



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Maghaberry Prison Stocktake Report:  
Northern Ireland Prison Service

18 November 2014

# NORTHERN IRELAND ASSEMBLY

## Committee for Justice

### Maghaberry Prison Stocktake Report: Northern Ireland Prison Service

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**Members present for all or part of the proceedings:**

Mr Paul Givan (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Tom Elliott  
Mr Paul Frew  
Mr Seán Lynch  
Mr Alban Maginness  
Mr Edwin Poots

**Witnesses:**

Mr Paul Cawkwell	Northern Ireland Prison Service
Mrs Sue McAllister	Northern Ireland Prison Service

**The Chairperson (Mr Givan):** I welcome Sue McAllister, director general of the Prison Service, and Paul Cawkwell, director of offender policy and operations in the Prison Service. You are both very welcome. As normal, the session will be recorded and reported by Hansard. Director, we have the written response by the Prison Service to the stocktake. I invite you to make some brief remarks, and members will then ask some questions.

**Mrs Sue McAllister (Northern Ireland Prison Service):** Thank you, Chair. We have no opening statement to make. We are here at your request, so we are happy to answer any questions that you have.

**The Chairperson (Mr Givan):** I appreciate that; it allows us to get straight into the substantive part of the meeting. There is one aspect that I want some clarity on. The stocktake and all the evidence that we have heard today tells us that all the recommendations — irrespective of their rights and wrongs, and we will probably get on to that — are predicated on the abuse and threats, both internal and external, against staff stopping. That continues to this day. Why have you decided to make a relaxation when it comes to allowing people on to the landings when they have failed to meet even the first test that your assessors said would lead to any of the changes being implemented?

**Mrs S McAllister:** You are absolutely right that all the progress that we can make on responding to the stocktake is predicated on an environment in which our staff are not subject to threats or intimidation. However, we have to give the stocktake recommendations some momentum. Somebody has to make the first move and take the first step. As we know from our many years of working in prisons, the relationship between prisoners and the staff and people who run the prisons is not an equal relationship. It is a relationship in which we hold all the power. Therefore, it is absolutely appropriate that we make that first move, and that is what we have done. However, we are absolutely

clear that any further movement towards a more normalised environment, but not a normal environment, is predicated on the removal of those threats and that intimidation.

**The Chairperson (Mr Givan):** When I was in Roe House a number of weeks ago, it was drawn to my attention that the grille connecting the upper and lower landings is open. Staff made it clear to me that that was something that they were concerned about. A decision had been taken to do that and had not been reversed. Therefore, not only have you made a pre-emptive move with the recommendations in the face of ongoing threat but you had already made a concession by opening the grille. I am interested to hear a response about why the grille was opened and what has been done to address the concerns of staff, which I heard at first hand.

**Mrs S McAllister:** I will ask Paul to respond, because the tactical management of the physical, procedural and dynamic security of Roe 3 and 4 is something that he is closer to. However, I want to give it some context and say that any decisions that we make about proportionate security, whether physical, procedural or dynamic security, are not concessions. We do nothing that we do not believe to be safe. We continue to control that environment. Paul can shed some very helpful light on the grille, which I am fully aware did become an issue.

**Mr Paul Cawkwell (Northern Ireland Prison Service):** Until very recently, the regime in Roe House was divided. Two regimes were in operation for separate groupings. At the start of the stocktake process, the prisoners made it known that they wished to act as one group to maximise opportunities to use the regimes. We welcomed that. In the immediate aftermath, in our haste to respond to it, a tactical decision was taken to leave a grille unlocked. I can place on the record that that tactical decision was reversed. The original decision was taken at a local level, and the decision to reverse it was taken at a local level. It was short-lived.

**The Chairperson (Mr Givan):** Was it wrong to have made that response so quickly or, as you said, in "haste"?

**Mr Cawkwell:** No. I think that it was the right decision to take at the time, bearing in mind the information that was available at that time. As with any decision, you should reflect on its impact and assess what follows. Having assessed that, the local decision, quite rightly, was to reverse the initial decision.

**The Chairperson (Mr Givan):** The response to the recommendation about an independent chair of the prisoners' forum has been that it needs more substantive consideration. Can I assume from that that you have not automatically accepted that recommendation?

**Mrs S McAllister:** We have accepted the recommendation, but we have not yet identified who the independent chair should be.

**The Chairperson (Mr Givan):** Who currently chairs the prisoners' forum?

**Mrs S McAllister:** It is chaired by the functional head or the unit manager, so it is a middle manager. We welcome the recommendation. We think that it is going to be helpful to us to have that independent chair, an arrangement that will be reviewed after six months. It will put some rigour into the process. It will be very helpful. I speak as somebody who has chaired many prisoner forums, and I am sure that Paul has as well. It would be helpful to be able to have that independent input, if not permanently, at least temporarily.

**The Chairperson (Mr Givan):** How normal is it in other prison establishments — in GB, for example — to have a prisoners' forum?

