

PRISON REVIEW OVERSIGHT GROUP
JUSTICE COMMITTEE SUMMARY REPORT
OCTOBER 2012

The purpose of this summary report is to provide the Committee with an update following the third meeting of the Prison Review Oversight Group (the Group), which took place on 19 September 2012.

2. The meeting was chaired by the Minister of Justice and was attended by Group members:

- Nick Perry (Permanent Secretary, DOJ);
- Andrew McCormick (Permanent Secretary, DHSSPS);
- Patricia Gordon (Independent Member);
- Dr Michael Maguire (Independent Member);
- Brendan McGuigan (Independent Member, CJINI); and
- Duncan McCausland (Independent Member)

3. Department of Justice officials Peter May (Safer Communities), David Lavery (Access to Justice), Sue McAllister (NIPS Director General) and Mark Adam (Strategic Change Manager) attended to give supporting evidence to the group. CJINI inspectors Dr Ian Cameron and Tom McGonigle were also in attendance. Professor Monica McWilliams (Independent Member) sent her apologies.

Programme Structure and High Level Plan

4. The Oversight Group was introduced to the Programme Structure and the High Level Programme Plan. Building on a request from the Group in May, these plans have been grouped in a meaningful manner that reflects the ongoing workstreams. The four driving themes for the Programme are: governance; strategy; enabling change; and partner provision. Each of the PRT recommendations are mapped into one of these themes, as illustrated in the Programme Structure. Copies of the Structure and High Level Plan are attached at appendix A.

5. The Oversight Group was reassured by the content underpinning the Programme and now has trust and confidence in the Programme structures. The previous reporting mechanisms have been built upon and strengthened to include a more formal programme discipline. Given this additional confidence, the Group agreed that future meetings should now be pitched at a higher, more strategic level.

Progress Update

6. Sue McAllister provided an update on progress across the Reform Programme since the Group last met in May, highlighting:

- preparations for 'go live' with the Target Operating Model;
- an update on the position with industrial relations;
- progress with training and development of new recruits;
- an update on the Voluntary Early Retirement scheme;
- progress on strategic discussions on healthcare recommendations;
- actions for concluding the Outline Estate Strategy consultation; and
- developments around the implementation of equality and diversity policies

7. Following on from the progress update, the Oversight Group sought assurances around the resourcing of the Programme. The DOJ Permanent Secretary and NIPS Director General reported that a costing exercise would take place before the next meeting of the Group. Following this costing exercise, consideration will need to be given to prioritising the Programme, although it is worth being mindful that the reform programme is as much about doing things differently as doing new things.

CJINI Role

8. As detailed in our last update report, Criminal Justice Inspection Northern Ireland (CJINI) had been tasked with providing some independent analysis of progress on the Programme. Since the last Oversight Group meeting, NIPS and CJINI had been working on defining the mechanics of this

relationship and the Oversight Group was asked to approve the agreed role and related terms of reference, attached at appendix B.

9. While CJINI will work closely with the Programme Team throughout the process, the Group agreed that the formal structure will see the PRT Programme Team invite CJINI to assess recommendations that the Programme Team deems to be complete. The Oversight Group will then determine, following consideration of the independent evidence provided by CJINI, if the recommendation should be signed off as complete or if further work should be undertaken to complete the recommendation. The Group hopes to be in a position to test this process in December.

10. The Oversight Group also agreed that, when reporting on the completeness of recommendations, CJINI would reserve the right to make comment on whether or not a recommendation was having the desired or expected outcomes and if there were any collateral consequences. The Group agreed the terms of reference with the caveat that it was a working document that could be amended as the role developed.

Recommendation Descriptions

11. The Programme Team is in the process of establishing recommendation descriptions for each of the PRT recommendations. The purpose of these recommendation descriptions is to provide a shared understanding of the scope of each of the recommendations and an understanding of what success against each recommendation should look like. The recommendation descriptions should provide clarity on the definition, scope and outcomes for each recommendation.

