



**INDEPENDENT MONITORING BOARD**

**ANNUAL REPORT 2023/24**

**MAGILLIGAN 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 Magilligan 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 Magilligan 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).

## **MAGILLIGAN PRISON**

### **CHAIRPERSON'S INTRODUCTION 2023/24**

I am pleased to present the Annual Report of the Independent Monitoring Board for Magilligan Prison for the period 1 April 2023 - 31 March 2024. For the purposes of this report, the Independent Monitoring Board shall be referred to as the IMB and 'the Board' shall refer to those members of the Magilligan Board.

The Board is comprised of five dedicated members. Despite the considerable pressure this has caused, more than 200 visits have been made to the prison. All have demonstrated unstinting commitment to the role and I wish to express my thanks and appreciation to them.

A recruitment campaign was undertaken in late 2023 resulting in six applications from which two appointments were made. Neither of these new members opted to join the Magilligan Board. Overall, IMB membership across all three prisons is at a critical level.

During the year covered by this report, the IMB Executive Council has undertaken a review of governance with the aim establishing a clearly delineated partnership agreement with the Department of Justice - including aspirational numbers of members for each Board and regularising the anomaly of differing lengths of tenure. This has culminated in the adoption of constitutions for the Boards and Executive Council and a draft protocol/partnership agreement with the Department which awaits ratification by the Executive and Sponsor Body.

In the autumn, the Northern Ireland Criminal Justice Inspection team returned to Magilligan to carry out an Independent Review of Progress, following the 2021 full Inspection. Staff were disappointed with the findings which identified good progress in three areas, reasonable progress in four and insufficient or no meaningful progress

in the seven remaining recommendations. The IMB Chair and Vice-Chair provided input to the Review.

Members of the Board met with the newly appointed Director General of the Northern Ireland Prison Service to express their concerns regarding the broadcast of a series of television documentaries featuring Maghaberry Prison. The focus of these programmes was on prisoners and the reasons for their imprisonment. Given that the IMB are charged with ensuring the fair and humane treatment of those held in custody, the programmes raised a number of questions relating to the need for assurance that those prisoners involved had been advised and treated correctly and in accordance with their human rights. The Director General thanked the IMB for their comments and informed them that she had requested that a policy be developed to put in place clear parameters around NIPS engagement with the media. In addition, the NI sub-group of the National Preventive Mechanism, (NPM), was also informed of the IMB's extreme disquiet.

Until May 2023, there had not been a specific Northern Ireland Branch of the NPM – albeit there had always been an IMB representative on the national body. The Northern Ireland Sub-group is comprised of members drawn from the Criminal Justice Inspectorate, the Policing Board, Independent Custody Visiting Scheme and the Regulation and Quality Improvement Authority. It was felt that the group was needed to improve collaboration and pursue joint work as a cohesive body to better meet the UK's obligations under OPCAT by identifying areas of shared interest and concern, and taking joint action on Northern Ireland issues. Since its inauguration, the IMB has been represented at the Annual General meeting and involved in work on Deaths in Custody, Personality Disorder and developing a preventive approach to monitoring.

As a resource for training two new members, the IMB have produced a set of aide memoire cards based on a Scottish model.

The introduction of an X-ray Body Scanner (XRBS) has reduced the quantity of illicit substances entering the prison, but the diversion of prescribed medication has increased. It has also raised significant questions relating to policy implementation and risk assessment. A training session was held for IMB members and it was emphasised that each exposure must be justified as being intelligence-led or that there is grounds for reasonable suspicion of concealment. The majority of scans are occasioned by the weekly transfers of prisoners from Maghaberry. A positive interpretation results in the prisoner being placed in the Care and Supervision Unit (CSU) under Rule 32 and a rescan is scheduled. Once a negative interpretation is reached, the prisoner moves into the general population. The IMB's statutory attendance at Rule 32s, has been hugely impacted by the number of positive interpretations leading to rescans.

There have been some alterations to the prison estate. Both Stores and the new Tuck Shop have been relocated which has created room for further classrooms to be established. An electricity substation has increased the power supply and phones have been 'tweaked', which has improved reception.

