



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

OFFICIAL REPORT
(Hansard)

**Overview Briefing on the Northern
Ireland Prison Service**

13 May 2010

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Lord Morrow (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Jonathan Bell
Mrs Dolores Kelly
Mr Alban Maginness
Mr David McNarry
Mr John O'Dowd
Mr Alastair Ross

Witnesses:

Mr Colin McConnell)
Mr Mark McGuckin) Northern Ireland Prison Service
Mr Robin Masefield)
Mr Max Murray)

The Chairperson (Lord Morrow):

We are to receive an overview briefing on the Northern Ireland Prison Service. I welcome Robin Masefield, who is director general of the Northern Ireland Prison Service; Colin McConnell, who is director of operations; Max Murray, who is director of programme and development; and Mark McGuckin, who is director of human resources and organisation development. I remind members that today's proceedings are being recorded by Hansard. I invite Mr Masefield to make a presentation, after which members may wish to ask questions. The Committee is delighted to have you here.

Mr Robin Masfield (Northern Ireland Prison Service):

Thank you. We welcome the opportunity to brief the Committee and to answer its questions. Would it be helpful for the Committee if the other witnesses briefly introduced themselves before I proceed with the rest of the briefing?

The Chairperson:

Yes.

Mr Mark McGuckin (Northern Ireland Prison Service):

Good afternoon. I am director of finance and personnel in the Prison Service. Shortly, I will take my new post as director of human resources and organisation development, which came about because of an internal reorganisation. I have been in the post for five years, and I have about 12 years' experience in the Prison Service. I also have 35 years' experience as a civil servant in various jobs, including security, justice, and so on.

Mr Colin McConnell (Northern Ireland Prison Service):

I am on a three-year secondment to the Northern Ireland Prison Service from the National Offender Management Service (NOMS) in England and Wales. I have had an extensive career in prisons management in Scotland, England and Wales, and I worked to Ministers in England and Wales.

Mr Max Murray (Northern Ireland Prison Service):

I have worked in the Prison Service for 32 years. I joined as a direct-entrant assistant governor. During my career, I have worked in all prisons in Northern Ireland, including a significant time at the Maze. Latterly, I was governor of Magilligan prison, and formerly director of operations before Colin took up the post on 7 April. I am director of programme and development in the Prison Service.

Mr Masfield:

I have been in the Civil Service for almost 37 years. I still do not regard myself as a career civil servant. During that period, I spent 12 years or so working in prisons, three-and-a-half years of which were in the English Prison Service and the remainder in Northern Ireland. I also had a variety of postings with the Northern Ireland Office, the Home Office and the Hong Kong

Government.

I will give a brief introduction on the organisation and then outline some reflections on challenges and priorities. In addition to the initial material, I am conscious that the Committee received notes on the four directorates and a recent letter from the Minister of Justice. That information covered the cost per prisoner place, clarification of the Minister's responsibilities and the residual role of the Secretary of State in some limited national security matters.

The Prison Service consists primarily of three establishments, each of which is headed by a governor. They, of course, are not here. Four of the five executive directors who are based in headquarters are present today. The fifth is Alan Smyth, but there was no room for him on the Front Bench. We also have three non-executive directors, including Phil Wheatley, the director general of NOMS, for whom Colin was working recently. We will shortly complete a reorganisation of headquarters following a review by John Hunter, which I commissioned. That will be completed very soon with the appointment of a professional accountant to head our finance function.

We have restructured headquarters into four directorates, which we think will better match our priorities. There are four main areas of focus: Colin will lead on operations and improving performance at establishment level; programme and development, which Max is heading, includes the much-needed prison to replace Magilligan, the implementation of the sentencing framework and women prisoners; human resources organisation development, which includes our major workforce reform programme, which I will touch on shortly and which Mark will head; and finance, which includes the efficiency agenda.

There are around 200 headquarters staff, which is a small proportion of the total strength of 2,350, of whom 1,900 are Prison Service or uniform grades. The budget for the current year is approximately £132 million for resource and £25 million capital. The service has been an operational executive agency since April 1995, but, as an agency, we are rather unusual in that we include the role of being the Minister's chief policy adviser on the matters for which we are responsible.

My colleagues and I would not want to claim that all is right with the service. We have many good and experienced staff with a clear commitment to public service, but we recognise the need

to develop further and we believe that we have many who are prepared to champion culture change. We recognise that — perhaps inevitably for historical reasons — as external studies have pointed out, we are an insular, unionised organisation with a poor physical infrastructure. Although we have been expensive compared with sister services in Great Britain, that gap is closing. We are now less than twice as expensive as England and Wales, and indeed Scotland, and our cost per prisoner place is just lower than that in the South.

We have, of course, a challenging client group. More than one third of the prisoner population is on remand, which is more than double the proportion in Great Britain. Some 14% to 15% are life sentence prisoners, which is a markedly larger proportion than in Britain. There are comparatively small female and very small juvenile populations, and we have, of course, a challenge from those with paramilitary connections.

As senior managers, we are very conscious of the increasing expectations of the public and their elected representatives. We have tried to take the lead in providing greater transparency along with increasing scrutiny. Perhaps our biggest challenge, as the Criminal Justice Inspection points out very fairly, is translating strategy and policy into delivery, as measured in outcomes for prisoners and others.

We have made some recent progress. On the cost and efficiency front, we achieved a three-year pay deal, which cut staffing by 10% up front, and we have reduced our costs per prisoner place, as I said. We have taken in some 500 new uniformed staff. Our diversity strategy recently received gold award status and, interestingly, we receive a higher level of applications from women than does the Police Service of Northern Ireland, although a lower rate of applications from Roman Catholics.

I mentioned physical infrastructure, and we recently completed two new house blocks, which, very positively, provide vastly more efficient staffing and effective engagement with prisoners. Another two house blocks will shortly be contracted. We have a clear focus on prisoner care, particularly with our Health Service partners in the South Eastern Health and Social Care Trust. We published gender-specific standards and introduced specific training for staff working with women and juveniles.

We recognise that the devolution of policing and justice powers provides us with further

opportunities by contributing to the addendum to the Programme for Government, in line with the Hillsborough agreement. We look forward to working with other Departments in ways that will help us all focus on issues that directly affect reoffending. As members of the Committee know, all the evidence demonstrates that prisoners on release who have employment, accommodation and effective family ties are much less likely to reoffend.

We have advanced plans, subject to completion of the business case, to replace Magilligan prison. We are bringing forward an options appraisal for a women's facility, and we recently made arrangements with the Youth Justice Agency that provides them with a greater opportunity for case management of children who are aged under 18 in Hydebank Wood. We mapped out a major workforce reform programme, which is designed to build on those developments with a clearer focus on staff working with individual prisoners to reduce reoffending and costs and to tackle the insularity that I referred to earlier.

We welcome the review across the service in line with the Hillsborough agreement, as announced by the Minister of Justice. We look forward to working with the review team and, indeed, the Justice Committee as we seek to lay the foundations for a service that truly delivers on our vision of being recognised as a model of good practice in dealing with prisoners and being valued and respected for our service to the community.

