



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Prisoners: Management of Life and
Indeterminate Sentences

16 May 2013

NORTHERN IRELAND ASSEMBLY

Committee for Justice

Prisoners: Management of Life and Indeterminate Sentences

16 May 2013

Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Stewart Dickson
Mr Alex Easton
Mr Tom Elliott
Mr Alban Maginness
Ms Rosaleen McCorley
Mr Jim Wells

Witnesses:

Ms Sue McAllister	Northern Ireland Prison Service
Mr Brian McCaughey	Probation Board for Northern Ireland

The Chairperson: I welcome Brian McCaughey, who is joining Sue McAllister. Brian is the director of the Probation Board for Northern Ireland. The report is 'The management of life and indeterminate sentence prisoners in Northern Ireland'. The particular focus around this area is in regard to psychology services, which I wanted to get into in some detail. Initially, we will have a very brief overview, because, primarily it is on the Criminal Justice Inspection Northern Ireland (CJINI) report and, primarily, it is on psychology services. I want to get into questioning around that and, hopefully, Brian and Sue will facilitate me with a brief overview comment.

Ms Sue McAllister (Northern Ireland Prison Service): OK. We have choreographed this, so I will speak first and then Brian will speak. I hear very clearly what you have just said, Chairman, so I will gallop through the opening statement that I have and miss out some bits on the presumption that you have had the opportunity to read it already. That will leave us more time for questions, so we can finish to your deadline.

The Chairperson: Thank you.

Ms S McAllister: You will remember that Dame Anne Owers published her review of the Prison Service in October 2011. By the time that CJINI had published its report on the management of life and indeterminate sentence prisoners, we were already implementing a number of recommendations in the prison review team (PRT) report. The CJINI report, however, complemented the PRT report in highlighting the need for us to refocus our work to ensure that offenders are at the centre of everything that we do, and that obviously includes life and indeterminate sentence prisoners.

The offender management development programme in the Northern Ireland Prison Service (NIPS) is responsible for the work associated with implementing two of the PRT recommendations —

recommendation 29, which is the development of a comprehensive needs analysis of the prisoner population; and recommendation 30, which individualises sentence and custody plans for all those in custody in line with their assessed risk and needs.

The driver behind all this work is the need to engage with people in custody to learn where they have come from, where they need to go and how they can be supported to get there. This means that we need to talk to people when they come into custody and assess, on an individual basis, the risk of them reoffending and what their risk factors are; develop a thorough understanding of their needs; and explore what resources they have or could draw from to make changes. Based on these assessments, a plan is put together, setting out the goals and targets to be achieved. The plan is monitored and reviewed regularly, with attainment and progress being marked and recognised.

At a corporate level, we need to be able to analyse the risk and needs of the prison population and, specifically, to look at particular groups, such as those serving indeterminate sentences, to ensure that the approach to supporting people is right — that we have the right type of interventions and services in place and made available at the right time. We are working to develop an assessment and personal development planning process that will support prisoners to develop their potential, contribute to reducing their likelihood of reoffending and enhance public protection.

A number of themes will support and run through all our offender development work: a person-centred approach, meaningful engagement, clear progression routes through custody, open and transparent decision-making, integrated and co-ordinated case management supported by IT, and an emphasis on personal development and building strengths as well as managing risks and needs.

There are a number of different case management approaches, and we are looking to refine and enhance our current provision. The offender management development programme will address the points raised in the CJINI review, including the nature and frequency of case reviews; the stage in the sentence at which assessment and interventions are delivered; the processes that underpin effective delivery of interventions and services; the training that staff need to work effectively with people serving indeterminate sentences; and how people can be better supported in the early stages of their sentence.