**Mrs S McAllister:** Absolutely normal.

**The Chairperson (Mr Givan):** How normal is it, in those other institutions, that there would be an independent chair of the prisoners' forum?

**Mrs S McAllister:** First, it is absolutely the norm to have prisoners' forums. There are a number of ways in which those forums can be chaired independently. There are some outside organisations that provide chairs for those types of forum committees. There is an organisation called User Voice.

There is another organisation that is supported by Nacro. There are a number of ways in which governors can choose to have that independent input. It is certainly not unique to this particular prison.

**Mr Cawkwell:** Some of the organisations that you mentioned even run elections to find out who will sit in the senate of the forum.

**The Chairperson (Mr Givan):** Currently, it is chaired by the Northern Ireland Prison Service (NIPS). Sue, you rightly said that the Prison Service has all the power and that that is the way that it should be. I certainly agree with and welcome that comment. Clearly, there are those who feel that the Prison Service does not hold all the power and are demanding changes. If we have an independent, neutral chair, and two opposing sides that are going to thrash out the issues and reach compromises through negotiations, that does not strike me as the Prison Service having all the power. That is my fear.

**Mrs S McAllister:** We are very clear that the deprivation of liberty is the punishment. Prisoners are in prison as a punishment, and it is being deprived of their liberty that is the punishment. The safest thing for us, as members of the Prison Service, and for communities in running well-ordered and decent prisons is to have a decent environment for everybody that does not preclude having a process in which prisoners can be involved in some of the decisions that affect their daily life. Decisions about matters such as visiting arrangements, food, and access to craft activities and to learning and skills are all decisions on which it is absolutely appropriate and desirable that prisoners have an input and a voice. We serve no good by infantilising prisoners by making all those decisions for them. We certainly would not be proposing that any decisions about security or order in the prison, for example, be ceded to those fora. It is about having an appropriate mechanism for involving prisoners in decisions about their daily life. Those are the types of issues that we envisage being discussed at the forum with the independent chair.

**Mr Cawkwell:** Significantly, we do not envisage a situation in which the chair operates with executive powers. The chair does not hold the casting vote. The role is to hold people to account. If commitments are laid before the forum — for example, "I can give you a response to what you are asking me at the next meeting" — it will be quite right and proper that that individual be held to account.

**The Chairperson (Mr Givan):** The section of the stocktake report on the state of compliance states that not all the principles of the agreement that were undertaken have been adhered to. Who did not uphold the principles that were signed up to? I am interested to find out who is to blame. I have not been able to establish, either from the Minister or the assessors, who was to blame for not upholding the 2010 agreement. Let me say, on the record, that I appreciate the fact that you were not the director general then and, as such, were not involved in it. I certainly was not involved in it, and I did not agree to it. I condemned it at the time. However, we live in the reality of where we are: I am in my position here, and you are in your position. I appreciate that you were not party to it and that you are dealing with something that came before you. Nevertheless, who was to blame for not implementing the 2010 agreement?

**Mrs S McAllister:** We have been absolutely clear that the prisoners' threats against staff and, particularly, the murder of David Black were the clearest breach of the agreement and that that is what has prevented us moving forward. That is what made it appropriate for the Prisoner Ombudsman to request of the Minister that a stocktake be carried out. I hope that is the answer to your question, but I am not absolutely sure that I understood it.

**The Chairperson (Mr Givan):** Obviously, looking at the timeline of events, which has been usefully put into the stocktake, we can see that we had the agreement in July 2010. We then had the commencement of a further protest in May 2011. We then had the murder of David Black on 1 November 2012. You had the agreement from July 2010. The protest did not start for almost another year. Why therefore was the agreement not fully implemented by the Prison Service in that 10- or 11-month period, which, prisoners would say, led to them having to go on a dirty protest?

**Mr Cawkwell:** I cannot rewrite the history of what happened over the entirety of that four-year period. If we are looking at where the agreement was not fully implemented, look no further than at the actions of the organisations that would ally themselves to some of the prisoners for the callous murder of David Black.

It is not true to say that it was one-sided. The fact is that NIPS gave a commitment in the 2010 agreement that it would continue to review and assess ways in which to progress further the supervised free-flow movement of prisoners. We have been called out on that by the stocktake report, which states that we made that commitment and asks where we are at with it.

**The Chairperson (Mr Givan):** With the agreement in 2010, there was a vision of what was meant to materialise. You then had the protest, the murder and the ongoing threats, which exist and are real. The stocktake is a recommitment of an agreement that has already failed.

You are the director general now. You are not responsible for what happened in 2010, but you are responsible now, and you have accepted the recommendations, which are predicated on a process that is flawed and rewards bad behaviour. Why are you not taking the control that you say you have? You said that it is all with the Prison Service. Why are you endorsing something that has been clearly shown to have failed in the past?