Finally, if I may, I will make two offers to members of the Committee: we would be delighted to facilitate any visits, individually or collectively, to any of the establishments; and, if there are particular topics that Committee members would like to explore more fully separately, we would be delighted to engage in discussions on those as well.

The Chairperson:

Thank you, Mr Masefield. You said that all is not right in the Prison Service. Does that mean that something is dreadfully wrong?

Mr Masefield:

I would not say wrong to that level, but I am conscious that we face a number of challenges. We are a small service that is seeking to move forward. We have been in transition for some period and we have had a number of critical external reports. I recognise that those reports — from the Criminal Justice Inspection, Her Majesty's Inspectorate of Prisons and the Prisoner Ombudsman

— were constructively critical. We are very much seeking to build on that and take the service forward.

The Chairperson:

How much time do you think that it will take to put those wrongs right?

Mr Masefield:

There are different timescales. Tony Pearson, a former deputy director general of the English Prison Service, who has just completed his second report, which was published on 25 March, clearly referred in his first report to a three-year programme, to at least put in place everything in Maghaberry that we would want. The time frame for some of the other work will be longer still, such as that for work on the physical infrastructure. For example, the replacement prison and the women's facility will probably have a time frame of between five years and 10 years.

The Chairperson:

Over the next five years to 10 years, what is happening or not happening in the prisons and to what degree will all that impact on society at large?

Mr Masefield:

Given the comparatively small size of Northern Ireland, we are very conscious that prisons are an important part of the wider community. It may be a wee bit of a cliché, but we are also very conscious that when individuals are committed to prison by the courts, whether remanded before a sentence is delivered or as a result of the sentencing, they are apart from the community but still a part of the wider community and, in virtually every case, they will be returning to the community. We are keen to play our part, not just by working with prisoners and providing a range of programmes and a criminal justice framework to address offending behaviour but by providing a range of other services that will seek to ensure that those individuals will play a fuller part in society on their release.

Mr McNarry:

Robin and colleagues, you are welcome. Like the Chairperson, I picked up on the remark that all is not right, although, I had hoped to hear that all was right. I respect your honesty in saying that. Will you elaborate on what the concerns are?

Mr Masefield:

There are two or three main issues to highlight, which have a common theme. They impact on the outcomes for prisoners and the services that we provide. In a way, it links directly back to the answer that I just gave to the Chairman.

Our staff have had a long history. We let go just over 1,000 staff, many of them on early severance terms, after the Maze prison closed around 2000. That left us with a cohort of staff who were mainly in their 40s at that stage, most of whom are still with us. Despite having an expanding prisoner population over the past seven years or so, we have managed to reduce the comparative staffing levels so that we have not recruited at main grade officer level for 16 years. That is very different to the Police Service of Northern Ireland or to the Irish Prison Service. They have had a significant influx of new staff and have had different ideas and opportunities to train them as they came into the system.

Secondly, there is the challenge of the physical infrastructure. I am not using that as an excuse, but it is undoubtedly true that improvements in the physical infrastructure would enable better prisoner engagement, reduce staffing costs and aid the provision of a better outcome. Magilligan prison, for example, is frustrating. It is long and thin and it takes quite a while to move prisoners from the accommodation blocks to the workshops, education classes —

Mr McNarry:

Let me interject: I understand the problem now that you have explained it to me. Is a career in the Prison Service no longer attractive? Do you mean that you need to recruit in order to cope with the gaps that you have? Let us be quite frank: if you do not need to recruit, is there a mentality problem? Are there gaps or differences in implementing management decisions on the ground or on the shop floor, as I would put it?

In a response to the Chairman, you said that some of these problems may take 10 years to put right. I trust that you were not talking about that kind of industrial problem. If we are looking at time frames, how soon you would expect to have the problems that you mentioned sorted out? That is very important.

Also, what is the current threat to your staff and officers?

Mr Masefield:

I will answer the first question and then bring in my colleague Mark, who is responsible for industrial relations and the workforce reform programme, which may give you a little comfort. I will answer the question on security.

As I said, we have not recruited at main grade staff level for 16 years. We reached a successful pay and efficiency agreement with the Prison Officers' Association (POA) some three or four years ago, which allowed us to bring in three new categories of staff. Broadly operational support grade staff were brought in at half the salary that the main grade officers who came in before 2002 are now at. That is an efficiency and it is right, because those individuals, who are valued members of the service, have less contact with the prisoners. That is the rationale behind it. With the agreement of the Prison Officers' Association, we could take in another 150 of those staff at that rate, but we have 150 more staff than we strictly need at the main grade officer level. It is about working through some of those practical implications.

We have a very healthy level of applicants for posts, particularly for the officer support grades. As I said earlier, more than 40% of applicants are women. Indeed, in one competition, more than 50% of the women were successful. In addition, close to 30% of applicants are Roman Catholics. We are moving steadily in the right direction.

Mr McGuckin:

We have been successful in bringing in new grades of staff to carry out some of the functions that do not require the full set of skills and competences of a fully trained prison officer who engages with prisoners daily and hourly and effects change. Those competitions are oversubscribed, so we get very good outcomes from them. As we have done that, we have reduced the number of long-term staff in post. People have retired and have left the service through natural wastage and so on. That group of staff has been around the longest. The challenge is that they come very much from a security background. There is an emphasis on those issues. We want to move them from that position into one in which the outcomes for engaging with prisoners, the impact that they have with prisoners and the factors that address offending behaviour are being addressed. The real focus of our workforce reform programme is to look at those individuals and the structures in which they operate, and train and develop them to give them the skills, competences and confidence to deliver against the new agenda.

Mr McNarry:

I am impressed with what you are telling me. Basically, you can do all that within the current budget that has been allocated to you. I introduce the situation that we will all find in respect of resources and, obviously, money. I need you to be honest with me and not be like Oliver Twist — asking for more. You have a budget. From what you said, I assume that you can live with it. I assume also that that budget is ring-fenced for this financial year, as, it seems, is everything that comes from those who are lucky enough to be in the NIO. However, it is a changed regime here now.

In light of the fact that the budgets will all be affected — I understand that you have been living with efficiencies also — what will be the impact of the cuts that you have obviously anticipated coming into your systems? Will you prioritise? If so, in what direction you will do so?

Mr Masefield:

I will respond to the first point. I remember being in this Chamber with the Assembly and Executive Review Committee, and we were asked similar questions. At that stage, we said honestly that the Prison Service was not in a position to bid for additional funds. We also said that we did not have as much money as we would have liked in the last financial year or the current one. We had to make something in the order of between £5 million and £6 million of savings last year. We have a requirement to make something in the order of £2 million of additional savings in the current financial year. Given that 70% of our outgoings are for payroll, it will inevitably impact on the staffing. As we described earlier, we have some challenges in that regard. We have a low wastage level. In many ways, it is good that people do not want to leave the organisation. Equally, however, that impacts on our ability to drive forward those efficiencies and make the obvious costs from the change in the workforce that we have agreed with the Prison Officers' Association. It will be a challenge. A strategy is in place to deliver those savings in the current year. Looking ahead, it will be more of a challenge. We have an approach that we had worked on previously, but we want to run that past the Minister of Justice and the Committee.

