

Northern Ireland Prison Service Corporate Governance Arrangements

An inspection of corporate governance arrangements
within the Northern Ireland Prison Service

December 2010





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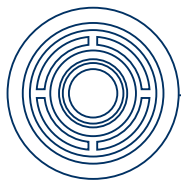
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**Criminal Justice Inspection
Northern Ireland**
a better justice system for all

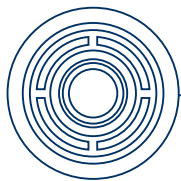






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List of abbreviations

BIT	Business Improvement Team
CAB	Challenging Anti-Social Behaviour
CJI	Criminal Justice Inspection Northern Ireland
COCD	Code of Conduct and Discipline (in NIPS)
COMPASS	Computerised Personnel and Salary System
CPPP	Cost Per Prisoner Place
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DoJ	Department of Justice
FTE	Full Time Equivalent
HMCIP	Her Majesty's Chief Inspector of Prisons in England and Wales
HMIP	Her Majesty's Inspectorate of Prisons in England and Wales
HMPS	Her Majesty's Prison Service
IMB	Independent Monitoring Board
LIT	Local Improvement Team
MGO	Main Grade Officer
NCO	Night Custody Officer
NIAO	Northern Ireland Audit Office
NIPS	Northern Ireland Prison Service
NOMS	National Offender Management Service (in England and Wales)
OMB	Operational Management Board
OSG	Operational Support Grade
PCO	Prison Custody Officer
PGA	Prison Governors' Association
POA	Prison Officers' Association
PONI	Prisoner Ombudsman for Northern Ireland
PREPS	Progressive Regimes and Earned Privileges Scheme
PRISM	Prison Record and Inmate System Management
PSMB	Prison Service Management Board
REACH	Reaching out through Engagement, Assessment, Collaborative Working and Holistic approach
SEEP	Strategic Efficiency and Effectiveness Programme
SEHSET	South Eastern Health and Social Care Trust
WTE	Whole Time Equivalent



Chief Inspector's Foreword

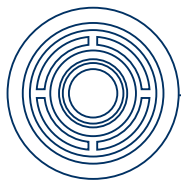
In many respects the experience of walking into a prison establishment in Northern Ireland mirrors that of any prison in England, Wales and Scotland. The 'Her Majesty's Prison...' sign on the gate post, the structure and nature of operational roles and uniformed officers all provide a sense of common purpose with what happens elsewhere. Looking at the management of the Prison Service also provides a sense of the familiar as the industrial relations architecture, operating policies and procedures and the representative role of the Prison Officers' Association (POA) is similar.

The Prison Service however in Northern Ireland is different. A series of critical reports produced by oversight bodies as well as externally commissioned reviews, show that the Northern Ireland Prison Service (NIPS) and particularly its largest Prison at Maghaberry, is underperforming. Inspections undertaken by Criminal Justice Inspection Northern Ireland (CJI) have identified a real disconnect between the very laudable stated intent of the Prison Service and the reality on the ground. This is set within the context of a cost base which is well out of line with comparable institutions elsewhere. The reality is we have a very expensive prison system that in the main, is failing to deliver a modern Prison Service.

The question that arises is why the Northern Ireland Prison Service (NIPS) is failing to deliver, with the resources at its disposal, a modern and effective public service with improved outcomes for prisoners. This report makes for uncomfortable reading as it identifies a number of significant weaknesses in the way the Prison Service operates.

Part of the explanation lies in history. The Prison Service has been shaped by the conflict in Northern Ireland as have all the justice organisations. This undoubtedly has had a major cultural impact on how the Prison Service views the prisoners in its care and the focus on static security. The Prison Service has remained relatively untouched by the reforms of the criminal justice system. Over the years the Prison Service has had to manage often conflicting priorities. There has been a political sensitivity to what happens in prisons. A consequence of the past has been the development of a culture, behaviours and working practices that are difficult to change. These arrangements have actively undermined attempts by management within the Prison Service to create a modern cost effective prison system.

The Prison Service is an organisation that is struggling to change with the times. The service that has been provided in the past is not what is required in the future. The outcomes for prisoners fall generally well below the standards expected in a modern 'healthy prison' estate, although the 2010 Magilligan Prison inspection demonstrated an improvement. There is a much greater focus now on value for money and the contribution made towards a reduction in re-offending, ultimately improving public protection and reducing crime.



What is required is a transformation of the way in which the Prison Service works. There is no simple solution. It will require a resetting of objectives for the Prison Service, changes in values, behaviours and working practices and a more robust approach to performance management. Our report highlights a governance structure that has failed to deliver meaningful change, weak management processes and a trade union/management relationship that can only be described as destructive. Within this context it is extremely difficult to engage in a reform agenda which aims to improve the outcomes for prisoners and as a consequence society as a whole by reducing re-offending and the reduction of crime.

There are therefore a range of factors that contribute to the difficulties of delivering an effective service. A lack of real commitment to reform, coupled with the absence of clarity about what is expected, is compounded by the existence of resistance to change and working practices, management process and behaviours which makes real change extremely problematic where it counts – within individual establishments.

There is no easy answer to any of these issues. What is clear is that without a transformation in the way business is undertaken in the Prison Service, little meaningful change can be expected.

It has almost become a cliché to state that Inspectors found many committed staff within the Prison Service. This however, is the case. There are staff who are embarrassed by the external critique of the Prison Service and resent the fact that much criticism does not reflect the good work they are doing. Moving forward it is important that these managers and staff move to the centre stage. They are the future of the Prison Service and it is important that their attitudes, behaviours and professionalism become the norm.

The inspection was undertaken by Dr. Ian Cameron, Stephen Dolan and Tom McGonigle. Considerable assistance was received from Mitch Egan CB. My thanks to all those who participated in the inspection process.

Dr. Michael Maguire

Chief Inspector of Criminal Justice in Northern Ireland

December 2010





Executive Summary

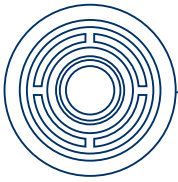
The vast majority of prisoners in Northern Ireland will be released. What happens inside a prison has a real impact on what happens outside a prison. The extent to which behaviours are challenged, prisoners are given purposeful activity, assisted with resettlement into the community and the nature of officer/prisoner engagement, all make a major contribution to reducing re-offending and helping to increase public protection against criminal activity in the future. The estimated cost of re-offending in the United Kingdom is around £11 billion, in Northern Ireland it is in the region of £80 million. The Prison Service is not a bit player in the criminal justice system, it is an essential component of the success of the system overall.

The Northern Ireland Prison Service (NIPS) is shaped by the legacy of the past. Its culture, ethos, working practices and management processes reflect in many ways a different era, and a different agenda for what we want our prisons to do. It has remained largely untouched by the reforms of the criminal justice system.

The NIPS is a relatively well resourced public service in Northern Ireland. Certainly its operating budgets are higher than comparable institutions elsewhere in the United Kingdom. Management within the Prison Service recognise the need for change and have made efforts in the past number of years to deliver a more cost-efficient and effective organisation.

The Prison Service has embarked on a series of changes to try and develop a new approach to prison management – with a clear emphasis on promoting a secure and humane environment that challenges offending behaviours. The Prison Service can rightly point to a series of initiatives (for example, development of the prison estate) that provide evidence of a new approach. The recent inspection of Magilligan Prison shows that local management can make a difference and change the ways in which the regime operates. Throughout the inspection work undertaken by CJI we have continually made reference to the many committed staff we have seen as part of the different inspection reports and have noted the important contribution they make to the positive work of the NIPS.

At the same time the level of scrutiny of the Prison Service has been intense. CJI and Her Majesty's Inspectorate of Prisons (HMIP) inspection reports – the 2010 Magilligan inspection report excepted – have shown a series of deep problems around delivering better outcomes for prisoners in terms of time out of cell, access to work, education and other purposeful activity, and a need for a more constructive form of engagement between prisoners and prison officers. Other reports have shown a major disconnect between the strategic intent of the Prison Service and its capacity to deliver real change on the ground. There is real dissonance therefore between the stated intent of the Prison Service – the initiatives that it highlights – and operational activity as it exists on the ground. This picture is confirmed by other work that has been completed on the Prison Service including that undertaken by the Prisoner Ombudsman for Northern Ireland (PONI) and the Pearson Review Team.



The purpose of this inspection was to examine why this should be the case and to highlight those aspects of Prison Service operations that have an impact on delivering the Prison Service of the future. As the Prison Service itself recognises, the devolution of policing and justice has altered the landscape and the future financial environment will create its own dynamic that will fundamentally require change in all aspects of Prison Service operations.

The context within which the Prison Service is operating is significantly different from what it has been in the past. While the security climate remains uncertain due to the dissident threat, there is a considerable body of opinion arguing the case for prison reform. This is not change for change's sake but rather recognition that the Prison Service has a major role to play in increasing public protection in Northern Ireland through a more effective resettlement and reform agenda. The context for this debate is also changing. Prison reform has been identified as a major area of interest both for the Minister of Justice and the newly formed Committee for Justice. The *status quo* is not acceptable and significant change is required to move the Northern Ireland Prison Service into a new era.

This inspection aims to consider the reasons why reform has been difficult in order to help provide a pathway for the future direction for the Prison Service and the contribution it can make to the development of the Northern Ireland criminal justice system. The inspection has identified a number of significant weaknesses in the way the Prison Service operates.

Governance and accountability – Focusing on delivery

The architecture of governance within the Prison Service is recognisable as what would be expected of an organisation with 2,300 staff and a budget of £157 million. The structures support external monitoring by the Department of Justice upwards to Ministerial level and internally, from the Director General through the Management Board downwards to executive managers and frontline officers. Supporting these structures is a range of detailed policies and initiatives aimed at taking forward the organisational intent.

Governance arrangements in the NIPS have not, however, translated into improved outcomes for all prisoners under their care, and ultimately for society in the challenge of those behaviours likely to lead to offending in the future. Part of the reason lies in a lack of alignment between the stated objectives of the Prison Service in the past and the focus of Criminal Justice Inspection/Her Majesty's Inspectorate of Prisons establishment inspections. What gets measured gets done and it is the case that whilst the 'healthy prison' agenda has been reflected in the Corporate and Business Plan and other NIPS strategies, the absence of specific hard targets has made it difficult to progress.

The challenges facing the Prison Service, however, are not simply those of 'alignment' – no administrative sleight of hand in redrafting a Business Plan will of itself make the connection between a secure and humane Prison Service and practice change in the individual prison, house and landing. The NIPS knows what needs to be done to deliver improved regimes and outcomes for prisoners – it is the 'how' that is crucial in moving the Prison Service from one rooted in security and in the past, to one which delivers its purpose, vision and values in an effective and efficient way that improves outcomes for prisoners.



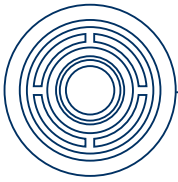
The governance arrangements have not been able to reconcile the competing priorities of sensitivity to how issues in the prisons impact on the wider political process and the need for an effectively managed, efficient and progressive Prison Service. Both are entirely valid objectives and it is right and appropriate that Ministers made judgements around priorities and operational practices. The problem arises when competing and often conflicting priorities come into sharp focus. At best it has meant developing an accommodation with staff and their representative bodies in creating the conditions for managing conflict within the Prison Service at times of acute political sensitivity. At the same time such an approach often comes with a price. In the case of the NIPS this had been a series of conflicting messages around the importance of reform and the potential undermining of meaningful efforts to make change happen.

Whilst the structures, policies and processes to exercise a high level of governance and accountability are described in the text, there is evidence that the reality does not match the ideal and that they are not translated into outcomes for prisoners. In its annual reports the Prison Service achieves the majority of its published objectives, lives within budget and reports an annual decrease in the Cost Per Prisoner Place (CPPP). On the other hand, independent inspection reports, the Prisoner Ombudsman reports and the Independent Monitoring Boards (IMB) continue to be critical of the Prison Service, with the 2010 Magilligan Prison inspection report showing a welcome improvement in performance.

In considering the evidence in this inspection, we came to the conclusion that the plans and other corporate documents captured the routine elements of Prison Service business. However, they did not explicitly expose the more difficult management issues to measurement or scrutiny, for example the management issues surrounding critical inspection reports, working practices and industrial relations difficulties are not explicitly recognised in corporate performance information. These matters tend to be managed as individual issues outwith the Corporate Plan.

The political and security sensitivities within which the Prison Service operates has meant that disproportionate management time and effort has been spent dealing with issues such as separated prisoners – to the detriment of the remaining 96% of the prison population. In addition, a prison regime borne out of the past and with a strong emphasis on static security, has undermined attempts at reform and helped maintain a high cost base. The various demands have created a climate of competing priorities with a risk of ‘crisis management’ where the urgent superseded the long-term.

The delivery of improved outcomes for prisoners is therefore, limited by the inconsistent and poorly implemented governance and accountability arrangements in the Northern Ireland Prison Service. The role of the Board and Non-Executive Directors in formulating policy, making decisions and providing a challenge function is not fully developed. The accountability mechanisms in place reflect a service reacting to external criticism, fire-fighting to reduce any negative feedback to wider political considerations, and plans and strategies that are not put into effect. Within the organisation accountability is undermined by objectives and targets focused on processes and not prisoner outcomes.



In many areas the Prison Service had comprehensive policies in place but the difficulties lie in their delivery. On too many occasions amendments and updates to instructions reflected a lack of implementation of earlier versions, and there was a need to ensure that policy was properly informed by operational reality.

Developing leadership, accountability and managing performance

Senior management in the NIPS recognise that leadership is an issue and that the capacity for developing real leadership in the organisation is limited. Leaders were seen to be providing a disproportionate focus on the *'20% of negative staff as opposed to motivating the majority'*.^{*} Leadership needs to consider the macro as well as the micro and not become overly focussed on process.

The Prison Service acknowledged it did not have a well developed performance culture. There was a performance management system available but it was widely accepted that it was not well implemented and was open to subversion. A failure to properly manage performance from the top down sends a signal that performance is not important. Performance management information tended to measure inputs rather than outcomes, such as sentence plans.

Accountability is related to performance management, and like performance, there is little history or culture of accountability within the NIPS. Moving forward, strengthened corporate and individual accountability needs to be a significant focus of the change programme. There is a real need for greater delegated budgetary responsibility at establishment level with much greater local ownership of the problems and the solutions. Simply cutting costs is no substitute for realigning the mechanism of delivery and more efficient deployment of existing resources. This needs to be underpinned by appropriate qualitative and quantitative targets of performance supported by meaningful and timely management information at all levels within the organisation. There is a need for clear objectives with a single source of truth around what success looks like. Managers needed to lead more and manage less, and to be held accountable for performance.

The relationship between the Prison Service and the operational establishments has not operated to optimum effect and requires a more joined-up approach to governance. The lack of clarity about roles and responsibilities between Headquarters and management at prison level was also an issue, with no clear distinction between staff and management roles. Our inspection report confirms the observations of others that there is a need for a coherent restatement of the Headquarters role in setting policy, auditing implementation and ensuring compliance with a tough regulatory regime, which should be matched by a similar restatement of roles and accountability at prison level, with a need for a clear distinction between corporate supervision and operational responsibility.

Working arrangements to support delivery

In staffing terms, the profile of the Prison Service is out of step with the population of Northern Ireland and requires significant changes to refresh the thinking and approach to prisoner

^{*} Northern Ireland Prison Service Self-assessment 2010.



engagement. There is no doubt that the Prison Service would benefit from new staff to work alongside those who have sustained the frontline pressures for many years, and in sufficient numbers to impact on the culture and not be absorbed by it. There is also an immediate need to enhance and refresh the Northern Ireland Prison Service leadership capacity in Headquarters and in the Governor grades, a high priority to be given to succession planning and the direct recruitment of Governor grades into the Prison Service.

Much of the accommodation in the three Northern Ireland prison establishments is not fit-for-purpose and has been criticised by various inspection reports. There had been positive developments, for example with the completion of Halward House at Magilligan and Braid House at Maghaberry which provided modern serviceable fit-for-purpose accommodation. The Magilligan inspection shows, however, that it is not just about 'bricks and mortar' – the attitudes of management and staff as well as the nature of officer/prisoner engagement have a significant contribution to make in building a modern service.

On the face of it the Prison Service has more than enough available staff. The full complement is 1,883 uniformed grade officers supported by almost 400 civilian grades. Despite this complement of staff there are many occasions when there is insufficient staffing levels to deliver an effective service.

The inspection identified a range of localised restrictive working practices, the net impact of which was to undermine the capacity of the Prison Service to deliver an effective regime on a regular basis and exposed management to a reliance on the 'goodwill' of staff to make the prison work. Sickness absence management, leave arrangements, inflexible staffing, the shift system and working practices did not match the business needs of the organisation. On the occasions where there was a withdrawal of 'goodwill' the impact on the regime was significant. The practice, for example, of managing staff absences through a daily realignment of the prison regime is unproductive and meant substantial lockdowns with restrictions on time out of cell and the delivery of meaningful purposeful activity for prisoners such as workshops or education classes. It also meant that significant additional costs were being carried by the Prison Service as a consequence of current working practices that are out of step with modern prison practice.

It is perhaps not surprising that the security focus of the regimes had proved difficult for the NIPS to address and to reposition the Prison Service to having resettlement as the core activity as well as custody. The Prison Service has yet to fully embrace the requirement to embed regimes based on risk assessments (dynamic security) rather than on a narrowly defined concept of static physical security. The Prison Service has struggled to move on to a position of increased and active engagement with prisoners commensurate with the changed political and security climate. The overall reluctance by staff to meaningfully engage with prisoners was a product of the history of the Prison Service in Northern Ireland and whilst, during inspections Inspectors noted many excellent examples of individual prison officers pro-actively and constructively engaging with prisoners, the general picture was one of formal, distant relationships and a reluctance to actively engage.





The role of the Prison Officers' Association

The phrase regularly heard by Inspectors to describe the influence of the Prison Officers' Association (POA) was the “*elephant in the room*”. The influence of the Association was seen as all-pervasive and caused the day-to-day operational management in the prison establishments to be described as “*wading through treacle*”. From an Association perspective, their role was described as to fight for the terms and conditions for members. They believed there were serious management weaknesses that needed to be addressed and failures within the Prison Service should not rest at the door of the Prison Officers' Association. The view of Inspectors was the strength and influence of the Prison Officers' Association should not be under-estimated. This has developed over many years and had become a significant part of prison life, shaping every aspect of the prison regime.

Industrial relations varied across establishments and at Headquarters, but nowhere could they be described as constructive or business-like, and there was a degree of mistrust evident across the Prison Service. The nature of local relationships tended to be ad hoc and in some cases personality driven. The destructive nature of the relationship between the Prison Officers' Association and management made actual pro-active management within the prison establishments extremely difficult.

The reality is that any management plans for restructuring the workforce as a whole, or for making even the sort of minor adjustments at establishment level that were necessary for efficient working routines, were wholly dependant on securing the goodwill of the Prison Officers' Association. The inability of the Northern Ireland Prison Service to progress operational issues because of the Prison Officers' Association was a matter of intense frustration for a number of Governors and senior staff. The actual, or perceived, strength of the Prison Officers' Association had a pervasive effect on the management of the Prison Service at operational level.

Organisation culture needs to change

There is a strong organisational culture amongst prison officers which has been shaped by the recent history of Northern Ireland and the political and security situation. It is unfortunate that the Prison Service has a largely static workforce, steeped in the past with attitudes and behaviours of staff, in many cases out of balance with the values and aspirations of the organisation and the wider community within which the Prison Service is now located. Morale within the Prison Service is not good as it adjusts to the transition from what it was to what society now expects it to do – and do well given the resources at its disposal.

Northern Ireland Prison Service management recognise the cultural issues and their effects on a change programme, including the need for a programme of culture change that was clear and capable of implementation. It is time to work with staff in the development of a new approach to prison management which sets out what is clearly required and values the contribution of those who want to be involved in the new agenda.



It has to be said that the industrial relations climate within the NIPS was a barrier to change and needs to be addressed directly. At the time of the fieldwork, the POA had just returned to regular working following industrial action, or ‘withdrawal of goodwill’. This was the second period of industrial unrest within 12 months and had a significant and adverse effect on the regimes of prisoners. The Pearson Review team described the role of the POA as “corrosive” – we have seen little evidence of change in the 18 months after the initial report was published.

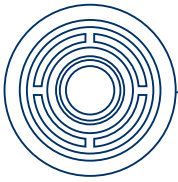
The way forward

This report has highlighted a number of significant challenges for the NIPS, none of which should cause any surprise to the Service. It comes at a time of considerable change. This is likely to continue and further changes are likely to arise from the Minister of Justice’s Review currently underway and chaired by Dame Anne Owers. The financial outlook is not good and this will impact on the capacity of the Prison Service to deliver. A recent Prison Service document states *‘this financial pressure alone necessitates radical transformation of the existing organisation, its structures, management systems, processes and priorities’*. The *status quo* – if it ever was – is no longer acceptable.

The critical question is what to do next. Certainly this report has highlighted a clear need to address change across a number of areas. Including:

- a statement of clear purpose as to what society wants the Prison Service to achieve and the empowerment of management to deliver free from sustained operational interference (this requires political consensus);
- a more robust approach to governance and accountability within the Prison Service – based on clear service reform objectives and greater transparency in management information and performance achievement;
- organisational culture and behaviours that focus on a more pro-active engagement between officers and prisoners;
- a need to develop an industrial relations climate that is supportive of change rather than one which disables attempts at Prison Service reform;
- the implementation of staffing and working practices that support the implementation of a progressive, cost-effective and purposeful regime for prisoners that ultimately delivers real benefits to the people of Northern Ireland through a greater focus on challenging offending behaviours;
- a rationalisation of recommendations into a focussed and manageable programme; and
- a performance regime which is focussed on outcomes rather than process.

We are aware that an independent review of the prison system is being undertaken by a team headed by Dame Anne Owers, a former Chief Inspector of Prisons in England and Wales. This team was gathering evidence while this inspection was being completed, and will be able to draw on our findings and conclusions to address the critical issues raised in this report. For that reason, we have departed from the norm by not making any strategic or operational recommendations as a result of this inspection.



In any case the issues flagged in the report as challenges to the NIPS and the impediments to delivery have been highlighted numerous times over recent years in various reports by external and inspection bodies, and internally by the NIPS. There would be few recommendations that CJI could make that had not already been covered, to some extent, in previous reports or recommendations. Additional recommendations will not, therefore, address the critical issues identified in this inspection report.

There is no argument about the ‘what’ – it is the ‘how’ that is crucial in moving the Prison Service from one which is security focussed to one which delivers its purpose, vision and values in an effective and efficient way with an emphasis on resettlement and rehabilitation. The ‘how’ involves addressing head-on the issues raised in this report. Change management by ‘stealth’ is no longer possible.

