



INDEPENDENT MONITORING BOARD
ANNUAL REPORT 2022/23
MAGHABERRY PRISON

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Mission Statement

To enhance the quality of prison life, by working to ensure fairness and accountability in prison.

Statement of Purpose

Members of the Independent Monitoring Board (IMB) for Maghaberry Prison who have served more than 3 years were appointed by the Justice Minister under Section 10 of the Prison Act (NI) 1953. New members to the Board were appointed by the Permanent Secretary to the Department of Justice.

The Board is required to:

- visit Maghaberry regularly and report to Justice Minister on the conditions of imprisonment and the treatment of offenders;
- consider requests and complaints made by prisoners to the Board;
- report matters of concern to the Governor or, in serious cases, the Justice Minister; and
- Exercise certain powers that are given to the Prison and Young Offenders Rules (NI) 2005.

The Prison Rules further require the Board to satisfy itself as to:

- the treatment of prisoners including provision for their healthcare and other welfare while in prison;
- the facilities available to prisoners to allow them to make purposeful use of their time; and
- The cleanliness and adequacy of prison premises.

To enable the Board to carry out these duties effectively, its members have free access at any time to all prisoners and to all parts of the prison to which they are appointed. In exercising their rights under the Prison Rules, members shall take into consideration the matters referred to in Rule 124 (5) which state, in the exercise of any of its powers, the Board will not:

- undermine the security and good order of the prison;
- prejudice the efficient operation of the prison; or

- prevent the proper treatment of prisoners.

The Board shall also have reasonable access to any of the records of the prison, with the exception of medical records and matters of national security.

UK National Preventive Mechanism

The IMB is part of the United Kingdom National Preventive Mechanism (UK NPM) as required by the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Chair's Introduction 2022/23

I am pleased to introduce the Annual Report of the Independent Monitoring Board (IMB) in Maghaberry Prison for 2022/23.

Unfortunately, before I present the 2022/23 report, I need to highlight that the Annual Report for 2021/22 submitted by the IMB for Maghaberry was significantly delayed in its publication by the Department of Justice (DOJ). This is both disappointing and deeply concerning. The IMB are required to produce an annual report for the Minister of Justice, or the Secretary of State and this report forms part of the National Preventive Mechanism for the whole of the United Kingdom, so the report not being published in a timely manner raises significant concerns around Departmental involvement in the workings of an independent body.

The failure to publish the report in a timely manner has a direct impact on the ability of the Prison Service to act upon the observations and monitoring of the Board, as required by the Prison Act 1953. This subsequently has the potential to impact on the treatment of those held in custody and is clearly unacceptable. The delay in publishing the Maghaberry IMB report was replicated in the two other IMB Boards in Northern Ireland which raises significant questions in relation to the relationship between all the independently appointed Boards, the Department, and its officials. The Executive Council of the Independent Monitoring Boards raised the concerns of all three Boards and following robust but constructive discussions with Departmental Officials, we are hopeful there will be no re-occurrence in the future.

In relation to the IMB Board at Maghaberry, the number of members continues to be disappointingly low, which combined with an increasing prison population has placed a significant burden on the existing members. The present model of terms of appointment and the difficulty with recruitment has resulted in a second year of extension for a number of Board members. Whilst I am grateful to have the continued support of these member who are going 'above and beyond', what was asked of them under the terms and conditions set out by the Department, there is an urgent need for a review into the sustainability of Boards moving forward.

The general picture within Maghaberry Prison is that of a stable regime however over the reporting year, there has been a significant incident resulting in prisoners taking part in a rooftop protest which was observed and monitored by the IMB, which again highlights the volatile and unpredictable nature of a prison environment. The issue of drug misuse whether that be illicit or prescription, still remains a substantial concern however the recent introduction of Body Scanners should prove a significant addition to assist prison staff to reduce the quantity of drugs entering the prison.

The introduction of these full body scanners into Maghaberry, which the IMB have been encouraging for a number of years, will have a substantial impact on the movement of illicit items into the prison and will contribute greatly to a safer environment, which will form a significant part of our observations in next year's report.

During the reporting period there have unfortunately been 4 deaths in custody. The IMB Board extend their sympathies to the families of those involved and recognise the efforts of prison and Healthcare staff in trying to prevent the loss of life within the prison.

There have also been a number of bereavements affecting prison staff and we would like to extend our sympathies to those who have lost loved ones

.

Over the past year IMB members have contributed to the prison regime through, prisoner requests, attendance at Rule 32 Case Reviews, Care and Supervision Unit (CSU) checks, adjudications, Governor, and functional unit meetings and Cold Debriefs on over 1700 occasions which is an exceptional effort from a small group of volunteers giving freely of their time.

I wish to express my sincere thanks to everyone on the Board and acknowledge the support they are given by their families to carry out this role.

I would also wish to acknowledge the efforts of individuals within the Sponsor Body who have taken a significant interest in the work of the IMB and have recognised that without major engagement the Department may struggle to ensure the sustainability

of the IMB moving forward and that it will be important that a collaborative and partnership approach is developed.

Can I also take this opportunity to acknowledge the management of the prison in having an open and frank relationship with the Board? There have been occasions of disagreement and challenge but overall, there has been a positive focus on outcomes for those held in custody and I believe that the IMB continues to make a substantial contribution to that positive outcome.

John Denvir

Chairperson | Independent Monitoring Board | Maghaberry Prison

Overview of Maghaberry Prison

Maghaberry is a modern high security category A prison, with the capacity to hold 1935 prisoners in shared cells under crowded conditions but with an operational capacity of 1415. All adult males - regardless of their crime or length of sentence - are initially housed within Maghaberry. The prison holds individuals from category A to D:

- Category A prisoners are those that would pose the most threat to the public, police or national security should they escape. Security conditions in category A prisons are designed to make escape impossible for these prisoners.
- Category B prisoners do not need to be held in the highest security conditions but, for category B prisoners, the escape should be made very difficult.
- Category C prisoners cannot be trusted in open conditions but are considered unlikely to make a determined escape attempt.
- Category D prisoners can be trusted in open conditions.
- Un-sentenced prisoners or prisoners on remand awaiting trial are generally housed in normal prison population unless they have been provisionally classified as category A.

The prison also holds republican and loyalist prisoners under a separated regime as defined under the Steele Report 2003.

