

Oifig an Chigire Príosún
Office of the Inspector of Prisons

Culture and Organisation
in the Irish Prison Service
A Road Map for the Future

November 2015

Ms Frances Fitzgerald TD
Minister for Justice and Equality

Minister

In February 2015 you welcomed my proposal that Professor Andrew Coyle and I would carry out an assessment of the culture within the Irish Prison Service and report to you.

I am now pleased to present you our report “Culture and Organisation in the Irish Prison Service – A Road Map for the Future”. Both Professor Coyle and I are of the view that the ‘Road Map’ put forward has the potential to significantly alter the Culture and by extension the Organisation of the Irish Prison Service and to make a positive contribution to the reforms already underway in the Irish Prison Service.



Judge Michael Reilly
Inspector of Prisons

November 2015

Contents

Introduction	4
Executive Summary	7
Chapter 1 Terms of reference and methodology	13
Chapter 2 An overview of the culture of the Irish Prison Service	16
Chapter 3 Structure of the Irish Prison Service	23
Chapter 4 Relationships between Prison Service headquarters and prisons	33
Chapter 5 Staffing structure in prisons	43
Chapter 6 Relationships between management and staff in prisons	58
Chapter 7 Staff learning and development	69
Chapter 8 Prisoners	82
Annex Council of Europe Code of Ethics for Prison Staff	88
Appendix 1 Interested parties from whom written submissions were received	92
Appendix 2 Organisations and individuals who made oral submissions or were consulted	93
Appendix 3 International comparators: Norway and Scotland	94
Appendix 4 Abbreviations	96

Introduction

Introduction

I have had the privilege of being Inspector of Prisons in this country for almost eight years. In that time great progress has been made by the Irish Prison Service in areas such as a reduction in the numbers in prison, an improvement beyond recognition in the physical conditions in the prisons, an appropriate building programme, the virtual elimination of 'slopping out' and the introduction of a number of innovative initiatives. None of this progress would have been possible without the foresight and vision of the Director General, his management team and many officers of all ranks. Equally, it would not have been possible without the active support and encouragement of the present Minister for Justice and Equality, her predecessors in office and their officials who embraced the concept of change necessary to ensure that this country is in compliance with our obligations to our prisoners and that prisons are run in accordance with best international practice.

I have found many good practices in all prisons and I have been impressed by the hundreds of hard working and dedicated officers of every rank who have been doing their best, sometimes with little encouragement or direction, to get the 'job done' and whose priority has been to ensure that best practice should prevail. In fact, many such officers have been anxious to go 'the extra mile' and for this they must be commended.

However, despite the strides made, as referred to above, there are deficiencies in the system. My published reports on various aspects of the prison system, on my inspections of individual prisons, on my investigations of the circumstances surrounding the deaths of prisoners in prison custody or on temporary release, on audits of prison procedures and my annual reports have, in certain instances, cast a light where no light shone before but in virtually all cases have pointed to inadequacies in the system. Many of my reports point to instances of exposing what the Irish Prison Service's own regulations and audits have failed to uncover.

The inadequacies that I have referred to are well ventilated in my reports, which number in excess of 80. I have made strong references to the culture in our prisons which has contributed, *inter alia*, to the absence of a functioning line management structure in many of our prisons which in turn has led, in certain cases, to a failure to observe Standard Operating Procedures, to the falsifying of official records, to incomplete, inaccurate and at times misleading reports of incidents and inadequate or nonexistent record keeping, which, combined with poor internal audit controls, inconsistent application of agreed procedures and poor supervisory practices has led to systemic operational deficiencies. All of this can only suggest that the '*protection of the system*' was more important to some than the '*rights of the individual*'.

Over the years I have become aware of a certain disconnect, not only between those working in prisons at all levels and those managing the Irish Prison Service, but also between officers and the management teams in individual prisons. This has militated against the efficient functioning of what should be a cohesive overall service where all elements should work to a common goal. Part of the problem is the blurring of lines of responsibility and an inefficient system of communication which, combined with resistance to change, has resulted in a fragmented organisation.

All organisations must be open to critical external evaluation. In recent times the Department of Justice and Equality was subject to such an exercise which resulted in the Report of the Independent Review Group on the Department of Justice and Equality (the Toland Report).

I felt that the time was opportune to conduct an independent overall review of the Irish prison system looking in particular at the current culture within the service and to bring forward suggestions which would complement the progress made to date. I felt that I was the appropriate person to carry out this review, having regard to my accumulated knowledge, which would (unlike my reports to date which have dealt with individual issues) provide an analysis of the overall system and give an unbiased and independent view which would stand scrutiny in any forum and provide a roadmap for the development of the service for the next 10 to 20 years. The Minister was very supportive of my initiative and provided me with the resources necessary to carry out this review.

However, I was conscious that, in order that my review and roadmap would stand scrutiny from any quarter, I should seek the assistance of an internationally recognised expert or experts who would work with me on this review. Professor Andrew Coyle kindly agreed to work with me in undertaking this review. Professor Coyle is a former prison governor who was involved in driving organisational and cultural change within the Scottish Prison Service and the Prison Service of England and Wales. He was, at one time, an advisor to the UK Home Secretary on prison issues and has served on a range of committees relating to prison matters in the UK. Professor Coyle is also a much published academic who is considered a leading authority in the area of prison reform, implementing strategic change and cultural issues. He has also been an expert advisor to a number of Council of Europe and United Nations committees. The involvement of Professor Coyle provides additional weight and veracity to the review as well as corroboration of my assessment of the overall system as it stands. In addition he brings an international dimension to our deliberations.

On a personal level, I would like to sincerely thank Professor Coyle for agreeing to collaborate with me on this project. His breath of knowledge, combined with his enthusiasm for the Review, has meant that we have been able to address all issues set out in our Terms of Reference culminating in this Report.

The body of this report is the result of our joint assessment and analysis of the current situation. I am confident that our proposals for a roadmap for the future will stand scrutiny in any forum.



Judge Michael Reilly
Inspector of Prisons

Executive Summary

Executive Summary - A Road Map for the Future

Structure of the Irish Prison Service (Chapter 3)

- The Irish Prison Service (IPS) should become an executive agency of the Department of Justice and Equality on a non-statutory basis and the Director General should be the Accounting Officer for the IPS.
- The Directors of the Irish Prison Service should be constituted as a Board chaired by the Director General and each of them should have the specific professional competences and skills which are necessary to lead their directorate.
- When a Director's post falls vacant it should be filled by open competition on the basis of a clearly defined set of personal qualities and competences. Consideration should be given to appointing the Director General and all Directors on fixed term contracts, say of five years with the possibility of renewal.
- In terms of Prison Rule 99(2) the Minister should appoint a Director of Prison Healthcare Services.
- Consideration should be given to the appointment to the Board of a number of non-executive members from different backgrounds which are relevant to the work of the Prison Service.
- Consideration should be given to finding a new location for IPS headquarters which will make it much more accessible to the prisons which it oversees and serves.

Relationships between Prison Service headquarters and prisons (Chapter 4)

- The current post of Director of Operations should be replaced by a single post to be known as Deputy Director General and Director of Operations. In order to have credibility in this role the Deputy Director General (DDG) should have had operational experience at the highest level.
- The 13 prisons should be divided into two regions and two Regional Directors should be appointed under the DDG each to act as line manager and mentor for Governors of the prisons in their region.
- If this is accepted the current posts of Campus Governors and Deputy Campus Governors would become redundant. The arrangements for sharing a variety of services in the current campus prisons should be retained and strengthened and professionally skilled heads of functions should oversee the shared services.

- The provision whereby the Legal and Professional Standards Office coordinates the arrangements for communicating policy initiatives to prisons should be reviewed and strengthened.
- Whenever possible correspondence should be addressed to a named individual and there should be clear arrangements for dealing with correspondence in the absence of the named person.
- A record should be maintained to ensure that all correspondence is answered within agreed time limits.
- Only persons who have a direct interest in the matter in hand should be copied into correspondence.
- The Irish Prison Service should consider the need to issue advice to all staff on the use of appropriate language, especially in electronic communications.
- The Irish Prison Service should have discussions with An Garda Síochána about common organisational issues in order to take advantage of the lessons which have already been learned in that organisation.

Staffing structure in prisons (Chapter 5)

- In order to underline the statutory position of prison Governor that title should be given only to the person who is appointed by the Minister to be the Governor in charge of each prison. When the Governor is officially absent from the prison he or she should nominate a senior officer to be acting or deputy Governor.
- Consideration should be given to recruiting persons to senior levels in the Irish Prison Service from other professions with a view to preparing them for early appointment to Governor.
- In each prison the Governor should be supported by a cohesive management team of senior staff.
- Each member of the senior management team should have the necessary professional competences to manage the department or unit for which he or she is responsible. This is particularly important in terms of human resources and finance.
- There should be a review of the administrative staffing arrangements (Prison Administration and Support Officers) which were introduced following the Public Service Agreement 2010 – 2014.
- Once the above changes are introduced each prison should be given an annual budget covering all main running costs with spend being audited on an ongoing basis.
- We invite the Irish Prison Service to re-consider whether the current staffing and management structures in the Prison Service Escorts Corps and the Operational Support Group provide the best service to individual prisons.
- The Irish Prison Service should fulfil its statutory obligations under the Prison Rules

2007 in respect of the provision of healthcare services. In collaboration with the Health Service Executive it should carry out an audit of the implementation of previous reviews, particularly the recommendations of the 2009 report by the Health Service Executive.

Relationships between management and staff in prisons (Chapter 6)

- There should be a clear allocation of responsibilities at all levels in prisons.
- The person in charge of each function should carry the title of head of the function; for example, Head of Operations, and as a body they would make up the senior management team under the Governor's leadership. Each of these named individuals would be responsible directly to the Governor with the proviso that the Head of Healthcare in the prison should have a direct line to the IPS Director of Healthcare in respect of clinical issues.
- Each function should have a number of branches or units with a named manager in charge of each reporting to the head of function. The larger units such as the accommodation blocks or divisions should have named first line managers in charge at all times.
- One of the main benefits of this new structure will be the provision of clear lines of accountability, which do not at present exist. If there is to be accountability there also needs to be authority for staff to operate within the approved parameters of their powers.
- There should be greater recognition of good performance by individual members of staff.
- There should be a review of arrangements for oversight of change management and of industrial relations more generally in the Irish Prison Service to be led by an independent chairperson.
- The Prison Officers' Association should consider reviewing its arrangements for providing adequate trade union representation for different groups of members, including governors, prison nurses and PASOs. The Irish Congress of Trade Unions could have a role to play in assisting such a review.
- Governors should enhance and strengthen arrangements for personally communicating directly with staff and should not restrict this to communication via trade union representatives.
- Governors should also ensure that other managers implement similar arrangements for communicating with their own groups of staff.

Staff learning and development (Chapter 7)

- The Irish Prison Service should produce a Code of Ethics for Prison Staff which will provide all its personnel with a clear ethical context for the duties which they carry out.
- This Code should provide the context for all prison staff training and development.
- In advance of any new round of prison officer recruitment there should be a review of the

selection and assessment processes to ensure that those who are selected to join the Irish Prison Service meet the highest appropriate standards.

- There should be a review of the best method for delivering initial training for new recruit prison officers. As a minimum the former Higher Certificate in Custodial Care should be resuscitated in an updated format in conjunction with an academic institution.
- The arrangements for posting recruit prison officers to prisons should be reviewed in order to satisfy the best needs of the Irish Prison Service and as far as possible to accommodate the domestic needs of the officers concerned.
- As a general rule appointments to promoted posts in the Irish Prison Service should be made through open competition overseen by the Public Appointments Service. For each post there should be a detailed job description specifying essential and desirable competencies.
- When persons who have no previous prison service experience are appointed to promoted posts they should be given bespoke operational training prior to taking up their duties.
- When persons who are already members of the Irish Prison Service are appointed to promoted posts they should be given the necessary training and development to enable them to perform at the higher level.
- Staff in promoted grades who are in the annualised hours system should not revert temporarily to a lower rank to fulfil their quota of annualised hours.
- The head of the Irish Prison Service College should be given the title Director of Learning and Development. Tutors should be described as head or manager of the area of training for which they are responsible.
- All those who are involved in the training of personnel should be equipped with the appropriate skills and professional experience for their subjects. Each tutorial role should have a clear job description and appointments should be made following open competition.
- Those who are selected as tutors from outside the Irish Prison Service should undertake familiarisation secondments in prisons and those who are appointed from within the Irish Prison Service should undertake training to equip them for their tutorial roles.
- Appointments of tutors from inside the IPS should be for a fixed term, say, three years with a possible extension to a maximum of five years.
- Consideration should be given to creating a formal relationship between the College and the two prisons in the Portlaoise Campus to create what might become a 'learning and innovation hub' for the Irish Prison Service.
- The role of Training Liaison Officers should be reviewed. Their current link with the Prison Service College should be reinforced. At the same time the Governor of the prison in which they are based should take an interest in their work, both personally and through the prison's human resources manager.
- The provision for 50 hours training annually for each member of staff should be met in all but the most exceptional cases.

- The current Performance Management and Development System should be replaced with a continuous assessment process designed specifically to meet the needs of personnel in the Irish Prison Service.
- Every member of staff should have a detailed job description against which performance can be measured.
- Every member of staff should have a named mentor or supervisor who will assist them in the assessment process. The number of staff assigned to each mentor or supervisor should be small enough to allow for meaningful assessment.
- There should be an administrative structure which guarantees good record keeping for the individual assessments and someone in each prison whose task it is to ensure that all action points and recommendations are followed up and implemented.
- Consideration should be given to introducing a formal system for publicly recognising staff who carry out their duties in an exemplary manner.

Chapter 1

Terms of reference and methodology

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Terms of Reference

- 1.1 The terms of reference for this review as agreed with the Minister for Justice and Equality were:

To carry out an assessment of the current culture within the Irish Prison Service and the extent to which it facilitates or hinders the development of the service and to produce a report with recommendations.

The review focussed on cultural issues in the Irish Prison Service and in that context considered the following relevant matters among others:

- The relationship of the Irish Prison Service with the Department of Justice and Equality.
- The present structures within the Irish Prison Service and the relationships between them.
- The roles and responsibilities of those working in the Service.
- Whether the present method of service provision meets the objectives and the stated vision of the Irish Prison Service.
- The training and continuous development of prison staff at all levels.

Methodology

- 1.2 The review consisted of the following main elements:

- A study of previous reviews of the Irish Prison Service, the extent to which their recommendations had been implemented and the current relevance of the issues which they had considered.
- Visits by Professor Coyle to the majority of the prisons in Ireland, during which he spoke to a wide range of staff and prisoners. He also visited Prison Service Headquarters and the Prison Service College and had informal discussions with the Prison Officers' Association Executive Committee.
- There were also meetings and discussions with officials and others in the Department of Justice and Equality, the Department of Public Expenditure and Reform, Prison Service Headquarters, An Garda Síochána, the Irish Congress of Trades Unions and the Irish Human Rights and Equality Commission.
- A call for written evidence was issued and responses were received from all those listed in Appendix 1.

- In addition oral evidence or advice was received from all those listed in Appendix 2.
- Visits were made to the Norwegian Department of Corrections and the Scottish Prison Service to discover what lessons might be learned from their organisation and culture. These two services were chosen because of their similarities to and differences from each other and the Irish Prison Service. Details of these visits are provided in Appendix 3.

Above all else the review was informed by the experience of the Inspector of Prisons in carrying out his duties over almost eight years in inspecting all prisons in Ireland on a regular basis.

The Report

- 1.3 Chapters 3 to 7 of the report are each divided into three parts: History or Current Situation, Analysis and Road Map for the Future. This arrangement has led to a degree of repetition but this is outweighed by the fact that it permits each chapter to be read in a relatively free standing manner.

Chapter 2

An overview of the culture of the
Irish Prison Service

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An overview of the culture of the Irish Prison Service

The context

- 2.1 The culture of an organisation can be the strongest driver for positive change or the strongest inhibitor against it. There is extensive literature on general organisational culture and what constitutes it. There are also a few key publications on prisons and their culture, stretching back to the classic texts by Clemmer¹ and that edited by Donald Cressey² with later works by Dilulio³, Kauffman⁴ and from Ireland Carey's history of Mountjoy⁵. Culture is one of those intangible entities which can be difficult to define but at the same time is immediately recognisable when one encounters it. It is created by high level vision and values set within the legal and functional objectives of an organisation but it also depends intimately on the day to day interactions between persons at all levels of the organisation, their behaviour towards each other and the language they use when speaking to each other in a wide range of settings.
- 2.2 In the Irish Prison Service (IPS) culture is framed at the high level by the leadership which is shown by senior management and the standards which it sets. In recent years the IPS has produced an impressive set of statements about the values to which it aspires and also a three year strategic plan which identified six critical success factors.⁶ But culture cannot be imposed from above. In the IPS it is also determined by:
- The nature of the personnel who are recruited to work at all levels in the Service.
 - Their commitment to delivering a public service.
 - Their personal identification with the objectives of the Service.
 - The respect with which they treat their colleagues and are treated by them.
 - The manner in which they deal with the prisoners who are in their care.
- 2.3 Culture can be multi-layered and there will be local variations of the IPS culture within each prison. A prison is by definition a person centred institution and the fact that it is a relatively closed environment means that the culture of each one can be quite distinctive. This is especially the case when a prison has decades and on occasion centuries of tradition. Staff and prisoners are well aware of the varying cultures in each of the prisons of Ireland. As someone commented during one of our prison visits, "The culture of this prison is in its walls". In contrast to some of its prisons the Irish Prison Service is a

1 Clemmer D. 1940. *The Prison Community*. New York: Holt, Rinehart and Winston, Inc

2 Cressey D. (ed) 1961. *The Prison: Studies in Institutional Organization and Change*. New York: Holt, Rinehart and Winston, Inc

3 Dilulio J. 1987. *Governing Prisons: A Comparative Study of Correctional Management*. New York: The Free Press

4 Kauffman K. 1988. *Prison Officers and their World*. Cambridge: Harvard University Press

5 Carey T. 2000. *Mountjoy: The story of a prison*. Cork: The Collins Press

6 Irish Prison Service. 2012. *IPS Strategic Plan 2012-2015*.

relatively young organisation and one of the challenges it faces is to establish a progressive service-wide culture to complement that which has existed for years in each prison. In succeeding chapters we will refer in greater detail to the significance of this.

2.4 The culture in the IPS is also influenced by that in its parent department, the Department of Justice and Equality. In June 2014 the Minister established an independent review group which she tasked with carrying out a comprehensive review of the “performance, management and administration” of the Department. Among other matters the review group was asked to consider and report on the “effectiveness of the Department’s current structure, systems, management and capabilities”. The group published its report, often referred to as the Toland Report after its Chairman, in July 2014.⁷ The review identified what it considered to be the strengths and the weakness of the Department and concluded that five main issues required to be dealt with:

- There was a closed, secretive and silo driven culture.
- There were significant leadership and management problems.
- Ineffective management processes and structures did not provide strong strategic oversight.
- The Department’s Management Advisory Committee was not sufficiently focused on key strategic priorities.
- Relationships with key agencies tended to be informal and unstructured.

In order to tackle these issues the report made five key recommendations on the need for:

- A programme for fundamental and sustained organisational and cultural change and renewal.
- A change in the leadership and management routines, systems and practices to underpin both the performance of the Department and key agencies.
- An upfront commitment to additional skilled and specialised resources and training and development programmes to lead and drive the change programme.
- A change in the scope and approach of the Management Advisory Committee to provide better strategic management and support.
- A structured approach to how agencies and key relationships are managed to hold them more accountable and drive better performance across the broader justice landscape.

2.5 Since July 2014 the Department of Justice and Equality has been developing a programme of action to ensure that the recommendations in the Toland Report are implemented. This programme of action has repercussions for the relationship between the Department and the Irish Prison Service.⁸ In completing the current review we have paid close attention to the recommendations made by Toland and we believe that the forward path which we have identified for the IPS is very much in keeping with the spirit and the letter of the Toland Report.

7 Report of the Independent Review Group on the Department of Justice and Equality. July 11th, 2014

8 The Director General of the IPS is a member of the Departmental Management Advisory Committee

- 2.6 As with any public service organisation the culture of the IPS is affected by wider economic and political issues and these have been a major influence on developments over the last decade. This report will later make reference to the three Public Service Agreements dating back to 2010 in which both the Irish Prison Service and the trade unions representing its staff, notably the Prison Officers' Association, have played important and positive roles.
- 2.7 In this report we offer a road map for the future organisational and cultural development of the Irish Prison Service. The bulk of the report concentrates on two main issues: the structure of the Prison Service at national and local levels and the training and professional development of personnel who are members of the IPS. The report has been structured in this way because the culture of the Service depends intrinsically on its personnel at all levels, the way that they are organised and the relationships between them as groups and individually. At the same time it should never be forgotten that prisons would not exist and that prison staff would not be employed were it not for the presence of prisoners. The way in which they are treated is the most important measure of the effectiveness of the Service and the professionalism of the staff. For that reason the report includes a final chapter on issues which directly affect prisoners and the way that their treatment is affected by the organisation and its culture.