**Mrs S McAllister:** The stocktake is exactly what it says it is: it is a stocktake. It is our opportunity to give some momentum to the process via which we can reach a more normalised environment in the separated accommodation. That will be safer for our staff and more effective in running a well-ordered and safe regime for everybody. As I said, we need to give that process some momentum. We believe that there is commitment from all parties to move towards a more normalised environment. Therefore, our job, as leaders of the organisation, is to pursue that goal of a more normalised environment. However, we continue to affirm that this is a high-security prison environment. We are not talking about ceding control. We are talking about moving from having three prisoners on a landing at any time to having, ultimately, six in six months' time. That is still a very controlled environment. It is an environment that, we believe, can be safe and that will be manageable. We are not talking about moving to 24-hour unlock or staff coming off the landings. We are talking about something that will remain very well controlled. There will be an appropriate level of security for a high-security facility with category A prisoners in it.

**The Chairperson (Mr Givan):** Do you accept that, in continuing with a failed process, it will, as the assessors said earlier, put the prisoners on the back foot, remove any further excuses and take away their oxygen? Do you expect the prisoners now to accept what is recommended in the stocktake and set aside all the demands that were in their conditions document? As far as the prisoners are concerned, is this the end game, which has been offered to us as a panacea, or do you anticipate that they will come back for more?

**Mrs S McAllister:** We are not setting out to put prisoners on the back foot or to deprive them of oxygen. We are not about that. Our job is to run safe, secure and decent prisons, and we will continue to treat all prisoners in our care decently and properly. This is not about scoring points against the prisoners. We have all the authority. It is not an equal relationship. This is not about depriving prisoners or trying to catch them out. This is about trying to move towards a more normalised regime in the separated accommodation. It is about modelling those sorts of behaviours and allowing our standards of decency and humanity to prevail while continuing to run a high-security prison facility in which the public can have confidence and so that we, as officers of the prison, can continue to believe that we are behaving properly.

**The Chairperson (Mr Givan):** Finally, I want to ask about the prison officers' involvement in the outworkings of the stocktake: what engagement has there been with the prison officers who are involved in Roe House and wider? David Black did not work in Roe House, yet he was targeted. It not just the staff in Roe House who have concerns. We heard a little bit earlier about what appeared to be a failure back in 2010 to engage with prison officers directly on this. What has been your engagement with the prison officers on the issue and where does the Prison Officers' Association (POA) stand on the stocktake recommendations?

**Mrs S McAllister:** I will let Paul talk in a moment about consultation more generally, because he does the bulk of that consultation, but it is important to say that we run an organisation that has staff, as we have said, working on the front line, and we engage with and consult those staff regularly. Our task and the task of the governor is to lead the organisation and Maghaberry prison respectively. Therefore, the idea that every individual who is working on the front line with prisoners can be consulted and their opinions sought about everything that will affect them is unrealistic, and it is our job, as leaders, to make some of those decisions on their behalf. I have said before that all of us, as a senior team, engage regularly with our colleagues at all levels and spend time in prisons talking to staff, and we also have more formal processes for talking to the POA. Indeed, here with us today is

an officer who is one of my colleagues from Hydebank Wood. He is spending the day with me in return for a day that I spent with him in Hydebank trying to foster better understanding across grades and between headquarters and our establishment. We remain committed to doing that, but we sometimes have to make those difficult decisions about what is best strategically and to be able to stand above some of the day-to-day issues in order to be able to make those decisions.

**Mr Cawkwell:** The governor has two roles, and they are incredibly complex and demanding roles to perform. The first is to show leadership. It is the governor's name above the door and he is responsible in law for all that goes on in a prison and is answerable for that. That requires leadership and requires him to make the big calls when they need to be made, and that will explain what was happening in 2010.

The key part is the second part of his role. Prisons are also huge organisations. Maghaberry as a prison employs close to 800 people. It is a business that has a budget of almost £50 million. For a business such as that to run effectively, the governor and the management team have to ensure that they have proper communications strategies in place, the ability to listen to what front-line staff have to say, and the ability to communicate with unions to ensure that tensions are understood and managed.

In that respect, the governor of Maghaberry has ongoing commitments to meet the POA. That is done on a formal basis. The POA also has access on an informal basis if there are measures that are pressing. The governor has measures to deal with other trade unions through the Whitley Council, and, more importantly, in Roe House there are four rooms for staff, so the staff from there regularly have the opportunity to meet senior management, and that gives them the opportunity to receive and share feedback. The most recent of those meetings took place this week, so that is something that has been happening with regularity. It allows the decision-makers to ensure that what is happening and what the feeling of staff is in their prisons is fed to them. However, this is not a matter of terms and conditions that we would go to a union formally about and ask it to sign up to. That is not the role of the union, but it is important to understand how staff would feel.

