

Publication Of Prison Review Team Final Report Statement by the Minister of Justice, 24 October 2011

I wish to inform the House of the publication, today, of the final report of the Prison Review Team, chaired by Dame Anne Owers. I welcome this report, which will form the cornerstone of a radical programme of reform within our prison system.

Members will recall that I established the Prison Review Team in July 2010 to conduct a review of the conditions of detention, management and oversight of all prisons in Northern Ireland. I want to extend my thanks to Dame Anne Owers, and her colleagues, Paul Leighton, Clodach McGrory, Fergus McNeill and Phil Wheatley, for their painstaking work over the last 16 months, and for the vast range of expertise that they have brought to this issue.

In February this year, the Review Team published an interim report which set a very clear direction of travel for the Prison Service, and identified the need for significant improvements in terms of governance, leadership, working practices and culture. In short, it highlighted the need for end to end, fundamental reform of the Prison Service.

The Team's final report includes 40 recommendations for fundamental reform. All of them will require careful consideration and I will, of course, wish to discuss them further with the Justice Committee and with my colleagues in the Executive.

In reaching these recommendations the report expands on many of the themes and issues signalled by the earlier report and sets out a vision of a prison system that: provides secure custody; supports and reflects human rights standards and ethical values; is based on the premise that prisoners within it can develop and change, and provides the opportunities for them to do so; and which shows that it is using and investing public money wisely. Reflecting that vision, it details the fundamental characteristics that our prisons should display.

The vision set out, and the characteristics described, provide a model against which I want our prison system of the future - and the reform programme we are setting in place to take us there - to be judged. Along with the Director General of the Prison Service, I am fully committed to the transformation of NIPS into a service that reflects the model set out in this report.

The report does not only look forward, but also looks at where we are now. Any thorough and robust review of our prisons system was inevitably going to make for uncomfortable reading, as many others have in recent years. This report is no exception.

One of the most disturbing aspects of the report is in relation to the differentials that have been identified in the outcomes for various groups of prisoner, including, for example, trends of more Catholic prisoners on the basic regime, or subject to multiple adjudications.

The Director General and I take these findings very seriously. We are clear that there are no grounds on which discrimination or preferential treatment because of religion, ethnicity or nationality will be tolerated. While we will examine what further steps may be required to ensure that they are addressed, we have already agreed that a number of immediate steps will be taken.

It is evident that, while information in relation to equality and diversity issues has been gathered, it has not been sufficient, nor used appropriately, to safeguard equality of treatment and opportunity across all groups of prisoners. The Director General has therefore issued clear instructions to the Governing Governors to ensure that equality and diversity information is properly examined and analysed and that immediate corrective action must be taken where there is no clear rationale for apparent inequality of treatment.

Steps are also being taken to ensure that in future the role of Equality and Diversity Committees within each prison will be given proper priority and chaired at an appropriately senior level, with attendance from prisoners.

The Director General will be reporting to me personally on how this issue is being addressed. Moreover, within the Department's responsibilities, I have instructed officials to amend the Departmental Equality Action Plan, which was being made ready for publication, to include actions in relation to this issue. This will provide an additional level of monitoring and direct reporting to me as Minister.

The Review Team has expressed frustration that outcomes for prisoners remain largely unchanged since the publication of their interim report in February. They identify a number of reasons for this, and highlight the lengthy processes of procurement, recruitment and the need for cross-departmental approvals, as well as the lengthy negotiations about an early retirement scheme. All of these protracted processes, they conclude, have reduced momentum and increased frustration.

Summing up their own frustration, the members of the Review Team express their *"fears that this review, like others, will result in a report, but no fundamental change."* They argue, rightly, that *"that must not happen"* – and I agree. *"Though the transformation envisaged will take time to complete"*, they say, *"there is an urgent need to show that its foundations are in place"* – I agree. *"The next six months"*, they state, *"will be crucial"* – and again, I agree.

With that in mind, rather than try to respond to a report of this importance in a single Statement, I intend to make a number of Statements and announcements during those next six months, setting out in greater detail the work that is already under way, and how we intend to build upon that work as we seek to implement the recommendations contained within this report.