Some of the issues which affect culture in the Irish Prison Service

- 2.8 The IPS Strategic Plan emphasises (page 24) that:
- It is the policy of the Irish Prison Service that all persons will be treated with dignity and respect at all times and this applies to every person, regardless of their role and background, as part of the prison community. We are committed to treating each other fairly, with courtesy, respecting personal dignity at all times.
- 2.9 In implementing this policy the IPS has sought to develop several initiatives, some of them focussed around its proposed Dignity at Work Charter. This has not had the easiest of passages. Many of those who spoke to us in the course of this review expressed opinions as to why this has been the case. There is general agreement that the principle on which it is based is sound; no one takes issue with the need for "dignity at work". However, there are strong differences of opinion as to whether the proposed Charter with its five threads is the best vehicle to achieve that end. Given the limited time we have had available to consider the specific details of the proposed Dignity at Work Charter and its progress to date we do not consider that it would be helpful if we were to express an opinion on why negotiations have faltered in the way they have nor to offer advice as to whether it remains the best option for implementing the changes which everyone agrees are needed. We are in no doubt that there are a number of areas where the attitude and behaviour of staff at all levels, both as individuals and corporately, has a negative influence on the culture and performance of the Prison Service and that these need to be dealt with through the joint commitment of management, trade unions and individual members of staff.

Lack of corporate identity in the Irish Prison Service

2.10 We found a distinct lack of cohesiveness in the Irish Prison Service and as we explain in greater detail in subsequent chapters we observed strong evidence of what the Toland Report described as a ‘silo driven culture’, with the different silos including IPS headquarters and individual prisons as well as staff grouped around their staff association or trade union. This stands in sharp contrast to what we observed in the Norwegian Department of Corrections and the Scottish Prison Service where staff in all work settings demonstrated a strong sense of corporate loyalty and identification with ‘their’ prison service. This appeared to create a more focussed sense of purpose in the other two organisations and a more unified working environment which is of benefit to personnel and to the efficiency of the prison services.

A closed mindset

2.11 The Irish Prison Service recruits its mainstream staff at prison officer grade, more recently at the new grade of recruit prison officer, and subsequent promotions to the most senior operational levels are made sequentially through each grade. This is an unusually closed arrangement for a relatively large professional organisation which wishes to attract the best people at every level. Previous experience as a prison officer can be useful in a higher level post but that is not to say that the skills which are necessary at the lower grade are of themselves sufficient preparation to carry out the responsibilities of a higher grade, particularly if this carries specialist responsibilities. It was of added concern that staff at higher levels told us that they had received no specific training on being appointed to these posts from their previous junior grades.

2.12 As a result of these closed appointment arrangements personnel in the IPS come from a remarkably homogeneous background, with very little diversity of any kind. This homogeneity contributes to a narrow world view which manifests itself in a number of ways. Staff spoke to us of the incessant pressure to conform to behaviour which was at best unprofessional and at worst misogynistic and even misanthropic. This leads some staff to act in ways which are inappropriate. For example, in a number of prisons we heard that some staff regularly consume alcohol during lunch breaks and return to duty without any rebuke from senior staff. We heard of staff frequently using improper and inappropriate language to each other and to prisoners. These comments came to us from a wide range of sources which strengthened their credibility. They have also been observed at first hand in a number of inspections over the years. The demands to conform in a uniform manner whatever the circumstances are overpowering with severe personal repercussions not only against the individual concerned but also against his or her family for those who step out of line either by refusing to take part in inappropriate behaviour or by drawing it to the attention of superiors. The volume and personal nature of the reports made to us left us with little doubt as to their veracity. What was particularly disturbing was the apparent unwillingness or inability of those to whom such matters were reported to take corrective action, thus leaving staff who object to inappropriate behaviour by colleagues with the clear message that there is little to be gained and a lot to be lost personally by reporting the matter. A concerned member of staff in one prison summed up the situation by commenting, “What we permit, we promote”.

An agenda for decency

2.13 Over the last 50 or so years a wide range of international and regional standards have been agreed by the international community describing how prisons should be managed, how prisoners should be treated and how prison personnel should behave. The most fundamental of these is Article 10 of the International Covenant on Civil and Political Rights (ICCPR)⁹:

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2.14 The ICCPR is a binding treaty which has to be observed by all states which have ratified it, as Ireland has done.

2.15 The Council of Europe, of which Ireland is an active member, has developed regional standards for prisons, the most important of which is the Recommendation of the Council of Ministers which is most commonly known as the European Prison Rules.¹⁰ The first nine of these Rules constitute a set of basic principles which should be respected in every prison:

1. All persons deprived of their liberty shall be treated with respect for their human rights.
2. Persons deprived of their liberty retain all rights that are not lawfully taken away by the decision sentencing them or remanding them in custody.
3. Restrictions placed on persons deprived of their liberty shall be the minimum necessary and proportionate to the legitimate objective for which they are imposed.
4. Prison conditions that infringe prisoners' human rights are not justified by lack of resources.
5. Life in prison shall approximate as closely as possible the positive aspects of life in the community.
6. All detention shall be managed so as to facilitate the reintegration into free society of persons who have been deprived of their liberty.
7. Co-operation with outside social services and as far as possible the involvement of civil society in prison life shall be encouraged.
8. Prison staff carry out an important public service and their recruitment, training and conditions of work shall enable them to maintain high standards in their care of prisoners.
9. All prisons shall be subject to regular government inspection and independent monitoring.

⁹ International Covenant on Civil and Political Rights. Adopted by General Assembly resolution 2200A (XXI) of 16 December 1966. Entry into force 23 March 1976.

¹⁰ Council of Europe. 2006. Recommendation Rec (2006)2 of the Committee of the Council of Ministers to member states on the European Prison Rules. Strasbourg

- 2.16 More recently the Council of Europe has approved a Code of Ethics for Prison Staff.¹¹ The publication of this document brought prison staff into line with other personnel working in the justice field, including the judiciary, prosecution and police, which already have similar codes of ethics. The Code describes the objectives of prison staff and refers among other things to the need for accountability, integrity, respect for and protection of human dignity, care and assistance, fairness, impartiality and non-discrimination. The Council of Ministers recommended that all member states should be guided by the principles in this model code and should consider developing a version customised to the specific circumstances in their own countries. A number of European countries have already done this and Ireland would do well to consider this. A copy of the Council of Europe Code of Ethics for Prison Staff is attached as an annex to this report.
- 2.17 We retain the belief that most staff in the Irish Prison Service wish to carry out their important public responsibilities in a professional and ethical manner. We trust that what is contained in the succeeding chapters of this report will be of assistance in developing the culture of the Irish Prison Service in a progressive fashion.

¹¹ Council of Europe. 2012. Recommendation CM/Rec (2012) 5 of the Committee of Ministers to member States on the European Code of Ethics for Prison Staff. Strasbourg

Chapter 3

Structure of the Irish Prison Service

Chapter 3

Structure of the Irish Prison Service

History

The Whitaker Report

3.1 In the context of the current review a useful starting point for the recent history of the administration of prisons in Ireland is the *Report of the Committee of Inquiry into the Penal System* which was published in 1985, often referred to as the Whitaker Report after its chairman.¹² The Committee of Inquiry was established by Government, which set its terms of reference. These were much wider than those of the current review and in the course of our work we have been at pains to remember that our review is much narrower in scope than that undertaken by Dr Whitaker and his colleagues thirty years ago. Nonetheless, there are a number of striking similarities. For example, among the matters the Committee of Inquiry was asked to consider in 1985 were:

- The number and deployment of Prison Service staff.
- The management structure relating to the operation of institutions.
- The recruitment and training of Prison Service staff.
- Staff / management relations in the prison system.

3.2 In 1985 Ministerial accountability for the administration of prisons was exercised by a small number of officials in the Prisons Division of the Department of Justice while the day to day operation of each prison was left largely in the hands of the respective prison governor. Notwithstanding this fact, the Committee of Inquiry took the view that the detailed administration of prisons had moved “to an excessive degree into the Department of Justice, to the detriment of discretion and responsibility, and therefore of good management” (paragraph 2.49). It made a series of recommendations to resolve this imbalance. In its Summary of Views and Recommendations the Whitaker Report included a section on *Unsatisfactory Relations between Department, Prison Managements and Staff* which included recommendations on a number of issues which are still relevant thirty years on. Among these were:

- Prison Board and Director: While ultimate responsibility for the administration of prisons should remain with the Minister of Justice, the day to day administration of prisons should be placed in the hands of a separate executive agency or board led by a Director and including non-executive members.
- Inspector of Prisons: Such a person should be appointed and should report annually to the Minister, with this report to be published.
- Prison staff numbers: The ratio of staff to prisoners is high in relation to that in many

¹² Report of the Committee of Inquiry into the Penal System. 1985. Dublin: The Stationery Office

other countries and, with a reduced prisoner population and improved working rosters for staff, it should be possible to reduce both staff overtime and the time that prisoners are locked in their cells.

- The role of the prison officer: Acknowledging that prison officers could be subject to personal risk and that their working environment was unpleasant, there is a need to increase job satisfaction and to develop the role of staff.
- Recruitment of prison officers: The need for rigorous selection procedures, for the recruitment of “persons of high qualities and abilities” and for a probationary period.
- Governor grades: The need to reassess the role of the governor, appointment procedures and the possibility of external recruitment.
- Training and development of staff: The need for this to be developed at all levels.
- Basic principles of industrial relations: The importance of agreed procedures for negotiation in which both management and employees have confidence.

The McAuley Report

3.3 In 1994, nine years after the Whitaker Report, the Department of Justice published *The Management of Offenders – a Five Year Plan*.¹³ This document noted the need to change the management structure for prisons and in November 1996 the Government announced the establishment of an independent prisons agency, to be known as the Irish Prison Service. It appointed an expert group under the chairmanship of Mr Dan McAuley to work out detailed proposals as to how the new agency would operate. The group’s report *Towards an Independent Prison Agency* was published in March 1997 and its recommendations were accepted by the Minister for Justice.¹⁴ Reflecting the findings of Whitaker, the McAuley Report noted that the Prisons Division of the Department of Justice focussed on the “minutiae of managing the prison system”. This resulted in inadequate time spent on policy evaluation and planning and also that management at prison level lacked sufficient authority and accountability. The report concluded that this arrangement “leads to over-management at central level of day-to-day problems to the detriment of strategic thinking and policy-making. It also undermines the development of a strong local management function and leads overall to ill-defined lines of accountability in the system” (paragraph 2.3.1).

3.4 McAuley recommended that an independent Prisons Agency should be set up on a statutory basis with a non-executive chairperson, at least four other non-executive members and the Director General and Deputy Director General as *ex officio* members. The report acknowledged that primary legislation setting out the respective roles of the Minister, the Board and the Director General would be required. The role of the Prisons Agency, to be known as the Irish Prison Service, should be:

To manage the Prison Service efficiently and humanely within the legislative framework laid down by the Oireachtas and policy parameters established by the Ministry of Justice.

13 Department of Justice. 1994. *The Management of Offenders: A Five Year Plan*. Dublin: The Stationery Office

14 Department of Justice. 1997. *Towards an Independent Prison Agency – Report of an Expert Group*. Dublin: The Stationery Office

Prisons Authority (Interim) Board

- 3.5 The Government of the day accepted the recommendations in the McAuley Report and in April 1999 it appointed a Prisons Authority (Interim) Board to provide advice and guidance on the management and administration of the Irish Prison Service pending enactment of the necessary legislation to establish the Service as a statutory agency. The 12 person Board was chaired by Mr Brian McCarthy and the Director General of the Prison Service was an *ex officio* member. For reasons that are not entirely clear the government did not proceed with legislation to set the Board on a statutory footing and in July 2011 the Minister for Justice and Equality announced the abolition of the Interim Board.

An administrative agency of the Department of Justice and Equality

- 3.6 The Prisons Authority (Interim) Board which existed between 1999 and 2011 did not have any independent legal standing and this has also always been the case with the Irish Prison Service. The Service is a non statutory agency of the Department of Justice and Equality established on an administrative basis by the Minister. Under the Public Service Management Act 1997 the Director General of the Service is responsible to the Minister for the management of the Service and reports to the Secretary General of the Department. Most of the staff who work in what is now the headquarters of the Irish Prison Service are main grade civil servants whose parent department is the Department of Justice and Equality. The great majority of personnel who work in prisons are also civil servants employed directly by the Prison Service.

Location of Prison Service headquarters

- 3.7 At the time of the Whitaker Report the Prisons Division of the Department of Justice was located within the main Department buildings in St. Stephen's Green, Dublin. Following the establishment of the Interim Board the staff of what had been named the Irish Prison Service moved in 2002 to Clondalkin in west Dublin. One year later the government announced that as part of its decentralisation programme the headquarters of the Irish Prison Service was to be relocated to a newly constructed building in Longford Town. This decision was met with less than universal enthusiasm for a number of reasons. It was argued that in the normal course of their work senior officials in Prison Service headquarters needed to have regular contact with colleagues in the Department of Justice and in other Government departments and as a result were required to spend a significant portion of their working time in Dublin. In addition all prisons were at some considerable distance from Longford, the nearest being in Castlerea over fifty kilometres away. While not directly questioning the wisdom of the move, the Prison Service's implementation plan made its concerns plain:

It is important at this point to place the management of the project risks in its proper context. The relocation to Longford was not an internal business strategy of the Irish Prison Service but a necessary action arising from a central Government decentralisation policy and programme. In project management terms this represents an external event to which the organisation must respond. As such some of these risks are outside IPS control and are deemed to be assumed at policy and programme level. However IPS planning must aim to limit any negative

consequences and to seek to ensure that they are as short-term as possible. The approach taken in this plan therefore recognises that risks will not be eliminated but seeks to mitigate them by a series of countermeasures.¹⁵

- 3.8 The transfer to Longford took place in July 2007. In 2011 an annex of headquarters was opened in Phibsborough adjacent to the Mountjoy Prison Campus. This unit houses the IPS Legal and Professional Standards Office, the Change Management Team and a member of the Operations Directorate as well as facilities for headquarters staff who require part-time office space in Dublin.

Analysis

- 3.9 In all democratic countries the elected government has ultimate responsibility for persons who are deprived of their liberty in custodial institutions. In Ireland this responsibility is exercised by the Department of Justice and Equality on behalf of its Minister. This principle implies that the Minister will set and direct overall policy, either personally or through close senior officials. In many jurisdictions the implementation of policy and the daily management of the prison service are delegated by the Minister to an executive body. This can be achieved in different ways; either by creating a body with statutory powers in its own right, often described as an executive agency, or by having a non-statutory structure made up of officials who have the necessary executive competences. These arrangements have to take account of the fact that a number of operational decisions relating to imprisonment, for example in respect of some high profile individuals who are imprisoned, can have important political consequences and for this reason there has to be a clear understanding as to when the Minister needs to be consulted on such matters. In the course of our review we saw these kinds of arrangements operating successfully in Norway and Scotland.
- 3.10 The Whitaker Report noted that there were eleven prisons and places of detention in Ireland in 1984 holding a daily average of 1,594 men, women and children. At that time the Irish Prison Service did not exist as an organisation. The primary responsibility of the officials in the Prisons Division of the Department of Justice was to provide policy advice to the Minister and to support him in fulfilling his governmental responsibilities. Their oversight of prisons focussed mainly on ensuring that the manner in which they operated did not create any political embarrassment for the Government rather than on ensuring that they were managed efficiently and effectively, that prisoners were treated in a decent and humane manner and that the conditions of employment of prison staff conformed with arrangements elsewhere in the civil service. In operational terms each prison operated virtually as a standalone institution with its own identity and culture.
- 3.11 In 1997 the Irish Prison Service was established with the intention of creating a centrally directed and cohesive organisation which would lead to consistency of operation in all of the country's prisons with the result that they would be managed "efficiently and humanely within the legislative framework laid down by the Oireachtas and policy parameters

15 Irish Prison Service. Decentralisation to Longford Project Plan (Revised October 2005)

established by the Ministry of Justice”. In 1999 the Government appeared to envisage that the IPS would, in due course, become an executive agency on a statutory basis similar to An Garda Síochána and the Courts Service. In 2011 the Government decided instead that the IPS should continue to operate as a non statutory agency of the Department of Justice and Equality. It has been suggested to us that this arrangement provides most of the advantages of an executive agency without any of the difficulties that might be associated with a statutorily independent board. It seems to us that in reality this may not be the case for a number of reasons.

- 3.12 The Irish Prison Service is led by a Director General who is currently supported by five Directors who are responsible respectively for the Directorates of Staff and Corporate Affairs, Operations, Care and Rehabilitation, Estate Management and Finance. At the outset it should be acknowledged that many positive developments have taken place in the Irish Prison Service in recent years. Successive annual reports have described the development of the high level strategic plan for the Service and the actions which have been and are being implemented to make this a reality. The number of prisoners has been considerably reduced, the physical conditions in all prisons have been improved, a building programme is underway and ‘slopping out’ will be a thing of the past in the near future. Initiatives such as the Community Return Scheme and Integrated Sentence Management, to name but two, have been rolled out with obvious benefits, although the implementation of the latter still requires much attention.
- 3.13 The current Director General has overseen this change programme with enthusiasm and drive and deserves much credit for what has been achieved to date. He told us that, in his view, work on strategy has now largely been completed and the focus for the immediate future has to be on implementation. In discussion with us he expressed the view that there now has to be a change of culture within IPS and that one of the main challenges is to convince staff at all levels to embrace positive change in their own interests as well as for the good of the Service and of prisoners. We do not disagree with this assessment and later in this report we will have more to say about how this might be achieved.
- 3.14 In the course of collecting evidence for this review it has been put to us repeatedly that there is a disconnect between the culture which exists in the headquarters of the IPS and that in the 13 prisons in Ireland. The most obvious manifestation of this is the fact that when the term “IPS” is used it is invariably a reference exclusively to the headquarters in Longford. This is particularly striking in prisons and it would appear that most prison staff do not regard themselves as being part of IPS; they have little concept that this is a single organisation of which they are all part. As we noted in the preceding chapter, this is in stark contrast to what we discovered when we visited prisons in Norway and Scotland. In each of these jurisdictions we were struck by the fact that staff both in the headquarters units and in prisons all see themselves as belonging to a single organisation to which they are committed. This is not the case in Ireland. It seems to us that there are several reasons why this is so.
- 3.15 The first concerns the headquarters structure. In organisational terms the IPS remains part of the Department of Justice and Equality and the Director General is a member of the Department’s management board which serves to emphasise that IPS is regarded as an integral part of the Department rather than an autonomous body. This arrangement

has a number of consequences both in organisational terms and as regards the individual involved.

- 3.16 One of the most important organisational consequences is that it is the Secretary General of the Department rather than the Director General who is the Accounting Officer for the IPS. In terms of government accounting this means that the IPS does not directly control its own budget and that the IPS Director of Finance is accountable in financial matters to the Secretary General of the Department. In the course of our review we noted that the situation in the Scottish Prison Service (SPS) is quite different. There the Chief Executive is the Accountable Officer for the SPS. The difference between the two sets of arrangements can be seen clearly in their respective annual reports. The IPS Annual Report includes only a single line about the annual budget for the IPS. In contrast the SPS Annual Report and Accounts contains full financial details of the budget for which the Scottish Prison Service is accountable.¹⁶
- 3.17 A further consequence of this arrangement is that the IPS is required to adopt many of the processes used within the Department of Justice and Equality, notably in respect of personnel management, which have been drawn up for departmental civil servants working in environments which are quite different from those of prison staff who work mainly on prison landings. In the course of speaking to staff in prisons and in taking evidence from witnesses we were frequently told that the Performance Management and Development System (PMDS) has little credibility in the Prison Service among either the people who are being reported on or those who are doing the reporting. Many staff told us that their PMDS forms were not being completed.¹⁷ Similar complaints were made about job descriptions and about the documentation which is used when people are being considered for promotion. We comment on these matters in greater detail in chapter seven.
- 3.18 We do not intend to comment in this report on the current directorate structure and division of responsibilities in IPS headquarters with one exception. The Care and Rehabilitation Directorate includes among its responsibilities Prison Healthcare Services. Prison Rule 99(2) states:

The Minister shall appoint a person to carry on and manage, and control generally, the administration of the prison healthcare services who shall be known as and is referred to in these Rules as the “Director of Prison Healthcare Services” and any person so appointed shall be employed subject to such terms and conditions (including terms and conditions relating to remuneration and allowances) as the Minister may, after consultation with the Minister for Finance, determine.

- 3.19 Currently there is no such named person in the Prison Service. Prison Rule 99(2) does not specify that the person filling the post of Director of Prison Healthcare Services should be a registered medical practitioner although one might reasonably interpret that to be the intent of the legislation and that was the case in the past. Many prisoners have a poor health profile and there are significant challenges in providing appropriate medical and

¹⁶ Scottish Prison Service Annual Report and Accounts 2013-2014. Available at www.sps.gov.uk

¹⁷ Note - Dept of Justice Annual Report 2014: “Performance management (PMDS): PMDS is the framework for the management of the performance of staff and the Department has a record of high compliance levels in relation to its implementation. Managing under-performing staff is primarily the responsibility of line managers, with support as required from HR. Changes to PMDS to strengthen the process, including calibration, were incorporated into the Department’s online system for the 2013 cycle.”

nursing care in prisons. In view of this it would seem to be essential that a Director of Prison Healthcare Services should be appointed in terms of Prison Rule 99(2).

