



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

CJINI Report on an Unannounced Inspection
of Maghaberry Prison:
Independent Monitoring Board,
Maghaberry Prison

28 January 2016

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Members present for all or part of the proceedings:

Mr Alastair Ross (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Stewart Dickson
Mr Sammy Douglas
Mr Paul Frew
Mr Seán Lynch
Mr Edwin Poots

Witnesses:

Ms Margaret McCauley	Independent Monitoring Board, Maghaberry Prison
Mr Patrick McGonagle	Independent Monitoring Board, Maghaberry Prison

The Chairperson (Mr Ross): I welcome Margaret McCauley and Patsy McGonagle, members of the independent monitoring board (IMB). The session will be reported by Hansard, and the report will appear on the Committee website in due course. Perhaps you could start with a few opening remarks, and if there are any questions from members, which, I suggest, there probably will be, we will take those afterwards.

Mr Patrick McGonagle (Independent Monitoring Board, Maghaberry Prison): Good afternoon, Chair, vice Chair and members of the Committee. The IMB welcomes this opportunity to highlight the concerns that we have been raising over the past number of years. I have been chairman of the IMB at Maghaberry since 1 April 2015. With me is my fellow board member Margaret McCauley, who is the current vice chair and was the chairperson for the previous three years.

The independent monitoring board or IMB was previously known as the board of visitors and was set up under the Prison Act (Northern Ireland) 1953. It changed to the IMB in 2003. Board members are members of the general public from all backgrounds. They are unpaid volunteers — I stress the words "unpaid volunteers" — appointed by the Justice Minister, through competition, for an initial three-year term and up to a maximum of nine years, in line with public appointments regulations.

Dame Anne Owers, in response to a query relating to the relevance of the IMB when there are so many bodies inspecting various aspects of the prison, stated that, whilst an inspection is a snapshot of a prison during a short period, the IMB is in a unique position to report on how the prison is working, as it is on the ground for 52 weeks a year. The role of the IMB, which is an independent body, is to satisfy itself regarding the treatment of prisoners, the state of prison premises and the facilities available to prisoners to allow them to make purposeful use of their time. We consider requests and complaints made by prisoners; attend serious incidents, including deaths in custody; and report on

matters of concern to the appropriate governor and, when necessary, the Justice Minister. The IMB is not an inspector; we are not investigators or managers of the prison. We are there to examine the treatment of prisoners, including the provision for their healthcare and other welfare while they are in prison. We ensure that they are informed and visit prisoners on restriction of association and attend rule 32 case conferences. We attend a sample of adjudications of prisoners who have been charged with an offence against prison rules. Board members also attend and monitor a range of meetings in the prison, for example, on prisoner safety and support, equality and diversity, and safer custody, and we are obliged to produce an annual report.

To be able to carry out the role effectively, members need to have a wide knowledge of all activities within the prison and the roles of various associated organisations that work within the prison, such as Alcohol and Drugs: Empowering People Through Therapy (AD:EPT), NIACRO, Cruse and the chaplaincy etc. Although the IMB has no comparable responsibilities for staff, staffing issues that affect those held in custody are a concern for the board. It is important that the IMB builds a professional relationship with the staff in order to resolve issues. Where it can assist in resolving any difficulties that a member of the staff may have, the board, where it judges it appropriate, may do so.

I will hand you over to Margaret, who will read our opening statement.

Ms Margaret McCauley (Independent Monitoring Board, Maghaberry Prison): Good afternoon. Before I start, I want to make the distinction that, in our opening statement, "local management" refers to the staff in Maghaberry and "senior management" to staff at headquarters; for example, the director general and the director of operations.

While we have raised several issues in the last three years' annual reports, I will concentrate on the main areas of concern: staffing, healthcare and drugs. As chair from April 2012 to March 2015, I know that we, as a board, have raised all the issues that were highlighted in the unannounced inspection report from May 2015 and fail to see why it seems to have come as a surprise to those at senior management level. Back as far as our 2012-13 report, we highlighted that the excellent facility in Donard House was often closed due to lack of staff. Staffing levels and the restrictions they consequently placed on prisoner regimes were, again, highlighted in our two subsequent annual reports for 2013-14 and 2014-15.

The present issues with staffing have been due in part to not only the circumstances over the past few years but the failure of the Northern Ireland Prison Service (NIPS) to have a rolling programme of recruitment for at least the past 10 years. That is very evident by the lack of staff with between five and 10 years' experience. When the voluntary early retirement (VER) scheme started, three to four years ago, and when the recruitment of new staff took place, adequate measures had not been put in place for the training of new staff. The procedures for accreditation were not in place, which led to frustration for new staff who, employed on a lower salary scale, were dependent on the increment that they would receive when accreditation was completed. The director of operations attended the board meeting in February 2014 and said that the University of Ulster at Jordanstown was on board to provide accreditation, which was long in excess of the nine months that the new staff were promised. They were promised that they would have mentors on the landings, but the experienced staff were removed as far as possible from the landings, and the new staff were left to cope without guidance.

I think that you have copies of all our correspondence and the replies that we received when we raised our concerns with the director of operations, but I will briefly mention them here.

On 1 August 2014, I wrote to the director of operations, describing the situation then as "critical". Experienced staff were leaving in large numbers due to VER, and newly recruited staff were so disillusioned that they were leaving in significant numbers — approximately 40 to 50, at that stage. There were also plans to reopen Foyle to cope with the increasing prisoner numbers and to reduce the numbers in the other square houses. Shimna was opening, and the drug recovery unit was opening in Glen House. Burren House was also opening. Staff were under pressure due to the high levels of injury and stress-related sickness and the ongoing number of bed watches, which is totally unpredictable. In the reply, dated 28 August 2014, the director of operations agreed that Maghaberry was below its target staffing levels but blamed problems on sick leave, not recruitment. The director of operations also stated that recruitment was due to start again. That is the recruitment that new staff have only been interviewed for in the past few weeks. By the time training is completed and staff are on the landings, it will be almost two years from that response, apart from a few — probably fewer than 20 — who were recruited through the prisoner escort and custody services (PECS), last year. I responded on 18 September and got a reply from the director of operations again that day, which, we felt, was totally inadequate. We raised our concerns with the Minister on 7 October 2014. I again

raised our concerns on 27 December 2014, and the response was very similar to previous ones. Before my three years as chair finished in March 2015, I again raised all our concerns with the Minister, not only around staffing but also around drugs, healthcare and cuts to other services that provide a vital service to prisoners.

When the director general attended a board meeting in 2015, one of our board members raised the possibility of bussing in staff from other establishments to alleviate the staffing situation. Whilst the director general agreed that this had been done in the past and could be done again, the difficulty was in the cost. However, this was then done four months later when a new governor was appointed. When Patsy, the new chair took over, he again contacted the Minister, in June, with the board's concerns regarding staffing, the recent inspection and the serious incident of the fire in Erne House, which he will speak to you about in more detail, as he attended on the day of the incident.

Following the publication of the inspection report in November, we again contacted the Minister to point out that, over the previous three years, we had raised all the issues but to no avail.

The World Health Organization states:

"A prison sentence often entails an increased risk of becoming seriously ill or a lost opportunity to recover from an existing illness or dependency."

Those who enter with a drug, or other addiction or health-related, problem often leave without having received proper medical care. It is a sad fact that individuals entering prison have a higher degree of severe mental health issues and existing medical problems.

Whilst there is no expectation that prisoners should have a more enhanced medical service than the general public, it should at least be of a similar standard. Individuals often arrive in prison having been, quite legitimately, prescribed large quantities of medication and when this is suddenly reduced significantly, or stopped altogether, as by the South Eastern Health and Social Care Trust policy, it can cause serious repercussions. These can include withdrawal symptoms, anxiety and volatile behaviour causing disruption on the wing. Efforts to obtain such medication illegally can include either purchasing it from other prisoners or the bullying of more vulnerable prisoners so as to get them to hand over their medication.