Safer Custody

Over the past year the observations of the IMB would support that the maintaining of safety within HMP Maghaberry remains a priority for staff at all levels. Whilst at times the numbers associated with violence and use of force may contradict this view, the prison does generally provide a safe environment.

Four deaths occurred this reporting year compared to three in year 2021/22. IMB has been informed promptly of all these incidents and the prison has a system in place to record all relevant details. The IMB records incidents in Serious Incidents log and communicates with the Governor and the Prison Ombudsman's Office in relation to any investigation. We will also attend cold debriefs resulting from such incidents and ask any relevant questions and are encouraged by the fact that the prison is using

“quick time learning” as a way to fast-track any learning outcomes as a matter of urgency.

There have been a number of incidents of a serious nature which have occurred during the reporting year and IMB continues to be disappointed in the percentage of incidents where body worn cameras are not used. IMB remains concerned that the use of body worn cameras is still not fully embedded into the prison culture. The prison was unable to provide any statistics of serious incidents for 2022/23.

In this reporting year the IMB monitored a serious breach of security in the Mourne complex of the prison where four prisoners made their way onto the roof of a building disrupting prison activities and causing damage. The incident lasted for several hours and involved the establishment of bronze, silver, and gold command. Trained negotiators were used in conjunction with tactical support officers to bring the incident to a successful conclusion in the early hours of the morning. The IMB monitored a professional operation and accompanied the four prisoners to the CSU to ensure that procedure and protocol were adhered to. We can report that during the monitoring period, the IMB were satisfied with the conduct of prison personnel.

The IMB however did raise the issue around the completion of the operational report into the incident and queried why NIPS had not sought IMB views on any aspects of what had occurred including the reasons as to why the individuals had gone on the roof in the first instance. Having spoken to the Governor our understanding is that the initial operational reports will deal with the reporting of the logistics of the incident, but a further detailed report is being explored which has the potential for the IMB to make a contribution.

The IMB also raised the matter of transgender prisoners and what processes, policies and training were provided by NIPS. We were disappointed at times with the lack of direction on this issue and even though we were informed that policy and training was provided to prison officers, we could find little tangible evidence of that. We will continue to monitor this matter especially in relation to familiarisation and training for staff.

The introduction of the X-ray body scanners introduced in March 2023 has been long awaited and already the operational success of these machines appears to be substantial as there has been a significant increase in the number of placements in the Care & Supervision Unit to the extent that Bann House had to be used for the overflow of new committals suspected of carrying illicit items for a short time. Failure to surrender the item leads to a placement in the Care & Supervision Unit under the secreted items policy, until such time that the prisoner is scanned clear, or the item is surrendered.

IMB note that drug finds within the prison establishment have increased from 460 for the period 2021/22 to 714 for the period 2022/23 and passive dog indications at visits has increased from 8 for the period 2021/22 to 80 for the period 2022/23. The Board will continue to monitor.

IMB is satisfied that all prisons held in the Care & Supervision Unit receive a good standard of care. There is evidence of multidisciplinary working to produce progression plans. In the last 12 months two prisoners have been held in excess of 42 days which we continue to highlight to the management should be looked at as a matter of concern for everyone. The multidisciplinary team caring for these prisoners consider their behaviour too unpredictable to allow them to be in the general prison population. These prisoners' present significant challenges, their erratic behaviours interspersed with periods of stability when housed in the CSU can lead to their situation as being seen as acceptable or normal which is a situation, we continue to highlight with both the prison management and healthcare. The IMB engages with these individuals regularly and is assured that the prison is perusing all options regarding their continued detention in the CSU in order that their separation from normal prison population should be as short as possible.

The IMB recognises the work done by staff to keep individuals safe both from others and themselves. The recognition at an early stage that an individual is showing signs of being on a spectrum, early intervention by prison staff and targeted work by mental health personnel have also been observed and should be commended. Statistics show supporting prisoners at risk has increased from 572 for year 2021/22 to 710 for year 2022/23 and bullying incidents have decreased from 200 for year

2021/22 to 195 for year 2022/23. The IMB have observed occasions where prison staff have engaged with prisoners and have not fully recognised signs of mental or emotional distress which can be of course difficult, and we believe requires continuous awareness from officers which this may require further training to be introduced.

The prison is unable to provide IMB with statistics on suicide attempts which we believe is an area that should be addressed so that prison staff can be recognised for the work they do to prevent the loss of life. We would encourage prison management to enable training so that all officers can recognise indicators which would identify an individual with particular needs so they can interact accordingly flagging potential issues to relevant agencies.

Assaults – Prisoner on Prisoner	
2021/22	68
2022/23	49

Assaults – Prisoner on Staff	
2021/22	47
2022/23	47

- There was one serious incident involving prisoners gaining access to the roof of Braid complex.
- Five prisoner on prisoner assaults reported to Police Service of Northern Ireland (PSNI) by NIPS.
- Three cell wrecks reported to PSNI by NIPS.
- Thirteen incidents of drug recovery reported to PSNI by NIPS
- Seven visits related drug finds resulting in arrest of visitors reported to PSNI by NIPS.

A number of prisoners have reported occasions where they have been treated unfairly by prison staff and have felt they cannot go through the normal complaints procedure to have the matter dealt with. These issues have been raised with the

prison management where we have pointed out incidents of poor practice and misuse of authority. Management should consider making prisoners aware that issues of this nature could be discussed at the monthly prisoners' forum as this is the only forum within the prison where representatives from all Houses meet, to raise and discuss items of concern. We believe this is under consideration.

IMB continue to observe that the chaplaincy team provides extensive support to the prisoners and their families. The core chaplaincy team covers many denominations and faiths. As part of the induction of new prisoners the team has continued to speak to all prisoners within 24 hours of arrival and to ensure immediate contact with families and support them regardless of religious beliefs. Through discussions with prisoners, the chaplaincy team provides an especially important role. An area of concern for IMB is the small number of listeners within the prison, currently there are 5 listeners for a prison population shy of 1200. IMB have brought it to the attention of the Governor responsible for safer custody and will continue to monitor.

Property issues account for a substantial number of applications for the Board to follow up on. A substantial number of concerns raised related to prisoners not being allowed to retain all the items brought or sent in with them. In general, the IMB on monitoring the situation, find that a large number of these complaints are as a result of security factors which cannot be challenged around things like colour, type of clothing or the material they are made of.

