



**NIACRO'S RESPONSE TO THE NORTHERN
IRELAND PRISON SERVICE
CONSULTATION ON INTERIM OFFENDER
MANAGEMENT PRACTICE MANUAL AND
STANDARDS.**

DATE: 29th JANUARY 2010

CRU Ref: 2009/36/37/38

NIACRO Ref:

1. INTRODUCTION

NIACRO, the Northern Ireland Association for the Care and Resettlement of Offenders, is a voluntary organisation, working for almost 40 years to reduce crime and its impact on people and communities. NIACRO provides services under the headings of; working with children and young people who offend; providing services to families and children of offenders; supporting offenders and ex-prisoners in the community and working with prisoners.

NIACRO receives funding from, and works in partnership with all the main criminal justice agencies in Northern Ireland.

NIACRO's involvement within the NIPS prison estate includes:

Jobtrack (Prisons):

Funded by ESF and the NI Prison Service, the aim of this programme is "to raise employability amongst prisoners pre-release and leaving prison and contribute to the development of effective resettlement practice in prisons." In 2008 – 2009, there were 188 referrals from NIPS. Eighty per cent were assessed as high to medium risk. Of those who completed the programme, 78% went into employment or training; of those who left early, 11% did so.

Advice services:

Funded by PBNI, ESF and the Social Security Agency, the aim of the programme is to "support effective reintegration through the provision of a specialist welfare rights advice and advocacy service to offenders and their families and vulnerable people in the community." In 2008 – 2009, 905 prisoners used the service (264 in Hydebank, 298 in Maghaberry, 331 in Magilligan and 12 in the Prisoner Assessment Unit).

Family Links:

Funded by PBNI, Foyle Health and Social Services Trust, Nationwide Foundation and YJA, the aim of the programme is to "maintain and enhance positive contact between prisoners, their children and families through a range of support services."

The children of prisoners have a very high risk of acquiring criminal convictions. Over 65% of boys who have a convicted parent go on to offend.¹ If a relative goes to prison, there is very little official support for the family they leave behind. By targeting families, offering them support and access to services, NIACRO seeks to contribute to the reduction of intergenerational cycles of offending. In 2008 – 2009, Family Links received 1,675 referrals.

Transport Service:

Funded by NIPS, the aim of the service is "to maintain links through the provision of a bus and volunteer driver service to prison establishments." In 2008 – 2009, transport was provided for 2,974 adults and 797 children and volunteers made 139 journeys in rural areas.

¹ Home Office Social Exclusion Unit, 2002

Visitors Centres in Magilligan and Hydebank Wood – the aim of these services is “to enhance the quality of visiting arrangements at prisons and promote child centered / family visits”. In 2008 – 2009, 12,387 adults and 2,553 children used the centre. In Hydebank Wood, 2,616 adults used the service.

NIACRO RESPONSE

We have chosen to combine our responses to the following consultations –

- NIPS Offender Management: Interim Offender Management Practice Manual Operational Guidance and Standards
- NIPS Sentence Calculation Guidance – Criminal Justice Order (Northern Ireland) 2008 – Public Protection sentences (extended custodial sentences and intermediate custodial sentences), The Criminal Justice (Northern Ireland) Order, 2008
- NIPS Offender Management: Interim Parole Review guidance, November 2009
- NIPS equality, human rights and data protection: Screening Reports

While we have dealt with each consultation individually, consistent themes arise in all four consultations, which link to the views we hold on rehabilitation, resettlement and maintaining family relationships.

Therefore, our conclusion contains the NIACRO view on topics important to us and our service users. For ease, we have also listed all twenty recommendations from all four consultations in this section.

2. NIPS OFFENDER MANAGEMENT: INTERIM OFFENDER MANAGEMENT PRACTICE MANUAL OPERATIONAL GUIDANCE AND STANDARDS, NOVEMBER 2009.

2.1 Introduction

NIACRO welcomes the introduction of an Offender Management Model (OMM) that aims to improve public protection through the management of more serious offenders from custody to community.