Mr McGuckin:

The short answer is yes. Robin has already identified that our budgets were cut this financial year, and we are contributing as a consequence of that. We will find the necessary savings in-year to enable us to live within that reduced budget. We anticipate that there will be further

challenges to the budget. Part of the workforce reform programme looks at what individuals do and how they do it. It looks at the efficiency of deployments to see whether there are things that we might not need to do in future as well as at ways of making the service more efficient.

Mr McNarry:

You said that the Prison Service is doing things more or less efficiently, but that does not mean anything to me, because you did not say what you are and are not doing. I do not need to know that now; perhaps you could drop us a note to tell us exactly what things you are referring to.

Is it correct that there are no political prisoners any more?

Mr Masefield:

I will answer that question in a different way. A number of individuals have sought to move into separated accommodation. To do so, they must meet certain published criteria.

Mr McNarry:

Do we have political prisoners or do we not?

Mr Masefield:

In order for those prisoners to demonstrate whether they meet the criteria for separated accommodation, they need to be a member or a supporter of a proscribed organisation, which is a legal term in the Terrorism Act 2000. I look to the police and other services to provide me with that information.

Mr McNarry:

It may be a matter of trying to hang some sort of label on those prisoners. I will finish with this question.

The Chairperson:

Mr McNarry, I do not wish to cut out anybody, but please remember that other members wish to ask questions, too.

Mr McNarry:

I wish to tie my point in with an earlier one. Do political prisoners, or whichever description you

wish to put on them, cost more to cope with than other types of prisoners? Has the Prison Service covered itself for any budget adjustments that might be necessary if, heaven forbid, there is an increase in paramilitary activity and in the numbers getting caught and locked up?

Mr Masefield:

I will try to answer in the context of historic and current events. The Prison Service was given additional funding by the Treasury in 2003-4, when, following the Steele report, separation was introduced in the Bush and Roe houses at Maghaberry. We reduced that figure significantly, because the numbers who qualified did not merit it. However, as the Criminal Justice Inspection has pointed out in previous published reports, the staffing levels in those two blocks rose. A degree of additional expenditure was, therefore, required.

Mr O'Dowd:

I welcome the witnesses this afternoon. I wish to cover two areas. First, I wish to talk about the make-up of prison staff and the prison regime. Mr Masefield, in your opening remarks you said that the Prison Service has a unionised workforce. However, many people in my community feel that it has a unionist workforce and mindset when it comes to how the prison administration is delivered here. How is the Prison Service reaching out to the broader nationalist and republican community in respect of recruitment as well as the emblems and symbolism in jails? How are you attempting to bring the Prison Service into the twenty-first century in line with the rest of society?

Mr Masefield:

I will try to deal with that question in a number of ways. I understand your point. First, during external and internal recruitment exercises, we make it clear that applicants from under-represented areas are particularly welcome, which is in line with the advice of the Equality Commission and of the Department of Finance and Personnel. Traditionally, those groups are women and Roman Catholics. As I said, the number of applications from both groups has been steadily increasing in recent years, and that is very welcome.

Secondly, we have a positive diversity strategy, and Mark is our board champion for that. The strategy has won a gold award. Indeed, only yesterday, we made a presentation at an external event for a further potential award. You may say that having a strategy is one thing but that delivery is another. Indeed, that is an important point to consider when implementing the

strategy. We are also committed to a review of the working environment, and we have been making strides to introduce that. Mark will give the Committee an update on where we are with that.

Mr McGuckin:

A range of things is going on. Part of the difficulty is that if you are not recruiting many people, you cannot reach out as effectively as you would otherwise want to. We have been successful. For example, our diversity strategy contains a target to have 35% of applications from the Roman Catholic community and 40% from women by 2011. Some of the steps that we have taken in our outreach have come through. Much depends on the nature of the competition, and whether it is for nurses or teachers, and so on. The competition that I would consider to be the most significant is the one for the operational support grade, which is a uniform grade. In our most recent competition, 26% of the applicants were Roman Catholic and 36% were female. The figures for the appointments were similar to that, although with more females appointed. Some of the work, therefore, is effective.

Mr O'Dowd:

I am not sure whether a figure of 26% can be called effective. The nationalist/Catholic community accounts for around 45% of the population.

Mr McGuckin:

A move from the baseline towards the target that we have set and are aiming for is a move in the right direction. There is more work to be done, but we can go further and would wish to do so.

The strategy deals with a range of internal issues and looks at existing staff and the culture in which people are operating. There is a range of measures. The dignity at work policy is at an advanced stage, and we will shortly be consulting on it internally. Our workplace environment audit looks at a range of issues, such as how staff engage, levels of leadership, interaction and so on. It will be launched at the end of this month.

Mr O'Dowd:

Is that a public or internal report?

Mr McGuckin:

It is an internal audit. Our diversity and equality adviser, for example, will be engaged in the audit, and it will be led by an officer from the Probation Board. He or she will take an outside look at things and bring some independence to the process. It is, essentially, an internal process.

Mr O'Dowd:

I have no doubt that it is a subject that we will return to on many occasions.

I want to ask Mr Murray about women's prisons and women's strategies. There are concerns about the treatment of women offenders and people who are on remand. I am looking through the briefing document that we received. I am not sure whether you supplied it to us or whether it is an internal document, but its shortest paragraph is on the treatment of women. That may suggest that it reflects the broader working of the Prison Service on women's strategies. The panel before us is male-dominated. It is difficult. Political parties are trying to promote women as well, and I acknowledge the challenges that exist. What is the Prison Service doing to ensure that its facilities meet the needs of women prisoners? You mentioned recruitment, and I accept that you are making inroads into recruitment, but what is happening with regard to the treatment of women prisoners?

Mr Murray:

In June 2004, women prisoners transferred from Mourne House in Maghaberry to Hydebank Wood, and that was on the back of a very critical Human Rights Commission report. I was part of the decision to transfer them to Hydebank Wood. That decision has had the desired effect of moving them from a high-risk cultural environment to a low-risk environment, and it has allowed the regime for women prisoners in Hydebank Wood to develop significantly in a more relaxed way and in line with an ethos more suited to their needs.

The gender-specific work that has been taken forward and that was put out to consultation as part of the draft strategy for the management of women offenders has been developed into a comprehensive action plan for implementation. Again, there are many problems. There is no doubt that women prisoners in custody in Northern Ireland have particular needs around mental health, personality disorders and addictions. We are engaging and working with the Health Service, for example, in trying to meet and address those needs. Two or three years ago, the Prison Service separately funded cognitive behavioural therapy nurses from the local trust to

provide support services assistance to staff. Last year, we rolled out the women awareness staff programme (WASP), a significant comprehensive training programme on the specific needs of women, which was brought over from England and Wales. In fact, that programme will run again next week to ensure that staff are kept up to date.

We are also doing our best to achieve — without always managing it — the 70:30 split to ensure that 70% of the staff who work with females in Ash House are female. Certainly, the governor in charge and the principal officer — the management of the house — are female and, therefore, have a better understanding of female-specific issues.

We need to do further work to make facilities available, including education facilities. However, at the same time, we have made significant strides in ring-fencing the area at Hydebank Wood where women are offered free movement. There is unescorted movement from Ash House to the education area, and those women now have access to their own gardens and to an excellent exercise yard.