The alleged loss of property in the prison when transferring from their cell to another location within the prison has also been a major concern over the reporting year and the IMB have encourage prison management to look at a more robust system in respect of this. A prisons property policy was introduced from 25th October 2022, whilst it is too early to comment on the success of this it can be evidenced that property has an impact on the quality and stability of prison life. The Board will continue to monitor.

Monitoring Observations & Actions:

- Conditions in the prison can be described as stable due in no small way to the actions of staff and management we will continue to monitor and observe to ensure policy and procedures are being applied with efficiency and fairness.

- The introduction of Body Scanners should have a significant impact on NIPS to reduce the level of illicit items getting into the prison we will continue to monitor moving forward.
- We will continue to probe the limited number of incidents where prisoners feel they have been mistreated and cannot avail of the normal prison complaints procedure.
- We continue to highlight the situation of a prisoner who has remained within in CSU for a significant period of time and again encourage all involved to try and break the circumstance he finds himself in.

HEALTHCARE

Background:

Primary health care and mental health on the Maghaberry site, since 2010, has been the responsibility of the South-Eastern Health and Social Care Trust (SEHSCT). Its medical provision and responsibilities within the prison are separate from the Northern Ireland Prison service (NIPS).

Its provision includes a wide range of medical supports and interventions that are appropriate to and can be managed within the Maghaberry site. As required additional and supporting medical provision for prisoners (patients) can be sourced beyond the site. This includes other specialised units such as Shannon (Knockbracken) and within other health trusts such as the Belfast Trust.

The present provision has historically developed from provision on site in the prison hospital housed in Moyola, where the main health hub is now located and to a range of developing extended hubs spread across the site in Davis (Level 2) and Bann, as well as existing and developing health related outreach programmes addressing physical and mental health issues. There is currently provision for in-house X-Ray and Ultrasound.

Management of medical provision on site is directed by a Lead Nurse, covering a wide range of medical, mental health and general health welfare provisions. The staff interact with a high percentage of the prison population on a daily basis, many such

interactions are of a complex and sustained nature. The staff have access to the Electronic Care Record (ECR), which is a common medical data base used across the health care system so that the previous medical history of a prisoner patient can be accessed. Both the management systems of the onsite health provision and Maghaberry prison communicate on a regular basis to inform each other of ongoing issues common to the site.

The Service operates its own referral and complaints system independent of the management and data systems of the NIPS.

Observations:

- Increasingly the operational relationship between the NIPS (Maghaberry) and the Trust (onsite provision) has been developing gradually over a sustained period of time. While there is still much work to be done on this interface, positive and lasting working relationships are being developed. Discussions at senior level within the NIPS and SEHSCT would help significantly to advance these relationships particularly discussions around a service level agreement for these existing and future arrangements.
- Where more than one Trust overlaps in relation to HMP Maghaberry service delivery for prisoners who need to access one or more Trust, could operate in a more co-operative, accessible, and consistent manner.
- Health care professionals working with prisoners need to ensure that their patients have a clear understanding of the rationale behind medical decisions taken for their welfare and care. Where this is not the case, it can cause and does cause unnecessary anxiety with the prisoner-patient and can and does have impacts for the management of the prisoner in other areas of the prison.
- The current revised system by which a prisoner can provide feedback on the medical care and interventions they are receiving, while accessible, does not always generate a timely response. Response times and the quality of engagement with the prisoner thereafter on too many occasions is inconsistent across the range of care professionals on site.
- Medical professionals at HMP Maghaberry play a crucial role in the overall assessment of prisoner welfare. Where welfare issues are being discussed within the prison and concerning a prisoner-patient, the relevant health care

professional who can contribute to the best meaningful discussion should be present at those discussions.

Monitoring Observations & Actions:

- The IMB will continue to monitor the developing and progressing working relationships on site between medical provision and NIPS to ensure that the functioning of both interfaces ensures good prisoner patient welfare and care.
- The IMB will monitor with interest how the prisoner-patient experience of onsite health provision reflects the clear and appropriate standards set for this important and crucial aspect of prison life.
- IMB will seek to assess the impact of developing and new health related initiatives across the site in 2023/24 namely Quality for All (Discharge Work), mental health lead for foreign nationals, development of mental health work for those who attend Donard, Lunch and Learn sessions for prison staff on a range mental/medical issues and their impacts on the management of a prisoner-patient, and the care and support of on-site health professionals.

CARE AND SUPERVISION UNIT

The Care and Supervision Unit (CSU) is a section of the prison where some of the most vulnerable, mentally unwell, violent, and challenging prisoners are separated from the rest of those held in custody.

Individuals can be placed there for the reasons outlined above or where there has been a serious breach of prison rules. The IMB for a number of years had reported concerns around the effective use of this unit and our concerns we believe contributed to the Minister for Justice asking the Criminal Justice Inspection Northern Ireland (CJINI) to undertake a review of all three CSU across the Northern Ireland Prison Service portfolio.

This review was undertaken in February 2022 and resulted in three strategic recommendations centred on a standardisation of treatment of prisoners held in the CSU, the provision of effective Healthcare treatment and lastly on the education of prisoners whilst held in the CSU.

The review looked at what was meant by 'meaningful contact' in the context of the CSU. Over the twelve-month period since the report the IMB have monitored senior officers and staff interacting both as individuals and as a team in an incredibly positive way with those under their care.

There have been few if any complaints that the IMB have been made aware of in relation to interaction between prisoners and staff. Indeed, it is fair to say that many prisoners have expressed their gratitude to those officers looking after them. The IMB continues to monitor a positive and professional attitude among staff even when dealing with both challenging individuals and demanding situations.

In relation to the facilities, the CSU was not designed in Maghaberry with the foresight of needing to facilitate the complex needs of prisoners but following the review there is now a programme of improvements which should be beneficial to both prisoners and staff. These improvements will require substantial investment and the IMB would encourage the Department to ensure that funding will not be reduced in relation to the proposals that have been agreed.

There is however a balance to be met whereby the CSU needs to be a facility which needs to be a deterrent for those who break prison rules but offers a place of welfare and safety for vulnerable prisoners. This is a complicated balance to achieve and will require a holistic and standardisation approach across all establishments. There may also be merit in looking at a dedicated discipline unit separate from those prisoners who need specific and specialised care.