12. The Programme Team brought ten recommendations to the Oversight Group for approval (recommendations 1, 2, 4, 14 – 16, 22, 23, 34 and 35) and the Group agreed that these recommendation descriptions outlined an acceptable way forward for each of these recommendations. The Group also agreed, where possible, to consider by correspondence the recommendation

descriptions currently still under development before the next Oversight Group meeting in December.

Strategy Paper on Fine Default

13. At the meeting on 10 May 2012, the Oversight Group requested a briefing paper on the DOJ's strategic approach to the problem of fine default. The paper was presented to the Group and a commitment was given to bring an evaluation of the Supervised Activity Order pilot scheme, once complete, to the Oversight Group. A copy of the paper is attached for information at appendix C.

Priorities for the Next Quarter

14. A summary of the Programme priorities for the next quarter was outlined to the Group, captured under the driving themes. The key aspects are detailed below:

Governance

- Progress arrangements for the development of a joint healthcare/prisons strategy;
- Host stakeholder engagement events;
- Development of remaining recommendation descriptions; and
- Further strengthen Programme reporting arrangements, to include risk assessments and benefits realisation

Strategy

- Commence second supervised activity order pilot;
- Commence statutory time limits in Youth Court pilot; and
- Present findings of Safer Society Strategy consultation to Justice Committee

Enabling Change

- Implementation of new target operating model;
- Development of offender profile tool and implementation plan;
- Completion of Outline Estate Strategy consultation;

- Development of Secure College concept; and
- Commencement of full body searching pilots in Hydebank Wood and Magilligan

Partner Provision

- Completion of Public Health Agency needs assessment for prison healthcare;
- Development of detailed pathways for primary care and mental health;
- Appointment of salaried lead GP for prisons; and
- Clarification of how recommendation 20 will be taken forward to meet current best practice

15. Progress against these priorities will be explored, challenged and scrutinised at the next meeting of the Oversight Group.

Ongoing consultation

16. The Programme Team has established a number of stakeholder events to keep interested parties abreast of developments on the reform programme. The first of these events was held on 26 September and was aimed at stakeholders with responsibility for delivery. There will be three further events on 24 October, 22 November and 12 December, aimed at wider stakeholders in the voluntary sector, interested statutory bodies and other government departments.

17. The independent Oversight Commissioners have also met with a number of interested parties over the last quarter, including NIACRO, the Children's Law Centre and the Prisoner Ombudsman. These meetings are to help the independent commissioners build an understanding of the impact the reform programme is having on the ground and such meetings will continue throughout the programme. Over the next quarter the commissioners plan to meet with a number of other stakeholders and also visit the three prison establishments and the Health Trusts.

18. More specifically, as you will be aware, the consultation on the Estate Strategy is drawing to a close, with NIPS holding a number of public meetings in early October.