- 3.20 When the main headquarters office moved to Longford in 2007 staff were given the option of relocating from Dublin to Longford in their existing posts or of transferring to other civil service posts in Dublin. In the event the relocation resulted in an 80 per cent turnover of staff in headquarters, with significant numbers of experienced staff choosing to move to other departments and new staff being recruited locally, some of them from existing civil service posts in the Longford area.¹⁸ As noted in the previous section the possibility that this might happen had been identified in the IPS Decentralisation Project Plan which noted that the risk involved “will not be eliminated but (the plan) seeks to mitigate them by a series of countermeasures”.
- 3.21 A number of headquarters staff who gave evidence to this review commented that they felt isolated on two fronts. They told us that colleagues elsewhere in the Department of Justice and Equality regarded the work that they did as being of a lower quality than work done by officials in the main department. This attitude was exacerbated by the physical separation in Longford from the main departmental offices in Dublin. Recent experiences had convinced some that this made it much more difficult to win promotion in the department and that working in IPS was not a good move for anyone who wished to progress in his or her career. We noted with concern that this view was not confined to staff in junior positions. At the same time the staff felt that their work was not valued by staff in prisons, who did not regard them as colleagues. We deal with this matter in greater detail in the next chapter of this report.
- 3.22 In the course of this review we had extensive discussions with staff who work in Prison Service headquarters. We have been left with the clear perception that many staff, at all levels in headquarters, focus exclusively on the work in their own directorate and have only a limited sense of corporate identity. This means that some initiatives are developed with little appreciation of any potential effect which they may have on the work being done in other directorates. Of equal, if not greater, importance is the effect that this dissonance has on staff in prisons who are in receipt of a variety of directives from headquarters which appear to the recipients to have little organisational coherence. In this review we use the term “headquarters” when referring to the IPS offices in Longford. We rarely heard this term used by anyone in the Irish Prison Service although it is used sparingly in official documents. The simple explanation for this may be that the different directorates are not regarded as a coherent entity but rather as semi-autonomous units responsible solely for their own areas of interest.
- 3.23 IPS has an Executive Group made up of the Director General, the five Directors and the three Campus Governors to whom we shall refer later. It is not clear that this group operates as a management board in the commonly accepted sense of that term, nor does it seem to publish minutes of its meetings. The Director General also chairs monthly meetings attended by Governors and Directors in the Prison Service College. The Director General is a regular visitor to prisons but it is not clear that all other Directors follow his example. This serves to strengthen the view among prison staff that “IPS” is an organisation separate from them.

3.24 The culture in any organisation is shaped by a variety of discrete elements. One of the most important is the identity and cohesiveness of the organisation itself. It is not an exaggeration to say that over the last 30 years the Irish Prison Service has been striving to establish its own identity. As previously stated, in the early years of that period each prison operated in a virtually autonomous fashion. The officials who worked in the Prisons Division of the Department of Justice did not see that their role was to develop a coherent policy for the way prisons were run, rather it was to minimise any danger of political embarrassment for Ministers. This resulted, as described in successive reports, in a light touch in respect of strategic matters and a restrictive control of minor administrative matters. The result was a symbiotic relationship between local prison management and Prisons Division. The situation now is much changed. The current Director General has led a process of strategic change and the introduction of a set of positive policies. However, progress has been retarded by continuing weakness of organisational cohesion. Put simply, on one hand many of the staff in prisons do not regard themselves as part of “IPS”, the Irish Prison Service. On the other hand many staff who work in headquarters have a dysfunctional relationship with staff in prisons just as they have a tenuous relationship with the rest of the Department of Justice and Equality.

Road map for the future

3.25 Having identified what we consider to be the main organisational inhibitors to developing a more cohesive culture in the Irish Prison Service we now offer some options which we suggest may help map the way forward. We draw attention to the fact that many of the options which we offer in this and succeeding chapters complement and expand on the recommendations made in the report of the Independent Review Group (The Toland Report).

- The Irish Prison Service should become an executive agency of the Department of Justice and Equality.¹⁹ We recommend that this should be done on a non-statutory basis and that the Secretary General of the Department should designate the Director General as Accounting Officer for the IPS.²⁰ The non-statutory basis of this arrangement would serve to underline that the Minister would retain governmental accountability for the Prison Service and its high level policy. However, in practical terms it would demonstrate the intention that the Irish Prison Service should become a cohesive organisation and emphasise the fact that everyone who works within it whether in a prison or in a headquarters unit is a part of a single organisation. The designation of the Director General as Accounting Officer with direct responsibility for the Prison Service budget and subject to oversight by the Office of the Comptroller and Auditor General will have relevance to what we have to say later about the devolvement of budgets to the prisons.
- The Directors of the Irish Prison Service should be constituted as a Board chaired by the Director General and each of them should have the specific professional competences and skills which are necessary to lead their directorate. The fact that they

19 We note that successive IPS Annual Reports describe IPS as being currently an executive agency of the Department. This is not factually correct. It is in fact an administrative agency of the Department.

20 This is the situation in the Scottish Prison Service and this could be a useful model for the IPS.

operate as a Board will be a public manifestation of the fact that they carry out their responsibilities in a corporate manner and that decisions made in one directorate are likely to have consequences in other directorates. The benefits of this way of working will be felt in a practical manner in the way that headquarters communicates with prisons.

- In business terms the Board will become directly responsible for an annual budget of more than €300 million, over 3,000 staff and some 3,700 prisoners held in 13 prisons. In order that the Prison Service Board has the competence to operate in a corporate manner it will be important, as in any organisation of this size, that all Directors should have the requisite skills to fulfil their particular roles. When a Director's post falls vacant it should be filled by open competition on the basis of a clearly defined set of personal qualities and competences. Consideration should be given to appointing the Director General and all Directors on fixed term contracts, say of five years with the possibility of renewal. We would point out that this was a recommendation of the 1994 Management of Offenders Report.
- In terms of Prison Rule 99(2) the Minister should appoint a Director of Prison Healthcare Services.
- Consideration should be given to the appointment to the Board of a number of non-executive members from different backgrounds which are relevant to the work of the Prison Service. In the following chapter of this review we will deal with the need to ensure that the Board includes persons with operational experience.
- There are considerable disadvantages in the current location of IPS headquarters in Longford as detailed above. We recommend that consideration should be given to finding a new location for IPS headquarters which will make it much more accessible to the prisons which it oversees and serves. We appreciate that if this was to happen there might be domestic disruption for some of the current staff who work in IPS headquarters. However, it should be noted that in the course of discussions we were told that a number of current staff continue to travel to work on a daily basis from family homes in Dublin.

Chapter 4

Relationships between Prison Service headquarters and prisons

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Current situation

4.1 For the last 30 years the main focus of attention on prison matters by politicians and senior officials in what is now the Department of Justice and Equality has been on how best to structure the administration of prisons at departmental level. Very little attention has been given to the staffing structure within prisons or crucially to the relationship between the central administration and the prisons. One of the issues which was identified in the previous chapter is the disjuncture which exists between IPS headquarters and the prisons which it oversees. The road map which has been offered in the preceding chapter for the high level structure of the IPS needs to be complemented by a similar review of the relationship between the headquarters structure and the prisons. Only if this is successfully resolved will it become possible for the Irish Prison Service to operate as a genuinely cohesive organisation and to develop a positive culture.

Support and oversight of Governors

4.2 The Director General told us that he is the line manager of all 13 governors who are in charge of prisons. He is also the line manager of the five IPS Directors and of the three Campus Governors. This means that he is responsible for the ongoing appraisal by means of the Performance Management and Development System of how each of these 21 senior members of staff are carrying out their duties and for providing support to each of them in their work. It is unclear who is responsible for the ongoing appraisal of a number of other senior Governors (Grades 1 and 2).

4.3 In June 2012 eight prisons were brought together to form three “campuses”, each with a Campus Governor. Mountjoy Prison, the Dóchas Centre, St Patrick’s Institution (since closed) and the Training Unit formed the Mountjoy Campus; Cloverhill Prison and Wheatfield Place of Detention formed the West Dublin Campus; Midlands Prison and Portlaoise Prison formed the Portlaoise Campus. The remaining six prisons, Arbour Hill, Castlerea, Cork, Limerick, Loughan House and Shelton Abbey stand alone.

4.4 Announcing the appointments of the first three Campus Governors, the Minister for Justice and Equality said:

These appointments will facilitate the development of the agreed new Campus structures in the prisons, whereby eight separate prison management structures will be combined into three consolidated Campus management structures. The implementation of new Campus Governance management structures, in addition to generating substantial savings at senior management levels, will also greatly facilitate the further development of shared services on each Campus.²¹

21 Department of Justice Press Release 18 June 2012. Available at <http://www.justice.ie/en/JELR/Pages/PR12000173>

- 4.5 The Director General told us of his ambition that headquarters staff should in future focus on strategic matters and should resist the temptation to become involved in the minutiae of prison management, a term which was previously used in the McAuley Report. A similar sentiment was expressed in the earlier Whitaker Report.

Communications

- 4.6 The IPS Legal and Professional Standards Office has responsibility for “the review, collation and mapping of Irish Prison Service policies and procedures”.²² This arrangement is intended to ensure consistency in the way that policy documents from the different directorates are formulated, their recording, the manner in which they are communicated to prisons and their review or expiry dates.
- 4.7 All five headquarters directorates communicate with prisons at different levels and with varying frequency. This is sometimes done through formal policy documents and instructions which are circulated to all prisons and are signed off by the responsible Director. At a less formal level individual officials will communicate directly with prison staff on an *ad hoc* basis, often electronically or by telephone. We were told that few headquarters officials visit prisons with any regularity and several told us that they had never done so.

Analysis

Leadership of the Prison Service

- 4.8 The Irish Prison Service is a civilian organisation which has a unique function in society, being charged with the duty of depriving citizens of their liberty for a period of time which has been stipulated by a judicial process. Although prison staff have civilian status the prison system has to be a disciplined organisation and in order to function properly it has to have a clearly recognised chain of command. The Director General stands at the head of the Service. He reports directly to the Minister; is responsible for the development of strategy and its subsequent implementation across all prisons; is also the public face of the Prison Service and represents it in a wide variety of situations. The Director General leads a large and complex organisation and needs to have the necessary business skills to do so efficiently. He is head of an operational service and has to have access to the technical skills necessary to direct those who are responsible for its daily operation. In order to carry out these leadership and management responsibilities effectively the Director General needs to be supported by a cohesive management board as described in the previous chapter.
- 4.9 The primary responsibility of a Director General is to ensure that prisons operate in a secure, safe and humane manner. In order to deliver that he needs to have the support of someone at the highest level who has intimate and practical knowledge of how prisons operate and who can provide meaningful support and direction to Governors who are in charge of prisons. That person will be the key link between headquarters and prisons. He or she will ensure that the operational perspective is always considered when strategic or tactical decisions are being taken in headquarters and will also have

²² <http://www.irishprisons.ie/index.php/about-us/>

the operational credibility to make sure that these decisions are implemented at prison level. In a number of jurisdictions the Director General has a deputy who has experience at the highest operational level to carry out these functions. In some prison services that person may be known as the Chief Operating Officer, the Director of Operations or Deputy Director General. He or she has responsibility for ensuring that there is consistency in all operational matters across the Prison Service and is usually the line manager for the Governors of prisons. In addition he or she acts as head of the Service in the absence of the Director General.

4.10 Many staff who work in Prison Service headquarters have spent most of their working lives in generalist civil service posts, either in the Department of Justice and Equality or in other government departments. Their expertise is in general administration or in helping to develop policies for the government of the day. These skills are useful for their work in IPS but they have to be complemented by professional knowledge and experience to assist them in their particular areas of responsibility in the complex operational business of the Prison Service. This is especially important at senior levels in each directorate, but particularly in the following three areas:

- **Human Resources:** The Prison Service employs over 3,000 personnel in a wide variety of grades and with differing conditions of employment. In any organisation with this number of staff, especially with an operational commitment for 24 hours a day seven days a week, it should be a given that those responsible for Human Resources should have professional qualifications and expertise in their area of responsibility. This is particularly the case in respect of the Prison Service which is above all a “people business” with a very complex industrial relations history.
- **Finance:** In the previous chapter we referred to the size of the IPS annual budget. In any organisation those responsible for the administration and control of a budget of this size would be expected to have specific financial and accountancy skills. This would apply not only to those working directly in the Finance Directorate but also those with budgetary responsibilities elsewhere in the organisation.
- **Health Care:** Many of the men and women held in Irish prisons have complicated medical profiles in respect of both physical and mental health. The personnel in IPS headquarters who have oversight of the delivery of the wide spectrum of health services which have to be available in prisons, who have to liaise closely with external health care professionals and who have to ensure that the IPS Health Care Standards (2011) are met need to have the requisite professional and clinical expertise to do so.

4.11 We stress that these comments are not intended as any criticism of the personnel in IPS headquarters who currently have responsibilities for these areas and who fulfil their duties with commitment to the best of their abilities. Similar issues arise in respect of personnel who work in prisons and we shall deal with these in later chapters.

Support and oversight of Prison Governors

4.12 There are a number of key points at which the relationships between Prison Service headquarters and prisons need to be recalibrated. The most important one is the link with the Governor in charge of each prison. This person has a statutory position in that he or

she is responsible to the Minister for the management of a prison as laid out in the Prison Rules 2007.²³ Part 7 of these Rules details the statutory duties of the prison Governor. These are summarised in Rule 75 (1):

Subject to the directions of the Minister and the Director General, the Governor shall be responsible for the management of the prison of which he or she is Governor.

- 4.13 This places the Governor in a unique position. Expressing this in negative terms, if anything goes wrong in a prison the Governor can expect to be held accountable. The most obvious example of this is that when any legal or judicial action is taken by a prisoner or anyone else the Governor will normally be the named respondent. Expressing this in more positive terms, it means that within the prison the Governor must be the leader, manager and accountable official. The Governor is also the face of the prison to the outside world and the key link with the Minister, whose ultimate authority for the prison system is exercised by the Director General and his senior staff. We will deal with the role of the Governor inside the prison in more detail in the following chapter. At this point we concentrate on his or her relationship with Prison Service headquarters.
- 4.14 Prior to 1999 the manner in which each prison operated on a daily basis was a matter to be decided by the Governor of the time. He was guided by the Prisons Act and the Prison Rules but these were capable of wide interpretation. A term frequently used was that each Governor regarded “his” prison almost as a personal fiefdom. We suggested in the previous chapter that the Irish Prison Service still struggles to reinforce its corporate identity. One immediate consequence of this is that there remains significant inconsistency in the way that individual prisons are managed. The experience of a prisoner in one prison can differ in many respects from the experience in another prison and the same can also be the case in respect of the way that staff are expected to behave.
- 4.15 It is undoubtedly true that the personal attitude and management style of each Governor can have a major influence on how staff go about their duties and on how prisoners are treated. In short, the Governor has a crucial role to play in setting the culture in each prison. Without exception Governors told us that they had received no specific training prior to taking up an in-charge post. They would have held a variety of junior governor posts and so would have some prior understanding of what the task entailed. In other disciplined services it is normal for personnel aspiring to the most senior ranks to be required to undergo specific skills training and competence assessment before presenting themselves for promotion. This recognises that competence at one rank is not necessarily sufficient qualification for appointment to a more senior post. We shall comment on these matters within the Prison Service in general in later chapters. For the moment we wish to underline the fact that an individual who is appointed as Governor of a prison requires and is entitled to expect training, development and ongoing support in carrying out statutory duties. Under existing arrangements the duty of support falls to the Director General and it is quite clear to us that the current Director General takes this responsibility seriously and makes himself available to provide advice when approached. However, it is unreasonable to expect one person to deliver adequate monitoring and mentoring of such a complex operational line in addition to all his other onerous responsibilities.

²³ Statutory Instruments. S.I. No. 252 of 2007. Prison Rules, 2007

4.16 With the establishment of three prison Campuses in 2012 it was intended that “eight separate prison management structures will be combined into three consolidated Campus management structures”.²⁴ It became quite clear in talking to those involved at all levels in headquarters, in the prisons and elsewhere that there is no clear single understanding of how the campus arrangements should operate. One understanding is that their limited purpose is to deliver a single system for “shared services”, including such matters as finance and human resource management as well as some staff attendance rosters across the two or three prisons involved, although it is clear that the level of sharing actually involved varies considerably between each campus. The press statement from the Department of Justice and Equality announcing the new arrangements indicated that the Campus Governors would be “at the most senior operational level in the Service” and would have an all-encompassing remit.²⁵ The principal duties of the post were to include:

- Delivering, through their respective Prison Campus, on the mission of the Irish Prison Service to provide safe, secure and humane custody for people who are sent to prison in line with national and international obligations.
- Leading the management team in managing all aspects of ongoing activity across the Campus.
- Ensuring the efficient and effective use of resources including staffing and the care and maintenance of the campus, buildings, plant and service.
- Driving the implementation of IPS policies in relation to all matters.
- Maintaining efficient and effective management systems and practices across the prison campus, including all prisoner, human resources, and financial management systems in order to ensure the provision of regular meaningful management information to the Director General and other functional Directors within the Irish Prison Service.
- Providing leadership, guidance and support to all staff thereby ensuring high standards of performance, quality service, fairness and courtesy across the Campus.
- Driving the public service reform agenda, implementing strategies for change, and ensuring that through the Campus structure the Irish Prison Service achieves the transformation targets set out in the Public Service Agreement.

4.17 One important question which arises from this arrangement concerns the relationship between the Campus Governor and the Governors of the two or three named prisons for which he has responsibility. When asked about this one Campus Governor said that he took the view that he was Governor of each of the individual prisons in his campus while another took the view that he was Governor of the main prison in the campus. These differing positions appear to be confirmed on the website of the Prison Service which indicates differing arrangements in each campus. In addition two of the Campuses also have Deputy Campus Governors. Staff at lower levels have no clear understanding of these relationships and offered different responses when asked to name the Governor of the prison in which they worked. The fact that, as he told us, the Director General rather than the Campus Governor is the line manager of each of the seven Governors concerned

²⁴ This was confirmed in the Third Annual report of the Implementation Body for the Public Service Agreement. July 2013

²⁵ Department of Justice Press Release 18 June 2012. Available at: www.justice.ie/en/JELR/Pages/PR12000173

adds to the complexity of the arrangements. This uncertainty has important statutory implications when it comes to identifying the person who is the Prison Governor in terms of Part 7 of the Prison Rules 2007. There should be no room for dubiety in this matter.

- 4.18 Campus Governors were introduced primarily as part of the Prison Service's response to the Public Service (Croke Park) Agreement 2010 – 2014. As previously noted, when announcing the first three appointments the Minister said that they would generate "substantial savings at senior management levels" and would also "greatly facilitate the further development of shared services on each Campus". In the time available for this review we have not been able to examine in any detail whether to date these objectives have been achieved. There is clear evidence that the arrangements have added some confusion to the line management structure in the seven prisons involved. In addition the remaining six prisons are excluded from any perceived benefits of the structure.
- 4.19 If a Deputy Director General was to be appointed in the Irish Prison Service it would be logical that he or she should become responsible for the line management of the 13 Prison Governors, relieving the Director General of that task. If this person were to have all the responsibilities currently undertaken by the current IPS Director of Operations in addition to oversight of all operational matters then the span of responsibility would be too wide. There are at least two options for dealing with this. One would be to appoint a Deputy Director of Operations, who would also be someone with considerable operational experience and who would share the workload of the Deputy Director General. An alternative, and in our view, preferable option would be to divide the 13 prisons into two regions and to appoint two Regional Directors under the Deputy Director General who would oversee and support the prison Governors in their region. If this change was to be implemented the current Campus Governor structure would become redundant although the arrangements for sharing a variety of services in the current campus prisons could be retained.

Communications

- 4.20 The arrangement whereby the Legal and Professional Standards Office has the responsibility for coordinating the review, collation and mapping of Prison Service policies and procedures is a sensible one. However, we were told that in practice this coordination is less than total and that individual directorates communicate with prisons on policy matters on a bilateral basis, bypassing the agreed structure.
- 4.21 Much of the daily communication between headquarters and prisons appears to be initiated from the former with the latter generally having a reactive role. Staff across a wide range of grades in several prisons told us that they felt inundated by the volume of instructions and requests which they received from different directorates, particularly since they seemed to be uncoordinated and often arrived without any prior warning or consultation. In the time available we were unable to confirm whether this was in fact the case so we simply record that this was a common perception. On the other hand we noted that there was a much more positive relationship where the relevant headquarters unit and the prison staff involved had a common interest in resolving operational issues.
- 4.22 Historically much of the correspondence sent to prisons from headquarter units was addressed to "The Governor" and responses were similarly signed, often by the Governor

personally. As the complexity and amount of correspondence has increased it has become more common for correspondence to be exchanged between named individuals who have responsibility for the matter in hand. In general terms this is to be encouraged provided that the persons involved have the authority to deal with the issues involved. One development in recent years which was raised with us by a number of people was the lack of consistency in the use of emails and on occasion their improper use. This, of course, is an issue for many other organisations and at first sight it may appear to be a matter so minor as not to be worthy of comment. However, there are legitimate concerns on at least two accounts because of ease of access to electronic mail. The first is the tendency to bypass normal avenues of communication and to raise issues at an unnecessarily senior level with a wide range of individuals simultaneously rather than with the person who is best placed to deal with the issue. The second is the use of inappropriate language which at best can be impolite and at worst can exacerbate rather than resolve the issue at hand. The Prison Service has Policy Documents on the use of computers and related matters²⁶ but these do not deal specifically with the way that thoughtless or improper use of electronic communication can influence the culture of the organisation.