Prisoners are frequently given one or two weeks' supply of medication, and prison staff and the IMB argue that this creates more problems. Medication is a currency in prisons and can lead to debt, bullying and cases of overdose. The debt issue can impact on families outside the prison environment. The IMB has met senior personnel in the trust and, whilst accepting that their view on the dispensing of medication is that it should reflect that which applies to the community in general, the prison environment is not reflective of the general population. For example, the percentage of individuals coming into prison who are on medication is much higher than that of the general population. The number of individuals with addictions is considerably higher than that of the general population, and a significant number of prisoners suffer from mental health issues. The IMB has constantly argued that the whole issue of in-possession medication needs to be reviewed.

Staffing has been an ongoing problem for the past three to four years — this is staffing in healthcare — with the retention of staff being of particular concern. The service has been running at crisis management for a considerable period of time, and this has impacted on the areas of preventative medicine and health promotion. Although the previously troubled relationship between the trust and the IMB has improved significantly, the board still finds difficulty in accessing responses to prisoners' queries. Even with the consent of the prisoner, the client confidentiality aspect of the trust's policies is used, thus stopping information exchange.

Over the past year, the IMB has referred medical queries to the Patient and Client Council to handle, if there is an impasse. The IMB is aware that there are waiting lists, beyond those that apply to the general population, for services such as dentistry, podiatry and dietetics, to name but a few. The addiction services are overwhelmed with referrals, and the substitute prescribing element of the South Eastern Trust is not taking new referrals. At times, the only nursing element that nurses carry out, as part of their job, is the dispensing of medication.

At the end of the day, whilst the direct health care aspect of Maghaberry is provided by the South Eastern Health Trust, the Northern Ireland Prison Service is ultimately responsible for the health and wellbeing of prisoners in its care.

The growing numbers of older prisoners is also causing problems, as some require help with personal hygiene and mobility issues. Again, we have raised that in annual reports. Untrained prisoners are carrying out support duties for their fellow prisoners, who frequently have considerable needs.

The fact that the drugs recovery programme ran for only one session, despite being hugely successful, and with staff specially trained to work in that specific environment, is a great disappointment. With the drugs problem in the prison population, the IMB would have thought that funding to continue this valuable programme could have been obtained.

While illegal drugs continue to cause problems, prescribed medication is also a major problem, as highlighted in the paragraph on healthcare. Prisoners are searched on arrival at the prison and on their return from any outside facility, such as a court, or from compassionate leave or temporary release. However, as long as prisoners can conceal drugs internally, this will only detect a percentage of drugs. There is a joint PSNI/NIPS initiative, which has proved very successful, as well as intelligence-led searches and the use of dogs in detection. However, as drugs such as legal highs change so rapidly, dogs cannot always detect them.

Prisoners frequently tell us that all drugs are available on the landings and that the delay in substitute prescribing means that prisoners resort to using whatever is available on the landing, often without any idea of what they are taking. That carries huge risks, not only to themselves, as their behaviour can have an impact on other prisoners and staff. The reduction of staff in the dedicated search team (DST) has meant that cell searches are usually carried out only on an intelligence-led basis, and not through the random searches that would have taken place a few years ago. Again, this can have an impact on families outside when prisoners build up a drug debt in prison.

Mr McGonagle: I will just read from a previous IMB report:

"Illegal substances are part and parcel of a societal problem and it is inevitable that such a problem will follow individuals into the prison setting. For many individuals, illegal substances are a way of life and their use is seen as 'the norm'. As IMB members we have access to every part of the Prison and regularly talk to prisoners and staff - either in the settings of the landings, or whilst walking around the grounds of the prison. Prisoners talk openly about the availability of drugs, the boredom that leads to taking drugs, the drugs debts that they build up and the bullying to hand over prescription medication. Naturally enough, the vast majority of prisoners will not report such bullying and this can often leave a prisoner without their prescribed and necessary medication. Lack of recreational or training opportunities contributes to boredom which in our view, often leads to the temptation to partake of illegal substances.

On occasions when IMB members have pointed out to staff that a prisoner appears to be under the influence of some illegal substance, the response is often, "He's always off his head." There is still a (tacit) acknowledgement by some — not all — staff, that prisoners take drugs and that's the way it is. Whilst it would be wrong to state that Maghaberry is 'awash with drugs', there certainly is a drugs problem within the Prison. However, it is clear from IMB colleagues in other regions of Britain, that this is not a problem arising solely in this Establishment.

As a Board, we are concerned with both the quantity and accessibility of drugs (both illegal, and prescription medication) within Maghaberry. There is some concern that there is an increase in prisoners who are failing drugs tests due to morphine. We acknowledge that the co-operation with the PSNI has been of great benefit and that intelligence led searches have been successful. We are aware that there are some prisoners who are intimidated into smuggling drugs back into prison after home leave and that there are others who will do almost anything, including breaking into drugs cabinets, to try and access prescription medication. Unfortunately, the misuse of drugs, or other illegal substances, does give rise to instances of self-harm and also contributes to other incidents and management problems within the prison.

There has been a re-emergence of 'hooch' (homemade alcohol) in the Prison, but this has been found during searches by Staff. Our understanding is that some of the finds were quite sizeable. Those involved in the 'manufacturing process' have obviously taken advantage of low staffing levels to work on, and secret their cache.

Ad;ept, who undertake the addictions counseling have always got a waiting list, with a growing number of referrals. They have introduced acupuncture to help prisoners who have alcohol and drug addictions, in order to help with relaxation and aid sleep routines. However, this has been so popular that there is a very long waiting list.

In last year's report we made mention of the proposed Drug Recovery Unit. Glen House was chosen as the venue for this Unit and staff members were given special training to enable them to understand the Recovery ethos. The Drug Recovery Unit opened in August 2014 and was delivered by staff from Ad;ept in conjunction with the specially trained discipline staff. Briefly, the aim is to tackle and address the substance misuse, promote goals for recovery and reduce reoffending behaviour. The programme was very successful" —

Unfortunately, it was a victim of its own success and it did not run again because of financial constraints:

— "however, it is very disappointing that only the one "pilot" programme has taken place. It would seem to us that such a programme which is aimed at dealing with substance abuse, giving individuals the tools to help cope with relapses, or thoughts of relapse, and reducing offending behaviour should be run on a rolling basis. Having spoken to staff who undertook the training, and who were so motivated and enthusiastic about working in the unit, it is doubly disappointing that the unit appears to be "in limbo".

IMB members have sat in on several of the Drugs Strategy Meetings. However, in the main these have been poorly attended"

and have not taken place for quite a long time. We have sent people to them, and they have been there on their own; nobody else has turned up. That our prison has such a problem with drugs and there are no drug strategy meetings is a contradiction in itself.

"IMB have been raising the issue of the Drugs Strategy at Board level, for many months, but we are hopeful that plans are afoot to re-energise this meeting, even if it stretches to a bi monthly meeting."

Margaret will take the conclusion of the statement.

Ms McCauley: In conclusion, I would like to point out that some IMB members, while on rota, attend the prison in excess of 50 hours per month in a voluntary capacity. They are totally frustrated that our annual reports and recommendations have, basically, been ignored. We query whether senior management even reads them. I will give you an example. In an email to the director of the South Eastern Trust (SET) on 23 February 2015, the director general criticised the lateness of our annual report. That was true: it was late due to changes in our secretaries, but it had been with them from the previous July. It stated that they were of limited value when produced so late. Our second point was regarding this:

"we also agree that it would be helpful to have the opportunity to feed into the reports from a factual accuracy perspective. However this is not the case and these IMB reports represent the viewpoint of the IMB rather than any requirement that they are factually accurate."

May I point out that our reports always go to the South Eastern Trust and NIPS for checking for factual accuracy before publication. NIPS has never raised any issues. However, last year, prior to the above email, we had a response from the director of the South Eastern Trust, which I have here, querying some items in the report. We checked and amended one or two items before publication, but we also put a footnote in our report to say that SET had responded and disagreed with some of the content but that the board was content that, for the year reported, our findings were accurate.

