

STATUTORY STATUS TO FIT THE BILL FOR IRISH PRISON SERVICE

The Irish Prison Service is to be established on a statutory footing under the General Scheme of the Irish Prison Service Bill 2023, including the provision of safe and secure custody, upholding human rights and supporting prisoner rehabilitation. There are also plans by the Department of Justice to deliver 400 extra prison spaces across four main prisons to alleviate the overcrowding crisis.



The makes provision for safe and secure custody, the upholding of human rights and supporting prisoner rehabilitation.

Government approval to publish the Draft General Scheme of the Irish Prison Service Bill 2023 was recently secured by the Minister for Justice Helen McEntee; her department is now due to start work with the Office of Parliamentary Counsel on drafting the Bill.

The Irish Prison Service Bill aims to establish both the Irish Prison Service and its Director General on a statutory footing with defined functions and responsibilities. It will also provide oversight and support from an independent non-executive board, with further support to be provided by a dedicated audit committee and other expert committees as required.

These new structures will provide the IPS with expert guidance and oversight in implementing the government's penal policy reform programme, in managing capital projects and in ensuring the highest standards of governance and accountability in the prison system.

This will complement the mainly human rights-focused oversight already provided by external entities such as the Inspector of Prisons, the Prison Visiting Committees, and the European Committee for the Prevention of Torture.

SUBSTANTIAL DUTY OF CARE

The IPS is a crucial part of the criminal justice system, with a substantial duty of care to prisoners and staff alike and a significant role to play in making communities safer through a rehabilitation-oriented approach to prisoner management. The IPS must also meet an increasing array of governance obligations along with the service and capacity challenges generated by population growth.

The new draft legislation now also provides that the IPS will make available a range of services and activities to support the health, self-respect and spiritual, moral and mental well-being of prisoners.



Minister for Justice Helen McEntee – her department is now due to start work with the Office of Parliamentary Counsel on drafting the Irish Prison Service Bill 2023.

It also provides that prisoners receive educational, training and other developmental opportunities to enable them to spend their time in prison constructively and preparing them to lead law-abiding and purposeful lives following release.

POLICY DIRECTION FROM DEPARTMENT

The Minister for Justice will continue to provide policy direction and approve overarching corporate strategy and capital investment. The Bill will also formalise the Director General’s accountability to the Minister for the overall management of the prison system.

This will include accountability for implementing the IPS multi-annual strategic plan, annual business plan and governance framework, all of which will be placed on a statutory footing. The Minister will remain in charge of capital expenditure within the IPS, and any decision to open or close a prison will be made by the Justice Minister.

Commenting on this milestone, Minister McEntee noted that a safe, secure and progressive prison system is “a cornerstone” of any well-functioning democracy. She added Ireland’s prison service is fortunate to have committed staff who work, day-in and day-out, to provide prisoners with opportunities for rehabilitation and self-development while also ensuring an orderly and disciplined prison environment.



The legislation will establish the IPS and the position of its Director General Caron McCaffrey on a statutory footing with defined functions and responsibilities.

DID YOU KNOW THAT.....

- The Irish Prison Service (IPS) is the second largest agency in the criminal justice system, with an annual budget of more than €420m and approx 3,500 staff.
- The IPS was set up following Government approval of its establishment in 1998 on an initial administrative basis to help prepare the ground for an intended statutory Prisons Authority. However, the planned legislation was not brought forward at that time and the IPS has remained as a non-statutory but largely autonomous unit of the Department of Justice without its own legal personality or defined functions.
- In January 2021 the Justice Minister approved the establishment of a joint Departmental/IPS Working Group to develop detailed proposals for putting the agency on a statutory basis with a non-executive board. The group reported back to the Minister in December 2021, who then drew on its recommendations in bringing her proposals to Government.
- The proposals agreed by Government include the establishment of the IPS and its Director General on a statutory footing with defined functions, a non-executive board and a dedicated audit committee among other provisions, to align IPS governance and oversight with best practice as envisioned in the Code of Practice for the Governance of State Bodies.
- Primary legislation will be required to give effect to these proposals. The Department will commence drafting the General Scheme of a Bill in consultation with relevant stakeholders.
- Planned legislation will serve a range of strategic objectives, to include the following:
- Cementing the corporate identity of the IPS as a key pillar of the criminal justice system with defined statutory functions, objectives and dedicated oversight structures.
- Adding stability, certainty and enhanced accountability to the IPS operating environment, with all personnel and resources brought under the overall control and responsibility of the Director General.
- Providing dedicated professional oversight and support to the Director General and senior management in instilling good governance, implementing institutional reforms (including on foot of recommendations from external monitoring and inspection bodies), developing and implementing corporate strategies/plans, advancing major capital projects and managing financial, strategic and reputational risks.