**The Chairperson (Mr Givan):** I accept that it is ultimately for management to sign up to whatever the operational decisions are going to be, and staff should not be able to hold any organisation to ransom. However, as you pointed out, Paul, you do need to bring your people with you. You need communications strategies and to hear their concerns from them, but, for many years, we have heard of the disconnect between the front-line rank and file, governor grades and Dundonald House. That is not new. It has been there historically in the organisation. Although I accept that the governor ultimately has to sign on the dotted line, in an organisation in which, culturally, Dundonald House has been involved in those strategic decisions, its director general level then has to support governors or not. If you do not get that support as a governor from your management — it may have a particular view, but, legally, it is for the governor to sign off on — it can be challenging, I would say. It would be not impossible but challenging for a governor to go against the prevailing view of the senior management at Dundonald House.

**Mr Cawkwell:** It would not be the governor that would make the final call on accepting stocktake recommendations. Rather, the governor's voice would be there at the table, telling us what his management team feels, what its sense in the prison and what is in the best interests of the prison. We cannot remove ourselves from the recorded fact that a very controlled environment exists in Roe House and Bush House. You would expect that in conditions of high security, but everything that we do is evidence-based. Every piece of empirical research that has been published from 1968 onwards into the regime for long-term prisoners in conditions of maximum security tells you that you cannot rely just on control. You have to work to normalise conditions to engender dynamic security. That is what we are trying to do, and we think that the stocktake gives us that opportunity.

**The Chairperson (Mr Givan):** To be clear, how far down the chain of command did you get support for the Prison Service's agreement of the recommendations? Obviously, the director general and your directors supported it. Did the governor approve it? Was the Prison Officers' Association asked for its input, and, if so, what was that input?

**Mrs S McAllister:** We certainly have engaged with the governor and his senior management team about accepting the recommendations. They are understood and accepted, and we are absolutely clear about that.

**The Chairperson (Mr Givan):** So that I am clear, are you saying that they understood the recommendations and accepted them, or did they accept your acceptance of them? Is the governor's team in Maghaberry signed up to —

**Mrs S McAllister:** Yes, absolutely. On seeking agreement from the Prison Officers' Association, as Paul said, the requirement to consult with it is around things that affect its members' terms and conditions. We do not formally consult the POA about accepting the recommendations. We talk to it about them, as did the assessors as part of their stocktake, but there is not a requirement for the Prison Officers' Association to accept the recommendations.

**The Chairperson (Mr Givan):** Did the governors talk to the POA, particularly in Maghaberry, to get its view?

**Mr Cawkwell:** There are routine mechanisms for gathering feedback and for the POA to share its concerns. I would have been surprised if the governor had formally tabled a request for a meeting to say, "I need your approval for this, and I want to consult with you on this". There are regular opportunities — formalised meetings — at which staff and their representatives can share their concerns. They would have known that the stocktake was going on, because it was announced. That is not our only method of communication, however. What is more important are the forums taking place with staff. The fact is that the governor grades involved in Roe House do sit with their staff on a regular basis to take their pulse to understand what is happening.

**Mr Elliott:** Thanks very much for the presentation. The report states that outstanding issues include the ongoing abuse of staff and threats to staff, and it goes on to highlight some of the issues. One of the paragraphs under the "State of Compliance" heading states:

*"Any relaxation of the present restrictions would depend on the prisoners acting in good faith and refraining from actions that might prevent staff carrying out their work professionally and free from harm, intimidation or threat."*

I assume that, if that paragraph is not met, all other aspects are off the table.

**Mrs S McAllister:** Yes. To go back to what we have just said, we have demonstrated, by making the first move towards a more normalised environment, that we are committed to achieving the aims set out in the stocktake. It is now important that the prisoners cease subjecting our staff to any threats or intimidation.

**Mr Elliott:** You made a positive move towards the prisoners while threats were ongoing.

**Mrs S McAllister:** Having made that first move towards normalisation, we now have a clear statement from the prisoners that they are committed to moving towards the aims set out in the stocktake.

**Mr Elliott:** You have gone beyond the recommendation of the report.

**Mrs S McAllister:** I do not believe that we have.

**Mr Elliott:** You accepted —

**Mrs S McAllister:** Sorry, Tom. Since we made that first move, there have been no further threats to or intimidation of our staff. It is very early days. I am not counting any chickens, but we have to make that first step. Should there subsequently be any threats or intimidation, we would then be in a different place.

**Mr Elliott:** The point is that you made the move while the threats were still in place.

**Mrs S McAllister:** The threats and intimidation that we are talking about in Roe House are the day-to-day physical intimidation of our staff. There have been no threats and no intimidation since we made that first move.

**Mr Cawkwell:** The stocktake reports on an impasse. We recognise that there is an impasse. We believe that the prison is safer and more secure if we can normalise conditions. Somebody needed to put momentum into this, so we took the first step.

**The Chairperson (Mr Givan):** That is about internal and external threats. How do you adjudicate on when the external threats have been lifted?

**Mrs S McAllister:** We can respond only to what happens subsequent to our making that first move, and we will do that.

**The Chairperson (Mr Givan):** How will you deal with the external threats, though? Who will advise the Prison Service? Obviously, you will get your internal information — staff will be able to relay that to you very easily — but the assessors' report said that the recommendations should be implemented only when the threat — internal and external — had ceased.