Because we **are** reaching a point where, as a result of work that has been continuing behind the scenes over the last year, I am confident we will soon see a step-change in the pace of the reform programme. Whilst expressing their disappointment at progress to date, the Review Team's report also acknowledges that there is a sense of change and purpose at the top of the Prison Service. There is no doubt, says the Review Team, that those responsible for the prison system recognise the size and shape of the problem, and have been working hard to try to find solutions for it.

That hard work to lay the foundations for fundamental change may not yet have been evidenced in visible improvements to prisoner outcomes, but I want to reassure Members that much has been achieved, laying the ground work for structural change in this first year of the Programme, and for fundamental changes to culture and practice in due course.

As a result of that work, there are early signs of improvements to outcomes for prisoners, and real and practical enhancements to the experience of offenders in custody. The development of the Donard Day Centre at Maghaberry, which I will formally open next month, is transforming how we manage, support and care for the most vulnerable of prisoners.

Also within Maghaberry, the Governor has recently introduced a new system of free flow movement for all Category C prisoners, with plans in place to extend these arrangements to Category B prisoners as well. The introduction of this system starts to address the report's cautions about over-reliance on physical security and the need to move towards more dynamic security arrangements across the prison system, with benefits including greater efficiency and enhanced personal responsibility for prisoners. Across all three establishments, the recent introduction of central detailing – as the report notes – has resulted in a more consistent regime and noticeably fewer lockdowns.

In this report the Review Team has scoped out the sheer scale of the change that is needed. It is clear that lasting and effective reform on this scale will take time. We cannot expect fundamental change to happen overnight. The report refers to the Strategic Effectiveness and Efficiency Programme and describes it as *“to a large extent consistent with the perceptions and recommendations”* made in the interim report.

I have compared the scale of the SEE Programme to that of the Patten reforms for policing and indeed, we know from that experience that the process of delivering fundamental and lasting organisational change of this scale, takes years. The SEE Programme, is a four year change programme and NIPS's four year Corporate Plan, published this month, sets out how change will be achieved across each year of this programme.

In relation to the Year One structural change, the work to date has included the development of a new Business Operating Model for the Service, which will transform and modernise working practices; the development of new roles for NIPS's front line staff; and reviews of non-core functions to examine possible opportunities to improve existing service delivery.

The past eight months have seen Governance arrangements reinforced across the Service, including the re-structuring of Prison Service Headquarters, and Governors in Charge now reporting directly to the Director General on operational performance matters. As the Review Team has acknowledged, along with other initiatives, such as central detailing, this new emphasis on accountability is delivering a demonstrably more predictable regime and is beginning to have a positive effect on prisoner outcomes.

In terms of the future, the report makes some very interesting and thoughtful recommendations in relation to the prison estate, both in terms of its size and shape. In relation to the shape, it recommends quite radical reconfiguration of the Maghaberry site, into three mini-prison areas, and presses for a clear decision on the role and future of Magilligan. It also recommends the development of new half-way house and step-down accommodation for long-sentenced prisoners and those with mental health and substance use issues. These recommendations will be considered in full within the estates strategy, about which I will make a further statement in the months ahead.

In relation to the size of the prison estate, the report makes a number of recommendations aimed at reducing the number of people being sent to prison, especially on remand, including tackling delay; identifying alternatives to custody for fine defaulters; and reinforcing that custody should only ever be a last resort. These are, of course, matters for the wider justice system, rather than our Prison Service, and while more must be done, we should not understate the scale of change that is already happening across the Justice system.

The Justice Act, enacted in May of this year, makes provision for a number of alternatives to prosecution, including penalty notices and conditional cautions. I have also brought forward considerable work to address the issue of fine default, which the report has also highlighted as a barrier to progress, reform and reducing offending. The pilot of a new community-based alternative to custody for fine default – the Supervised Activity Order, referred to in the report, will commence in the Craigavon area before the end of the year.

Our programme of work to tackle delay in our system includes streamlining and improving existing processes and procedures, as well as looking to the future and more fundamental structural and legislative reform.

In this report, the Review Team has gone further than previously by recommending the implementation of statutory time limits from arrest to disposal, staged over three years. I am already considering a related recommendation arising from the recently published Review of Youth Justice, and it is significant that Dame Anne has now added her voice to the debate. I am giving careful consideration to such an initiative, and will return to it in due course.

The Review Team devotes a chapter of the report to the particular needs of women and young adults within our prison system. In relation to women, they identify successful programmes, such as the Inspire Project, and recommend these as models upon which to build. But they also highlight the weaker aspects of our provision, and make innovative recommendations in relation to a new custodial facility.