Lessons from An Garda Síochána

4.23 An Garda Síochána have had to face significant organisational and cultural change in recent years and some of their experiences may be relevant for the Irish Prison Service. Some of these include:

- The creation of a Senior Board.
- Sanction from Department of Public Expenditure and Reform (DPER) to recruit specialists at a senior level with specific skill sets.
- The transfer of administrative support staff from the Department of Justice and Equality to An Garda Síochána.
- A staff survey which identified major issues which needed to be dealt with.
- An acknowledgment that there had previously been a heavy reliance on the issues of detailed policy directives but little subsequent monitoring of implementation.
- Change from the situation in which “We measured what we could rather than what we should.”
- The introduction of brief policy documents which were backed up by practice guidelines and standard operating procedures.
- The key values were correct but they needed to be translated into behavioural change.
- The creation of regions, each with a risk compliance and continuous improvement officer.
- Senior management meetings held monthly in regions on a rotational basis with the opportunity to discuss local issues with staff.

26 For example, Irish Prison Service Policy Documents: PIN 006 Computer Use, Access and Security and PIN 026 Social Media Policy

- Following several years when there was no recruitment the opportunity was taken to review recruitment process.
- The identification of basic competences for each rank.

4.24 Most of these issues will resonate with the IPS and could usefully be further explored with An Garda Síochána.

Road map for the future

4.25 We now offer a number of options for improving and strengthening relationships between Prison Service headquarters and prisons.

Leadership in the Prison Service

- The current post of Director of Operations should be replaced by a single post to be known as Deputy Director General and Director of Operations. The main responsibility of the post holder will be to ensure that the operational perspective is always considered when strategic or tactical decisions are being taken in headquarters and also to ensure that such decisions are implemented at prison level. He or she will have responsibility for ensuring that there is consistency in all operational matters across the Prison Service. In order to have credibility in this role the Deputy Director General should have had operational experience at the highest level.

Support and oversight of Prison Governors

- Given their pivotal position in the Prison Service, Governors require and are entitled to adequate and ongoing personal support and supervision. This would assist each of them to fulfil their statutory duties in a competent and professional manner. It would also result in greater consistency of leadership and management across the full range of prisons. If a Deputy Director General (DDG) were to be appointed this supervision would be carried out from that person's office.
- It would be unrealistic to charge the DDG with assuming all the duties of the current Director of Operations and also to provide meaningful supervision and support to all 13 Prison Governors. For that reason the 13 prisons should be divided into two regions and two Regional Directors should be appointed under the DDG each to act as line manager and mentor for the Governors of the prisons in their region.
- If this is accepted the current posts of Campus Governors and Deputy Campus Governors would become redundant. The arrangements for sharing a variety of services in the current campus prisons could be retained. The benefits of this arrangement would be strengthened with the appointment of professionally skilled heads of functions for the shared services.

Communications

- The provision whereby the Legal and Professional Standards Office coordinates the arrangements for communicating policy initiatives to prisons should be reviewed and strengthened. There should be clearer guidance as to the nature of communications which come under this heading.
- Whenever possible correspondence of whatever nature should be addressed to a named individual. Senders should make every attempt to identify who is the person best equipped to provide an answer. Arrangements should be put in place to deal with correspondence in the absence of the named person.
- A record should be maintained to ensure that all correspondence is answered within agreed time limits.
- Only persons who have a direct interest in the matter in hand should be copied into correspondence.
- The Prison Service should consider the need to issue advice to all staff on the use of appropriate language, especially in electronic communications.

Lessons from An Garda Síochána

- The Prison Service should have discussions with An Garda Síochána about common organisational issues in order to take advantage of the lessons which have already been learned in that organisation.

Chapter 5

Staffing structure in prisons

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Staffing structure in prisons

Current situation

5.1 The prison is, at root, an organisation which is defined by the people who are connected to it. At its centre are the prisoners without whom there would be no reason for its existence. We shall say more about them in chapter eight of this report. Around the prisoners are the prison staff who are responsible for their care. At the end of 2014 there were 3,380 staff in the Irish Prison Service including civilian grades and headquarters staff.²⁷ The duties and responsibilities of the main prison staff are laid out in quite specific terms in statute.

Governors and Chief Officers

5.2 The prison is a hierarchical and disciplined institution and at its head stands the Governor of the prison. There are 13 such Governors in Ireland and their duties are laid out in Part 7 of the Prison Rules 2007.

5.3 Prison Rule 75 lists the statutory duties of the Governor in some detail. In respect of prisoners he or she shall:

(i) develop and maintain a regime which endeavours to ensure the maintenance of good order and safe and secure custody and personal well being of prisoners; and

(ii) assist and encourage prisoners in -

(a) coping with their imprisonment,

(b) achieving their personal development,

(c) taking responsibility for their lives, including offending behaviour, and

(d) preparing for reintegration into society after release.

5.4 In respect of staff the Governor shall:

(i) endeavour to ensure the fitness for duty of all prison officers and good conduct in the performance of such duties;

(ii) promote awareness of and ensure compliance with statutory obligations in regard to health, safety and welfare in the workplace;

(iii) have in place plans, equipment and procedures and ensure that prison officers are trained to perform their duties to meet fire, riot and other such emergencies.

5.5 Prison Rules 75 to 84 go into greater detail on all of these matters.

5.6 Prison Rule 76 permits the Governor “as occasion requires” to delegate any of his or her functions “to a Deputy Governor, Assistant Governor or any grade of prison officer”.

27 IPS Annual Report 2014

However, the Rule makes clear that those who have this delegated authority exercise it on behalf of the Governor and do so under his or her “general direction and control”.

- 5.7 In practice many of the functions of the Governor are delegated to other members of staff as a matter of course. Prisons in Ireland have complex management structures which owe more to historical developments than to present day needs. In addition to the campus management which was described in the previous chapter, each prison will have between one and five assistant governors. The larger prisons will have a Chief Officer Class 1 and all but the smallest prisons will have several Chief Officers Class 2 and individual units in the prison will have one or more Assistant Chief Officers (ACOs). All of these chief officers wear uniform with different insignia to indicate their rank while the various governors wear civilian clothes.

Prison officers

- 5.8 The greatest number of staff in any prison are prison officers. Their statutory duties are laid out in Part 8 of the Prison Rules 2007. Prison Rule 85 lists the statutory duties of the Prison Officer in some detail:

(1) In addition to the duties of a prison officer under these Rules, the duties of a prison officer shall be such as may be determined by the Minister.

(2) A prison officer shall be fully conversant with and shall comply with these Rules, local orders for the time being in force, directions given under these Rules and all lawful instructions of the Governor.

(3) A prison officer shall -

(a) ensure the maintenance of good order and safe and secure custody,

(b) comply with the Governor, and cooperate with other prison officers and persons employed or engaged in the provision of a service in the prison in a manner that will ensure that prisoners and other persons in the prison are treated in accordance with these Rules,

(c) at all times conduct himself or herself and perform his or her functions in such a manner as to –

(i) have a good influence on,

(ii) be a good example to,

(iii) respect the dignity and human rights of,

(iv) contribute to the rehabilitation and reintegration into the community and general welfare of, and

(v) maintain the respect of, prisoners and in so doing, shall respect, in an appropriate manner, the privacy of prisoners of the opposite gender.

(4) A prison officer shall, at all times (whether or not on duty) behave in an orderly and disciplined manner and shall not engage in conduct, or behave in a manner that would cause embarrassment to, or discredit the prison service.

- 5.9 Until well into the 20th century in prisons throughout Ireland and the United Kingdom the staff consisted exclusively of uniformed prison officers with the exception of the Governor, the Medical Officer and the Chaplain. Some prison officers carried out specialist duties such as assisting the medical officer in the prison sick bay, being in charge of prison workshops, maintaining the fabric of the prison or undertaking clerical duties. Some of these officers brought the appropriate skills from previous employments; those who did not were given rudimentary training for their specialised duties. Staff might spend their entire career in these specialist functions and in due course a parallel structure developed with specialist officers able to be promoted to ACO and Chief Officer.
- 5.10 In prisons in the United Kingdom over the last thirty or so years specialist civilian staff with specific necessary skills have been employed and have replaced prison officers, with trade instructors being recruited for prison workshops, nurses being recruited for health care units and administrative staff taking charge of office and clerical duties. Change on this front was much slower in the Irish Prison Service but has been stimulated recently following the Public Service Agreement 2010 – 2014. As a consequence within the last few years prison officers have been removed from a variety of duties ranging from administrative posts to gymnasium instructors and have been replaced by civilian staff.
- 5.11 One of the areas involved which is worthy of particular mention in terms of this report is administrative and clerical work. Changes in this area have had implications for the prison officers who have moved out of these posts and also for those who have been recruited to replace them. Prior to the changes introduced following the first Public Service Agreement administrative and clerical work in prisons was carried out by two grades of prison officer clerks. In ascending order they were Clerk Officer 2 and Clerk Officer 1. In broad terms Clerk Officers 2 were equated to Assistant Chief Officers (ACOs) and Clerk Officers 1 to Chief Officers Class 2. Clerk Officers 1 could apply for promotion to Chief Officer Class 1 and to Assistant Governor. A significant number of current Assistant Governors have come through this promotion route, as have some of the more senior Governors. Following the Public Service Agreement prison officer clerks were redeployed to their equivalent grades which generally meant that Clerk Officers 2 became ACOs and Clerk Officers 1 became Chief Officers Class 2. These officers have been transferred in their new grades into mainstream posts and now find themselves with operational responsibilities to which many of them are unaccustomed.
- 5.12 Clerk officers have been replaced by Prison Administration and Support Officers (PASOs) who were recruited for transfer from the general civil service, where posts were being reduced as part of the Public Service Agreement 2010 – 2014. There are three grades, in ascending order PASO Grade 3, PASO Grade 2 and PASO Grade 1. Information supplied to prospective candidates indicated that the PASO grades would equate in broad terms to civil service clerical, executive and higher executive officer grades respectively and applications for transfer were invited from civil servants in those grades.²⁸ The first PASOs Grade 3 began work in 2012, with the two more senior grades being recruited in 2013. All were given training at the Prison Service College for their new roles.

28 Prison Administration & Support Officer Grade 3 Irish Prison Service. Information Leaflet and Frequently Asked Questions (FAQ). Version 4. 29 March 2011. Department of Public Expenditure and Reform. File Ref No: E109/168/11. Circular 8/2012: Interdepartmental competition for appointment to Prison Administration and Support Officer (PASO) Grade 1 posts in the Irish Prison Service (IPS). 19 October 2012

5.13 There are also groups of prison officers who have a chain of command which is outside individual prisons. These are the responsibility of the headquarters Operations Directorate and are managed by Governors and Chief Officers based in the directorate. The Prison Service Escorts Corps (PSEC) was established in 2005 to escort prisoners to and from court and on external visits, for example, to hospital. PSEC is set up on a regional basis and has 58 cellular vehicles to transport prisoners securely when outside prison. PSEC officers also staff the docks in courts throughout the country. In 2008 the Prison Service established a centralised Operational Support Group (OSG) to support Governors in their duty to prevent contraband entering prisons, to detect any prohibited articles that might be in a prison and to prevent any attempts by prisoners to direct criminal activities outside prisons. The 168 staff in the OSG are based in all closed prisons with the exception of Arbour Hill and the Training Unit. They are responsible for operating the security screening units which are at the entrance to prisons, the 25 dog teams which are used in all prisons and the operational support units.

Health care staff

5.14 Prison Rule 99 gives the Minister power to engage registered medical practitioners and nurses and to arrange for the provision of dental, psychiatric and other healthcare services as appropriate. Rules 101 to 107 describe in general terms the duties of a prison doctor for providing primary health care to prisoners and liaising with other healthcare agencies to facilitate the provision of other healthcare services. In a number of prisons primary medical care is currently provided by locum doctors.

5.15 Nursing care is provided in prisons by qualified nurses, led in larger prisons by a Nursing Manager. There are currently 138 nursing posts in the Prison Service although at the time of our review 27 of these were unfilled, with the shortfall being taken up by agency nurses. Since the Public Service Agreement 2010 – 2014 new nurse recruits are described as prison nurses with trade union representation provided by the Prison Officers Association. A number of nurses have retained their membership of the Irish Nursing and Midwives Association but this association has no representative rights for prison nurses.

Probation staff

5.16 Prison Rule 108 provides for the Director of the Probation Service to assign officers to provide probation services to prisoners and probation officers have worked in prisons since 1966. There are close links at national level between the two services which have a joint strategy for working with convicted offenders.²⁹ A recent innovation has been the secondment of two prison officers to Probation Service headquarters to coordinate work on the Community Return Scheme. Delivery of probation services within prisons is subject to local variation, partly as a result of different needs of categories of prisoners but also for historical reasons. In a number of prisons probation staff are being successfully involved in the relatively new Integrated Sentence Management arrangements. A high priority is given to preparation for release with an emphasis on use of the community return programme.

²⁹ Joint Irish Prison Service & Probation Service Strategic Plan 2015-2017

Education

- 5.17 Prison Rule 110 requires the Governor “in so far as is practicable” to provide a flexible programme of education for prisoners “in partnership with community based education bodies”. In practice this is done in cooperation with Local Education Training Boards (LETBs) with a provision for a total of 220 full time equivalent teachers who are employed by LETBs with funding from the Prison Service. In most prisons there is an impressive range of courses and classes on offer although we were told in many prisons that there are recurring difficulties in bringing prisoners from the accommodation units to the classrooms. This is often due to the fact that the prison officer who is assigned to the education unit is called away to fill staff shortfalls elsewhere in the prison. We were advised that consideration is being given to transferring oversight of prison education to the Further Education and Training Authority (SOLAS) in order to provide a more specific focus on adult education and training for future employment.

Vocational training officers

- 5.18 Prison Rule 111 requires that a broadly based programme of vocational training shall “as far as is practicable” be provided in each prison. There are 340 work training officers in the Prison Service with 34 supervisors who have the rank of Assistant Chief Officers. The working day for prisoners involved in these activities is relatively short and in virtually all cases shorter than that provided for officially. This is the case with all activities, including education, which involve prisoners being escorted by prison officers from their living units.

Psychologists

- 5.19 Prison Rule 113 allows for the provision of psychological services for prisoners and there are currently 18 full time psychologists in the Prison Service. We were told that the main focus of their work is with high risk prisoners. In the course of our review the Head of Psychology Services, based in the Directorate of Care and Rehabilitation, had arranged for an external review of psychology provision.

Chaplains

- 5.20 Prison Rule 114 refers to the appointment of chaplains and of chaplaincy services for prisoners. All current salaried chaplains have been nominated by the Roman Catholic Diocesan Bishops. We were informed that arrangements are now in hand to recruit chaplains through the Public Appointments Service and that such appointments would not be exclusive to a particular faith. At the moment ministers of faiths other than Roman Catholic visit prisons on a voluntary basis and are often subject to the general visit rules.

Analysis

The Prison Governor as Leader

- 5.21 In the last chapter we discussed the unique statutory position of the governor of a prison and the fact that he or she should be given appropriate support and oversight. We now

turn to the role of the governor as the most senior official in the prison. It is important that prisons should be run efficiently and effectively so as to meet the legitimate expectations of governments, of civil society, of victims and of staff, prisoners and their families. It is also important that those who govern prisons should look beyond technical and managerial considerations. They also have to be leaders who are capable of enthusing the staff for whom they are responsible with a sense of decency in the way they carry out their difficult daily tasks.

- 5.22 The concept of leadership permeates every level of the prison system but it is at its most important in individual prisons. Prison staff look to the person at the top for a lead as to what is expected in terms of attitude, behaviour and manner of working. The prisons with the most humane atmosphere, with the most positive culture, are likely to be those with the most visible leadership. They are also more likely to have efficient security systems and a safe environment for prisoners and staff. Leadership in the prison setting can be demonstrated in a number of ways. A strong leader will generally have a recognisable charisma, which will attract trust and confidence from staff. If there is genuine leadership, this will be linked to organisational ability in a way that ensures that it does not degenerate into idiosyncrasy. The best leaders are likely to place great emphasis on the ethos within which the prison should operate and will set very clear parameters about what kind of behaviour is acceptable and what is not. Having set the boundaries, the leaders will then encourage staff at junior levels to use their initiative in implementing the details of the policy which has been set.
- 5.23 The issue of trust is important in the prison setting. In many respects the most important consideration for prison staff is that things should not go wrong. There should be no escapes, no riots, no serious disturbances and no suicides. If success is to be measured in such a negative manner, it is understandable that prison governors and other senior managers will place a greater emphasis on ensuring that mistakes are not made rather than on giving a priority to innovative ways of working which may bring about change but which may also carry a degree of risk. What this has meant traditionally in prisons is that senior management have not trusted their staff and have spent most of their energies on preventing failures rather than on encouraging success. A real leader will have the confidence to hit the proper balance between the two and will imbue staff with a sense of belief in their own ability.

Delegation of the Governor's duties

- 5.24 Prison Rule 76 permits the Governor to delegate any of his or her functions to other members of staff. Given the complexity in governing a modern prison this is a necessary provision. The Rule states that functions should be delegated "as occasion requires", which implies that this should not happen simply as a matter of course. Prison Rule 75(3)(i) requires the Governor to "develop and maintain a regime which endeavours to ensure the maintenance of good order and safe and secure custody and personal well being of prisoners". The development of the overall regime will help set the tone for the whole prison. It is a high level duty which should be a matter for the Governor personally. Certainly other members of staff may have an important part to play in helping to develop and in overseeing the maintenance of specific aspects of the prison regime but it is the

duty of the Governor personally to retain responsibility for setting the broad parameters within which the regime can be developed.

- 5.25 Prison Rule 75(3)(ii) requires the Governor to “assist and encourage prisoners” in a number of specific respects. It would be unrealistic and impractical to expect the Governor to take on personal responsibility for assisting each prisoner in his or her individual development, especially in a medium or large sized prison. Those duties can properly be delegated to other members of staff who work directly with small groups of prisoners, always provided that they carry out these duties within the more general parameters set out by the Governor.
- 5.26 There are some key activities detailed in Prison Rules by which the Governor can set the ethos of the prison through his or her personal involvement. One is the obligation to make daily inspections of the prison (Rule 77(1)). Historically this was a formulaic activity in which the Governor accompanied by the Chief Officer processed around the prison at a set time each day. Staff knew the precise time when to expect the pair at each location. The senior officer on duty reported the number in each accommodation block or work party; the Governor nodded and the procession moved on. The whole performance was over in an hour or so and everyone then returned to normal activity or inactivity. This is something of a caricature since ‘Governor’s rounds’ provided an opportunity for the Governor to see and be seen, however perfunctorily, in all parts of the prison and he might well ask the Chief or another senior officer to pursue one or other issue and to report back to him. At that point of the day staff would make sure that they were well turned out and that all the prisoners for whom they were responsible were where they should be. These days are long gone and the obligations of Prison Rule 77(1) are now satisfied in a variety of ways. At its most basic it may be that the senior person on duty in an area, whatever their grade, checks that all is well or it may be that an assistant governor or chief officer visits the main parts of the prison in the course of a day.
- 5.27 It was put to us by a number of people to whom we spoke that some Governors rarely carry out inspections of the prison personally in terms of Prison Rule 77(1). Given the pressure of other duties the Governor of a prison can usually find good reason why it is not feasible to “make daily inspections of the prison including those areas of the prison where prisoners are accommodated or congregate or are otherwise held”. However, this is an example of the Governor’s statutory duties which should not be completely delegated to others. Devoting two or three hours personally on at least two days a week to inspecting the prison, walking round, speaking to staff, listening to prisoners and generally being aware of the atmosphere in the prison passes a powerful message to everyone about the Governor’s leadership and the standards which he or she expects.
- 5.28 A second instance where the personal involvement of the Governor is important in defining the culture of a prison is in dealing with alleged breaches of discipline by prisoners. Schedule 1 of the Prison Rules 2007 includes a comprehensive list of actions which may constitute a breach of discipline and Prison Rule 91 obliges any officer who becomes aware of a breach of discipline by a prisoner to report this matter. Rule 66 provides that the Governor may deal with such cases by holding an inquiry and Rule 67 prescribes how this is to be carried out. This is also described in the Prisons Act 2007, Section 12. Section 13 of the Act lists the sanctions which may be imposed by the Governor on a

prisoner who is found to have committed a breach of discipline. The sanctions available are wide ranging, the strongest being forfeiture of up to 14 days' remission, which *de facto* increases the period that a person will be held in prison.

5.29 Maintenance of good order is one of the most important responsibilities of a prison Governor and the use of the formal disciplinary process is a crucial mechanism in this regard. There has to be consistency in the manner in which all cases are dealt with so that, for example, staff are aware of the standards of evidence which are required and prisoners are aware of the likely consequences of indiscipline. The importance of these proceedings will be underlined if the Governor deals with disciplinary inquiries personally on a regular basis. We discovered that in some prisons the Governor seldom if ever hears disciplinary proceedings, preferring to delegate this duty to junior governors.

5.30 A third example where the personal involvement of the Governor can affect the culture of the prison is in dealing with requests and complaints made by prisoners. Prison Rule 90 states:

Where a prisoner makes a request of a prison officer to be permitted, for whatever purpose, to meet with the Governor or a prison officer of a higher rank than the prison officer of whom the request is made, the prison officer shall, as soon as may be after receiving the request, inform the Governor or the higher ranking prison officer, as the case may be, thereof.

5.31 These requests are traditionally dealt with each weekday at what is known as Governor's Parade. Parades are generally dealt within each accommodation block by an assistant governor or assistant chief officer. It is reasonable that requests which are uncomplicated should be dealt with in this way and at this level. However, there will be occasions when the matter in hand has to be decided by the Governor in person and there should be provision for this. We were told in a number of prisons that prisoners on request rarely had the opportunity to speak directly to any governor and never to the Governor. If the Governor himself or herself takes Governor's Parade from time to time this provides an opportunity to demonstrate his or her leadership and management style and can also be a useful method of ascertaining the general atmosphere in the prison.