Lastly, the Prison Service has already accepted that the current facilities are not ideal or suitable for the long-term management of women prisoners. We must engage on securing an establishment specifically designed to meet women prisoners' needs.

Mr O'Dowd:

On that latter point, how far advanced are plans to move towards a specific unit?

Mr Murray:

We have completed an initial business case that the then Minister, Paul Goggins, considered. That case needs to be re-energised and brought forward again now that justice powers have been devolved.

Mr Masefield:

There is no lack of energy on the part of the Northern Ireland Prison Service in that regard. To be honest, we could have brought it forward in the dying days before the devolution of justice powers, and a decision could have been made by Paul Goggins. However, we thought that it was right to save the decision for David Ford. The population projections are currently being refreshed.

Mr McNarry:

How did you know that it would be David Ford?

Mr Masefield:

Because he told us — when he was announced as Minister.

We hope that an options appraisal will be available for publication before the summer break, because it is important. Max Murray and I would both say that we are absolutely clear on what the aspiration is. The Probation Board has already taken forward a lot of good work around Ash House and the Inspire project, and we have the strategy for the management of women offenders, which is excellent. However, I fear that it is going to come down to the funding of both capital and running costs, potentially. I am sure that the Minister, the Committee and the others who are involved will want to consider that balance carefully.

The Chairperson:

Since the dogs in the street knew that Mr Ford was going to be the Justice Minister, it must be reasonable to assume that Mr Masefield knew, too.

Mr Ross:

The first of two issues that I want to raise is the cost per prisoner place in Northern Ireland. I think that it was said earlier that the cost has come down over the past three years, which I acknowledge. However, the cost per prisoner place here is still much higher here than it is in GB. Obviously, that reflects Northern Ireland's unique security situation, which includes terrorist campaigns and paramilitary groups. How does the Prison Service intend to reduce the difference in cost? Is the current dissident threat hampering progress on that?

Mr McGuckin:

We provided the Committee with a paper in which we set out some of the cost per prisoner place issues. I will not go over them all again. I do not know that we will ever be able to match the cost per prisoner place in other jurisdictions, particularly those that are much bigger than ours, which have economies of scale and specialist establishments that operate at a much lower overall cost.

Mr Ross is right. There are differences between the number of staff that we have here and the numbers elsewhere, and there are differences in the salaries of those staff. Those are key drivers in this issue. As Robin said, we have introduced new grades of staff at a reduced cost to do some of the work. They are perfectly capable and are skilled and qualified to do that work, and that has helped to bring down some of our costs up to this point. We also have plans to recruit a further 140 or 150 such staff to bring us up to the level at which we should be, subject to the natural wastage of the other grades. In time, that will help to bring down our costs.

We have introduced new salary levels for the main grade staff who came into that grade after 2002. Those salaries are capped at a lower level than the existing salaries of staff with very long service. As staff retire and leave through natural wastage, the overall costs will come down. It is a progressive process.

Mr McNarry asked about the workforce reform programme. Part of that programme is about looking at doing things differently, and, through that, learning from the experiences elsewhere of delivering certain functions and whether work can be done more economically using staff in a slightly different way. Part of that is going to be about reducing the overall costs, and the other part is about releasing staff to go and do the things that we really want them to do and which will have an effect on levels of recidivism. Those two elements will, over time, bring down the overall costs. However, I would argue that we have done well in recent years. We used to be three times as expensive as England and Wales. We are now less than twice as expensive. There is more work to be done, but we have shown that we can get on with it.

Mr Ross:

Many prison officers did a difficult job in very dangerous circumstances in Northern Ireland in the past, and I pay tribute to them. Would you be concerned that, given the increased and prolonged dissident threat, you will have difficulty recruiting for the grades that you are talking about at lower pay scales?

Mr McGuckin:

There has been no evidence of that. I have no reason to suspect that that would be the case. The Prison Service can offer an individual a good career. We will be recruiting broadly at that level for the future, and there will be opportunities. I hope that we will be able to attract the right number of people of the right calibre to take us forward.

Mr Ross:

We have heard much recently about prisoners being prepared to re-integrate into society and about ensuring that they have a proper education. What sort of education programmes are run in the prisons? What type of work are prisoners engaged in? There is a public perception that prisoners do not give enough back to society. Perhaps the work that they engage in could be directly beneficial to society. For example, Mr Bell and I visited a recycling plant this morning. The managers of the plant are having difficulty getting local people to do the low-skilled jobs that are available, and they rely on migrant workers to do them. The jobs that those people are doing have a positive impact on Northern Ireland, and they are making a positive contribution. Not only are they doing that, but they are getting NVQ qualifications at the same time. Can you give me a taste of the work that prisoners are engaged in and tell me whether there are programmes that enable them to give back directly to society?

Mr Masefield:

The example that you mentioned is one that I am very keen on. We have had links with Extern for a number of years. In particular, I have, to use Max's phrase, energised that in the recent past with Extern Recycle. That is clearly a very good opportunity; we have an excellent recycling facility at Magilligan. However, there are opportunities for us, not just to enable long-term prisoners to achieve NVQs but to enable them to make that direct link between employment within the prison and outside it on their release. That is something that we are striving towards.

We have just put an excellent learning and skills strategy in place, and we will publish that in the near future. That will answer some of your questions and demonstrate the areas of progress that we are committed to working towards over the next two to three years. Magilligan prison is, perhaps, the best example. It is a training prison, which now takes individuals who still have up to nine years of their sentence left to serve. It has two particular functions, one of which is to provide essential skills and build up literacy and numeracy. Nearly two thirds of offenders have no literacy or numeracy skills beyond those of an 11-year-old.

What we do is fairly fundamental. As part of the strategy, we are trying to integrate literacy and numeracy and essential skills into everything that we do. When an individual goes to the woodwork shop or the plumbing workshop — there are similar examples in Hydebank Wood — he will get reinforcement, for instance, in basic mathematics and the use of a tape measure. We

are trying to integrate all that into our work, and we are making some important new appointments of heads of learning and skills to make that connection.

A number of skills, such as woodwork and metal fabrication in Magilligan, would be slightly more traditional. Those are still accredited, and an excellent job is being done. There is also more modern work such as computer work. We try to provide individuals with skills that will be appropriate for their release into modern society.

To be fair to us and to our staff, we have probably struggled most at Maghaberry. That is largely because it has the highest proportion of remand prisoners, who cannot be obliged to work. We try to provide education facilities, although the amount of teaching that is made available there is probably not as much as you or I would like. However, a strategy is in place, and we want to build on the strength that we have shown.

My last point is a good example of the benefits of devolution. We have good links with the Department for Employment and Learning, and there is a real opportunity to build on those and to acquire further expertise. Magilligan has support from North West Regional College, formerly Limavady College. It is the only one of the three prison establishments that has a direct link with a college. We will seek to create a closer working relationship between Belfast Metropolitan College and Hydebank Wood, for example.

Mr Ross:

Is the woodwork and metalwork being done purely to increase the skills base of the prisoners, or are they working on projects for the community?