For young adults, they apply similar innovation, recommending the transformation of Hydebank Wood into a secure college. They also add their voices to those who have strongly advised us to end the detention of under-18s at that establishment. All of these recommendations deserve further, detailed consideration and, again, will be the subject of further announcements by me in the coming months.

Of critical importance throughout the report is the recognition that our prison system does not exist and operate in a vacuum, but rather is an essential part of society, and only one of many agents contributing to the creation of a safer society through the reduction of offending.

This is immediately evident in relation to the provision of healthcare within prisons, where responsibility for commissioning healthcare has transferred from NIPS to DHSSPS. The Review Team commissioned two independent reviews into the delivery of those services, and these are also being published today. The overall conclusions of the Review Team are that while progress has been made, much more is required, and they make detailed recommendations in relation to the governance structure for the delivery of healthcare and for improvements to the relationship between healthcare and the wider criminal justice system. Obviously, consideration of these conclusions and recommendations will fall to both me and the Minister for HSSPS.

In addition to healthcare, the Report emphasises that responsibility for driving forward change towards an effective prison system reaches across the entire justice system, and beyond, to become the responsibility of the entire Executive. The rehabilitation and successful reintegration of offenders into society cannot fall solely to NIPS. Instead it touches on issues of health, of employability, learning and skills, and on the many other social and economic barriers to, and springboards for, changed behaviour and desistance from offending. At an operational level success will rely on the development of effective partnership work by NIPS with other agencies, and communities.

The Prison Service already enjoys positive working relationships with a number of other agencies and organisations, in particular the Northern Ireland Probation Board. But I am also aware of the Director General's determination that NIPS will develop a more outward-facing approach, working more effectively with existing partners, and seeking out and developing new relationships.

For my part, I am determined to join-up our response to offending at a strategic level between Departments. The Report is explicit that *"everyone who wants to live in a safer and more peaceful society has a stake in successfully reintegrating ex-prisoners; so everyone should play their part in making reintegration happen"*. Similarly, the point is made that *"there is virtually no department in the devolved administration that does not have an interest in, and a need to contribute to, the reduction of crime"*.

I am committed to developing and delivering a reshaped Executive-wide approach to reducing offending – what the Review Team has called a "Safer Society Strategy".

Members will appreciate that this report is a far-reaching one that challenges all of us to embrace the urgent need for fundamental reform. I hope all sides of the House will do so. But as we do so, we must not lose sight of the fact that the Northern Ireland Prison Service is an operational service, providing custody, services and interventions to offenders 24 hours a day, seven days a week. The pressure on that service to deliver the programme of change that we are demanding of it, on top of its ongoing operational responsibilities, will be intense.

Through the SEE Programme, the strategy for moving forward has been put in place. I now look to colleagues in the Executive, in the Justice Committee and in the wider Assembly to lend their weight and their support to making this strategy happen. NIPS needs to be empowered and supported in starting the journey towards change.

As I have said, I share the Review Team's assessment that the next six months are crucial. Indeed this is a watershed for the Prison Service. With colleagues' support, I am confident that we will pass a number of critical milestones, including:

- the announcement of an exit scheme, aimed at right-sizing the service and allowing us to refresh the workforce;
- the appointment of a dedicated Change Programme Team, the selection process for which is nearing completion;
- a comprehensive new Business Operating Model, to totally transform how NIPS works, which will be in place ready for launch by April 2012;
- radical changes to Healthcare, with healthcare staff scheduled to transfer to the South Eastern Trust by April 2012;

- completion of a number of reviews of the provision of non-core functions, such as Learning and Skills, Catering and Estate Management;
- publication of a revised Prison Estate Strategy which will set out how the Prison Estate will be developed, taking account of the recommendations within the Review Team's report; and
- further changes across the wider justice system, including outcomes of the review of community sentences.

In closing let me repeat the challenge set before us by the Review Team, when it reminds us that ***“this is a unique opportunity to create a public sector prison system that is a model of excellence”... Dame Anne has also said that “incremental improvements are not enough, and there needs to be a determined cross-party approach to driving through the whole package of change.”***

I seek the support of the Assembly for the work which will need to be done – by the Prison Service, the Department of Justice, and other departments and agencies – in order to meet that challenge.