



Memorandum of Understanding between Criminal Justice Inspection Northern Ireland (CJI) and HM Chief Inspector of Prisons

November 2024

1. HM Inspectorate of Prisons

- 1.1 HM Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose Chief Inspector is a Crown appointment. HM Chief Inspector of Prisons' responsibilities are set out in sections 5A and 43 of the Prison Act 1952 (as amended)¹. The Chief Inspector reports to the Secretary of State on the treatment of and conditions for those in prison, young offender institutions, court custody facilities in England and Wales and immigration detention facilities in the United Kingdom. HMI Prisons also inspects secure training centres (jointly with Ofsted and the Care Quality Commission). By invitation, HMI Prisons inspects some military detention facilities as well as prisons in Northern Ireland and in other jurisdictions with links to the UK such as the Isle of Man. HMI Prisons promotes the concept of “healthy establishments” in which staff work effectively to support prisoners and detained people to reduce reoffending and achieve positive outcomes for those detained and for the public.
- 1.2 Details of HMI Prison's framework, approach and general methodology can be found at: [How we inspect – HM Inspectorate of Prisons \(justiceinspectorates.gov.uk\)](https://justiceinspectorates.gov.uk)

2. Criminal Justice Inspection Northern Ireland

- 2.1 Criminal Justice Inspection Northern Ireland (CJI) is an independent statutory inspectorate, established under the Justice (Northern Ireland) Act 2002, constituted as a non-departmental public body, corporation sole, in the person of the Chief Inspector (CI) who is appointed by the Minister of Justice. The CJI was established in accordance with

¹Section 5A of the Prison Act 1952 (as amended by 1982 Criminal Justice Act, Immigration and Asylum Act 1999, Immigration, Asylum and Nationality Act 2006, Police and Justice Act 2006).

3. Optional Protocol to the UN Convention Against Torture (OPCAT)

- 3.1 HMI Prisons' work is carried out in accordance with the UK's obligations as a party to the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires each state party to designate an independent National Preventive Mechanism (NPM)², which monitors places of detention for the purpose of preventing torture and ill-treatment. HMI Prisons is a member of, and coordinates, the UK NPM³. CJI is also a NPM member body.

4. Inspection

- 4.1 HM Chief Inspector of Prisons (HMCIP), at the request of the CI CJI, 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. CJI partners with the Regulation and Quality Improvement Authority (RQIA) inspect healthcare and the Education and Training Inspectorate (ETI) inspect learning, skills and purposeful activity. As required, HMI Prisons may provide expertise to the inspection team for healthcare issues such as substance misuse and addiction services.

5. Planning

- 5.1 Inspections will be carried out against HMI Prisons published inspection criteria and methodology, and in line with the four tests of a healthy prison environment as set out in our [Expectations](#). Inspectors will also assess and produce a narrative judgement on leadership at the prison. The four tests of a healthy prison are:
- **Safety:** prisoners, particularly even the most vulnerable, are held safely.
 - **Respect (Care in YOIs):** 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.
 - **Preparation for release (Resettlement in YOIs):** Preparation for release is understood as a core function of the prison. Prisoners are

² The UK designated its NPM in March 2009. The UK's NPM is coordinated by HM Inspectorate of Prisons.

³ Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/RES/57/199, adopted on 18 December 2003; came into force 26 June 2006.

supported to maintain and develop relationships with their family and friends. Prisoners are helped to reduce their likelihood of reoffending and their risk of harm is managed effectively. Prisoners are prepared for their release back into the community.

6. Planning

- 6.1 HMCIP and the CI CJI will agree to the dates of announced and unannounced inspections, and independent reviews of progress (IRP). An inspector from HMI Prisons and CJI will visit the site two weeks prior to an inspection to discuss the methodology and to ensure that pre-inspection information is obtained in good time. A team of researchers will accompany the inspectors to carry out a confidential survey of prisoners (see 8.1 below). HMI Prisons will specify in writing the information required before the inspection as well as information to be provided on the first day of inspection.
- 6.2 Joint planning for an unannounced inspection will take place between HMI Prisons and CJI Lead Inspectors in liaison with RQIA and ETI Lead Inspectors.
- 6.3 HMI Prisons and CJI 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.