Mr Masefield:

There is an element of internal production. The workshop at Magilligan, for example, has successfully produced prisoner cell furniture, such as wardrobes and tables, and medicine cabinets. We have sourced those internally through the provision of labour. Individuals can work towards NVQs in woodwork and catering, for example. Some of our staff, particularly those at Magilligan, work with prisoners who reach NVQ level. Indeed, the occasional individual works right through to NVQ level three, which is excellent. Those people can then get jobs in the catering business on the outside.

Magilligan is the prison that works best at the moment, and we want to build on that. Lest the other two prisons get up in arms, I should say that Magilligan is the prison that is working best in one respect, namely links with the community. A lot of prisoners' work is going out of the prison, and the woodwork and metalwork shops produce items such as park benches for local councils and the National Trust.

Mrs D Kelly:

Thank you for your presentation. The Chairperson spoke about what is going wrong in prisons, and you commented on the Criminal Justice Inspection reports. I assume that you had to respond to each of the inspection reports on a broad range of issues. Would it be possible for the Committee to see the implementation plans for the actions that are required of you?

Mr Masefield:

Yes. It is our virtually invariable practice to publish those at the time of the report, unless one comes out so quickly that we have not had time to finalise it. We will be very happy to share those with the Committee. Most will be on the website, but we will certainly do that for you.

Mrs D Kelly:

One of the reports stated that Catholic prisoners are treated less favourably as regards penalties and withdrawal of privileges, for example. What action has the Prison Service taken to address that particular criticism?

Mr Masefield:

We were conscious of that issue and concerned about it. We were monitoring the situation, and Max, as the director of operations, brought in better performance measurements to make us aware of the differentials. The matter was rightly picked up by the Criminal Justice Inspection; indeed, we pointed it out. We carried out our own survey, which we followed up with a more detailed investigation to try to get an understanding of what was happening. There were 18 or so specific recommendations, and we had an action plan to take that work forward. A four-person team was involved in the exercise. It was made up of two internal staff, a member of the Probation Board and an Irish Prison Service governor who worked with us for three months. We work increasingly collaboratively and closely with colleagues in the South.

We talked earlier about the diversity strategy, and we are putting more emphasis on that. Each

establishment now has equality and diversity committees that are chaired by a fairly senior governor. A close grip is being kept on the statistics. Interestingly, the statistics for Magilligan reflect that there is just about parity in the five or six main areas in which there may be differentials among the prisoner population. The statistics for Magilligan are roughly 50:50; there is sometimes a difference of 1% or 2% either way. That is not quite the case for the other two establishments. When I last looked, about 60% of the population of Hydebank Wood were from a Roman Catholic background. Inevitably, some slightly disproportionate numbers and adjudications come through.

I want to mention a final area on which I am very keen. A research and statistical exercise is carried out annually. However, we are working closely with colleagues from the criminal justice directorate and the Department of Justice on what is very much a research commissioning round, with a view to inviting external researchers to carry out what will probably be an academic study to enable us to better understand why those phenomena are occurring. Are they the result of something outside the Prison Service for which we may or may not have answers, or do they happen when individuals are in custody?

Mrs D Kelly:

The simpler answer may just be that there are prejudiced attitudes among some of your prison staff. Your briefing paper says that a culture change is required at the Prison Service College. Presumably that applies to some existing officers as well as to new recruits. Only this week, a press article claimed that no disciplinary action was taken against a prison officer at Magilligan prison for the offence of wearing a Catholic prison chaplain's vestments and making a mockery. That does not inspire much confidence in the Prison Service among the nationalist community. How many officers have been disciplined in that prison for such activity, whether it be racist or sectarian?

Mr Masefield:

We would want to come back to you on that. We are very clear about such behaviour. We have a code of conduct and discipline and a diversity strategy. The independent monitoring board drew that matter to our attention at Hydebank Wood, and we have paid particular attention to it as a consequence. I do not accept that staff are prejudiced. The vast majority of our staff are extremely professional and strictly objective in their views.

I will, however, give you a sense that I am not closed in my mind to such potential issues. I attended a conference held by the English Prison Service, where Colin was in 2009. There was a powerful presentation on a black and minority ethnic (BME) report that had been taken forward externally. The main conclusion was that, despite all the efforts that had gone into race relations and equality in the Prison Service in England and Wales, there were still issues. The report seemed to suggest that that was because of the level of discretion awarded to the individual officer, so there was a range of recommendations. We are looking at that to see whether there is an analogy with our context as we take forward our diversity and equality strategies.

Mrs D Kelly:

It would be interesting to know the time frame for that.

Mr Murray:

There are, and have been, monthly meetings with the governing governors and myself. I get the report statistics on the equality monitoring. I hold the governor to account on those reports, as Colin will be doing in the future. The governors have to explain and demonstrate how they have brought forward inquiries into any indication of bias with regard to the discrepancies that are identified in the report. That is done through the ethnicity and diversity committees.

The ethnicity and diversity committees in the prisons comprise a wide range of individuals, including, for example, the RC chaplain at Hydebank Wood and, I think, Magilligan. Prisoner forums were introduced in the past six months, and they have cross-community prisoner representation. We can hear at first hand concerns and complaints that are based on prisoners' perception of how they are treated. We are trying to put in place as many safeguards as possible to monitor what is happening.

Mrs D Kelly:

There were recent media reports about the amount of drug taking and drug dealing in the prison system, not only here but elsewhere. A friend of mine is a prison visitor, and some prisoners whom she visits had a history of alcohol abuse, but, since going into prison, they have developed a drug addiction. What safeguards are you putting in place to deal with drug dealing and abuse, or, indeed, alcohol abuse, so that people resettling into the community do not end up in a worse state than they were in when they went into prison?

Mr Masefield:

That is a big issue for us from the operational perspective. Max, Colin and I accept that, unfortunately, the supply of drugs and alcohol in a prison can never be reduced to zero, despite one's best efforts. Clearly, that would be the objective.

Two years ago, we conducted a big exercise internally that was benchmarked against good practice in England, Wales and the Irish Prison Service. We published a report in July 2008, which included a range of measures that we were going to implement. However, our organisation has some disadvantages compared with other services, perhaps in two or three ways. It is certainly the case that we have more movement of prisoners during their sentences, particularly towards the end of their sentences when they quite rightly go out into the community. Our arrangements for resettlement leave and compassionate release are more generous than in England and Wales.

In addition, although we do strip-searching and full-body searching, we do not search body cavities. We do our best, but, unlike some organisations, we have set our minds against that approach. There is good evidence of individuals in visiting rooms smuggling or trafficking contraband — usually drugs — that is concealed in body cavities. Sometimes, that gets past the passive drug dogs, but we hope that it will not. Recently, we have undertaken a number of effective joint operations with the police, particularly at Maghaberry, which have caught individuals and are leading to prosecutions.

Thirdly, historically in Northern Ireland, we have a rather more open style of visiting arrangements. My colleagues regularly visit the South, which includes visits to Cloverhill and Wheatfield prisons. We were struck that there was not a single open visit in Cloverhill prison, which was built within the past 10 years or so. In other words, there is a screen virtually from ceiling to floor. That means that it is physically impossible to pass drugs in the visiting room. We do not do that in any of our three establishments. We are looking at introducing some barrier visits of that sort at Magilligan, but that is specifically to deal with individuals who may have a history of trafficking.

