

2017 Reports of the Comptroller and Auditor General

Appropriation Accounts 2017- Vote 21: Prisons

Committee of Public Accounts, 17th January 2019

Opening Statement

Mr. Aidan O' Driscoll, Secretary General

Ms. Caron McCaffrey, Director General, Irish Prison Service

CHECK AGAINST DELIVERY

Mr. Chairman,

I welcome the opportunity to meet with the Committee in relation to the 2017 Appropriation Account for the Prisons Vote. I propose to keep my opening remarks brief and hand over to the newly appointed Director General of the Prison Service, Ms. Caron McCaffrey who will also make a brief opening statement.

The Prisons Service is a key component of the criminal justice system and its voted expenditure is directed towards one strategic programme: provision of safe, secure, humane and rehabilitative custody for people sent to prison.

The gross expenditure for the Vote in 2017 was €326.9 million of which 71% relates to payroll costs, 22% related to non-pay current expenditure and 7% or €22.8 million was capital related. The Prison Service currently operates twelve prisons, there were 9,287 committals to prisons with a daily average of 3,680 prisoners in custody during 2017. In total there were 3,186 (fulltime equivalents) staff in the Irish Prison Service (IPS) at the end of 2017.

The IPS operates as an executive office of the Department of Justice and Equality within a statutory framework and policy parameters established by the Minister. The practical effect is that while the Secretary General of the day is the accounting officer for the vote, the Director General of the IPS and her team carry out the day-to-day operation of the prisons system.

Each year, the Director General of the IPS and the Assistant Secretary in charge of Prisons and Probation Policy agree and sign an Oversight and Performance Agreement. This commits to a

minimum of two formal governance meetings per year. Further, this is subject to a yearly review by the Agency Governance Oversight Subgroup, which conducts an annual governance overview of the bodies under the aegis of the Department and reports to the Management Board on any key issues arising or matters of concern.

The Committee may wish to note that a number of reports over the years have recommended greater autonomy for the prison service from the Department. Recent reports in this regard include an Inspector of Prisons' report of November 2015. The Effectiveness and Renewal Group (ERG) recommended in 2018 that the Government examine converting the operational elements of the Irish Prison Service into a separate agency and the ERG may return to this issue in its next report.

In part, what is generally envisaged is that the Director General would become the appropriate authority for issues relating to staff management including disciplinary matters and possibly the accounting officer for expenditure on the Prisons Vote.

These matters are being pursued with the Department of Public Expenditure and Reform and in order to give them effect they will involve legislative change.

This approach is consistent with the review of the governance relationship with our agencies which is taking place alongside the very significant Transformation Programme in the Department which I am currently leading. I am pleased to inform the Committee that this project is underway with the major restructuring of the Department to be completed over the next nine months.

I would also like to refer to the fact that penal policy is constantly evolving, and the Department and its agencies continue to work towards implementing the recommendations of the Penal Policy Review Group. The recommendations of this body emphasised, among other things, the importance of interagency cooperation in the development and implementation of penal policy.

I will now turn briefly to certain matters which have been receiving attention of late in relation to the Prison Service. A Court affidavit by a serving prison officer makes allegations about activities in the prison service, including unauthorised surveillance. Notwithstanding that it was the subject of a newspaper article, that affidavit has not yet been opened in Court and so its details cannot be publicly discussed. The Committee will be aware that because the Minister was of the view that the publication of these allegations created a public concern, he asked the Inspector of Prisons to carry out an urgent preliminary investigation to determine the facts as far as possible and make a report to him. This investigation is now underway and we await its outcome.

I am also aware also that the Committee recently met a prison officer in private session in relation to certain matters, which I assume included reference to a protected disclosure made by the officer in question. As there are ongoing issues in relation to this particular case, including matters before the Courts, we cannot comment on the specifics of the case during today's proceedings.

However, in relation to protected disclosures generally, I can say that the Department put in place a Protected Disclosure policy in 2015 in accordance with the requirements of the Act. The procedures were updated in 2018 to provide for external independent assessment and investigation of disclosures made by

Department staff. Over the past three years the Department has also engaged Transparency international Ireland (TII) to provide advice and support to disclosers and also participates in TII's Integrity at Work initiative which facilitates the Department and its agencies to learn about best practice at multi-stakeholder forums and annual conference as well as testing and developing existing policies and procedures on whistleblowing.

I will hand over at this point to Director General Caron McCaffrey.

I would like to inform the Committee that a review of the Protected Disclosures Policy for the Irish Prison Service has taken place and a revised policy was introduced in July 2018. The review was carried out to ensure that procedures regarding protected disclosures are up to date, in line with best practice and to take into account any lessons learned from protected disclosures received to date. An assessment undertaken with Transparency International Ireland informed the review.

Arising from the review, a number of new measures have been put in place in relation to the protected disclosure process. They include independent professional advice for staff in relation to the process and enhanced independent external assessment of disclosures including all notifications of penalisation. Employees making disclosures are now also provided with periodic and confidential feedback regarding assessment, investigation or review.

The Committee has in past expressed concern about the level of sick leave in the Prison Service. There are limited international comparators available to us as very few countries publish sick leave statistics for their respective prison services. However, from the figures available to us, the 2017 sick leave figure of 15.7 days per

employee per year places the Irish Prison Service at the lower end of the scale when compared to other prison services. Comparable figures for 2017 show, Northern Ireland reported a figure of 19.7, Denmark 21.9, Latvia 18.88 and Slovenia 15.3 days per member of staff.

Prison Staff work in an extremely challenging environment in which, on a daily basis, they face unique circumstances unlike most others in the public sector. Notwithstanding this, the Irish Prison Service is tackling the unacceptable level of sick leave we are currently experiencing in two ways. Firstly, by providing staff with the best possible supports to target the work-related causes of sick leave, and secondly, through focussed, structured management of all absences to identify and reduce absenteeism.

The Irish Prison Service is committed to strengthening the support we provide for our staff. In addition to the Employee Assistance Programme which has two national officers and over 40 locally appointed Staff Support Officers. The supports in place for staff include,

- An Independent Counselling Service which we introduced in October 2016. This service is available to all staff, is free of charge, and provides staff with access to up to 6 counselling sessions for support covering a wide range of issues.
- In 2019 the Service will complete the introduction of the Critical Incident Stress Management model of support interventions for staff, which has been endorsed by the State Claims Agency. The Critical Incident Stress Management model aims to minimise the emotional impact of critical incidents on staff, increase the resistance and resilience of staff to harmful stress and prevent the harmful effects on

staff of such incidents by working with and supporting employees at the time of critical incidents.

Finally, I wish to pay tribute to the employees of the Prisons Service, many of whom work in a difficult and challenging environment to maintain a safe, secure and humane prison system which contributes to safer communities.

Both the Secretary General and I will be happy to take any questions you may have.