The Chairperson (Mr Ross): Thank you very much. That was very comprehensive. It is a reassuring reflection of society to hear that, for a non-paid role, there is competition for places. I thank you for your efforts on a voluntary basis in what is, I have no doubt, a very difficult role in dealing with some very difficult issues. Your comments and the emails were very helpful in seeing for ourselves the correspondence that went on and the length of time in which you have been raising issues. They reflect some of the concerns that we, as a Committee, have also raised, whether it be staffing levels, how staff are being treated, low morale, some of the incidents involving staff around drugs in the prison, or healthcare. There is also a reference to NIACRO funding in your correspondence, which, again, is an issue that the Committee has highlighted. It shows that, over a prolonged period of time, you have been regularly highlighting areas of concern that perhaps have not been addressed adequately.

Before I ask you a few specific questions, I will make one comment about your comments around the abuse of drugs in the prison. Nick Hardwick also had a report on prisons in England and Wales. I read that; I assume that everybody did. It reflects something very similar to the Maghaberry report around how difficult the issue is. I mentioned earlier that Alban and I looked at the idea of problem-solving courts and how many people with mental-health or addiction issues perhaps need to be diverted away from prisons because there are better ways of dealing with them. However, once they are in prison, it is in society's interests to get them off drugs. Otherwise, they come out and reoffend, or they have other issues. It is alarming to hear that there is not that type of work going on to invest in people so that, when they come out, they can get their lives back on track. That is concerning; it is an area worth highlighting again.

Looking at some of the particular issues raised during the email correspondence — and I am sure that other members will maybe pick up on this as well — there was an interesting exchange, which led to a reply from Paul Cawkwell on 18 September 2014. He mentioned two issues after concerns were raised. He said that gender was irrelevant. We have heard and read about how, at times, female officers are responsible for 60, 70 or 80 male prisoners at a time. Do you agree that gender is irrelevant? It strikes me that, as much as women are very much capable of doing most jobs, when it comes to some physical environments, it may not be appropriate.

Ms McCauley: I am as adamant as anybody that females are capable of doing any role, but we have to admit that, physically, the average female is not as strong as the average male. I know that there are exceptions to every rule but, personally, I do not think it is safe to leave young females in charge of a landing with an adult male population. Sometimes, we went on to landings in 2014 and there were a couple of female members of staff there. That was at the start of the recruitment when all staff, male and female, had maybe nine or 12 months experience. I do not think that that was safe, and I still do not think that it is safe.

Mr McGonagle: I do not want to be castigated for saying that women are not equal to men, but my view on it is that it comes into play in the prison environment. I have been to unlocks in the morning where there have been a male and a female, and having two people on the unlock is definitely not safe. Having a female on it is just not safe in my opinion.

The Chairperson (Mr Ross): Even one or two men would not cope with 60 or 70, so I suppose that it is even more difficult. One of the other issues in the same email was that he mentioned that the drugs issue was improving. This is a narrative that we, as a Committee, have heard, certainly in my time, which is the last 15 or 16 months. The Minister has gone to the Floor of the House and said that the drug detection rate and the drug issue is improving. The CJINI report said quite the opposite. Was there any evidence that you have seen in all of your time there that there was any improvement at any stage regarding the abuse of prescription and illegal drugs?

Mr McGonagle: I will give you two points. I have been in some of the houses on a Monday morning when the prisoners have been unlocked, and it is quite obvious that they have all taken something along the line. That is happening regularly. No later than last Saturday, I was in the care and separation unit (CSU), and quite a number of them had taken something. It has not improved in my opinion. It is still talked about. It is a well-known fact from talking to prisoners that you can get anything you want. When prisoners come into Maghaberry prison they follow through from their own practitioner into the prison healthcare scheme, and, sometimes if there is a gap and they do not receive medication, they can automatically go and source that medication. That medication is always available. It may not be the correct medication, but there are drugs there. It has not really improved over the last three years that I have been there. If anything at all, it has got worse.

The Chairperson (Mr Ross): I am also struck by the emails. There is an email from 27 December in which you talked about the staffing levels on the landing. You mentioned the dangerous level of staffing. Again, repeatedly in my time as Chair, I have heard the Committee raise this issue to the Prison Service and the Department. We talk about a safe ratio. Prison Service headquarters staff always tell you that there is no ratio and that it is about the environment, and I appreciate and accept that the situation with category A prisoners might be different to that with lower-category prisoners. Nevertheless, when you can see that there is one member of staff for 80 prisoners, irrespective of your view on ratio or what the circumstances are, it just does not seem safe. When you raised issues like that, what sort of response were you getting? Do you think that you were being taken seriously or do you think that anything was done about it?

Ms McCauley: No is the short answer. Senior management want the landings to run with as few staff as possible. In fact, I would like to draw your attention to the fact that, last July, Patsy and I met the interim director of operations. At that stage, we were concerned about so many landings operating, at times, with one person. I will not name the area, but there is an area that is consistently operated with one person. We raised the issue of a lone-worker policy, and the prison did not have one. Coincidentally, a draft policy was issued the following week. It should not be the role of the IMB to check out a lone-worker policy. That is not what we are there for. There are landings that are still operating with too few staff, and it is not even a case of needing more for category A prisoners. Category A prisoners can be the calmest. The young and volatile who are in on short sentences or on remand may be more volatile than lifers.

Mr McGonagle: I agree with the line that there are certain houses where you would get away with fewer staff or minimum staff, but there are houses in there at the minute that are completely understaffed.

The Chairperson (Mr Ross): One of the other things that we have heard, particularly in the last month or two, has been that there is a new guy in there, things are improving already and that they expect to see improvement in the next six or seven months. I know that it is difficult to reach conclusions in such a short period of time, but have you seen any improvement in the last number of months since Phil Wragg has become governor?

Ms McCauley: We anticipated being asked something like this. Yes, there have been a few changes. The core day has been implemented. There is a new canteen for staff, which was essential. They have strengthened the senior management team. The biggest plus is the fact that he was able to get 50 extra staff immediately. Previous governors cried out for extra staff and were always refused, and it would certainly have been a different situation had they got those extra staff. Some were on detached duty and some were permanently transferred. If you look at the figures, you will see that a lot of staff were off on sick leave when he came in. A lot of them are now medically retired. Last night, I read the Hansard report of when the director general was here in November, and she said that, at that stage, 57 had gone. They are off the figures. Staff who were off and who are going to come back to work will, at that stage, have already had their six months' full pay. Financial reasons are making people come back. They need their full pay, because they will maybe be without pay after 12 months. So, they are coming back regardless of whether they are totally fit to do so. That affects the numbers.

A big difference now, possibly due to the wranglings with legal aid, is that there are fewer prisoners coming in. When the prison was at its worst, in 2013-14, there were almost 1,100 prisoners. The number has dropped by 200 or 250 and is around 850 at the minute. That makes a big difference.

Of course, one big advantage that the present governor has — and I have total respect for what he is trying to do — is that he is in the very fortunate position where he is wearing two hats. He is wearing the hat of governor of Maghaberry and the hat of director of operations. When the previous two governors wanted anything, they had to go to the director of operations, and the request was invariably refused. My short question is this: "Are you going to refuse yourself something?" One negative is that, because he is in two roles, he is not there full time. He will work and he is definitely trying to turn it round, but you probably need somebody there full time.

Other things have happened. The Quakers' centre lost its tender. That has been a big disadvantage in the last few months, because it provided a very valuable service to prisoners. Last Friday, the prison was down by 63 staff. If you sat down and did the figures, then, in some ways, there is not a huge difference in the number of staff that are off on sick, yet it is supposed to be being managed differently now.

The Chairperson (Mr Ross): When CJINI comes back with its report on last month and this month, we will see if it believes that anything has changed. I imagine that, in the short term, when you know that an inspection is coming, you will spruce the place up a bit and make sure that you have the staff there. That is why I made the point that I want to see regular inspections over the next year to make sure that things stabilise and settle down.

I have a couple of questions to finish on. I do not want to go into too much detail on this because I think that a report is coming out in the next week or two; but, were you called to the fire at Erne House? Were you there when that happened?

Ms McCauley: I was not.