There are plans to increase bed spaces at the Foyleview Working Out unit by the construction of additional terrapins. Some testing of the existing concrete foundations was undertaken as a preliminary investigation. Plans are also advanced for a 3G pitch. There is an urgent need to replace the main kitchen which, in addition to no longer being fit for purpose, is situated 'across the wall', and *could* present a security risk. Plans are in place to relocate it within the main prison area. A business case has been produced for replacement kitchens in the residential houses and a refurbishment of the CSU is underway.

It is disappointing that the IMB Recruitment Campaigns undertaken in the last year have had limited success in attracting applicants. The current lack of members has impacted adversely on the ability to carry out the role fully and given the time commitment required there are also concerns regarding the sustainability of the Board. In mitigation, it is intended to move to a programme of rolling recruitment, which would allow for a more flexible application process.

Despite the paucity of Board members, priority has been given to the statutory obligation to attend Rule 32 Reviews and Oversight meetings, and members have endeavoured to answer requests and complaints within a reasonable time. The Board regrets that it has not been possible to monitor all areas comprehensively and consistently.

Magilligan Prison is particularly strong in the relationships which staff have with the prisoners in their care. The Board wishes to record its appreciation of the willingness of staff to go the 'extra mile' and to thank them for the support they have given to IMB members throughout the year. Sincere thanks are also due to Governing Governor Gary Milling, Deputy Governor Alan Platt and Governors of the various areas within the prison for their co-operation, courtesy and assistance. Finally, the Board would like to extend its appreciation to the Secretariat staff who have provided assistance, support and friendship throughout the reporting year.

*Anne Rowe*

**Anne Rowe**  
**IMB Magilligan Chairperson.**



## **EXECUTIVE COUNCIL FOREWORD**

The Executive Council for the Independent Monitoring Boards in Northern Ireland provides strategic direction and guidance for the IMBs at Maghaberry Prison, Magilligan Prison and Hydebank Wood College and Women's Prison. The Executive Council is made up of three representatives from each of the IMB Boards. The Executive Council elects a Chair and Vice Chair and it has its own constitution.

From when the Executive Council was established in approximately 2004, no reports were compiled to record the strategic interactions, activities or engagement with other stakeholders.

The current Executive Council feel this has been an oversight by the previous Boards and that the valuable contribution made by the Council should be recorded.

The Executive Council engages at a strategic level with the Minister, the Justice Committee, the Director General of Prisons and the Criminal Justice Inspectorate Northern Ireland; at that end, the Executive Council will now produce an annual Executive Council statement each year, which will form part of the Annual Report for each of the Boards.

Since April 2023, the Executive Council has continued to press for a more formalised structure and protocol with the Sponsor Body. Since the 1952 Prisons Act when the Board of Visitors (original name for the IMB) was set up, there has been a notable absence of paperwork recognising the relationship between the IMB and the Department of Justice as an Arm's Length Body. The Executive Council have been of the opinion for some time that the uniqueness of what is required in relation to knowledge, experience, and sustainability of the IMB has been significantly underestimated. This has been further brought into focus by the lack of people who wish to give of their own time within this unique and challenging area of the voluntary sector.

Over the past year however, we have made significant progress around protocols and procedures in relation to the structure and recruitment processes. We have moved in a positive direction in relation to a partnership arrangement with the Sponsor Body, however there is still significant work to be done.

In the past year, we have monitored the introduction of XRBS in all three prison establishments and recognise there is a bedding-in period following the introduction of any new technology. Whilst we are supportive of everything that increases the safety of prisoners and staff, we need to balance that against the principles of fairness and reasonability. We have had a number of cases where we have not been fully convinced of the need for prisoners to be placed in a restricted regime. As we move forward into the 2024/25 reporting year, we hope that we can look at a more robust monitoring process that will provide confidence that correct interpretation of information is being applied.

The Executive Council has engaged with the Director General of Prisons in relation to the new X-Ray Body Scanner Policy and also raised concerns about prisoner involvement in television programmes.

The Executive Council have been heavily involved in recruitment campaigns for new IMB members. This has involved a revamp of each stage of the process, with members sitting on the interview panels and providing induction training for new members.

On a national level, we have been successful in re-establishing positive links between ourselves and other IMB Boards across England & Wales and Scotland. Whilst at present these have been small steps, we believe there is an opportunity for the sharing of good practice, experience and learning outcomes, supporting continuity across all devolved regions to strengthen the work carried out by the IMB.

