

Creating the conditions for change: Prison reform in a devolved setting

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We know the Northern Ireland Prison Service faces considerable challenges. Based on work by CJI and others we know the service – despite best intentions - is struggling to deliver the requirements of a modern prison service.

We also know that politicians will want to make a devolution difference – to demonstrate that things are better under devolution when compared with direct rule.

Thus we have the potential for a perfect storm – a ready set of problems and a desire among politicians to change the ways in which things are done for the better. Here is an open goal to make a difference where previous interventions have failed.

The question is can we be assured that such a situation will result in the issues of prison reform being addressed. The answer is unclear.

Challenges facing the service

The Prison Service in Northern Ireland has been documented in over 17 pieces of work by the Criminal Justice Inspectorate. This work ranging from establishment inspections, organisational specific pieces of work and thematic inspections, while noting what's good within the system, has highlighted a wide range of problems and deficiencies.

The role of the prison officer is one of the most important in determining the experience of prison for a prisoner. Here the problems are significant. The employment profile of prison officers is out of step with institutions in Northern Ireland. Our Report into Section 75 shows the nature of the disparity of those in prison and those charged with looking after them. It raised important questions

around the balance of employment and the need to ensure transparency in relationships within establishments.

In the course of the Maghaberry Inspection this year inspection we have identified a number of issues that reflected disconnection between the Prison and NIPS HQ, particularly in relation to delivery of policies and procedures. We encountered frequent examples of confusion around the development and introduction of prison policy.

Many of the underlying issues identified in our 2006 Maghaberry Report were still visible during the 2009 inspection. 54% of recommendations of the 2006 Report had not been achieved revealing a significant blockage within the institution to change the ways in which business is being done.

In overall terms we found a major disconnect between the entirely commendable strategic objectives of the NIPS and the outcomes for prisoners in Maghaberry. While no-one would disagree with the stated goals of the Prison Service, this did not always translate into activity within the prison. A similar theme emerged when we examined the experience of vulnerable prisoners across the service at the end of 2009.

In our inspection work we have also encountered some working practices that actively undermined management's attempts to ensure smooth and effective operation of the prison; examples include manning levels and scheduling, lack of free and unannounced access to the houses for governors, and weak performance management. We have seen how poor working practices and industrial relations have had a major (negative) impact on the regime for prisoners.

The ethos within the Prison System is one of static security provided by large numbers of staff and highly-restricted movement of prisoners. This dominated the culture of the prisons and ultimately undermined the relationship between staff and prison officers. It disabled meaningful attempts to develop an approach focused around dynamic security where staff-prisoner interaction could provide a better level of security. It further undermined the creation of a normalised prison environment that challenged prisoners and focused on those areas likely to reduce re-offending. Current training and development initiatives are failing to address the changing role of the prison officer.

Devolution pressures

The devolution of prisons to a local Minister will not be without difficulties. Experience shows that the devolution of policing and justice will place significant pressures on the justice system here. They will range from:

- organisations having to operate in the gold fish bowl of increased political scrutiny;
- the potential for an increase in punitive populism; and a
- greater fight for resources when it becomes part of the Northern Ireland block grant. This will lead to a much greater call for efficiency and value for

money. The current cost per prisoner place is expensive. This will come under sharp focus when the prison has to bid for resource against what will be perceived as more deserving areas. Who will argue the case for prisons over health and education?

Difficulties will also arise – as with much else in Northern Ireland because of history. Prisons and those who work in them create traditional political allegiances. It can generate a “If you are for it then I must be against it” mentality when it comes to the need for change. This is not conducive to developing a consensus around a reform agenda.

A third issue relates to the nature of the problem. Prison Reform is difficult. It requires leadership, commitment and money to make a difference. There is a lack of clarity around where to start. A series of reports make recommendations with no apparent movement. Is this because of management failures, resistance from the POA, the nature of the prison population - or all of the above? What can an individual Minister do to make a difference if views are divided on the way forward?