Under the reform programme, NIPS has been working to develop a comprehensive needs analysis of the prisoner population. This is a critical piece of work that will inform the type and level of services and interventions, including offending behaviour programmes, required in custody. NIPS has structured the work to produce the comprehensive needs analysis into a number of stages. The first is to baseline the current information recorded on prisoner risks, needs and strengths; the production of an interim analysis, based on a snapshot of the prisoner population, drawing on existing information sources; benchmarking and assessment tools used in other jurisdictions; the development of a NIPS requirement; and implementation of processes and systems to facilitate data collection and analysis. This work will provide the necessary platform to take forward the implementation of the CJINI recommendations in relation to increased collaborative working between the Northern Ireland Prison Service and the Probation Board of Northern Ireland, and a review of the delivery of offending behaviour programmes provided in custody. Separately, I have spoken directly with colleagues in the National Offender Management Service (NOMS) about a review of existing psychology services, and we have commissioned NOMS to undertake work in Northern Ireland to look at our provision. NOMS has made a number of changes in how psychology services are provided, including focusing on reoffending, with support concentrated on prisoners with high offending general reconviction scale scores. We are very clear that scarce resources must be targeted at prisoners who present the highest risks and who would benefit from involvement in intervention work. NIPS will significantly benefit from the expertise of NOMS in moving service provision forward.

CJINI also emphasised the impact of the closure of the prisoner assessment unit, and, in the briefing pack for the Committee, NIPS advises that work is at an advanced stage to reopen the existing facility as a working-out unit. Current work includes a refurbishment programme worth some £700,000 to ensure that the accommodation is fit for purpose and addresses the concerns that were previously highlighted in the PRT report. We are working closely with colleagues in the Probation Board for Northern Ireland to develop an operating model and operational standards, which will be in place at the working-out unit to ensure adequate management and governance arrangements to avoid a recurrence of previous failings.

The future role of the working-out unit will be based on a hostel-type model, with prisoners having the opportunity to address their ongoing needs, including addressing criminogenic factors, and where prisoners will be able to access work in the community, with monitoring arrangements in place by

Probation Board and Prison Service staff. This is as close to an open-type prison as NIPS can aspire to operate at this point, but it certainly meets the CJINI recommendation and the PRT intention that NIPS develop suitable step-down arrangements for prisoners. We are hopeful that the unit will be in place later this autumn.

I will hand over to my colleague Brian McCaughey, who will provide an additional briefing to the Committee on the work being taken forward by the Probation Board to address both the CJINI and the PRT recommendations.

Mr Brian McCaughey (Probation Board for Northern Ireland): Thank you, Sue. On any given day, the Probation Board is supervising 3,330 people in the community who are subject to a range of court orders and licences. It will also be working with 1,138 people in prisons who will come to us on licence after they have served their sentence. Currently, there are 58 life- and indeterminate-sentence prisoners in the community under the Probation Board's supervision and licence. Annually, we write 10,000 reports for courts and parole commissioners, we provide £1 million in community grants to help to prevent reoffending, and we do work at each stage of the criminal justice system: in courts, in prisons, in the community and, indeed, in this prison, Magilligan. We also work with victims of crime.

I am delighted to be here today with my colleague Sue McAllister, the director general of the Prison Service. The relationship between the Prison Service and the Probation Board is positive and constructive. The director general and I meet very regularly: monthly, and more frequently if required. We have identified many issues on which we can work collaboratively in the years ahead and on which we can further develop our links. It is fair to say that we have full, frank and very honest discussions about the challenges that still exist in delivering change.

When the report by Criminal Justice Inspection on this issue was published in July 2012, the Probation Board welcomed it. It indicated that we took our responsibility in this area seriously and that we demonstrated an attention to detail that was a hallmark of our practice. It highlighted features of good practice, including psychology, out-of-hours work, out-of-hours cover, training, file recording, and reviews. In evidence to this Committee in October 2012, Criminal Justice Inspection said that the Probation Board supervised life-sentence prisoners very thoroughly and pointed out the fact that the reconviction figures in that category are low.