“Through the provision of educational, training, employment and psychological services, we can reduce the level of re-offending and improve overall community safety. The Bill will cement the position of the IPS as a state body with defined functions, provide it with best practice governance supports and set out clear lines of authority and accountability for the management of the prison system.

“This will include establishing the position of IPS Director General as a statutory office with formal authority and accountability to match the responsibilities of the role.”

SHAPING BETTER OUTCOMES

The Justice Minister said the new legislation will help to ensure that the IPS is best positioned to fulfil its mandate and to meet future challenges. “This includes its role in the effective management of prison numbers, resources and penal policy reforms, and ultimately this will help to shape better outcomes for prisoners, staff and communities alike.”

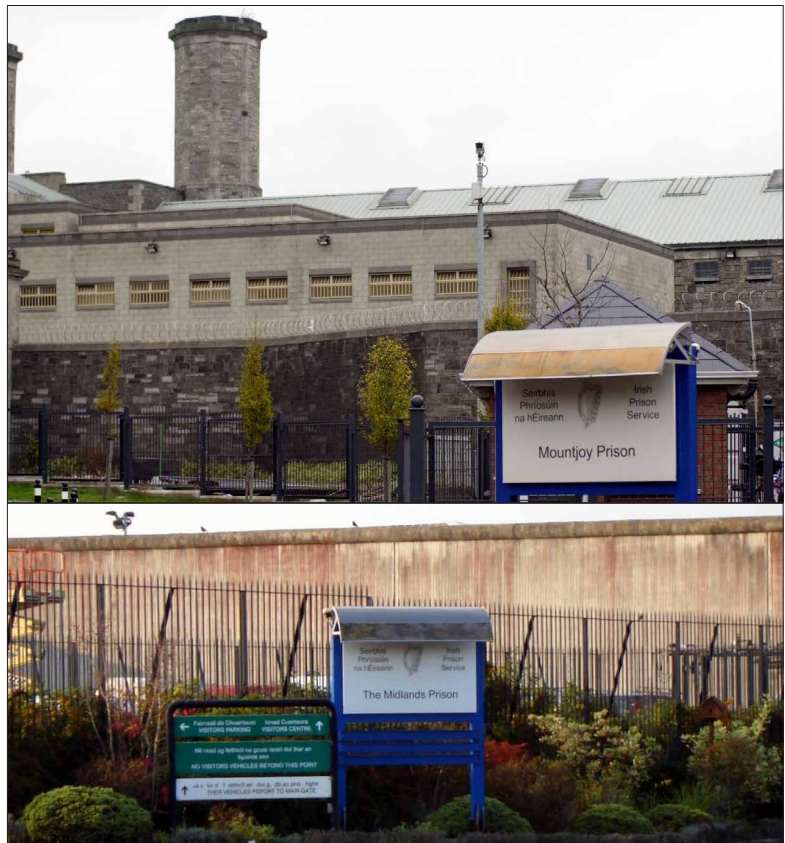
She also intends to prioritise the need for additional prison spaces due to significant population growth in recent years and planned population growth in the coming years.

The Department of Justice plans to deliver 400 extra prison spaces across Castlerea, Cloverhill, the Midlands and Mountjoy prisons, which will provide space for 620 additional inmates.

“It’s important that the size of the prison estate keeps up with population growth, as well as increasing judicial and Garda resources,” the Minister concluded.



Human rights lawyer Mark Kelly, who took over as the Inspector of Prisons in August 2022, provides a human rights-focused oversight of the Irish Prison Service.



The Department of Justice aims to deliver 400 extra prison spaces across Castlerea, Cloverhill, Midlands and Mountjoy prisons.

IRISH PENAL REFORM TRUST TO REVIEW PRISON SERVICE BILL

The Irish Penal Reform Trust (IPRT) has previously called for the Irish Prison Service to be placed on a statutory footing to ensure it maintains the highest standards of governance and accountability.

Following Government approval to publish the Draft General Scheme of the new Bill, the IPRT said in a statement that the new structures will aim to provide the highest standards of governance and accountability.

“The Draft Scheme also provides that the IPS will provide prisoners with services and activities to support their health, spiritual, moral, and mental well-being. Other statutory functions will include managing the prison estate and co-operating with other State actors in the interests of prisoner welfare and an efficient criminal justice system.”

However, IPRT noted that the decision to create an independent governance structure comes at a time when there is deepening pressure on the Irish Prison Service, including increasing levels of overcrowding.

“This issue – and other critical issues such as the high proportion of people with mental ill-health in the prison system – will have a bearing on oversight and governance for any new structure,” according to Ireland’s NGO, which continues to campaign for prisoner rights and penal policy reforms since it was set up in 1994. IPRT will now closely review the Draft General Scheme of the Irish Prison Service Bill 2023 over the coming weeks.