Section



Inspection Report



CHAPTER 1:

The issues to be addressed



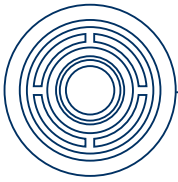
- 1.1 Criminal Justice Inspection Northern Ireland (CJI) reports into the Northern Ireland Prison Service (NIPS) date back to the inception of CJI as an organisation. Since then the Prison Service has been the subject of considerable examination both by CJI and other external scrutiny bodies. A series of reports all point to an organisation that is struggling to make the change from a traditional 'turnkey' prison service to one which delivers a more progressive and constructive prison regime focussed on the resettlement and rehabilitation of offenders and ultimately, on increasing public protection in Northern Ireland.
- 1.2 A critical theme emerging from all the inspection reports has been the inability of the Prison Service to deliver real and sustained improvement on the ground. A series of Criminal Justice Inspection/Her Majesty's Inspectorate of Prisons (HMIP) reports have continually found a major disconnect between the entirely commendable strategic objectives of the Prison Service and the outcomes for prisoners as defined by the internationally recognised healthy prison agenda based on safety, respect, purposeful activity and resettlement.
- 1.3 While no-one would disagree with the stated goals of the Prison Service these

have not always translated into activity within the prison estate. Criminal Justice Inspection reports into the Prison Service continually mention that the organisation contains some excellent and committed staff that were making a difference. The overall performance of the Prison Service, however, remains an area of significant concern.

- 1.4 There are important questions to be answered as to why changes within the Prison Service have proven so intractable despite the commendable intentions of senior management and some committed staff.

Background and context

- 1.5 The history of the Northern Ireland Prison Service is inextricably linked to the 'Troubles' and the political and security situation in Northern Ireland since 1969. During that time 29 members of the Prison Service were murdered and many others were permanently or seriously injured. The effects of this, and the threat to prison officers and their families, cannot be under-estimated.
- 1.6 The delivery of a prison service in a difficult and complex security situation created an organisational context, culture and working practices that have



been difficult to shake off. In many respects the regime within the prison establishments is based around a static security approach to prison management which has become increasingly outdated when placed against a rehabilitation and reform agenda. The Prison Service remained relatively untouched by the Criminal Justice Review in 2000 and did not have the resources available for change as was committed, for example, to the old Royal Ulster Constabulary. In many ways the Prison Service remained hidden from public scrutiny.

1.7 The context within which the Prison Service operates now is significantly different although the threat level against prison staff remains high with a number of names of individual Governors and staff members published on Dissident Republican websites. The threat to the Service at the time of writing was 'substantial' and there were frequent threat notices issued by Security Branch in NIPS Headquarters. While a significant management issue, separated prisoners comprise only a relatively small (4%) proportion of the prisoner population. Prison issues remained high on the political agenda, however the Agreement at Hillsborough Castle on 5 February 2010 highlighted a number of actions to support the agreed policies in an addendum to the Programme for Government. Chief among these was a need for the Department of Justice (DoJ) to include a review of the conditions of detention, management and oversight of all prisons, and a comprehensive strategy for the management of offenders.

1.8 It should be noted that the prison estate in Northern Ireland is not uniform, and, as will be referred to later, the

Northern Ireland Prison Service does not manage the three establishments as a corporate entity. The complexity of the estate is due to a number of factors, not least the fact that the three prisons have very different populations in terms of:

- the age profile;
- gender;
- life prisoners and the seriousness of the offence committed;
- prisoners' security classification;
- the existence of remand prisoners and prisoners with serious mental health issues;
- the compliance of prisoners; and
- prisoners nearing the end of their sentences.

The condition of the physical estate at the prisons also varies. All these issues impact on the overall nature of the regime, attitudes to prisoners by Prison Officers and the quality of their interactions, and the availability of constructive activity, work and education.

Prisoner population and resources available

1.9 The proportion of people in prison in Northern Ireland is less than other comparable jurisdictions. Northern Ireland had a rate of 88 prisoners per 100,000 population in 2008 compared with 153 in England and Wales, 152 in Scotland and 76 in the Republic of Ireland. Moreover, the overall average prison population in Northern Ireland decreased by almost 2% from an average of 1,490 in 2008 to an average of 1,465 in 2009. The total number of receptions into prisons decreased by almost 5% in Northern Ireland from 6,185 in 2008 to 5,892 in 2009.

1.10 The Cost Per Prisoner Place (costs relative to the number of available places for prisoners) is high – at £77,831 – significantly in excess of the comparable position in England and Wales (£45,000¹) and Scotland (£41,724²). The current occupancy level across the three Northern Ireland prisons was 82% compared with 106% in Scotland and 113% in England and Wales. Given the occupancy level of 82% the actual cost per prisoner is significantly higher at £94,804³.

1.11 A number of important factors drive the high cost base. Despite a capital building programme much of the prison estate is inadequate and according to a number of inspection reports, is not fit-for-purpose. The high security focus of Maghaberry Prison for example – Northern Ireland's committal prison – means that a wide range of prisoners (remand, fine defaulters, short sentence, life sentence prisoners) are held in maximum security conditions. The decision to separate paramilitary prisoners incurs additional costs. Furthermore, the small scale of the Prison Service and its estate in Northern Ireland means that it does not benefit from economies of scale enjoyed by larger organisations. In addition, the ratio of staff to prisoners in Northern Ireland is almost two and a half times that of England and Wales and prison officers here are paid on average a third more.

1.12 This history has left the physical security legacy, where cumbersome structures of walls, fences, gate locks, x-rays etc.

which exist in all Northern Ireland prisons, all require a maintenance budget and foster a 'bunker' mentality.

Inspection reports and recommendations

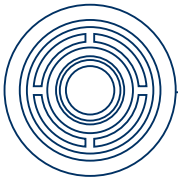
1.13 The Northern Ireland Prison Service has been under considerable scrutiny in recent years and since 2005 there have been over 20 external reviews and inspection reports, most of which have been critical of the Prison Service. The 2010 inspection of Magilligan Prison was a notable exception. A synopsis of challenges raised relevant to this report is at Appendix 2. There had also been numerous reports from the Prisoner Ombudsman for Northern Ireland (PONI) following death in custody investigations. As a result of complaints, many of which were critical of the Prison Service and made recommendations for improvement. In addition, Independent Monitoring Board (IMB) reports and internal reports commissioned by the Northern Ireland Prison Service added to the list of recommendations facing the Prison Service.

1.14 A Northern Ireland Prison Service internal report to the Prison Service Management Board (PSMB) in July 2009 put the number of outstanding recommendations from scrutiny bodies and internal reviews/reports in the region of 600. The total number of recommendations was nearly 1,200. This scale of recommendations would be a daunting prospect for any organisation and remained a

1 Hansard Written Answer 3/03/10.

2 Scottish Prison Service Annual Report and Accounts 2008-09.

3 A lower Cost Per Prisoner Place can arise by increasing capacity beyond demand.



considerable challenge for the Northern Ireland Prison Service.

Delivering outcomes for prisoners

- 1.15 The outcomes for prisoners are well documented in inspection reports by Criminal Justice Inspection and Her Majesty's Inspectorate of Prisons. These reports look at a prison establishment's performance against the model of a healthy prison using four criteria; safety, respect, purposeful activity and resettlement.
- 1.16 Under each test, an assessment was made of outcomes for prisoners, and therefore of the establishment's overall performance against the test, which fell into one of four gradings: performing well; performing reasonably well; not performing sufficiently well; and performing poorly⁴.
- 1.17 All prisons in England, Wales and Northern Ireland are judged against the same criteria and it is possible therefore to compare the performance of individual prison establishments. For example in the 2007-08 Annual Report of Her Majesty's Inspectorate of Prisons:
- only 28% of the 64 establishments inspected scored the same as Hydebank Wood for safety – “*not performing sufficiently well*”. None were scored lower. Only 9% of establishments inspected scored the same as Hydebank Wood for purposeful activity – “*performing poorly*”;
 - only 29% of the 64 establishments inspected scored the same as Ash House (women's prison) for Respect – “*not performing sufficiently well*”.
- Only 9% of establishments inspected scored the same as Ash House for purposeful activity – “*performing poorly*”; 22% scored the same for resettlement – “*not performing sufficiently well*”; and
- of the 74 prison establishment assessments carried out by Her Majesty's Inspectorate of Prisons in 2008-09, other than Maghaberry only two others (3%) were assessed as “*performing poorly*” against the safety criterion. With the scores totalled only one establishment of the 74 had a combined score worse than Maghaberry and no other establishment had a combined score the same as Maghaberry.
- 1.18 A more recent inspection of Magilligan Prison in 2010, found that there had been improvements since the previous inspection. It found that the Prison was performing reasonably well across all the healthy prison criteria which compared favourably with similar category C prisons inspected by Her Majesty's Inspectorate of Prisons.
- 1.19 In CJI's inspection of *the Treatment of Vulnerable Prisoners* published in December 2009, the Prison Service was found ‘to have worked hard to ensure that the operational service failures and negligence identified following the death of Colin Bell would not be repeated in further deaths in custody, however, despite the activity there remained a significant concern over the regime for vulnerable prisoners in Maghaberry prison, and that little appeared to have changed in the regime since the January 2009’. There was found to be a continued disconnect between the

⁴ Further details can be found at the HMIP website. <http://www.justice.gov.uk/inspectorates/hmi-prisons/expectations.htm>.



stated intent of management and the translation of this into real, meaningful or improved outcomes for prisoners. A subsequent follow-up of a number of specific issues arising from the report found all but one of them to have been satisfactorily progressed.

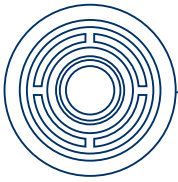
- 1.20 It is often argued that comparisons with prisons in England and Wales are unfair because of the unique conditions that affected the Northern Ireland Prison Service. It is the view of the Inspectorate that such comparisons are important to underscore the importance of prison practice. There is no defensible reason why prisoners in Northern Ireland should not be treated the same, and given the same opportunities, for example for resettlement, as prisoners elsewhere. The ‘uniqueness’ of the factors that reflect on the Northern Ireland Prison Service relate to an explanation as to whether prisoner outcomes are being delivered or not.

Aims of this inspection

- 1.21 The Northern Ireland Prison Service consumes significant public monies – far in excess of the costs of running comparable establishments elsewhere. Despite a series of initiatives and programmes the Prison Service faces considerable difficulties in delivering meaningful and sustainable change.
- 1.22 It has been said that there are few votes to be won by championing the cause of prisoners in Northern Ireland. Yet the context within which the Prison Service is operating is significantly different from what it has been in the past. While the security climate remains uncertain due to the Dissident Republican threat, there

is a considerable body of opinion arguing the case for reform. This is not change for change’s sake but rather recognition that the Prison Service has a major role to play in increasing public protection in Northern Ireland through a more effective resettlement and reform agenda. The costs of re-offending are high (estimated at £11billion in the UK) and it is imperative that maximum use is made of the resources available to the Prison Service in achieving its stated goal to assist in the reduction of re-offending.

- 1.23 The context for this debate is also changing. Prison reform has been identified as a major area of interest both for the Minister of Justice and the newly formed Committee for Justice. The *status quo*, it is recognised, is not acceptable and significant change is required to move the Northern Ireland Prison Service into a new era. The financial situation in the public sector has also changed significantly.
- 1.24 This inspection aims to consider the reasons why reform has been difficult and the impediments to turning Prison Service intent into operational reality in terms of outcomes for prisoners, in order to help provide a pathway for the future direction for the Prison Service and the contribution it can make to the development of the Northern Ireland criminal justice system.
- 1.25 The Treasury’s code of good practice on corporate governance defines corporate governance as “*the way in which organisations are directed and controlled. It defines the distribution of rights and responsibilities among the different stakeholders and participants in the organisation, determines the rules and*



procedures for making decisions on corporate affairs, including the process by which the organisation's objectives are set and provides the means of attaining those objectives and monitoring performance”.

- 1.26 In line with other inspections, Criminal Justice Inspection does not interpret corporate governance narrowly as financial checks and balances, independent audit arrangements and so forth, but more widely as the whole set of arrangements for good strategic management of the organisation. Our approach to corporate governance is set out in more detail in Appendix 1. It is to a consideration of those factors that have impacted upon performance that we now turn.

CHAPTER 2:

Governance and accountability



2.1 At the corporate level in the Northern Ireland Prison Service there is governance architecture and processes published, which would provide corporate governance and accountability if effectively implemented, monitored and managed. The structures support external monitoring by the Department of Justice upwards to Ministerial level and internally from the Director General through the Prison Service Management Board downwards to executive managers and frontline officers. Supporting these structures is a range of detailed policies and initiatives to take forward the organisational intent. This chapter considers the effectiveness of the current arrangements for the governance of the Prison Service.

Overview of governance structures

2.2 The Northern Ireland Prison Service is an Executive Agency of the Northern Ireland Department of Justice, (prior to the devolution of policing and Justice it was an Executive Agency of the Northern Ireland Office), under the direction and control of the Minister of Justice and within a statutory framework based on the Prison Act (Northern

Ireland) 1953 and the Prison and Young Offenders' Centre Rules (Northern Ireland) 1995. Both the Act and the Rules were amended by the Devolution of Policing and Justice Functions Order 2010. The amended legislation sets out how the Prison Service is to act in respect of national security matters, for which it is accountable to the Secretary of State. For all other matters the Prison Service reports to the Minister of Justice.⁵

2.3 The Department monitors the performance of the Northern Ireland Prison Service against a wide range of measurements which flow from the key targets and development objectives detailed in the Prison Service's Corporate and Business Plan. These can change over time to reflect new priorities but include targets relating to security; safety and prisoner health; regimes and reducing re-offending; staff and developing the Service; and finance, corporate governance and improving business performance. The Prison Service will also 'work towards' the criteria detailed under the 'healthy prisons' agenda by Her Majesty's Inspector of Prisons, viz safety; respect; purposeful activity; and resettlement.⁶

⁵ Northern Ireland Prison Service Corporate and Business Plan 2010-13.

⁶ Northern Ireland Prison Service Framework Document 2005.



2.4 The Permanent Secretary of the Department of Justice as sponsor of the Prison Service holds one-to-one meetings with the Director General every six weeks. In addition to this there are weekly meetings with the Department of Justice Senior Management Team (which includes the Director General of the Northern Ireland Prison Service) and monthly Department of Justice Board meetings of which the Director General is a member.

2.5 The Minister of Justice sets the policy framework within which the Agency operates, allocates resources and approves the Prison Service's Corporate and Business Plans. The Director General provides quarterly reports on performance against the targets and objectives in the Corporate and Business Plans. Ministers are not normally involved in the day-to-day management of the Prison Service but expect to be consulted by the Director General on incidents such as escapes, deaths in custody, mass indiscipline and other matters that might give rise to significant public or parliamentary concern.⁷

2.6 The Director General is the principal adviser to the Minister of Justice on policy matters relating to the Prison Service and holds regular meetings with the Minister.

Prison Service Management Board

2.7 The Director General has delegated authority for financial and personnel matters and was supported in overseeing the corporate governance

arrangements of the Prison Service by a Prison Service Management Board which comprised:

- the Director General;
- Director, Operations;
- Director, Finance and Corporate Services;
- Director, Human Resources and Organisation Development;
- Director, Programme and Development; and
- three Non-Executive Directors.

The Board oversees the corporate governance arrangements of the Prison Service.

- 2.8 The objectives of the Board are to:
- set the strategic direction for the Prison Service including its aim, vision, values, and strategic objectives;
 - develop, promote and oversee the implementation of policies and programmes in line with the Prison Service's strategic direction and environment within which it operates;
 - develop and oversee the implementation of the Prison Service's Corporate and Business Plan;
 - agree the Prison Service's annual financial strategy, monitor progress against the strategy and take corrective steps as necessary;
 - monitor performance against the Business Plan, targets and budgets;
 - oversee the strategic management of the Prison Service's staff, finance, information and physical resources, and accountability for performance;
 - establish and oversee the implementation of the Prison Service's corporate governance and risk management arrangements;

⁷ Northern Ireland Prison Service Framework Document 2005.

- set the direction for effective health and safety management;
- facilitate strategic partnership across the criminal justice system;
- agree responses to external reports where appropriate;
- keep in view communication with the general public, interest groups and public representation on operational issues;
- participate in an annual evaluation of Board effectiveness; and
- consider any other matter as deemed appropriate⁸.

2.9 Internal and External Audit provide the Director with independent assurance on internal controls, risk management and compliance with fiduciary requirements.⁹

2.10 Three Non-Executive Directors provide an independent and external challenge function to the Board, offer specialist knowledge and ensure all aspects of strategy and delivery of policy are scrutinised for effectiveness and efficiency.

2.11 A Clinical Governance Committee, formally constituted as a sub-committee of the Prison Service Management Board, is jointly chaired by a Northern Ireland Prison Service Non-Executive Director and the Director of Adult Services, South Eastern Health and Social Care Trust.¹⁰ This group functions as part of the partnership arrangements with the South Eastern Health and Social Care Trust.

2.12 Thus the structures of governance are established within and without the Northern Ireland Prison Service. From

the Director General upwards to the Minister there is a conduit for public accountability and ultimately Assembly scrutiny. Through the Director General there is a hierarchy of governance from the Board down to executive managers and front-line officers. Underpinning these structures there is a range of policies and strategies that provide a framework for accountability.

Governance policies, plans and processes

2.13 The Business Plan has key performance targets and development objectives sub-divided using a balanced scorecard approach with four headings: business results; people and development; external relations and stakeholder involvement; and processes and finance.

The Corporate and Business Plan includes *Blueprint*, which is the Prison Service's long-term strategy for change, focussing on five key priorities.

They are:

- development of the prison estate;
- offender management and public protection;
- care and accountability;
- culture; and
- partnership working.

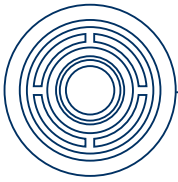
2.14 In summary, these are as follows:

- *Development of the Prison Estate* strand, includes the provision of an additional 400 places at Magilligan and Maghaberry and an 800 capacity replacement for Magilligan to provide accommodation over the next 10 to 15 years.

⁸ Northern Ireland Prison Service. Prison Service Management Board. Terms of Reference. January 2010.

⁹ Northern Ireland Prison Service. *Blueprint*. Corporate Plan 2009-12 and Business Plan 2009-10.

¹⁰ Northern Ireland Prison Service. *Blueprint*. Corporate Plan 2009-12 and Business Plan 2009-10.



- *Offender management and public protection* introduces an offender management model to structure the co-ordination and delivery of services related to risk assessment, sentence management and work done with offenders in custody.
- *Care and accountability* recognises the duty to care for prisoners, respect the dignity and human rights of those in prison, reduce incidents of self-harm and suicide in custody and promotes performance management as a key element of accountability.
- the organisational *culture* of the Northern Ireland Prison Service was recognised as a significant issue. The Corporate and Business Plan 2010-13 refers to the major programme of workforce development to move away from a culture predominantly focussed on security to one addressing the needs of each individual prisoner.
- *Partnership working* recognises the need to work with other service providers to meet the disparate and specialist needs of prisoners. An example being the delivery of prisoner healthcare in partnership with the South Eastern Health and Social Care Trust.

2.15 Supporting the *Blueprint* process is:

- the Workforce Reform programme, now encompassed within the Strategic Effectiveness and Efficiency (SEE) Programme, incorporating five work strands: looking forward (preparing for change); cultural

development; organisational development; learning and development; and workforce reform (including cost reduction and efficiency savings); and

- the Human Resources Strategy covering, a review of roles and responsibilities, the Prison Service's Diversity Strategy, value for money, and training and development.

2.16 In addition to the Corporate and Business Plans the Prison Service has a Statement of Purpose that espouses the aims of the Prison Service, namely that: "*the Northern Ireland Prison Service, through our staff, serves the community by keeping in secure, safe and humane custody those committed by the courts; by working with prisoners and with other organisations seeks to reduce the risk of re-offending; and in doing so aims to protect the public and to contribute to peace and stability in Northern Ireland*" and a vision "*to be recognised as a model of good practice in dealing with prisoners and to be valued and respected for our service to the community*".

2.17 In line with other public sector bodies, the Northern Ireland Prison Service organisational values reflect a commitment to delivery of public service, behaving with integrity, impartiality, efficiency and being accountable for resources. The Prison Service also has a risk management strategy which identifies, evaluates and assigns ownership of risks to all areas of activity to ensure delivery of business objectives and accountability across all Directorates and business areas.¹¹

¹¹ Northern Ireland Prison Service Corporate and Business Plan 2010-13.

Governance in practice

2.18 Whilst the structures, policies and processes should exercise a high level of governance and accountability there is evidence that the reality does not match the ideal. In its annual reports, the Prison Service achieves the majority of its published objectives, lives within budget and presents and reports an annual decrease in the Cost Per Prisoner Place. On the other hand independent inspection reports, the Prisoner Ombudsman reports and the Independent Monitoring Boards have continued to be critical of the Prison Service.

2.19 In considering the evidence in this inspection, we came to the conclusion that the plans and other corporate documents captured the organisational elements of Northern Ireland Prison Service business. However, they were often high level with the more difficult offender and staff management issues not exposed to explicit measurement or scrutiny. There were three distinct areas where this was apparent; at the level of the **Director General and the Board**, between the **Headquarters and the establishments** and at the level of service delivery by **operational staff**.

The Director General and the Board

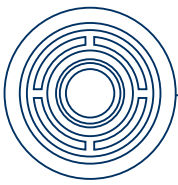
2.20 The achievement of most of the annual objectives and targets within the context of many critical inspection reports, over a thousand recommendations for improvement and the ranking of Maghaberry amongst the worst performing prisons in the UK gives substance to the disconnection between the corporate intent and the

actual delivery of successful outcomes for the Prison Service. The recommendations of inspection reports do not surface in the Business Plans of the Prison Service and the old adage, 'that which is measured gets done' probably holds true in this instance.

2.21 The basis for accountability between the Director General and the Minister/Permanent Secretary was a corporate document that did not explicitly acknowledge the difficult issues facing the Northern Ireland Prison Service. For instance, whilst independent reports continued to criticise the Prison Service, the formal reporting mechanism reflected a service successfully meeting its business targets. Prison Service Management appeared to be held to account for "*keeping the show on the road*" in difficult times and with difficult prisoners. The background of political developments culminating in the devolution of policing and justice influenced the service and led to a history of operational compromises.

2.22 Inspectors were told that managing any conflicts likely to arise from the operation of the prisons was a primary contribution by the Northern Ireland Prison Service to the political process leading to Devolution. This led in practice – we were informed – to creating a prison regime reliant upon co-operation of staff and the Prison Officers' Association. Within these parameters a secondary aim was to encourage modest reform within the Prison Service.

2.23 Based on interviews with senior officials, it is Inspectors' understanding that the routine business of the Northern Ireland Prison Service was captured in the



Business Plan etc., but these corporate documents did not capture the difficult or sensitive areas, or the critical management issues which were handled separately. The NIPS outturn of its Business Plan reports achievement of nine of the 11 key performance targets. However the major strategic challenge is the delivery of a progressive regime, increased prisoner engagement, and better outcomes for prisoners, within a framework of improved industrial relations. Whilst the Corporate Plans should not encapsulate the day-to-day challenges of management at local level, they must include measures of success reflecting the strategic challenges facing the Northern Ireland Prison Service.

- 2.24 The governance arrangements have not been able to reconcile the competing priorities of:
- political sensitivity arising from issues in the prisons impacting on the wider political process; and
 - the need for major reform to provide an effectively managed, efficient and progressive Prison Service.

The former has outweighed the latter.