Mr McGonagle: I was involved in that. I attended the fire but, by the time I got there, it was out. I will give you my timeline on the day and any facts that surrounded the whole thing. I got a call just after 12.00 noon on Sunday to say that a number of prisoners were refusing to come in from the yard at Erne House. That was from the duty governor. I asked him whether he required anyone from the IMB, because they phone us when what they classify as an "incident" takes place and need somebody to come up. He declined and said that they expected to resolve the matter within the hour. I rang back 50 minutes later and asked whether the matter was resolved. He said that it was ongoing, but that hopefully it would be sorted out shortly.

I got a further call, an hour to an hour and a half after the 12.50 pm call, to say that the prisoners had started a small fire and that things were now at gold command stage. I later got a call from the No 1 governor at 4.00 pm telling me to send a member of the IMB, as there was now a major fire. I contacted the other two members on the rota, and they set off for the prison. I arrived at the prison shortly after 5.00 pm.

On arrival, there were six or seven fire engines outside. Smoke was hanging over the place. There was a lot of smoke in the area and a number of personnel were there. At this stage, they were starting to pack up. When I got through security and into the prison, I contacted the other two IMB members, who had got into the prison before me, and we proceeded to Erne House. The dedicated search team (DST) was there, along with a number of officers from the wing. I noticed that the officers from the wing were distressed, some of them were suffering from smoke inhalation and some were getting ready to go home. The Fire Service was still there mopping up, but the whole entrance and the reception to the entry of the storage area was badly burnt. We were allowed access down into it. There were three inches of water on the floor. It was the scene of a fire that had just been put out. There were still wee pieces smouldering. Smoke and the smell of chemical were in the air.

We went upstairs with the governor, and I discovered that all the prisoners were still locked in. The building itself was very warm from the fire. It had only recently been put out, and, as I say, the smell and the smoke were still hanging about the place. We observed as food and water were given out. Each prisoner was unlocked individually, and food and water were given to him. He was also asked whether he needed any help or whatever. A number of nurses from health care arrived with bottles of oxygen. They proceeded to go through the wing to see if anybody needed anything. We observed what was happening there for another 30 minutes.

We then went to the duty governor and director's office for an update. We were updated by him and the No 1 governor. We were told that gold command had taken over, and that there were a number of discrepancies in the time from when requests were made to gold command and the shutting down of the situation, basically. We were told by the prisoners afterwards that they had said that they wanted to come in. It was an April day, and there was a lot of rain. Then the sun came out. It was a bad day. They had decided to surrender, and they had made the people on the front face aware of the fact that they were going to surrender to come in; but they were told that they were not allowed to surrender because there was no surrender or intervention plan made up. They were told that they would have to wait. During the waiting period, they decided to burn the store, and that is when the main fire took place.

I asked the governor why it took so long to resolve the situation; why prisoners were not taken from their cells to the secure playing fields; why, when the protesting prisoners decided to come in, they were told "no" and that a number of protocols had first to be agreed by gold command, which would take time; and, basically, who was in charge of the whole incident. We were told that gold command had taken over the whole incident. We then proceeded to our office and did a write-up in the book for major incidents. The three of us put down what we had seen, what we had witnessed and what we had been told. I was concerned the following morning when I read in the newspapers that there had been a minor fire in Maghaberry: I can assure you that it was not a minor fire. It was only a miracle that nobody was killed or badly burned. We expected an internal inquiry. We were never approached about an internal inquiry. I am totally unaware of whether there was an internal inquiry. The only thing that I know now about the inquiry is that, approximately five weeks ago, we were told that there was going to be an independent inquiry. One of the other IMB members and I talked to a guy from that. We went through the points of what we had seen on the day. I gave him a full factual account of what I had seen, and that is the way that it was left with me. As for who was in command and who was not in command, I can only go on what I was told that day.

The Chairperson (Mr Ross): This is one of the most worrying aspects of the whole thing. I agree with you that efforts were made to play down the significance and magnitude of the fire and the damage that was caused. We have highlighted to the Minister on the Floor that there were attempts to play it down. However, I am always concerned when we hear so many conflicting versions of what actually happened. I do not know what the truth is. I was not there, and I am not privy to all the information. However, it concerns me when we hear so many versions of what happened. We were given evidence that prisoners tried to surrender on three occasions during that period. You have said that you are aware that they tried to do it once. We were given evidence that they tried to do it on three occasions.

If there is a delay and people are not able to make a decision on how they see that carried through, that is concerning to me, as is where the delay was caused. We need to find out whether the delay was caused at silver command or gold command, because there is no doubt that that delay has helped to cause the significance of the damage and the cost to the public purse. It is really important that we find out where that delay was, whether it was in getting together an action plan to submit it to gold command, or whether gold command sat on that before they authorised action to be taken. That is a really serious thing that we need to look at.

You mentioned that you have spoken to the people who were carrying out the independent inquiry.

Mr McGonagle: Yes, we did. I do not want to criticise anybody for their report, but the guy who spoke to me about it was more concerned that there were no fire drill procedures in there and that NIPS could be held liable for corporate manslaughter if this ever happened again. I got the feeling that he was more concerned about the structure of the prison than the exact timeline of the fire. I can only tell you what we were told on the day. I do not know who was responsible on the day. I was told that it was gold command, so I had to take that at face value.

The Chairperson (Mr Ross): I will finish off before I open it up to other members. You are doing voluntary work. You are volunteers who are fulfilling this difficult function. Do you think that you are taken seriously enough by senior management in the Prison Service? Do they say, "I hear what they are saying, but they are more of an inconvenience than anything else, and we take our orders from elsewhere", or do they actually listen to you and say, "You know what, that is a fair point, and we need to do something about it"?

Mr McGonagle: There is a consensus among our members that we are not taken seriously, so much so that, at times, we bypass the prison and go straight to the Minister of Justice with letters. We had a run of five or six months when a number of members left, and people were beginning to think that we were not being taken seriously. However, we must be taken seriously. The number of phone calls that I got yesterday from various people asking about what I was going to say here today makes me think that they are taking me seriously today.

I think that we are taken seriously in the day-to-day running of the prison. If you raise a complaint about a prisoner not getting what he is entitled to or about a situation that is not correct, it is taken on board. You may have to bring it up a couple of times, put it in the minutes and set those minutes down on the table. However, as an IMB member, I have looked at the minutes. My concern is that the minutes stop with the governor. IMB minutes should go further up the management chain. A pattern will emerge from the minutes of the meeting. They might show a second load of people talking about whatever is happening. The minutes and reports of our meetings should go further up the management chain. That is not happening at the minute.

The Chairperson (Mr Ross): You said that you got a number of phone calls because they were obviously taking you seriously when you were appearing in front of the Committee. Who were those phone calls from? I do not even need a name. I mean what organisation or —

Mr McGonagle: They were from the Northern Ireland Prison Service.

Mr McCartney: I echo the Chair's comments about the voluntary contribution. Obviously, that is very difficult because there are competing views about everything, and you are in the middle of it. I want to stress that I will certainly not be asking you any questions that make you feel that you are the adjudicator. I am trying to get a better picture. One reason why you are here today is the CJINI report, and we have seen the fallout from that. I first want to explore the relationships. Did you talk to the Criminal Justice Inspection when it was making its report as a body or as individual members?

Ms McCauley: We spoke to whomever was there. Patsy spoke to them.

Mr McGonagle: I spoke to them. On the day in question —

Mr McCartney: Did they approach you officially as chair or because you happened to be in Maghaberry on a particular day?

Mr McGonagle: No, they approached me as chair. A time was set for a meeting. I was in on that day on rota.

Mr McCartney: The minutes of your meetings are given and seen only within the prison.

Mr McGonagle: That is correct.

Mr McCartney: What about your relationship with the governor? When I say the governor, I mean the senior management team rather than individuals. How often do you meet them as a body?

Ms McCauley: Are you talking about the governor in the prison?

Mr McCartney: Yes, in Maghaberry.

Ms McCauley: The governor in the prison attends our monthly meetings.

Mr McCartney: He comes to the monthly meetings.