7. Staffing arrangements

- 7.1 The inspection will be led by HMI Prisons 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 and women when the prison holds these groups. HMI Prisons will also be joined by at least one CJI inspector as agreed between both inspectorates.
- 7.2 Full inspections will be conducted jointly under agreed protocols with inspectors from the ETI and the RQIA.
- 7.3 This MoU is also the data sharing agreement between HMI Prisons and CJI who will provide HMI Prisons with case level information when requested. This will include paper and electronic records. HMI Prisons and CJI will ensure that it uses suitably encrypted media and apply appropriate government security classifications when sharing sensitive electronic data.
- 7.4 HMI Prisons will meet all legal and government requirements such as GDPR for the protection of personal information, records and images seen during the inspection.
- 7.5 Personal data provided to HMI Prisons will be kept for retention periods defined by HMI Prisons and then destroyed in accordance with [HMIP's Record Retention & Disposition Schedule](#). CJI will adhere to its Document and Record Management Policy.

8. Evidence gathering

- 8.1 HMI Prisons, CJI, RQIA and ETI 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 full inspection week (findings will be made available to the establishment as part of the report).
- 8.2 CJI 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.
- 8.3 The inspection team will seek the views of the prison's Independent Monitoring Board (IMB) that is also a NPM member and staff associations.

9. Debrief

- 9.1 During the inspection the team leader will regularly debrief the Governor on emerging findings and key issues and inform CJI of any major concerns at the time.
- 9.2 At the end of the inspection, HMCIP (or deputy), in conjunction with the CI CJI and the Lead Inspectors, will formally debrief the Governor and other relevant personnel (including of the prison health care and education and skills provider) on the overall findings using the four tests of a healthy prison environment. The Governor may invite anyone else they deem appropriate to attend the debrief. CJI will notify the Governor that the IMB should attend the debrief meeting held by them with HMI Prisons at the end of the inspection and advise the IMB of the meeting arrangements.

10. Reporting arrangements

- 10.1 Within seven weeks of the end of the inspection, HMI Prisons will present a report to CJI for review. CJI will share with the RQIA and ETI for any minor required changes. CJI will issue the draft report to the Northern Ireland Prison Service (NIPS) and Belfast Metropolitan College (Belfast Met); the NIPS contracted education and skills providers for a factual accuracy check. RQIA will issue the draft report to the South Eastern Health and Social Care Trust (SEHSCT) for factual accuracy check. NIPS, SEHSCT and Belfast Met will respond within four weeks; any follow up responses from HMI Prisons 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 CJI. The report will include priority and key concerns, where appropriate, and will record areas of good practice. CJI will keep HMI Prisons informed of the planned publication date.

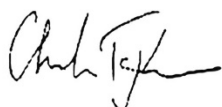
11. Costs

- 11.1 CJI will reimburse HMI Prisons for costs incurred in completing the inspection, research, subsequent analysis and writing. These costs will be calculated for each individual inspection and will be agreed prior to the inspection taking place.

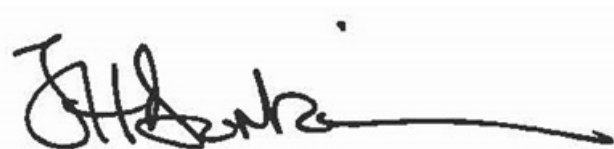
12. Dispute resolution

- 12.1 Any disagreement between HMI Prisons and the inspected organisation will normally be resolved at working level between the relevant Inspectors. If this is not possible, it may be referred upwards through those responsible for operating this MoU, up to and including HM Chief Inspector of Prisons and Chief Inspector CJI, who will jointly be responsible for ensuring a mutually satisfactory resolution. This MoU will be reviewed every two years or sooner if considered appropriate by either party.

Signatories



Charlie Taylor, HM Chief Inspector of Prisons
28 November 2024



Jacqui Durkin, Criminal Justice Inspection Northern Ireland
6 November 2024