- 2.25 This skewed managerial environment and the absence of comprehensive contingency arrangements to address varying degrees of industrial action has provided leverage to the Prison Officers' Association and contributed to their strong position.

- 2.26 Establishment performance was discussed routinely at the Operational Management Board (OMB) (and formerly the Governing Governors'

meetings). These meetings were chaired by the Director of Operations who reports back to the Prison Service Management Board (PSMB). As such, the OMB is in effect a sub-committee of the Management Board, which does, ultimately, have an oversight role for performance.

- 2.27 The clear view expressed to Inspectors at Non-Executive Director level was that the approach to developing strategy and plans to transform the Prison Service were not focussed on tackling the major organisational challenges. Although the role of a Non-Executive is to bring a critical and independent eye to the management of the organisation, some viewed their role as advisory which diluted corporate responsibility. The situation was described as one where the performance indicators suggested that things were working effectively but the true situation was very different.¹² As a case in point Maghaberry was the subject of a number of highly critical reports over the last five years, the most recent report of 2009 placed the prison as one of only three prisons inspected by HMIP as performing poorly in the critical area of safety. The report ranked Maghaberry in the bottom third in terms of performance although it was one of the most expensive in the United Kingdom. Whilst discussions of establishment performance are held at PSMB level these are not reflected in the corporate performance measures.

- 2.28 The effectiveness of the PSMB is illustrated in the response to the

¹² This is not unusual. See similar comments by Her Majesty's Chief Inspector of Prisons in her valedictory lecture to the Prison Reform Trust about the virtual prison that runs in the Governor's Office, or reaches the Minister's red box, through a series of filters that have removed any impurities. Available at: http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/Anne_Owers_valedictory_lecture_to_Prison_Reform_Trust_rps.pdf



report from the outgoing Governor of Maghaberry Prison who submitted a report to the PSMB prior to his departure. It described the key challenges in Maghaberry as:

- prisoner overcrowding/unsuitable accommodation;
- a new senior management team;
- staff culture;
- prisoner safety/wellbeing;
- Prison Officers' Association;
- the lack of visible leadership and strategic direction; and
- healthcare/mental health/personality disorders.

An extraordinary meeting of the PSMB in early January 2010 discussed the report. Over the course of three hours there was an in depth and frank discussion of the issues and proposals raised in the paper. Prior to the meeting, the Director General produced a paper commenting on the issues identified, and in the case of the 'no-go' areas acknowledged that concerns had been identified by Northern Ireland Prison Service management, and that improved camera coverage in 2008-09 was a step in addressing the issue. The note went on to state that Maghaberry management has, and will receive, full support in the next step of staff coverage of areas which they have not regularly patrolled for some 10 years. Other physical measures, proposed by the Governor of Maghaberry to make the environment less oppressive have been encouraged by Directors.

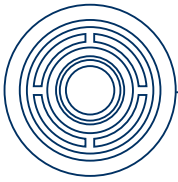
- 2.29 When discussing the Board's response to the leaving Governor of Maghaberry's report, and in particular to the issue of the 'no-go' areas, one Board member

said there had been a lack of progress and the Board was not operating as it should in relation to these serious issues. Two Non-Executive Directors sought a meeting with the Minister about a separate issue but felt that during the meeting they could usefully cover other important issues relating to the NIPS, some of which gave rise to concern on their part. There was discussion at the meeting with the Minister about Maghaberry although it is not clear what action was decided after this meeting.

- 2.30 One area where the role of independents could come into their own is the Corporate Compliance Committee which supports the Director's monitoring of the corporate governance and control systems (including financial reporting) in the Agency. The primary function of the Committee is to test and challenge the assurances which are provided to the Accounting Officer. The Committee also has oversight of implementation of recommendations from oversight bodies¹³.

- 2.31 The major difficulty facing this committee is the scale of recommendations facing the Northern Ireland Prison Service and the absence of a reliable assurance mechanism on which they can base their assessment. The Committee's most recent meetings focussed on external and internal audit reports, ongoing fraud investigations and the risk register. Whilst these are necessary components of the Committee's role the main challenge function in assuring that action plans were implemented is not in place until

¹³ NIPS Terms Of Reference Corporate Compliance Committee October 2009.



the development of an assurance mapping programme is completed.

- 2.32 The Chair, the Director General and the NIPS senior management team have agreed, ahead of many other parts of the Northern Ireland Civil Service, to restrict membership to Non-Executives with Executive Directors being invited to attend as and when required. This will certainly increase the independence of the Committee but its effectiveness still lies in testing and challenging the assurances which are provided to the Accounting Officer, the way in which these assurances are developed and the management priorities and approaches on which the assurances are premised. The current mechanisms and information do not provide the Committee with sufficient support to adequately fulfil that function.

Headquarters and establishments

- 2.33 The relationship between Headquarters and the prison establishments is problematic. Issues around budgetary responsibility, decision-making, and communication had created a situation where there was a lack of confidence between the two levels which impacted on service delivery.
- 2.34 The Governors are ostensibly responsible for the running of the establishments with authority to command resources and processes in place to oversee large budgets. On one hand, the Governing Governor is capable of having a significant impact on the conditions of individual prisoners and on the other of influencing the regime for the whole prison. The role of the Governing Governor is not only supported by Northern Ireland Prison

Service policy but given legal authority in legislation.

- 2.35 On the face of it the Governing Governor has the position and authority to shape an establishment to their liking, the reality is that they are much more constrained than this in practice. For example, the Governing Governor has budgetary responsibility but on closer examination the allocation of funds to staff on fixed terms and conditions, contracted expenditure and utilities leaves very little discretionary expenditure.
- 2.36 Other examples were given of the perception at establishment level that Headquarters sometimes limited the ability of Governing Governors to take operational decisions. One such incidence was a decision by a Governing Governor on the deployment of staffing resources which had implications at establishment level for industrial relations. At Headquarters level the view was that the original decision was not correct and would have had negative service-wide implications. However at NIPS Headquarters level, there had previously been a management proposal made to the Chair of the Prison Officers' Association, to deliver improvements in the deployment of staff to address this issue. The POA Area Committee was not prepared to accept and change to the terms and conditions under the Framework Agreement.
- 2.37 Whilst the Governing Governors were part of the PSMB discussions of the issues following the death of Colin Bell, other senior staff at the three operational establishments felt they should have been central to the discussion of the emerging issues,



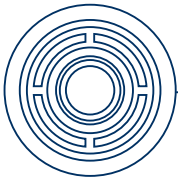
what went wrong and how it could be prevented in the future. Although it should be noted that the Prison Governors' Association (PGA) were in dispute with prison service management at the time.

The issue may be one of poor communication but there was the perception that Headquarters had not always supported the establishments and this was seen as a loss of confidence in establishment staff. In the context of the issues discussed later around the Prison Officers' Association this undermined the effectiveness of local management.

- 2.38 In contrast, to the assertion of micro-management and central control, Headquarters held the opinion that the establishments did not always act corporately and therefore needed to be controlled. For instance, at Board level it was mentioned that Local Implementation Teams (LITs) in the various establishments, had individual ways to achieve savings without giving consideration to the longer-term or the potential Service-wide benefits, or the possibility that their actions could create inconsistencies in practices and regimes across the establishments.
- 2.39 An example of the disconnect between Headquarters and the establishments could be seen in the area of discipline. An internal Prison Service Human Resources Strategy Review seen by Inspectors articulated a number of problems with the Prison Service disciplinary system, including a belief among staff that poor behaviour or neglect of duty was unlikely to result in serious disciplinary consequences, and the leniency of some penalties

awarded. It also identified the failure of Governors to be held accountable to the Board for some of their decisions as a serious matter. However, at corporate level, whilst a log of disciplinary outcomes was submitted, there was no mechanism or ability to compare across the establishments to highlight issues, identify poor practice or malpractice, monitor trends, consistency or hold Governors to account. The result being inconsistent, and perhaps unfair, outcomes for staff and prisoners. A robust disciplinary system should shape expectations among staff about how they should behave, any lack of enforcement or the absence of credible sanctions only reinforces negative aspects of the occupational culture and inappropriate behaviours.

- 2.40 The more senior staff at establishment level provided examples of good practice and consultation with officers in and across the establishments responsible for the formulation and implementation of specific policies. In the women's prison a policy maker was co-located with the Governor and staff at Hydebank Wood Young Offenders Centre (YOC) to see the operational issues at first hand. Examples were also given to Inspectors of Headquarters supporting local initiatives, for example an initiative to support prisoners' families on visits.
- 2.41 The Northern Ireland Prison Service has made the case that it has a relatively small Headquarters which has to perform a similar range of functions as the Prison Service in England and Wales, and has insufficient capacity to progress operation policy development. This was supported during the fieldwork with the perception expressed among many at



establishment level that policies were issued by Headquarters without the necessary understanding about how they could be implemented or if there were sufficient resources to implement the policy. There was cynicism expressed between the rhetoric of change and what was being delivered on the ground.

2.42 There was also the widely held perception within establishments that personnel in Headquarters did not have the necessary operational experience to understand the issues at establishment level. Operational experience was seen by many, including those at senior level, as being a key element in understanding the regime, and the generic skills of management were not seen as being directly transferrable to the operational management of the Prison Service. At Prison Officers' Association level there was a perception that Headquarters caused many of the problems as they were out of touch with how the prisons were running.

2.43 The overall impression is one of an insufficient level of confidence between management at Headquarters and establishment level in each other's decision-making capabilities, and this was impacting on operational management and decision-making. There was also an impression that Headquarters took things over because local management, 'did not see the big picture'.

2.44 A clear delineation of the risks that should be managed by Headquarters and establishment managers needs to be made. As in many instances of management within the Northern Ireland Prison Service the negotiations with the Prison Officers' Association

pervade the process. An alternative access route to Board level management provides a mechanism to counter the governance role of local management. The reluctance of local management to make decisions for fear of being overturned by Headquarters is a real threat to the successful management of the establishments.

2.45 Many of the issues identified here are not unusual and indeed tensions between a Headquarters role and operational practice is to be expected. The intensity of the feelings expressed and the nature of the interaction described have contributed towards an unhealthy relationship between Governors and senior management. This was exacerbated by the transfer of the Governing Governor from Maghaberry arising from the death of Colin Bell. The ultimate impact has been to undermine effective management of the prison estate and the capacity of the regime to engage in effective reform.

Management of operational staff

2.46 The delivery of a successful regime for prisoners ultimately depends upon the operational staff who work in closest proximity with prisoners. Corporate and Business Plans, strategies and policies can only set the framework within which the prison operates but the quality of the service delivery lies with prison officers. Previous inspection reports and Prisoner Ombudsman's reports have been critical, and in some cases scathing, of the work of prison officers in the Northern Ireland Prison Service¹⁴.

¹⁴ Northern Ireland Prison Ombudsman report, Death of Colin Bell, January 2009.



2.47 Officers working in the Northern Ireland Prison Service are unlikely to be different than staff working in other prison systems: observations would suggest that they have the same potential to do well. The difference lies in the inconsistent organisation tolerance of undesirable attitudes or behaviours, and Prison Service management's ability to successfully sanction poor behaviour in the face of challenge to process by the POA, an example is the disciplinary process following the death of Colin Bell¹⁵.

2.48 In some cases the poor attitude of prison officers leads directly to low quality work that adversely affects the outcomes for prisoners, but there is also evidence of poor management and poor management practices. Inspectors spoke to several Governor grades who appeared to be detached from the management process and were unable to speak about the specifics or performance of their particular area of specialism or command.

2.49 The reluctance of Senior and Principal Officers to take decisions was expressed as being in part due to the large number of staff in their working groups and in part to changes in the role of the Senior Officer where they spent much of their time inputting data. It is the Prison Officers' Association view that many of these problems arose from the removal of the Chief Officer grade from the prisons (a process described as similar to the removal of matrons in the hospital environment). There were high numbers of temporarily promoted officers who, at times were reluctant to challenge staff behaviours. The

consequence being that at management meetings, lines were agreed and actions identified but they were not always carried out. Some managers were described as wanting to *"run with the fox and hunt with the hounds"*.

2.50 A lack of performance challenge in the Prison Service was cited as one reason for poor performance. The performance management process was criticised as too impersonal, too mechanistic and too inconsistent to be useful. Also the by-passing of management lines caused problems as *"in Maghaberry no-one went through the chain of command – they go straight to the top and this cuts out those in between. Everyone thinks they can cut out the managers and go straight to the Governor. This is the culture of Maghaberry and it needs changed"*. The role of the Prison Officers' Association was also cited as a major problem for line managers. Trying to get staff to work more closely with prisoners or to record their efforts more accurately was often met with a challenge from a Prison Officers' Association representative quoting local agreements.

2.51 Improving the performance of prison officers requires improvements in the performance tools available to managers. The targets in Business Plans and associated job plans were often focussed on process and not outcomes, were quantitative and did not take account of any qualitative aspects. The constructive activity target of 20 hours per week for sentenced prisoners included visits to court, meetings with legal representatives, and appearance at a video-link, which although derived from, and in line with, National Offender

¹⁵ See also Report of an Independent Review of the Application of Northern Ireland Prison Service Code of Conduct and Discipline in the case of 12 Night Custody Officers and 3 Senior Officers at Maghaberry Prison. Carol Ackah and Liam Dean. December 2009.



Management Service (NOMS) practice could be more accurately described as out of cell time.

- 2.52 Other targets were 87% of prisoners working to a resettlement plan; 97% of lifers working to a life sentence plan; 75% of learning and skills courses provided lead to an externally recognised accreditation; to achieve 85% enrolment against available capacity for learning and skills courses; and average attendance to be 70% of those enrolled; measures which were not qualitative and did not provide any indication of the quality of outcomes for prisoners. The targets for prison officers did not include, for example, measures of the level of engagement with prisoners but focussed on the traditional processes, such as searching.

Governance of prison healthcare

- 2.53 A separate governance structure is in place for the management of healthcare in the Northern Ireland Prison Service since healthcare transferred to the South Eastern Health and Social Care Trust in April 2008.
- 2.54 A Partnership Board was established with representatives of the Prison Service, the South Eastern Health and Social Care Trust and the Regional Health and Social Care Board. This body manages the partnership arrangements between the three key stakeholders and monitors the quality and the level of healthcare services provided to the prison population against available resources. The relationship between the key parties is defined in the Partnership Agreement signed by the Director General of the NIPS and the Permanent Secretary of

the Department of Health, Social Services and Public Safety. The Partnership Board is also responsible for developing and agreeing prison healthcare policy and standards.

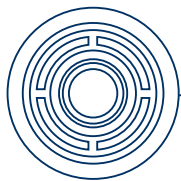
- 2.55 In addition, the Director of Adult Services at the South Eastern Health and Social Care Trust jointly chairs the Clinical Governance Committee with a Northern Ireland Prison Service Non-Executive Director. In attendance are the Prison Governors, Prison Healthcare Managers and lead professionals from the Trust.
- 2.56 Each of the Prisons has a Local Governance Group and monthly meetings are held with the Assistant Director of Prison Healthcare. A Lessons Learned Group meets monthly to oversee the implementation of recommendations from reports and adverse incidents.
- 2.57 The Director of Adult Services at the South Eastern Health and Social Care Trust meets with the Director General of the Northern Ireland Prison Service on a regular basis to discuss the strategy and direction of the partnership, and reported to the Prison Service Management Board on how the partnership arrangements were working.
- 2.58 However, at Trust level there are a number of concerns about the operation of the partnership. Firstly, there were issues surrounding the line management arrangements for healthcare staff. The Trust is accountable for the healthcare within the prisons but has no direct authority for staff delivering the service. Management, performance and discipline issues were the responsibility of the Northern Ireland Prison Service. This



represented an organisational risk for the Trust. The transfer of the staff was agreed by Department of Health Social Services and Public Safety at Chief Medical Officer/Permanent Secretary level not to take place.

- 2.59 The culture of prison officers and the inability to transfer healthcare staff to other areas of the Trust can lead to medical staff becoming disconnected from the Health Service and not having the opportunity to avail of working in other areas of the Trust, experience good practice etc.
- 2.60 Other aspects of the regime impacted on the ability of the Trust to provide quality clinical care, for example:
- the prisons' ability to access alternative facilities for prisoners with serious mental health issues can be at odds with the medical needs of the individual prisoner;¹⁶
 - the prevailing culture in the Northern Ireland Prison Service was one of security which can work against a culture of care;
 - the lost appointments for prisoners and down time for medical practitioners when appointments were cancelled because movement stopped in the prison due to alarm, incident etc.; and
 - the difficulties of movement/access to prisoners in Maghaberry made it difficult for the Trust to deliver healthcare. This included internal movement controls and availability of prison officers to allow cell access if the prisoner was locked up. This is a particular difficulty in administering medicines.

¹⁶ See also Criminal Justice Inspection report. Not a Marginal Issue; Mental Health and the Criminal Justice System in Northern Ireland. Published March 2010



CHAPTER 3:

Performance management



3.1 Performance management is the means through which resources are managed efficiently and effectively to achieve corporate aims and objectives. A performance driven culture will work most effectively in a structure which inculcates local responsibility, authority and decision-making, and where the staff associations and managers are driven to unite on a local agenda and talk to each other to find ways of working to meet targets and improve performance. It also works effectively when there is an alignment between strategic intent and operational delivery underpinned by timely, accurate and meaningful performance information.

3.2 This chapter considers the management of performance within the Prison Service at three levels:

- corporate performance;
- establishment performance; and
- managing individual performance.

We also consider explicitly the management of performance within the context of internal and external scrutiny reports.

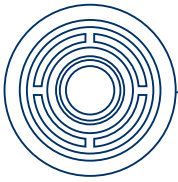
Managing corporate performance

3.3 There were formal processes in place for the management of corporate performance within the Prison Service. These included regular performance

management reports to the Prison Service Management Board and regular meetings between the Director of Operations and Governing Governors. There was regular assessment of performance against the Business Plan and specific operational issues were brought to the attention of the Governor as appropriate. The concentration was on high-level measures.

3.4 The Northern Ireland Prison Service long-term strategy for change, commonly referred to as *Blueprint*, is a programme of projects which have distinct deliverables within timeframes that are subject to scrutiny and performance measurement. At an operational level the Director of Operations and Governing Governors held regular meetings to assess performance against the Business Plan and specific operational issues were brought to the attention of the Governor as appropriate.

3.5 Our assessment of corporate governance identified a number of weaknesses. At a macro level there was insufficient detail of performance information that would allow competition or comparison of the performance across the three establishments in a wide number of areas, for example Cost Per Prisoner Place, although Inspectors were advised



that this was something the new Director of Operations was considering.

- 3.6 Management information did not contain figures of, for example worst/best case scenarios and the averages can mask poor performance, for example average time out of cell does not identify prisoners who get no, or very little, time out of cell.
- 3.7 In mitigation of a more corporate approach to performance management there was the widely-held perception that the three establishments were unique and had three distinct roles because of their population profiles. Despite its small size the operation of the Northern Ireland Prison Service was described as being in three silos. Performance at each establishment tended to be dealt with on an individual basis.
- 3.8 Generally this led to problems around a more corporate approach to the management of the estate, including staff transfers to meeting on-going operational changes, prisoner transfers (for example between Maghaberry and Magilligan) and the delivery of centrally driven initiatives. It was suggested to Inspectors that key performance indicators were drawn up at the centre without sufficient local input. This meant there was insufficient local ownership of performance targets.
- 3.9 Inspectors were told that the Northern Ireland Prison Service at Prison Service Management Board level set targets they could achieve (except for staff sickness and training) but the others were less relevant – the National Offender Management Service (NOMS) had quality and quantity measures, the

Northern Ireland Prison Service had no quality measures. For example, the key target of 90% of offenders working to a sentence plan did not say how relevant the sentence plan was to the individual, whether the Prison Service could deliver it or whether there was any connectivity with other agencies. The Constructive Activity measure was described to Inspectors as being “meaningless” as it had no quality or relevance reasons. One interviewee said that it would be possible to include qualitative measures *“but they would really challenge the Northern Ireland Prison Service and that is why they were avoided”*. Inspectors are pleased to note that a range of targets on a shadow basis will be introduced in 2010-11 covering learning and skills, resettlement and development work on safer custody, offender behaviour programme targets and time out of cell measures which, when implemented, will provide the NIPS with more qualitative information.

- 3.10 Performance management information tended to measure inputs rather than outcomes, for example sentence plans. Performance management was not consistent across the three prison establishments and there were few objective measures of performance. This further complicated the delivery of targets focused on the achievement of outcomes.

Validity of performance information

- 3.11 At a Prison Service Management Board attended by Inspectors it was highlighted that the Northern Ireland Prison Service currently had 28 Action Plans. There was an intention to audit progress against recommendations, but there were no extra resources to undertake



this function and the team identified to perform this task had to rely on what they had been told as to whether recommendations had been completed, as these had not been audited or physically checked.

- 3.12 The Board was advised that if it wanted assurance in this area then the team would need resources and operational expertise – without this the team had only a sketchy idea of what was happening. From a governance viewpoint, this information was presented to the Board but it was not clear from the attendant discussion how the Board intended to operate its oversight role.

- 3.13 The minutes record that the Board noted:
- progress to date;
 - constraints due to lack of resources;
 - the planning in hand to take forward recommendations;
 - the need for a co-ordinated approach; and
 - agreed to a review of the situation on a quarterly basis.¹⁷

An internal NIPS paper to PSMB members in October 2010 notes that there remain ongoing issues with quality assuring evidence regarding implementation or completion of agreed actions.

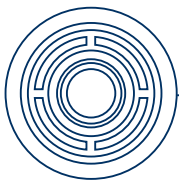
- 3.14 There were questions raised during the inspection process as to the validity of management information presented to the Board. For example, it was asserted that it took ten minutes to clean the stairs on a landing but this was booked for an hour of ‘constructive activity’.

When asked why, the response was that *“management are trying to make up the figures to make the place look as though it is working”*. A member of the focus group went on to say that the figures were exaggerated and there were nine orderlies in a named House to try and *“create jobs”*, and *“management want it on paper that prisoners were out doing stuff but they were not actually doing it”*. Board Members themselves presented some disquiet to Inspectors on the validity of the information they were getting to assess performance.

- 3.15 In other cases, Inspectors were told that performance figures in some areas were expectations rather than actual statistics, for example a two hour education class was recorded as two hours, irrespective of whether it finished early or over-ran. The validation of information was problematic and was not well established.

- 3.16 Whilst Inspectors were not in a position to confirm the veracity of these statements, it was noted that no other officer in the groups disagreed or corrected them. A Governor in another establishment confirmed that the number of orderlies boosted the activity hours and that visits and legal consultations also contributed. Another senior member of staff said that the prisons could meet their targets like out of cell time, but going to Court was counted towards the figure. Also managers said that attempts to increase constructive hours in for example, workshops, ran into difficulties because staffing levels on the landings meant prisoners could be often locked up. Diminishing Task Lines meant that

¹⁷ Minutes Prison Service Management Board 30 April 2010.



constructive activity time was an early casualty if there were staff shortages or sick absences.