The Probation Board works across the three prisons in Northern Ireland, and some of my most experienced staff are working in prisons. They carry out a complex and difficult role in what is sometimes a challenging environment. As the report stated, they take their role very seriously. They fully appreciate and understand the key role that they perform in protecting the public and helping to keep our communities safer.

Chair, mindful of the time, I will be brief. I will touch on some of the details of probation work in prison and, in particular, update you on the recommendations in relation to life- and indeterminate-sentence prisoners. Am I satisfied with the speed at which the recommendations are being implemented? Probably not. However, do I believe that they will be implemented? Yes, I do, and I believe that the changes that we are trying to make will also allow us to have in place more robust systems and processes to contribute to making Northern Ireland safer.

On the first recommendation on psychology services, both organisations have met to discuss the issue and acknowledge the different way in which services are deployed in prisons and the community. I will provide some background to psychology services in the community. Northern Ireland is the only jurisdiction in the UK that provides a community psychology service to assist in the management of life licensees. The Probation Board employs eight psychologists to deliver specialist forensic and psychological services to offenders supervised in the community. The psychology team in the Probation Board has dealt with over 700 referrals for services in the past year. That is for advice, consultation and assessment right across the offender range.

The assessment and management of offenders on supervised life licences is a critical role for probation and psychology services. The assessment contributes to the risk management and supervision of life licensees in the community. Psychologists provide ongoing support and advice as well as co-working with probation staff. The psychologist attends all reviews and, where appropriate, will direct any treatment to the responsible health and social care trust. My psychologists retain oversight of the case until a decision is taken to recommend that the supervision element of the licence be removed. The psychologist will, by the time they have worked with the case for a number of years, have an expert and consistent knowledge of the offender. The psychologist is also involved

in any decision to recall any supervised life-sentence offender and will give oral evidence to Parole Commissioners' hearings.

As the director of the Probation Board, I will await of the outcome of the NIPS internal scoping exercise in regard to psychology services in prisons and, on its completion, I will seek again to progress the recommendation to establish a more integrated psychology service across prisons and the community. I recognise that there are real opportunities in that recommendation, and the Probation Board is keen to grasp them.

Chair, if I may, I will briefly say something about offending behaviour programmes. The second recommendation in the report states that NIPS and the Probation Board should extend their current service level agreement to pilot the Probation Board's offending behaviour programmes in custody. In the past year, the Probation Board has delivered 136 programmes across five sites in the community, including anger management programmes, sex offender programmes and domestic violence interventions. All those programmes are research and evidence based. It has been demonstrated that supervision, along with such interventions, means that participants are less likely to offend.

In respect of the delivery of offender behaviour programmes in custody, the Probation Board continues to believe that, if there were agreement to designate prisons as a sixth site for the delivery of offender behaviour programmes by the Probation Board, as recommended in the CJINI report, NIPS could redeploy its psychologists to concentrate on forensic assessment and report writing, and on researching, developing and evaluating programmes. The financial savings accrued, as highlighted in the Criminal Justice Inspection report, could fund the suggested realigning of resources to better meet business need. That is the core of my message today.

The Probation Board has outlined those views in ongoing discussions with Prison Service colleagues, and communicated to Criminal Justice Inspection that those matters are yet to be resolved but that work is ongoing. I fully understand that progress on that recommendation cannot be achieved until NIPS has concluded its assessment of prisoner need under PRT recommendations 29 and 30, confirmed the future role of prison psychology on completion of the NOMS scoping exercise, to which Sue referred, and fully implemented its new staffing structure and clarified future roles and relationships in that structure. I envisage some of the new recruits being involved in the future delivery of programmes in prisons, along with probation staff, overseen and quality-assured by psychology services.

Whatever future integration and collaborative model is agreed, it must fit the requirements and needs of criminal justice in Northern Ireland.

As the director general said, the third recommendation concerned the prisoner assessment unit. We are fully involved in the development of standards for the management of the working out of the phase 3 scheme.