**Mrs S McAllister:** I would not expect you to expect me to talk in this forum about those mechanisms. If I am reading your question correctly —

**The Chairperson (Mr Givan):** I am trying to understand how we will get public confidence that you are not moving ahead to appease the terrorists when one of the conditions is that the external threat also needs to be lifted. How will we know? If the public are to have confidence in the relaxation of the regime, we need to know the criteria that will be used to adjudicate on how conditions are being complied with by the prisoners.

**Mrs S McAllister:** Absolutely, and we have set it out that, if we have any indication that threats to our staff, either from inside Maghaberry or externally, are continuing, we will review our position.

**Mr Elliott:** How long ago did you take the initiative to relax some of the measures?

**Mrs S McAllister:** Sorry to be pedantic, but we would prefer not to talk about "relaxing" the measures; we are moving towards a more normalised environment. That was yesterday or the day before.

**Mr Cawkwell:** I believe that it started two days ago, yes.

**Mr Elliott:** Have there been no threats in the prison in those two days?

**Mr Cawkwell:** The feedback from the prison is that, so far, things are working well. It is early days, and we will be assessing it and staying very close to it. We needed to give this momentum. I think that it is a positive step towards normalised conditions, which offer our staff safety and assure me that security is not compromised.

**Mr Elliott:** I may not agree with your term "normalisation" because I may have a different view on normalisation for dangerous prisoners from others or from those prisoners. Anyway, I will use your term for the sake of it. Are any other steps towards that normalisation planned in the near future?

**Mr Cawkwell:** The next step is the establishment of the prisoner forums, and we hope that they will be the vehicle through which positive developments ensue in Roe House. I do not think that normalisation is just my opinion. CJINI and Her Majesty's Inspectorate of Prisons (HMIP), in 2006 and 2009, talked of unnecessarily restrictive arrangements for the movement of separated prisoners. In 2013, they echoed that and said that security arrangements on the separated units remained overly restrictive. It was also alluded to in the Owers report. So, it is not just my opinion on the matter; it is widely shared.

**Mr Elliott:** I totally accept that that may be true in the criminal justice system, but the wider public may have a different view on it, as have I. We will agree to differ on that. The next stage is the prisoner forums. When do you plan to establish those?

**Mrs S McAllister:** The next requirement is that we identify an independent chair, which we will try to do as quickly as we can.

**The Chairperson (Mr Givan):** Has the International Committee of the Red Cross not been flagged up for that?

**Mrs S McAllister:** It was suggested as a possibility.

**The Chairperson (Mr Givan):** It certainly has leanings towards relaxing the regime.

**Mrs S McAllister:** It has been suggested, and we are continuing to have those conversations.

**The Chairperson (Mr Givan):** Some of us may question its neutrality in respect of the type of regime that others think is appropriate.

**Mrs S McAllister:** We understand that.

**Mr Elliott:** Finally, who will be on the prisoner forum? Is it only prisoners?

**Mrs S McAllister:** It is the prisoners and representatives from the management. Typically — correct me if am wrong, Paul — the senior officer will attend and the governor grade who has responsibility for Roe 3 and Roe 4. Either the unit manager or the functional head will attend and has previously chaired the forum, and any officers who are on duty will attend. It is staff and prisoners.

**Mr Frew:** I apologise if I ask a question that has already been asked; I had to nip out for a few minutes. I want to talk about the practicalities of some of the measures, particularly the one about increasing the number of prisoners on landings from three, at the moment, up to four as a goodwill measure and then all the way up to six. I quote from the stocktake report:

*"Any relaxation of the present restrictions would depend on the prisoners acting in good faith and refraining from actions that might prevent staff carrying out their work professionally".*

If you increase the number from three to six, and something happens that prevents staff from carrying out their work professionally so that the agreement is broken, how do you row back from that in Roe House?

**Mrs S McAllister:** First, we do exactly what we have done, which is to set out a very clear message that any movement from three to four and, indeed, beyond that is predicated on there being no threats, no intimidation and no instances where prisoners are preventing our colleagues on the landings from going about their duties. So, we determine how many staff are on duty each day and how many prisoners are unlocked at any one time. Every day is a new day; so we can start again each day, if that is what you are asking.

**Mr Frew:** Can you? If you go from three to six, and something breaks down or something happens, and they prevent your staff from carrying out their work professionally, how can you row back from six down to three?

**Mrs S McAllister:** I do not see how we cannot.

**Mr Cawkwell:** In reality, as the director general said earlier, we have the power; we hold the keys and define what the regime looks like, but we like to act in good faith because, in prisons, good faith generally brings with it good order. That is the goal and people like to behave accordingly. The process of rolling out this particular recommendation in the stocktake is being stage-managed. We are giving it momentum by moving to four. The stocktake advises us to move to six. The governor and his team take the view that this is something that they will see step changes for, over the period of six months. So, if in three months' time there has been an improvement, they will look to increase it to five and, three months later, to six.