This statement will hopefully give an indication of the significant strategic work the Executive Council is doing at both a local and national level. This is even more remarkable given that this is carried out by those who give freely of their time.

We hope that moving forward this important work will be truly recognised by the Department of Justice in terms of meaningful engagement and appropriate support, which will also hopefully help attract more people to come forward to carry out this challenging but rewarding role. Outside of these statutory bodies, the Council engage with counterparts in England & Wales and Scotland, as well as the National Preventative Mechanism (NPM) and other organisations such as the Human Rights Commission.

## **OVERVIEW OF MAGILLIGAN PRISON**

Magilligan is a medium to low security prison which, as of 31 March 2023, held a total of 491 adult male sentenced prisoners on transfer from Maghaberry – all of whom are Category B or lower. Although most are serving 6 years or less, there are a small number of life sentenced prisoners.

The focus of the prison is on pre-release preparation, risk management and resettlement in the community on release. Its regime promotes responsibility and trust, addresses offending behaviour and emphasises social inclusion, employability and strengthening family relationships. As prisoners progress, they are given increased freedom to move around the prison and experience decreasing supervision and control.

The South Eastern Health and Social Care Trust (the Trust) is commissioned to provide primary, mental health and addictions services.

Start 360 is commissioned by the Trust to deliver the AD:EPT (Alcohol and Drugs: Empowering People through Therapy) programme and some therapeutic interventions.

Education and Training is provided by Belfast Metropolitan College and delivered by the North West Regional College (NWRC), under a service level agreement, and library services by NI Libraries.

Chaplaincy Services are provided by the various churches; further spiritual help by the Prison Fellowship.

There are a variety of voluntary and charitable organisations within the prison. NIACRO supports families and is based in the Visitors Centre.

Housing Rights staff provide guidance with grants, accommodation and benefits.  
CRUSE Bereavement Care and Barnardos' support prisoners with family issues.  
The Samaritans Listener scheme is well embedded at Magilligan

## **ACCOMMODATION**

The prisoner accommodation consists of:

**Halward House** – the most modern accommodation on the prison estate where prisoners from Maghaberry are housed initially. Standing as a two-storey unit it can house 84 prisoners if cells are doubled. Each floor allows for communal dining, recreation and association.

### **H1 (Dunluce)**

A Wing- General population

B Wing – Safer Custody landing for prisoners needing extra support

C&D Wings - General population.

### **H2 (Dunseverick)**

A&B Wings - Older prisoners - many of whom have complex needs

C&D Wings - Vulnerable prisoners

### **H3 (Causeway)**

All Wings - General population.

### **Alpha**

A low supervision modular building with 50 rooms which houses prisoners who are being assessed for Foyleview working-out unit.

### **Foyleview**

Low security unit situated outside the wall of the main prison and consisting of an administration building and two modular terrapins. There is a communal dining/cooking/ recreation area.

The entire Foyleview complex is in a poor state of repair.

### **Runkerry**

A relatively new modern 4-bed unit situated near to Foyleview which accommodates prisoners nearing the end of their sentence.

### **Kilcranny House**

Situated in Coleraine, this is the final phase of pre-release testing. It accommodates a small selection of prisoners who meet the residential criteria who - while closely monitored - enjoy a degree of independence.

## **OBSERVATIONS & RECOMMENDATIONS**

### **Alcohol and Substance Abuse**

- Searches at the main gate of staff and visitors to the prison be implemented in order to further restrict the entry of illicit substances.
- Where a prisoner returns a negative result following a re-scan for a former positive interpretation, some investigation is carried out as to the possible disposal of items.
- Explain clearly to prisoners why a refusal to undertake a scan or drug test is regarded as an offence.
- Prisoners may refuse to take a drug test or scan as a failure often results in Healthcare personnel removing their medication. While this is a necessary safeguard, the Board is concerned that it could result in withdrawal symptoms and stress for the prisoner - and in extreme cases, could constitute an abuse of a prisoner's Human Rights.
- Healthcare's bulk issuing of 'in possession' prescription drugs is reviewed.

### **Chaplaincy**

- Residential staff should ensure that the agreed procedure is followed for prisoners attending church services.
- The Chaplains' office is open for prisoners to 'drop in' at regular times each weekday.

