

As a ltr 6.2.84



PS/Secretary of State

I attach detailed questions and answers covering the points of criticism made by the PGA and a note on the conditions of employment of Prison Officers and the responsibilities of Governor grades.

You indicated the Secretary of State may wish to pass this information on.

D G McNEILL

6 February 1984

cc PS/Secretary of State (L)
PS/Mr Scott (L & B)
PS/PUS (L & B)
Mr Bourn
Mr Brennan
Mr Angel
Mr Palmer
Mr Merrifield
Mr Gilliland
Mr Jackson
Miss Simmons
Mr Kerr
Mr Boys-Smith
Mr A Wood
Mr Bickham

R.

STATEMENT BY THE NORTHERN IRELAND PRISON GOVERNORS' ASSOCIATION ON 1 FEBRUARY
(See also Work, Orderlies and the appointment of McFarlane)

Did the Governor write to the Department in October 1982 asking whether it was possible to operate a normal regime for protesting loyalist and republican prisoners?

Who instructed the Governor responsible for labour allocation to proceed with all haste to employ the ex-protesting republican prisoners?

The Governor wrote to the Department a number of times during October concerning the developing Loyalist protest. As a result, a number of meetings between the Governor and senior officials in the Prison Department to examine and deal with these problems took place: Hennessy makes it clear that the Governor never found himself without advice on any urgent operational matters.

It is a requirement of Prison Rules that all convicted prisoners, unless excused under the Rules should work. When the republican no work protest ended it was therefore appropriate for those prisoners to be allocated to work. In December 1982 the Governor was instructed at official level that these prisoners should be allocated to Prison Industries as soon as was practical.

R.

Surely the instruction to allocate prisoners such as McFarlane to Prison Industries was wrong in view of the expert comment given by the Governors Association.

Why was the Governor instructed to appoint McFarlane as an orderly.

Was the allocation of convicted terrorists such as McFarlane, Mead and Storey as orderlies following the republican protest a major ^{cause} ~~case~~ of the escape.

I must quote the judgment of Sir James Hennessy and his team who having considered this matter in detail concluded that given the level of supervision of orderlies that existed in H block 7 at that time allocation to Prison Industries would have been preferable. (3.10)

The governor was given no such instruction. As a convicted prisoner it was proper that McFarlane be allocated to work. This is a fact supported by Hennessy. The decision as to where McFarlane was to work and his appointment as an orderly were made by the Prison staff. Sir James Hennessy describes this appointment as serious error of judgment. (3.09)

As the report makes plain the appointment of these prisoners as orderlies played a part in the success of the escape. I should however point out that Storey was appointed as an orderly before the majority of the republican prisoners ended their no-work protest in November 1982. Mead was initially appointed to Prison Industries and became an orderly somewhat later.

Nevertheless the Report is clear that the escape was primarily caused by a failure to follow existing procedures. Had they been followed the escape would not have taken place.

E. R.

Why was it necessary for prisoners to be allocated to work for remission to be restored.

Why did you force the Governor into a situation where he had to increase the number of orderlies.

It was not necessary. The requirement was that prisoners should conform to Prison Rules for a period of three months. Unless they refused to work they would not have been in breach of Prison Rules.

It is nevertheless important to note that up to November 1982 the republican prisoners had been on a no-work protest. The basis of which was their refusal to comply with the Prison Rule which required them to work. When they declared an end to that protest it was obviously necessary to allocate them to work as soon as practical.

I was unaware that the Governor had taken this action. The Governor was not asked to do this, rather he was asked in December 1982 to see that all these prisoners were allocated to Prison Industries (indeed the concrete industry was opened for the express purpose of providing the extra places thought to be required).

The pressure as such was occasioned by the fact that with the end of the republican no-work protest we suddenly had about 200 prisoners unemployed contrary to Prison Rules, which require convicted prisoners to work.

Sir James Hennessy expresses the view that it would have been prudent for the Governor to ^{have} sought the advice of the Prison Department, who were unaware of the difficulties, before increasing the number of orderlies.

T.R.