Ms McCauley: Yes, and we have always found, even with the previous two governors, that the door is always open.

Mr McCartney: Does he stay throughout the meeting, or would there be a private session if you wanted to discuss something that affected the individual?

Ms McCauley: If you saw the agenda, you would know that, when it comes to chairman's business at the end, the governor usually leaves for the last 10 or 15 minutes of our meeting.

Mr McCartney: What about the relationship with senior management, which you describe as "headquarters"? Do you meet anybody in headquarters on a regular or statutory basis, or is it casual?

Mr McGonagle: From April, a senior manager — a director — attended two meetings: one in April and another in December.

Mr McCartney: Was there any reason for that, or was it just the way it bounced?

Mr McGonagle: There was no reason. We were told a week before that he would attend.

Mr McCartney: The fire was in April. Was that meeting before or after the fire?

Mr McGonagle: It was before the fire.

Mr McCartney: What about membership? Are you a member of the board for one prison? Unless you had been there, do you have any understanding of another prison? Do you have a right to go to Hydebank or Magilligan?

Ms McCauley: No.

Mr McGonagle: No.

Mr McCartney: So you have no sense of different management styles, and you cannot compare and contrast.

Mr McGonagle: No.

Ms McCauley: No.

Mr McCartney: You made observations about staffing levels, which has been a regular feature over the past while in Committee. Are you given explanations? If you are on a wing, a block or in a house, and you notice or think that it is understaffed, does anyone take you in and say: "Here is how we have managed this"?

Mr McGonagle: On most occasions, when we see that there are very few staff, we will ask what is going on, and why are there so few staff. We will go to the duty governor and make a point about what we have noticed. I can give you a copy of our minutes, and, at every one of our meetings, we always make criticisms about the lack of staff. Over the last 12 months, at every meeting and in every minute, the lack of staff is mentioned. A list is read out to us of who is on that day, and we see the lack of staff. They normally rejig the whole prison. They may take someone from search or reception and put them on as landing people.

Ms McCauley: Sorry — may I come in there? Rejigging staff deprives other areas of staff. Say, for example, you take somebody from visits reception: that has an impact. Families may have left in clothes or parcels for prisoners. If staff are taken from the visits reception, it could be days before a prisoner gets his parcel. It may be that somebody has been newly committed to prison, has been to court and was not expecting a custodial sentence. His family leave in clothes for him, but it could be three, four or five days until they get a change of clothes. Staff are taken from acting as letter censors, and prisoners do not get their mail: that has an impact. You are covering the landings, but you are firefighting. You are taking staff from one place to cover another. You can only make x bodies go to x places; you cannot make 10 people cover 20 posts. It is as simple as that.

Mr McCartney: You build that picture up as you go along. Nobody brings you in to say that a regular feature is the number of lockdowns —

Mr McGonagle: Nobody brings us in directly.

Mr McCartney: Was the document that you referred to in relation to the fire in Erne House given to the independent investigator?

Mr McGonagle: I gave him the timeline of what I did that day. I gave it to him orally, and he took it down.

Mr McCartney: You made a number of observations. The Chair is right: there is an investigation, and we will be in a better place when it is finished. You obviously have to factualise it. It happened to you, and that is fine. I do not think that anybody will even want to ask questions on that. Do you think that the phone calls that were made to you yesterday were undue phone calls?

Mr McGonagle: Yes, I think that they were undue. I do not think that I needed those calls.

Mr McCartney: As chair, you should make that known to whomever you feel is appropriate, because, whatever people's views, nobody should be trying to put undue pressure on anybody for any reason. I do not even want to ask you, because it can remain private, but it is not proper that that is done.

We have all said that the report has brought a focus, and, whatever the outcome of the fire investigation, we will all be in a better place to make assessments when the report is published. We await the outcome of that. Again, I thank you for your frankness today and for the difficult work that you carry out.

Mr Frew: Thank you very much for coming to the Committee and giving evidence on this problem, which we are taking very seriously, despite what some in the Prison Officers' Association might have thought when they were here with us. I want to go back to the phone calls. I am not going to push you on them but the very fact that you received calls the day before you come to the Committee smacks of the attitude that got us into this problem in the first place. How often do they pick up the phone to speak to you about the daily routine of a governor's job or a senior management job to seek your advice?

Mr McGonagle: I will answer that, and I will do it in a funny way. We have complained about them not phoning us from the prison. We have complained from the prison where a serious incident took place. No later than last Friday night, a serious incident took place, and we were not phoned. Part of our remit is that we are told when there is a major incident, and there were a number of incidents over the weekend that we were not phoned about, so we complained about that. Then, all of a sudden, I am phoned about other stuff.

The Chairperson (Mr Ross): They are obliged to inform you.

Mr McGonagle: There is an agreement, whether it is legal or not. They are obliged to phone us when a major incident takes place. Previous governors phoned for us to be there to witness that nothing happened when prisoners were transferred from one place to another. That is the reasoning for us being there at times. We are there to make sure that prisoners are treated in a proper manner.

Mr McCartney: I do not want this to become too technical, but, when you were asked previously, were the situations internal to the prison or what they call gold command?

Ms McCauley: The emergency control room (ECR) phones us if there is an incident. Patsy and I met last night to go over the session today, and there was a call on my phone when I got home. I had missed one on my mobile. There was a minor incident last night, but there had been a major incident the night before, and I was contacted at home about that. It may be the duty governor on the night who contacts us, but it is usually whoever is in the ECR. It is on the checklist to tell us.

Mr McCartney: What is defined as major?

Ms McCauley: A lot of prisoners refusing a lockdown would turn into a major incident. It could be a threat to life, such as a fire. It depends, maybe even on who is on duty and their perception of what a serious incident is. Sometimes, they phone you to let you know. You are not really expected to attend because it will be cleared up so quickly. By the time that you travel to the prison, it has been sorted. They make you aware; it is a courtesy call.

Mr Frew: Everyone is aware, because it is in the public sphere, of the large increase in prisoner-on-prisoner assaults from March 2011, when it was sitting at 45, which was a massive increase even then. It jumped to more than 100 and then to almost 150. What do you put that down to? The rise between April 2010 and March 2011 to March 2012 was stark. It went from 45 to 104 prisoner-on-prisoner assaults. In the following year, it increased to 138. There was a marked increase in that one year, and the number doubled. Can you put your finger on something simple and say why that is?

Mr McGonagle: The majority of incidents like that take place because prisoners are being locked up for 22 or 23 hours a day and have no regime. Guys are locked up all day long, have not got a shower and are in a cell with another guy. They are unlocked to be fed. Their dinner would have been served to them at 3.30 pm. They could not get out to make a phone call to their wives, girlfriends or children. The whole thing was shut down, primarily because of a lack of staff. This has been boiling in Maghberry for quite a while and came to a head with the fire. It seemed to be accepted then that there were major problems, and that is one of the major reasons for assaults: frustration.

Ms McCauley: It is my sixth year there. There has been an increase in the types of drugs coming in. I am certainly no expert on what they are taking or the mixes that they are taking, but some of the drugs seem to make them quite violent. Two years ago this July, there was a case. A batch of drugs came in, and there was a spate of self-harming. There are always a lot of prisoners who self-harm, but these were prisoners who did not normally self-harm. Whatever was in those drugs, that was the effect that it had on them. As Patsy said, you are probably talking about the frustration of being locked up. The evening meal is now being served a bit later, but it is still a long time if you have no staff, and you are maybe locked up in a cell with somebody whom you do not really get on with. It is a long time to be sitting with them.

Mr Frew: If a bad batch of drugs — for want of a better term — is going into a concentrated area, you feel that, in practice and habit, that will place a greater burden on the staff who are there.

The Chairperson (Mr Ross): I am sorry for interrupting you. Your point about being locked up for so long is interesting. Will you give us a flavour of what the introduction of the core day means? Does

the core day establish a routine in the prison day whereby you are out for a certain period and get washed, get your dinner and make phone calls at certain times?

Ms McCauley: Yes.

