brings challenges on the Prison Service to provide adequate programmes, interventions, work and educational opportunities. The Prison Service is mindful of its responsibility to provide opportunities for prisoners to address risk. A range of offender

behaviour programmes are available in addition to one to one interventions. Presently the interventions are mainly geared to the period when the prisoner approaches their tariff expiry date. The Prison Service is presently in discussion with HMPS in England and Wales for support in its planned delivery of programmes. The Prison Service is particularly concerned that it was unable to recruit qualified forensic psychologists to fill vacancies following two recruitment campaigns during 2007. The Prison Service has in place a Strategic Programmes Steering Group jointly chaired by senior Probation and Prison Service management. This group will focus on delivery of cognitive behaviour programmes for prisoners identified as presenting a high risk, including for life sentenced prisoners.

Women Prisoners

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)

The Prison Service is committed to taking forward the resettlement agenda. At present the Prison Service Director with the Chief Probation Officer jointly chairs a multi-agency steering group which involves voluntary and other public sector organisations in providing support to implement the NIPS resettlement strategy. In addition, the Minister is establishing a powerful new Ministerial Group on Reducing Offending. This group will include those Ministers in the Northern Ireland Executive whose departments deal with offenders and those at risk on a regular basis and are in a position, therefore, to help reduce offending.

The Prison Service also agrees with the Committee that prisoners should not be subject to overly restrictive security regimes. Indeed the categorisation will assist in reducing the current over-reliance on security and control of those prisoners who would benefit from a more relaxed regime. The opening of new accommodation in Wilson and Martin House provides for a progressive regime for lifers given the significantly reduced levels of supervision and the freedom for lifers to take personal responsibility for management of their day-to-day needs, though these facilities are still within Maghaberry.

The Prison Service is conscious of the criticism that female prisoners share a site with male young offenders. The Prison Service agrees that this is not ideal and the Minister has commissioned work on the development of a holistic strategy for the management of women offenders both in custody and in the community. An interim report is due by the end of February. The overall strategy will include longer term options for developing a new facility for female prisoners. In the meantime, the Prison Service has invested in excess of £1m to upgrade the current accommodation. The Governor is also implementing steps to provide a degree of additional separation for this accommodation and the adjacent gardens by installing a fence to split the female part of the site and provide for greater privacy. Whilst not ideal, this does go some way to provide for a more relaxed regime for female prisoners and provides greater opportunities for free movement without prison staff escorts.

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)

The Prison Service agrees with the Committee that prisoners deserve the best possible opportunities to re-join society as self-sufficient members of the community. This is a central strand of the Prison Service's resettlement strategy. Broadly in line with the approach in England & Wales the Prison Service is taking forward the implementation of eight resettlement pathways, namely:

- Accommodation
- Education, training and employment
- Health – mental and physical
- Drugs and alcohol
- Finance, benefit and debt
- Children and families
- Attitudes, thinking and behaviour
- Offender management and planning

Employment is a key aspect of the resettlement process. The Prison Service is presently exploring options for development of further training opportunities for all prisoners, including female offenders. To lead this work, the Prison Service has recruited a Learning & Skills Adviser from a local further education college. This will provide increased opportunities to link into resources available from education and support services across the community.

Consideration will be given to the development of suitable training facilities alongside the development of new residential units on each site.

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)

As indicated previously, the Minister has commissioned the development of a holistic strategy in relation to the management of women offenders. The Prison Service recognises that the current situation is less than satisfactory. Whilst every effort will be made to improve facilities for female prisoners, there are limitations because of the existing facilities at Hydebank Wood. These limitations include the limited space available in the visiting room. The Prison Service regrets that it is unable to provide separate visiting facilities for female prisoners. However, this will certainly be addressed in the strategy currently under development. In the meantime work is in hand to separate the current healthcare facility to provide a dedicated area for women. Moreover consideration is being given to a temporary overnight facility adjacent to Ash House in which certain enhanced women prisoners might be able to have a more extended visit with their children.

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)

The Prison Service accepts the Committee's concerns, and welcomes the Committee's confirmation that the Prison Service has provided a dignified, constructive and therapeutic regime for women offenders. The Prison Service continues to develop the regime for prisoners and although not ideal the location of the female prison at Ash House in a low security establishment provides greater freedom to think imaginatively about how the regime operates. A separate female facility on the Hydebank site is clearly one potential outcome from the strategy review, although prioritisation within future funding envelopes will be for Ministerial consideration.

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)

The Prison Service is committed to developing a women's strategy as announced by the Minister. The interim report is due by end February, and a final document by the end of the summer. To ensure a comprehensive assessment, project team members are visiting a range of public and private sector women's facilities in Great Britain and Ireland.

Separation of paramilitary prisoners

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)

The Prison Service is reassured by the Committee's observations with regard to the human rights of prisoners. The Prison Service is very mindful of the comments from Her Majesty's Chief Inspector of Prisons, the Criminal Justice Inspectorate (NI), the British-Irish Rights Watch and the Human Rights Commission. However, in operating the separated regime, the Prison Service is under a duty to provide for the safety of individual prisoners and also safety for staff. The objective underlying the arrangements is that staff should have the confidence and ability to do their duty, particularly in the context of managing prisoners who explicitly owe their allegiance to a proscribed organisation. The risk presented when such prisoners act in concert is significant.