Public protection processes are aimed at reducing offending behaviours and consequently by reducing crime, you reduce the number of victims. NIACRO promotes the view that they must be viewed as more than enforcement. They should also focus on encouragement and education in relation to both the offender and the wider community.

NIACRO supports the aim and principle of offender management but would comment on a number of points emerging from the Practice Manual. Points are presented in two sections: 1) general thoughts and 2) specific points as per guidance.

2.2 General thoughts

2.2.1 Environmental Conditions

Undoubtedly the proposed model has secured support and commitment at strategic levels within NIPS and PBNI as well as other named agencies involved in the pre-consultation process.

This model requires a significant shift in thinking for operational prison officers, as it will require a prison-wide culture that supports and encourages offender focussed work. NIACRO views the current culture/work practices within NIPS as a challenge to the implementation of an effective Offender Management model. This view is based on our experience of providing services in the establishments over the past number of years. Within Maghaberry and Hydebank Wood in particular, staff were regularly frustrated and disappointed that a range of offender based programmes are either severely disrupted or cancelled due to staff industrial processes; security decision making or staff absenteeism.

The OMM places significant responsibility on the Case Manager (PBNI) and Sentence Manager (NIPS) for ensuring that timely, appropriate, safe and effective programme interventions are planned and delivered for inmates. It also requires a high degree of commitment from all staff (including external agencies) involved in the offender management process to adhere to and promote this model of working. Without question the key to ensuring that OMM works is to provide the service consistently.

NIACRO believes that unless fundamental change is made to the culture and shared values/ethos of the prison system in dealing with offenders and a focused commitment is made to rehabilitation and resettlement needs, then

any proposed model for effective management of offenders will not succeed. The question remains as to how NIPS will ensure that this happens.

2.2.2 Partnership

The basis for OMM is located within criminal justice legislation. NIACRO believes that this will ensure greater accountability for all agencies delivering programmes and services to prisoners and offenders in the community. It will also challenge and require a significant shift to current thinking on partnership working.

As it stands, the OMM reflects a very strong commitment to a partnership model involving a range of specified statutory agencies. Greater clarification is required as to whether this model is a multi-agency partnership or simply a multi-statutory agency partnership with voluntary/community organisations offering add-on services.

With increased demand on decreasing resources NIACRO believes all parties must think creatively and combine the wealth of experience, skills and commitment that exists within and outside the prison system.

NIACRO accepts that it is difficult to truly define partnership working when funding is provided on a sub-contractual basis. We therefore propose the term “inter-dependent” to better reflect the clear roles of the various parties providing interconnected services.

An inter-dependent approach that is truly inclusive of the voluntary and community sector would both reduce crime further and provide opportunities for positive engagement strategies with the public. This in turn would support increased confidence in the criminal justice system.

2.2.3 Crime reduction

The primary purpose of offender management is “*protecting the public from harm by minimising the likelihood of re-offending*”. Whilst NIACRO welcomes this principle, it is clear that the driver is changed legislation and new sentencing arrangements. The introduction of Indeterminate Custodial sentences and Extended Custodial sentences will introduce a range of programmes/interventions for more serious high risk offenders as contribution to public protection. This is a particular issue that we agree requires serious management on a multi agency basis.

However, NIACRO believes that in order to be credible in terms of a commitment to public protection a more comprehensive strategy is required to deal with all offenders in prison not just those subject to this legislation.

2.2.4 Training

Evidence from recent Criminal Justice Inspectorate reports has shown the need for NIPS to prioritise staff training and development for **all** staff. The introduction of OMM will require further training and development.

Whilst acknowledging that a series of introductory training sessions were delivered to a range of staff working in prisons, NIACRO is unclear as to proposals for further training on OMM.

In particular, Section 6 of the manual requires a great deal of basic awareness raising and staff training if standards are to be met and practice is to be consistent. It is our understanding that NIPS training was delivered over a year ago and if so NIACRO would call for comprehensive and up-to-date training to be offered to **all** key agencies as matter of priority.

2.3 Specific Points

Reference to the following points is taken from the proposed content of the manual.