Finally, we have changed the prison rules. They changed in February and, from 1 June 2010, we will move to saliva testing with point of contact analysis of the results. That is a much quicker way of getting an assessment of whether an individual has taken drugs than using urine

tests, with which we have to wait for several days before we receive the response from the separate laboratories. We are being proactive in that area in a range of ways.

Mr Bell:

Thank you for your presentation. More importantly, thank you for the commitment of Prison Service staff over the past number of years. Everyone in society owes you a tremendous debt of gratitude for what you have accomplished over the past number of years. *[Interruption.]* We know that it was accomplished at great price. Prison officers were shot.

The Chairperson:

I am sorry for interrupting you, Mr Bell. There is obviously someone who still has their mobile phone switched on. Will everyone double check?

Mr O'Dowd:

It was mine. I have turned it off now, Chairperson.

Mr Bell:

Withdraw his privileges.

We owe you a great debt. You faced a tremendous risk from all sides. Prison officers were shot while on duty and off duty. I do not think that any of us underestimates the difficulties of dealing with people who would take a single mother of 10 and shoot her, torture her, strip her and murder her. A big price was paid, and we must acknowledge that. As has been said, however, we have moved on and we hope that we continue to do so.

Mr McNarry raised a point that we have not yet successfully heard an answer to. How grave is the threat currently to your prison officer men and women? The entire responsibility for recruiting people from the Roman Catholic and nationalist community does not lie with you; part of it must lie with dissident republicans who see fit to target people and blow off the limbs of police officers and murder them. Are you satisfied that the resources are there to match the identified threat that you face?

Mr Masefield:

I will make a number of points. The threat assessment is given to us by our advisers. For

individual prison officers, unless there is a specific threat against them, it would be at the moderate level. As an organisation, it is substantial, which is one below that of the police. That is some reassurance for the organisation.

Secondly, the service has a responsibility and duty of care to its staff, clients and prisoners, and is conscious of an increased threat level and an increased number of warnings. Those threats principally, but not exclusively, relate to dissidents and they are shared with staff members.

Many staff also had security measures installed in their own homes in the past, and the service operates an effective internal security scheme through which it can provide practical and quick physical support to an individual's home if the threat level warrants it. That is a strength the service has, and I pay tribute to the individuals who are involved in that area.

Some unattractive and unwelcome references are being to be made towards individual members of staff, who are doing their jobs under pressure to the very best of their ability. I deplore that.

Mr Bell:

Will you just unpack that? What does a moderate level actually mean for the number of threats on prison officers? I am not interested about where the threats are coming from but about the number of current threats. Can I go away from here today satisfied that everything that can be done to assist and secure your men and women is being done? They are public servants like doctors and nurses, and are doing a difficult job on behalf of society.

Mr Masefield:

You should be able to do so. However, it may be helpful to have a further discussion about that outside of the Chamber when we could go into more detail.

A number of proactive steps have been taken in liaison with the police. For example, we issued some external body protection to the members of staff who are most particularly exposed, and there are one or two other practical measures that we have taken for members of staff who are perceived or perceive themselves to be most at risk. That is a priority and the service is liaising with the staff associations on it. The service is also closely in touch with the police to ensure that they are alert to and aware of any generic threat that may arise.

Looking ahead, it is a good question as to whether the service is satisfied that it has every necessary resource. As senior managers, we must balance the nature of the threat at any given time, our duty of care and the level of resource that is available to expend on that. However, if the threat level increased and the service was advised that that was the case, it would have no hesitation in providing greater resources.

Mr Bell:

Mrs Kelly raised the point about stopping drugs getting into prisons and, through my visits to young offenders' institutions over the past number of years, I am aware how difficult that can be. What is the current position on drug rehabilitation for offenders when they are in prison? Prisons are a microcosm of our society and if people are taking drugs in wider society they will also be taking them in prison. We want to stop the supply of drugs, but, as experience around the world has shown us, it is practically impossible to do so. What is being done to help those who genuinely want to come off drugs?

Mr Masefield:

I will begin and perhaps Max will follow. Drug rehabilitation is an issue for the service. It previously had three separate service level agreements with different service providers, which had some strength. However, I was clear that we needed to formalise the contract, clarify the specification and gear up the levels of programmes as well as providing one-to-one counselling. The service embarked on that route at the time of the transfer of lead responsibility for prisoner healthcare to the health sector and, from 1 October 2008, the South Eastern Health and Social Care Trust has had lead responsibility for drug and alcohol programmes in prisons. The trust took over the tender at that stage and the contract was subsequently let out in 2009 to Opportunity Youth, which provides services across the establishment through its Adept Project. The service is comfortable working with Opportunity Youth as it provides a good service in Hydebank, and is geared up with staff in place across all three establishments in a bid to tackle drug and alcohol addiction. It is also examining programmes to further develop that work in liaison with NOMS.

Mr Murray:

The new organisation recruited 18 staff in a short time who were inducted quite quickly. We even conducted local security clearances rather than wait for the full, comprehensive clearances to get them in as quickly as possible. They carry out risk assessments for people with addictions

and provide one-to-one counselling. At present, finding a cognitive-based programme that we can deliver is causing a logjam. There is a prisons-based programme in England and Wales called Prison — Addressing Substance Related Offending (PASRO), and a meeting is being set up this month to organise going to England to have our facilitators trained in the delivery of that programme through our Adept Project staff. We are satisfied that everything that can be done is being done at present to deliver services. The member is right: it is not just about supply reduction or trying to manage the supply of substances to people in prison who have addiction problems.

Mr Bell:

My third point is about Magilligan in particular and people convicted of sexual offences against children. I worked in family and childcare for the past 21 years. Securing a conviction is a difficult process. The service may need to come back with an answer, and I do not want to put people on the spot, but how many of those convicted of such offences are undergoing programmes to address their offending? How many of them are just marking time? I am conscious of a report that I read a number of years ago by the New York State Psychiatric Institute, which stated that, on average, a paedophile abuses on up to 75 occasions. Are behavioural programmes still optional? If so, how many inmates are marking time before being released to, in all likelihood, reoffend?

Mr Masefield:

I am conscious that time is passing, but I would like to answer that question as fully as we can. We will probably want to come back to the Committee on the detail of paedophile offences, because neither I nor, I suspect, Max will have specific details.

Sex offender programmes are available in Maghaberry and Magilligan. In Hydebank Wood, interestingly, we pioneered a programme jointly between the Prison Service and the Probation Board called safer lives, which is based the good lives model of rehabilitation. The Committee may be particularly interested in that programme and we would be delighted to share it with members. It is based not just on one-to-one counselling but two-to-one counselling by people from outside, including psychologists, working with the individual sex offender.

When it comes to adults, because the number of offenders is greater, we tend to look at programmes for eight or so individuals. The programme at Maghaberry is very structured. At

Magilligan, it is the rolling sex offender treatment programme (SOTP), which enables people who arrive at different times to join it, for nine or 12 months, for example, and still benefit.