Did the Governor write to the Department in March 1983 to bring to attention the deteriorating situation in the workshops caused by republican domination.

The Governor did write to the Department in March 1983. He raised a difficulty being caused by the republican prisoners who were being overtly idle in the Prison Industries workshops.

Following consideration at HQ 30 prisoners in one workshop were charged with offences against discipline under Prison Rules.

Subsequently the Governor had a meeting with senior officials where a way forward was agreed and it has since been unnecessary to make further charges under the Rules in this connection.

I would point out that Sir James Hennessy recorded that the Governor never found himself without advice on any urgent operational matter.

R.

What were the Ministerial criteria which the Governor in charge of the allocation board relayed to the board on a number of occasions.

There were no Ministerial criteria to be applied to prisoners' allocation to work.

At a meeting between Governors and senior officials in December 1982 the Governor was however advised that all those prisoners available for work should be allocated to Prison Industries.

It is not possible for me to say precisely what instructions the Governor relayed to the junior Governor responsible for the allocation board, however I note that the minutes of a special meeting of the labour allocation board in December 1982 record the responsible Governor saying that the purpose of the meeting was to allocate as many former non-conforming prisoners to Prison Industries as possible.

Why was there such a rush to get these prisoners to work.

At an allocation board meeting in December 1982 the Governor states that the allocation was to be carried out with the minimum of delay but the suggestion of haste is somewhat outweighed by the fact that this meeting took place some 6 weeks after the end of the no-work protest. It is a requirement of Prison Rules that prisoners, unless excused under the Rules, be allocated to work. It was entirely correct that once the no-

R.

work protest ended the ex-prisoners should be put to work as soon as was practical.

Why did protesting prisoners have remission restored at all.

I decided, in the exceptional circumstances following the ending of the hunger strike early in October 1981, that prisoners - both Republican and Loyalist - who had lost remission as a result of the various forms of protest action over the issue of special category status - should have half the remission restored after three months' full conformity with Prison Rules. This was an exceptional gesture which I hoped would contribute to ending the confrontation which had caused a great deal of tragedy and suffering both inside and outside the prisons. The restoration, which was also subsequently supplied to those persons who gave up the no-work protest on 1 November 1982, supplied only to remissions lost up to 1 November 1981, and did not apply to remission lost for other offences against prison discipline for example violent acts against prison officers or other inmates.

F.R.

Is it the case that the Governor responsible for the allocation of prisoners to work was not told that prisoners were to be allocated to Prison Industries?

I heard The Governor concerned make this claim. All I can say with assurance is that the Governor of the prison, Mr Whittington was told that prisoners should go to Prison Industries following the end of the no work protest. I cannot say to what extent or in what form Mr Whittington passed this on to his junior officers.

However, I note that the minutes of a Labour Allocation Board meeting in December 1982 records the Governor responsible for labour allocation as saying that the purpose of the meeting was to allocate as many former protesting prisoners to Prison Industries as possible.

The same note also records that after the meeting the Governor responsible explained the policy thinking behind the allocation. I am not in a position to say what may have been said or indeed the responsible Governor's interpretation of the instruction he received from the Prison Governor.

Should dangerous prisoners such as McFarlane be given work at all?

It is a requirement of Prison Rules that all convicted prisoners, unless excused under the conditions in the Rules, should work. Sir James Hennessy found that there was not sufficient reason to change this general rule (Para 9.32).

Was the AG in H7 responsible for the selection of orderlies?

The allocation of all prisoners to work is the responsibility of the Labour Allocation Board. At board meetings each block is represented by a senior uniformed officer who briefs the board on the suitability of unallocated prisoners in his

block. The final decision remains with the board but of course an Assistant Governor responsible for a block would have the power to raise with the Governor the allocation of any prisoner, in his care, with which he strongly disapproved. It is of course the Assistant Governor and senior discipline officers in each block who know the prisoners best.

On what grounds do Prison Rules exclude a convicted prisoner for work?

The Rules state that a prisoner is required to work unless excused on medical grounds or by the Governor to allow the prisoner to pursue particular educational courses.