2.1 Offender Management Group Structure.

Reference is made in p14 to an agreed protocol for sharing of information with all strategic partners – statutory and voluntary. NIACRO not only welcomes this proposal but believes it is fundamental to the risk management process.

Within the Jobtrack programme, there have been significant difficulties in obtaining relevant and necessary information on offenders referred to the programme by NIPS staff, particularly in Maghaberry and Hydebank Wood. Agreements and processes for information sharing have differed between NIPS and PBNI. NIACRO view this as unsafe practice within a multi-agency risk management process. Commitment to such a standard is welcomed and must be followed through consistently.

4.8 Induction.

Feedback from NIACRO adult service users suggests the current induction process is lengthy with too much information presented, which is confusing and difficult to digest. NIACRO agrees Induction should be scheduled over a number of weeks but must be undertaken in a user friendly manner with relevant and appropriate materials and support systems. We are happy to work with our user forum to provide quality assurance for any proposed material.

Information on accommodation has been highlighted by NIACRO users as core element to induction. Users say their anxiety is increased at committal regarding home/contents/housing payments. Many have cited experiences of losing not only their homes but all possessions because they 1) did not know they would go to prison or 2) did not know what options were available to them for safeguarding possessions. It would be helpful to develop the capacity of prison staff to provide consistent basic advice and guidance as part of the induction process. NIACRO is happy to assist in developing this response.

The manual also refers to use of peer or advocate support at induction stage. NIACRO promotes this model of support but seeks clarity as to how this could

happen under the pending Safeguarding Vulnerable Groups Act. If at all, what exemption have NIPS received to enable this model of intervention to occur?

4.9 Contacts with Family and Probation in the Community.

The Family Links service is commissioned by PBNI and NIPS and is a primary repository of information on families of prisoners. The service is considered a resource by probation staff and NIPS Family Officers with whom it works closely. Research has shown that prisoners visited by a partner or family member have a 25% lower re-offending rate than those whose families do not support them.

7.7 Transfer of Prisoners

NIACRO's recent experience of the process of transferring prisoners from Maghaberry to Magilligan is that it is confusing and a potential waste of resources. Therefore NIACRO welcomes proposals that ensure greater transparency and accountability for transfer within an earlier timeframe.

9. PREPS

NIACRO has previously stated the PREPS system is flawed in part by inconsistency of application. We reiterate the need for transparency and accountability in the decision making process. It is unclear as to whether or not OMM will provide this transparency and NIACRO is seeking clarification on this.

12.5 Management of Referrals for Intervention Work

Whilst welcoming the introduction of standards that specify time frames NIACRO is against deadlines being the key reason for decision making. Programmes or interventions that are easily facilitated or less resource intensive should not be the determining factor on what should be offered to an offender.

Any/all intervention(s) should be based on the specific needs of the individual; they should allow for and enable progression and ultimately support safe transition to the community.

3. NIPS SENTENCE CALCULATION GUIDANCE – CRIMINAL JUSTICE ORDER (NORTHERN IRELAND) 2008 – PUBLIC PROTECTION SENTENCES (EXTENDED CUSTODIAL SENTENCES AND INTERMEDIATE CUSTODIAL SENTENCES), THE CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER, 2008

3.1 NIACRO Response

NIACRO agrees with the general consensus that the current information available on this appears difficult and confusing. We welcome any initiative that enhances the communication process and that will provide more expedient and accurate information for prisoners themselves.

It must be possible for anyone with a conviction to understand how their sentence is calculated. NIACRO urges sentencing bodies to consider how they can communicate guidelines and calculations effectively to this target audience.

4. NIPS OFFENDER MANAGEMENT: INTERIM PAROLE REVIEW GUIDANCE, NOVEMBER 2009

4.1 Introduction

NIACRO welcomes the fact that NIPS is working to provide comprehensive guidance to staff responsible for referring cases to the Parole Commissioners and supporting the review process. Our comments are aimed at assisting in the development of guidance that is clear for all users from staff to offenders.

4.2 Operational Guidance (Part 1)

4.9 Secretary of State

NIACRO welcomes the fact that with limited exceptions (urgent compassionate grounds), the Secretary of State cannot release an offender if the Parole Commissioners have not recommended it. This should contribute to consistency and fairness.