**Mr Frew:** The time difference is not the issue in my question. The question is, if you get to six, five or four, and something happens and the whole agreement breaks down, how do get back to three, if that is a condition of the agreement?

**Mrs S McAllister:** Absolutely. This is a practicality. We have said that before. When we talk about the landings and about the control of movement on the landings, you must understand that the

landings are essentially a transit area from the cells to the communal areas, where there are not the same restrictions on numbers because prisoners are in a secure area. So, I might be being dim here, Paul; I might be missing the point of your conversation, but we determine how many prisoners we should unlock at any one time to transit that landing and get to where they want to be. It is in the prisoners' interests to comply with that because they want to be either in the rec room, classroom or the exercise yard. As Paul says, we have the keys, and we have the control; we may unlock three at a time or four. We can determine that.

**Mr Frew:** I am sorry, it could well be me who is being dim. You are telling me that that is a mechanical movement or action. It will not require any more staff.

**Mrs S McAllister:** It is the same number of staff; it is just an increase by one in the number of prisoners who are unlocked at any one time to transit the landings to get to the communal areas.

**Mr Frew:** So that is basically a mechanical action that will move you to down to three immediately. You can take away that liberty, if you like, immediately.

**Mrs McAllister:** Yes.

**The Chairperson (Mr Givan):** How many threats would need to occur for you to go back to your default position and reduce the numbers out on landings?

**Mrs S McAllister:** There are two answers to that. We have been very clear that all the movement is predicated on an absence of threats; so one threat is one too many. However, as we have said before, running prisons is a tricky business, and we routinely deal with failure to comply, challenges to our authority and poor behaviour on a continuum. So I think it would be for us, as professionals, to make those judgements, or for the governor, supported by us, to make those judgements about what is safe, as he and his colleagues do daily.

**The Chairperson (Mr Givan):** Once you move beyond one threat is too much, then there is an acceptable level of threat, and it becomes subjective, based on your dynamic risk assessment and so on. However, this stocktake says that it will only go to six if all of those conditions are met. Unless you are absolute in respect of that, then you only encourage them to come back for more and, inevitably, they will test the boundaries.

**Mrs S McAllister:** Absolutely.

**The Chairperson (Mr Givan):** I want it very clearly spelt out how many threats means that it goes back to square one, where everything is taken off the table, you have the keys, you have the power, the prisoners are not going to be able to dictate their terms, and you go back to reducing the number of people on the landings. How many threats?

**Mrs S McAllister:** We would be absolutely clear that all of this progress requires good faith and an absence of any threats. Therefore, one threat is one threat too many and is not acceptable under any circumstances.

**Mr McCartney:** Thank you very much for your answers to date. I know that you were there when the assessors were there, so I am not going to go over the preamble, except to say that I think that there is an opportunity, but there are, obviously, challenges that face everybody.

Is there anything in the document that you feel that you cannot deliver?

**Mrs S McAllister:** We have accepted the recommendations. Obviously, the final recommendation is one for the Secretary of State and the Northern Ireland Office, but, other than that, we believe that it all makes for a move to a safer environment for our staff and a more normalised environment.

**Mr McCartney:** So, there is nothing in the stocktake that undermines or jeopardises security?

**Mrs S McAllister:** No.

**Mr Cawkwell:** Far from it.

**Mr McCartney:** There have been no formal discussions around the stocktake with staff and senior managers?

**Mrs S McAllister:** No formal consultations.

**Mr McCartney:** Has the POA made any formal submission to the governors or to you at administration level?

**Mrs S McAllister:** The POA continues to talk to us about staff safety generally, as you know. However, in relation to this, I do not think that it has.

**Mr Cawkwell:** No, I am not aware of any; neither would I have expected it.

**Mr McCartney:** You would not have expected that it would have a position in relation to this?

**Mr Cawkwell:** I fully accept that it will have opinions and that it will want to reflect the opinions of its members. If it did not feel that the governor was capturing those through his forums with staff, it would want to step into the gap.

**Mr McCartney:** We talked about the independent chair. What is your timeline for someone being in place and the first forum taking place?

**Mrs S McAllister:** As soon as possible. We have a meeting this week to talk about that, so it will be as soon as possible.

**Mr McCartney:** We all use the words "as soon as possible".

**Mrs S McAllister:** We would like to identify somebody within the next few days and approach them.

**Mr McCartney:** So, if it ran on for four weeks, you would consider that unacceptable?

**Mrs S McAllister:** Yes. It would be too long.

**Mr McCartney:** OK. The independent assessors seem to suggest that they will have some role in this. Have you a view on how it should be assessed from your end of things and from the prison end of things? Will it be joint or separate?

**Mrs S McAllister:** It would be most helpful if the assessors continue to have a role in monitoring this, because that gives it that independence and that credibility from all interested parties and stakeholders. However, sitting alongside that are Paul's routine management visits, where he routinely visits Roe House — the formal mechanisms for talking to staff — and through the POA and visits from other senior managers. The formal mechanisms for giving assurance to the Minister will be through the independent assessors, but we anticipate being able to pick up very quickly if there were any difficulties with it, so that we could respond to those.