The IMB have been impressed by the introduction and outworking of a weekly CSU review meeting chaired by a Governor which is a very prisoner focused meeting. These meetings are well attended by healthcare professionals and by those with an interest in establishing an exit plan for prisoners from the CSU.

The level of positive engagement by all those involved should be commended. In relation to meaningful engagement with prisoners in the CSU, which was highlighted within the CJINI report, it is always difficult to place a measurement on this activity but what the IMB have observed is that there continues to be a

significant level of positive engagement between staff and those housed in the CSU. For those who have been in the CSU for a considerable period of time there is clear evidence of staff going above and beyond what would be expected of them in relation to improving the mind-set and wellbeing of prisoners.

The introduction of QR codes on cell doors which records interaction between prisoners, staff and other agencies is a useful tool in building a picture around engagement.

In relation to some individuals who have been in the CSU for a substantial period of time the IMB continue to raise our concerns. There is one individual who has been housed in the CSU for the best part of three years and there seems little prospect of that changing in the near future. Whilst we fully understand that we are not mental health professionals what is clear to the IMB, and the prison service is that there is an individual who is clearly mentally unwell, and we would again urge an urgent review of the circumstances around that individual. What we would again wish to highlight is the exception care and empathy shown by the CSU staff in relation to this individual.

The training, selection and welfare of staff as highlighted in the CIJNI report looks to be well embedded within the ethos of the CSU and the operational leadership and strategic overview is at present commendable.

In relation to the overall treatment of those in the CSU it is clear there is a more holistic and structured approach to education, physical activity, nutrition, and meaningful activities all of which have contributed to a stable regime.

In the monitoring of Rule 32s, which is the review of the extension of periods of time prisoners are held in the CSU, the IMB have been encouraged by the consistency of approach by Governors in the adjudications of these reviews.

Towards the end of the reporting period NIPS have introduced X-Ray Body Scanners into HMP Maghaberry. This has resulted in a significant increase of prisoners being identified and held in the CSU in regard to breaking prison rules which has placed a

huge burden on staff and indeed the IMB. This is likely to be an area of substantive monitoring and observation as we move into the 2023/24 reporting period.

In relation to healthcare provision within the CSU the IMB still remain concerned that assessment of individuals who are clearly unwell and unstable can on occasions take a significant period of time. There have been times when staff have been left to deal with vulnerable and volatile prisoners where it is not obvious that prison is the environment, they should be in. The diagnoses of mental health issues in prisons and the pathway to a more conducive environment for those individuals, should be revisited by the South Eastern Health and Social Care Trust, the Department of Health and the prison service.

It would be wrong for the IMB to imply that these discussions have not taken place at some level, but it is increasingly likely that this type of situation is going to rise in frequency as mental health issues within the general public continues to raise concerns.

The overall observations and monitoring of the IMB is that of a well-motivated and professional unit providing a stable and safe environment with very few issues raised by prisoners.

Monitoring Observations & Actions:

- The IMB have been very encouraged and impressed by the attitude and action of the CSU staff in looking after the wellbeing of those in their care.
- The more structured approach to activities and interaction has had a very positive result not only for those housed in the CSU but the staff themselves.
- The system of governance by the two senior officers and the overseeing Governor should be commended.
- There are plans to improve the physical aspects of the building and we would encourage those improvements to move forward at pace.
- The IMB still have grave concerns around an individual who still remains within the CSU almost three years after his arrival there. We recognise the complex nature of the individual and that all involved continue to do their best

for him, but we are concerned that this individual could remain in this position for an indeterminate period of time.

SEPARATED PRISONERS

Since the last report the separated prisoner's system has remained the same. Those held in custody who identify with certain groups can if they fulfil certain criteria can be asked to be housed as part of the Loyalist or Republican regimes.

The numbers of prisoners in these systems fluctuates during the year but still contains a core of long-term people. The IMB interaction with these individuals has been courteous and engaging in relation to various conversations about their situation within the prison.

Education and use of facilities within the system are the principal areas of concern identified to the IMB during any visit to those Houses. The IMB engage with each of the sections but do not receive any formal requests through the system to attend the areas.

We as an independent body feel we could do more within these areas and will continue to engage to encourage trust in the role that we play within the prison.

Monitoring Observations & Actions:

- The IMB will continue to engage with all groups to ensure that all of those held in custody are treated equally and fairly.

ADJUDICATIONS

Adjudication is a process used within prisons where a prisoner who has been suspected of a breach of prison rules is charged with an offence. An adjudication process is then instigated whereby a Governor will listen or view evidence in an attempt to ascertain the facts around an incident. He or she will then give a judgement considering the evidence and any mitigation.

The monitoring of adjudications has proven difficult for the Board. The shortage of Board members, the volume, and the scheduling of adjudications have resulted in a

position which means that meaningful monitoring in relation to the administration of the process and policies have been problematic. The Board has raised this matter with the Sponsor Body and has highlighted the associated risks, but an early resolution is unlikely at the time of this report.

There have been occasions where Board members have been made aware of issues around adjudications with prisoners highlighting the length of time the process has taken before charges are brought before a Governor.

On some occasions this has been caused by the prisoner requesting legal advice (usually sought through a solicitor) however the IMB would be of the opinion that prisoners are not fully aware of what is been communicated to them and the subsequent delay in dealing with charges which have been brought can outweighs what would have been given as a sanction in the first instance.

The members of the IMB will continue to do what they can in relation to attendance at the adjudication process however the issue around Board numbers and our ability to ensure the fair and equitable application of the process continues be of great concern.

Monitoring Observations & Actions:

- Lack of numbers of Board members has meant the monitoring of adjudications has been difficult and therefore our ability to give any type of fully assurance remains difficult. We hope to be in a position to improve upon that moving forward.

EQUALITY AND DIVERSITY

Background:

The primary aim of the Equality and Diversity (E&D) forum is to ensure all aspects of the prisoner population are being treated equally. To help achieve this the forum meets monthly where it discusses best practise in addition to scrutinising data, account for any disparities and, if required, question managers at all levels.

The forum is chaired at Deputy Governor level and consists of department heads and prisoner representatives with a member of the IMB attending to observe.