Measuring prisoner safety

3.17 Inspectors looked explicitly at the management information provided to the Board around prisoner safety issues. Inspectors sought to establish the quality of data provided to the Prison Service Management Board in relation to prisoner on prisoner assaults, and the process by which data was generated for the Board. Criminal Justice Inspection was provided with a range of material that included complaints made by prisoners to police, statistics of fights between prisoners, bullying and incident reports, and Safer Custody minutes. Inspectors were told that data was not compiled specifically in relation to unexplained injuries.

3.18 The Prison Service Management Board on 30 April 2010 received a statistical analysis which reported a total of seven prisoner on prisoner assaults in all establishments from April 2009-February 2010. This data provided a cumulative ratio of 0.5%, and meant that the Northern Ireland Prison Service was well within its target of less than three prisoner on prisoner assaults per 100 prisoners. It was suggested by a Board member that this ratio seemed low in comparison to National Offender Management Service ratios.

3.19 The statistics in relation to prisoner fights at Maghaberry showed 15 incidents involving 30 prisoners between June 2009 and May 2010. Inspectors were aware of at least three serious assaults which were not included in this

data, although they were included in the serious assaults that were reported to the Prison Service Management Board.

3.20 The Northern Ireland Prison Service explained that only serious assaults using the definition below were referred to in Board performance reports: *“When the victim has sustained an injury resulting in his/her death, or his/her detention in an outside hospital as an inpatient, or any of the following injuries whether or not detained in hospital: fractures, concussion, internal injuries, crushing, severe cuts or lacerations, severe bruising, burns or scalds, or severe general shock requiring medical treatment.”*

3.21 Police Service of Northern Ireland data for the period January 2008 – June 2010 revealed 33 prisoner on prisoner assault allegations had been reported at Maghaberry. This was exactly half the staff on prisoner assault allegations for the same period.

3.22 The Safer Custody Committee was meeting weekly at the time of this inspection. In addition to individual case management it had a rotating agenda to deal with anti-social behaviour, self-harm, anti-bullying and child protection. There were no data to illustrate bullying levels or trends. The NIPS have advised that whilst as yet there are no data being captured on Prison Record and Inmate System Management (PRISM) to illustrate bullying levels or trends there has been work in this area. The Challenging Anti-Social Behaviour (CAB) policy is in draft form and a pilot is underway. Following evaluation of the pilot scheme PRISM will be revised to provide the means for data capture.

3.23 Thus there were a variety of data sets



around the issue of prisoner safety – including different data at Board and establishment level. This would raise questions as to the effectiveness of the overall measurement processes – particularly around the different definitions of what constituted assault. Given the existence of different data sets it would be difficult to come to an overall view as to the nature of problem. This is particularly worrying as Criminal Justice Inspection/Her Majesty's Inspectorate of Prisons' Inspection of Maghaberry described the prison as performing poorly on the issue of prisoner safety.

Measuring performance at establishment level

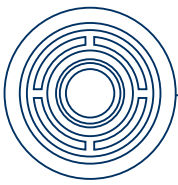
3.24 At the Prison Service Management Board meeting in April 2010 attended by Inspectors a performance management initiative was described as being taken forward in Hydebank Wood in the absence of a corporate framework. The initiative was at the very early stages but had initiated performance monitoring in various areas across the establishment, primarily around constructive activity monitoring, and the Governor's intent was for it to send a message that the prison was under-performing if prisoners remained locked up. The Governor had also given supervisors specific job descriptions with monthly bi-lateral performance meetings with Senior Officers, Principal Officer and Governors. Probation, healthcare and other specialisms were also involved in the performance meetings.

3.25 As a result of the initiative the managers at Hydebank Wood YOC were challenged about their performance which was described to Inspectors as a culture shock as this had not happened

before. Constructive activity hours were broken down across the various Houses and focussed on performance and on getting prisoners out of their cells. At the time of the inspection fieldwork the Business Performance Team had only been operational for a month and once established, it intended to extend its remit to other areas beyond constructive activity. Inspectors would hope that, over time, this performance management initiative can be used to address some of the areas of performance management weakness identified by the inspection.

3.26 One Governor told the Inspection team that *"Maghaberry was meeting all its key targets but was still judged to be in a poor state. On paper the prison was doing well but inspection reports were coming from a different viewpoint, they were not interested in the problems but in the outcomes for prisoners. As an organisation the Northern Ireland Prison Service needed to grasp that it was outcomes for prisoners that were important. The people round the Maghaberry Senior Management Team have got it; some Principal Officers have got it; few Senior Officers have got it; very few on the landings have got it"*. There was an acknowledgement that Maghaberry was behind on delivery and this was due, in part, to issues with the Dissident Republican prisoners and threats against prison staff.

3.27 This raises the critical question of alignment of performance objectives, targets, processes and outcomes. The inspection team did not find that the kinds of issues critical to the delivery of successful outcomes for a healthy prison were embedded within the performance framework of the Prison Service.



3.28 To progress the outstanding recommendations a Maghaberry Change Programme Compact was signed between the Director General and the Acting Governor in January 2010. The Compact described the key tasks, changes and targets for implementation over a three year period, with the needs of prisoners being the primary focus of the prison's business. The work plan divided the recommendations into twelve work strands and prioritised them for implementation over the three-year period.

3.29 However, the situation in Maghaberry was found to be much worse than the Acting Governor had expected and, as a result, he had made the Prison Service Management Board aware that the change programme would not be delivered in the three years as originally anticipated.

Maghaberry Business Improvement Team

3.30 There was a Business Improvement Team established in Maghaberry following the Pearson Review recommendations. This was the main vehicle to progress the Maghaberry Change Programme Compact described above. The full team was not yet in place and had been beset by staffing problems. During the Inspection it emerged that the Head of the Team was being moved to another role. Several other members had also left the team, some had been replaced, and it was functioning below strength. The Business Improvement Team initially ran parallel to the Senior Management Team at Maghaberry but had been incorporated into the line management structure. Inspectors were advised that the team could not make progress until the resourcing issue was addressed. Governors described it as "*all but dissolved*".

3.31 There was a perception among some that the Business Improvement Team had been 'parachuted' into Maghaberry and this had led to tensions between the Team and the senior managers in Maghaberry. However Inspectors were advised that this had largely been addressed by the Business Improvement Team and its Head.

3.32 The Business Improvement Team had been beset with problems from the beginning which were exacerbated by the premature departure of the newly appointed Governing Governor after six months. There were issues raised about the time it took to allocate resources to the team and the overall commitment given to its role. There is no doubt that it met with direct resistance from within the prison in respect of its performance improvement role.

Local Improvement Teams

3.33 There were Local Improvement Teams (LITs) in the three establishments which examined efficiencies in staffing levels and procedures. The terms of reference were set by the Governor and included the financial savings identified by Headquarters. In some establishments the Team could be set up on an ad-hoc basis to address specific pieces of work. The Local Improvement Teams comprised management and Prison Officers' Association representatives and achieved varying degrees of success in the different establishments.

3.34 The Local Improvement Teams were very operationally focussed and were viewed as a means to achieve savings in the prisons. They were constrained in what they could achieve as there could be no significant financial savings without

an exit package for staff. If inefficiencies were identified by removing or regrading posts these staff could be redeployed into areas of overtime and Additional Voluntary Hours pressures. However significant financial savings could only be realised in the future through natural wastage.

- 3.35 Whilst there was some consideration of how LIT initiatives would impact corporately, such as the Progressive Regimes and Earned Privileges Scheme (PREPS) Corporate Framework publication of June 2009, the workings of the Local Improvement Teams could lead to local agreements in an attempt to resolve a particular local issue. Also, these local agreements were not time limited, but bound future Governors and could subsequently be used by the Prison Officers' Association to frustrate management's attempts to introduce change.

Measuring financial performance

- 3.36 Past events and the uncertain progress of the peace process had increased the degree of reluctance by Prison Service management to contemplate planning and provision for a normal future in terms of either physical security or regimes for prisoners, and this in turn locked in significant elements of additional cost¹⁸.

- 3.37 The Northern Ireland Prison Service operating expenditure was £137.4m in 2009-10 of which £90.4m were staff costs¹⁹. The high cost of staff (92% of Main Grade Officers (MGOs) on scale maximum²⁰. NIPS supplied figures show 795 officers on pre-2002 salary scale (97% on maximum) and 254 officers on the post-2002 scale (96% on maximum)) and low level of natural wastage in the Northern Ireland Prison Service has reduced management's capability to reduce costs in the short to medium-term. Inevitably, high staff costs leads to a high Cost Per Prisoner Place (CPPP) which increased from £75,907 in 1997-98 to a high of £90,298 and then decreased to £77,831 in 2009-10. By way of contrast the Cost Per Prisoner Place in Scotland and England and Wales in 2008-09 was £41,724²¹ and £45,000²², respectively.

- 3.38 The reduction in the overall Cost Per Prisoner Place figure has arisen in part due to an increase in capacity with an increase of 31% in the number of certified prisoner places from 2004 to 2009. The trend in prisoner numbers for the past eight years has been upward, at the same time costs have risen, meaning that the actual cost per prisoner of £94,805 has remained fairly static over the last five years.

Cost Per Prisoner Place 2005-09

	2005-06	2006-07	2007-08	2008-09	2009-10
Expenditure £'000	£128,333	£135,718	£128,787	£139,321	£137,372
Average no. Prisoners	1,358	1,440	1,484	1,493	1,449
Unit cost per prisoner	£94,536	£94,249	£86,784	£99,520	£94,805

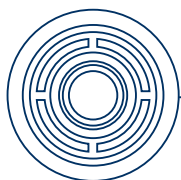
18 Review of NIPS Efficiency Programme. Hamill 2005.

19 NIPS Annual Report and Accounts 2009-10.

20 Prison Service Pay Review 6th Annual Report on Northern Ireland 2010.

21 Scottish Prison Service Annual Report 2008-09.

22 Hansard Written Answer 3/03/10.



3.39 Thus, whilst welcome, a reduction in the Cost Per Prisoner Place should be set in the context of the continuing high costs of holding a prisoner due in part to the high cost of Northern Ireland Prison Service staff and the high ratios of NIPS staff to prisoners. The following table shows that the cost of a Northern Ireland Prison Officer is about one third more than an equivalent in England and Wales and the staffing levels in Northern Ireland are almost two and a half times those in England and Wales.

half of the Operational Support Grades being recruited with Main Grade Officers continuing to fill posts identified for regrading. Thus 149 Main Grade Officers over complement are deployed at an additional cost of £3 million per year. This not only increased the Cost Per Prisoner Place it also creates difficulties in achieving a balance between the budget for targeted staffing levels and the actual expenditure on staff in post.

Comparison of Main Grade Officer Costs with England and Wales

Costs/Staff Levels	England and Wales	Northern Ireland
Basic Salary MGO	£ 28,890 ²³	£37,364 ²⁴
Prison Population (excluding private prisons (June 2010))	75,400 ²⁵	1,449 ²⁶
Staff (excludes admin.)	35,250 ²⁷	1,648 ²⁸
Ratio Staff to Prisoners	0.47	1.14

3.40 Future reductions in the Cost Per Prisoner Place will continue to be complicated by the low level of natural wastage in the Northern Ireland Prison Service. As a case in point the introduction of the Operational Support Grade (OSG) was a NIPS Headquarters initiative to employ less expensive alternatives to Main Grade Officers in areas where they were not required. However, the low numbers of MGOs leaving the Prison Service led to only

Managing individual performance

3.41 There is an annual appraisal system in the Northern Ireland Prison Service, similar to that in the wider Northern Ireland Civil Service with annual objectives negotiated and set at the start of the year, a six monthly review and appraisal after twelve months.

3.42 There was general dissatisfaction expressed to Inspectors about the

²³ Source: Prison Service Pay Review Body 9th Report England and Wales, 2010.

²⁴ Source: Prison Service Pay Review Body 6th Report Northern Ireland, 2010.

²⁵ Source: NOMS Prison Population and Accommodation Briefing 18 June 2010.

²⁶ NIPS Annual Report 2009-10.

²⁷ Source: Prison Service Pay Review Body 9th Report England and Wales.

²⁸ Excludes Prisoner Escort and Court Custody Service (PECCS) staff as comparable service outsourced in England and Wales.



Annual Performance Appraisal Reports. Some officers failed to see the relevance of the report to their jobs, some complained that there were no consequences for a poor report and that challenge by supervisors or managers rarely happened. Some viewed the process as a waste of time, as designed by, and for, civil servants and not geared to the needs of prison officers. An example was given to Inspectors where the information on one officer's appraisal was cut and pasted to a number of other appraisals resulting in a female officer being referred to as 'he' throughout her appraisal form.

3.43 Few people, including some at Governor level, spoken to by Inspectors knew their current year objectives. A number of officers, especially at Main Grade Officer level were very cynical about the performance appraisal system. The fact that the appraisal system was not used for pay or promotion purposes further devalued it in the minds of many interviewees. There were no consequences for a good or bad appraisal. No-one complained about the appraisal system as it was perceived as unimportant. It was seen as too crude an instrument which was suitable in theory but not in practice as it relied on generic job descriptions.

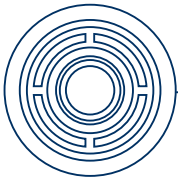
3.44 Twenty five per cent of appraisals were outstanding across the Northern Ireland Prison Service at the time of the inspection fieldwork. The Prison Service could not rely on manager's assessments as some had not been objective and there had been reports of Main Grade Officers pressurising line managers into giving them a more favourable appraisal.

3.45 The vast majority of staff got box markings of two or three (on a scale of one to five, with five being poor). One person in a personnel post said they would be very surprised if there were any box four or five markings across the whole of the Northern Ireland Prison Service. Levels of sickness were not considered as an element of the overall performance appraisal marking.

3.46 Inspectors were told that the close nature of the Prison Service militated against a robust reporting system and this was reinforced over the years by the security situation and the necessity for officers to live in areas perceived to be safe and their tendency to socialise together in those areas. A Board member said that Senior and Principal Officers were part of the base level culture, they were in the same car pools for travelling and it made it very difficult for them to effectively manage staff.

3.47 One interviewee told Inspectors that the high number of Box One, Two and Three markings across the Prison Service were difficult to reconcile with the poor and critical inspection reports over the years. The Prison Service retains records of officer's individual performance box markings however, at present the Computerised Personnel and Salary System (COMPASS) system is unable to provide these in a report form. Work is ongoing within the NIPS to enable COMPASS to provide a report.

3.48 Inspectors were told that things were changing and one Senior Governor had only approved a single Box One marking for senior grades in the current year where in the past it would have been



considerably more than this. It was not clear if this change to box markings at senior level had been as a result of an improvement or by making it more feasible for managers to correctly score average or poor performance. Over time a more accurate reflection of individual performance should contribute to improved organisational performance and monitoring.

- 3.49 Many interviewees also expressed dissatisfaction that performance appraisals were completed by supervisors who may have had very little contact with the appraisee during the reporting period. This was due to the group-working and the shift system where many Senior and Principal Officers had limited contact with officers on a consistent basis.
- 3.50 The officers on the ground used a much more informal means to judge their own performance; this was on how they interacted with prisoners; the absence of complaints; and whether or not supervisors trusted them to undertake various duties. At Senior and Principal Officer level the appraisal system was seen as an administrative exercise and was not used to challenge people for failing to meet their targets.
- 3.51 The lack of challenge to officers in respect of performance or general behaviour and attitudes was mentioned by one officer as being institutional. If an officer was challenged they would often take a grievance and the manager would end up in front of the Governor. One group of supervisors said that performance was unmanageable when there was a culture where challenge to an individual officer ended up in the grievance process.

- 3.52 One supervisor gave an example to Inspectors where he had given an officer a poor report and was 'badgered' to change it by his/her line manager and by the officer in question. At Senior and Principal Officer level there was a view expressed that a small number of staff did the bulk of the work and that many were standing back and the way the organisation was structured officers allowed officers to do this without being challenged. Good and poor officers were getting similar performance reports.
- 3.53 The supervisors also felt that their decisions were undermined by management, one Senior Officer said that s/he had refused an officer leave and was supported in the decision by the Principal Officer, but the member of staff went to the Personnel Governor who overturned the decision. Another said they gave an officer a poor report and had been "*more or less ordered to change it*".
- 3.54 There was no fear of transfer to another prison establishment in Northern Ireland and some managers saw this as a further impediment to improving the performance of individual officers – no-one thought that doing a good job would allow them to stay in post.
- 3.55 The absence of accountability for poor performance and the widespread perception that Headquarters had not supported managers over disciplinary cases, had led to the situation where some managers were reluctant to challenge officers about their behaviour or performance. Similarly, supervisors were not being challenged and held to account for their performance. The lack of a performance culture was evident at all levels.



Implementation of recommendations from inspection reports and external reviews

3.56 Previous chapters highlighted the extent and scope of recommendations outstanding in relation to aspects of the Northern Ireland Prison Service.

This was recognised in the Pearson Review report which recommended that outstanding recommendations from external reports should be reviewed and rationalised and a decision taken about whether to continue or discontinue work. The six month audit review found this to be at an amber status and commented that this was a very resource intensive process with over 1,300 recommendations to consider. Prioritisation meetings were held with Governors to review outstanding actions. However, there was no evidence that the Northern Ireland Prison Service had taken a robust approach to tackle this and rationalise the outstanding recommendations into a more manageable number.

3.57 Since the death of Colin Bell a new procedure has been introduced which includes:

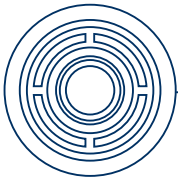
- draft reports are passed to Governors/relevant officials for a factual accuracy check. This is co-ordinated at Headquarters;
- at the same time Governors/relevant officials are asked to consider relevant recommendations and specifically, whether they should be accepted, resisted or accepted in principle (this to be based on priority, resource implications, relevance/suitability, achievability, legislative implications etc.);
- where recommendations are

accepted Governor/officials are asked to consider target dates for implementation; steps/milestones and ultimately how implementation should be measured;

- where resisted or accepted in principle they are asked to provide the justifications;
- this process informs the final Action Plan which is drawn up and agreed in a round table exercise with the Director of Operations who must ultimately endorse the final position; and
- where implementation deadlines have to be extended the reason is explored and agreement must be given.

3.58 At Headquarters level the Heads of the various business areas had a structured mechanism for receiving recommendations specific to their work area with target dates for implementation. At establishment level recommendations were managed differently; in Maghaberry, which had the vast majority of recommendations, the Business Improvement Team was responsible; in Hydebank Wood it was the newly established Business Performance Team; in Magilligan the response to recommendations was co-ordinated through the Governor's office.

3.59 The procedure for updating was for the central teams to send periodic updates to named responsible officers for progress updates. At establishment level recommendations from external reports and inspection reports were forwarded to the establishments for factual accuracy check after they had been accepted by Headquarters. There was then an allocation of the respective recommendations for the establishments to progress.



3.60 A Board level interviewee said that a lot of energy went into developing responses to each individual recommendation rather than rationalising recommendations to improve business outcomes which would deliver the ultimate aims, for example the introduction of a Personal Officer Scheme would address multiple recommendations from a number of reports. A senior member of staff advised Inspectors that whilst many recommendations were accepted in principle they would never be implemented.

3.61 Recommendations had been signed off as complete but a number of months later had reverted back to the original position. There was an intention in Maghaberry to audit progress at three, six and 12 months and to only sign-off recommendations when they had been shown to be in place at the 12 month audit. It was acknowledged that most recommendations related to Maghaberry and this was where the biggest challenge was.

3.62 Interviewees, particularly at Headquarters, spoke of recommendation overload and felt overwhelmed by the number and scope of outstanding recommendations, and the organisation's ability to track and evidence progress. Many of the recommendations were seen as unfeasible or as having an adverse impact elsewhere in the organisation. One interviewee who had experience working in this area was exasperated and said the recommendations and Action Plans were a "farce" and added that this inspection "*would only add to the growing list; the Prison Service needed to draw a line in the sand – no organisation could*

manage thirteen hundred recommendations – it had become a tick-box process around the minutiae".

Strategic Efficiency and Effectiveness Programme (SEEP)

3.63 Much of what is contained in this inspection report has been in the public domain. Certainly many of the issues have been considered within the Prison Service, for example in the Human Resources Strategy Review 2008. The question as highlighted is not what needs to be done but how is it going to be done, and is there any confidence that action will be delivered on this occasion? As previous reports into the Prison Service have articulated the track record on the delivery of change has not been good.

3.64 A major difference at this point however, has been the devolution of policing and justice in Northern Ireland. For the first time in a generation the Prison Service is the responsibility of a locally elected Minister who is accountable to the Assembly. At the same time a local Committee for Justice will provide an additional layer of scrutiny and accountability. It has already highlighted Prisons as a major area of concern. The Hillsborough Castle Agreement has identified the requirement for an independent review of the Prison Service. This is underway. Thus the context within which the Prison Service operates will be significantly different under a local administration. The NIPS has just undergone a major restructuring exercise, an initiative by the current NIPS Senior Management Team, in line with the Hunter report commissioned by the Director General. A new directorate has been created



and the new Director of Finance and Corporate Services, as previously recommended, is an accountant.

3.65 It is within this context that Inspectors' view positively the recent strategy document designed to set out a clear pathway for the further development of the Prison Service. The Northern Ireland Prison Service Strategic Efficiency and Effectiveness Programme recognises a number of the deficiencies raised in this inspection report and places emphasis on a Prison Service – wide transformation stating that there is 'a need for cultural change in attitudes and behaviours, values and standards, there is a requirement for the NIPS to ensure that capability and skills become embedded within individuals and the NIPS as a whole. There requires more proactive involvement in the management and reviewing and intervention in the development of the organisation, across the organisation until change is brought about and the skills, processes and capability to sustain such are embedded within the structure of the organisation'.

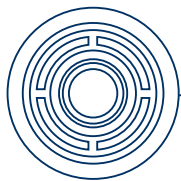
3.66 The Strategic Efficiency and Effectiveness Programme sets out to design and implement a major transformation programme within the Prison Service. The purpose of which is to deliver:

- a programme vision for the development of the Prison Service over the next three years;
- an initiative on organisational culture incorporating behaviours and values;
- a step change in the conduct of industrial relations;
- implementation of the Human Resources Strategy with particular emphasis on leadership responsibility and accountability and opportunities

for exchanges between and with other organisations; and

- cost reduction and efficiencies.

3.67 The Prison Service has recently (August 2010) produced a project initiation document. The proof of commitment will be, however, in delivery.



CHAPTER 4:

Organisational culture and service delivery



- 4.1 The importance of organisational culture in shaping behaviours within institutions has been well documented. Changing culture – and thus behaviours – is a recognised component of any change management programme. It is also extremely important in helping to understand why implementation of change has been difficult for the Prison Service.

Staff-prisoner engagement

- 4.2 The role of the prison officer and their relationship with prisoners is a critical component of the delivery of any progressive prison regime. At a conference on Prison Service offender management in November 2008 the then Northern Ireland Prisons Minister emphasised the role of the prison officer in the modern Prison Service saying: *“The potential for the prison officer to model behaviour that we would like prisoners to adapt should not be underestimated. They include the core values and qualities such as responsibility, co-operation and compassion.”*

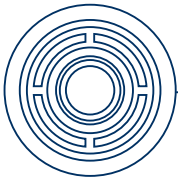
He also stated that the: *“prison officer interacts with the prisoner every day and they have the potential to inspire change.*

The prison officer has more influence over the behaviour of prisoners than anyone else”.