Do we have as many people undergoing those programmes as we would like? For several reasons, the answer is no. One reason, which we have gone on the record about, is that we struggle to get hold of sufficient forensic psychologists, whose contribution makes them extremely valued members of the Prison Service. Simply put, there are not enough of them right across these isles to provide the service for the Prison Service and other organisations such as the Probation Board and, increasingly, health-in-the-community. Demand is exceeding supply.

I do not claim to be a great expert on the subject, but there are big issues about deniers. As Mr Bell will know, significant numbers of sex offenders remain in denial. They may be in denial of the main offence and sometimes they can engage on a subsidiary element of that offence, which enables one to get them into a programme. However, if they are in ultimate denial, it is very difficult and is an issue about which we are in touch with our counterparts in England and Wales. A denier's programme that was tried is being revisited because it achieved limited success.

Therefore, when we can, we would potentially do one-to-one counselling if a programme is not available. Unless Max has anything to add, we could write to the Committee with fuller details.

Mr Murray:

I will make just one other comment. If I may use the term, there is now no "hiding place". The new public sentencing arrangements, which include extended custodial sentences and indeterminate custodial sentences, are about risk and risk management of offenders, who must go before parole commissioners to secure final release. They must demonstrate to those parole commissioners that they have done something to reduce risk. Deniers are still a big problem, but unless offenders demonstrate that they have reduced the risk that they pose, they are unlikely to be released.

Mr Bell:

Magilligan has the lion's share of those who have been convicted of paedophilia. What percentage of sex offenders are participating in programmes? Would it be 50%?

Mr Murray:

It is certainly not 50%. A sex offender treatment programme, for example, requires people to have a certain level of cognitive ability in literacy and numeracy. Many people are ruled out because they do not have sufficient ability to work in a group session. Interventions are delivered to those people on a one-to-one basis, so it is not just about programmes. In the absence of qualified forensic psychologists, we have recruited psychologists —

Mr Bell:

I accept all that. Whether a programme is conducted on a one-to-one or group basis is not the kernel. The kernel is: how many people who have been convicted are not undertaking any programme?

Mr Murray:

It is a pure guess, but I would put the figure at 20% to 30%. People are not involved for all sorts of reasons, including denial and not pushing to participate in a cognitive-based programme.

Mr McCartney:

Thank you very much for your presentation and the offer to visit the various prisons. I do not want to speak on behalf of the Committee, but my party would certainly be keen to take up that offer. The Chairperson described today's session as an overview. There are issues about the incident at Maghaberry at Easter and the recent allegations of ill-treatment. Those are being investigated, so I do not want to prejudice that by talking about it today.

The Chairperson and other members took up your point that all is not right. I do not want to take your narrative out of context, but you described it as an “insular” organisation and made the point that sometimes strategy and policy do not translate into delivery. In your presentation, you talked about the Pearson review, the comments about blockages to the programme of reform and the citing of the POA. Will you elaborate on that?

Mr Masefield:

I will start and then colleagues may want to come in. It is important for any Prison Service to work with the staff associations. It is a cliché, but they are an integral part of the solution. During my time as head of the service, we have sought very consciously to develop positive, constructive relationships with staff associations such as the Prison Governors' Association, the

Northern Ireland Public Service Alliance (NIPSA) and, of course, the POA.

We have had something of a differential ride in the past few years. A very successful pay and efficiency agreement in 2007 led to significant changes. It did not perhaps deliver as much on regime development as we would have wished, but we have sewn many good seeds for the future. Sadly, we faced rather choppier waters with the POA as a result of the tragic death of Colin Bell in Maghaberry. We made progress and signed heads of agreement with the POA last September, which was very positive. We are looking forward to a workforce reform programme, and we will be delighted to share some of the details of that with you. It is a very important exercise, and the main staff associations were signed up for it. Sadly, we then entered another difficult phase, which we resolved shortly prior to the devolution of policing and justice powers.

I learnt the lesson that it is important to work closely with the POA. As the Pearson report outlined, we need to have constructive industrial and employee relations at national and local level. We are taking a number of steps towards that. For example, we have worked on a protocol that sets out the framework, attitudes and behaviours of how we will engage more constructively in the three local establishments.

Mr McGuckin:

With my particular hat on, I have had a lot of direct engagement in this area. It is absolutely essential that we work with the staff associations, because they represent our staff in their environment. We have worked hard to develop relationships and bring about movement. The pay and efficiency package and the consequential changes would not have been possible without those positive relationships. Robin mentioned the heads of agreement, which is the precursor to the workforce reform programme in which we are engaged. It is looking at what staff do, the outcomes that we can deliver, and so on.

There are occasions, from time to time, when incidents occur that can affect that relationships. We try to address those, move on and redevelop the relationships so that we can work together positively to effect the necessary change. Every organisation needs to operate and change on that basis.

Mr McCartney:

That is accepted. It is obvious that relationships between management and staff exist across the

sector. However, that is difficult to come to terms with in the case of Colin Bell's death. The public were made aware that officers were sleeping on duty; they had mattresses where they should not have had them. Yet we find that an independent appeal panel is needed to ease the matter through. I cannot think of any other circumstances in any other sector or in any other job where, if an organisation had been found to be grossly negligent, it would require such a panel to implement decisions that are obvious. That goes back to the point about a culture of strategy and policy not ensuring delivery.

I have seen many presentations from agencies, but today is the first time that I have ever seen a union representative — the local chair of the POA — being named in a presentation. I find it astounding that he has been given higher standing than he should have. That feeds into the idea that the organisation can have a strategy and a policy, but if the POA say that it is not a good policy, it is not delivered. That has been the practice since Colin Bell's death. The POA did not agree that it was wrong that people were caught sleeping on duty. Now, therefore, it is being obstructive about the regime changes that have to be brought about.

Mr Masefield:

I had better respond to that, if I may. I do not disagree with the sentiments that you are expressing, nor will I seek to defend the indefensible in any way. However, the point that certain members of the POA would make in that regard was that management failed to carry forward and comply with some of the requirements of the agreed code of conduct and discipline, which is a somewhat Byzantine document. The external panel found that there were failings on both sides. To be fair, as the area chair of the POA would agree, it is important that the individuals concerned face appropriate and fair disciplinary proceedings that, ultimately, decide what the outcome should be.

Mr McCartney:

Why, if that is the case, is there a need for an independent appeal panel?

Mr Masefield:

An agreement was reached with Minister Paul Goggins last July, following a period of withdrawal of goodwill, in two respects; principally, to look forward, which was important, because Mark and I had been looking to take forward a revised code of conduct, not least because England and Wales had done so. At this point, I will turn to my colleague, who was in charge of

industrial relations in the English Prison Service for two years and successfully brought forward a level of voluntary agreement with the POA nationally.

Mr McConnell:

As Robin said, it would be hard to disagree with many of the points that Mr McCartney made. Having come into the organisation, the reality for me is that relations, from time to time, are more difficult than they should be or have to be. That is the way it is. If I may, I will offer a fresh perspective: given the impasse that had been reached, it seems reasonable to me to take the steps that the director general took in order to move the business forward. However, I reiterate that I do not demur from many of the comments that Mr McCartney made.