### **Education Learning and Skills**

- The needs of prisoners who cannot read or write and need support at Level 1, must be addressed as a matter of urgency.
- More resources are available for staff recruitment and courses at Levels 2 & 3.
- Improvements to digital resources and technology is made - along with access to such resources by prisoners.
- Working/learning areas be modernised and improved.

- An independent review of equipment and gas welding system in the welding workshop, be undertaken asap.
- Facilities be made available to allow accreditations in hospitality, catering and barista work.

### **Equality and Diversity**

- Prisoners who are willing to act as house forum representatives should receive some small reward for their involvement.
- Review the protocol for dealing with property and cash.
- Implement a more robust strategy for investigating accusations of staff victimisation.
- The IMB has concerns regarding the independence and rigour of the complaints system throughout the three prison estates.
- Undertake a longitudinal analysis of the monthly data produced to identify trends and patterns.
- Copies of Key Performance Indicators be provided to committee members.
- Staff should receive training to address the issue of when the use of 'banter' causes offence – and what may be construed as verbal abuse.
- Produce regular copies of the pictorial display of allocation to work, PREPS, Non-random drug tests etc., showing distribution across the religious divide.
- The Board applauds the excellent work undertaken with Foreign National prisoners.

### **Healthcare and Mental Health**

- Healthcare should provide regular reports of key metrics to include use of services, waiting list numbers and waiting times for services.
- Healthcare staff vacancies should be filled as soon as possible.
- Summary of complaints should be presented in the Healthcare report.



- Number of external appointments missed due to transport issues should be reported.

### **Library**

- Consideration be given to making the library available at weekends if not for both days, perhaps a session on Saturday.
- Re-introduce the Big Book Share.
- Ensure that the tablets enabling access to newspapers and magazines are updated without delay.

### **Safer Custody**

- Training for new Listeners be implemented ASAP.
- Ensure that Board members are informed consistently of all those prisoners who have had a SPAR Evolution care plan put in place.
- The Board requests that members of residential staff do not call prisoners to meetings with the IMB by shouting their names down the landing as this negates the confidentiality of a prisoner requesting a visit.
- Prisoners have advised the IMB they feel the formal complaints system generates replies that they feel, do not address the issue being raised. A partial explanation may lie in the lack of understanding of what constitutes a request and how a complaint differs from this.
- There need to be more effective strategies to deal with anti-social behaviour.
- Copies of all new policies and Standing Operating Practices (SOPs) are circulated routinely to IMB members.
- The Safety and Support team provide an excellent and extremely innovative service to prisoners. Record keeping and auditing are exemplary.

## **Segregation/CSU**

- Prisoners held in Cellular Confinement should continue to receive a further Healthcare assessment - in line with prisoners on a Rule 32.
- Increased attention should be given to understanding underlying behaviours rather than concentrating on what has happened in any particular incident.
- Loss of evening association should be used sparingly as an adjudication award
- Ensure that IMB members receive regularly a weekly copy of scheduled adjudications.
- Governors should explain clearly their rationale in making awards to prisoners and applying for extensions to Rule 32s.
- There remains an urgent need for access to external in-patient facilities for prisoners with severe mental health disorders who may remain in the CSU for extended periods of time for their own safety.
- Absence of Personality Disorder service provision has an impact on prisoners and staff.
- The Board is pleased that the CSU has been extensively refurbished.
- Members of the IMB require training in the new digital procedures for the conduct of Rule 32 and adjudications.
- The Board is pleased to report that it is very rare for the IMB to receive complaints from prisoners concerning their treatment in the CSU.

Relationships between prisoners and staff are excellent due in part to the strong, stable and diverse team who manage it.

## **Visits**

- Proper shelter and waiting facilities be provided at the area at the visits entrance.
- Child-centred visits be held regularly and ideally on Saturdays, especially during term time.
- Resources be made available to accommodate the above.

## **ALCOHOL AND SUBSTANCE ABUSE**

The Criminal Justice Independent Review of Progress against recommendations from the 2021 inspection, expressed concern that illicit drugs and diverted prescribed medication were easily available. Although a drug and alcohol strategy and action plan was in place, the review reported that progress had been slow.

Since the deployment of the X-ray body scanner in April 2023, the entry of illicit substances has been reduced significantly. Whilst this has made a welcome contribution to the creation of a safer environment, the diversion of prescribed medication accounts for the unchanging rate of drug test failures.