The Prison Service is very mindful of the additional cost of operating the separated regime and has taken active steps to reduce it. However, the Prison Service believes that this is an inevitable consequence of a system that requires paramilitaries to be managed collectively in their respective groupings. The Prison Service does not accept some of the assertions that prisoners have a reduced regime on alternative days. Since the review of the separated regime and a range of enhancements introduced from late in 2006 there are greater opportunities for separated prisoners to associate out of cell daily, including providing for additional periods of association in the second education classroom.

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)

The Prison Service did carry out a comprehensive review of the regime for separated prisoners during 2005/06 which was followed by a public consultation on two aspects of the regime. As a consequence, significant improvements were made, including the installation of a second classroom to increase access to education. In addition, the Prison Service canvassed all separated prisoners on their preferences for education and the Education Department put arrangements in place to ensure all preferences were provided for.

Unfortunately, attendance at classes remains a problem with uptake somewhat sporadic, particularly for academic classes as opposed to recreational classes such as art, guitar, handicrafts etc. The Prison Service does not accept that the existing regime has a negative impact on educational facilities for prisoners. The facilities available are indeed superior to those available for the majority of prisoners in the establishment. The Prison Service does accept that separated prisoners do not have the same opportunity to attend workshops,

but, in other aspects of the regime, for example their own gym and astro-turf pitches, the facilities are again superior.

The Prison Service welcomes the Committee's recognition that special arrangements are necessary for the management of separated prisoners, in particular controlled movement. In the review document published in 2006, the Service stated that "in the longer term, it would be desirable to move to a position where separated prisoners can move and associate more freely.....if there were to be positive developments in the community in relation to political progress, that created a more secure, less threatening environment both outside and inside prison establishments, this could contribute to a situation in which further regime changes might be considered potentially appropriate."

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)

Separation was introduced following the Government-commissioned initiative to review safety at Maghaberry Prison. The introduction to the Separated Regime Information Booklet and Compact sets out the Service's belief that normally integrated conditions are the best way to run prisons, as they afford greater scope for interaction between staff and prisoners with the latter treated as individuals. The Service would wish to see, when the time is right, a move that would facilitate all prisoners engaging fully in regimes, including programmes geared to enhancing public protection.

Health

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)

The Government shares the Committee's view that the transfer of responsibility for prisoner healthcare to the Health Service should be completed in the very near future. The healthcare service provided to prisoners should be comparable to that in the community.

Following an exchange of letters between the Prisons Minister and the Health Minister the transfer is scheduled to be finalised on 1 April this year. In practice there is already a growing partnership between the Healthcare managers and staff in the Prison Service and the wider HPSS.

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)

The Bamford Review into mental health services in Northern Ireland was published in 2007. While it did not recommend that personality disorders be included in the scope of the Mental Health (Northern Ireland) Order 1986, it did propose two major pieces of legislation. The timetable and indeed decisions on the policy are matters for the devolved administration. In the meantime prisoners suffering from personality disorders, particularly those with severe personality disorders, will have to continue to be managed within the prison system for the foreseeable future. This inevitably adds to the significant challenges faced by the Prison Service in managing its prisoner population. The opening of the REACH Unit at Maghaberry is a positive step which provides prisoners with individual care plans, where staff are specially trained to manage prisoners with specific personality disorders. However, there are others within the system who require similar interventions.

The wider issue of managing prisoners with mental health needs has been identified by the Prison and DHSSPS Ministers as a joint priority. In looking to see what practical measures can be put in place, a needs assessment has been agreed as an early priority to which NIPS has agreed to make a financial contribution. However, major change relies on the transfer of healthcare being fully implemented and partnership with a wider range of healthcare professionals in the HPSS.

Separately, the Prison Service is working in partnership with the Probation Board to explore the development of a post release hostel facility for managing those prisoners who suffer from personality and coping disorders. Options include the use of spare accommodation at the Prisoner Assessment Unit in Belfast.

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)

The Prison Service endorses this conclusion, which was also a specific recommendation in the Bamford Report. However, the lead responsibility is with the DHSSPS. As part of our ongoing discussions, the Prison Service will highlight the Committee's suggestion that a small secure facility be built as part of or adjacent to Maghaberry or Hydebank Wood to accommodate high risk prisoners who require access to mental health support. The scope for discussions with the Scottish Executive and the Government of the Republic of Ireland on the possibility of sharing secure hospital facilities is also noted.

The Prison regime

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)

The Prison Service is grateful for the Committee's recognition that there is much good work in promoting the resettlement agenda in all prison establishments. The Prison Service is mindful of its responsibility to address concerns raised in the Criminal Justice Inspectorate review of resettlement within NIPS and the need to enhance current education, skills training and work opportunities. NIPS has recently appointed a Learning & Skills Adviser from the further education sector. She will help develop the Service's strategic learning and skills agenda, and will develop partnerships with external further education establishments.