5.32 We note in passing that a new Prisoner Complaints Procedure was introduced in June 2014 and that the Inspector of Prisons is currently carrying out an audit and evaluation of the operation of this Procedure which he will publish in due course.

The Prison Governor as manager

5.33 Until relatively recently few prison governors would have regarded themselves as managers of what are often large and complex organisations. Autobiographies written by former prison governors both in Ireland and in the United Kingdom have tended to portray their authors as charismatic individuals, who knew by instinct how to govern their prisons. By the end of the 20th century, however, perceptions were changing and it has gradually become understood that modern prison management requires a high degree of professional skill and awareness. Management is a means to reaching an objective. When applied properly it will ensure that an organisation is run more efficiently, that it is cost effective and that it produces what is expected of it. At the same time, it is important to understand

that management of a prison needs to be exercised within a culture which recognises the unique nature of the human relationships which exist within the prison environment. If one accepts that prisons are places where the relationships between the human beings involved have a central role to play in determining both culture and organisational direction, an important conclusion follows. This is the need for prisons to operate within an ethical context. This involves a recognition that there are issues that go beyond effectiveness and efficiency. When making decisions about the treatment of human beings there is a more radical consideration. The first question which must always be asked when considering any new managerial initiative is, “Is this the right thing to do?”.

5.34 The Governor of a prison is, in effect, the chief operating officer of a complex organisation. In succeeding chapters we will deal with the need for prison staff to be provided with appropriate training and development so that they can fulfil their responsibilities at each rank. This applies particularly when a person is placed in charge of a prison for the first time. As with all staff, it should not be assumed that because a person has operated successfully at a lower rank he or she will automatically have all the skills necessary for a higher rank. As previously noted, several Governors of prisons told us that they had received no specific training or instruction on their new responsibilities as they had moved through the ranks from prison officer, even when ultimately taking up the post of Governor in charge of a prison.

5.35 The Whitaker Report of 1985 concluded that there was a need to reassess the role of the prison Governor and appointment procedures. It expressed particular concern at exclusive recruitment from inside the Service:

There is at present a limited reserve of potential Governors in the prison service and this restricts the range of choice and influences standards of selection. While every effort should be made to identify, encourage and prepare for promotion to Governor grades prison staff with the required abilities, the Committee considers an intake at Assistant Governor level from outside the service to be essential. (Paragraph 14.28)

5.36 That recommendation remains as valid today as it did 30 years ago. We discovered that the Scottish Prison Service has recognised the need for its governors to have a wide variety of skills and has introduced a number of mechanisms to recruit staff at different levels and to identify those who have the potential to rise to the most senior levels. This is a model that is also followed in other jurisdictions and is one which the Irish Prison Service might well consider in developing its next generation of senior governors.

5.37 Even the most competent and highly trained Governor cannot be expected to have all the specific skills required to manage a prison with hundreds of prisoners, several hundred staff and a large budget. The Governor needs to be supported by a group of managers who have the necessary skills for the functions in which they work. In chapter three we discussed the need for directors and managers working in the Irish Prison Service headquarters to have the requisite competences for their responsibilities and the same principle applies within prisons. Currently almost all staff who occupy middle ranking and senior posts in prisons have been promoted through the officer grades. For example, the person given oversight of human resources is likely to be an assistant governor who has recently been promoted from one of the chief officer grades. There does not appear to be a single agreed job description for this post, with responsibilities varying from prison to prison. Some of the prison campuses have an assistant governor who works

exclusively on human resource matters. In other prisons this remit is one element of a varied portfolio of duties. None of the human resource assistant governors to whom we spoke had been trained for this work. Given the central role of staff, the need for all individuals to be provided with appropriate support, supervision and development and the crucial importance of industrial relations in the Prison Service the person who has the lead on human resource matters in each prison should be a key member of the Governor's management team and have all the necessary skills for the task.

5.38 Budgetary control in Irish prisons is exercised from the Finance Directorate in Prison Service headquarters. Individual prisons are not allocated budgets on an annual basis on the grounds that they operate according to governmental resource accounting procedures and there is no available breakdown of the overall annual running costs for each prison. This is in contrast to what we learned is the procedure in the Scottish Prison Service where each Governor is required to submit budget estimates each year and is in due course allocated a budget for the prison which has to be managed and accounted for on a regular basis. The budget covers all running costs, including staffing. This procedure allows Governors and their management teams to plan for the year and to balance spending throughout the year. As far as is possible this procedure is replicated at lower levels within each prison; unit and departmental managers have budgets allocated each year and have to manage them and to report on spending. This process encourages forward planning at a local level as well as an awareness of the financial implications of any course of action.

5.39 In Irish prisons the senior Prison Administration and Support Officer (PASO) has responsibility for managing local administrative and financial matters. The departmental circular inviting applications for appointment to the grade of PASO 1 in 2012 described their responsibilities in the following terms:

PASO 1 Officers recruited in this campaign will have responsibility for the administrative and support functions of the larger prisons and Prison Campuses, e.g. Managing financial procedures and processing, stores management and Human Resources. These may include:

- Management responsibility for the administration unit of the prison.
- Managing and controlling the T&S budget.
- Managing the Absence Management System.
- Driving Audit compliance (Financial and Systems).
- Manage and approve the compilation of the prison accounts.
- Driving Health & Safety Compliance.
- Overseeing and signing off on pay returns.
- Management of JIT delivery system.
- Management of local tender processes.
- Overall Management of purchasing and stock.³⁰

30 Department of Public Expenditure and Reform. File Ref No: E109/168/11. Circular 8/2012: Interdepartmental competition for appointment to Prison Administration and Support Officer (PASO) Grade 1 posts in the Irish Prison Service (IPS). 19 October 2012

- 5.40 We were told in evidence by current PASOs Grade 1 that they frequently found it difficult to exercise their duty of ensuring that there was proper financial control and audit of expenditure, for example, on stores and supplies as they were frequently overruled by other senior members of staff. They gave examples of sizeable informal financial “floats” in some prisons over which there was little control. We were told that it was common for senior operational staff to approve payments to staff for meals for prisoners who were being taken out of prison on escort without the need for any receipt. In the time available it was not possible for us to verify these assertions but we had no reason to disbelieve them. Overall, there is little evidence in Irish prisons of local financial management or control of costs, either in terms of major expenditure such as staff payroll or of supplies and services. A comment which was put to us more than once was, “It is easier to ask for forgiveness after the event rather than to seek approval in advance”.
- 5.41 From what we have learned it might be concluded that in the two important areas of human resources and financial accounting the management of prisons in Ireland falls short of what is to be expected in a modern professional organisation. Confusion about lines of responsibility and accountability is a matter of specific concern.
- 5.42 Three other prison management areas were identified as meriting attention. These are the arrangements for operational, administrative and health matters respectively. In exercising his or her responsibility for the management of the prison one of the most important duties of a Governor is to ensure the security of the prison and by extension to supervise staff who are directly responsible for prison security. Reference has already been made to the Prison Service Escorts Corps (PSEC) which was established in 2005 and the Operational Support Group (OSG) which was set up in 2008. Officers in PSEC and OSG are under the direct management of senior Governors who are part of the IPS Operations Directorate rather than the Governor of the prison in which they work.
- 5.43 The Governor of a prison has statutory responsibility for all matters relating to security. There is a need for staff who have specific charge of security to be specially trained and for there to be a consistent approach to these matters in all prisons. This has become ever more important in recent years as attempts to introduce drugs and other forbidden material into prisons have become more sophisticated and the tentacles of organised criminal networks reach inside prisons. At the same time the efforts to deal with these challenges need to be integrated into all other prison activities.
- 5.44 In the course of this review we were concerned at the disconnect which appeared to exist in some prisons between staff who are part of the OSG and other prison staff. We also observed inconsistencies in the way that some OSG staff exercised their searching duties at the entrances to prison. Because of the distinct management arrangements it would appear that senior staff locally do not as a matter of course supervise the activities of OSG in their prisons. An added consideration is that when either the PSEC or the OSG is understaffed they expect to call on officers in the prison to fill any vacancies and this will inevitably leave a gap elsewhere in the prison and will often lead to a reduction in prisoner activities due to staff absences. For these reasons, we invite the Prison Service to re-consider whether the current staffing and management structures in the Prison Service Escorts Corps and the Operational Support Group provide the best service to individual prisons.

- 5.45 We have already made several references to the changes in administrative staffing in prisons which were introduced following the Public Service Agreement 2010 – 2014 and which resulted in the replacement of prison officer grades by clerical and administrative grade staff who were recruited from the general civil service. In the course of this review we had extensive discussions with PASOs in a number of prisons and their representatives gave us oral evidence. It is clear that a number of them have found the transition to work inside prisons challenging. At a presentational level some of them questioned why they were required to wear uniforms when their predecessors had not done so as they felt that this gave them the appearance of being second rate prison officers rather than administrators and clerical officers. One reason given for this was that they might be required to assist in an operational emergency but they felt they would be unequipped to do this. On application they had been told that while they might well come into contact with prisoners they would not be expected to work with them on their own. In fact this is the case where they work in particular parts of the prison such as the stores. A number felt that they had been disadvantaged by having to leave their former trade unions and being required to join the Prison Officers' Association. It would appear that this is not a legal requirement but it had been made very clear that it was expected. More substantively, we were told that these transfers had been presented as career opportunities but there was now a real question as to whether this was in fact the case.
- 5.46 If the administrative and financial management of prisons is to be strengthened in the future the work undertaken by the three grades of PASO is likely to become of increasing importance in a number of respects. This may, therefore, be an appropriate time to review their current working arrangements.
- 5.47 The international standards relating to the provision of healthcare services in prisons recommend that medical services in prison shall be organised in close relation with the general health administration in the community and that health policy in prison shall be integrated into and be compatible with national health policy.³¹ In a number of countries health services to prisoners are now delivered as part of the general community health services. We found this to be the case in both Norway and Scotland. This has not happened in Ireland. A review of the arrangements for nursing provision for prisoners in Ireland was carried out by the Health Service Executive (HSE) and a report was published in 2009.³² This stopped considerably short of recommending that the HSE should take over responsibility for healthcare in prisons, while at the same time recognising the weakness of existing arrangements:
- While the potential role of the HSE in prison healthcare has been recognised and initiatives to progress this have been pursued, the HSE still remains peripheral to prison healthcare delivery.
- 5.48 The HSE report recommended that a formal partnership should be established between the Prison Service and the HSE; that the role of prison nurses should be explicitly defined and reviewed on an ongoing basis; and that the National Council for the Professional Development of Nursing and Midwifery (NCPDNM) should provide guidance and support

31 See, for example, European Prison Rule 40.

32 Health Service Executive. 2009. Nursing in the Irish Prison Service: Working Together to Meet the Healthcare Needs of Prisoners

to prison management and their staff regarding the development of nursing roles. In a number of prisons nurses expressed concern to us about the pressure which was put on them by prison staff, including some at senior levels, for them to assist in the management of difficult and vulnerable prisoners in a manner which the nurses felt breached their own professional standards. This confirms the particular importance of the recommendations in the 2009 report for a clearer definition of the role of prison nurses and for the involvement of the NCPDNM.

5.49 Six years after the publication of the HSE report it would appear that there has been relatively little progress in implementing its recommendations and in some respects the situation has deteriorated:

- Currently there is no medical lead in IPS headquarters, although we were told that it is planned to appoint a clinical head of healthcare at some point.
- A number of medical positions in prisons are filled on a locum basis.
- Almost 20 per cent of nursing posts in prisons are vacant and are filled where possible on an agency basis, which involves extra costs and at times inconsistent service.
- Several groups of prison nurses to whom we spoke expressed discontent about changes to their conditions of employment and the difficulties which prevented them delivering a high level of nursing care.

5.50 In this analysis we have not dealt in any depth with the groups of specialist staff who are referred to earlier in this chapter. In addition to health care workers, they include probation officers, teachers, vocational training officers, psychologists and chaplains as well as many people who contribute their expertise and time, often on a voluntary basis, for the benefit of prisoners. At the beginning of chapter eight we explain our reasoning for this approach and conclude that a wide range of matters concerning the management of prisoners and their rehabilitation deserves a separate review leading to a report in its own right. Such a review would examine in detail the work of all those who are involved in these areas.

Road map for the future

5.51 We now offer a number of options for improving and strengthening leadership and management in Irish prisons.

Leadership

- In order to underline the statutory position of prison Governor that title should be given only to the person who is appointed by the Minister to be the Governor in charge of each prison in Ireland. In the following chapter we will offer proposals for titles to be used by other senior members of prison staff. When the Governor is officially absent from the prison he or she should nominate a senior officer to be acting or deputy Governor.³³

³³ It is worthy of note that in a recent case the UK Supreme Court concluded that “a prison has only one ‘governor’ within the meaning the 1952 (Prison) Act”. [2015] UKSC 54. 29.7.2015

- Consideration should be given to recruiting persons to senior levels in the Prison Service from other professions with a view to preparing them for early appointment to Governor.

Management

- In each prison the Governor should be supported by a cohesive management team of senior staff.
- Each member of the senior management team should have the necessary professional competences to manage the department or unit for which he or she is responsible. This is particularly important in terms of human resources and finance.
- There should be a review of the administrative staffing arrangements (PASOs) which were introduced following the Public Service Agreement 2010 – 2014.
- Once the above changes are introduced each prison should be given an annual budget covering all main running costs with spend being audited on an ongoing basis.
- We invite the Prison Service to re-consider whether the current staffing and management structures in the Prison Service Escorts Corps and the Operational Support Group provide the best service to individual prisons.
- In respect of the provision of healthcare services the Prison Service should ensure that it fulfils its statutory obligations under the Prison Rules 2007. In collaboration with the Health Service Executive it should carry out an audit of the implementation of previous reviews, particularly the recommendations of the 2009 report by the Health Service Executive.

Chapter 6

Relationships between management and staff in prisons

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Relationships between management and staff in prisons

Current situation

- 6.1 The previous chapter described the various grades of staff who work in prisons today. The vast majority of these are prison officers and governors and this chapter will focus on the relationship between these two groups. That is not to belittle the contribution which other staff make to the life of a prison and in particular to the experience of prisoners. However, the prevailing culture of a prison is set by governors and prison officers and the relationship between them. It was pointed out in the previous chapter that almost without exception men and women in these two groups of staff join the Prison Service at prison officer or equivalent level and are promoted gradually through the ranks. In other words, almost every member of the governor grades has previously been a prison officer.
- 6.2 As noted previously, until the final decades of the 20th century there was little concept of “management” in the prison setting. Each prison in Ireland existed largely in isolation and within the broad confines of legislation each Governor ran his prison largely at will. There was, at least in theory, a command and control structure and the only communication was from the top down and the Chief Officer was at the Governor’s right hand to see that his orders were carried out. In practice this often meant that the Chief Officer was the real power behind the throne and every officer knew that he was not to be crossed. As the number of prisoners increased, so did the number of prisons and as a consequence so did the number of staff. Alongside these changes an expanded hierarchy developed. Deputy and assistant governors were introduced to assist the Governor in supervising the extended regimes for prisoners. The larger numbers of prison officers needed more supervision and additional Chief Officer grades were introduced. All of these were selected and appointed from within the officer group, in principle on merit although not always so in practice. At the same time more administrative control began to be exerted initially from Prisons Division within the Department of Justice and from what later became headquarters of the Irish Prison Service.
- 6.3 The eventual result of these evolutionary changes was a movement from a command structure to a management structure. This development in the Prison Service came some years after the introduction of similar structures within the wider administration of government. What was not clear was where the definition of “staff” ended and where “management” began, particularly since all those promoted into the senior grades had come through the ranks. This is an issue which has not yet been finally resolved. To some extent the uncertainty is a consequence of the overlapping middle management structure. It also reflects the fact that staff at all levels in prisons are required to be managers to a greater or lesser extent.

- 6.4 In the previous chapter the statutory position of the Governor in charge of the prison was explained. In addition each prison has up to five assistant governors. Some of them are based in the accommodation units and are in charge of one or more Divisions or Blocks, while others have functional responsibilities for a number of matters such as human resources and oversight of health and safety. There are two classes of Chief Officer, the most senior uniformed grade in the Prison Service. Most prisons have a Chief Officer Class 1 and anything up to four Chief Officers Class 2. Their main duties are the general oversight of uniformed staff, their attendance and behaviour. Taken together these two groups constitute the middle management in a prison.
- 6.5 The first line of management is made up of Assistant Chief Officers (ACOs). Throughout the day there will usually be an ACO on duty in each prisoner living unit or accommodation block and also in charge of functional units.
- 6.6 The main prisoner accommodation divisions or blocks are separated into landings or other smaller units. The regular prison officer who is allocated to these smaller units is known as the Class Officer. He or she is likely to be an experienced member of staff and will be in charge of supervising the daily routine of the prisoners in that unit.
- 6.7 The Prison Service is frequently described as a disciplined service but exactly what that implies has never quite been settled. Historically prison officers found it useful to draw comparisons between the work which they did and that of Defence Forces and more commonly An Garda Síochána but those comparisons were never totally accepted. One example of the distinction is that unlike members of the other two organisations prison staff can be members of a recognised trade union which negotiates pay and conditions of employment. As also happened in the United Kingdom the Irish Government initially refused to recognise a trade union for prison staff but in 1947 the Prison Officers' Association (POA) finally gained official recognition. This gave staff a forum to raise issues of concern with the Governor and Chief Officers which they had not previously had and also to raise matters at a departmental level.
- 6.8 In due course as prison officers moved through the ranks into senior posts they were reluctant to lose the benefits which came through membership of the POA. In 1959 the POA secured representation rights for Chief Officers and in 1975 they secured them for assistant and deputy governors. What this meant in practice was that officers did not have to leave the Association when they were promoted. This remains the situation today and the POA now represents all grades in the Prison Service up to and including the rank of Assistant Governor. It claims to represent approximately 98% of all staff who work in prisons.³⁴ As described in the previous chapter, this representation has recently been extended to members of the new grades of PASO and newly appointed prison nurses, who previously had the right to be represented by other trade unions or professional associations. The POA is affiliated to the Irish Congress of Trade Unions and has a seat on the General Council of the Labour Relations Commission. Neither the Department of Justice and Equality nor the Irish Prison Service has a seat on the General Council as they are represented by the Department of Public Expenditure and Reform.³⁵

34 <http://www.poa.ie/about-us/>

35 Both the IPS and the POA are members of the Justice Departmental Council.

- 6.9 The POA played an active part along with representatives of the Department of Justice and Equality in concluding the Public Service Agreement 2010-2014 (Croke Park), the Public Service Stability Agreement 2013-2016 (Haddington Road) and more recently the Public Service Stability Agreement 2013-2018 (Lansdowne Road). The Croke Park Agreement included the following provision:

To build on the progress already made in the PFOC (Proposal for Organisational Change) and to achieve greater modernisation within the IPS it will be necessary to engage in a joint fresh examination of all tasks within the prisons system. The task review will examine in detail all current organisational, structural and operational arrangements that are necessary so that prisons can operate in the most effective and efficient manner.

- 6.10 In order to implement this part of the Agreement a joint IPS / trade union Implementation Body was established with an independent chair. In addition joint monitoring committees were established in prisons to review any changes which were being proposed
- 6.11 Governors Grade 3 and above are eligible to be members of the Association of Higher Civil and Public Servants (AHCPs) and have their own Branch in the Association.

Analysis

Lack of clarity about responsibilities between different grades of staff

- 6.12 In the previous chapter we emphasised the importance of leadership and management in prisons. One of the key features of any efficient organisation is that it should have clear lines of management with personnel at each level being fully aware of the matters for which they are responsible and to whom they are accountable. This is especially important in prison systems where an absence of clarity in this respect can have serious consequences. In the course of this review we observed how two other jurisdictions have responded to this challenge. In Norway we found that the Department of Corrections has a lean staffing structure which incorporates officials who work in headquarters as well as in prisons and that there are only four grades of staff in prison from officer through to director (governor).
- 6.13 Thirty years ago the Scottish Prison Service had a staffing structure similar to that which currently exists in the IPS but since then it has implemented the recommendations of a number of internal reviews aimed at creating a structure more relevant to the current needs of the organisation. There is a single structure with a total of eight grades which incorporate staff at every level. In prisons the core staffing is usually confined to four or five grades which provide everyone with clear lines of accountability. The duties and responsibilities of each person are detailed in job descriptions and each individual's performance is assessed on an ongoing basis.
- 6.14 We have referred in previous chapters to the overlap of responsibilities at a number of levels in the middle management of prisons in Ireland and the consequent lack of clarity, particularly between the roles of assistant governors and the two grades of chief officer. This is most obvious in the larger prisons where the respective duties of the two grades are

sometimes assigned in what appears to be an indiscriminate manner. A factor contributing to this overlap of roles may be that all assistant governors will previously have been chief or assistant chief officers and that they are not given clear directions about the distinction between the work of the different grades. It may also be that the transfer out of uniform to civilian clothes creates a different dynamic in relationships.