The Chairperson (Mr Ross): That is helpful. The core day is a regular occurrence in prisons in GB, but it has maybe not operated in Maghaberry. Will that help the frustrations of prisoners who are locked up all day? Is it working in the way in which it has been established recently?

Ms McCauley: If it is established and maintained, it will help because at least, if a prisoner knows that he will be locked up on a Tuesday night, he can explain that to his family, should it be his wife, girlfriend or children. It leads to arguments if they had planned a phone call, say, to their wife and she does not get the call. She is sitting at home waiting for a call and does not know whether he is locked up or had not bothered to call. Then, with the next phone call, there is a row. That brings it into the prison. They are shut in all night. There are things that may not bother you outside because you have a hundred other things going on, but a minor frustration in prison becomes major because you have nothing else to concentrate on. It is very hard to understand that concept when you are going to work and rushing about doing things, but, if you have nothing else to think of, you think about not getting the phone call. That is why a minor incident becomes bigger and impacts everybody on the landing.

Mr McGonagle: I will qualify that a bit more. We have made a point of asking whether the core day is working. At our last meeting with Phil Wragg, we wanted to know whether it was working. We have gone round most of the houses and checked with prisoners whether the core day was working. They highlighted wee bits and pieces but seem to be coming round to it. It is one of the best things that has happened for quite a long time.

Mr Frew: Officials give us answers only to the questions that we ask, and that has been part of the problem. There has been prevarication, and we are told only half of what is happening. I must say, Margaret, that your trail of the email exchange is very refreshing and informative.

Ms McCauley: Thank you.

Mr Frew: Your complaints hit the spot every time, but the answer that you get is the same old same old. You talk about it in human terms. For me, two specific dates jumped out. On 17 September 2014, one young female was left on her own on a landing with approximately 40 prisoners in Roe House. On 27 December, you saw fit to email Paul Cawkwell on the very day that you witnessed one staff member in Bush House managing two landings with approximately 80 prisoners. That is very strong and gives a real sense of what is wrong. Those are just two snapshots. How often is there one staff member on a landing?

Ms McCauley: As I said earlier, one part of the prison, which I will not name, has one person on at night permanently. Frequently, and Patsy witnessed it no longer ago than Saturday, one person manages two landings in Foyle House. If everybody is locked in and everything is grand, that works in the short term: for example, if somebody takes an hour for lunch. However, if the bell rings for an emergency, the staff need to go round to do a regular check. If supporting prisoner at risk (SPAR) procedures are in place on a landing, especially in somewhere like Bann House — that is the induction house, where there are frequently quite a few people who have just come into prison — a lot of the prisoners are supposed to have observations every 15 minutes or half an hour, and it takes one member of staff all their time to do that.

Like everything, it is fine until something goes wrong. If a member of staff is running around to see and speak to six people, by the time they get to the last one, it will be longer than 15 minutes since they saw the first one. The worst-case scenario is that somebody takes their life. If that happened, the Prison Ombudsman would be called in, and he would say that the prisoner was supposed to be checked at a quarter past and half past the hour. A slip of five minutes is only five minutes, but that takes the time of the check to twenty past the hour. If the next one slips by five minutes, instead of being seen four times an hour, prisoners are seen only three times. It is those things that we have concerns about. Prison changes very quickly. It can be very calm and everything can be grand, but incidents kick off so rapidly, and that is when problems arise. About a year or a year and a half ago, a young officer in Hydebank was dragged into a dining room and very badly assaulted. Had one of the works team not discovered the incident, who knows what the outcome would have been?

Mr Frew: I am aware of that case. I am also aware of a case a number of weeks ago concerning a family in my constituency whose son is a long-term inmate. He is not a young lad now, but he was very young when he went in. A number of weeks ago, he tried to take his life, and it was all to do with drug taking and bullying. He certainly did not have a drug problem when he went in, but I am sure that he will come out with one. He is due to get out very soon, yet he tried to take his life. When incidents like that happen — that one and the assault of a prison officer that you described — are you briefed on the detail of them?

Ms McCauley: I am not being flippant, but there are so many incidents. Nobody realises how often the staff save people. It is a case of when you are right, nobody remembers; when you are wrong, nobody forgets. Scarcely a week goes by in Maghaberry when somebody is not cut down from a ligature or there is not a serious incident of self-harm. Sometimes we hear of those incidents; sometimes we do not. It depends on who is in and who you talk to.

Mr Frew: Is there no protocol?

Ms McCauley: If there was a very serious incident of self-harm in which somebody became unconscious and was taken to an outside hospital, there might be a cold debrief. On Wednesday mornings, one of our members attends a safer custody meeting, and cases like that are brought up and discussed pretty well there. To be honest, there are so many incidents that, were it not for the staff, more lives would have been lost.

Mr Frew: As the chair, you wrote to the Justice Minister and got a response from him. How do you feel about that response? Was that unprecedented? How many chairs of the IMB have felt the need to write to the Justice Minister?

Ms McCauley: What date was that?

Mr Frew: Sorry, the date was 7 October 2014.

Ms McCauley: That was about a staffing issue.

Mr Frew: Yes. You wrote to the Minister about the staffing levels and the increase in assaults. You made him aware of the problems that you were finding. I have read the response that you got on 21 October. Basically, he told you to keep going, to keep doing what you were doing and to keep communicating with Paul Cawkwell.

Ms McCauley: It was about perception — that it was what we thought.

Mr Frew: Yes. I saw that very clearly. He stated:

"However, I note your concerns about the perception of safety at the establishment".

How did that make you feel?

Ms McCauley: It made me feel the same as when we got the letters from the director of operations. We can only raise our concerns; we have no power to do anything about them. We raise that issue at monthly meetings with the prison governor and, as I did, with senior management. The only other level that we have to go to is the Minister. We can only keep raising our concerns. Unfortunately, we have no powers to do anything about it. We highlight those issues in our annual reports, and you sometimes query who reads those. We also make recommendations. Three, four or five years ago, whoever was the director general responded to the recommendations. We do not even get a response to them now, and we make the same recommendations in report after report. It is very frustrating.

Mr Frew: I know that you have been doing good work on the ground, but do you feel irrelevant when it comes to officialdom in the Prison Service and the Justice Department?

Ms McCauley: We have a very good relationship with the staff in Maghaberry, and I would certainly have no hesitation in going to any of them if we had concerns about a prisoner. We could go to them

and to both governors in the prison, but, once it goes above that, things change. I read out a bit of that email in my opening statement, and you heard exactly what they felt that our reports:

"represent the viewpoint of the IMB rather than any requirement that they are ... accurate"

Yet, we send them to the Prison Service to be checked for accuracy, and we check what the Prison Service says. It goes on —

Mr Frew: On that point, you are an independent monitoring body. You are also volunteers, which is very important. Having to send reports to the Prison Service to check for —

Ms McCauley: Accuracy?

Mr Frew: Yes. How does that make you feel? Surely, that does not sit well with your independence.

Ms McCauley: In some ways, it gives it more weight. If, for example, we incorrectly say that a clinic is not running, they can say that it is, so at least what we put out is right. We certainly would not change our findings on staff attitudes and things like that. If the Prison Service tells us, "Yes, we are doing that", we can check that it actually is the case. That gives our report more weight because we know that it is correct. NIPS has never challenged us on anything.

Mr Frew: Has NIPS ever asked you to change something that would be seen as a matter of perception?

Ms McCauley: No. NIPS has never asked us to change anything in our reports.

Mr Frew: When did it stop replying to your recommendations?

Ms McCauley: It has never replied. I was chair for three years, and there were never any replies to anything while I was in post.

Mr Frew: We need to find out exactly why that is. We need to ask them.

Mr McGonagle: In the report for last year, there are in excess of 30 recommendations. If you go through the inspectorate's report, you can see that the majority of those recommendations are in it. It is near enough the same things all the way through. For the last year, our report and the inspectorate report pulled together exactly the same things.

Mr Frew: They may think that there is duplication but it would be easy enough for them to respond. They could use the same speech bubbles, basically.

Mr McGonagle: You get the feeling that things go so far, and then nobody looks at it after that.