A further recommendation was made that we should allocate a community probation officer at the six-month pre-tariff expiry date. That has been implemented. There were some difficulties in contacting victims, as mentioned in recommendation 14, but those have been resolved.

The Probation Board is leading on recommendations 35 and 37 of the wider criminal justice prison review team report. Recommendation 35 was that the Inspire model should be adopted as a norm and rolled out. We are working on that. We are also looking at an Inspire model for young adult male offenders.

I said at the outset that the relationship between the Prison Service and the Probation Board was positive and constructive — I want to reiterate that, and its importance to me and the Probation Board. We have made progress in seconding staff and developing stronger working relationships, and both organisations recognise that there is more to be done. I hope that our work on interventions with life- and indeterminate-sentence prisoners will continue, change and develop for the better. The Probation Board has much to give and offer, and through increased collaboration and partnership, I believe that we can contribute to making Northern Ireland safer for all.

The Chairperson: Thank you very much, Brian and Sue. I have a number of questions. Brian, it is clear to me that you have a very clear focus on where you see the Probation Board. Unquestionably, the CJINI report was glowing about the Probation Board, and that is very much to be commended. The report highlighted that NIPS lacks confidence in its psychology services. That concerns me, particularly as one of the recommendations was that integration should take place. I asked a question

of, I think, Tom McGonigle, who led on this for CJINI at the time. I asked him who would take the lead on any integration or merger. There is obviously going to be tension in that. The critical mass of psychologists rests with the Prison Service, but my sense is that the Probation Board is very clear about where it wants to go. I think that you have a problem with how you are going to manage that relationship and bring people together.

Who is going to lead on this? I heard what you said about there being partnership arrangements at your level, although the report referred to integration rather than, necessarily, partnership. However, ultimately, who is going to lead on this in your organisations to ensure that the two are able to knit together, as easily as one can with any such merger?

Ms S McAllister: I will hand over to Brian in a moment. I think it is less important who leads on it than it is that both organisations agree on what needs to be delivered. You mentioned that we have a critical mass of psychologists. We happen to have more psychologists at the moment than our colleagues in probation, but we are taking a root-and-branch look at what our psychologists should be delivering, how many of them we need to deliver that, and who are the best people to deliver offender behaviour programmes.

Brian and I have had this conversation many times, and I am genuinely not precious about who will head an integrated psychology service. I mind less about that than that we agree what outcomes need to be delivered to reduce risk and to make communities safer. Brian and I are in absolutely the same place on that. We are working through the detail and, probably, the question of who heads it up will come last, and after we have worked out what the outcomes should be, what resources we have and how we will best use those. We will then worry about how we will manage it. Brian do you want to add to that?

The Chairperson: I will just come in at this point and Brian can pick up on that. I hear what you say, but who, ultimately, will sign the cheque for the work that is going to be carried out in prisons?

Ms S McAllister: The director of rehabilitation and the director general.

The Chairperson: So it is the Prison Service. That is why I want to get more clarity. You said that the last question will be "Who leads on this?" Usually, it is the person who pays the bills.

Ms S McAllister: Whether they are bills for directly employed staff or for outcomes delivered under a different arrangement, we genuinely do not know. We have not done the work in that level of detail yet.

Mr McCaughey: Chair, the issue that you raise is not one for me. As far as I am concerned, I have a service level agreement with the director general of prisons, and, if we add the delivery of offender behaviour programmes and psychology services, that is an agreement, a contract with the director general. That is the service that I, as the lead in my organisation, must deliver.

The report was glowing, and I was very pleased with that and proud of it. There are a very small number of psychologists in probation: there are only eight, and they work across five sites in the community. The issue is where they are working in prison and the work that they carry out. That is the question at present: where should a very expensive resource, psychology, be dedicated? I do not think that psychologists should be at the front of the class, delivering the programme, when there are other individuals who are as able and competent who can be trained to do that. The psychologist's job is to assess the risk of the individuals entering, during and at the end of the programme, so that Parole Commissioners can make decisions as to whether it is safe to release them. That is the unique contribution that psychology brings to my organisation and the 4,500 people who are supervised, and I cannot afford for the psychologists to be at the front of the class. I want to use that scarce resource most critically.