- 4.3 Like many other parts of the criminal justice system in Northern Ireland the Prison Service has been shaped by the political conflict. The ‘Troubles’ have had a significant impact on shaping the prison regime and on the nature of the contact between prison officer and prisoner. The current regime, in the main, is still based on an approach where the security and control of prisoners is paramount, limiting engagement with prisoners. Despite the best intent of prison management this approach drives the treatment of prisoners across the three institutions in Northern Ireland.

- 4.4 It is perhaps not surprising that the security focus of regimes had proved difficult for the NIPS to address and to reposition the Prison Service to having resettlement as the core activity rather than custody²⁹. The Prison Service has yet to fully embrace the requirement to embed regimes based on risk assessments (dynamic security) rather than on a narrowly defined concept of static security. The Prison Service has

²⁹ Northern Ireland Prison Service Stocktake 2008. NIPS HR Strategy Review 2008. House of Commons Northern Ireland Affairs Committee. The Northern Ireland Prison Service. First Report of session 2007-08 Published December 2007. HMIP/CJI Report on an unannounced inspection of Magilligan Prison 10-19 May 2006. Published August 2006.



struggled to move on to a position of increased and active engagement with prisoners commensurate with the changed political and security climate.

4.5 The Northern Ireland Prison Service internal stocktake found it clear that active engagement by staff with prisoners was at the heart of what was required to achieve resettlement goals, and the Northern Ireland Affairs Committee report on the Northern Ireland Prison Service made a recommendation that the Prison Service should continue its drive to introduce a culture which encouraged prison officers to engage with prisoners to a greater extent. A recent Independent Monitoring Board report also noted the need for prison officers to pro-actively engage with the prisoner in their care at all times³⁰ and the Northern Ireland Prison Service itself had identified staff-prisoner relationships, and the need for more engagement with prisoners, as an area of weakness.

4.6 Recent Criminal Justice Inspection/Her Majesty's Inspectorate of Prisons inspections of prison establishments in Northern Ireland have found a mixed picture in relation to staff-prisoner relationships:

- a previous inspection in Magilligan in 2006 found relationships were superficially relaxed but in general distant and reactive and the numbers who said that there was a member of staff they could turn to for help if they had a problem was, at 60%, significantly worse than the comparator and the previous 2004 survey;
- in Ash House Hydebank Wood in

2007, although there was not a great deal of informal interaction, relationships between staff and prisoners were assessed as reasonable, improved since the last inspection, and nearly 80% said they had a member of staff they could turn to if they had a problem;

- in Hydebank Wood Young Offenders Centre, also in 2007, relationships between staff and young people were remote, there was relatively little informal contact and relationships were not positive or based on trust. Significantly fewer than in other young offender institutions said most staff treated them with respect, and more said they were victimised by staff. Only 50%, against a comparator of 67%, said they had a member of staff they could turn to for help; and
- in Maghaberry in 2009 there was little supportive and active engagement with prisoners, and relationships were superficially relaxed, and although the team saw some good engagement, most officers kept their distance from prisoners. Seventy three per cent, more than the comparator, said staff treated them with respect.

4.7 More recently, on the positive side, the 2010 inspection of Magilligan found staff-prisoner relationships were generally good. In the survey, more than the comparator said that most staff treated them with respect. Prisoners in groups agreed that most staff were positive, and interactions observed between staff and prisoners were consistently good. Many more than previously in the survey said they had a member of staff they could turn to for help with a problem.

30 IMB Hydebank Wood Annual Report 2008-09.



4.8 The overall reluctance by staff to meaningfully engage with prisoners was a product of the history of the Prison Service in Northern Ireland and whilst, during inspections Inspectors noted many excellent examples of individual prison officers pro-actively and constructively engaging with prisoners, the general picture was one of formal, distant relationships and a reluctance to actively engage. The lack of engagement is reinforced by the oppressive physical security within the establishments.

4.9 The absence of a Personal Officer scheme was a significant gap which could do much to foster improved staff-prisoner relationships and its introduction had been called for in numerous Her Majesty's Inspectorate of Prisons/Criminal Justice Inspection reports, Criminal Justice Inspection specific reports (for example, the Northern Ireland Prisoner Resettlement Strategy and the inspection of the Treatment of Vulnerable Prisoners), and by the Northern Ireland Affairs Committee which supported the CJI recommendation that a personal officer scheme, or its equivalent, be introduced as a matter of priority³¹. The NIPS previously introduced a Personal Officer Scheme which was unsuccessful, they now plan to introduce Liaison Officers in addition to the new sentence managers.

Difficulties in changing culture

4.10 The challenges of implementation are, however, significant. To begin with many of those interviewed stated that the organisational culture of prison officers is trapped in the past. The issues were summed up by one senior manager who

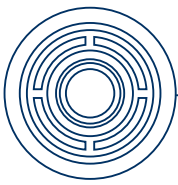
said that staff had a difficulty working in the two 'worlds' of security and care for prisoners.

4.11 It was supported by working practices that, for example, reinforced the nature of the gap between Officers and their engagement with prisoners. Inspectors were told that shift patterns militated against the introduction of a personal officer scheme as continuity of contact between prisoners and officers would be problematic. It was custom and practice, for example, that there were parts of the prison that staff did not engage with prisoners. These included recreation and association areas where there was very little contact between staff and prisoners and activity was monitored through CCTV.

4.12 There had been no recruitment of Main Grade Officers since 1994 and there was limited opportunity for promotion, role development or for officers to move around the various Houses or specialised posts in a prison establishment. There was very little a Main Grade Officer could do to vary their work, and what scope previously existed had been further reduced by the introduction of Operational Support Grades. There was a strong sense of *"this is how we do things around here"*.

4.13 A member of Headquarters staff described the prevailing culture as being very powerful – *"people would be pulled into line if they were not doing what others want them to do"*. The transmission of the organisational culture started as soon as officers left the training establishment *"officers were taught by the book but then they go to a prison*

31 House of Commons Northern Ireland Affairs Committee. The Northern Ireland Prison Service. First Report of session 2007-08. Published December 2007.



were told to forget what they learned in school – the learning started when you start in the jail”. Others said that the ‘old hands’ were needed to work with the Operational Support Grades to see how they got results before coming on to the landings.

- 4.14 The Operational Support Grades viewed the situation similarly and told Inspectors that they “received training in the College but then picked up the job from colleagues and Main Grade Officers. Training was good in theory but there were a lot of differences in reality. A lot of the stuff you were taught could not be put into action in real life”. Operational Support Grades said they were told in training there would be little or no contact with prisoners but this had transpired not to be the case. In fact, much of the training provided by the Prison Service was based on the traditional skills required by a Prison Officer and only recently have attempts been made to develop the role of the Officer from turnkey to role model. This requires a change from security to interpersonal skills, encouraging staff to develop the concept of dynamic security and to interact with prisoners, and staff and prisoners encouraged to behave in a pro-social way.

- 4.15 Communications were described as ‘informal’ and based on social networks and group working rather than a formal staff communication process. Respondents stated that in many cases the reliance by management on e-mail communication was ineffective and meant that many messages went unread. The NIPS issue and post policies in establishments and these should be discussed in staff briefings. Officers therefore should have access to these

however, a number of Officers told Inspectors that they heard of policies and issues by way of hearsay from other Officers. After the death of Colin Bell, for example, Inspectors were told as part of the inspection of the *Treatment of Vulnerable Prisoners* that staff on REACH landing had not been taken together as a group to debrief the incident or to seek their views on how to improve the current arrangements. Instead, communication of change was by Governors’ Orders.

Attitudes to prisoners

- 4.16 A number of the officers that spoke to Inspectors during the fieldwork had negative attitudes towards prisoners and were critical of the regime for prisoners. Comments included concerns about the facilities available for prisoners, but not for staff (for example AstroTurf pitch), food available and the privileges available as part of ‘enhanced’ prisoner status (for example, limited access to Sky TV). It is important to note that the conditions for Northern Ireland prisoners are no better (and in some cases worse) than prisoners elsewhere in the United Kingdom. These views indicate a negativity in the relationship that undermines attempts to develop greater engagement.
- 4.17 Staff working on resettlement were referred to by some officers as ‘fluffies’ and an officer said there “were so many fluffies, do-gooders and non-operational people in the [named] Prison. A number of staff were taken off the discipline side to cover this and not replaced. There were so many probation officers, psychologists, do-gooders and trick cyclists getting paid £45 an hour to teach prisoners to bend a bit of clay”. The officer said s/he joined the



job for “security and containment”. Another officer told Inspectors there was too much emphasis on rehabilitation.

4.18 A supervisory level interviewee said that their “*job was custody and containment. If the Prison Service were looking for cuts then they needed to look at Sky television for prisoners in the Houses. There was a need to look at other areas and not just staff costs every time. It was always the officers that need to change never the inmates*”.

4.19 Others said that officers had a “*bunker mentality*” because of the number of critical reports about the Northern Ireland Prison Service. One supervisory grade told Inspectors that “*it was hard to have confidence in the future when politicians referred to prison officers as ‘damaged goods’. The future was uncertain. What was wrong with what prison officers were doing now? It was change for change’s sake. What are we doing wrong?*”

4.20 It would be inaccurate to suggest that all, or most, of the officers spoken to by Inspectors shared or subscribed to these views and there were comments which suggested that a number of officers saw their role as leaning more towards resettlement than ‘turnkey’. Indeed, the 2010 inspection of Magilligan Prison found staff/prisoner relationships to be generally good. However, the comments above were illustrative of an occupational culture that exists among some prison officers; none of the comments made to Inspectors were challenged by other members of the focus groups, there was no body language that would have suggested to Inspectors that there was serious disagreement or discomfort with what was said.

4.21 These attitudes may well be held by staff working in other prison systems, and have certainly been displayed by staff in England and Wales over time. The difference observable in Northern Ireland is that the attitudes are openly displayed to Inspectors.

4.22 Even within the Prison Service there is a significant distinction made between Maghaberry, on the one hand and Magilligan and Hydebank Wood on the other. The culture of Maghaberry was judged by some outside it to be different from the other two prisons and one Governor had deliberately arranged training for staff separate from Maghaberry staff to try and lift morale and enthusiasm and didn’t want to mix with the Maghaberry staff, some of whom were described as being “*in a dark and gloomy place*”. Certainly the recent inspection of Magilligan Prison painted a very different picture of the nature of staff/prisoner relationships. The positive aspects of the recent Magilligan inspection contrasted sharply with the 2009 inspection of Maghaberry in relation to staff/prisoner engagement.

4.23 It is clear that the culture in Maghaberry was one of security, and a lack of engagement. Some officers consulted as part of this inspection said that Maghaberry had not embraced the resettlement culture, there was no management or performance pressure on officers, and the officers on the landings had not grasped the need for interaction and engagement. Another said the new breed was contaminated and the culture was passed on very quickly. “*Officers got funny looks if they used first names between staff and prisoners*”. “*There were staff in Maghaberry trying to do their work but*



they were beaten down by the culture. It was embedded”.

- 4.24 A number of managers described a situation where, individually, there were a number of very good and committed prison officers but *en masse* it was very difficult to break the occupational culture. An example was given to Inspectors of the Governor addressing a large staff meeting in the chapel at Maghaberry and there were a number of vociferous individuals making comments from the sidelines that distracted from getting the message across. This would also have been a powerful message to the group about the strength of the occupational culture. A number of interviewees linked the group mentality with the influence and attitudes of the Prison Officers’ Association.

The influence of the Prison Officers’ Association

- 4.25 The phrase which was regularly used to Inspectors to describe the influence of the Prison Officers’ Association was the “*elephant in the room*”. The influence of the Association was seen as all-pervasive, and caused the day-to-day operational management in the prison establishments to be described as “*wading through treacle*”. From the POA perspective their role was described as to fight for the terms and conditions for members. They believed there were serious management weaknesses that needed to be addressed and failures within the prison should not rest at the door of the POA.
- 4.26 It is clear from our consultation process that the strength and influence of the POA should not be under-estimated.

This has developed over many years and has become a significant part of prison life, shaping every aspect of the prison regime in Northern Ireland. It is the view of Inspectors that the relationship between management and the POA was dysfunctional and undermined attempts at the delivery of a reform agenda.

- 4.27 The current situation has arisen for a number of reasons. The POA has always had strong local leadership ready to challenge management. The folklore was that no-one could point to a dispute with the POA where the management position had prevailed. Inspectors were told that the Director General’s predecessor had tried challenging the POA in 2003 which resulted in two ‘blue flu’ days and the police had to be deployed in the prisons.
- 4.28 Over the years a series of accommodations had been made with the POA – by Prison Management and the Northern Ireland Office – that has created a culture where a strong representative body has become entrenched. Inspectors heard numerous examples where the local management team were overruled by Headquarters. A Prison Service Board member described the feeling of some in the Prison Officers’ Association as being “*teflon coated*” because they had a history of not being challenged successfully. The objective was to keep the prisons under control and if this meant giving ground to the POA then, so be it. A more cynical view expressed by a senior member of staff was that the Prison Service Management “*ran the Northern Ireland Prison Service as far as they were allowed to by the POA*”.



4.29 As one senior manager commented, “*There was a dysfunctional Prison Service with a dysfunctional POA at its heart which was not operating for the benefit of prison officers, prisoners or tax-payers*”. The consequence of a strong POA was that it has had a *de facto* veto of change. The widespread perception that the Association had access to senior Prison Service and Departmental staff had strengthened its power base.

4.30 Industrial relations varied across establishments and at Headquarters but nowhere could they be described as constructive or business-like, and there was a degree of mistrust evident across the Prison Service. Relations at Magilligan and Hydebank Wood YOC were better than at Maghaberry. The nature of local relationships tended to be ad hoc and on some cases personality driven.

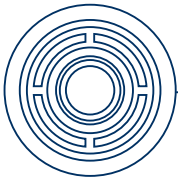
4.31 The POA, in many respects, saw themselves as a replacement for management of the NIPS, and were open in saying to Inspectors that they considered themselves to be filling the gaps that have arisen because of management weaknesses; although this was without any perceived sense of responsibility, as demonstrated by the recent industrial action. In response to a question from Inspectors if the Association saw itself as filling a management role, one POA official said that it had “*been doing that for the past 30 years and now management wanted to take it back but many of the managers were incapable*”. Inspectors were told that if there were any issues in the jail people went straight to the POA, even some managers.

Impact on culture and behaviours

4.32 The destructive nature of the relationship between the POA and management made actual pro-active management within the prison establishments extremely difficult. Inspectors were told that, for example, many of the Pearson recommendations which were at ‘red’ status were in respect of Human Resources issues and would not be dealt because they were issues the POA would object to.

4.33 The reality is that any management plans for restructuring the workforce as a whole, or for making even the sort of minor adjustments at establishment level that were necessary for efficient working routines, were wholly dependant on securing the goodwill of the POA. It is also clear that past experience and the prevailing culture within the NIPS had operated to discourage management from seeking early involvement of the POA in discussions of proposals for change. For example, in recent consideration of a scheme to enable staff to move between Northern Ireland Prison Service Headquarters and Prisons as part of a planned career path for staff aspiring to middle/senior operational posts, after discussion with the Prison Officers’ Association and PGA, it was Senior Management’s view that the Prison Governors’ Association and the Prison Officers’ Association would strongly resist any attempt to introduce these inter-disciplinary transfers, and that individuals appointed through a scheme of this nature would have difficulty being accepted, and a section of staff may actively seek to undermine them³².

32 Northern Ireland Prison Service Strategy for Improving Operational management Capability. Paper to PSMB February 2010.



4.34 The inability of the NIPS to progress operational issues because of the POA was a matter of intense frustration for a number of Governors and senior staff. Supervisors commented that the POA meddling in the day-to-day management issues in Maghaberry was unacceptable. One officer who was trying to open up a named House said that s/he *“just bashed their head against the POA in respect of every simple management decision. Every time they took a decision there was a phone call from the POA to say that s/he could not act and referred to an agreement with a previous Governor”*.

4.35 The actual, or perceived, strength of the POA had a pervasive effect on the management of the Prison Service at operational level. Inspectors were told by one Governor that if a manager charged an officer for discipline the decision could be overturned by Headquarters because of the POA. One Governor told Inspectors of an example where he had charged a member of the POA for a named offence but the process was stalled by Headquarters until the process ran out of time and the individual escaped discipline.

4.36 There was an attitude amongst staff that no matter what they did the POA would bail them out. Staff were willing to move on but were being held back. It was not the staff's wishes. But staff saw the situation in Maghaberry, i.e. in respect of the issues surrounding the death of Colin Bell, and thought that if they got into any bother they would have the POA to represent them.

4.37 A member of the Independent Monitoring Board at one of the prison establishments told Inspectors that

officers felt under pressure to conform to the recent POA industrial action. Very few officers refused to conform during the industrial action and an officer told Inspectors that even the psychologists, who were civilian members of support staff and not connected with the POA, had felt uncomfortable going past the queues of officers waiting for the 'official' start time. One officer in a focus group said *“the POA made decisions and you feel you have to go along with them. They are hard core in the POA and they would soon let you know – you just shut your mouth and get on with it”*.

4.38 An Operational Support Grade told Inspectors that they were not a member of the POA but had left with the others during the dispute. The officer said they *“stood outside with everyone else but didn't really know why, they just did it because everyone else did”*, a clear indication of peer pressure and the strength of the occupational culture.

Failures to Agree

4.39 The process for Failure to Agree was something which was heavily criticised by management at all levels. Local agreements are referred in more detail in chapter 5 and the procedure for dealing with failures to agree stemmed from a 1995 Industrial Relations Procedural Agreement between the Northern Ireland Prison Service Management and the Northern Ireland Area Committee of the POA.

In the case of a Failure to Agree a notice would be issued with the aim of seeking a settlement at the lowest level and the following procedure applied:

- a 21-day period allowed for local



discussion to allow the normal process of consultation between management and the Trade Union side. During this period the *status quo* would be maintained by both sides;

- if not resolved locally it was referred to the Director of Operations by management and the Chair of the Prison Officers' Association. They would meet within 21 days. Meanwhile the *status quo* would continue to prevail;
- if still not resolved it was referred to Prison Service Headquarters Industrial Relations Branch so that a further meeting 'with similar membership' could be arranged with additional Headquarters personnel as necessary. This meeting would take place within a further 21 days and the *status quo* again would continue to prevail; and
- the aim of the discussions at each stage was within the 21-day period but both sides recognised that because of other commitments and priorities this may not be possible. In such cases the *status quo* would continue until discussions at all levels had been concluded.

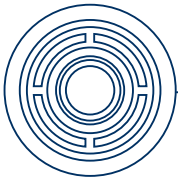
The *status quo* will be maintained until agreement is reached.

- 4.40 This was an ineffective and inefficient process which disabled management and empowered the POA to effectively stop progress on any issue for at least up to 21 days, and sometimes longer, for the reasons outlined below. One senior Governor said that the Framework Agreement was "*cleverly crafted and a masterstroke by the POA as it gave the Association the ability to use it as a disabler rather than an enabler*".

4.41 Governors complained that many of the Failures to Agree submitted related to operational matters that were properly the responsibility of Governors and not within the scope of the Failure to Agree process, but when rejected locally, they were either elevated by the POA during which time the *status quo* remained, or, the Governor was not supported by Headquarters and the issue was ruled to be part of the process – again the *status quo* remained. Either way, it ground decision-making to a halt.

4.42 An example was provided to Inspectors at Hydebank Wood YOC where the Governor wanted to move a mother and baby into a larger disabled cell within the Women's Prison but the POA objected because the woman was a remand prisoner and the area in which the cell was located was for sentenced prisoners. The POA invoked a Failure to Agree and the issue was escalated to Headquarters. The issue was eventually resolved but the process meant that it took a longer period of time to implement an operational decision which should have been made and actioned at the time by the Governor. Inspectors were also told that the POA had made tenuous links to terms and conditions in Failures to Agree and used Health and Safety Risk Assessments as a disabler.

4.43 However, one Board member advised Inspectors that the process for dealing with Failures to Agree was reasonably robust but it was abused by the Prison Officers' Association and not properly used by management. The interviewee pointed to the fact that there were few Failures to Agree at Magilligan and Hydebank Wood (two and none



respectively) as an indication that there was a culture of submitting Failures to Agree at Maghaberry. Inspectors were also told that Governors had been challenged by Headquarters about their management of the process and that they should be rejecting the notices as necessary. This suggested to Inspectors a serious disconnect between Headquarters and the establishments with both blaming each other for their approach to this issue.

- 4.44 As part of the inspection the Inspection Team examined 13 Failures to Agree at Maghaberry Prison. All of the notices submitted by the POA were far too brief to give a good idea of where the area of disagreement lay, but 12 of the 13 appeared to concern themselves with operational decisions and areas outside a legitimate POA interest. Because of the paucity of information offered on the Failure to Agree form it was difficult to be certain if advice, notice or consultation may have been appropriate, but action under an industrial relations dispute procedure certainly was not. All the Failure to Agree notices could have been returned immediately for further and better particulars: given the volume, they should have been.
- 4.45 The view of the POA was that it had a legitimate right to represent its membership and that it was entirely rational in its approach to management engagement. The problem lay with weak management and the POA in many occasions helped to fill the management vacuum.
- 4.46 It will be apparent that there is claim and counter-claim around the role and influence of the POA and its impact on the operational effectiveness of the

prison estate. What is clear is that relationships between management and the staff representative are unproductive, affect operational issues and have disabled attempts to change the nature of the Prison Service.

Prisoner Safety: Case Study

- 4.47 In July 2009 the NIPS appointed a new Governor of Maghaberry Prison. The appointment was one of a number of changes made in response to the death in custody of prisoner Colin Bell. The Governor remained in post for six months. Before departing he submitted a report to the Prison Service Management Board.
- 4.48 The report dealt with a range of issues that impacted upon prisoner wellbeing. It also explicitly outlined 'an intolerable situation' in relation to prisoner safety in 'no go areas' which were defined as exercise yards and association rooms of Maghaberry prison. This resulted in 'a heavy drug scene, a bullying anxiety leading to self harm and suicide attempts and serious assaults.' The issue of supervision and CCTV monitoring arrangements in the residential houses in Maghaberry had been previously raised with the Governing Governor by Headquarters level management following a supervisory visit to the prison.
- 4.49 The report in part was prompted by a serious assault on a prisoner in the association area which should have been under supervision by CCTV.
- 4.50 The former Governor's concerns resonated with recent conclusions reached by Criminal Justice Inspection/Her Majesty's Inspectorate



of Prisons, a corporate bullying survey undertaken by the NIPS and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

4.51 The report was considered at a special meeting of the Board in January 2010. The paper in response to the issues raised by the Director General said that 'Maghaberry management has and will receive full support in the next step of staff coverage of areas which they have not regularly patrolled for some 10 years'. Two Non-Executive Directors were concerned enough to raise the issue with the then Minister Paul Goggins MP.

4.52 The issue was then discussed at the Maghaberry POA meeting with the Maghaberry Governor in May 2010, where the POA expressed the view that putting staff back into the dining areas was a step in the wrong direction. The Governor made it known that he was under clear instructions to re-introduce staff and outlined his preference as to how this could be done. The minute of the meeting concluded by stating that the 'two sides needed to sit down together and work out a way of making it happen', and that 'a discussion took place'.