The Chairperson (Mr Ross): I think that it adds to your credibility, given that you are highlighting the same issues as in the CJINI report. Anybody who was not taking you seriously can at least see that you are highlighting exactly the same issues over a long period.

Ms McCauley: I went through that report —

The Chairperson (Mr Ross): I am glad that you read it. *[Laughter.]*

Ms McCauley: I found a few inaccuracies, but I ticked off so much in it that is exactly what we identified. CJINI is paid and we are not, so its report is in more detail, but there is no real difference.

Mr Poots: Thank you for your honesty today. It has been quite refreshing. Quite a lot of what we have heard about Maghaberry prison over the last year and a half when I have been on the Committee from people sitting where you are today has been misleading this Committee. We were told last March that recruitment would start the following week, and it never happened. Indeed, I had to pull up the director general herself, through the NIPSA trade union, and, at the next meeting, she had to admit that that was untrue. Having a bit of honesty before us is greatly appreciated.

As I look at the letters that are before us, you are indicating issues about the safety of prisoners, the length of time that they are locked up, drugs, and the lack of use of facilities that prepare prisoners for life outside. Then, all of sudden, we get this shock report. I was not aware of those emails. Obviously, the director general, the director of operations and all of that team were fully aware. It appears that it has not been acted upon.

Ms McCauley: You get a reply, and it is totally forgotten about. As I have said, that is from August 2014, so it is over a year and a half. Some recruitment happened through PECS last year, but I do not think it was even 20 staff. They were to keep a list from that recruitment drive, which seems to have been lost. I have been told informally — I do not know how accurate this is — that, in the 2015-16 budget, they have not allowed for salaries for the new recruits. So, the ones who have had their interviews completed will probably not go forward to training unless money is found from another source. They will not start training until April this year. That means that it will probably be the end of the summer, which is the toughest time of year, before they are actually on the landings.

Mr Poots: The thread in your letters is that a lack of staffing is leading to the lockdowns, a lot of tension, to prison officers being left vulnerable because there are not enough of them, and to prisoners being vulnerable because there are not enough officers to manage the situation.

Ms McCauley: That is totally correct.

Mr Poots: That is the thread here. That seems to have been completely ignored. We need more staff. There is a cry for more staff, and sickness levels are going up because of the lack of staff. Stress levels, obviously, are going through the roof as a result of that.

Ms McCauley: In some of the emails from the then director of operations, he said that they were below the target staffing levels but that there was overtime to cover them. As you will see from my letters, I pointed out that, if you have been in there for 12 hours, stressed, but coping with things, the last thing you need is more of the same. You need your rest days to be fit to cope with the rest of it. There may have been overtime to cover the lack of staff in post but there was never overtime to cover sick leave, nor was there overtime to cover bed watches. That is so unpredictable. You could have three people out at hospital today, which requires four staff — two for each shift, and three if it is a category-A prisoner. There could be a major incident or a couple of serious cases of self-harm, which would need three more people. I have seen six ambulances there in one day. Six ambulances and four staff each means that 24 staff need to be covered. Maybe that goes back to the fact that we have no proper inpatient healthcare facility in the prison. To expect the prison to run and keep a decent regime for prisoners with so few staff is just ludicrous.

Mr Poots: The regime is now under the new governor, who is also the director of operations. You indicated that 50 additional staff came from other units.

Ms McCauley: That is correct.

Mr Poots: We were told that things had improved dramatically since the new governor arrived. You also indicated that the previous governor had requested that there be a redeployment from the likes of Magilligan and Hydebank to Maghaberry, but that that had been refused. Have you any understanding as to why he was refused? Obviously, Mr Wragg is not going to refuse himself. Have you any idea why Mr Cawkwell, for example, was refusing to do something that the prison governors were obviously crying out for, and which may have averted the very damaging report?

Mr McGonagle: The question was asked by one of our board members at a monthly meeting in April last year. The board member asked why it was that in England, when some prisons fall short of staff and become problematic, officers are transferred from other places on a short-term basis? We asked, because there were not enough officers in Magilligan, whether we could take some from Maghaberry and Hydebank in the meantime on short-term notice. We were told no, because it was not financially viable and that it would just not happen. That is in the minutes of our meeting.

Mr Poots: Finances were not available.

Mr McGonagle: Finances were not made available for it.

Ms McCauley: At times, it seemed as if not just the previous governor but the two previous governors were being starved of resources. The lack of staff and the sick leave did not happen entirely under the last governor's watch. He inherited a prison that had high levels of sick leave. The VER scheme was in full progress at that stage. He certainly was not treated fairly and he was blamed for inadequacies that were not of his making.

Mr Poots: Do you think that the report was somewhat unjust to the previous governor and deputy governor, who seemed to carry the can for everything?

Ms McCauley: From our point of view, it does not matter who is governor as long as we have a working relationship. There is no leaning towards any governor, whoever it is, as long as we can have a decent working relationship with him. The previous governor was held responsible for the bad report in May. He had been the governor at Magilligan. Magilligan received an excellent report very shortly after he left, and that was certainly not down to whoever came in, because they were there only for a few months. You have to assume that it was whatever he had put in place that left Magilligan in that position, yet he did not get the credit for what was done there, whereas the governor who was there during the inspection was promoted. He took over at Maghaberry, with a governor who was going out on VER and a deputy who was promoted. The staffing was already bad before they left — yes, it may have got worse — but there was a knock-on effect; the more staff that were off sick, the greater the pressure that was put on those remaining. It is a domino effect. He did not inherit a prison that was in a good spot.

Mr Poots: Did headquarters deny them the tools to do to the job on the ground?

Mr McGonagle: We do not know that.

Ms McCauley: We do not know what went on between them, but we can see that the staff were not there, and he did not get them. Fifty staff were fit to be found immediately upon a new governor taking over; make of that what you will.

Mr McGonagle: Our first indicator that there was a problem was when we asked for staff to be moved from Magilligan and Hydebank, and we were told that it had nothing to do with us at first, but we were told that it was not practical. We knew then that there was something wrong.

Mr Poots: In your letter to Minister Ford when you were coming to the end of your period as chair, Margaret, you say:

"Several board members, myself included, witnessed the horrendous and very personal abuse and intimidation that the staff in Roe House were subjected to some weeks ago without any apparent repercussions for those involved."

What did you witness?

Ms McCauley: One of our board members —

Mr Poots: Are you comfortable with telling us what you witnessed?

Ms McCauley: Patsy and I visited that landing, and it was never physical, but there was very sustained and personalised name-calling. They were calling young staff all sorts of things that I am not going to repeat. One of our other board members, in October the previous year, had been on the landing, and one of the staff there was very intimidated by somebody who was right up in his face. She was actually scared for him, so much so that she went and stood beside him because there was no help coming from anywhere else. That officer went off sick shortly afterwards and is now medically retired.

Mr Poots: Was that more than one prisoner?

Ms McCauley: I think that it was a couple. He said afterwards that he really thought that it was going to become physical. It did not, but he was certainly scared. That was a common occurrence.

Mr McGonagle: It is common throughout the prison. It was one of the things that was highlighted in the inspector's report; the inspector had seen it in the prison. There is a lot of work to be done at that end.

Mr Poots: OK, thanks.

The Chairperson (Mr Ross): Are the minutes of your monthly meetings in the public domain?

Ms McCauley: No.

The Chairperson (Mr Ross): Would you have any issue in sharing them with us?

Ms McCauley: Obviously, they include names and we would —

The Chairperson (Mr Ross): If redactions are required —

Ms McCauley: Yes.

The Chairperson (Mr Ross): I think it would be useful for our information.

Ms McCauley: I cannot see any problem with, as you said, redacting prisoner names and numbers and things like that. We do not want that in the public domain.

The Chairperson (Mr Ross): Of course.

Mr Douglas: Thank you very much for your presentation so far. Apologies for having to nip out. I have just a couple of quick questions. I hope that I am not replicating what other people have said. I have read through your emails and I see a direct correlation between what you say and what the report says. Last year, I was at Maghaberry and spoke to a number of prisoners. I raised the lockdown situation with the prison authorities; prisoners spend far too much time in their cells. You said there are not enough officers on the landing. Margaret, you said that things had improved because of the extra 58 staff. What is your perception now of the lockdown situation? Has that improved? Is it, for example, not the problem that it was last year?