The Prison Service in recent years has been of the view that all officers should display the behaviours and values of a Personal Officer rather than have this responsibility vested in a few officers. The Prison Service had previously failed to embed a Personal Officer scheme. However, as part of the wider development programme, the Service is now considering how best to take forward the introduction of a Personal Officer Scheme in the context of promoting culture change amongst prison staff and managers.

Separately, the Prison Service is in the process of implementing the revised Progressive Regime and Earned Privileges policy. This policy is designed to reward those prisoners who commit to a resettlement plan which helps them address their offending behaviour and prepare them for release. Prisoners will enjoy a regime commensurate with their commitment to their individual resettlement plan.

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)

The Prison Service strongly agrees with the Committee that it needs to continue its drive to introduce a culture which encourages prison officers to engage with prisoners. The Prison Service is building on the training provided to operational managers in 2007 and providing every prison officer, by summer 2008, with a tailored 2 day programme which is focused on their role within the modern prison service. The core of this will be the promotion of public protection through engaging positively with prisoners where prison officers act as positive role models and actively influence prisoners' attitudes and behaviours. The feedback so far is encouraging with the pre-recorded contributions from victims and others proving particularly effective.

Separately, the Prison Service's performance management system reinforces the key outputs expected from both operational managers and prison officers. The implementation of the new security categorisation system will, over time, also help address prison officers' perception that all prisoners present a high risk of assault or threat to themselves or others.

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)

The Prison Service accepts that it has hitherto lacked a corporate approach in this area, across all establishments, although good work has been taken forward at local level. The Service has identified the need for and is committed to developing a corporate policy to promote safer custody, building on the existing Suicide & Self Harm, and Bullying policies. Policy on safer custody will address issues raised by the Committee in relation to the management of vulnerable prisoners. The review of safer custody will take account of best practice in other jurisdictions, including that mentioned in the Committee's report in the Republic of Ireland, Scotland, and England and Wales. The safer custody strategy will also include a review of the current bullying policy. This work will be taken forward as fast as competing priorities permit.

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)

The Prison Service welcomes the comments from the Committee in relation to the work of the Criminal Justice Inspectorate in Northern Ireland (CJINI), and will continue to provide full co-operation to the CJINI.

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)

The Prison Service welcomes the Committee's comments in relation to the role of the Prisoner Ombudsman's office, and is keen to continue to develop further the positive working relationships with the Ombudsman's office. The Government withdrew the provisions in the Criminal Justice & Immigration Bill to place the Ombudsman in Northern Ireland, as in England and Wales, on a statutory footing to facilitate further consultation including clarification of the position in regard to healthcare complaints. The pilot of complaints in relation to probation matters within the prison establishments will be carefully evaluated.

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)

The Prison Service also appreciates the significant contribution of the Independent Monitoring Boards. Members continue to give selflessly of their time on a voluntary basis. The Prison Service understands that the protocol on working arrangements between the IMBs and the Ombudsman's office has been completed.

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)

The Prison Service took forward the implementation of the pay and efficiency agreement with the POA and the PGA in April 2007. Although there were some significant difficulties in bringing forward implementation of the revised shift patterns at Maghaberry and Hydebank Wood, the arrangements were discussed and agreed. The roll out of the pay and efficiency agreement will continue in 2008/09 and 2009/10 with the progressive introduction of the Operational Support Grade.

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)

The Prison Service agrees with the Committee about the inherent inefficiencies in staffing arising from sub-optimal accommodation across the estate. (The H Blocks at Magilligan and the square houses at Maghaberry are staff intensive.) The Prison Service agrees with the Committee that significant capital investment is required to provide modern accommodation that is more fit for purpose in the longer term. Such accommodation will be specifically planned with a view to putting in place the most appropriate staff : prisoner ratios. New accommodation will be planned with a view to wider, open landings with clear lines of sight and ample natural light. The implementation of the new categorisation system will also assist the Service in providing the staffing commensurate with the security risk levels of the particular prisoners accommodated. The Prison Service is presently taking forward the finalisation of the strategic business case for the replacement prison at Magilligan which will include the scope for efficiency savings.

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)

As stated, the Prison Service is presently finalising the strategic business case for the replacement prison at Magilligan. This business case will capture all the arguments in relation to the current inefficiencies in the existing estate, and the significant savings that would accrue in a new purpose-built estate designed to be more staff efficient.

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)

The Prison Service believes that the cost per prisoner place target has limited value as a measure of relative efficiency, and as an internal indicator of improvements in efficiency. The Service agrees however that the value of the indicator is significantly reduced when it is used to attempt to compare performance in NIPS with other jurisdictions. The Service will present to the Treasury the Committee's recommendation that the cost of separated prisoners be removed from the calculation of the cost per prisoner place.

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)

The Government has made clear that reducing remand delays are a high priority; progress is being made across the criminal justice system is delivering improvements against the targets that were published in 2007.