- 6.15 The first promoted grade above prison officer is that of assistant chief officer. This is a key position in that the post holder is the first point of contact between prison officers and more senior management and often has responsibility for ensuring that key policies are implemented in practice. He or she is also the most visible first line of management as far as prisoners are concerned and is likely to be approached by them on a regular basis to deal with issues of concern.
- 6.16 Promotion to a higher grade generally operates on a generic basis. This means that it has been possible for someone who has spent all of his or her career to date in a specialism which may have involved minimal direct contact with prisoners or little management of staff to be promoted to assistant governor or to one of the grades of chief officer and then be appointed to a position which requires first line management of both staff and prisoners. A number of assistant chief officers who had recently been involved in such moves reported to us that they felt unprepared for their new responsibilities and that they found it difficult to gain appropriate respect from some other officers and even from prisoners.
- 6.17 It is worth making reference to the important function of the ‘class officer’ who is in charge of a landing or unit of prisoner accommodation. This prison officer is not a promoted rank but will usually be the most experienced prison officer in the unit. He or she will generally be based in the unit for most of the shift. He or she will direct other unit staff to their duties, will ensure that all prisoners are where they should be and will be the first port of call when anything needs to be dealt with. Historically in Irish prisons the class officer has had a key role to play in the daily management of prisoners. He or she knew personally every prisoner under his or her care, would keep the personal file of the prisoner up to date, would know his daily routine, where he should be at each point in the day, would ensure that prisoners had daily exercise, attended work or education and would be able to answer any question from a senior member of staff about the prisoners under his or her care. In the course of our review we frequently heard staff express the view that the role of the class officer had been undermined in recent years. We were told that previously this was a position to which prison officers would aspire in the knowledge that it was the first step to promotion, an opportunity to demonstrate competence and commitment, but this was no longer the case and many officers did not seek to take on the extra responsibility which went with the role of class officer.
- 6.18 One of the main responsibilities of a class officer is to get to know the prisoners under his or her control both individually and as a group and to record their progress or lack of it. He or she will also be able to assess the atmosphere within the unit and how it may change from day to day. This work is proactive in encouraging good behaviour and can also be preventive in reducing the possibility of disorder. In a word the class officer has a key supervisory and supportive role which in many respects personifies the complex task of the modern prison officer. The picture we found in the units and blocks in various prisons was

by no means consistent. In some units officers were appointed to class officer duties on what appeared to be an *ad hoc* basis, depending on other operational priorities. In others there was a named class officer but he or she might well be called away to carry out other duties. In some units, particularly in newer prisons, the class officer is based in what is in effect a glass box so that he or she has a limited view of what goes on in the unit but has no continuous direct contact with prisoners. In some cases officers made a point of going out of their offices and mixing with prisoners on a regular basis. In others we observed officers who were content to stay in their offices with minimal prisoner contact. We will have more to say about the management of prisoners in chapter eight of this report. At this point we will confine ourselves to reaffirming the crucial role of the class officer and the need to ensure that these posts are filled on a consistent basis by experienced officers who are given supervision and support particularly by their immediate superiors.

- 6.19 One further matter needs to be noted in terms of clarity about the responsibilities between different groups of staff. We referred, in the previous chapter, to the fact that nurses sometimes come under pressure to become involved inappropriately in the management of difficult and vulnerable prisoners. One way of reducing the likelihood of this happening would be to ensure that these staff have a direct line of accountability in clinical matters to the Director of Health Care.

The staff perspective

- 6.20 In many jurisdictions prison officers feel that they are the forgotten people of the criminal justice system. They do not have the positive public profile enjoyed by members of other criminal justice agencies. They carry out their work behind the high walls of the prison and there is often a lack of public understanding about the complex and challenging nature of their work. At the same time prison officers are frequently ambivalent about their public service status. They do not welcome comparison with administrative civil servants, preferring to refer to agencies such as the police as comparators. In addition to these two factors in some countries there is a symbiotic relationship between prison officers and those who are in charge of prisons. An academic review of the role of the prison officer in England and Wales offered the following finding:

The standard officer response to a question about management is to complain... managers do not take sufficient notice of the views of officers; do not appreciate the work officers put in; are more anxious to please prisoners than to please staff; and are not prepared to support staff on all issues.³⁶

- 6.21 An added consideration for staff is the pressure which is on them to deliver negative measures of success: the priorities are that escapes must be prevented, violence must be minimised and prisoners must be prevented from harming themselves or committing suicide. Put another way, success is measured by absence of failure; it is more important not to be seen to be getting anything wrong than to be seen to be doing something well. When these are the priorities which are set by Government Ministers and senior officials there is little incentive for staff to exercise initiative.
- 6.22 A number of staff who spoke to us in the course of this review expressed regret that they felt unable to exercise their talents to the full in the course of their work because of the

36 Liebling A, Price D. and Shefer G. 2011. *The Prison Officer*. 2nd edition. Abingdon: Routledge. Page 198

negative culture which infected the service. It was suggested that there were two main inhibitors. The first was the fact that many of their immediate managers were focussed on ensuring that nothing went wrong ‘on their watch’ and did not encourage any form of personal initiative on the part of junior staff. The second was that some of their colleagues were satisfied just to get through the day with the minimum of effort and put pressure on others to adopt a similar attitude. Anyone who was seen to break ranks was liable to be ostracised. In extreme instances this could extend to harassment of family members outside the prison.

- 6.23 Prison is a closed environment and staff tend to look to their peers for mutual support and will often close ranks against those who are seen to criticise them. One manifestation of this in several countries is the importance of membership of a trade union or staff association which negotiates with employers on matters affecting pay and conditions of employment for staff and in addition may contribute a staff perspective to discussion about development of penal policy, particularly as it affects their members.
- 6.24 In the course of this review we had discussions with the Irish Prison Officers’ Association (POA) at national and local levels and with many individual prison officers during which the above issues and others were brought to our attention in an Irish context. Staff are concerned that the public in general and government in particular do not appreciate the contribution which prison officers make to the safety and security of civil society, that they work face to face with many of the most damaged and damaging members of society and that they require ongoing personal support and development. The POA Executive Committee told us that they would welcome a culture which gave greater recognition to good performance rather than focussing excessively on weaknesses. They expressed an enthusiasm for the development of meaningful human resources policies in each prison while stressing the need for those tasked with the implementation of such policy to be properly trained for their work.
- 6.25 The relationship between the POA and management is best described as complex. It functions at three levels: in the wider public service environment, at a national level in the Irish Prison Service and at local levels in each prison.
- 6.26 The POA is a major national trade union and plays an important role within the Irish Congress of Trade Unions. It has been directly involved in the negotiations which led to successive Public Service Stability Agreements in the wake of the national economic difficulties. This has given its National Executive Committee a high political profile which it has used to the advantage of its members. The initial (Croke Park) Public Service Agreement led to the establishment of joint monitoring review committees in the IPS at national and local levels to examine in detail “all current organisational, structural and operational arrangements”. The subsequent (Haddington Road) Agreement included a number of detailed commitments including a review of the grade structures of the IPS “with a view to achieving a reduction in supervisory grades”. The extension of these two agreements was confirmed by the (Lansdowne Road) Public Service Stability Agreement 2013-2018 published in May 2015.
- 6.27 As with other public services the details highlighted in the Public Service Agreements have had to be worked out at Prison Service level and this has not been straightforward

for a number of reasons. The duty of any trade union in industrial relation negotiations is to secure the best possible deal for its members. The duty of those on the other side of the table is to ensure the best possible outcome for the organisation. These two objectives should not be incompatible but on either side there has to be a skilled set of negotiators with an understanding of how to reach a settlement on the issue at hand which satisfies the needs of both parties without souring the atmosphere for future negotiations.

- 6.28 Given what we have been told by a number of people involved in Prison Service negotiations this has not always been achieved. In the understated words of the Prison Service Annual Report 2014, “Unfortunately, a number of implementation issues arose in respect of the Croke Park and Haddington Road agreements in the latter half of 2014”. These cover a number of important matters including the comprehensive Dignity at Work programme which began as an attempt to achieve radical improvements in a wide variety of personnel arrangements. Everyone to whom we spoke agreed that this started out as a worthwhile enterprise which had general support but there are widely differing opinions as to what caused the discussions to stall. We do not consider it appropriate that we should comment in any detail on the different perspectives of the parties concerned. However, the current status of negotiations on these matters serves as an important example of how the parties concerned can reach a situation which neither of them has wished for and which has led to disagreement rather than the progress which had initially been anticipated. There are several other examples, such as the review of the Code of Discipline for staff, which demonstrate an inability to negotiate successfully on crucial industrial relations matters.
- 6.29 Following the Public Service Agreements an Implementation Body was set up to take forward the implementation of all measures under the Agreements. A sectoral body was set up for the Prison Service chaired by an independent person, with membership from the Irish Prison Service, the Prison Officers’ Association, the Association of Higher Civil and Public Servants and other representative bodies. This body oversaw significant progress in its early years of operation. It was put to us by witnesses that this body needed to be revived and that the role of the independent chairperson was crucial in seeing this through.
- 6.30 The third level at which the POA interacts with management is through branch committees in individual prisons. The dynamics of the relationships at local level are complex. It is important to remember that almost all Governors will have spent most of their professional lives as members of the POA and a number of them have held high office in the Association, up to and including its Presidency. All assistant governors and chief officers, some of whom will negotiate with the branch committee on behalf of the Governor, are likely to be current members of the POA. For example, local monitoring committees have been established in all prisons to oversee implementation of local details of the Public Service Agreements. Most of these committees are made up of two members of the local branch committee of the POA and an assistant governor and chief officer who represent the Governor; that is to say, all four members of the committee will be members of the POA. In pointing out this fact we do not intend to impugn the integrity of anyone who serves on these committees. We do so because some of those who are placed in these situations have themselves expressed their unease to us. It was suggested to us by one senior person that some Governors had “subcontracted their responsibilities to the POA”.

An alternative opinion was offered by a senior Governor who told us that he had good relationships with the members of the local branch committee and did not find them obstructive but who went on to say that the POA was “in a place they did not wish to be”, almost becoming co-managers of the prison. The reality may well vary from prison to prison, often depending on the strength of character of the persons involved. We were surprised to observe “directives” to staff from the POA placed on public notice boards in a number of prisons which appeared to contradict orders which had been issued by the Governor. This was not what one would normally expect.

- 6.31 The vast majority of POA members belong to the various main stream prison officer grades but the Association also represent other grades of staff. In addition to the junior governor grades, which we have already mentioned, the POA has representational rights for the newly recruited prison nurses and for the Prison Administration and Support Officers. Several of the members of these two groups of staff to whom we spoke expressed dissatisfaction with the fact that they had been given no choice but to become members of the POA and felt that the Association had little interest in representing their particular concerns.

Communications with staff

- 6.32 In 1991 the UK Home Secretary asked the chief executive of British Aerospace, a retired Royal Navy admiral, to carry out a review of the organisation of the Prison Service of England and Wales. In his subsequent report Admiral Lygo concluded that ‘The Prison Service is the most complex organisation I have ever encountered and its problems some of the most intractable’.³⁷ Lygo expressed the opinion that the national management of the Prison Service, which was at that time located in the UK Home Office, imposed a bureaucracy and centralisation on individual prisons which made them difficult to manage efficiently. In respect of trade unions, Lygo commented, ‘Difficult unions fill the vacuum left by ineffective management and all managements are ineffective if they are not allowed to manage’. It would be wrong to equate the situation in the Irish Prison Service in 2015 with that in the Prison Service of England and Wales in 1991. Nonetheless, the general principle as stated by Lygo 24 years ago remains relevant.
- 6.33 If Governors are to manage their prisons efficiently they need to have direct channels of communication with staff rather than communicating with them only as members of their trade union. Communication can be effected in a variety of ways, for example orally, either to staff in groups or individually, or in writing. Communication by example is also important. By being seen about the prison regularly and in the way that he or she carries out duties the Governor can pass powerful messages to staff about the standards of behaviour and performance which are expected of them. We have noted that in some prisons in Ireland Governors do not appear to communicate directly with staff on a regular basis and it seems to us that this can reinforce the perception among staff that the only way they can raise matters with the Governor is through their trade union. The trade union, in turn, often appears to encourage this arrangement. We would suggest that the combination of these factors has contributed, not insignificantly, to the perception that in some prisons the POA co-manages with the Governor in a manner which takes it beyond

³⁷ Lygo R. 1991. Management of the Prison Service. London: Home Office

its formal trade union parameters. Not all POA members are happy with this, giving some credence to the comment made above that the POA sometimes finds itself 'in a place it does not wish to be'.

Road map for the future

6.34 We now offer some proposals for improving the relationships between management and staff in prisons.

Lack of clarity about responsibilities between different grades of staff

- In the previous chapter we proposed that the title of Governor should be given only to the named person in charge of each prison and that he or she should be supported by a cohesive management team of senior staff, each of whom should have the necessary professional competences to manage the function or unit for which he or she is responsible. For this to be implemented there will have to be clear allocation of responsibilities. It is not for us to identify the detail of such an allocation but one option might be that the division in each prison should mirror that in the directorates in prison headquarters. Such an arrangement would have the added benefit of facilitating interaction between prisons and headquarters.
- The person in charge of each function should carry the title of head of the function; for example, Head of Operations, and as a body they would make up the senior management team under the Governor's leadership. Each of these named individuals would be responsible directly to the Governor with the proviso that the Head of Healthcare in the prison should have a direct line to the IPS Director of Healthcare in respect of clinical issues.
- Each function would have a number of branches or units with a named manager in charge of each reporting to the head of function. The larger units such as the accommodation blocks or divisions would also have named persons in charge at all times. These persons would be first line managers.
- This would give a line structure of three or four levels of staff in each function. This would be not dissimilar to that which exists in the Scottish Prison Service. In the immediate future this arrangement could be introduced without any change to the current grade structures at middle management level. In due course consideration should be given to creating a single structure.
- One of the main benefits of this new structure will be the provision of clear lines of accountability, which do not at present exist. If there is to be accountability there also needs to be authority for staff to operate within the approved parameters of their powers. At present the lack of clear parameters means that staff who step beyond the bounds of their authority and also those who choose not to exercise their legitimate authority are frequently not held accountable for their performance. This inconsistency creates uncertainty among staff and prisoners. Some of the most immediate benefits of future clarity about authority and accountability will be seen in the strengthening of the important role of the class officer who is a key point of contact with prisoners.

The staff perspective

- There is a perception among many staff that if they fail in any way in their duty they will be called to account but that good performance is rarely recognised. This was expressed to us by one member of staff that “staff at lower levels should be encouraged to shine”. There should be greater recognition of good performance by individual members of staff.
- There should be a review of arrangements for oversight of change management and of industrial relations more generally in the Prison Service to be led by an independent chairperson. The Prison Service Sector Group set up under the Public Service Stability Agreements might be a vehicle for this review.
- The Prison Officers’ Association should consider reviewing its arrangements for providing adequate trade union representation for different groups of members, including governors, prison nurses and PASOs. The Irish Congress of Trade Unions might have a role to play in assisting such a review.

Communications with staff

- In all prisons Governors should enhance and strengthen arrangements for personally communicating directly with staff and should not restrict this to communication via trade union representatives. This should include face to face meetings with staff as a body or in groups on a regular basis.
- Governors should also ensure that other managers implement similar arrangements for communicating with their own groups of staff.
- Such communication should be two-way and should provide staff with the opportunity to make input to the development of policies and to seek clarification of policies.
- We suggest that this road map for the future will assist the Irish Prison Service to fulfil the provisions contained in the Public Service Stability (Lansdowne Road) Agreement 2013-2018, particularly in paragraph 3.4:

At the centre of the reform programme is the achievement of higher standards of performance through more effective resource management and through maximising the potential of our workforce. To deliver this change, modernisation and enhancement of the employment framework for public servants will be advanced, with the policies and strategies that relate to the management of the Public Service workforce a particular priority for change.

Chapter 7

Staff learning and development

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Staff learning and development

Current arrangements

Recruitment and initial training

- 7.1 As part of the Proposal for Organisational Change which was agreed between the Prison Service and the POA in 2005 a new entry grade of Recruit Prison Officer (RPO) was introduced. 265 RPOs were appointed in 2007 and employed on the new conditions of service. A further 218 were recruited in 2008 and an additional 80 joined the service in 2009. Approval was given to recruit a further 152 RPOs in 2010; this was partly in response to an accelerated level of retirements and resignations and the need for new staff for the new prisoner accommodation in Wheatfield and Mountjoy Prisons. These figures indicate that 20 per cent of all staff in the IPS were Recruit Prison Officers by the end of 2010.³⁸ Given retirements and other movements since then this proportion is now likely to be higher.
- 7.2 Prior to 2007 all new recruit prison officers underwent a nine week induction training course at the Prison Service College before taking up postings in prisons. In 2007 the College entered into a contract with the Sligo Institute of Technology and newly appointed RPOs were enrolled in a two year course leading to a Higher Certificate in Custodial Care (HCCC) which was accredited by the Higher Education and Training Awards Council and led to the award of a HETAC National Certificate Level 6. Throughout the course students undertook modular training at the College and were supervised by Training Liaison Officers in their appointed prisons. By 2011 almost 800 staff had successfully completed the HCCC. Recruitment of RPOs ended at that point and when the contract with the Sligo Institute of Technology ended in 2011 it was not renewed.

Prison Service College

- 7.3 The Irish Prison Service College is located in Brian Stack House in Portlaoise and provides training for all staff who work within the Irish Prison Service. The Head of the College has the grade of Governor 3. The current holder of the post who was appointed in 2014 is the first to have been recruited from outside the Prison Service, having previously been an officer in the Defence Forces. He reports to the Director of Staff and Corporate Services. There are 11 other full time staff based in the College, all of whom are serving prison officers of assistant governor or chief officer grades.
- 7.4 The College currently offers a series of short development courses covering a wide variety of themes under four main headings: continuous and professional development; prisoner care and rehabilitation; operations and security; estates, finance, administration and information technology. It also has a raft of one and two day courses aimed at senior and middle management.

38 All figures taken from IPS Annual Reports 2007-2010.

- 7.5 There are ten Training Liaison Officers (TLOs) in the Prison Service, all of assistant chief officer grade who are based in seven prisons and support groups. This cadre of trainers was set up in 2005 to organise and deliver staff training in prisons. The TLOs were provided with training by the Irish Institute of Training and Development. Currently the TLOs organise a variety of short training courses in their prisons on issues such as control and restraint techniques, sometimes with input from training staff from the College.

Personal development, support and mentoring

- 7.6 The Department of Public Expenditure and Reform (DPER) has developed a Performance Management and Development System (PMDS) for use throughout the Irish Civil Service.³⁹ The system, which has been agreed by management and the trade unions, is “designed to improve the effectiveness of performance management by strengthening fairness and consistency in how performance is evaluated across the Civil Service”. It includes a “competency framework which sets out the qualities and behaviours required for job performance”; there are six key competencies for each grade of staff. There is a 12 page assessment form which each manager is required to complete annually for each member of staff for whom he or she is responsible. It includes a series of ‘goals’ which are to be agreed with the member of staff. An interim review of performance should take place at the six month mark and the end of year review includes an overall review of performance with one of five levels of rating from ‘exceptional’ to ‘unsatisfactory’. Managers who are responsible for conducting performance evaluations are required to ensure that they apply consistent standards for all staff members and “eliminate bias to the greatest possible extent”. The DPER website provides a breakdown of the PMDS rating returns from all government departments, with the latest being for 2013. The rating for the Department of Justice and Equality shows a completion rate of 92.1 per cent. There is no separate return for the Prison Service and it is not clear whether the departmental return includes Prison Service figures.
- 7.7 According to these arrangements each member of the Irish Prison Service should have a PMDS review each year with an interim review at the six month stage. We were informed time and again by staff to whom we spoke that this had not happened in their case. Equally a number of those in management positions said that they did not complete reviews for their staff. The Governor of one prison expressed the opinion that “PMDS is really non-existent”. We were told that the Prison Service would like to develop a bespoke form of PMDS but that this has been opposed at both governmental and trade union levels.
- 7.8 There is provision within the staff attendance systems for each member of staff to have 50 hours of training and personal development each year. There does not appear to be any formal record kept of the take up of this provision and we were told that few if any staff come close to that figure.

³⁹ DPER. Human Resource Management in the Civil Service: <http://hr.per.gov.ie/pmids-2013/>

Analysis

General principles

- 7.9 One of the most crucial features of any prison service is the quality of its personnel. If this is lacking then the best of physical conditions and the most sophisticated of policies will count for little. There are three essentials in ensuring that staff are of the highest quality. The first is the need to have a sound recruitment policy which ensures that only individuals with the correct personality, experience and potential are selected. The second is to have an effective and comprehensive training programme for recruits so that they can enter into their new career fully conscious of the ethos of the Service and confident that they have the necessary skills to carry out their difficult public service in a professional manner. The third essential is to have support and mentoring programmes for staff at all levels which will allow them to develop their skills and to learn new ones.
- 7.10 Working in a prison, being responsible for other human beings who have been deprived of their liberty and doing so in a decent and humane manner is an important public service which calls for great skill and personal integrity. The challenge of instilling in prison personnel a sense of vision and a belief that what they do is of value and ensuring that they have the necessary skills and competences to carry out their work is a huge task. It cannot be done in a haphazard manner, nor will it come about by accident. It can only be achieved if there is a coherent human resource strategy which is based on the premise that a good staff who are publicly valued are the key to a good prison system.
- 7.11 High personal and professional standards should be expected of all prison staff but especially of those who are going to work directly with prisoners in any capacity. These include prison officers as well as professional staff such as teachers and instructors. The values of the prison service and the ethical context within which it operates should be clearly articulated in all recruiting material and processes which should leave applicants in no doubt as to what will be expected of them in terms of behaviour and attitude.
- 7.12 Even when such policies are in place, not all those who apply will be suitable. There has to be a clear set of procedures to ensure that only those applicants who are suitable are in fact selected to join the prison service. In the first place the procedures should be able to test the integrity and humanity of the applicants and how they are likely to respond in the difficult situations which they may well face in the course of their daily work. Only when the applicants have shown that they meet these requirements should the procedures go on to test such matters as the educational standards, physical capabilities, previous work records and the potential to assimilate new skills.
- 7.13 Prior to any recruitment process there has to be a clear statement from the organisation about what it requires of its personnel. The Irish Prison Service has made a very clear statement of its mission, vision and values. These should form the basis for drawing up job descriptions for every member of staff according to grade and nature of work. Job descriptions should include the generic responsibilities which are common to all staff covering matters such as security, safety and good order as well as the need to observe standards of professionalism and decency in dealing with prisoners and in interaction with colleagues. They should also have job specific elements relating to the particular roles and

grade of the individual. These job descriptions will inform the assessment process which is used when recruiting new personnel.