4.53 However, POA officials told Inspectors that *"they would not be going back into the dining halls as it was unsafe. There was a conflict looming over this if they want us to go back in there, as we have to staff to a level which is safe"*.

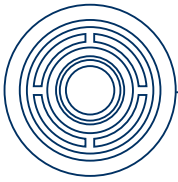
4.54 So, in effect, an issue was raised by the Governor of Maghaberry outlining his serious operational concerns about prisoner safety. It was subsequently

discussed at Board level and was an obvious risk for the organisation, but the Director General, the Prison Service Management Board and the Governor of Maghaberry Prison had been unable to progress the issue because of opposition from the POA.

The NIPS advise that staff will be deployed to patrol Bann House when it opens after refurbishment.

4.55 During fieldwork Inspectors were particularly concerned to learn that the alarms in Maghaberry's exercise yards and dining halls had been disabled since 2007 because they were being misused by prisoners. The Foyle House recreation room alarm was disabled after a prisoner assault. The author of a subsequent internal Northern Ireland Prison Service enquiry recommended in October 2009 that *"disabled alarms should be enabled in the yard and recreation rooms"*. However this had not been done when we inspected in June 2010.

4.56 As part of the inspection process the team became aware of an incident that took place in Foyle House in April 2010 in which a prisoner with a history of vulnerability was assaulted and stripped naked in the recreation room. According to the CCTV footage observed by Inspectors the prisoner remained naked for approximately 1-2 minutes before presenting himself to the officer at the grill for assistance. The entire incident lasted for 11 minutes. What was concerning about this event is that the recreation room should have been subject to close supervision by the Prison Service through the monitoring of CCTV cameras. No action has been taken by the Prison Service with respect



to this event, although CCTV material was passed to police and it is now under investigation. Following completion of the investigation the NIPS will consider action under the adjudication process. This is in line with the NIPS procedures. The lack of effective monitoring of CCTV cameras was a critical factor in the events that contributed to the death by suicide of prisoner Colin Bell in August 2008.

- 4.57 The NIPS prisoner/prisoner assault data is somewhat confusing, but ultimately does not portray a scenario that is unduly worrying. The rate of serious assaults in unsupervised areas of Maghaberry does not seem to be higher than in other parts of the prison; and although the rate is apparently higher than prisons in England and Wales, this may be ameliorated by the Chief Inspector of Prisons' findings that data from those prisons is also of questionable veracity.
- 4.58 However this reassuring conclusion must be caveated against significant concerns:
- the continued existence of unsupervised areas in Maghaberry can only enhance the likelihood of highly undesirable behaviour such as bullying, drug dealing and serious assaults; and
 - in the event of a serious assault (or even murder) in an unsupervised area, the NIPS would suffer immense reputational damage. This damage would be exacerbated by its failure to re-enable alarms in those areas, despite warnings; and further by the levels of negligence recently associated with the death of prisoner Colin Bell.

CHAPTER 5:

Staffing and working practices



5.1 The arrangements in place for the management and organisation of staff within the Prison Service have a significant impact on the capacity of the organisation to deliver an effective and efficient prison. They also impact on prisoners. Arrangements, many of which are now custom and practice, have developed over a long period of time and are robustly policed and defended by the staff representative body. At establishment level the management of staff through group detailing and the pre-defined safe staffing levels limit flexibility with a consequent significant impact on Governors' ability to manage resources, operating costs and ultimately the availability of staff to deliver regimes for prisoners.

5.2 The inescapable fact is that the NIPS has almost two and a half times the staff per prisoner as prisons in England and Wales, and yet fails to deliver the same quality of outcomes for prisoners. Inspectors acknowledge however the more positive outcomes of the 2010 Magilligan inspection report.

This chapter considers the implications on the prison regime of the management of:

- staffing levels and shift patterns;
- diminishing task lines;
- managing sickness/absence;

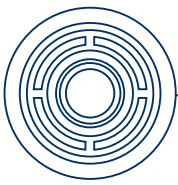
- reserve hours; and
- working practices.

Staffing levels and shift patterns

5.3 On the face of it the NIPS has more than enough available staff. The full complement is 1,883 uniformed grade officers supported by almost 400 civilian grades. Underlying this headline figure localised staffing shortages occur due to inefficient shift systems and inflexible rostering. Staff resourcing is further compromised by the allocation of annual leave in days within shift patterns calculated in hours.

5.4 Within Maghaberry the working week ran from Monday to Sunday, on a shift pattern where officers worked alternate weekends. This means only 50% of the staff are available on any weekend and this means that weekend annual leave must be tightly regulated and is usually limited to two weekends a year. Running the shift pattern Sunday to Saturday would allow better tracking of weekend leave, and provide weeks that give a more even distribution of working hours.

A normal shift pattern of five days a week for 48 weeks as used by the National Offender Management Service would give 240 working days with



96 rest days and 2-3 three or four day weekends in that period. The Maghaberry pattern produced 207 working days, 129 rest days and six weekends over four days in length.

- 5.5 The lower number of productive days also gave a higher number of long day shifts of up to 11 hours in duration. There were instances where a single long day shift was sandwiched between rest days leading to a propensity to use ad hoc leave days to extend rest periods. This also increased the average length of an annual leave day.
- 5.6 Supervisors and managers in NIPS were particularly critical of the shift system in respect of its inflexibility and the sandwiching of 'long days' adjacent to blocks of rest days. They saw it as a barrier to introducing a Personal Officer Scheme as officers did not have a continuity of service essential to establishing a working relationship with prisoners. Many interviewees commented that the current shift arrangements did not meet the needs of the establishments with shift patterns seen as benefiting the officers rather than delivering the business outcomes of the Prison Service.
- 5.7 Overlying the pattern of shifts for individual officers the NIPS employs a group system of organising staff levels. Essentially, a group manager is responsible for a group of around 60 staff. There are also tightly prescribed safe staffing levels for particular tasks and for particular zones within the prisons. Whilst the group system was aimed at improving the span of control of supervisory staff in the absence of deployment across groups a few staff missing from a group could lead

to a breach in safe staffing levels and prisoners being locked down.

- 5.8 A central detailing system is an alternative to group working that is more efficient in using economies of scale to deal with absences or emergencies and allows for a greater degree of flexibility. Central detailing does not operate within the NIPS although Inspectors were advised that Headquarters had raised this issue with the POA in June 2010.

Diminishing Task Lines

- 5.9 The redeployment of officers in response to staff shortages was governed by Diminishing Task Lines which allowed the Regulating Officer to stop certain activities to allow the staff to be redeployed to meet shortages elsewhere in the prison. There were two aspects to the process. Firstly, there were two lists of activities that could be ceased to release officers to fill vacancies in other areas. List one had to be exhausted before consideration of the activities on list two. Secondly, a Regulating Officer outside of the group management lines would oversee the redeployment of staff.
- **List one** included posts like, library officer; visits driver; parcels driver; parcels censor; clothing officer; letter censors; resettlement officers, instructors, education officers; workshops patrol and family officer; and
 - **List two** included the Prison Officers' Association officials; the search team; Physical Education Instructors; visitors and prisoner search; courts and escorts; reception officers; and Trades' Officers were at the bottom of the list.

5.10 It appeared to Inspectors that the emphasis on the Diminishing Task Lines and their relative priority impacted more severely on those tasks which were important in delivering the regime, resettlement, education and workshops, in other words, which impacted most directly on prisoners.

5.11 An internal submission to the Governor appeared to support this assessment, stating that 'in relation to the successful delivery of the regime for prisoners the Diminishing Task Lines, which details a prioritised list of tasks, plays a significant role. There are many reasons why current task lines cannot be met, and when this occurs the Diminishing Task

localised shortages and are an obstacle to delivering a progressive regime. There are also problems with high levels of absences in the Prison Service.

Managing sickness/absence

5.13 Staff sickness remains a significant issue for the NIPS. In March 2009 the figure was 14.5 days falling to 12.7 days per head by 2010. The cost to the NIPS of sick absence is £4.6 million per annum or 115 Whole Time Equivalents (WTEs). The cost of sick absence in Hydebank Wood YOC alone is £1.33 million per annum equivalent to 5.5% of the entire operating budget.

Figures from the Prison Service Monthly Sick Absence Report March 2010 for the projected annual number of days lost per officer:

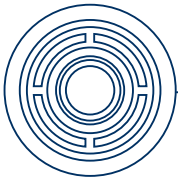
Establishment	Prison Service College	Prisoner Escort Group	Maghaberry	Magilligan	Hydebank wood
Sick days lost per officer	10.7	15.3	12	9.1	17.5

Line is implemented. The current operating procedure of Diminishing Task Line is to ensure that, on occasions when staff shortages occur, the posts which are cut first are those which do not impact on the Safe Staffing Levels within residential accommodation. Therefore, posts in skills and learning, workshops and resettlement are determined expendable in the first instance in a period of staff shortage. However, these posts are those which are fundamental in delivering the progressive regime in Maghaberry.

5.12 Thus the shift patterns of the NIPS, especially in Maghaberry, give rise to

5.14 There is still room for improvement to match the levels in the National Offender Management Service with an average of 10.8 days and the Police Service of Northern Ireland with an average of 8.2 days for police officers in 2009-10. One point to note is the issuance of warnings by NOMS in 60% of cases where sickness trigger points were breached. In the NIPS the equivalent figure was 9.8%.

5.15 Inspectors found poor enforcement of the Prison Service sickness absence procedures at establishments. It was pointed out that the close nature of the occupational culture was also a



contributory factor and, in relation to the enforcement of the sickness regulations, Inspectors were told *“it can be hard to be cut-throat at first line supervisor level when you have to work with the people every day”*.

5.16 One incident of the sickness absence procedures was related to Inspectors as an example of deficiencies in the system. A warning was given to an officer in Hydebank Wood YOC for an excused absence (i.e. an absence excused for pay and pension purposes such as injury at work) leading to concerted action by the POA. The warning was retracted and since then sickness levels climbed as fewer warnings were issued for excused absences even though it was an element of the sickness absence procedures.

5.17 The levels of sick absence were highest in Hydebank Wood YOC and one senior member of staff suggested that in the past the working regime at Hydebank Wood YOC was relaxed and the increased sick levels could be a reaction against managements' more robust approach to performance and sick absence management.

5.18 On one day of the inspection fieldwork there were 70 staff on sick leave from Maghaberry causing rolling lock-downs for prisoners. A spot check on 23 August 2010 prior to publication of this report gave sick absence figures of 70 at Maghaberry, 21 at Magilligan, and 24 at Hydebank Wood YOC. Inspectors were advised that a significant proportion of staff had not taken any sick leave and therefore the others were running at very high levels.

5.19 Officers on the ground perceived the issue of sickness absence management very differently. Many complained that the regime was too harsh as in the past excused absences did not incur warnings and there was now a lack of discretion when dealing with 'genuine' cases.

5.20 The consequence of these staff shortages is the resorting to the diminishing task lines with a consequent negative impact on the quality of outcomes for prisoners.

Annual leave

5.21 The practice in organisations with shift patterns such as the Police and the Prison Service in England and Wales is to take annual leave in hours. The practice in the NIPS is for main grade officers and Governors to take annual leave in days. Operational Support Grade (OSGs), Night Custody Officers (NCOs) and Prison Custody Officers (PCOs) take annual leave in hours and this will remain the position should they be promoted to Main Grade Officer (MGO). This working practice incurs additional costs as an ad hoc leave day on a long shift amounts to 11.5 hours off work. Prison Service finance staff calculated the average length of a days leave was nine hours against an average working day of 7.7 hours³³. Applying the extra 1.3 hours per leave day to NIPS staff is equivalent to £2.4 million or almost 60 WTEs.

5.22 Other aspects of the management of annual leave had a negative impact on prisoner outcomes. Daily staff shortages are reported to the Regulating Officer who then invoked the diminishing task

33 Internal Northern Ireland Prison Service Finance Report to Governor Maghaberry February 2010.

lines to ensure adequate numbers of staff are available in the houses. The consequence of transferring the responsibility to cover short term absences to the regulating officer meant managers rarely refused requests for ad hoc leave, even though this results in staff shortages and ultimately a reduced capacity to deliver a quality regime to prisoners.

Special leave and medical leave

5.23 Special leave and medical leave account for 2,295 and 1,157 days respectively; an average of 1.9 days for every officer, costing £677,000 and equivalent to almost 17 WTE officers per year.

Reserve Hours

5.24 Prison officers were required to work a 39 hour week but were scheduled for 38.5 hours per week. The additional 30 minutes per week (24 hours per year) were classified as 'Reserve Hours' an arrangement peculiar to Northern Ireland Prison Service which does not apply to the Prison Service in England and Wales. The intention of these hours

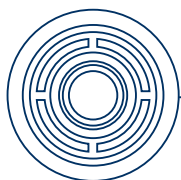
was to maintain safe staffing levels, where shift conversions, or additional voluntary hours could not cover any special circumstances at an establishment³⁴.

5.25 In practice, the last recorded usage was in the Maze Prison in 1998. This is a recurring cost of £850,000 equivalent to almost 22 WTE officers per year, the loss of which impacts on the regime for prisoners. This agreement requires additional staff to be employed although a simple extension of the actual hours worked by current staff would solve this problem at no additional cost.

5.26 The above working practices (Annual Leave, Special Leave, Medical Leave and Reserve Hours) gives rise to an annual loss of staff of almost 100 WTEs and when combined with the sick absence figures around 214 staff at a cost of £8.5 million are lost to the system per year. This goes someway to answering the conundrum that the NIPS is a well resourced and staffed service yet suffers from localised shortages and the consequent poor delivery of an adequate regime for prisoners.

Working Practices	Approx. Annual Cost	WTE officers
Sick absence days	£4,600,000	115
Additional cost of long leave days	£2,400,000	60
Reserve Hours	£850,000	22
Medical appointments	£227,000	6
Special Leave	£450,000	11
Sub-total	£8,527,000	214

³⁴ Northern Ireland Prison Service Framework Agreement 1997.



Local Agreements

5.27 Working Practices in the Northern Ireland Prison Service were heavily influenced by local Agreements. The Agreements had been made over the years between Governors and the Prison Officers' Association. They were poorly recorded, never appear to be updated or renegotiated, and Governors were restricted in their ability to manage by Agreements made by their predecessors.

5.28 The Prison Officers' Association frequently referred back to Agreements as a means of objecting to some operational decision or practice. Inspectors were told that the Prison Officers' Association were much better record-keepers of these Agreements than Prison Service management, and this put management on the 'back foot' when challenged. These local Agreements existed in addition to the Framework Agreement and appeared to Inspectors as a very ineffective way to conduct the management of a prison.

5.29 The Prison Service in England and Wales had also suffered from a proliferation of Agreements in to the 1980s, similarly

these were not well recorded by managers, until there was a determined effort to reduce the numbers and have them systematically and formally recorded. These were now very limited in number and those that did exist had to be updated and agreed on an annual basis. The Northern Ireland Prison Service urgently need to move to this position.

5.30 The reduction of these working practices will improve productivity but in addition to that the NIPS identified a range of Main Grade Officer posts that could be replaced by less expensive Operational Support Grades. The very low level of natural wastage is preventing this initiative being fully deployed thus incurring additional running costs of almost £3 million per year.

5.31 Although this inspection did not examine operational staffing levels in detail other examples where the Northern Ireland Prison Service identified potential improvements in working practices were reducing the number of Main Grade Officers working as Trades Officers, and the number of MGOs dedicated to Bedwatches.

Possible Efficiencies	Reduced WTEs	Annual Savings
Bedwatches, reduce number of MGOs	16 ³⁵	£640,000
Trades' Officers, replace with OSGs.	17 ³⁶	£680,000
Replace MGOs with OSGs.	74 ³⁷	£2,960,000
Sub-total		£4,280,000

35 At Maghaberry.

36 NIPS has 34 Trades MGOs in post. Replace with OSGs is a 50% saving.

37 NIPS has 149 MGOs earmarked for replacement by OSGs and a potential 50% saving.



5.32 Aside from these more readily quantifiable areas there are working practices and agreements which can drastically restrict the regime for prisoners as evidenced by the recent withdrawals of 'goodwill'. A recent Prisoner Ombudsman report published in June 2010 referred to working practices and agreements which created staffing shortfalls and resulted in lock-downs and other regime restrictions.

5.33 These included:

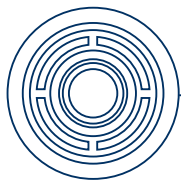
- a custom and practice where staff had 15 minutes after their paid start time to get 'on post' and would not be deemed late until after this time;
- an arrangement that whilst staff were paid until 1pm they left the landings at 12.45pm and prisoners lunches therefore, had to be completed before that time;
- an arrangement where staff were paid from 2pm but could return from lunch up to 2.15pm/2.20pm without being deemed as late;
- a safe staffing levels agreement removed the possibility of dynamic risk assessment;
- an agreement for group managers to have responsibility to deploy only the staff within their group. Requests for the movements of staff between groups could only ever be submitted and considered on the day so no action could be taken pro-actively;
- an arrangement whereby staff due to retire in the near future could take all their accumulated annual leave before they went; and
- shift patterns that did not ensure that officers were at work at times they were needed and in the numbers they were needed.³⁸

5.34 In conclusion, despite the substantial resources available within the Prison Service there are many occasions when, due to working practices, there are insufficient staffing levels available to deliver an effective service. The local agreements and custom and practice issues also expose management to a reliance on the 'goodwill' of staff to make the prison work. The withdrawal of this 'goodwill' has a drastic impact on the prison regime. The practice of managing staff absences through a daily realignment of the prison regime is unproductive and has led to substantial periods of lock downs with restrictions on the time out of cell and the delivery of meaningful purposeful activity for prisoners such as workshops or education classes. Restrictive working practices create difficulties with the delivery of a progressive regime designed to encourage resettlement and the reduction in re-offending. It has also meant difficulties in the delivery of effective engagement with prisoners on an ongoing basis.

Whilst in any one particular area it is possible to overcome local shortages, the cumulative impact of current working arrangements is to place significant pressures on the available resources within the prison on a daily basis.

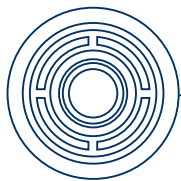
5.35 It is ironic that a major outcome of the Prison Service's operating environment has been to 'keep the prisons quiet'. This resulted in a series of compromises to the POA to ensure a compliant prison regime. Issues around the operation of the regime arising from these working practices exacerbated the recent Dissident Republican activity in Maghaberry.

³⁸ Prisoner Ombudsman for Northern Ireland investigation into complaint MY00518/10 from a Prisoner about being locked down for 23 hours a day in the separated accommodation in Roe House, Maghaberry Prison. 11 June 2010.





Appendices





Appendix 1: An Inspection of Northern Ireland Prison Service Corporate Governance

Terms of Reference

Introduction

Criminal Justice Inspection proposes to undertake an inspection of corporate governance in the Northern Ireland Prison Service (NIPS).

The NIPS is an Executive Agency of the Department of Justice for Northern Ireland and operates under the direction and control of the Secretary of State for Northern Ireland, within a statutory framework based on the Prison Act (NI) 1953 and the Prison and Young Offenders' Centre Rules (NI) 1995³⁹

Current corporate governance arrangements are through the Prison Service Management Board (PSMB).

The performance of the NIPS is monitored against a range of measurements which flow from the Key Targets and Development Objectives detailed in the Prison Service's Corporate and Business Plan.

Context

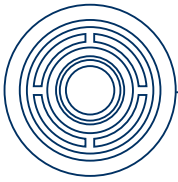
Contextual factors include the rising prisoner population; the historic focus on security; an ageing workforce with limited turnover; recent legislative changes; and, like other public sector organisations, an environment of increasing financial constraint.

The NIPS have undertaken a number of change and improvement programmes including *Blueprint*; the Human Resources and Diversity Strategies; the Human Rights and Estates Strategies; the Safer Custody Programme; the introduction of the PRISM IT System; and the Hunter Review of Prison Service Headquarters.

However, despite these initiatives, a number of external and inspection reports, many of which have been critical of the NIPS, have made recommendations which have implications for corporate governance in the Prison Service. Since 2006 these include:

- the McClelland Review of six non-natural deaths in prison custody between June 2002 and March 2004. Published January 2006;
- HMIP/CJI Report on an unannounced Inspection of Magilligan Prison 10-19 May 2006; Published August 2006;
- House of Commons Northern Ireland Affairs Committee. The Northern Ireland Prison

³⁹ Northern Ireland Prison Service. *Blueprint*. Corporate Plan 2009/12 and Business Plan 2009/10.



Service. First Report of session 2007-08. Published December 2007;

- the Northern Ireland Prisoner Ombudsman's Report into the Death of Colin Bell. Published in January 2009;
- CJI Report on Section 75 – The impact of Section 75 of the Northern Ireland Act 1998 on the Criminal Justice System in Northern Ireland. Published May 2009;
- CJI Report – An inspection of the training and development of operational staff in the Northern Ireland Prison Service. Published June 2009;
- the Pearson Review pursuant to the death in custody of Colin Bell in August 2008. Published in June 2009;
- CJI/HMIP Report on an unannounced full follow-up inspection of Maghaberry Prison 19-23 January 2009. Published July 2009;
- Report to the Government of the United Kingdom on the visit to the UK carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading treatment or Punishment (CPT) from 18 November to 1 December 2008. Published 8 December 2009; and
- CJI Report – An Inspection of the treatment of Vulnerable Prisoners by the Northern Ireland Prison Service. Published 16 December 2009.

Aims of the inspection

The aims of the inspection are to examine a broad set of issues around the governance, performance and accountability in the NIPS. These include:

- a clear sense of corporate leadership and direction to develop the organisation and manage performance and risk;
- a suitable role, with an appropriate degree of independence, for the non-executive members;
- a management structure with clear lines of public accountability for performance delivery and the management of resources across the Prison Service;
- the NIPS response to change in its operating environment and stakeholders' needs;
- that NIPS has clearly defined its role and its desired outcomes within a suitable corporate and Business Plan, with evidence of consistent communication of corporate standards across the Prison Service; and
- standards of performance are set and performance information used. There is evidence of change and the influence of senior management at the operational level.



Methodology

The inspection will be based on the CJI Inspection Framework, as outlined below, for each inspection that it conducts. The three main elements of the inspection framework are:

- strategy and governance;
- delivery; and
- outcomes.

CJI reviews available and relevant material for evidence of these elements, and the Table in Appendix 1 below provides an indicative list of possible evidence. CJI constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice.

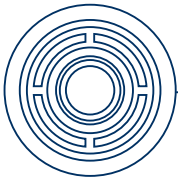
Research and review

Collection and review of relevant documentation including external reports and internal strategies, policies and reports, minutes of meetings, performance and monitoring information, risk registers, stewardship statements and other relevant risk-related material, and any other relevant internal reviews, papers and correspondence.