Ms McCauley: I think that there are still too many lockdowns. Prisoners do not always object to lockdowns if they are predictable. It is the unpredictability of lockdowns that they resent. If something happens and there is a lockdown on the landing, they get no advance warning. If they know that they are going to be locked in on Tuesday and Thursday, they will make arrangements for phone calls for the other days, and will have sorted out anything that they need to do. Prisoners will accept predictability. If they have planned to do something — make a phone call or whatever — and suddenly that is taken away, that is what causes the tension. Unpredictability is the problem.

Mr Douglas: Another issue that I raised was staff morale and, indeed, the prisoners' morale, because very often they feed off one another. If the officers are struggling and stressed, prisoners will be stressed as well, and vice versa. At this point, how would you present staff and prisoner morale in Maghaberry?

Mr McGonagle: I think that morale has got better since Phil Wragg came along. Some of the things that he has done have increased morale in the prison. A year or 18 months ago, every time we went in, all we got was doom and gloom: "This is a prison ready to blow" and so on. However, we can see some semblance of morale rising. We can see prisoners now starting to talk about the core day, having more concern about what time of the day they are going to be fed etc. They are looking for more education. Just on the point of education, the courses in Maghaberry for work have been reduced. Prisoners are looking to go into work more. That is another issue. However, though morale is still not good, it is a lot better than it was.

Ms McCauley: You will often find that prisoners say to you, "I wanted such and such a thing. Now, I know the staff are under pressure ...". I would say, to be honest, for the last couple of years — it might sound strange — a lot of the time it has actually come down to the goodwill of the prisoners that more things have not happened. Prisoners actually recognise that the staff are short-handed: "I was to get that. Now, I know the staff are busy ...". We frequently hear that from prisoners.

Mr Douglas: Again, one of the things I would raise is when it is Father's Day but the prisoner did not get his card until a week later because they did not have the staff to get through the mail.

Ms McCauley: That is a good point. I do not know whether you were here, Mr Douglas, when I said that pulling staff from one area impacts on another. That is a typical example. For example, when a prisoner does not receive a birthday card, he might not worry about it too much outside but, in there, it becomes a big thing.

Mr Douglas: Thank you very much.

Mr Lynch: Thank you. I am sorry that I had to go out during your presentation. We have been in the prisons ourselves from time to time, and lockdowns have always been an issue. Do you find that lockdowns have been too readily used within the system as an excuse by the regime?

Ms McCauley: It is not that it is used as an excuse; it is just that the staff are not there. The staff endeavour, as much as humanly possible, to have as normal a regime as possible. Staff do not particularly want lockdowns either because, as some of you said earlier, having happy prisoners makes life easier for the staff. Lockdowns are not something that the staff relish.

Mr Lynch: The staffing issue causes restrictions within the regime all the time. Are the lockdowns due to staffing?

Ms McCauley: In the majority of cases, they are.

Mr McGonagle: Yes. They are due to staffing in the majority of cases.

Mr Lynch: In the CSU, sometimes you can see staff almost standing on top of each other.

Ms McCauley: The CSU is a totally different estate.

Mr McGonagle: It is a totally different thing. The original CSU has been closed down because it was not fit for purpose, and that is something that we have highlighted over the years. It was a small area. I have a point to make about that. The CSU has been moved to Foyle, and that is not fit for purpose either. We have prisoners going through CSU in Foyle at the minute in a building that is not fit for purpose for that type of restraint. There are prisoners who are in there long term, which is another problem. We find that there are prisoners who are in the CSU long term who should not be there, and there does not seem to be any exit plan for those prisoners. Four or five of them are in there long term. Other prisoners come in for things that they have done wrong in the prison, or they maybe come in with drug problems or whatever.

There are times when you go into the CSU and it is chaos, with people who are coming down from drugs etc. The long-term guys who are there suffer because of that too. I do a lot on a Saturdays in the CSU and, last Saturday, one of the people who I talked to had been up since 4.00 am because four prisoners had decided to keep everybody awake. The four prisoners were induced with something; what it was, I do not know. A new building for the CSU is currently being built. We do not know the plans for it. We do not know what way it will look or whether it will be an improvement. The CSU is definitely a problem at the moment.

Ms McCauley: One of the points about the CSU needing more staff is that, by its very nature, the prisoners who are there, apart from a few long-term ones who cannot and will not go anywhere else, are there because they have broken the rules somewhere else, so they are hard to manage anyhow. A big issue for us is that so many of the prisoners who end up in the CSU have severe mental health problems. There is bizarre behaviour; you really could not write the script for things that happen. If it does seem that there are more staff in the CSU, it is because more staff are needed because so much is going on in there. It is one place that particularly needs staffing.

Mr Lynch: In your opinion, lock-ups are not too readily used by management.

Ms McCauley: The staff are not there.

Mr McGonagle: I do not think so because, on that point, I have been there where openings have been in the mornings for 10 minutes because they had to take staff from one landing and go to another landing where there is nobody there and everybody is locked up. That instance showed me that there were no staff so they had to lock down some prisoners to open up a landing in another house. It is down to a lack of staff, and I do not think that there is any ploy or anything else. It is lack of staff.

Mr Lynch: Sometimes, when we have been in, we have felt that it has been too readily used.

Ms McCauley: I certainly do not get the impression that lockdowns are used too readily. It is down to staffing. I know that your perception is that there are more staff in the CSU, but more staff are needed in there. To be honest, it is a very challenged environment to work in.

Mr McGonagle: Staff in the CSU have a very, very hard job. It is a job that I could not do. The funny thing is that some prisoners who go to the CSU tell you that they do not want to come out. When you ask why not, they say that they are allowed out to the yard, get a shower and have an hour's recreation time later on. They say that they are allowed on the telephone to their wife and they feel that there is a better regime there. When I ask them whether the regime is better in the CSU, they say that they are in a better regime than they get in Bann House or any of the other houses.

I have to put my hands up and say that, in all of the time that I have been in there with the category-A and category-B prisoners in Maghaberry, we have had a standard policy among ourselves that whoever is on the rota does the full round of the CSU at least once a week. You are in the CSU nearly every day, but one person who is on the rota will see everybody who is in there. When they open the door, the line is, "Are you OK? Do you need anything? What is going on?" We are in the CSU a lot. The situation until the new building is ready is not good because Foyle House is not really suitable. If it is going to be any longer than six months, somebody would need to take a look at the situation.

The Chairperson (Mr Ross): Thank you very much. As other members have said, it has been a refreshingly honest session. I think that you have highlighted more general and wider issues about the prison population. I think that there is little sympathy at times from the public about how prisoners are treated but, actually, we need to take it seriously because there is an impact on the safety of prison staff when prisoners are not treated properly. If we really want them to come out as changed characters, trying to build constructive lives for themselves, we need to invest in them, particularly around healthcare. I appreciate the comments that you have made about healthcare because it is really important. The issue of core days and establishing a routine makes life easier for prisoners and prison officers, and allows the regime to be normalised. I really appreciate the remarks that you have made and how you have answered the questions.

I am going to follow up on a couple of things. Paul asked why you were not getting responses to your reports. We will follow up on that and ask the Prison Service about it, and about the phone calls and why you are not always being alerted to incidents that are happening.

The Committee staff will not like this, so I am glad it is far away from Christmas. I am going to ask them to collate all the information that we have received and try to establish a timeline of events. You have very helpfully given us a timeline of the communications that you have had with the Prison Service and the Minister. We have also had a number of statements in the House which, perhaps, conflict with some of that information. We have also had a number of evidence sessions that have highlighted incidents at various times. I want to get the Committee staff to collate a timeline for us to see where those discrepancies are. We are hearing many versions of events from different people, so it would be useful for us to do that.

Thank you very much. It was a lengthy session and I appreciate you coming and spending time with us.