Next Meeting

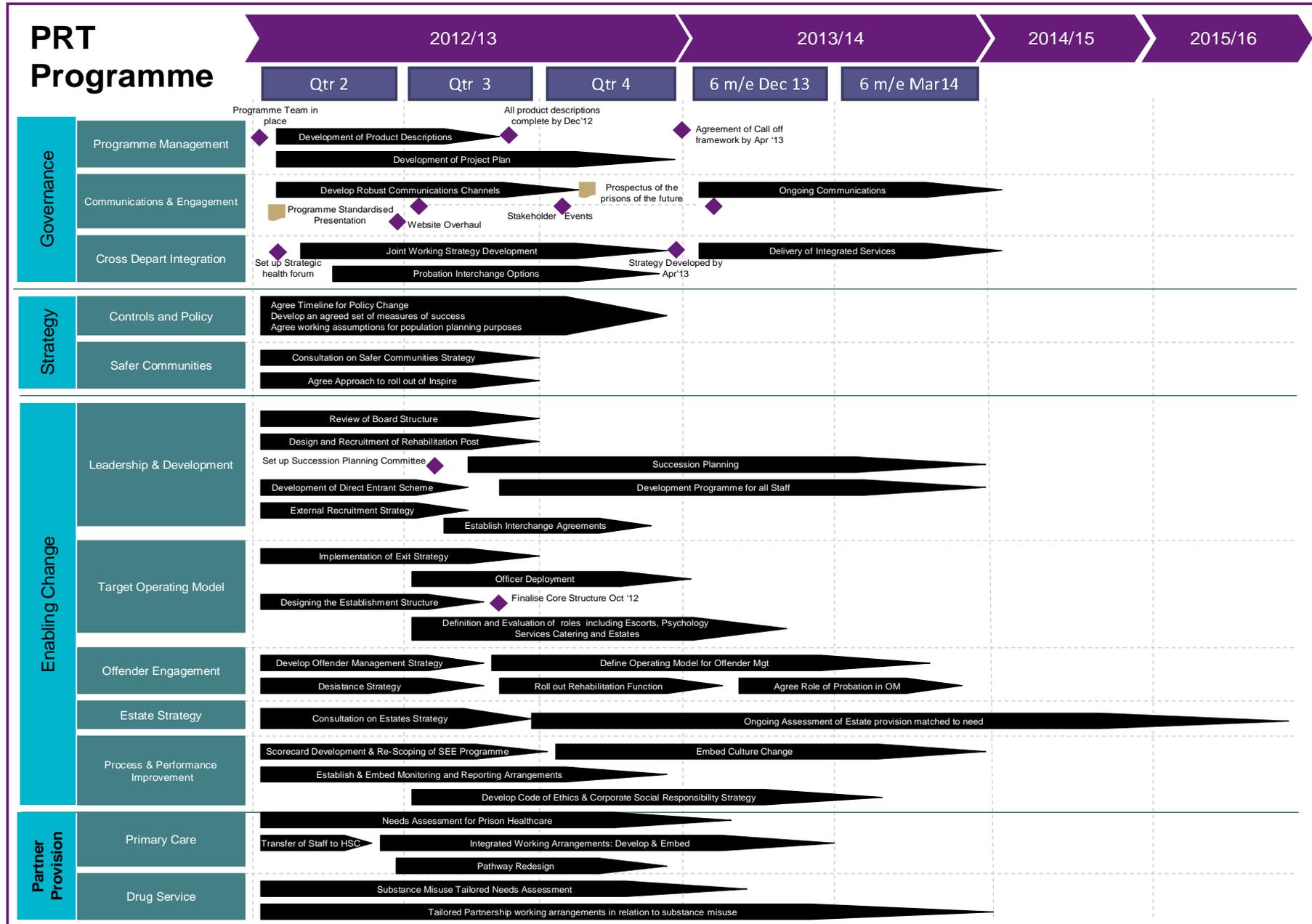
19. The Oversight Group will meet again once more before year end, on 19 December 2012.

**PRT OVERSIGHT GROUP
OCTOBER 2012**

Programme Structure Overview

PROGRAMME OF WORK	DRIVING THEMES	WORKSTREAMS	RECOMMENDATIONS					
PRT	1. Governance	1.1 Programme Management	22	23				
		1.2 Communications & Engagement	25					
		1.3 Cross Dept Integration	12	13				
	2. Strategy	2.1 Controls and Policy	1	2	3	38		
		2.2 Safer Communities	34	35	37			
	3. Enabling Change	3.1 Leadership & Development	26					
		3.2 Target Operating Model	24	27	28			
		3.3 Offender Engagement	7	30	31	32	33	40
		3.4 Estate Strategy	5	6	36	39		
		3.5 Process & Performance Improvement	4	8	9	10	11	29
	4. Partner Provision	4.1 Primary Care	14	15	16	17	21	
		4.2 Pharmaceutical Services	18	19	20			

High Level Programme Plan



Monitoring of Progress on Implementation of the Prison Review Team Recommendations

Terms of Reference

Introduction

Criminal Justice Inspection will monitor the progress that has been made in implementing the Prison Review Team Recommendations.

The Prison Review Team produced an interim report in February 2011 and subsequently published its final report in October 2011, entitled 'Review of the Northern Ireland Prison Service: Conditions, management and oversight of all prisons', which made 40 wide-ranging recommendations for change. Many of the recommendations fall outside the sole responsibility of the Prison Service and a number are also outside the remit of the Department of Justice and will be the responsibility of DHSSPS and the SEHSCT.