Fieldwork

The fieldwork plan will include:

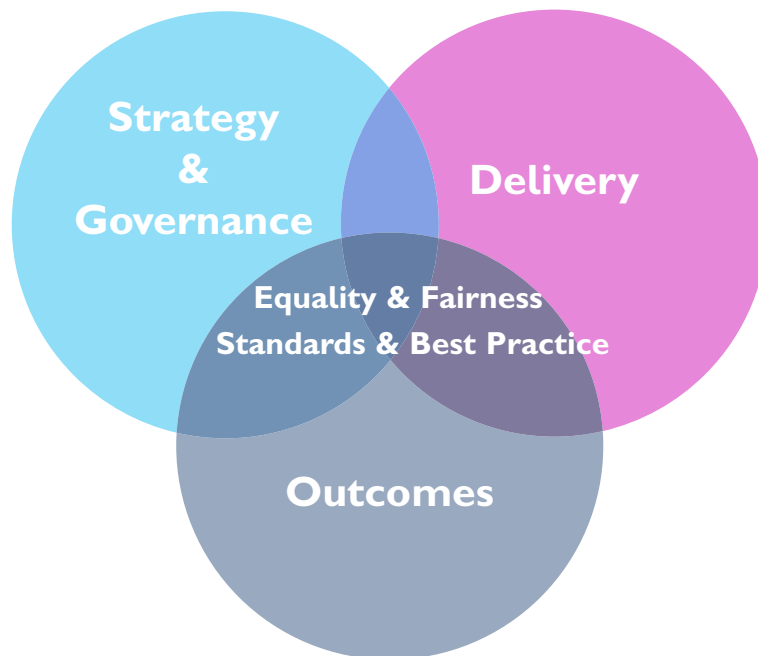
- Terms of Reference will be prepared and shared with the NIPS prior to the initiation of the inspection. A liaison person from the NIPS should be nominated for the purposes of this inspection;
- the NIPS will be given the opportunity to complete a self-assessment of the organisation against the framework in Appendix 1;
- interviews will be conducted with the NIPS senior management, non-executive Directors, staff, and other criminal justice organisations and relevant stakeholders to give an insight into the organisation;
- it is proposed to visit the three operational prison establishments to interview Governors, staff and staff representative associations to identify issues around strategy and governance, delivery and outcomes and how these are communicated between the NIPS Headquarters and the establishments. Meetings will be arranged in conjunction with the identified Inspection Liaison person;
- progress in the development of policies, performance management data, and HR issues will be examined; and
- identification of best practice within and outside Northern Ireland which may involve meetings with relevant comparable organisations in other jurisdictions will provide some basis for standard setting and benchmarking.



Feedback and Writing

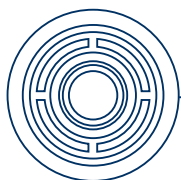
Following completion of the fieldwork and analysis of data a draft report will be shared with the NIPS for factual accuracy check. The Chief Inspector will invite the NIPS to complete an action plan within 6 weeks to address the recommendations and if possible this will be published as part of the final report. The final report will be shared, under embargo, in advance of the publication date with the Director General of the NIPS.

CJI Inspection Framework



The tables below illustrate what may be evidence for each of the three inspection criteria. Evidence outlined is not meant to be exhaustive and organisations may produce other evidence of good practice in each of the areas.

Framework Area	Possible Evidence
Strategy and Governance Inspectors will be looking for: - evidence of good governance; - how strategy sets the direction of the organisation; - how leadership supports and promotes strategy; and - how shared understanding is created and maintained.	• Governance is based on recognised and appropriate standards and principles. • Governance is based on clear and transparent processes and structures. • Compliance with governance arrangements is monitored and reported on. • Structures are integral to the overall strategy in support of the mission, vision and values. • Strategy provides a medium to long term organisational focus and sets out clear unambiguous targets. • Long term developments that may impact on strategy are anticipated and planned for. • Strategy is developed and updated based on meaningful consultation with all relevant stakeholders. • Strategy is monitored and updated to take account of change. • At all levels managers/leaders are role models and promote high standards of behaviour, fairness and equality. • Managers/leaders recognise achievements and take appropriate action when behaviour falls below standards. • Finances are appropriately managed in support of the overall strategy. • Business Planning supports the organisational strategy. • The planning process reflects the overall strategy and priorities of the Criminal Justice System (Justice and policing department).



Framework Area	Possible Evidence
Delivery Inspectors will be looking for: Evidence of effective and efficient delivery against objectives.	• Delivery is based on the present and future needs and expectations of stakeholders and customers. • Appropriate standards for delivery of services and products are identified, implemented, monitored and developed. • Delivery is customer focused and inclusive of diversity. • Customer relationships are managed and improved. • The approach to delivery takes account of information from performance measurement, research, and learning (internal and external). • Information from staff, stakeholders, customers, and partners is managed to improve delivery. • There is a programme of continuous reviews, development, and updating. • Resources are planned, managed and improved to deliver against targets. • Technology and systems are managed in a way that enhances delivery. • Finances are used effectively and efficiently in support of delivery objectives. • Staff and service deliverers are enabled, empowered and supported. • Fixed assets are utilised in support of delivery objectives. • Process improvements are delivered.



Framework Area	Possible Evidence
Outcomes Inspectors will be looking for: Quantitative data to support assertions of outcomes; and Evidence of managing performance to deliver objectives and targets.	• Outcomes are measured and evaluated against objectives and targets. • Measurement of outcomes integrates diversity issues to ensure fairness and equality. • Customers' perceptions of organisational performance are measured. • Performance indicators are monitored and used to understand, predict and improve outcomes. • Feedback from stakeholders, partners, and staff is used to improve outcomes. • Performance indicators are monitored and used to monitor, understand, predict and improve staff performance. • Performance measurement is analysed and used to improve strategy and policy. • Performance is benchmarked against appropriate organisations. • Results are published, made freely and widely accessible and actively communicated to stakeholders.





Appendix 2: Synopsis of challenges facing the Northern Ireland Prison Service identified in inspection, external and Prison Service Reports

Challenges facing the NIPS

There were significant challenges facing the Prison Service and the history of the organisation had been shaped by the security situation in Northern Ireland since 1969. The recent history of the Northern Ireland Prison Service had been such that security was the most pressing issue.⁴⁰

The Northern Ireland Prison Service had responded to the circumstances of the time but had found greater difficulty changing to meet the requirements of a modern Prison Service, operating in a changed security and political climate, and under intense scrutiny from a devolved Criminal Justice Department, regulatory and external scrutiny bodies and the media.

The Northern Ireland Prison Service must acknowledge the need to respond to critical, corporate functions in a strategic sense, anticipate the greater scrutiny probable with devolution and organise to be responsive whilst remaining strategically resolute⁴¹.

Inspection reports and recommendations

The NIPS have been under considerable scrutiny in recent years and since 2005 there have been a number of external reviews and inspection reports, many of which have been critical of the Prison Service. These included:

- review of Northern Ireland Prison Service Efficiency Programme. Hamill 2005;
- the McClelland Review of six non-natural deaths in prison custody between June 2002 and March 2004. Published January 2006;
- Her Majesty's Inspector of Prisons/Criminal Justice Inspection Report on an unannounced Inspection of Magilligan Prison 10–19 May 2006. Published August 2006;
- Criminal Justice Inspection Report. The Northern Ireland Prisoner Resettlement Strategy. Published June 2007;
- House of Commons Northern Ireland Affairs Committee. The Northern Ireland Prison Service. First Report of session 2007–08. Published December 2007;
- Northern Ireland Prison Service Stocktake 2008. An internal report by John Hunter;
- the Northern Ireland Prisoner Ombudsman's Report into the Death of Colin Bell. Published in January 2009;
- Criminal Justice Inspection Report. A Review of Transition to Community Arrangements for Life Sentence Prisoners in Northern Ireland. Published March 2009;
- Criminal Justice Inspection Report on Section 75 - The impact of Section 75 of the Northern Ireland Act 1998 on the Criminal Justice System in Northern Ireland. Published May 2009;

⁴⁰ A Review of Northern Ireland Prison Service Efficiency Programme. Hamill Report 2005.

⁴¹ Pearson Report 2009.

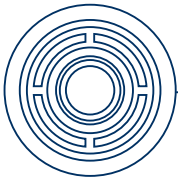
- Criminal Justice Inspection Report - An inspection of the training and development of operational staff in the Northern Ireland Prison Service. Published June 2009;
- the Pearson Review pursuant to the death in custody of Colin Bell in August 2008. Published in June 2009;
- Criminal Justice Inspection/Her Majesty's Inspector of Prisons Report on an unannounced full follow-up inspection of Maghaberry Prison 19-23 January 2009. Published July 2009;
- report to the Government of the United Kingdom on the visit to the UK carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading treatment or Punishment (CPT) from 18 November to 1 December 2008. Published 8 December 2009;
- Criminal Justice Inspection Report - An Inspection of the treatment of Vulnerable Prisoners by the Northern Ireland Prison Service. Published 16 December 2009;
- Pearson Follow-Up 2010: A Six Month Audit to Review Progress against Recommendations from the Pearson Review. Published 25 March 2010;
- Criminal Justice Inspection Report. Not a Marginal Issue. Mental Health and the Criminal Justice System in Northern Ireland. Published March 2010; and
- the Magilligan Inspection Report 2010. Published September 2010.

There had also been numerous reports from the Prisoner Ombudsman for Northern Ireland (PONI) following death in custody investigations, and as a result of complaints, and many of these had been critical of the Prison Service and made recommendations for improvement. In addition there had been Independent Monitoring Board (IMB) Reports and internal reports commissioned by the Northern Ireland Prison Service which added to the list of recommendations facing the Prison Service.

A Northern Ireland Prison Service internal report to the Prison Service Management Board in July 2009 put the number of outstanding recommendations from scrutiny body and internal reviews/reports in the region of 600. The total number of recommendations was nearly 1,200.

These were broken down as follows:

Source	Total No. of Reports/Reviews	Total Recommendations	Total Outstanding Recommendations
HMCIP/CJINI	4	666	288 + Ash House & YOC
CJI	4	52	46
NIPS (Internal)	4	96	53
PONI	5	113	66
McClelland Report	1	30	13
NIHRC	1	55	N/K
ECPT	1	20	5
IMB	1	93	60
Pearson	1	38	38
NIAC	1	31	28
Total		1194	597 + Ash House & YOC



This scale of recommendations would be a daunting prospect for any organisation and remained a considerable challenge for the Northern Ireland Prison Service.

The number of recommendations from external reports had itself become the subject of comment within several of the reports, most notably Pearson and the Hunter Internal Review which recognised that the Northern Ireland Prison Service needed to take more concerted action in respect of critical inspection reports; that it needed to improve the management of follow-up to inspections, inquiries and reviews; and that there was a stream of unfinished business which needed a manageable programme to discard or defer work not central to agreed priorities. Pearson also commented that action plans to external reports, for example Her Majesty's Inspector of Prisons reports, 'limped along' because of insufficiently vigorous thought about what was achievable, a lack of ownership, and little systematic learning whether recommendations had been implemented.

The Committee on the Administration of Justice took a similar view that the response by the Northern Ireland Prison Service to the various inspections and reports resulted in the development of paper-exercise policies and action plans but failed to recognise and address the bigger problems underlying the recommendations themselves. That many of the same recommendations for improvement had been repeated over the years suggested that the Northern Ireland Prison Service created action plans but many of the recommendations were not effectively, efficiently or consistently addressed.⁴²

The Pearson review, however did recognise the scale of the task and the context within which the Northern Ireland Prison Service was operating and commented that there needed to be a more robust process for accepting/rejecting recommendations. Without this the Northern Ireland Prison Service would continue to suffer overload and the dispiriting experience of regularly missing targets.

The implementation of scrutiny body reports was recognised by the Northern Ireland Prison Service as an area of weakness in its inspection self-assessment. A paper submitted to Prison Service Management Board in July 2009 sought to establish the baseline position, and the table above was the initial assessment of the outstanding recommendations, but the paper questioned the availability of evidence to provide the assurance to the Board that the recommendations had been completed. There was a plan to have lead owners record completed recommendations along with details of the evidence to be signed-off and documented for audit purposes. The remaining outstanding recommendations would be reviewed by senior management and a decision taken about whether to continue or discontinue work in the light of Prison Service-wide priorities. Progress on implementation of agreed and accepted outstanding recommendations would be monitored locally, reported centrally and monitored by Prison Service Management Board via quarterly progress reports.

⁴² Committee on the Administration of Justice. Prisons and Prisoners in Northern Ireland – Putting Human Rights at the Heart of Prison Reform. November 2010.



However, as highlighted in the main body of this Report, questions remained about the veracity of information provided on the progress of work to implement recommendations. At the time of the Inspection fieldwork the planned rationalisation of recommendations had not been completed.

WIDER CHALLENGES:

Leadership and management

A number of the reports highlighted wider challenges facing the Northern Ireland Prison Service including the need for increased levels of leadership and management, and performance management and accountability in the Northern Ireland Prison Service.

The Hamill Report found Prison Service management had adopted a traditional command and control approach and recommended a move to a more open and visible style of operating within a performance culture, so that the focus extended beyond operations to include outputs and targets.

There was recognition that the Northern Ireland Prison Service had been under intense and sustained scrutiny and the regulatory framework, public and media interest in its operation, and the scrutiny of outside bodies had imposed a demand for change at a level and pace with which the Prison Service had struggled⁴³.

The various demands created a climate of competing priorities with a risk of 'crisis management' where the urgent superseded the long-term,⁴⁴ particularly in an organisation like the Northern Ireland Prison Service in the context of the significant change agenda and the legacy of the 'Troubles' which had led to a considerable degree of organisational stasis⁴⁵. Time and resource should be devoted by senior management to a modern set of governance arrangements to meet these challenges⁴⁶. Internally there was also the recognition of the need to introduce business performance reporting and more structured reporting and governance arrangements to be embedded at all levels in the organisation⁴⁷.

In many areas the Prison Service had comprehensive policies in place but concern was expressed about their application. Too many subsequent amendments and updates to instructions reflected a lack of implementation of earlier versions⁴⁸, and there was a need to ensure that policy was properly informed by operational reality⁴⁹.

In respect of governance at prison establishment level there was a pressing need identified to review the size, structure and purpose of the management team at Maghaberry, the composition of which appeared to the Pearson team to have been determined less by the business need of the

43 Pearson Report June 2009.

44 See also Hamill 2005 which found managerial focus to have had a necessary short-term bias.

45 Northern Ireland Prison Service Internal Stocktake 2008.

46 Pearson Report June 2009.

47 Northern Ireland Prison Service Self-assessment 2010.

48 Pearson Report June 2009.

49 Northern Ireland Prison Service Internal Stocktake 2008.



prison than by the presumptions about the background grade and specialism of the person required to perform a particular function. A new Senior Management Team, slimmer and flatter with a clear view of priorities was required with the immediate priority being the preparation of a change programme. At the time of the inspection fieldwork a permanent senior management team was not in place.

The Pearson Report recognised the requirement for vigorous, visible leadership in the Prison Service at all levels to carry through the change programme, and in the light of the personnel limitations within the Prison Service, saw an immediate necessity to enhance and refresh the organisation's current leadership capacity at Headquarters and within the Governor ranks, with future leaders of the Prison Service developed by secondment and postings outside the Northern Ireland Prison Service. There had been internal resistance to non-operational disciplines taking up management posts in prisons and this was seen as stifling change. The McClelland Report agreed; leadership was needed in respect of suicide and risk management procedures to protect the vulnerable within the prison system.

Senior Management in the Northern Ireland Prison Service recognised leadership was an issue and that many leaders did not take a sufficiently active role in developing the Prison Service, that progress had been stopped by the poor leadership of some and that there were gaps in key areas of leadership capacity and capability. Leaders were seen to be providing a disproportionate focus on the 20% of negative staff as opposed to motivating the majority⁵⁰.

Leadership and management were identified as an issue in the investigation into the death of Colin Bell in Maghaberry Prison. A much more vigorous managerial attention was required to identify and deal with malpractice, undetectable because of management's isolation from unannounced supervisory visits. Governors and managers needed unhindered access to all parts of the prison at all times.⁵¹

Performance management

Like leadership, performance management and accountability were significant challenges for the Northern Ireland Prison Service and had been the subject of comment and recommendation in a number of reports.

The need to embrace, and enforce, a performance culture was seen by some as a particular challenge for the Prison Service and significant, not only to drive up performance, but also to reinforce attitudes and behaviours associated with the implementation of the policy development programme and to ensure the cost effective custody of prisoners⁵².

The Pearson Review Team were regularly told there was no performance culture in the Northern Ireland Prison Service but in the current environment of growing demand for good governance and the need for economic efficiency, effective performance management was a must. Indeed, this could be argued to be even more true in the post-devolution of Criminal Justice

50 Northern Ireland Prison Service Inspection Self-Assessment 2010.

51 The Pearson Report June 2009. Also referred to in Magilligan Unannounced Inspection May 2006; Maghaberry Unannounced Follow-up Inspection January 2009, and PONI Colin Bell Report 2009.

52 Northern Ireland Prison Service Stocktake 2008.



environment in Northern Ireland and in the exceptionally difficult economic climate facing the public sector.

The Prison Service acknowledged it did not have a well developed performance culture. There was a well developed performance management system available but it was widely accepted that it was not well implemented⁵³. Pearson agreed and commented on the consistently high performance appraisal markings given to Governors when performance did not meet the required criteria, and, for Prison Service management, a significant component of managing cultural change would be an effective, and fairly operated, performance management system holding staff accountable for acceptable performance. Criminal Justice Inspection also recommended that officers' Personal Development Plans should be developed for managers to use for managing performance⁵⁴. Failing to properly manage performance from the top down would send a signal that performance was not important.⁵⁵

Accountability

Accountability was related to performance management, and, like performance, there was little history or culture of accountability within the Northern Ireland Prison Service.

There was internal recognition that accountability needed to be a significant focus of the change programme, and that there had been insufficient acceptance of accountability and responsibility by officers in the Northern Ireland Prison Service. The reasons were two-fold; the first was structural, with a need identified to drive accountability down throughout the Prison Service to hold managers accountable at all levels. To progress this Prison Service management had considered delegating the centrally controlled budgets to prison establishment level.⁵⁶ The lack of local ownership and an absence of indicators of prison performance had also been identified by Pearson, with a need for performance targets at prison level to drive improvements.

The second was accountability at individual level. Managers needed to lead more and manage less, and to be held accountable for failed objectives. The Prison Service was aware of significant constraints in managing performance effectively, including behaviour which, on occasions, was out of step with the espoused values of the organisation. Governors needed to understand their role and not 'opt out'.

The Prison Service did not have a culture of continuous improvement and more needed to be done to measure efficiency and effectiveness. At the level of the individual prison officer accountability and performance management needed to be extended to effectively manage people out through poor performance, with a requirement for Governors to make clear that attendance rates were an important factor in performance, and would be taken account of when considering requests for changes to shift patterns, working hours, transfer or promotion⁵⁷.

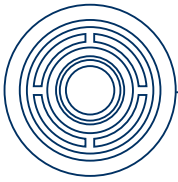
53 Northern Ireland Prison Service Strategy for Improving Operational management Capability. Paper to PSMB February 2010.

54 CJI Report - An inspection of the training and development of operational staff in the Northern Ireland Prison Service. Published June 2009.

55 Northern Ireland Prison Service HR Strategy Review Autumn 2008.

56 Northern Ireland Prison Service Self-assessment 2010.

57 Northern Ireland Prison Service Self-assessment 2010.



Communication

Communication was an important factor within the Northern Ireland Prison Service and the strengthening of internal communications was identified as necessary to reinforce the culture change agenda and to ensure that key messages were coherently and consistently transmitted throughout the organisation and acted upon⁵⁸. Pearson agreed and said the communication process should permeate the organisation and identified a need for more articulation of vision and strategy below corporate level⁵⁹.

Relationship between Headquarters and the establishments

The relationship between Prison Service Headquarters and the operational establishments had not operated to optimum effect and required a more joined-up approach to governance⁶⁰. The lack of clarity about roles and responsibilities between Headquarters and management at prison level was also an issue, with no clear distinction between staff and management roles.

A number of managers at establishment level held the perception that they were 'micro managed' by Northern Ireland Prison Service Headquarters, a situation clearly at odds with the perceived lack of accountability at establishment level. There was a clear need identified for the relationship between Headquarters and prisons to be clearly defined and understood by all parties.

The Pearson Report called for a coherent restatement of the Headquarters role in setting policy, auditing implementation and ensuring compliance with a tough regulatory regime, which should be matched by a similar restatement of roles and accountability at prison level, with a need for a clear distinction between corporate supervision and operational responsibility. The Report went on to recommend that Governing Governors should be removed from membership of the Prison Service Management Board.⁶¹

The Criminal Justice Inspection/Her Majesty's Inspectorate of Prisons Inspection of Maghaberry in 2009 also identified a number of issues that reflected a disconnect between Northern Ireland Prison Service Headquarters and the prisons, and in particular in relation to the delivery of policy and procedures; the CJI inspection of the Treatment of Vulnerable Prisoners found a similar disconnect between the stated intention of management and the delivery of real and meaningful outcomes for prisoners⁶².

Staff profile

A number of reports recognised the need for the Human Resources Strategy to address issues relating to the largely static workforce, or, as one report commented, a recognition that the Prison Service would benefit from 'fresh blood' to work alongside those who have sustained the frontline pressures for many years⁶³. Although there had been a significant number of support grades recruited in recent years, the last recruitment exercise for Main Grade Prison Officers was conducted in 1994⁶⁴.

58 Northern Ireland Prison Service Stocktake 2008.

59 Pearson Report June 2009.

60 Northern Ireland Prison Service Self-assessment 2010.

61 Pearson Report June 2009.

62 CJI/HMIP Report on an unannounced full follow-up inspection of Maghaberry Prison 19 – 23 January 2009. Published July 2009. CJI Report - An Inspection of the treatment of Vulnerable Prisoners by the Northern Ireland Prison Service. Published 16 December 2009.

63 Northern Ireland Prison Service Stocktake 2008.

64 Northern Ireland Prison Service Roles and Responsibilities Review Report. February 2010.



The percentage age breakdown for all Northern Ireland Prison Service staff showed a significant proportion of staff in the higher age groups; 52% of staff were in the 35-49 age group (35% male 17% female) and 34% were 50-64 (28% male 6% female)⁶⁵.

There was an immediate need to enhance and refresh the Northern Ireland Prison Service leadership capacity in Headquarters and in the Governor grades, a high priority to be given to succession planning⁶⁶ and the direct recruitment of Governor grades into the Prison Service⁶⁷. A recent Independent Monitoring Board Report called for the Prison Service to consider the limited external recruitment to Senior Officer, Principal Officer and Governor grades at Hydebank Wood.

Training

A CJI inspection of Prison Service Staff Training and Development emphasised that training and development of staff was a critical component in the development of a modern Prison Service and was fundamental to meeting the overall objectives of the Northern Ireland Prison Service. The inspection found that, despite the improvements that had been made, there was a significant disconnect between the overall strategic aims of the Prison Service and the operational delivery of training on the ground. The core of the training programme was found to reflect the historical role of the Prison Service in Northern Ireland and had a continued emphasis on the traditional security role of the prison officer.

The report recommended that the training strategy should relate to *Blueprint* and the Human Resources Strategy to ensure alignment between the strategic intent of the Northern Ireland Prison Service and operational delivery of training. In addition the impact of training on officer's performance should be reviewed during the Personal Development Planning process for all training undertaken, and this should be used to review the effectiveness of training delivery.⁶⁸

The skills of individual managers should be addressed through a senior management training programme to highlight good practice, raising staff morale and maintaining a constructive working environment⁶⁹.