**Mr McCartney:** Is there someone specifically tasked with that, or is it going to be a broad sweep?

**Mrs S McAllister:** I think that that would be a matter for the governor.

**Mr Cawkwell:** This falls under that category where it is too important for anybody to ever let it slip. It is meat and grist for virtually every conversation that I have with the governor of Maghaberry. I wish that I could talk to him about other matters, but this particular issue needs resolution if we are to serve the interests of the other prisoners in Maghaberry too.

**Mr McCartney:** I ask that because it mentions a misinterpretation of a particular aspect. At the beginning, if you reflect back to August 2010, one of the issues became, "What does this mean, and what does that mean?" Someone has to be on top of this or it can fritter away through misinterpretations. If it is left to a governor, it should be left to a governor, but if it should be left to someone else, it should be their responsibility to ask, "What is this about?" and say, "Here is the definition. How do we get the definition and come to an agreement on what the definition is?"

I made the point to other director generals that, too often, there is a prism and it can be, "This is a return to Long Kesh", despite the fact that Long Kesh is closed and in mothballs at present. That can create a scenario where anybody makes anything that seemed to be what you call "normalisation" and the comeback is, "That is a return to Long Kesh", and it has to be seen as a bad thing. Sometimes, even when people talk about a return to Long Kesh, it can be through a very partial prism. Other people talk about a return to Long Kesh and say that there are bad practices and other aspects. There has to be a mechanism in place so that, if this is a process of normalisation and is about having a regime that, at its core, is about being humane, dignified and respectful to everybody, it is not blocked by a false prism.

**Mrs S McAllister:** Yes.

**Mr Poots:** Why was it your role to move first?

**Mrs S McAllister:** Because, as we have said, we are the people who run the service. I think that it is important that it is our responsibility to deliver this and give it momentum. That was wholly appropriate.

**Mr Poots:** I strongly disagree. It is not your responsibility to cave in to pressure. During this time, we have witnessed the murder of a prison officer, and two prison officers have had viable devices sent to their homes and have had to move from their homes. In the last few days, sinister comments have been published on a republican website about four of my colleagues. In the last week, Mr Cawkwell, Republican Network for Unity named the senior prison officer official, and that has been condemned by Finlay Spratt of the POA. In spite of one of your prison officers being named last week and when there is no demonstration of goodwill whatsoever coming from republicans, you are caving in and giving concessions to them. That is not acceptable.

**Mrs S McAllister:** We have been clear that naming our staff is totally unacceptable, and we work —

**Mr Poots:** So we give them more concessions the following week? We go down a train of concessions the following week after the naming of staff, even though you say that it is unacceptable. What authority do you have, Mrs McAllister, in those circumstances? The prisoners are laughing at you.

**Mrs S McAllister:** It is our responsibility to run the Prison Service and to run secure, safe and decent prisons, and part of that is to deliver the recommendations that we have accepted. We are absolutely clear that everything that we have done so far is appropriate and defensible and is to move towards an environment that is safer for our staff.

**Mr Cawkwell:** Our incentive for moving first was that the prize was greater for us. The fact is that nothing that will come about from this stocktake will compromise security in what is a high-security facility, but normalising the regime and the dynamic security that it should bring and that is currently missing, will make it a safer environment for our staff. The prize is too rich to decline.

**Mr Poots:** What level of drug use — not prescribed drugs — is there in the prison?

**Mr Cawkwell:** I gave out detailed figures at the last Justice Committee hearing. I believe that that pitched it at, from memory —

**Mrs S McAllister:** We have not come here prepared to talk about drug use, but —

**Mr Poots:** I know, but you should have that information just off the top of your head. That is not an unreasonable question to ask, and there is a context to it.

**Mr Cawkwell:** I think that I laid out at the time that it was in the region of 17%. I also laid out the significant reductions that had been achieved over the past year.

**Mr Poots:** If you have that scale of drugs imported into the prison, what else can be imported? Could explosives, for example, be brought in through fine materials being imported into the prison?

**Mrs S McAllister:** That is a really important point, and Paul can come in on that in a moment. When we talk about searching, we have been clear that we have not currently identified a technological alternative to full-body searching. We have tested a millimetre wave body scanner, we sent someone down to Portlaoise to look at the Multi-Mode Threat Detector, and we have sent off an application to use X-ray scanners. We know that technology is evolving all the time, and, when and if there is something that is as good as full-body searching, we will consider that, but there is nothing at the moment.

Nobody likes full-body searching. Nobody likes carrying out full-body searches. I am sure that Paul and I have done more full searches than we would like to have done. Prisoners do not like them, and they are unpleasant for everybody, but we remain clear that Maghaberry is a high-security prison, in part, and Roe 3 and 4 is a high-security facility. That is why we continue to carry out full-body searches. We have always said that it is possible for items to be brought into prisons in a variety of ways, including internally, and we do not carry out intimate searches. We do not search in people's bodily orifices. Of course, it is always possible, but we just have to make it as difficult as we possibly can. We do that through good searching and intelligence and through blocking the routes, in so far as is practically possible, to stop unauthorised items of any type coming into our prisons.