Of the recommendations NIPS have lead responsibility for 23, the DOJ are responsible for 8 and the DHSSPS/SEHSCT for the remaining 9. CJINI does not have statutory responsibility outside the Criminal Justice System and cannot, therefore, inspect or comment on the progress of the PRT recommendations in those areas where DHSSPS/SEHSCT are the lead agency.

Context

The NIPS has been the subject of a number of critical Inspection Reports in recent years and the Hillsborough Castle Agreement of February 2010 included provision to: review conditions of detention, management and oversight of all prisons; and consideration of a women's prison which is fit for purpose and meets international obligations and best practice. The Prison Review Team was set up in July 2010 by the Minister of Justice to examine these areas.

In a Statement to the Assembly the Justice Minister accepted the Review findings and said that reforming the Prison Service, which has been rooted in security-based historical working practices into one with modern, progressive regimes focusing on addressing offender behaviour and making our communities safer, will take years to implement but that he was committed to driving through the changes¹.

¹ DOJ Press Release. 'Prison Service has reached watershed – Ford'. 24 October 2011.

In addition, the NIPS launched the SEE Programme in June 2011, a four year change management programme to deliver fundamental end-to-end reform of the Prison Service by 2015. The programme is intended to redesign the operational delivery model within prisons; develop a culture of staff performance and accountability; and deliver value for money and enhance public protection.

Aims of the Monitoring Process

The broad aims of the process are to:

- Assess progress of the relevant Justice agencies in respect of their implementation of the Justice-related recommendations from the Prison Review Team Report;
- Report on the current position as to whether the recommendations have been achieved; and
- CJINI recognise that the NIPS and DOJ are providing their own assessments to the PRT Oversight Group however, *the added value provided by CJINI will be to assess outcomes for prisoners* as a result of the various initiatives undertaken by the relevant agencies

Methodology

Terms of reference have been shared with the NIPS and DOJ and liaison officers from NIPS and DOJ have been nominated for the purposes of this monitoring exercise.

The methods of gathering evidence will include:

- Inspectors will carry out announced and unannounced visits to prison establishments as required, to meet prison management, staff and prisoners and to inspect records and other relevant documentation;
- Research and Review – collection and analysis of all relevant NIPS and DOJ policies and procedures, performance management, financial management and monitoring information, any other relevant internal reviews, papers and correspondence and minutes from internal NIPS and DOJ meetings, and relevant Prison Oversight Group information;
- Structured interviews / focus groups with relevant personnel from the NIPS, DOJ, and other relevant agencies;
- Feedback from other relevant stakeholders, for example, PBNI, the Samaritans, the Quakers, St Vincent de Paul, NIACRO, Extern, and from prisoners in the three prisons;

- Analysis of management information and data relating to the delivery of prison regimes and services, and outcomes for prisoners including findings from NIPS Staff and Prisoner Surveys;
- Information from CJINI / HMIP Establishment Inspection and Thematic Reports; and
- Observation through attendance at relevant NIPS and DOJ meetings and events

Writing and Publication

CJINI will produce reports to coincide with the meeting of the Oversight Group in respect of those recommendations deemed to be complete by the PRT Programme Office and notified to CJINI. To allow the necessary follow-up work to be undertaken by Inspectors, reports to independently validate recommendations deemed complete will be provided by CJINI to the Chair of the Oversight Group for the meeting following that at which the original report of completion was made.

In addition CJINI will produce an Annual Report on the overall progress of the justice-related PRT recommendations and periodic reports on the random reviews of SPAR documentation in accordance with PRT recommendation 9.

Inspectors will also report on any emerging issues relevant to the Prison Review agenda as directed by the Chief Inspector, CJINI.

All reports will be published on the CJINI website.

DEPARTMENT OF JUSTICE STRATEGIC WAY FORWARD ON FINE ENFORCEMENT

At the Prison Reform Oversight Group meeting on Thursday 10 May 2012, the Group said it would be helpful if they could receive a briefing paper on the Department of Justice's strategic approach to the problem of fine default.

