

PROTOCOL

BETWEEN

**CRIMINAL JUSTICE INSPECTION NORTHERN
IRELAND (CJI)**



and

HER MAJESTY'S CHIEF INSPECTOR OF PRISONS



Introduction

Her Majesty's Inspectorate of Prisons

- 1.1 Her Majesty's Inspectorate of Prisons (HMIP) was established as an independent inspectorate in 1980. It carries out its functions under section 5A of the Prison Act 1952, as amended by the Criminal Justice Act 1982, and the Immigration and Asylum Act 1999. The main statutory functions are to inspect and report to the relevant Secretary of State on the conditions for and treatment of those detained in Prisons and young offender institutions in England and Wales, and immigration removal centres, short term holding facilities and escorts in England, Wales and Scotland. In addition, HMIP inspects by invitation prison establishments in other jurisdictions.

Criminal Justice Inspection Northern Ireland

- 1.2 Criminal Justice Inspection Northern Ireland (CJINI) is an independent statutory inspectorate, established under the Justice (Northern Ireland) Act 2002, constituted as a non-departmental public body in the person of the Chief Inspector. The CJINI was established in accordance with Recommendation 263 of the *Review of the Criminal Justice System in Northern Ireland* of March, 2000.

Inspection

- 1.3 HM Chief Inspector of Prisons (HMCIP), at the request of CJINI, will provide an inspection team to carry out inspections of conditions in prisons in Northern Ireland and the treatment of prisoners held in them. Inspections will cover all aspects of the regime and treatment of prisoners, including learning and skills and healthcare. An unannounced inspection will be carried out during the period between full inspections to assess the progress made against the recommendations of the previous full inspection. The nature, scale and timing of a follow up inspection will be based on risk assessment.

Methodology

- 1.4 Inspections will be carried out against HMCIP's published inspection criteria and methodology, and in line with the four tests of a healthy custodial environment as set out in Expectations: criteria for assessing the conditions in prisons and the treatment of prisoners. The four tests are:

Safety prisoners, even the most vulnerable, are held in safety

Respect	prisoners are treated with respect for their human dignity
Purposeful activity	prisoners are able, and expected to, engage in activity that is likely to benefit them
Resettlement	prisoners are prepared for release into the community and are helped to reduce the likelihood of reoffending

Planning

- 1.5 HMCIP and CJINI will agree, based on the requirements of CJINI, the dates of announced and unannounced inspections. A member of the inspection team will visit the site of an announced inspection six to eight weeks prior to an announced inspection to discuss all aspects of the inspection and to ensure that pre-inspection information is obtained in good time. A researcher will accompany the team leader to carry out a confidential survey of prisoners (see 1.10 below). HMCIP will specify in writing the information required before the inspection as well as information to be provided on the first day of inspection.
- 1.6 Joint planning for an unannounced inspection will take place between HMCIP and CJINI.
- 1.7 HMIP and CJINI will keep each other informed of developments and share information (within statutory limitations) in order to minimise burdens upon establishments and enable greater efficiency and effectiveness in relation to each Inspectorate's role.

Staffing arrangements

- 1.8 The inspection will be led by HMIP using a number of core inspectors, these may include one with knowledge of the specific provisions that relate to the detention of those under aged 18 when the prison holds young people under age 18. They will be assisted by specialist healthcare inspectors, experienced in the provision of healthcare in a custodial setting and by a researcher.
- 1.9 Full inspections will be conducted jointly under agreed protocols with inspectors from the Education and Training Inspectorate and the Regulation and Quality Improvement Agency. In addition, HMCIP will commission support as necessary from the Royal Pharmaceutical Society and the Dental Practice Division (NHS Business Service Agency).

- 1.10 Members of CJINI will work with the inspection team as agreed between the two inspectorates.
- 1.11 All inspectors will be bound by the Official Secrets Act and are subject to enhanced Criminal Records Bureau checks.

Evidence gathering

- 1.12 HMCIP, CJINI and their representatives will have access to all relevant documentation during the inspection and will be able to hear the views of both prisoners and staff in private. A confidential survey of prisoners will be carried out prior to the inspection (findings will be made available to the establishment as part of the report).
- 1.13 CJINI will ensure that inspectors are provided with the relevant laws and regulations that apply to prisons in Northern Ireland, and with the specific issues that arise in relation to the treatment and conditions in which prisoners are held.
- 1.14 The inspection team will seek the views of the prison's Independent Monitoring Board (IMB).

Debrief

- 1.15 During the inspection the team leader will regularly debrief the Governor on emerging findings and key issues and inform CJINI of any major concerns at the time.
- 1.16 At the end of the inspection, HMCIP, in conjunction with the Chief Inspector CJINI, will formally debrief the Governor and other relevant personnel on the overall findings using the four tests of a healthy custodial environment. The Governor may invite the Chairperson of the IMB and anyone else s/he deems appropriate to attend the debrief.

Reporting arrangements

- 1.17 Within seven to eight weeks of the end of the inspection, HMCIP will present a report to be checked by Northern Ireland Prison Service (NIPS) for factual accuracy. NIPS will respond within three weeks; any follow up responses from HMCIP will be completed within a further two weeks. The report will be submitted to the relevant Minister(s) with a view to publication at the earliest appropriate point agreed with CJINI. The report will include recommendations for change, where appropriate, and will record areas of good practice.

Costs

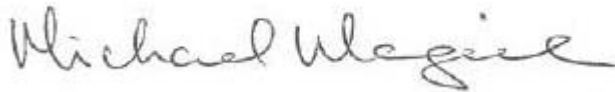
- 1.18 CJINI will reimburse HMCIP for inspector and researcher hours deployed on the inspection and subsequent analysis and writing up.

Inspections will be costed at £82.46 per hour, with 5% added for departmental overheads up to a ceiling of £40,000 for each inspection.

Dispute resolution

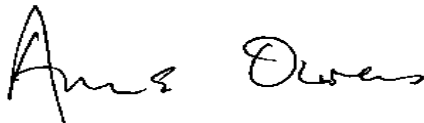
- 1.19 If a dispute arises concerning non-compliance with this protocol, and that dispute cannot be resolved between HMCIP and the Chief Inspector CJINI to their mutual satisfactions, both parties will agree to refer to independent arbitration of a kind acceptable to both parties.

Signed



Michael Maguire
Chief Inspector of Criminal Justice Inspection

2.2.09
Date



Anne Owers
HM Chief Inspector of Prisons

9.3.09
Date