6.4 Disclosure

In cases where information is certified as confidential by the Secretary of State and '**a gist**' of the information and the reasons for withholding it are submitted to the offender and the Commissioners, NIACRO welcomes the appointment of an advocate to represent offenders, as long as this appointment is determined by the offender. In addition, the definition of '**a gist**' would be welcome.

8.1 Transfer of offenders during the review process

One criterion for the transfer of a prisoner to another prison is to "manage the prison population". Based on our past experience of the transfer of prisoners we would argue that this affords little or no protection to the individual prisoner. Families must be informed of transfer and their mobility taken into consideration.

4.2 Process (Part 2)

12. Sample Timetable

When a prisoner completes a form stating who their representative in the process will be, there may be circumstances where they will need information and assistance to make this decision. For example, if they are unhappy with his legal representation up to that point, they must be given unbiased information and ample opportunity to make this choice.

16. Sample Timetable

NIACRO welcomes the arrangement to offer an interview by another Commissioner to the offender who has chosen not to be represented.

23. Sample Timetable

Where a single Commissioner makes a provisional direction against release, the prisoner has two weeks to request a hearing. NIACRO seeks clarification of the level of access a prisoner will have to guidance during that period.

4.3 Roles and Responsibilities (Part 3)

It must be assumed that over the 28 week period from Referral to Hearing, some of the key staff involved with an individual prisoner are bound to take leave, and there will be other likely challenges to meeting these deadlines. Offenders should not lose out in such circumstances. The system must include processes for monitoring the process and ensuring consistent delivery.

4.4 Parole Dossier (Part 4)

NIACRO welcomes the recognition given to what the offender has been doing during his time in custody, but we believe that there is insufficient emphasis given to the arrangements required to meet the resettlement needs of the offender on release from prison.

Even where a great deal of progress has been made during the period of imprisonment, much of it can become quickly undone unless fundamental resettlement needs are addressed.

There must be a seamless process from the moment a prisoner leaves the prison to their successful resettlement. This means individual plans actioned within 72 hours, where all relevant agencies have put in place connecting services to ensure the ex-offender has access to housing, finances, health services, education and employment. This will reduce re-offending rates.

4.5 Templates (Part 5)

There appears to be considerable overlap in the scope and content of many of these reports, such as the section on "*Relevant information about the offender*" and "*offending history*". For the range of disciplines operating within the prison, the sentence manager, the case manager, the psychologist, etc, the sources of information for verifying this information will be the same. Much of the information will be initiated through direct interviews with the offender.

In the spirit of effective sentence management, the multi-disciplinary team should agree their knowledge and understanding of the offender prior to committal to prison; such as the current and previous offending behaviour, the background of the offender, relationships with family and with the community, education and employment history, etc.

On the basis of this agreed assessment, the sentence plan should then be drawn up.

NIACRO would expect individual reports for the Parole dossier to focus on what work was to be carried out with the prisoner and how that had progressed. The assessment of risk should be carried out across disciplines, with findings relating to the individual case presented to the Parole Commissioners in a holistic manner.

5. NIPS EQUALITY, HUMAN RIGHTS AND DATA PROTECTION: SCREENING REPORTS

5.1 Introduction

NIACRO welcomes the opportunity to comment on the screening forms but has identified significant shortfalls with the current process.

A key concern for NIACRO relates to the lack of regard/reference to NIPS Diversity Strategy and Action Planning. The last progress report (June 09) makes reference to the establishment of Equality and Diversity Committees in each prison establishment. Whilst NIACRO acknowledge this a positive step, we would encourage NIPS to incorporate this into a revised screening process. A commitment to diversity needs to be seen in the outworkings of these screening exercises.

5.2. General Thoughts

5.2.1 Section A - Scoping the Policy

Q7-What data are currently available to facilitate the screening of this policy?

It is vitally important that NIPS use the most current data on which to base the screening policy. This includes data from:

- Screening and EQIA of the Criminal Justice Order (NI) 2007
- Statement and summary of Representations Relating to the Proposed Draft Criminal Justice (NI) Order 2007
- Review of the Sentencing Framework

5.2.2 Section B - Screening for Equality Issues:

Impact on groupings related to Q1, Q2.