- 7.14 Once staff have been properly recruited and selected they need to be given appropriate training. Most new staff will have little or no experience or knowledge of the prison world. The first requirement is to reinforce in all of them an appreciation of the ethical context within which prisons must be managed. It must be made clear that all the technical skills which will subsequently be taught are underpinned by a belief in the dignity and humanity of everyone involved in prisons. These include all prisoners, whoever they may be and whatever crimes they may have been convicted of, and all staff and visitors. This is not simply a matter of theory. It is a crucial first step towards the technical training which will follow. In Chapter two we made reference to the Council of Europe Code of Ethics for Prison Staff. This Code should provide the context for the initial training of all prison staff. In due course the Irish Prison Service would do well to produce its own Code of Ethics so as to provide all its personnel with a clear ethical context for the duties which they carry out.

Recruitment and initial training of prison officers

- 7.15 In 2008 the IPS Human Resources Directorate and the Prison Service College collaborated with the Public Appointments Service in a review of the selection and testing processes for new recruit prison officers.⁴⁰ There has been a gap of several years since the Prison Service has recruited officers and it would now be appropriate to review the changes which were introduced seven years ago so as to ensure that when the time comes to begin a new recruitment round the Service has in place a process which will guarantee that those who join the Irish Prison Service meet the standards which are described above.
- 7.16 At the same time there should be a review of the best method for delivering initial training for new recruits. As a minimum the former Higher Certificate in Custodial Care should be resuscitated in an updated format in conjunction with an academic institution. There appeared to be general satisfaction with the previous HCCC course but for the future more care will have to be given to support recruit officers in their prisons. A number of those who had been through the course said that they had to put up with a degree of ridicule in their prisons from more experienced officers who saw no value in the qualification for which they were studying and who sought to dissuade the new staff from commitment to it. This negative attitude stands in sharp contrast to the positive attitude which we observed in the Norwegian Correctional Service where training and personal development of staff is integral to the way that the Service operates. This is explained in greater detail in the next section of this chapter.⁴¹
- 7.17 We were told that one feature of the most recent recruitment process was that in practice all new prison officers were appointed to one of the prisons in the Dublin area regardless of their home area. It appears that this was not a deliberate strategy but rather a consequence of the arrangement whereby vacancies which occur as a result of retirements or promotions are filled by the applicant with the longest service. Invariably there will be prison officers based in the Dublin prisons who wish to be transferred to a prison near their family home and who are given first claim when a vacancy occurs, creating a subsequent

40 IPS Annual Report 2008

41 There is further reference to the Norwegian Correctional Service's management of prisoners in Appendix 3

vacancy in a Dublin prison. We came across numerous examples of staff in Dublin prisons who had left young families behind in their home area. Most of them could not afford the cost of renting separate accommodation in Dublin and some told us that they depended on other officers or relatives to provide a bed or in extreme cases slept in their cars. They use the roster arrangements to condense their working week into as few days as possible so that they can return to their family homes as frequently as they can. This method of filling staff vacancies should be reviewed as a matter of urgency in the family interests of the officers and also to enable the staff involved to commit themselves fully to their work when on duty. Other prisons might also benefit from a more regular turnover of staff.

Senior staff appointments and training

- 7.18 In previous chapters we have discussed the roles and responsibilities of senior staff from assistant chief officer to governor and the fact that they have to be leaders who are capable of enthusing the staff for whom they are responsible with a sense of value in the way they carry out their difficult daily tasks. At every rank they need to be men and women who have a clear vision and a determination to maintain the highest standards in the difficult work of prison management. They need to reassure staff constantly that the work they do is important for society and is highly valued by it.
- 7.19 As we have previously explained, in the Irish Prison Service virtually all promotions are made by means of progression through each rank beginning at prison officer grade. There is benefit in encouraging and facilitating the promotion of staff who have demonstrated ability in their current grade and the potential to perform in a similar manner at higher grades. However, it cannot be assumed that sound performance at a more junior grade alone equips people for the higher levels of prison management. Over the years several independent inquiries and bodies have recommended that appointments to senior ranks in the IPS should be made through open competition by the Public Appointments Service. The need for more open appointments has been accepted in principle and a recent appointment to Campus Governor was made on that basis. This practice needs to be extended to all grades and applicants should be sought from beyond the civil service. In such a complex organisation as the Prison Service all personnel need to have the task related skills necessary to carry out their work.
- 7.20 Where promotions come from within the Prison Service the personnel involved require and are entitled to training and development to enable them to perform at the higher level, particularly when they have to manage staff with whom they previously worked. As previously mentioned, several senior staff, including Governors, told us that they had received no job specific training following promotion and were simply expected to know what their new responsibilities involved. Training in the basic skills of management is particularly important for staff who are taking on their first promoted jobs. In broad terms in the Irish Prison Service anyone in a grade below a post which is vacant is entitled to apply for appointment to it. A consequence of that is that, if successful, officers who had previously worked in a specialist post where they had limited contact with prisoners might well find themselves appointed as assistant chief officers in an accommodation block with responsibility over a large group of officers and having dealings with many prisoners. A number of assistant chief officers told us that they had found the transition from officer

difficult, especially if they remained in the same prison and had to exercise supervision over those whom they had formerly worked alongside. This was further complicated on occasions when they were required to revert temporarily to their previous rank to fulfil their quota of annualised hours. This is an unusual arrangement which should be reviewed.

Prison Service College

- 7.21 Most European prison services now have staff training schools or colleges, although the quality and quantity of training delivered to personnel varies considerably. Many concentrate on training new recruits and offer relatively short courses, often focussing primarily on security issues. In some services the initial training is linked to an externally accredited certificate or diploma which is earned through modular work, some undertaken in the college and some through distanced learning. This was the arrangement in the IPS between 2007 and 2011. The Scottish Prison Service has a similar model.
- 7.22 For many years the Norwegian Correctional Service has provided a comprehensive programme of training for all staff. The Staff Academy is located alongside the Correctional Service Headquarters and is staffed by a mixture of personnel with operational experience and tutors who are qualified in the subjects which they teach. The Academy has four main departments. The Department of Administration deals with recruitment and support, information technology and other administrative matters. The Department of Studies oversees the training of all recruit officers. Staff in the Department for Continuing Education oversee development training for all grades of staff. In addition to taking part in *ad hoc* courses all personnel are obliged to undertake a Competence Enhancement course every five years. The Department of Research carries out research on prisons and prisoners in collaboration with other services, government departments and other research institutions.
- 7.23 All newly recruited prison officers undertake a two year course of education in the Staff Academy and during this period they receive full pay. They are required to give a commitment to stay in the service for a fixed period on successful completion of training. The course covers psychology, criminology, human rights and ethics as well as security and operational issues. Each academic year is divided into two semesters broken up by a period of six weeks of supervised activities in a prison during the summer months. In year one the first semester is spent in the Academy as is the final semester in year two. The two intervening semesters are spent in a selected prison under close tutorial supervision. A third training year is spent in an allocated prison under supervision.
- 7.24 A key feature of the training programme is that 11 prisons have been selected to be involved in the training of new personnel and recruits are allocated only to these prisons. These prisons provide specific operational experience to the recruits whose work is supervised by instructors who are themselves trained in the Academy. In addition Academy staff regularly visit the recruits in their training prisons. The Director of the Academy told us that this formal link with 11 prisons was crucial in ensuring that there was a continuity of training for the recruits and to ensure that what they learned in the Academy was carried forward into the operational experience.
- 7.25 In any institution for training or education it is essential that the staff should have the proper qualifications and experience for their work. In the case of institutions which

provide professional training the tutorial staff need to achieve a balance between having an understanding of the profession involved and its environment together with expertise in related academic, cultural and management issues. In some countries the staff in the training institutions are serving prison personnel and if this is the case the manner in which they are selected can be an indication of the importance which a prison service gives to training its personnel. It is not appropriate that the training school should be regarded as a safe non-operational setting for staff who are tired, burnt out or otherwise unsuitable for operational work. On the contrary, a posting as tutor in the training school or college should be regarded as a good career move which is available only to the best operational staff. Tutors should have a fixed term of appointment after which they will generally be expected to return to operational duties. The best arrangement is when the tutorial staff consists of a mix of people with operational experience and others with academic and educational experience, as is the case in Norway. The principle of open competition should be applied to these appointments.

7.26 As part of this review the Governor and staff of the Irish Prison Service College told us of their ambition to “plan, design, deliver and evaluate learning and interventions which develop the competences of staff and contribute to the achievement of mission and strategic objectives of the Irish Prison Service”. The College has good facilities and the staff are enthusiastic about their work. Its geographical situation in the centre of the country is an advantage and it is regularly used for a variety of meetings, including the monthly gatherings of Directors and Governors. It is also situated next to two major prisons. Despite these facts there is a sense that the College is not integrated into the work of the Service in the way that it should be. Some of the courses offered are organised on an *ad hoc* basis and the overall training strategy is weak.

7.27 The head of the College shared with us his plans for how the College can implement the vision which he and his staff have agreed on, beginning with a comprehensive training strategy which meets the needs of the Irish Prison Service. In the introduction to the submission which he made to this review he wrote:

The Irish Prison Service is a people centric organisation. All of the organisation’s primary activities involve people. 80% of IPS expenditure is devoted to the payment of its personnel (human resources). This statistic reflects the fact that Irish Prison Service staff, primarily Prison Officers, provide the greatest contribution to the achievement of the organisation’s strategic objectives, based on their ability to positively interact and influence prisoners every day through their engagement, language, listening skills, attitudes and behaviours... The Irish Prison Service College has a critical role to play in the development of the personnel in the Irish Prison Service.

7.28 We fully support him in his proposals to bring the College into the mainstream of the life of the Prison Service. If this is to happen there will have to be a number of changes within the College and the overall structure. The current staffing structure in the College replicates that in the prisons. The head of the College has the rank of Governor 3 and is referred to as the Governor. The tutors are either assistant governors or chief officers. In the hierarchical world of the Prison Service rank is important and the fact that the head of the College carries the rank of a middle grade governor passes a message to all staff as

to the relative importance of his personal position and that of training in general in the priorities of the Irish Prison Service. In chapter five we proposed that only the person in charge of a prison should be given the statutory title Governor. The current head of the College has never been a prison governor. We understand that he was recruited as Head of Learning and Development for the IPS and an appropriate title for him might be Director of Learning and Development. In the same vein the tutors might be described as heads or managers of the area of training for which they are responsible.

- 7.29 All those who are involved in the training of personnel should be equipped with the appropriate skills and professional experience for their subjects. As we have observed in the Norwegian Staff Academy there is a mix of staff with operational and academic backgrounds. This is a model which the IPS should consider. Each tutorial role should have a clear job description and appointments should be made following open competition. Those who are selected from outside the IPS should undertake initial familiarisation secondments in prisons and those who are appointed from within the Prison Service should undertake training to equip them for their tutorial roles. Appointments from inside the IPS should be for a fixed term, say, three years with a possible extension to a maximum of five years.
- 7.30 We commented favourably above on the arrangements in Norway which have 11 prisons identified for the initial operational training of new personnel so as to ensure continuity between the training given in the Academy and the prison experience. The head of the Irish Prison Service College told us that he would welcome a more formal relationship between the College and the two prisons in the Portlaoise Campus to create what might become a 'learning and innovation hub' for the IPS. Some experienced staff in the two prisons could be affiliated to the College as *ad hoc* trainers and newly recruited officers could have special supervision and support while undertaking their prison placements. This proposal is certainly worthy of further consideration.
- 7.31 When Training Liaison Officers were first introduced in 2005 they were under the direction of local prison management and could be called from their training duties to fill operational vacancies as required. They are now under the direction of the Prison Service College which means that they should not be redeployed to other duties but they remain dependent on local management for the release of staff to undertake training. We spoke to a majority of the ten TLOs in the Prison Service and were impressed by their enthusiasm and keenness to play their part in personnel training and development. They said that there was an appetite among many staff for further training but that very few, if any, ever achieved the 50 hours per year provided for in the staff attendance systems. All of the TLOs expressed frustration at the constant difficulty in securing the release of staff from their daily duties in order to undertake training. We were told that even obligatory refresher training in matters such as the use of control and restraint procedures regularly had to be cancelled, either because of lack of trainees or because of a lack of qualified training support officers. If the IPS is serious about developing the professional skills of its personnel this needs to be demonstrated through a commitment at national and local levels to fulfilling the agreed training programmes.
- 7.32 The Irish Prison Service College has the potential to play a major part in the realisation and development of a positive culture among all staff in the Irish Prison Service. If it is to

do this successfully it has to be given a key role in the recruitment of personnel, in their training and development and in fostering a positive ethos which respects the dignity and humanity of everyone who comes into contact with the Prison Service.

Personal development, support and mentoring

- 7.33 The professional development of all personnel in the Irish Prison Service should be continuous from the moment of first recruitment to that of final retirement. Each member of staff should be supported by and give support to colleagues in their daily duties. The Prison Service is a disciplined organisation and formal rules and regulations need to be observed and implemented in a consistent manner. At the same time individual members of staff have a right to be supported in a positive and encouraging manner. It is a cliché in many prison services that if an officer is called for a meeting with the governor or chief officer his or her first thought will be to wonder what he or she has done wrong, knowing that the purpose of the interview is likely to be one of criticism for a failing rather than of compliment for something done well.
- 7.34 Personnel in the Irish Prison Service are civil servants and in general terms their conditions of employment reflect those in the wider Irish Civil Service. In many respects this is appropriate but the unique operational demands of the Prison Service and the way its staff have to implement their statutory duties mean that some of the processes which have been developed for the wider civil service need to be tailored to meet the specific circumstances of those who work in prisons. One example is the Performance Management and Development System (PMDS) which has been developed by the Department of Public Expenditure and Reform for use across the civil service including the Prison Service as described earlier in this chapter. PMDS was universally criticised by those with whom we discussed it, both in prisons and in headquarters. We were told many times by individuals that they did not know who should have completed the annual review on their performance, far less the six monthly interim reviews. Managers candidly admitted that they did not complete the process for their staff, nor in turn was their own completed. We were told that the custom had been to complete the PMDS reports for staff who were applying for promotion but that these had not been taken into account in recent promotion rounds. We were told in headquarters that this was because governors invariably gave those going forward for promotion top marks in their reviews which in effect meant that they contributed nothing to decision making on promotions.
- 7.35 Whatever the reason, it is clear that failure to make use of the PMDS process means that there is in effect no formal mechanism for providing staff in the Prison Service with any regular assessment of their performance, whether good or bad. We made reference in Chapter two to examples of behaviour and language by some prison staff which is at best non-professional and unbecoming and at worst cruel and possibly illegal. A meaningful continuous assessment process which helps individuals to review their performance and behaviour could go a long way towards drawing attention to negative behaviour and in due course eradicating it. It would also provide an opportunity to congratulate staff who are performing well; something which appears to happen all too rarely at the moment. The absence of any ongoing assessment process also means that staff have no formal opportunity for discussing their progress or career ambitions with their supervisors or managers. These are matters which need to be dealt with as a matter of urgency.

- 7.36 If an ongoing assessment process is to be successful a set of structures needs to be in place. Firstly all staff need to have job descriptions against which their performance can be measured. Secondly, each person needs to have a named mentor or supervisor to whom they can refer and who will assist them in their assessment process. That person may or may not be their line manager but it should be someone who knows the individual well enough to assess his or her performance. At the same time, the number of persons whom a supervisor or manager is asked to assess should be small enough to ensure that the process does not degenerate into a box ticking process. At the prison level there should be an administrative structure which guarantees good record keeping for the individual assessments and someone whose task it is to ensure that all action points and recommendations are followed up and implemented. This will probably be the responsibility of the prison's human resources manager. He or she should have a clear line of communication to the Governor of the prison who has ultimate responsibility for all matters in the prison and has to give his or her direct support to the staff assessment process. This person in turn will require to have direct lines of communication with the Prison Service College, often through the prison Training Liaison Officer, and with the human resources staff in Prison Service headquarters.
- 7.37 The Irish Prison Service would do well to review its arrangements for recognising staff who carry out their duties in an exemplary manner. On occasion it may be appropriate to do this at a local level with some form of recognition in front of colleagues by the prison Governor. Performance which is outstanding might be further recognised at a national level. A good model of such a scheme is the Butler Trust Award Scheme.⁴² Since 1985 staff in the three prison services in the United Kingdom have been eligible for a variety of awards under this scheme which was established to recognise "ordinary work done which is done extraordinarily well" by individual prison staff. Awards are presented annually at a high profile public event to which families are invited. One of the important features of this award system is that initial nominations are made in each prison by colleagues. These nominations are considered by a local panel made up of a cross-section of staff. This will select the most outstanding cases and forward these to the national panel which will make the final selection. In some cases individual prisons will arrange ceremonies to award certificates to those who have been nominated locally. These are highly valued by staff since the nominations have come from their prison service colleagues.

Road map for the future

- 7.38 We now offer some proposals for improving staff learning and development in the Irish Prison Service.

Code of Ethics for Prison Staff

- The Irish Prison Service should produce a Code of Ethics for Prison Staff which will provide all its personnel with a clear ethical context for the duties which they carry out.
- This Code should provide the context for all prison staff training and development.

42 www.butlertrust.org.uk

Recruitment and initial training of prison officers

- In advance of any new round of prison officer recruitment there should be a review of the selection and assessment processes to ensure that those who are selected to join the Irish Prison Service meet the highest appropriate standards.
- There should be a review of the best method for delivering initial training for new recruit prison officers. As a minimum the former Higher Certificate in Custodial Care should be resuscitated in an updated format in conjunction with an academic institution.
- The arrangements for posting recruit prison officers to prisons should be reviewed in order to satisfy the best needs of the Prison Service and as far as possible to accommodate the domestic needs of the officers concerned

Senior staff appointments and training

- As a general rule appointments to promoted posts in the Prison Service should be made through open competition overseen by the Public Appointments Service. For each post there should be a detailed job description specifying essential and desirable competencies.
- When persons who have no previous prison service experience are appointed to promoted posts they should be given bespoke operational training prior to taking up their duties.
- When persons who are already members of the IPS are appointed to promoted posts they should be given the necessary training and development to enable them to perform at the higher level. This is particularly important for staff who are taking on their first promoted jobs and also on a person's first appointment as Governor of a prison.
- Staff in promoted grades who are in the annualised hours system should not be required to revert temporarily to a lower rank to fulfil their quota of annualised hours.

Prison Service College

- The head of the Irish Prison Service College should be given the title Director of Learning and Development. Tutors should be described as head or manager of the area of training for which they are responsible.
- All those who are involved in the training of personnel should be equipped with the appropriate skills and professional experience for their subjects. Each tutorial role should have a clear job description and appointments should be made following open competition.
- Those who are selected as tutors from outside the IPS should undertake familiarisation secondments in prisons and those who are appointed from within the Prison Service should undertake training to equip them for their tutorial roles.
- Appointments of tutors from inside the IPS should be for a fixed term, say, three years with a possible extension to a maximum of five years.

- Consideration should be given to creating a formal relationship between the College and the two prisons in the Portlaoise Campus to create what might become a 'learning and innovation hub' for the Irish Prison Service.
- The role of Training Liaison Officers should be reviewed. Their current link with the Prison Service College should be reinforced. At the same time the Governor of the prison in which they are based should take an interest in their work, both personally and through the human resources manager.
- The provision for 50 hours training annually for each member of staff should be met in all but the most exceptional cases. This should be a shared responsibility between the individual and the IPS. Those responsible for rostering staff to daily duties should give as high a priority to staff training as to any other operational duty and a senior member of staff should be given the duty of reviewing records that this is happening. This provision should also apply to staff who have been identified as local tutors.

Personal development, support and mentoring

- The current Performance Management and Development System should be replaced with a continuous assessment process designed specifically to meet the needs of personnel in the Irish Prison Service.
- Every member of staff should have a detailed job description against which performance can be measured.
- Every member of staff should have a named mentor or supervisor who will assist them in the assessment process. The number of staff assigned to each mentor or supervisor should be small enough to allow for meaningful assessment.
- There should be an administrative structure which guarantees good record keeping for the individual assessments and someone in each prison whose task it is to ensure that all action points and recommendations are followed up and implemented.
- Consideration should be given to introducing a formal system for publicly recognising staff who carry out their duties in an exemplary manner.