Public consultation on proposals to address fine default

Imprisonment for fine default is a major challenge for the Department of Justice and it is one that the Minister is determined to tackle. Wishing to ensure that only those who need to go prison do so and that valuable prison places are reserved for those who truly merit it, the Minister launched a policy consultation exercise that proposed new ways to tackle the problem of fine default and enforcement in Northern Ireland on 21 July 2012¹.

The main part of the consultation was based around options for preventing default; increasing compliance; and identifying the optimum methods of cost-effective enforcement when it is needed. The key issues to be addressed were targeting the fine; encouraging payment; and dealing with default. The paper also discussed how any new system might be delivered and put forward proposals for a civilianised fine collection and enforcement service. The consultation closed on 14 November 2011 and, having considered the responses received, the Minister announced his intention fundamentally to reform how the justice system deals with fine defaulters on 2 February 2012.

Strategic Way Forward

Targeting the fine

An information initiative was undertaken to try to ensure that those coming to court are aware of the importance of means information should they be fined and to ensure that courts have as much information as possible when setting fines. A fine payment history is made available to sentencers to assist in decisions about the most appropriate disposal.

One particular area of concern has been fines for non-possession of a TV licence. The Minister contacted DCMS Ministers in Whitehall proposing that TV licence non-payment might be regarded as a civil issue in future, but it is clear that there is no willingness in Whitehall to change what is a UK-wide broadcasting issue not within the competence of the devolved administration. In an environment where people look to a number of providers for television services, having non-payment of the licence fee as a criminal offence looks increasingly anomalous.

Encouraging payment

A Fine Collection Scheme has been operating very successfully whereby those who may be about to default are contacted by court staff and reminded that payment is due. Potential defaulters are advised of the importance of compliance; the opportunities for additional time to pay or payment by instalments; and the consequences of non-payment.

This has been particularly successful. It has reduced the number of default warrants being issued by 28.5%, which equates to 20,030 warrants that have not had to issue to the PSNI for enforcement, and has brought in £3.5 million in fine revenue without police intervention.

We intend to build on this through the development of a civilian-based fines enforcement service to allow police to focus more on more serious justice matters. Whilst police would retain a residual role in the enforcement of difficult cases, the focus would be on civilian “Fines Officers” with powers to manage and enforce fines: to agree extensions to time to pay; payment by instalment; and referral back to court for adjustment.

The civilian agency would put an emphasis on “intelligent enforcement” that differentiated between those who can’t pay and those who won’t pay, and would draw on best practice from the enforcement of civil judgments and debts in contacting offenders by telephone, letter or in person.

Dealing with default

Central to plans for more effectively dealing with those who do default will be new powers, exercisable by the new civilian service, to deduct fines from earnings or social security benefits, subject to important protections for families about the number and scale of deductions.

A pilot of a Supervised Activity Order has been running in Newry since January. A second pilot is to be run, probably in Lisburn, from October and an interim evaluation on both will be undertaken at the end of the calendar year. Subject to evaluation and resourcing, the SAO could be rolled out across Northern Ireland, with community placements of up to 100 hours (depending on the level of the fine unpaid) replacing prison. Placements are organized by the Probation Board and an element of debt management advice has been included in the pilot. Prison would need to remain the ultimate back-stop, but the aim of the SAO is to divert as many people as possible into useful community work instead.

To assist resourcing, an approach is being prepared to extend to Northern Ireland arrangements which have been put in place in England and Scotland in the past, to allow a certain amount of fine income to be retained (rather than passed back to the Consolidated Fund) for service improvement.

Timescale for change

Such wide scale changes cannot happen overnight, however, and these measures will require primary legislation. It is intended that these measures will be brought forward by the development of provisions to be included a Justice Bill that the Minister is planning to introduce to the Assembly by January 2013.

Summary of responses and way forward document

In announcing his strategic way forward on fine enforcement in February 2012, the Minister also published a summary of responses to the consultation exercise on the Department of Justice website at www.dojni.gov.uk.

Criminal Justice Policy and Legislation Division

June 2012