Prisoner E&D representatives cover the Section 75 categories and, at the time of writing, currently include:

- Older Population
- Irish
- Northern Irish
- Polish
- Lithuanian
- Romanian

Each of these representative groups meet monthly prior to the E&D forum meeting. The data which is reviewed each month is comprehensive and covers issues such as but not exclusively:

- Use of force
- Searches
- Drug testing
- Harassment/victimisation
- Progressive Regimes and Enhanced Privileges (PREPS)
- Adjudications
- Rule 32's

The purpose for reviewing this data is to ensure groups of prisoners across the Section 75 categories are not being disadvantaged or receiving detrimental treatment.

Observations:

Regrettably, due to insufficient volunteers for Maghaberry IMB, it has been difficult to have an IMB representative attend every meeting.

From the meetings that have been observed, considerable work is being done by the forum with prisoner representatives frequently attending.

At the time of writing the following issues have been identified at the forum or have been raised by the IMB:

- NIPS are trying and continue to try to get a representative from the Chinese/mandarin speaking community, the Traveling Community, disabled and younger population.
- The issue of “false reds” showing on spreadsheets are potentially skewing the reporting mechanism. An example of this could be a prisoner not identifying as a particular religion but instead choosing “other”.
- The issue of a prisoner with serious hearing impairment not being able to avail of suitable telephone conversations has been discussed. While this could fall under the Disability Discrimination Act (DDA) the IMB could argue that it’s an equality of opportunity issue. Discussions with the Deputy Governor have been favourable but as this issue could be applied across all three prison sites in Northern Ireland the matter has now been raised at NIPS Headquarter level.

Monitoring Observations & Actions:

- We will continue to ensure the prisoner forums endeavour to attract prisoner representatives from the Chinese/Mandarin speaking community, the Traveling Community, disabled and younger population.
- We will continue to monitor the progress of the arranged meetings, the data provided including any changes to the data collection system and offer observations on any disparity which is identified.
- We will observe the result reference prisoners with serious hearing impairments.

EDUCATION & OTHER PURPOSEFUL ACTIVITY

Learning and Skills Delivery

Qualifications are delivered by Belfast Metropolitan College under a 5-year Service Level Agreement (2021-2026) with NIPS. The SLA sets out the working relationship between NIPS and BMC for the oversight and management of the provision of Learning and Skills in Maghaberry.

The Learning and Skills Unit has worked hard to adapt its provision to meet the many challenges presented this year, not least of which were varying Covid restrictions and periods where NIPS staff absences were higher than the norm.

Unlike many prisons in the UK that stopped their educational provision during and because of Covid, Maghaberry continued to offer prisoners access to some education and skills development opportunities over the period through remote learning and at times within house bubbles. They achieved this by adapting the delivery of qualifications to operate within the prevailing restrictions. Learning and Skills staff should be commended for their resourcefulness in continuously modifying the delivery model as and when restrictions changed and managing some continuity of provision for prisoners during these challenging times.

Regulated qualifications: registrations and certifications April 20 - March 23

Year	Registrations	Certifications
April 20-March 21	130	93
April 21-March 22	398	283
April 22-March 23	1402	1392

The numbers of prisoners registering and achieving qualifications, or units of qualifications, has steadily increased but has not yet reached the numbers that were being achieved pre Covid.

With the continually increasing prison population it is difficult to see how the Learning and Skills Unit would be able to offer and deliver qualifications to all prisoners wishing to avail of them, without additional resources.

From April 2022 the Learning and Skills Unit embarked on a programme to reintroduce face to face teaching into their delivery and expand provision. Initially classes were run in house in Davis, Quoile, Moyola, Braid, Roe and Bush. Due to

NIPS staff absences face to face delivery in the Learning and Skills Centre did not begin in earnest until October 2022. Consequently, for six months of the year the education programme was significantly curtailed, impacting on educational outcomes, and leaving the excellent Learning and Skills Centre facility under-utilised. Since October the Learning and Skills Unit has been delivering provision in the Learning and Skills Centre and out in the houses, including evening delivery in two houses to meet their particular needs.

Initial Assessment

Learning and Skills staff conduct initial assessments with new prisoners to determine their skill levels in literacy and numeracy and inform their development needs. A large majority of prisoners present with extremely poor literacy and numeracy skills. Recent figures suggest that 75% of committals are performing at Entry Level 3 or below, typically at a primary school level and considerably below the level required for general and vocational qualifications.

This is a very large skills deficit, and the scale of the challenge is considerable, as many of these men have complex issues including mental health problems, specific learning difficulties and a history of negative school experiences. To put it in context these prisoners reached the end of their 12 years of compulsory education with low level skills and without any qualifications. Schools did not succeed in engaging these men in education and learning: the Learning and Skills Unit is tasked with inspiring and challenging prisoners where the formal education system could not.

The Learning and Skills Unit uses the outcomes of initial assessments along with information about the prisoner, prior experience, and interests to develop a programme of activity aligned to the needs of the individual prisoner and the opportunities available.

During the year planning was underway to develop a more comprehensive approach to managing prisoner development which incorporated a more systematic way of promoting education and work and encouraging engagement. One aspect involves removing barriers to engagement and making learning and skills opportunities more accessible; for example, enabling prisoners to access certain types of work which

they are capable of undertaking, even though they have not yet completed their English or Maths qualifications. The Board looks forward to seeing the outcomes of this initiative in the following years.

The Curriculum

In addition to Essential Skills Literacy, Numeracy and ESOL, a good range of vocational skills qualifications (up to Level 2) have been offered: catering, painting and decorating, joinery, bricklaying, tiling, horticulture, industrial cleaning, barbering, light engineering and business administration. Further skills development opportunities have been available through work in, for example, the kitchens, laundry, gardens, recycling, tuck shop, Braille unit, in painting work parties and orderly work.

The very small proportion of the prison population with higher level skills can pursue access or degree courses (undergraduate and postgraduate) offered through distance learning by the Open University. Numbers are small: currently 15.

A qualification awards ceremony was held in January 2023 to recognise the men's achievements.

Vocational qualifications

The vocational qualifications offered are within the capabilities of the prisoners, are designed to prepare them for employment or self-employment and are aligned to local and regional employment opportunities. There are waiting lists for popular vocational courses: with the continued increase in prison numbers, it can be anticipated that without additional resources waiting times will increase.