Chapter 8

Prisoners

Chapter 8 Prisoners

- 8.1 The terms of reference for this review were to carry out an assessment of the current culture within the Irish Prison Service and the extent to which it facilitates or hinders the development of the Service. In carrying out our terms of reference we have focussed almost exclusively on the IPS as an organisation and on the main groups of staff, the governors and officers, who work within it. We have done this because, in our view, these are the elements and players which are most influential in determining the culture of the IPS. In taking this approach we have had very little to say about prisoners (and by extension some of the groups of other professionals who work directly with prisoners). This was a conscious decision on our part which we decided was justified both because of the limited time available to us and also because of our precise terms of reference. Furthermore, if the culture both of the organisation and of the main group of its personnel can be developed in the progressive manner recommended in this report, the experience of prisoners and of other groups of staff in Irish prisons will undoubtedly be improved. That having been said, it would be remiss of us not to make some comment on the way that prisoners are managed and treated in the Irish Prison Service.
- 8.2 All prisoners are entitled to be treated with dignity and in accordance with the requirements of the relevant domestic legislation and internationally agreed standards. In Chapter two we referred to the 'decency agenda' for prisons as it affects both prisoners and staff. In Ireland great strides have been made in recent years to acknowledge the obligations owed in this respect to prisoners by those who have care of them. Examples of innovative approaches include, among other things:
- the opening of dedicated committal areas in all prisons.
 - the opening of a dedicated high support unit in Mountjoy Prison.
 - the introduction of comprehensive standard operating procedures for the use of safety observation and close supervision cells.
 - the reduction of overcrowding and 'slopping out'.
 - the introduction of a new complaints procedure.
 - the investigation of all deaths of prisoners either in prison custody or while on temporary release.
- 8.3 Over the years the concerns of prisoners relating to a wide range of topics have been made known to the Office of the Inspector of Prisons. The avenues of such communications have been various. They are through confidential letters from prisoners to the Inspector, confidential interviews between the Inspector and prisoners in all prisons and confidential communications from prisoners to the Inspector on their release. They are also informed by information gleaned by the Inspector from his oversight of prisons and particularly of the prisoner complaints procedure and from his investigations of the circumstances surrounding the deaths of prisoners in prison or on temporary releases. Concerns of

prisoners are brought, confidentially, to the attention of the Inspector by a wide variety of persons who have contact with prisoners, who work in prisons and others who provide services to prisons and prisoners. In the course of this review we examined all this information. We also took time to speak to many prisoners. Prisoners have legitimate opinions on how they are treated and on how prisons are managed and these views are relevant to our deliberations. In some instances their concerns related to specific problems personal to individuals while in others they related to general issues which affect the quality of life of prisoners. They also made useful suggestions for the improvement of conditions and for minimising abuses in the system.

- 8.4 We have identified a number of particular factors that still militate against ensuring that prisoners are always treated with dignity and in accordance with the required standards. In examining the inhibiting factors we also had regard to the many submissions made by prisoners and others over the past seven years to the office of the Inspector of Prisons and we list some of the major ones below.

Prisons

- 8.5 There are 13 prisons in Ireland. One of these, Portlaoise Prison which accounts for approximately six per cent of the prison population is classed as a 'closed high security' prison for adult males and also holds those committed from the Special Criminal Court. Eight prisons, accounting for approximately 86 per cent of the prison population, are classed as 'closed medium security' prisons. They are Arbour Hill, which holds mainly long term sentenced prisoners; Castlerea, Cloverhill, Cork, Limerick, Midlands, Mountjoy, which hold adult male prisoners including committals; and Wheatfield, which is a place of detention for adult males. The Training Unit in the Mountjoy Campus, which holds approximately three per cent of the prison population, is classed as a 'semi open low security' prison for adult males. Loughan House and Shelton Abbey Open Centres, which account for approximately five per cent of the prison population, are classed as 'open low security' prisons for adult males. All women prisoners are held in either the Dóchas Centre in the Mountjoy Campus or Limerick Prison which are classed as 'closed medium security' prisons.
- 8.6 This means that the vast majority of adult male prisoners and all female prisoners are accommodated in 'closed medium security' prisons, with only eight per cent of males in semi open or open low security accommodation. This is a very uneven spread of accommodation and we note the fact that almost all recently built accommodation has been closed medium security with little or no provision for open or low security. Given what we have to say in the next section about the classification of prisoners we invite the Irish Prison Service to consider whether there are any options for converting some of the current accommodation to a lower security level and also to bear this factor in mind when considering the need for any further building development. This should be borne in mind especially in respect of women prisoners.

Classification of prisoners

- 8.7 In many developed prison systems prisoners are assessed individually and classified according to a variety of factors, including the risk that they might try to escape, the threat they might present to others, their vulnerability, their personal needs, the seriousness of the offence of which they have been convicted or with which they are charged and the length of time they are likely to spend in prison. Based on these and other considerations a decision will then be made about the level of security in which they should be held, the degree of supervision to which they should be subjected and the regime which would be most suitable for them. These factors will determine the prison to which they are allocated and the part of that prison in which they are then held. In the Scottish Prison Service, for example, we noted that a very simple security classification which identifies prisoners who require high, medium or low supervision is the foundation for the individual assessment process which determines the prison to which a prisoner will be allocated.
- 8.8 In Ireland the history of prisons being virtually free standing institutions has meant that there is very little individual classification of prisoners as to the appropriateness of their allocation. For all prisoners initial allocation is generally determined according to the prison of first committal. As noted above, there are only two options for women, both of them secure centres. For men, transfer to Portlaoise, Arbour Hill, the Training Unit and the two open centres are determined by individual assessment because of the nature of these prisons. Transfer between all other prisons is based largely on 'operational grounds'. This may be the need to remove a prisoner from a situation in which he is a threat to others or in which he is threatened by others. Prisoners should not be transferred as a punishment but we observed occasions when prisoners were transferred immediately following a breach of discipline in one prison and then required to serve their punishment in another prison. Officially transfers of prisoners should be approved in advance by an official in the Directorate of Operations in Prison Service headquarters. In practice what often happens is that transfers will be agreed between Chief Officers in the two prisons involved and will then be rubber stamped by a headquarters official.
- 8.9 The absence of a meaningful individual assessment of prisoners has significant operational consequences for the way prisons are managed and for internal good order. As an instance, it has allowed the development of gang cultures in a number of prisons. Gang affiliations may be built around a number of features, for example, when a group of strong prisoners come from one particular town or area. In this case the gang may be an extension of the hierarchies on the streets. Alternatively, it may be built around the misuse and circulation of drugs or other illegal substances which present a major threat to good order in a number of prisons. Gangs are a feature of prison life in many countries but prisons in Ireland do not have a clear operational strategy for dealing with them. Prisoners who refuse to concede to the demand of gang leaders are put under pressure and may be subject to physical violence. Some individual staff members appear to be at a loss as to how to manage the problems of disorder which result and prefer to turn a blind eye to gang activities, with the victims of violence being transferred to other prisons rather than the perpetrators.

8.10 In an environment where strong groups of prisoners wield significant informal power other prisoners are likely to suffer and to be fearful for their safety, either because of the nature of their crime or for other reasons. This provides at least a partial explanation for the relatively large number of prisoners who are held in what may be described euphemistically as protective regimes but in reality often amount to isolation. The Irish Prison Service has made strenuous efforts in recent years to deal with this problem and has had some success in reducing the number of prisoners held in these conditions or at least in reducing the extent of their isolation. However, more needs to be done to deal with the cause of the problem as well as with its symptoms. With this in mind the Irish Prison Service might consider carrying out an audit of the education, work training and other rehabilitative resources available in each prison prior to developing an individual assessment process to be used for the allocation of convicted prisoners to the prison most capable of meeting their needs, taking account of security issues.

Rehabilitation of prisoners

8.11 The extent to which prisons can succeed in rehabilitating those who are sent to them by the courts is the subject of much political, academic and social concern in many countries. Over a number of years the Irish Prison Service has developed initiatives to facilitate this rehabilitation. One positive example is the recent introduction of integrated sentence management (ISM) and we observed different models for this in a number of prisons, with ISM coordinators and inter disciplinary involvement of psychologists, probation officers, teachers and prison officers. The process is in its early days and that may explain the differing opinions as to what it has achieved, with one senior Governor describing it as “a roaring success” while another told us that it “had not taken off at all”. There are similar questions about the implementation of the incentivised regime system which encourages good behaviour and limits access to activities if prisoners do not conform.

Future review

8.12 As explained above, in the time available to us and given our terms of reference we decided that we should not attempt in this review to address the wide range of matters concerning the management of prisoners and their rehabilitation. These deserve a separate, independent and comprehensive review leading to a report in its own right. In addition to the topics referred to above, such a review should consider other issues including, but not limited to:

- Health care including mental health.
- Drug and other substance abuse.
- Education and skills training.
- Interdisciplinary models of support involving professionals in the above areas who work in the community.
- The role of specialist staff in the prison environment.
- A higher priority for pre-release planning.
- The parole system and the use of remission of sentence in the rehabilitation of prisoners.

Annex and Appendices

Annex

Council of Europe Code of Ethics for Prison Staff

Recommendation CM/Rec(2012)5 of the Committee of Ministers to member States on the European Code of Ethics for Prison Staff

(Adopted by the Committee of Ministers on 12 April 2012 at the 1140th meeting of the Ministers' Deputies)

Appendix to Recommendation CM/Rec(2012)5

I. Definition of the scope of the code

This code applies to prison staff at all hierarchical levels.

In this code, the term “prison” is used to describe institutions reserved for holding persons who have been remanded in custody by a judicial authority or who have been deprived of their liberty following conviction.

Nothing in this code should be interpreted as precluding the application of any relevant international human rights instruments and standards, especially the European Prison Rules as well as other professional codes of ethics applicable to specialised groups of staff.

II. Objectives of prison staff

1. The main objectives of prison staff in a democratic society governed by the rule of law shall be to:
 - carry out all their duties in accordance with national law and international standards;
 - protect and respect the fundamental rights and freedoms of individuals as enshrined, in particular, in the European Convention on Human Rights;
 - ensure that all prisoners are safe and held in conditions that comply with relevant international standards, and in particular the European Prison Rules;
 - respect and protect the right of the public to be safeguarded from criminal activity;
 - work towards the social reintegration of prisoners on release, by providing them with the opportunity to use their time in prison positively.

III. Prison staff and the criminal justice system

2. Prison staff shall have roles and duties different from those of the police, the military, the prosecution and the judiciary in respect of prisoners.
3. Prison staff shall co-operate appropriately with relevant institutions of the criminal justice system, including with probation services, where they exist.

IV. Guidelines for prison staff conduct

A. Accountability

4. Prison staff at all levels shall be personally responsible for, and assume the consequences of, their own actions, omissions or orders to subordinates; they shall always verify beforehand the lawfulness of their intended actions.

B. Integrity

5. Prison staff shall maintain and promote high standards of personal honesty and integrity.
6. Prison staff shall endeavour to maintain positive professional relationships with prisoners and members of their families.
7. Prison staff shall not allow their private, financial or other interests to conflict with their position. It is the responsibility of all prison staff to avoid such conflicts of interest and to request guidance in case of doubt.
8. Prison staff shall oppose all forms of corruption within the prison service. They shall inform superiors and other appropriate bodies of any corruption within the prison service.
9. Prison staff shall carry out all legal instructions properly issued by their superiors, but they shall have a duty to refrain from carrying out any instructions which are seriously and manifestly infringing the law and to report such instructions, without having to fear sanctions.

C. Respect for and protection of human dignity

10. Prison staff shall at all times respect and protect everyone's right to life.
11. In the performance of their daily tasks, prison staff shall respect and protect human dignity and maintain and uphold the human rights of all persons.
12. Prison staff shall not inflict, instigate or tolerate any act of torture or other inhuman or degrading treatment or punishment, under any circumstances, including when ordered by a superior.
13. Prison staff shall respect and protect the physical, sexual and psychological integrity of all prisoners, including against assault by fellow prisoners or any other person.
14. Prison staff shall at all times treat prisoners, colleagues and all other persons entering prison with politeness and respect.

15. Prison staff shall only interfere with individual's right to privacy when strictly necessary and only to achieve a legitimate objective.
16. Prison staff shall not use force against prisoners except in self-defence or in cases of attempted escape or active or passive physical resistance to a lawful order, and always as a last resort.
17. Prison staff shall carry out personal searches only when strictly necessary and shall not humiliate prisoners in the process.
18. Prison staff shall use instruments of restraint only as provided for by Rule 68 of the European Prison Rules. In particular they shall never use them on women during labour, during birth and immediately after birth.

D. Care and assistance

19. Prison staff shall be sensitive to the special needs of individuals, such as juveniles, women, minorities, foreign nationals, elderly and disabled prisoners, and any prisoner who might be vulnerable for other reasons, and make every effort to provide for their needs.
20. Prison staff shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.
21. Prison staff shall provide for the safety, hygiene and appropriate nourishment of persons in the course of their custody. They shall make every effort to ensure that conditions in prison comply with the requirements of relevant international standards, in particular the European Prison Rules.
22. Prison staff shall work towards facilitating the social reintegration of prisoners through a programme of constructive activities, individual interaction and assistance.

E. Fairness, impartiality and non-discrimination

23. Prison staff shall respect plurality and diversity and not discriminate against any prisoner on the basis of sex, age, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, or the type of offence alleged or committed by that prisoner. Prison staff shall pay particular attention to the provisions of Rule 29 of the European Prison Rules.
24. Prison staff shall take full account of the need to challenge and combat racism and xenophobia, as well as to promote gender sensitivity and prevent sexual harassment of any form both in relation to other staff and to prisoners.
25. Prison staff shall carry out their tasks in a fair manner, with objectivity and consistency.
26. Prison staff shall respect the presumption of innocence of prisoners who have not been convicted or sentenced by a court.
27. Prison staff shall apply objective and fair disciplinary procedures as provided for by the European Prison Rules. Moreover, they shall respect the principle that prisoners charged with a disciplinary offence shall be considered innocent until proven guilty.

F. Co-operation

28. Prison staff shall ensure that prisoners can exercise their right to have regular and adequate access to their lawyers and families throughout their imprisonment.
29. Prison staff shall facilitate co-operation with governmental or non-governmental organisations and community groups working for the welfare of prisoners.
30. Prison staff shall promote a spirit of co-operation, support, mutual trust and understanding among colleagues.

G. Confidentiality and data protection

31. Information of a confidential nature in the possession of prison staff shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.
32. Particular attention shall be paid to the obligation to respect principles of medical confidentiality.
33. The collection, storage, and use of personal data by prison staff shall be carried out in accordance with data protection principles and, in particular, shall be limited to the extent necessary for the performance of lawful, legitimate and specific purposes.

V. General

34. Prison staff shall respect the present code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of it.
35. Prison staff who have reason to believe that a violation of the present code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities.

Appendix 1

Interested parties from whom written submissions were received

We would like to acknowledge all those mentioned hereunder who submitted written submissions.

Organisations and Official Bodies

- Association of Higher Civil and Public Servants - Governors' Branch
- Bedford Row
- Childhood Development Initiative - Tallaght
- Jesuit Centre for Faith and Justice
- Irish Penal Reform Trust
- Irish Prison Service College
- Irish Prison Service Psychology Service
- Irish Prison Service Staff and Corporate Services Division
- Prison Officers' Association
- St Nicholas Trust
- Visiting Committee Cork Prison
- Visiting Committee Dóchas Centre
- Visiting Committee Mountjoy Prison

Individuals

- Colette Barry
- Jim Mulligan
- Other prison staff and prisoners whom we do not wish to name

Appendix 2

Organisations and individuals who made oral submissions or were consulted

We would like to thank all those who took time to provide oral evidence and to those from whom advice was received.

Organisations

- An Garda Síochána
- Association of Higher Civil and Public Servants – Governors' Group
- City of Dublin Education and Training Board
- Department of Justice and Equality
- Department of Public Expenditure and Reform
- Irish Congress of Trade Unions
- Irish Human Rights and Equality Commission
- Irish Penal Reform Trust
- Irish Prison Service
- Jesuit Centre for Faith and Justice
- Law Society of Ireland
- Parole Board
- Prison Administration Support Officers
- Probation Service
- Prison Chaplains
- Prison Officers' Association
- Visiting Committee Dóchas Centre
- Visiting Committee Mountjoy Prison

Individuals

- Sean Lawless
- Gráinne McMorrow SC
- Dr Mary Rogan
- Aoife Watters

Appendix 3

International comparators: Norway and Scotland

In carrying out this review we decided that it would be useful to draw comparisons with the Norwegian Department of Corrections and the Scottish Prison Service both of which have a number of similarities with the Irish Prison Service.

Norwegian Department of Corrections

In the course of two days we visited and had discussions with the Director General and senior officials in the headquarters of the Department of Corrections and with the Director and senior personnel in the Staff Academy. We also visited Halden Prison.

Some points of interest:

- The Department of Corrections is part of the Ministry of Justice and Public Security.
- Norway has approximately the same number of prisoners as Ireland although the population of the country is higher.
- The Department of Corrections has broadly the same number of staff as the IPS although a much higher proportion (40 per cent) are female. There is a target for recruitment from ethnic minorities.
- A significant point of contrast between the two countries is the number and size of the prisons. Ireland has 13 prisons, with the largest (Midlands) holding 870 prisoners and two others (Mountjoy and Wheatfield) holding over 500. In contrast Norway has 43 prisons organised in five regions. The largest (in Oslo) has capacity for 392 prisoners and the smallest for 13, with the average capacity around 70. In other words, prisons are much smaller and much more community based.
- Norwegian prisons operate on the “principle of normality” which stipulates that:
 - The punishment of imprisonment consists of the restriction of liberty; no other rights have been removed by the sentencing court. Therefore the sentenced offender has all the same rights as all others who live in Norway.
 - No one shall serve their sentence under stricter conditions than are necessary for the security of the community. Therefore, offenders shall be placed in the lowest possible security regime.
 - During the serving of a sentence life inside the prison will resemble life outside as much as possible.
- Every prisoner is assigned a contact officer who assists in contacts with third party service providers and other officials within the prison system.
- An independent survey published in 2010 showed that around 20 per cent of those released

from prison reoffended within two years, a figure which is substantially lower than in Ireland.

- New recruit prison officers undertake a two-year education at the Staff Academy, where they receive full pay and are taught in various subjects including psychology, criminology, law, human rights and ethics.⁴³

We are extremely grateful for the assistance and warm welcome which we received from Director General Marianne Volla, Harald Føsker (Director for International Co-operation), Hans-Jørgen Brucker (Director of the Staff Academy), Are Høidal (Director of Halden Prison) and all their staff and colleagues.

Scottish Prison Service

In the course of two days we visited and had discussions with the Chief Executive and senior officials in the headquarters of the Scottish Prison Service, with the Head of Learning and Development and her senior colleagues in the Scottish Prison Service College and with HM Chief Inspector of Prisons for Scotland. We also visited Edinburgh Prison.

Some points of interest:

- The Scottish Prison Service (SPS) has been an executive agency of the Scottish Government since 1993.
- With some 7,700 prisoners, the rate of imprisonment per 100,000 of the population in Scotland is much higher (144) than in Ireland (79).
- There are 15 prisons, two of which are privately managed. The largest (Barlinnie in Glasgow) holds some 1,300 prisoners, seven hold more than 500 prisoners and the smallest holds about 120.
- The Chief Executive's Office directly oversees change management, communications, compliance and legal services, financial policy and services, and performance and audits.
- There are three headquarters directorates responsible for Strategy and Innovation, Operations and Corporate Services.
- The Chief Executive places stress on the Service's People Strategy which has four main streams: professionalism, leadership, culture and human resources effectiveness.
- The Chief Executive is the Accountable Officer for the Agency's budget which forms a section within that of the Scottish Government Justice Portfolio. SPS accounts are audited annually by the Auditor General for Scotland.
- The SPS Framework Document sets out the policy and resources framework set by Scottish Ministers within which the SPS operates. This document is the main source of authority for the Chief Executive to lead the SPS and includes his delegated limits. The Chief Executive in turn, has established schemes of delegation for each of the Executive Directors.
- The SPS has a 'whistleblowing' policy. Arrangements include a confidential hotline to which staff and members of the public can report issues of concern. There is a similar facility for members of staff or the public to report suspected fraud.⁴⁴

43 All of this data is to be found on the website of the Norwegian Correctional Service: www.kriminalomsorgen.no

44 All of this information can be found in greater detail on the website of the Scottish Prison Service: www.sps.gov.uk

We are extremely grateful for the welcome and generous assistance which we received from Chief Executive Colin McConnell, Catherine Topley (Director of Corporate Services), Kate Hudson (Head of Learning and Development), Theresa Medhurst (Governor of Edinburgh Prison) and all their staff and colleagues. Our thanks also go to David Strang QPM, HM Chief Inspector of Prisons for Scotland.

Appendix 4

Abbreviations

ACO	Assistant Chief Officer
AHCPS	Association of Higher Civil and Public Servants
DDG	Deputy Director General
DPER	Department of Public Expenditure and Reform
HCCC	Higher Certificate in Custodial Care
HETAC	Higher Education and Training Awards Council
HSE	Health Service Executive
ICCPR	International Covenant on Civil and Political Rights
IPS	Irish Prison Service
LETBs	Local Education Training Boards
NCPDNM	National Council for the Professional Development of Nursing and Midwifery
OSG	Operational Support Group
PASO	Prison Administration and Support Officer
PFOC	Proposal for Organisational Change
PMDS	Performance Management and Development Systems
POA	Prison Officers' Association
PSEC	Prison Service Escort Corps
RPO	Recruit Prison Officer
SOLAS	Further Education and Training Authority
SPS	Scottish Prison Service
TLO	Training Liaison Officer
T&S	Travel and Subsistence