Mr McCartney:

The Minister has announced a review. We have listened to a number of presentations, and we had discussions in the wake of the presentation that was made to the Assembly and Executive Review Committee. Maghaberry has a potted group of people and Magilligan and Hydebank Wood seem to have a more defined category of prisoner. Maghaberry seems to cater for life sentence prisoners and those on remand.

How will the Prison Service approach the review to ensure that the challenges that that diverse group of people pose to the system are addressed in the future? We could be back here in two years' time talking about the same issues if that situation is not corrected.

Mr Masefield:

That is a good question, which I will answer with a non-answer. This morning, I re-read John Steele's report from August/September 2003, in which he recommended that all fine defaulters should be sent to Magilligan. There were difficulties with that recommendation and reasons why we did not do that. However, those are the sorts of issues, which you rightly raised, that a fundamental review will give us the chance to readdress. We are starting to move in that direction. Mourne House has a section predominantly for lifers, which is good. We are delighted to showcase the new accommodation in Braid House to visitors to Maghaberry prison. We are trying to take a number of steps in the short term that are in line with our strategy. However, a review will give us a real opportunity to revisit some of those basic principles.

Mr McCartney:

I have one final question. In future, will there be prisoners at Magilligan prison with indeterminate sentences?

Mr Murray:

There already are. This year, we started to introduce life-sentence prisoners from the north-west to Magilligan prison as part of the progressive system for the management of lifers.

Mr McCartney:

Will there be a new category for prisoners who get a fixed sentence?

Mr Masefield:

Yes. Some of the individuals who have extended custodial sentences are now in Magilligan. We have not yet got an indeterminate custodial sentence under the Criminal Justice (Northern Ireland) Order 2008. However, we have one prisoner with an indeterminate sentence for public protection who was transferred from England.

Mr A Maginness:

Thank you for your presentation. The more I hear about industrial relations in the Prison Service, the more I despair. A very bleak picture has been painted here this afternoon. It is outrageous, to say the least, that subsequent to Colin Bell's death, prison officers took what was effectively industrial action to protect those who were allegedly negligent in carrying out their duties. Consequently, an appeal panel has now been established to try to resolve that issue, thereby giving in to what is effectively blackmail by the POA. I cannot imagine that being tolerated in any other part of public service, and it is outrageous that that was, in fact, tolerated. We are now in a situation in which the POA has conceded certain things because of legal action that was taken by the Prison Service. However, there is no guarantee that the POA will not re-engage in such action, which is clearly obstructive to good order in the prison. Have you any comments on that?

Mr Masefield:

On one level, I share many of your sentiments. I said earlier that I will not defend the indefensible. However, in light of the conclusions of the independent appeal panel, to be fair to the two individuals from the Labour Relations Agency (LRA) panel, whom the Minister identified last July, they pointed to a number of failings by management in compliance with the

code of conduct and discipline (COCD). The situation was extremely disappointing, because they made it clear in their report that the appeal should proceed in the normal way and that the points that they made could be discussed properly at that appeal. Mark and I spent a lot of time in discussions with the Prison Officers' Association to try to find ways to take that forward.

There is a slight point in that I have some sympathy with them because of the fundamental nature of the service. The Prison Service is small and insular, because its staff are largely home-grown. In comparison, the Police Service has individuals coming through to assistant chief constable (ACC) level who have usually served outside for a couple of years and then come back again. There is, therefore, a greater degree of miscegenation at senior levels in the Police Service. That usually means that there are staff available who do not know the background to a case and have not been involved in some of the proceedings, such as the director of operations. I, therefore, believe that there was a slight case for looking for somebody who had the relevant skills but knew absolutely nothing about that sensitive case. It is good news that that independent appeal panel will shortly be taking that forward. Whatever happens, we have agreed to abide by the outcome.

I pay tribute to Colin McConnell. He is an example of the sort of interchange that I am keen to develop. In the past year, two of our senior governors have similarly had the benefit of shorter-term secondments in England and Wales. That has been very helpful. There is much more movement now; for example, a member of staff from Wetherby prison is working in one of the establishments. Along with that sort of movement, different benchmarking and ideas are coming into place in the Prison Service, and we want to build on that.

Mr A Maginness:

The unfortunate thing is that, alongside that industrial action, we had the appointment of a new governor from across the water to Maghaberry prison. He came with experience and quite considerable expertise, as I understand it, yet it seemed that he came up against obstruction, and he left after a few months. My understanding is that we now have a temporary appointment at Maghaberry. Surely that is unsatisfactory from your point of view as director general of the Prison Service?

Mr Masefield:

It is certainly less than ideal. It was disappointing. We followed the clear recommendation of the

Pearson report that we should look to bring in an external governor. My colleagues and I paid a number of visits to England to talk to possible candidates, and Mr Rodford met the mark. You will not expect me to go into the details of his departure, but, as you know, he left primarily for personal and domestic reasons. I regret that, although I understand the circumstances. Since then, Maghaberry has been capably taken forward by the acting governor, who had been Mr Rodford's deputy. He is a man of much experience who had previously been a governor of Hydebank Wood and Magilligan. I did not want to move forward until I had the benefit of Colin's expertise. It is undoubtedly right to move to put in place longer-term arrangements.

Another recommendation in the first Pearson report was that an improvement team be set up. We brought in two or three people from inside and outside the Prison Service to do that. They are good people who provide support to the new governor. One or two of them have moved on or are in the process of doing so, so Colin and I are clear that we need to have a rethink to see how we can reinvigorate that work and ensure that Maghaberry has the right balance of local talent — of which we have much — and external expertise. That will help us to move forward over the lifetime of the programme, which will probably be about three years — that is how long Colin and I would want it to be.

Mr A Maginness:

Finally, I have a question about the independent monitoring boards (IMBs), although you may not be able to answer it, because I presume that appointments are a matter for the Secretary of State or the Minister of Justice. The independent monitoring boards were reshuffled and fresh appointments were made prior to devolution. Do you know why that decision was made prior to devolution? It was made at the eleventh hour. Have you any understanding of that?

Mr Masefield:

I am tempted to respond, and I will. As you rightly infer, they were devolved appointments. The matter was taken forward by the core Department rather than by the Prison Service. There is a complete separation of powers, which is entirely right. However, there was a real need to make appointments, and that process had been set in train. Hydebank Wood should have had at least a dozen members on its board but was down to five as a result of individuals, sadly, having to give up their posts because their personal circumstances had changed. I think that one individual had left the country entirely.

From my perspective, an unfair burden was being placed on some of the residual members, and I was very conscious of that. I met with the chairpersons of the three independent monitoring boards earlier this week to take that forward. One thing that has always struck me as odd is that we are extraordinarily well served by our IMB members, many of whom have to travel long distances. If it would facilitate them to be associated with an establishment that requires less travel to work, there would be merit in considering that. However, I was not responsible for the appointments.

The Chairperson:

We will stop there. Thank you for your presentation. It has been most informative, and I have no doubt that we will meet again. Mr McConnell, you did not get a chance to speak, but I assure you that there was nothing intended by that. I am sure that you are happy enough. Thank you, gentlemen.