Although some prisoners still require their medication to be dispensed by supervised swallow, the majority of prisoners receive their medication for self-administration. This is a sensible step in preparation for release and subsequent management of their own medication, but it leads to increased access to prescription drugs available on the landings - despite staff making frequent checks on the locked boxes in each cell.

During bank holiday periods and because of staffing issues, medication may be administered by Healthcare staff in bulk. This has led to some prisoners being bullied and their medication being stolen. Their explanation for the discrepancy has not been accepted and no replacement meds have been provided – this has resulted in withdrawal symptoms and considerable stress. The Board acknowledges that when there is less staff available, it is necessary to dispense medication in this way but would ask that prisoner’s individual needs are taken into account and there is no blanket deprivation.

Prisoners who have been on temporary release – along with the weekly cohort of transfers from Maghaberry, are scanned for the presence of contraband on their

arrival at Magilligan. The majority of these scans are interpreted as negative but if positive, the prisoner will be asked if he wishes to surrender the item(s) shown. If he states that he has nothing to give up, he is placed on a Rule 32 in the CSU to ensure the safety of the prison. A rescan will be conducted, normally on the following day and again, most scans will be interpreted as negative and the prisoner discharged to his landing. Scans that are inconclusive or which indicate a further positive interpretation, will continue to be re-scanned until a negative interpretation is reached.

The Magilligan Board is of the opinion that the prison management is chiefly concerned with preventing illicit substances from entering the prison. Where a prisoner has initially tested positive - but negative on rescanning, the Board would question what has happened to any substance which was present. Whilst the Board realises that the interpretation of scans is not definitive and can be incorrect, it would appear that the possible disposal of items by the prisoner, is not regarded as warranting investigation.

Throughout the year, adjudication statistics consistently show that presence of drugs, possession of an unauthorised article, refusal to go through the scanner or, provide a sample for a drug test, account for the highest number of individual charges. The reason for this is that when a scan or test shows an incorrect reading, Healthcare staff often withdraw the medication immediately as a safety precaution; this causes the prisoner a great deal of stress. Board members are at pains to point out that a positive scan or failed result, clearly indicates the need for help to be offered whereas, a refusal may have an impact on parole applications and Social Services' willingness to enable access to children.

As the supply of drugs in the prison has reduced, new forms of 'currency' have emerged. Hooch - a form of illicit alcohol made mainly from fermented fruit, has

been found to be circulating having almost completely disappeared in recent years. There is also a keen market for expensive designer trainers and sweat shirts adding to the already high level of complaints concerning 'lost' clothes and other possessions.

The Trust provides the addictions services and has commissioned Start 360 to deliver the AD:EPT programme and some therapeutic interventions. Opiate Substitution Therapy (OST) is provided by the Trust addictions team. Waiting times for Trust assessment and appointments can be lengthy, and there are significant delays in accessing OST.

As an element within the local strategy for the management of substance abuse, was the examination of specific cohorts to establish where risks existed. One area highlighted was the kitchen - which is located 'across the wall' but which circulates food throughout the prison estate. The building is scheduled for replacement and plans are already in place to re-establish it in a central position on the main prison area. There is also the recognition of the importance of purposeful activity and maintaining family contacts.

While increased efforts have been made to implement the Drug and Alcohol reduction strategy, the Board would once again request that searches be introduced for all staff and visitors to the prison.

## **CHAPLAINCY**

All major Christian denominations are represented by the chaplaincy and an Imam is available to visit the prison if required. Each offer pastoral care and a listening service both to prisoners and prison staff. A chaplain meets the transfer prisoners arriving from Maghaberry on a weekly basis and offers support at a time when they may be apprehensive about moving to a new environment.

As a consequence of a decline in the number of Protestant prisoners, the Chaplaincy team has reduced the time assigned to the respective clergy; prisoners have expressed their dismay at this.

The times of religious services are provided on notice boards on the landings. Prisoners sign up to attend but do not always go to the service which can lead to ministers having very sparse congregations and prisoners claiming that they were not called by staff. It is important that the stated procedure for enabling attendance is consistent throughout the prison.

The Prison Fellowship meets regularly and is well supported. However it is disappointing that the Chaplain's office, which is centrally situated, is rarely open for prisoners to 'drop in' for a chat. This is a facility which is sorely missed.

