

# A Review into the Operation of Care and Supervision Units in the Northern Ireland Prison Service

## Terms of Reference

### Introduction

A review of the operation of Care and Supervision Units (CSUs) in the Northern Ireland Prison Service (NIPS) is to be undertaken by Criminal Justice Inspection Northern Ireland (CJI) in partnership with the Regulation and Quality Improvement Authority (RQIA) and the Education and Training Inspectorate (ETI).

This review follows a request from the Minister of Justice (the Minister), Naomi Long MLA, to the Chief Inspector of CJI on 9 November 2020 that has been agreed to.

The announced review followed online reports<sup>1</sup> in October and November 2020 that raised concerns about the operation of CSUs including the use of solitary confinement and allegations of ill treatment. The Minister indicated that she and the Director General of the Northern Ireland Prison Service were concerned to ensure public confidence in the work of the NIPS was not undermined. The Minister later announced, “*that due to the nature and purpose of these Units, it is important that periodic reviews are carried out into their use in our prisons*”.<sup>2</sup>

### Context

CJI is an independent statutory inspectorate that reports on the treatment and conditions of those detained in prisons within Northern Ireland (NI). The RQIA is an independent non-departmental public body responsible for monitoring and inspecting the quality, safety and availability of health and social care services across NI. Both organisations are members of the National Preventative Mechanism (NPM).<sup>3</sup> The ETI is part of the Department of Education and provides independent inspection services on the quality of education.

All inspections carried out by CJI in partnership with the RQIA contribute to the UK’s response to its international obligations under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).<sup>4</sup> OPCAT requires that all places of detention are visited regularly by independent bodies known as the NPM in order to monitor the treatment of and conditions for detainees.

In response to statutory and NPM obligations, NI prisons are inspected as part of the CJI inspection programme. They are conducted in partnership with the United Kingdom’s national co-ordinator for the NPM, Her Majesty’s Inspectorate of Prisons (HMIP), together with CJI, the RQIA and the ETI. The inspections examine four tests for a healthy prison

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<sup>1</sup> The Detail - *Justice and Crime*, available at <https://www.thedetail.tv/investigations/solitary-confinement-69474e8b-5958-4b72-96fa-40169226f81d>

<sup>2</sup> DoJ website - *Long announces review of prison care and supervision units*, November 2020, available at <https://www.justice-ni.gov.uk/news/long-announces-review-prison-care-and-supervision-units>

<sup>3</sup> National Preventive Mechanism Website, available at <https://www.nationalpreventivemechanism.org.uk/>

<sup>4</sup> Available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx>

using sets of Expectations<sup>5</sup> developed by HMIP and The Quality Standards for Health and Social Care Supporting good governance and best practice in the HPSS (March 2006) used by RQIA that are specifically focused on healthcare provision. Such inspections are normally unannounced and CSUs are included as part of that full inspection process. Unlike full inspections, this review will focus on the operation of CSUs and as previously indicated, it has been announced by the Minister.

The Prison and Young Offenders Centres Rules (Northern Ireland) 1995 set out a number of circumstances when the prison Governor<sup>6</sup> may arrange for restrictions of association (Rule 32), the keeping apart from other prisoners (Rule 35) and the use of cellular confinement (Rule 39).<sup>7</sup> It should be noted that a decision to apply such rules does not automatically result in the relocating of a prisoner to CSU accommodation.

There are four CSUs in NI based at Maghaberry Prison, Magilligan Prison, Hydebank Wood Secure College (for young men) and at Ash House Women's Prison. CSUs provide accommodation that is separate from other parts of the prison used by the prisoner population.

A new CSU was opened for women at Ash House Women's Prison at Hydebank Wood on 5<sup>th</sup> October 2020. Prior to that date there had been no specifically designed accommodation designated for female prisoners like that described for the detention of male prisoners. In the absence of such accommodation, and when the relevant rules had been applied to female prisoners, the existing female accommodation had been utilised instead.

## **Aims of the CSU Review**

The broad aims are to:

- review and assess the effectiveness of strategic oversight and governance arrangements;
- review current policies, practices and procedures relating to CSUs and assess their application and impact on prisoner treatment, wellbeing and conditions;
- examine and identify outcomes for prisoners relocated to CSUs under Rules 32, 35 and 39 and for those not relocated but for whom the same rules have been applied;
- evaluate the effectiveness of relevant performance management mechanisms; and
- establish how good practice influences continuous improvement, including the implementation of previous CJI inspection recommendations.

Other matters of contextual significance as they arise during the review will be considered.

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<sup>5</sup> Her Majesty's Inspectorate of Prisons website - *Our Expectations*, available at <https://www.justiceinspectorates.gov.uk/hmiprisons/our-expectations/>

<sup>6</sup> Status of Governor - 'The Governor shall be in command of the prison,' Statutory Rules of Northern Ireland No.8. *The Prison and Young Offenders Centres Rules (Northern Ireland) 1995*, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/prison-young-offender-centre-rules-feb-2010.pdf>

<sup>7</sup> Statutory Rules of Northern Ireland No.8. *The Prison and Young Offenders Centres Rules (Northern Ireland) 1995*, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/prison-young-offender-centre-rules-feb-2010.pdf>

## **Covid-19 pandemic**

The review will be undertaken in compliance with the NI Assembly's regulations to control the spread of Covid-19. Restrictions on travel and social distancing will be kept under constant review. When appropriate and in order to reduce risk through human contact, consideration will be given to use of available technology.