It is noted that whereas Learning and Skills staff can and do move delivery of academic qualifications into the houses, as required, they cannot do this for the delivery of vocational qualifications. Therefore, NIPS staffing issues that impact on access to Learning and Skills, disproportionately affects vocational qualifications.

Essential Skills Assessments

The Essential Skills Entry level qualifications in Literacy and Numeracy were originally designed over 20 years ago. The assessments are context based, using

topics that were appropriate for the time. These assessments do not lend themselves readily to being updated and modernised by the Awarding Organisation or put in contexts which prisoners can better relate to. The Learning and Skills staff do well to engage the men with these assessment materials.

Libraries

Prisoners can access books and other reading materials from the library for general interest or to support their learning. Learning and Skills operate a timetable to give the houses access to the library and the staff observe the library facilities being well used. Braid house in the Mourne complex also has a library.

The increasing prison population can be expected to impact on overall access to the library facilities.

Non-accredited provision

The prison provides a range of non-accredited development opportunities run in partnership with voluntary organisations including for example, the Prison Arts Foundation, Barnardo's, Extern, NIACRO and The Shannon Trust. The programmes and activities provided by these organisations are designed to meet specific needs and support prisoner development. They also have the capacity to engage prisoners and move them towards more formal education. For a prison population where a majority had turned away from formal education and training, this type of non-accredited provision can, and does, provide a way back.

The outcomes of this type of provision are difficult to measure. Performance evaluation typically focuses on what is easily measured, e.g. qualification outcomes. Consequently, insufficient account is taken of the need for, and value of, prisoner development from these informal learning experiences. These very beneficial programmes are dependent upon the continued funding and availability of the external organisations.

Inspection

In autumn 2022 Learning and Skills was inspected by the Education and Training Inspectorate against the Prison Service Standard M12 Education Skills and Work Activities.

M12

All prisoners are expected and enabled to engage in education, skills or work activities that promote personal development and employability. There are sufficient, suitable education, skills and workplaces to meet the needs of the population and provision is of a good standard.

With a large majority of prisoners having significant skills deficits, it is difficult to see how Maghaberry could realistically meet all the elements of this standard. To do so would require the Learning and Skills provision to incorporate targeted engagement activity, greater emphasis on remedial and special education and have access to a much higher level of resource. Furthermore, the high proportion of unsentenced prisoners (48.64% at the time of inspection) creates huge additional challenges for making adequate provision to meet this standard. The growing prison population can only be expected to exacerbate this situation.

The inspection model used is one designed for inspection of post sixteen education and training organisations, whose primary purpose is education. Although the model is adapted for the prison setting further adaptation could be made to align it better with the prison context, where education is an ancillary function. For example, the assessment and analysis of 'attendance' is much more complex in a prison than in a Further Education college, but it is not evident that the difference is accommodated proportionately. Greater refinement of the inspection model could accommodate the differences between prison and FE better and offer a more accurate and useful interpretation of activity, while still ensuring comparability of standards.

Monitoring Observations & Actions:

- The IMB will continue to monitor the work carried out under the Skills and Education remit to see if any improvement which was highlighted under the report carried out earlier in the year continues.
- We will be looking to ensure that the opportunity for those held in custody to improve their outlook before being reintroduced to general society is optimised.

RESETTLEMENT

Resettlement Branch falls within The Northern Ireland Prison Service Rehabilitation Directorate. There are 9 key resettlement pathways.

1) Accommodation.

To assist in preventing homelessness by ensuring all prisoners are assessed and those with accommodation needs are provided with appropriate interventions.

2) Education Training and Employment

To reduce the risk of offending through delivery of learning and skills services linked to employment and educational opportunities and support in the community.

3) Health - Mental and Physical.

To provide Healthcare support through effective assessment. To identify individual healthcare needs and to ensure proper discharge procedures are in place for all prisoners to include appropriate arrangements for vulnerable prisoners returning to the community.

4) Drugs and Alcohol.

To contribute to effective resettlement through early assessment and the provision of appropriate education awareness and support and treatment programmes.

5) Finance Benefits and Debt.

To provide appropriate access to financial services to assist with managing finances, maximise income and meet financial commitments by ensuring all offenders have appropriate access to financial advice services to assist with managing money, dealing with financial problems including debt.

6) Children and Families.

To support all prisoners where appropriate to maintain contact with their families and to ensure that prisoners and families are directed towards services that will help and support them.

7) Attitudes Thinking and Behaviour.

To carry out effective needs assessment and provide appropriate programmes and interventions identified by the Personal Development Plan Process to challenge attitudes, thinking and behaviour to contribute to reducing risk and re-offending and to a safer community.

8) Supporting Offenders who have been abused, raped or experienced domestic violence.

To scope the extent and prevalence of this issue amongst offenders, assess the needs of those who have been affected and seek to provide a range of supportive interventions.

9) To support offenders who have been involved in prostitution and the Sex Industry

To scope the extent and prevalence of this issue amongst offenders, assess the needs of those who have been affected and seek to provide a range of supportive interventions.

The IMB recognise that they are not sufficiently qualified to monitor all of the above but several attempts to gain outcome information in relation to the following have met with no response.

We have asked questions around for example, the number of prisoners on release from prison who have been provided with accommodation as a result of NIPS interventions.

How many prisoners on release have required financial assistance and what was the outcomes?

How have prisoners been supported to maintain family contacts?

What are the reoffending statistics for those who have gone through the PDU and continuous development programmes?

Unfortunately, we were unable to establish any answers to the above questions as communications with Rehabilitation have proven difficult.

The CJINI inspection 20/9/22—6/10/22 made a number of recommendations that Maghaberry and NIPS should work with partners to evaluate outcomes for prisoners on release and the effectiveness of pre support provided at Maghaberry.

The IMB agree with the recommendation contained within the report and whilst we acknowledge the good work that has gone into developing the pathways listed above, the absence of outcome data and no information on processes relating to measuring success would suggest this is an area which requires considerable improvement.

Monitoring and Observations

- The IMB found it difficult to access information from the Rehabilitation unit we hope that moving forward that situation will improve.

ACCOMMODATION

The most modern accommodation within Maghaberry Prison during the 22/23 year was provided in Davis and Quoile Houses with the older square houses continuing to be phased out. However, a continual increase in the Maghaberry population during the year resulted in Foyle House reopening with Erne and Lagan Houses being prepared as contingency accommodation leaving the Prison with the operational capacity to hold 1415 male Prisoners in single and shared cells.