**Mr Poots:** Are you confident that there is no lethal weaponry in the prison?

**Mrs S McAllister:** We have heard what was mentioned already. If any of our staff has any information that suggests that there is anything unauthorised in the prisons, then there is a requirement on them to inform us of that immediately through security information reports or through other means. Failure to do that is a breach of the code of conduct. If our staff have information that is not passed on to us immediately, then we need to address that. Given that it has been mentioned here, we need to go away and look at that immediately, and we may have to come back to the people who mentioned it here today to seek more information, because it would be very worrying if that information were out there.

**Mr Cawkwell:** If the information existed and were not shared with prison authorities, that is a breach of somebody's code of conduct. If it were shared with prisons authorities, there is an immediacy to how that would be handled. It would be red-flagged and it would be analysed quickly. The threat would be assessed quickly, and, if action were needed, action would be taken quickly to respond to it. We are not passive when it comes to security. This is a high-security facility, and nothing will change as a result of this stocktake that will compromise security, except that we may benefit from dynamic security that is currently missing.

We spent £11 million upgrading the security in Roe House; £1.2 million recently. We are upgrading the search facilities for goods and people coming into the prison, and we have invested a lot of time in improving the procedural security around Maghaberry. We are not complacent when it comes to security. These are category-A prisoners, but we recognise that we need to normalise the regime. The prize for normalising the regime is that normal interactions will, in future, run between staff and prisoners, and that will allow us to capture dynamic security, which is currently missing.

**Mr Poots:** We have a history in Northern Ireland, and you, Mr Cawkwell, referred to empirical evidence. I remind you of the proverb that there is nothing new under the sun. How republicans are behaving at this time is not new. Republican prisoners behaved this way in the past in the Maze, and that led to an outcome that was wholly unacceptable in how a prison was managed, and we should never, ever get into that position in Maghaberry. There is an absolute fear amongst both prison staff and the wider public that the concessions that are being made are concessions that will take us to the same place as the Maze. You are saying that that is not going to be the case. We are not going to wake up some morning and switch from what you currently have in Maghaberry to what you had when the Maze was closed. It was done incrementally.

The evidence that we have at the moment is that, when republicans misbehave, they get concessions. Then they turn the tap off for a time, then they get more misbehaviour, get more concessions, and, incrementally, bit by bit, you denude the security regime that exists. That is the empirical evidence that there has been throughout the history of prisons in Northern Ireland, Mr Cawkwell. That is a route that we, as public representatives, will not allow the Minister, or, indeed, the prison authorities, to go down again.

**Mrs S McAllister:** I think you have identified a really helpful pointer for us. As Paul said, we are absolutely clear that, in the last two years, we have strengthened the security in our prisons. We have

strengthened the physical security by investing money. We have strengthened the procedural security by being absolutely clear with our staff at all grades about what they need to do. We continue to strengthen dynamic security, and this is one way in which we are doing that. What you identify is that we may need to get better at educating and communicating so that people understand why we are doing things and that, actually, the things that we are doing will strengthen security rather than dilute it.

**Mr Poots:** I had no confidence in the people who previously addressed this Committee. I think that they are being used by the prisoners as useful idiots. Consequently, you should be very careful about the advice that you receive from them, because that will not play well with many of the public, who have an expectation that prisoners will be kept in a secure environment, that prison officers can carry out their duty safely and that concessions should not be made to people who murder, send viable devices and threaten people. They should not receive concessions.

**The Chairperson (Mr Givan):** I have one last question and would like a bit of clarity. Mr Elliott mentioned when the clock started ticking on the agreement, and I think I am right in saying that it was two days ago. Is that right?

**Mr Cawkwell:** That was in terms of moving to four unlocks on a landing.

**The Chairperson (Mr Givan):** I am just trying to get clarity. There was the stocktake report that was released, and then you had the naming of that senior Prison Officers' Association official that night. If one threat is too many and you are opposed to prison staff being named, one might say that they have already breached the agreement.

**Mr Poots:** Yes.

**The Chairperson (Mr Givan):** I am trying to get clarity on when, you believe, the clock started ticking for prisoners' compliance, otherwise I would expect you to renege on the gesture of goodwill to prisoners that you have already committed to, on the basis of what happened.

**Mrs S McAllister:** OK. We can go and satisfy ourselves of that timeline, but we are clear that it was incumbent on us to make the first move. That is what we have done.

**The Chairperson (Mr Givan):** I ask you to review the time frame of when the stocktake was announced and the Republican Network for Unity's press statement in which it named a number of people, including one of your members of staff.

**Mr McCartney:** On a broad point, obviously, people here have different views and different perspectives, but the people who come in front of us in good faith should be treated with courtesy.

**The Chairperson (Mr Givan):** I thank you both very much for coming to the meeting.