Finally, and related to the above - does anyone care. Politicians might rightly say that for the bulk of the population there is little thought about what goes on behind prison walls. Unless a particularly tragic event occurs the majority of the population will shrug their shoulders and complain to talk shows that prisons are like holiday camps anyway and they *should* be bad places for bad people. Are there any votes in prison reform?

Looking to the future

Of course I am overstating the problem. But it illustrates the nature of the challenges facing politicians as they take over the reins of power in policing and justice issues. To make a difference means in my view changing the nature of the debate.

The starting point for me is being clear about what we want our prisons to do. We are fairly clear about what we want our other public sector institutions to do (hospitals to make people well, schools to educate etc...). We are less clear about the role of the prison.

The issue of prison reform is not just about prisoner rights (however valid this is). It is also about public protection. The research shows that what happens inside the prison gates can have a major impact on what happens outside the gates. If people are brutalised and locked up 23 hours per day is it any wonder that they re-offend on release; reconviction rates currently stand at around 50% within two years. The cost of re-offending in GB has been estimated at £11 billion – that is money that is being taken away from education, housing and health. A reduction in re-offending also means there will be fewer victims in Northern Ireland.

A recent House of Commons Justice Committee report stated that the purpose of imprisonment was “to reduce re-offending, while treating prisoners with humanity and keeping them appropriately secure”. That seems a useful starting point.

The second set of issues is around making the change happen. There is no magic bullet to the problem of prison reform. Ultimately change only occurs at an operational level because management and staff decide to make it so. A clear and identifiable purpose for prison will have to be followed through into day-to-day operational management.

Research on effective leadership in prisons shows that leading by example, with a clear vision, setting expectations and challenging behaviours does make a difference. The objective is to increase dynamic security as an approach and to increase the opportunities for education, work skills and resettlement activities. It means having the courage to make difficult decisions and stick by them. A good Governor with a sense of what is possible can make a difference.

All too often in the public sector there is a focus on process rather than outcomes. At times the prison service is no different. Improving safety and respect, purposeful activity and resettlement means changing the experience of being a prisoner in a Northern Ireland prison. This means focusing on outcomes as part of the operational challenge. It's not enough to develop a personal officer scheme – it must be rolled out across the prison estate. While out inspection of Maghaberry made 200 recommendations we highlighted 11 core areas to action to make a difference.

The Northern Ireland Prison Service is not unique in facing challenges of this type. Very similar problems exist throughout the UK and Ireland. It also means that others have the experience we can learn from.

These are issues that need to be addressed irrespective of whether there is devolution of policing and justice or not. There is no doubt that a consensus among politicians to focus on improving the public protection role of prisons will concentrate minds on performance. In addition a scrutiny committee will also place additional pressures to make a difference should it decide to do so.

I would also like to have the delivery of CJI recommendations built into the performance management and governance arrangements for senior staff within the Prison Service.

One argument has been the need to introduce a Patton Style release package for prison officers. That would address the profile of the current workforce and facilitate those who do not want to be part of a new service to leave. It will not change, however, the core nature of the prison regime. Without a clear purpose, driven by experienced staff who have a sense of what can be done little will improve.

The challenge will always be to translate into meaningful activity the fine words of reform in a more effective core day for prisoners that includes increased purposeful activity in an environment of safety and respect,

Finally, there is also the opportunity to think the unthinkable in relation to the role of the private sector. While research is mixed there is strong evidence to show that the involvement of the private sector in prisons has “raised the bar” for the public sector. As part of my stakeholder conference we have had presentations from two very effective private sector prisons. In the development of the prison estate all

options should be considered as part of the thinking moving forward. I am not interested in ideology – I am interested in improving outcomes, from wherever that comes.

Conclusions

Thus there is an opportunity for change in relation to prisons in Northern Ireland. To achieve this change however requires a political consensus of a type that we have struggled to deliver in the past. It requires clarity around the issues to be changed and the willingness to make it happen. It requires a new debate on what we want our prisons to do. It also requires a new approach to governance and accountability. Only when these things happen can we create the conditions within which actual reform might be delivered.

Thank you.