As part of the CIJNI report in early 2022 a recommendation was made to improve the environment and facilities within the Care and Supervision Unit (CSU) in Maghaberry Prison. This redevelopment work commenced for 22/23 year, starting with an extension to the CSU where a purpose-built Adjudication room and Education annex will be available. Work will continue to be progressed in phases and will include internal work to the existing CSU such as additional telephony for cells, DDA access along with the facility to accommodate virtual visits along with external work to modernise the yard facilities for Prisoners.

Work was also commissioned during the year for minor works in Bann House including remedial modernisation work on redesigning the recreation room, yard and toilets, the start date for this much needed work has been delayed but it is anticipated it will progress for 23/24 year. In addition, the “Signs of Life” monitoring system are being considered in 4 cells in Bann House to monitor prisoner’s vital signs via sensors which are monitored by staff, with any drop in the readings setting an alarm to alert staff, again the use of this system has been delayed.

While Both Quoile and Davis Houses are modernised with securely placed phones in each cell where Prisoners have access to Freephone telephony access to support agencies such as the Samaritans as well as authorised numbers on their phone cards, a number of incidents were reported to the IMB throughout the year where telephone lines were unavailable for Prisoner use. The IMB took these matters forward and were advised the issues lay within the internet-based telephony system and would be progressed. This was a prominent issue for the IMB as the inability for

a prisoner to talk to their family or a support agency at a vulnerable time of their lives has the potential to have a knock-on impact for both the individual and the prison. The Board would again comment on the estate within Maghaberry being maintained to a high standard, particularly the entrance area to the prison which has been greatly enhanced and modernised, along with the very impressive flower displays across the main estate and the Mourne Complex.

Monitoring Observations & Actions:

- Improvements to the CSU have been identified and approved. The IMB will monitor the progress of these improvement which will improve conditions for those held in custody and staff.
- Issues with telephone communications remain a persistent problem in Davis. The IMB will continue to monitor this situation.

RECEPTION AND INDUCTION

The reception area is the first point of call on arrival from Courts or Police Custody, under normal circumstances. Foreign prisoners arriving with lack of English, can communicate with staff using the Big Word, and a translation tablet. Our observation has been prisoners are dealt with sensitively, put at ease and treated with respect by reception staff on duty.

Issues around those individuals who smoke are identified early by staff and in the main because of a policy of single cell occupation there are few issues, however as the prison population increases this may become an issue.

Prisoners are identified on arrival as vulnerable or suicidal and are assessed and protected as part of the reception process.

Each prisoner is allowed a telephone call while in reception. Officers ensure that there is a safeguarding protocol in place to ensure the safety and wellbeing of those who may receive these calls is ensured.

- The first “Linev ConPass TR’ – known as X-ray Body Scanners have now been introduced into reception area for all new prisoners arriving into prison. The equipment will check new inmates and those returning from temporary release for any drugs, mobile phones, weapons, or other prohibited items. Only prisoners will be scanned – at present and as part of the Standard Operating Procedure this is voluntary. Non-compliance however will result in reverting to other search methods. The application of disciplinary action and where appropriate restriction of association in the interest of the safety of the individual, staff and the prison population has already seen a dramatic increase in numbers.

IMB members will continue to monitor the use of the scanners and monitor the appropriate policies and procedures.

Monitoring Observations & Actions:

- IMB will continue the treatment of those being held in custody in terms of how they are treated in reception especially those who do not have English as their first language.
- The introduction of Body Scanners will require the IMB to ensure that information and rights around the use of Body Scanners is explained clearly to those held in custody.

CHAPLAINCY

The Maghaberry Chaplaincy continue to provide an excellent service to both prisoners and staff. In 2022-23 similar to other years, they are trying to return to normal post-Covid activities. The most challenging aspect of that was re-establishing the services in the spiritual life of the prison – moving from landing-based services back to meeting in the main chapel. In trying to do this chaplaincy met with various obstacles – getting sign-up sheet re-established, getting prisoners called to services & for them to arrive over on time. A major problem identified through discussions with governors was that many officers had been recruited during Covid and had not been trained in facilitating prisoners to sign up for services and getting them across

to the chapel. This is a work in progress but gradually there is improvement in getting back to where we should be.

Currently there are Roman Catholic services every week, Free Presbyterian and combined services alternate Sundays and Muslim Fridays on 1st & 3rd Fridays from January. Along with the regular services, joint Easter and Christmas services were re-introduced along with the annual Prisons' Week service in October and service of Memories in November.

Appreciation was expressed for the work done to the chapel in the provision of new screens, updated PA system, new chairs and ceramic plaques with bible verses made by L&S. Other spiritual activities have re-commenced.

During the summer Fr. Brendan Keane led a one-day retreat in the chapel. The Alpha course has run twice during the year in Bush 1&2 (April-June) & Braid & Wilson (Feb-Apr). Ignatian Spiritual exercises have also started during 2023 in Braid and planned for Shimna after Easter. A Fellowship Group ran for a while during 2022 & monthly adoration has started in chapel from March 2023. Also, the choir has started up again in 2023 and meets on alternate Fridays, chaplaincy is thankful to the volunteers from the Lighthouse Fellowship not only for leading this but also the selection boxes & eggs that are given out at Christmas and Easter.

Apart from conducting worship the other main work of chaplaincy is visiting prisoners and they are thankful that the relaxing of Covid restrictions has enabled them to move more freely around the prison. They continue to visit all committals, respond to requests and follow up on requests as well as regular visits. One area continued to pose challenges during the year and that was chaplaincy being informed when there has been a death either of a prisoner or a relative. These have been recurring issues and hopefully a process is now established that chaplains are kept informed.

The work of chaplaincy is both spiritual and pastoral and during the year they continued to try to help prisoners with practical support, in particular with money and clothing. At times this has been challenging due to different thinking from management about what chaplains can/should be allowed to do which has resulted in various meetings. From these a good way of working seems to have emerged.

The decision for reception to deal with debit card transactions has reduced the workload in the area of prisoner finances.