Ms S McAllister: I want to add to that and echo it. We know that psychologists are very able professionals who are skilled at assessing, managing and helping us to manage risk, and contributing to safer communities in that way. It is absolutely crucial that we free them up to do the things that they do so well. At the moment, we are not targeting our psychology resources as effectively as we could.

The Chairperson: When I read the report, I was concerned that there has not been sufficient recruitment into the Prison Service, and so much of the psychology resource has been bought in,

particularly from England. We are losing that skill base and that needs to be addressed. You can comment on that, Sue. I will just pick up on what Brian said. In potentially taking on all that additional work, how confident are you that it will not be to the detriment of what the Probation Board currently has to deliver?

Mr McCaughey: I have a dedicated team of staff working in the community and delivering programmes across the five sites. They are not probation officers; they are a grade of probation services officers who are overseen by probation officers and area managers. The money that is being used by psychology in prisons to buy in services from England and Wales could be used to recruit that grade of staff. In the future, I am very clear that working in prisons will be through collaboration and partnership. I envisage a world where probation services officers will be recruited and trained along with the new recruits who are coming into prisons — the offender supervisors — whose knowledge, skills and competence will be developed. For me, the title of the person delivering the programme does not matter; it is their knowledge, skills and competence to deliver what is expected.

Ms S McAllister: We might be getting ahead of ourselves in respect of the design of the integrated service, who is paying for it and who will head it up. We are not at that stage. At the moment, we are looking at what outcomes we need to deliver and who is best placed to deliver them. Are they offender supervisors, psychologists or probation staff, or should we have a mixed model? I would not want anyone to think that we had made any decisions in advance of our thinking about what needs to be delivered and who should best do it. It may be that we do not have a psychologist recruitment issue, but rather that, if we use our psychologists in different ways that better recognise and utilise their skills, it will make the job more attractive for the people we have and lead to better retention rates.

Mr McCartney: Has there been any progress on the pre-release unit?

Ms S McAllister: We are refurbishing the unit that was closed down so that we can reopen it as soon as possible, but there will be a new working-out unit as part of the wider estate strategy. It is two different things; one is immediate, and one is longer term.

Mr McCartney: A recommendation was mentioned during the earlier conversation about the design and role of Magilligan in putting in place a lifers' facility. Is that under consideration?

Ms S McAllister: Absolutely. We already have some lifers here, albeit a very small number. We have just had the evaluation of that. I hesitate to call it a pilot because it was very modest, but it was a small pilot scheme. The general view is that it is appropriate and desirable to have more lifers here, obviously with the appropriate risk assessment. Both the Magilligan of now and the Magilligan of the future will be a medium-risk, medium-security prison, and it is quite appropriate for life-sentence prisoners to be held here, although perhaps not at the beginning of their sentences.

Mr McCartney: Is there a timeline for when the issues that the Chair asked about will be resolved, including who will take the lead role in how the programme will be rolled out?

Ms S McAllister: We are working very hard to progress it, but it is a significant change to the way that we think and do business. We will push it as quickly as we can.

The Chairperson: The recommendation was for December 2013, and I think that you are saying it will not be.

Ms S McAllister: I do not think we are saying that it will not be; we are saying that we could probably do some things very quickly but some will take a bit longer. However, I would like to think that we will have a model that looks and feels different and is delivering better outcomes by December 2013.

The Chairperson: The official response from the Department says that the time frame that you are working to is for April 2014, but CJINI says December 2013.

Ms S McAllister: That is when we are seeking to roll out our new offender-management arrangements. That is the reason for the focus on April 2014.

The Chairperson: OK. Thank you very much.