Accommodation

Much of the accommodation in the three Northern Ireland prison establishments was not fit for purpose and was criticised by various Her Majesty's Inspector of Prisons and Criminal Justice Inspection prison inspection reports. The Northern Ireland Prison Service internal stocktake of 2008 found serious and growing concerns over the Service's capacity to deal with an increasing prison population, including the challenges of growing numbers of foreign nationals, the doubling-up of prisoners in cells intended for one, and the effects this had on the Prison Service's capacity to discharge its responsibilities for resettlement and providing a safe and humane environment.

⁶⁵ Northern Ireland Prison Service Progress Report on the Diversity Action Plan to 30 June 2009.

⁶⁶ Pearson Report June 2009.

⁶⁷ Northern Ireland Prison Service Stocktake 2008.

⁶⁸ Prison Service Staff Training and Development. An Inspection of the Training and Development of Operational Staff in the Northern Ireland Prison Service. Criminal Justice Inspection Northern Ireland. June 2009.

⁶⁹ National Audit Office. The Management of Sickness Absence in the Prison Service 2004.



The Criminal Justice Inspection report on Mental Health and the Criminal Justice System in Northern Ireland was critical of the environment at Maghaberry for those prisoners with mental health issues.⁷⁰

There had been positive developments, for example with the completion of Halward House in Magilligan and Braid House in Maghaberry which provided modern serviceable fit-for-purpose accommodation.

The Northern Ireland Prison Service had a comprehensive Estate Strategy 2006 to 2016 and was reviewed every three years.

There was a commitment to provide an additional 400 prisoner places by spring 2011 in Maghaberry and Magilligan and an identified need to provide modern accommodation suitable to meet the increase in prisoner numbers and meet the requirements of a diverse population. Plans were in place for the redevelopment of Magilligan Prison, increasing its capacity to 800 and to accommodate a larger range of prisoners. The Prison Service was examining the provision of specialised accommodation to meet the specific needs of women offenders. The Northern Ireland Prison Service anticipated that the delivery of these modern designed permanent buildings would deliver greater efficiencies in staffing ratios, better engagement with prisoners and assist in the prevention of re-offending⁷¹.

There were also plans to transfer prison officer training from its present location at Millisle to Desertcreat as part of an integrated public services college⁷².

Healthcare

Responsibility was transferred for healthcare in the Northern Ireland prisons from the Northern Ireland Prison Service to the Health Service on 1 April 2008. It was anticipated that this transfer would lead to a significant improvement in healthcare. Criminal Justice Inspection found that despite Northern Ireland Prison Service management's assertions that it was developing good collaboration with the Health Service, most of those involved in the provision of these services on the ground considered there to have been little sign of change. The working partnership between the Prison Service and the Health Trust needed to be developed and operated in a manner which had clarity as to which agency had lead responsibility for the delivery of healthcare in prisons.⁷³

Prisoners with mental health issues were referred to in the Criminal Justice Inspection Report on Mental Health which concluded that the quality of care needed to be improved for those who were imprisoned. The prisons were not staffed to deal with prisoners with mental health problems and there was a deficit of professional psychological and psychiatric input in the Northern Ireland Prison Service and the wider Criminal Justice System.⁷⁴

⁷⁰ Criminal Justice Inspection Report. Not a Marginal Issue. Mental Health and the Criminal Justice System in Northern Ireland. Published March 2010.

⁷¹ Northern Ireland Prison Service *Blueprint*. Corporate Plan 2009/12 Business Plan 2009/10.

⁷² Northern Ireland Prison Service Stocktake 2008.

⁷³ Criminal Justice Inspection Report. Not a Marginal Issue. Mental Health and the Criminal Justice System in Northern Ireland. Published March 2010.

⁷⁴ Criminal Justice Inspection Report. Not a Marginal Issue. Mental Health and the Criminal Justice System in Northern Ireland. Published March 2010.



Industrial relations

Prison Officers' Association action and Industrial Relations within the Northern Ireland Prison Service were recognised within and outside the Prison Service as a critical issue and a barrier to effective management and change. The industrial relations climate had been the subject of comment by a number of external and internal Northern Ireland Prison Service reports.

At the time of the fieldwork the Prison Officers' Association had just returned to regular working following industrial action. This was the second period of industrial unrest within the past 12 months and was commented on in the Vulnerable Prisoners Inspection and the Magilligan Announced Inspection as having a significant and adverse effect on the regimes of prisoners – 'debilitating' as described by Pearson.

Hamill commented on the industrial relations climate being less than ideal. The Prison Officers' Association short-term disruptions and longer-term inflexible working practices had severely limited the ability of Governing Governors to operate establishments in the best interests of the prisoners in their care. Any management plans for restructuring the workforce as a whole, or for making even the sort of minor adjustments at establishment level that were necessary for efficient working routines, were wholly dependant on securing the goodwill of the Prison Officers' Association.

It was also clear that past experience and the prevailing culture within the Northern Ireland Prison Service had operated to discourage management from seeking early involvement of the Prison Officers' Association in discussions of proposals for change⁷⁵.

The Pearson Review found a significant level of discord within the Northern Ireland Prison Service and commented that urgent efforts should be undertaken to restore productive employee relations. Trade Union activity ranged well outside the Prison Officers' Association's core interest of representing their members' interests at prison level, and Governors had not made clear to the local trade union committees what they could expect from management and in turn what would be expected of them. The confrontational approach was corrosive.

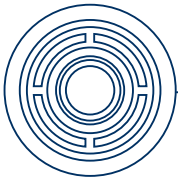
The Pearson six month audit published in March 2010 saw scant evidence of real change in industrial relations. The Prison Officers' Association told the Review that they wanted to support change, but on their own terms, and the Pearson team concluded that their hope for the Prison Officers' Association to work constructively with management to achieve change had not been realised. There was still much to do to develop appropriate, professional and respectful working relationships which recognised the legitimate role of the unions as well as the right of managers to manage⁷⁶.

The Framework Agreement with the Prison Officers' Association was seen as a constraint on the ability of managers to make decisions about operational deployments. Decisions in relation to the re-deployment of staff or tasks which may be dropped or postponed to meet staff shortfalls

⁷⁵ Review of NIPS Efficiency Programme. Hamill 2005.

⁷⁶ Six Month Audit to Review Progress against Recommendations from the Pearson Review. 25 March 2010.

⁷⁷ CJI Report - An Inspection of the treatment of Vulnerable Prisoners by the Northern Ireland Prison Service. Published 16 December 2009.



were taken with reference to this and to local agreements between the Northern Ireland Prison Service and the Prison Officers' Association. Criminal Justice Inspection recommended that the arrangements for staff allocation should be reviewed in order to deliver a more flexible approach to resource allocation to help deliver an improved regime to vulnerable prisoners⁷⁷.

The restrictive practices of the Prison Officers' Association and their interference, which restricted the ability of Governors to maximise the effective use of resources, was highlighted by the Northern Ireland Prison Service as a significant issue in their self-assessment.

The potential effects on the regimes for prisoners of poor industrial relations were also referred to by the Independent Monitoring Board who, in their 2008/2009 Annual Report, recommended that urgent steps be taken to improve industrial relations at Hydebank Wood to enable the establishment to function properly in the best interests of those imprisoned there.

Some commentators have made a connection between prison performance and the role of the Prison Officers' Association. Governors say that if managers do not manage there is a gap, and the Prison Officers' Association tend to fill that gap, and so local conditions tend to mediate between the role of the Prison Officers' Association and implementing change. It was characteristic of a very difficult poorly performing prison that it tended to have a very strong Prison Officers' Association. So there was a relationship between the role of a Prison Officers' Association and what was possible in a prison⁷⁸.

Organisational culture

There was a strong organisational culture amongst prison officers and the recent history of Northern Ireland and the political and security situation have undoubtedly been factors which influenced the occupational culture.

The Northern Ireland Prison Service was described as having a largely static workforce, steeped in the past with attitudes and behaviours of staff out of balance with the values of the organisation⁷⁹.

It was a male dominated workforce made up predominantly from the Protestant community. In June 2009 the statistics were 69% male 31% female, for the Northern Ireland Prison Service overall and 79%/21% for Prison Grades; and 77% Protestant 13% Roman Catholic and 10% non-determined for the Northern Ireland Prison Service as an organisation, and 79%/10%/11% for Prison grades⁸⁰.

Prison Service management had the challenge of embedding the various strategies and policies to change and modernise the Prison Service into the culture of the organisation, otherwise there would be a continuation of a disconnect between strategy development at Headquarters level and the operational reality at establishment level⁸¹. This disconnect between management intent

⁷⁸ Professor A Liebling in evidence to the House of Commons Justice Committee 17 March 2009.

⁷⁹ NIPS HR Strategy Review 2008.

⁸⁰ Northern Ireland Prison Service Progress Report on the Diversity Action Plan to 30 June 2009.

⁸¹ Northern Ireland Prison Service Stocktake 2008.



and the delivery of outcomes for prisoners was referred to previously and was also commented on in the Criminal Justice Inspection reports on Vulnerable Prisoners,⁸² and Prison Service Staff Training and Development Inspection,⁸³ and was acknowledged by the Director General during his briefing to the Northern Ireland Assembly Justice Committee as perhaps the biggest challenge for the Northern Ireland Prison Service.⁸⁴

Northern Ireland Prison Service management accepted that the experience of the existing Governor cadre was almost entirely based in working on the unique environment of the Northern Ireland Prison Service, with little experience among senior management of operating in a normal prison environment, and this created a certain culture which also impacted on wider operational grades⁸⁵. The Pearson Report identified the culture of prison officers as a factor to be considered in the policy implementation in an organisation where the written word was often less powerful than local custom and practice⁸⁶.

An internal Northern Ireland Prison Service staff attitude survey provided an indication of issues within the occupational culture, there was a very low response (27%) but responses provided highlighted issues around poor leadership, poor staff management, poor communication, inappropriate behaviour and a high tolerance of inappropriate behaviour. Other themes included lack of respect for colleagues and prisoners, abuse of alcohol, abuse of internet facilities, the belief that poor behaviour would not result in disciplinary consequences, and that serious conduct would not be properly investigated⁸⁷. Many of the findings pointed not only to cultural issues at ground level but to cultural and competence issues at supervisory and management level.

The lack of unannounced management access to all areas of prisons was highlighted in the Colin Bell investigation report and in Her Majesty's Inspector of Prisons/Criminal Justice Inspection reports, and the absence of this remains a critical and urgent area for the Northern Ireland Prison Service to address. This was also commented on in the Pearson Report as a factor contributing to the existence of an insidious sub-culture that allowed delinquent behaviour by some junior staff, much of it undetectable because of their isolation from unannounced supervisory visits.

Northern Ireland Prison Service management recognised the cultural issues and their effects on the change programme, including the need for a programme of culture change which was formalised and visible, and the potential impacts of poor industrial relations where culture change had the potential to be constrained by restrictive working practices. There was a requirement to change the working environment and culture by reducing Union negativity⁸⁸.

82 CJI Report - An Inspection of the treatment of Vulnerable Prisoners by the Northern Ireland Prison Service. Published 16 December 2009

83 Prison Service Staff Training and Development. An Inspection of the Training and Development of Operational Staff in the Northern Ireland Prison Service. Criminal Justice Inspection Northern Ireland. June 2009.

84 Northern Ireland Prison Service briefing to Northern Ireland Assembly Committee for Justice 13 May 2010.

85 Northern Ireland Prison Service Strategy for Improving Operational management Capability. Paper to PSMB February 2010.

86 Pearson Report June 2009.

87 Northern Ireland Prison Service HR Strategy Review 2008.

88 Northern Ireland Prison Service Self-assessment 2010.



The disciplinary process

The disciplinary process is an important aspect of public sector organisations, particularly in organisations like the Police and the Prison Service where officers have authority and, in certain circumstances, powers to use force. An effective, proportionate and visible disciplinary process is vital for public trust and confidence.

Pearson commented that the Northern Ireland Prison Service needed a disciplinary system that was fair, swift and certain. This was without question, particularly when the Northern Ireland Prison Service recognised that it had organisational weakness: implementing policy; applying Northern Ireland Prison Service values; challenging inappropriate behaviours; the nature and frequency of misconduct; the manner and speed of investigation; and the lenient awards from disciplinary adjudications. The role of senior officers in respect of enforcing the disciplinary procedures had also been questioned. The Code of Conduct and Discipline (COCD) procedures were seen as overly complex and a ‘straightjacket’ on the organisation⁸⁹.

There have been a number of procedural flaws and the failure of the disciplinary process following the death of Colin Bell was evidence of this.

Outcomes for prisoners

The outcomes for prisoners were well documented in inspection reports by Criminal Justice Inspection and Her Majesty’s Inspectorate of Prisons.

In addition there were reports from the Prisoner Ombudsman and other external and internal reports on various aspects of the Northern Ireland Prison Service, some of which were referred to earlier, which pointed to outcomes which were not aligned with the intent of the organisation.

Criminal Justice Inspection and Her Majesty’s Inspector of Prisons’ reports look at prison establishment’s performance against the model of a healthy prison using four criteria:

- *Safety* – prisoners, even the most vulnerable, are held safely;
- *Respect* - Prisoners are treated with respect for their human dignity;
- *Purposeful Activity* - Prisoners are able, and expected, to engage in activity that is likely to benefit them;
- *Resettlement* – prisoners are prepared for their release into the community and helped to reduce the likelihood of reoffending.

Under each test, an assessment was made of outcomes for prisoners, and therefore of the establishment’s overall performance against the test, which fell into one of four gradings:

- *Performing well against the healthy prison test (score 4)* – there is no evidence that outcomes for prisoners are being adversely affected in any significant areas.
- *Performing reasonably well against the healthy prison test (score 3)* – there is evidence of adverse outcomes for prisoners in only a small number of areas. For the majority, there are no significant concerns.

⁸⁹ Northern Ireland Prison Service Self-assessment 2010.

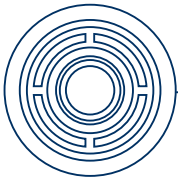
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- *Not performing sufficiently well against the healthy prison test (score 2)* – there is evidence that outcomes for prisoners are being adversely affected in many areas or particularly in those areas of greatest importance to the well being on prisoners. Problems/concerns, if left unattended, are likely to become areas of serious concern.
 - *Performing poorly against the healthy prison test (score 1)* – there is evidence that the outcomes for prisoners are seriously affected by current practice. There is a failure to ensure that even adequate treatment of and/or conditions for prisoners. Immediate remedial action is required.

All prisons in England, Wales and Northern Ireland are judged against the same criteria and it is possible therefore to compare the performance of individual prison establishments.

Recent inspections in the Northern Ireland Prisons have found outcomes for prisoners that were generally poor in comparison to the overall picture in England and Wales.

The inspection of Hydebank Wood Young Offender Centre published in March 2008 found:

- *The establishment was not performing sufficiently well against the healthy prison test for safety.* All young people were handcuffed on escort vans and there were no separate arrangements for juveniles. The reception facility was poor and initial procedures were brusque. Induction was satisfactory, except there was no formal programme for juveniles. Most young people were treated well on their first night, but formal procedures were inadequate. Many bullying incidents were not investigated. Levels of self-harm were low, but there was too much emphasis on physically preventing self-harm rather than providing emotional support, and the quality of care plans was poor. Some security arrangements were too restrictive. Adjudication punishments were severe, particularly for juveniles. Detoxification was often too rapid.
- *The establishment was not performing sufficiently well against the healthy prison test for respect.* Relationships between staff and young people were remote and there was no personal officer scheme to provide more structured support. Accommodation was generally clean, but as one house was being refurbished many young men had to share cramped single cells. The food was poor. Equality and diversity work needed more attention. Health services did not meet needs.
- *The establishment was performing poorly against the healthy prison test for purposeful activity.* Time out of cell was reasonable for the half of young men with allocated activity, but not for the others and there were too many unpredictable lock downs. With no scheduled exercise period, young men spent very little time in the fresh air. Allocation to activities took too long; there were insufficient places available and few opportunities to acquire useful skills. Juveniles were particularly poorly catered for and the education and training provision did not meet young people's needs. Access to the library was poor. The gym provided a good service.
- *The establishment was not performing sufficiently well against the healthy prison test for resettlement.* There was no resettlement team or resettlement culture and cuts in resources had left staff demoralised. There was no recognition of the different needs of young adults and juveniles in the resettlement policy. The policy was insufficiently focussed



on practical outcomes and lacked a cohesive framework. Most young men had some resettlement plans, but few were aware of them. Reintegration services were generally suitable and there was some good work to support relationships and parenting. Drug services were satisfactory.

The inspection of the women's prison at Ash House, Hydebank Wood published in March 2008 found:

- *The establishment was performing reasonably well against the healthy prison test for safety.* The reception building was unsatisfactory, but the procedures were good. Appropriate induction was provided, but first night procedures were inadequate. Bullying incidents were few and associated mainly with the strains of communal living. Improvements had been made in support for those at risk of self-harm, but better care plans were needed. Some security arrangements were too restrictive. Punishments for disciplinary offences were severe. Detoxification was often too rapid.
- *The establishment was not performing sufficiently well against the healthy prison test for respect.* Relationships between staff and prisoners were better than had previously been found, although there was no personal officer scheme to provide more structured support. Accommodation was clean and improved with the installation of integral sanitation and a new landing for enhanced long term prisoners. The shared site remained a big problem. The food was poor. Equality and diversity work needed more attention. Health services did not meet women's needs.
- *The establishment was performing poorly against the healthy prison test for purposeful activity.* Time out of cell was reasonable, but was affected by too many unpredictable lock downs. There were insufficient good quality activity places for women and few opportunities to acquire useful skills. Education and training provision did not meet women's needs. Access to the library was poor. Some good work took place in the gym.
- *The establishment was not performing sufficiently well against the healthy prison test for resettlement.* There was no recognition of the different needs of women in the resettlement policy, which was insufficiently focussed on practical outcomes and lacked a cohesive framework. Most women had resettlement plans, but few were aware of them. Reintegration services were generally suitable and there was some good work to support relationships and parenting. Drugs services were satisfactory.

The inspection of Maghaberry published in July 2009 found:

- *The establishment was performing poorly against the healthy prison test for respect.* Reception was clean and generally efficient, but Inspectors received many complaints about disrespectful searching. First night and induction had improved. Too little attention was paid to anti-bullying and investigation violent incidents. A focus on safer custody had been re-established only after a recent death in the prison, but there was still no local suicide and self-harm strategy, little therapeutic support and poor monitoring procedures for those at risk. Controls on movements remained too restrictive. Some improvements had been made to the special supervision unit, which was no longer run by the search and standby team. The Search and standby team still had too dominant a presence in the prison and

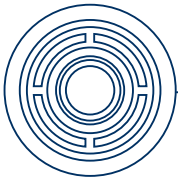


allegations about its conduct had not been properly investigated. Clinical management of those addicted to alcohol and drugs was poor and led to unacceptable risk.

- *The establishment was not performing sufficiently well against the healthy prison test for respect.* Most landing officers were friendly, but there was little supportive and active engagement with prisoners. The prison was generally clean, but overcrowded and shared cells were too cramped. The original square houses remained unsuitable. Food was unsatisfactory and mealtimes too early. Prisoners had good access to the shop. The progressive regimes and earned privileges scheme did not act as an appropriate incentive. Although some work on equality and diversity was beginning and some reasonable support had been provided for foreign national prisoners, there was still a need for regular monitoring by religion and ethnicity to promote equality. The complaints system did not provide appropriate confidentiality and some serious complaints were not adequately investigated. Health services had not yet improved on transfer to the National Health Service and in particular, there were insufficient mental health services.
- *The establishment was performing poorly against the healthy prison test for purposeful activity.* Time out of cell had not improved for most prisoners, particularly those without allocated activity, and many spent most of the day locked up. Activity places in education, training and work were wholly inadequate for the population. Although resources were insufficient, there were some good education and training opportunities, but these were not fully used and there was a lack of strategic oversight. Use of the library had declined despite an increase in opening hours. Physical education facilities remained good and well used and gym activities were actively promoted.
- *The establishment was not performing sufficiently well against the healthy prison test for resettlement.* There was no local resettlement strategy, but resettlement services had improved with increased resources. Most eligible prisoners had sentence plans. Reintegration services were better and some were now directed towards those staying a short time. However, prisoners had little awareness of resettlement services. Provision of offending behaviour programmes was inadequate and delivery was low. A clearer strategy for lifers was still needed; Wilson and Martin Houses provided some progression opportunities, but criteria needed to be objectively based on risk. Work to help men maintain their family ties continued to be a strength. There was no coherent strategy to ensure that those with addiction problems were able to deal with them while in custody.

The inspection of Magilligan published in September 2010 found:

- *The establishment was performing reasonably well against the healthy prison test for safety.* All prisoners travelled to Magilligan handcuffed on vans, which was unnecessary. Reception and first night procedures were good and backed up by appropriate induction arrangements. Most prisoners felt safe and there were few reported violent incidents. However, some prisoners still reported being victimised and there was scope for further work to reduce bullying and support the vulnerable. Those at risk of self-harm received good support. The segregation unit operated well and there was little use of force. There was insufficient drug testing and analysis of information about drugs to judge the extent of illicit drug use. Some procedural matters needed attention, but outcomes for prisoners were reasonably good against this healthy prison test.



- *The establishment was performing reasonably well against the healthy prison test for respect.* Relationships between staff and prisoners were positive, but there was no personal officer scheme. The external environment remained poor. There was some good standard new accommodation, but house blocks were still unsatisfactory, with unacceptable sanitation arrangements. Prisoners were positive about the food. Monitoring for religious differences was thorough. Foreign national prisoners received satisfactory support, except with immigration issues. Health services were mostly good, but mental health services were insufficient.
- *The establishment was performing reasonably well against the healthy prison test for purposeful activity.* Time out of cell was usually good, but reduced by the industrial action at the time of the inspection. There was some good provision of education and training, with enough activity places for the existing population, but there was not enough strategic support to ensure available places were used effectively and that the provision fully met needs. The library service was inadequate. Physical education provision was generally good.
- *The establishment was performing reasonably well against the healthy prison test for resettlement.* There was little strategic direction for resettlement. Prisoners had up-to-date sentence plans, which were well managed and included the prison's first life sentence prisoners. A new framework for public protection was just being implemented. A reasonable range of programmes was run. There were some satisfactory reintegration services, but too many prisoners were discharged without fixed accommodation. There was some good work to support contact with families. Support for those with substance use problems was developing well, but there were no accredited programmes.

These scores of three for each of the healthy prison test areas makes Magilligan compare favourably in comparison with other UK prisons.

In the CJI inspection of the treatment of vulnerable prisoners published in December 2009, the Prison Service was found to have worked hard to ensure that the operational service failures and negligence identified following the death of Colin Bell would not be repeated in further deaths in custody. However, despite the activity there remained a significant concern over the regime for vulnerable prisoners in Maghaberry prison, and that little appeared to have changed in the regime since the January 2009 inspection referred to above. There was found to be a continued disconnect between the stated intent of management and the translation of this into real, meaningful or improved outcomes for prisoners.



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