NIACRO recommends that NIPS revise the current screening report as there is an obvious potential impact, of varying degrees, on prisoners represented in other s75 categories.

- *Religious Belief* – The Inside View report 2009 refers to the 2007 prisoner population committed by the courts had a slightly higher proportion of Catholics. NIPS need to reconsider the potential impact in category relating to "religious belief".
- *Political Opinion* - More detailed consideration should be given as to how the policy will have an impact on the separated prisoner population.

- *Racial Groups* - The policy will have a significant impact on this grouping. NIPS should revise the screening form to take account of this. A key consideration would be the ability to participate in offender behaviour programmes given the language difficulties.
- *Sexual Orientation* - Although NIPS has identified sexual orientation in the "not known" category, there should be recognition that sexual orientation needs to at least be identified in the policy as a group with specific experiences and issues.
- *Disability* - NIACRO considers this grouping to have significant needs, experiences, issues and priorities. NIACRO recommends that NIPS consider the impact on service delivery and access by disabled prisoners to locations and services and revise screening reports and policies to reflect this.
- *Age and Gender* - NIPS have recognised an impact on only two categories relating to age and gender. While NIACRO agree with this consideration we would welcome a more detailed analysis of the impact of the policy on the female prisoner population.
- In addition, the policy needs to take account of the age make up of the female population given the fact as the majority of female prisoners in 2008 were aged 21-49. Age and gender consideration should therefore be extended beyond young male prisoners.

5.2.3 Section B

Q3c If ideas from groups weren't included, please indicate why not.

To allow us to provide substantial and meaningful response, NIACRO recommends that the NIPS Screening Reports include a full exploration of the suggestions presented by other agencies.

5.2.4 Section B

Q4: In relation to implementing this policy, is there an opportunity to better promote equality of opportunity or good relations by altering the policy or by working with others in Government or in the larger community?

NIACRO recommends NIPS re-address this issue as part of a revised screening exercise and fully consult with key stakeholders on the most productive means to promote equality of opportunity and good relations.

5.2.5 Section B

Q5: Have you identified opportunities to a) promote positive attitudes towards disabled people, b) encourage participation by disabled people in public life?

NIACRO questions why NIPS has failed to identify and address the needs of disabled prisoners in this exercise. Prisoners with mental, emotional and physical and learning disabilities need to be supported. Those with learning

disabilities will be particularly disadvantaged in their ability to demonstrate, through programme participation, a reduction in re-offending.

NIACRO would further question how this lack of "due regard" fits with legislative requirements under disability discrimination legislation.

NIACRO would recommend that a revised screening exercise is undertaken by NIPS to address this deficiency.

5.3 Conclusion

NIACRO recommends that before any policies are implemented, a more comprehensive screening exercise is carried out to address the issues we raise.

6. NIACRO CONCLUSION

6.1 Role of the voluntary and community sector

It is our firm belief the most effective models succeed when there is commitment and involvement from all partners. It is clear much partnership working has been achieved between NIPS and PBNI and NIACRO values this outcome. However, the role of the voluntary and community sector is equally crucial.

An inter-dependant approach that is truly inclusive of the voluntary and community sector would both reduce crime further and provide opportunities for positive engagement strategies with the public. This in turn would support increased confidence in the criminal justice system.

6.2 A culture shift

NIACRO believes that unless fundamental rights-based change is made to the culture and shared values/ethos of the prison system in dealing with offenders and a focused commitment is made to rehabilitation and resettlement needs, then there will be no real reduction to crime. A key example can be seen within the Jobtrack programme, where there have been significant difficulties in obtaining relevant and necessary information on offenders referred to the programme by NIPS staff, particularly in Maghaberry and Hydebank Wood. Agreements and processes for information sharing have differed between NIPS and PBNI and NIACRO view this as unsafe practice within a multi-agency risk management process. Commitment to such a standard is welcomed and must be followed through consistently.