However, this review requires on site fieldwork and evidence gathering. Inspectors will attend each prison site (Maghaberry, Magilligan and Hydebank Wood). Measures to prevent the spread of infection, such as the wearing of Personal Protective Equipment will be strictly adhered to by the review team under the guidance of the RQIA.

Every reasonable effort will be taken to conclude fieldwork within the indicative timings below, however, each stage of the review will be subject to risk reviews.

## **Methodology**

The review will be conducted by CJI in partnership with the RQIA and the ETI and will draw on the HMIP's Expectations for segregation and the RQIA's expectations for healthcare provision. The Review Team partnership will examine the operation of CSUs at Maghaberry Prison, Magilligan Prison, Hydebank Wood Secure College (for young men) and Ash House Women's Prison at Hydebank Wood.

CJI will liaise with HMIP, as part of existing arrangements to promote conditions for detainees and to increase OPCAT compliance, as required and agreed.<sup>8</sup>

The review will be based on the CJI Inspection Framework consisting of three main elements: *Strategy and governance*, *Delivery* and *Outcomes*. CJI's Inspection Processes, Inspection Framework and Operational Guidelines are available at [www.cjini.org](http://www.cjini.org).

## **The Review Team**

- *CJI* - inspect to secure improvement and to promote greater co-operation between the various statutory and voluntary organisations to provide a better justice system for the whole community in NI.
- *RQIA* - are the health and social care regulator in NI and inspect to provide assurance about the quality of care, challenges poor practice, promotes improvement and safeguards the rights of service users. RQIA will act in compliance with its Escalation Policy and Procedures if required. Further information on practice and policy is available at <https://www.rqia.org.uk/>.
- *ETI* - inspect to promote the highest possible standards of learning, teaching, training and achievement throughout the education, training and youth sectors in NI. Further information on practice and policy is available at <https://www.etini.gov.uk/>.

## **Design and planning**

Inspectors will identify, consider and analyse best practice, national guidance, policies and standards from other jurisdictions. Benchmarking may also be undertaken against comparators in best practice jurisdictions and similar service providers. Reading, analysing and reviewing other relevant reports, business plans, websites, strategies, action plans,

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<sup>8</sup> HMIP Inspection Framework, available at <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2019/03/INSPECTION-FRAMEWORK-2019.pdf>

relevant academic research, previous inspection reports, documentation and data is also undertaken.

### **Delivery**

- Terms of Reference will be provided to the Department of Justice (DoJ), the NIPS, the South Eastern Health and Social Care Trust (SEHSCT), the Belfast Metropolitan College and North West Regional College, prior to the commencement of the review.
- The NIPS, the SEHSCT, the Belfast Metropolitan College and North West Regional College should appoint Liaison Officers to support the partnership in conducting the review.
- Management information, data and documentation will be requested from the relevant organisations.
- A review of relevant paper-based case files and records held electronically will be conducted.
- Interviews and focus groups will take place with staff in the NIPS, the SEHSCT, the Belfast Metropolitan College and North West Regional College.
- Interviews and focus groups will take place with prisoners and relevant stakeholders.
- CSUs and other relevant prison environments will be inspected and observations recorded. Photographs taken and published will be in accordance with agreed inspection guidelines.

### **Completion of fieldwork**

Following completion of fieldwork, analysis of data and the presentation of emerging findings to the NIPS, the SEHSCT, the Belfast Metropolitan College and North West Regional College, a draft report will be provided for the purpose of factual accuracy checking. The inspected organisations will be invited to complete an action plan to address any recommendations. Action plans will be published as part of the final review report. The review report will be shared, under embargo, in advance of the publication date with the DoJ, the NIPS, the SEHSCT, the Belfast Metropolitan College and North West Regional College.

### **Publication and closure**

The review report is scheduled to be completed by June 2021. Once completed it will be sent to the Minister for permission to publish. When permission is received the report will be finalised for publication. The report is likely to contain recommendations along with identified good practice that are focused on continual improvement. Any CJI press release will be shared with the DoJ, the NIPS, the SEHSCT, the Belfast Metropolitan College and North West Regional College prior to publication and release. A suitable publication date will be agreed and the report then made public on all partnership websites.

### **Indicative timetable**

A proposed timetable is as follows and will be subject to ongoing review.

2020	November/December	Research and Terms of Reference
2021	January/February	Fieldwork/case file review
2021	March/April	Drafting of report
2021	May	Factual Accuracy feedback from NIPS/SEHSCT/Belfast Met/NWRC
2021	June	Publish report

Organisations will be kept advised of any significant changes to the indicative timetable.