The work of chaplaincy continues to be demanding, particularly with the steadily increasing prison numbers but also due to the lack of administrative help. For a significant period of time there has not been a secretary, despite continually asking for one to be provided. Assurance has been given that funding is not an issue but rather sourcing personnel. The post was re-advertised during the year without success. It seems the biggest challenge is the wish for hybrid working amongst staff which would not be an option for the post.

Finally, it is with great sadness that the IMB mention the loss of a much-loved chaplain, Father Jim Madden who was suddenly taken from the chaplaincy team during the reporting year. We also recognise the retirement of Rev. Leslie Spence replaced by Rev, Harold Agnew, the retirement of Rev John Morrow (whose supply of salmon will be greatly missed) and a welcome to Rev Pat Lennox who has replaced Mr. David Jardine who has stepped down due to ill health.

Monitoring Observations & Actions:

- The IMB will continue to monitor the workload within the chaplaincy, especially as the prison population rises.
- The IMB would encourage NIPS to redouble their efforts to have a permanent solution to the ongoing administrative issues within the chaplaincy function.

PHYSICAL ACTIVITIES

The prison continues to provide an important level of well structure, highly motivated and professional level of physical activities for prisoners. The benefits to the prisoner's wellbeing both physically and mentally cannot be overestimated and in some cases can be the gateway to a meaningful change to the outlook of those held in custody.

Maghaberry instructors and outside partners such as the IFA and GAA provide tailored activities which have encouraged prisoners to get involved in other activities

such as entering a Marathon relay team covering the 26-mile distance within the prison perimeters.

There have been significant pressures on staffing within the prison, but the senior management team have continued to look at creative ways to ensure there has been a minimum level of physical activity has been maintained despite the burdens of dealing with an increasing prison population whilst ensuring the safety of those under their care.

Monitoring Observations:

- Staff continue to provide a vital role within the prison which has a direct impact not only on the individuals but also the regime within the prison.
- Senior management have shown a clear understanding of the importance of PE staff and have looked to minimise the number of times staff will be redeployed even when there are significant pressures on staffing numbers.

CATERING

Since the last IMB report some of the recommendations made have been implemented and applied to the way in which food is served and transported to each of the houses.

The preparation methods and presentation of meals has not changed from the last report and still falls within the Nutritional values and Cultural requirements laid down within the Prison and OPCAT regulations into how prisoners are looked after.

The IMB who do not have the ability to give a professional opinion on issues around matters relating to hygiene and nutritional values however from a layperson point of view we have had few complaints, but we will continue to monitor the situation to the best of our ability. We do however have regular interaction with kitchen management which has been very reassuring.

Monitoring and Observations:

The Board would recommend that periodically an independent hygiene and nutritional qualified body should exam.

- The nutritional value of the menu's
- The rotation of the menu's
- The value of the food to long term prisoners and its effect on their health if any
- The food in relation to prisoners of special need and alternative cultures.
- The increase in prison population is likely to increase the pressures in relation to finance around the provision of food.
- The IMB would encourage NIPS to look at the use of the land around Maghaberry to potentially help with food provision. This may also provide a supervised activity for those held in custody. We do however understand that land surrounding the prison have restrictions in relation to wildlife.

TUCKSHOP

The tuckshop continues to provide a good range of items which can be purchased by those held in custody. The price of these items like the price of items within the community continues to be affected by inflation. The cost-of-living crisis is having an impact on everyone but within the prison environment it can be particularly difficult. As prices increase and the level of earnings within the prison remains the same some individuals struggle to afford items which they have come to depend on. Outside of the prison environment there may be little empathy for that position however the outworking of that position is that those who are the most vulnerable prisoners can through debt become even more vulnerable. This can be manifested into bullying and harassment. The IMB have asked for the matter to be recognised and reviewed at the highest level of the prison service. Whilst the prison service has recognised and acknowledged the issue there are limited means of tackling the issue.

Monitoring Observations & Actions:

- The IMB will continue to monitor matters around the provision and pricing of items within the Tuckshop.

PRISONER ESCORT COURT CUSTODIAL SERVICES

The Prisoner Escort and Court Custodial Service (PECCS) ensure the safety of the prisoner from time he is sentenced and leaves court until they go through the committal process within the prison PECCS is not a direct part of the prison service within Maghaberry. They deal with all categories of prisoner's male or female across Northern Ireland. There are 17 custody suites and the PECCS staff ensure that prisoner are treated properly whilst being transported under a duty of care.

We will continue to monitor and stay in touch with the PECCS staff to ensure that those held in custody are treated fairly.

Monitoring Observations:

None

BURREN HOUSE

Burren House is an Open Prison which is in the grounds of the old Crumlin Road in Belfast. It has room for more than 20 inmates most of whom are life sentence prisoners nearing the end of their jail terms. Burren House is a safe, low security pre-release facility where minimal risk assessed prisoners can be adequately tested before they are released into the community. The main objective is to provide a safe environment to help long-serving prisoners in their transition back to normal life.

Prisoners are allowed to attend daily work placements, with good behaviour giving them entitlement to weekend visits to family and friends.

Being housed in Burren house is part of the Pre-Release Testing programme and any privileges cannot be abused. There are strict rules in place which must be stringently observed by those in Burren House, any breach would mean individuals being returned to Maghaberry.

IMB have visited Burren House on two separate occasions noting the standard as being reasonable, refurbishment has taken place, prisoners are happy and treated

with care and respect, and Prison Staff are working hard at rehabilitating the Prisoners.

IMB have highlighted the need for some areas of improvement especially around the provision of meaningful activities whilst recognising the financial position that NIPS are under. We have encouraged the refurbishment of the plastic polytunnel, supply of soil and other gardening equipment to allow for prisoners to have meaningful activities especially at the weekends when they are not engaged in work activities.

Monitoring Observations and Actions.

- IMB will continue to monitor Burren house to ensure that rehabilitation of those held in custody meets the required standards.

LIST OF MAGHABERRY IMB MEMBER 2022-23

Andrew Bell - Appointed 01/04/22

Stephen Boyd - Appointed 01/04/22

Karen Crawford

John Denvir - Chair 2022/23

Aubrey Domer

Ian Hackney

Tom Logue

Patsy McGonagle - Extended 1 year until 31/03/23

Wesley Mitchell

Lynn Nevin - Extended 1 year until 31/03/23

Marie Thompson - Appointed 01/04/22