NIACRO accepts much work is being undertaken to review the parole procedure and this is to be welcomed. However, as part of the culture shift, it is necessary for NIPS to focus on issues such as the parole dossier and make sure all disciplines are working together to provide information on the offender in a holistic manner.

Another aspect of any successful change in culture will be seen when NIPS reviews and undertakes thorough screening exercises, to make sure it is properly meeting all its S75 requirements.

Finally, it is crucial to consider those who are entering the prison system. It is necessary to make sure induction is the most effective process it can be and further, that all those who have a conviction understand how their sentence is calculated. Further work is required in these areas.

6.3 The families of prisoners

The Family Links service is considered a resource by probation staff and NIPS Family Officers with whom it works closely. Research has shown that prisoners visited by a partner or family member have a 25% lower re-offending rate than those whose families do not support them. To maintain this important link, it is crucial families understand the workings of the prison and an issue such as the transfer of prisoners is not undertaken without their knowledge.

6.4 NIACRO Recommendations

NIPS OFFENDER MANAGEMENT: INTERIM OFFENDER MANAGEMENT PRACTICE MANUAL OPERATIONAL GUIDANCE AND STANDARDS, NOVEMBER 2009.

- Without question, the key to ensuring that OMM works is to evidence the consistent provision of services.
- NIACRO recommends that NIPS prioritise staff training and development for all staff. The introduction of OMM will require further training. NIACRO calls for comprehensive and up- to-date training for all key agencies as a matter of priority.
- NIACRO recommends that induction must be undertaken in a user friendly manner with the relevant and appropriate materials and support systems. We are happy to contribute to this work by liaising with our user forum to provide quality assurance.
- NIACRO recommends that there be an agreed protocol for the sharing of information between strategic partners – statutory and voluntary – as this is fundamental to the risk management process.
- NIACRO recommends that the capacity of prison staff to provide basic advice and guidance at induction be developed.
- NIACRO recommends the need for clarification as to whether OMM will provide transparency and accountability in the decision making process.

NIPS SENTENCE CALCULATION GUIDANCE – CRIMINAL JUSTICE ORDER (NORTHERN IRELAND) 2008 – PUBLIC PROTECTION SENTENCES (EXTENDED CUSTODIAL SENTENCES AND INTERMEDIATE CUSTODIAL SENTENCES), THE CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER, 2008

- NIACRO recommends that sentencing bodies communicate calculations effectively to anyone convicted of an offence.

NIPS OFFENDER MANAGEMENT: INTERIM PAROLE REVIEW GUIDANCE, NOVEMBER 2009.

- NIACRO welcomes the appointment of an advocate to represent offenders as long as this appointment is determined by the offender.
- NIACRO recommends that the family of a prisoner is informed in advance of their transfer to another prison. Further, NIPS should take into consideration the mobility of the family in question before making a final decision.
- Prisoners must be given unbiased information and ample opportunity to choose their representative in the process.
- NIACRO recommends that there be clarification on the level of guidance that a prisoner will have access to when a single Commissioner makes a provisional direction against release.
- NIACRO recommends that the system be consistent in delivery.
- NIACRO recommends that a seamless process from the moment a prisoner leaves the prison to their successful resettlement.
- NIACRO recommends the multi – disciplinary team should agree their knowledge and understanding of the offender prior to committal to prison.
- NIACRO recommends on the basis of this agreed assessment, the sentence plan should be drawn up.
- NIACRO recommends that assessment of risk should be carried out across disciplines with findings, relating to the individual case presented to the Parole Commissioners in a holistic manner.

NIPS EQUALITY, HUMAN RIGHTS AND DATA PROTECTION: SCREENING REPORTS

- NIACRO recommends that NIPS revise the current Screening Report as there is an obvious potential impact, of varying degrees, on prisoners represented in other s75 categories.
- NIACRO recommends the NIPS Screening Report include a full exploration of the suggestions presented by other agencies.
- NIACRO recommends NIPS readdress the issue of equality of opportunity as part of a revised and fully consultative screening exercise.
- NIACRO recommends NIPS revise the screening exercise to address its deficiency in dealing with disabled people.