An important aspect of the chaplains' work is their liaison function with prisoners' families. They can often offer advice and practical support in a variety of situations, especially when there are delays in release and problems with accommodation. A chaplain attends meetings of the Equality and Diversity committee and is able to raise issues of concern brought to him. His presence acts as a reassurance that the day to day functions of the prison do not give rise to any religious discrimination.

## **EDUCATION, LEARNING AND SKILLS**

Belfast Metropolitan College (the Met) is the lead provider of Learning and Skills within Magilligan Prison. Courses are delivered in partnership with the North West Regional College (NWRC) which has an objective to provide a range of accredited courses such as Art, Barbering, various Construction Skills including Bricklaying (commenced on 11/03/2024), Carpentry, Joinery, Painting/Decorating, Plastering, Tiling, Creative Writing, Employability, Literacy & Numeracy Essential Skills, ESOL, Food Safety, Horticulture, IT and Welding. In doing so, prisoners are encouraged to achieve a basis for more positive outcomes on resettlement into their communities. A Service Level Agreement between the Met/NWRC and NIPS sets out the working relationship between both for the oversight and management of the provision of learning and skills in Magilligan Prison.

Education provision is curtailed by a shortage of staff. Recruitment appears to be a challenge - possibly due to the location and also the fact that classes run for 46 weeks of the year. More staff are needed so that more prisoners can avail of opportunities, for example, English and Numeracy Essential Skills initial assessments begin at entry level 3; entry levels 1 and 2 are not delivered. Because of this, a cohort of prisoners is missing out. More staff would expand provision for more prisoners to gain access to perhaps a greater range of courses - none of which will ever be attainable without a major increase in funding.

At the end of the current financial year, there were 421 unique learners which was nearly 100 more than the target of 324 and there were:

- 12 courses at entry level
- 20 courses at Level 1
- 20 courses at Level 2
- 5 courses at Level 3

Level 3 is only available in Creative Arts & Digital Technologies, Information Technology Application, Men's Haircutting, Barbering and Horticulture. Training to acquire CSR Health and Safety Cards is offered to individuals who may wish to pursue a career in the construction industry upon release.

It is unfortunate that due to a lack of facilities on the prison site, Hospitality & Catering are not yet accredited, and the barista training - whilst having been approved - has never commenced for the same reason.

It is disappointing also to learn that the welding workshop, despite being impressive in appearance, is apparently not fit for purpose. With a very keen tutor - and eager students, it would be capable of delivering qualifications in four different welding categories. This means that each person taking part, could finish the course with eight certificates – four each in Levels 1 and 2. Only half of the places available here are filled due to the ongoing problems, which is very unfortunate as welders are in high demand and very employable.

Currently only one type of welding (which does not need gas) is being taught in Magilligan. This is due to issues relating to the gas detection system which causes it to shut down due to high or low pressure readings. At this time, it has not been operational for the last seven months and has been fraught with problems since its initial installation in 2019. An exhaust system had also been installed in the Metal workshop; this had to be redesigned and replaced as it too was frequently non-operational. A totally independent review and assessment of the gas system is therefore needed to allow the workshop to run at full capacity.

Although there were 912 accreditations from 944 enrolments at the end of this current year, more emphasis needs to be placed on the standard of accreditations



rather than the actual number of those awarded. (This is a huge increase compared to 191 accreditations - 345 enrolments in March 2022, and 747 - 938 in March 2023).

Classes take place in the old Nissan huts, and aging temporary mobile huts on the prison site. The heating system is often dysfunctional – offering no comfort for staff or pupils and in extreme circumstances, classes are cancelled. This is a basic requirement, however the entire education areas need complete modernisation.

All participants in the IT class need access to digital resources but during this reporting year, the tutor is the only one who has access to it. IT and Creative Writing are often impacted by unstable network issues and as such, the need for the provision of a more stable digital strategy cannot be over-emphasised. Failure to do so will affect all aspects of education delivery within the prison. We would like to think that although this would be a progressive journey, no time be wasted in the delivery of same.

## **EQUALITY AND DIVERSITY**

The Equality and Diversity Committee has responsibility for ensuring that the prison complies with its obligations under Section 75 of the Northern Ireland Act 1998, by promoting equality of opportunity and eliminating discrimination. Chaired by the Deputy Governor - and coordinated by a designated Senior Officer, its membership includes a representative from the Equality Commission. The monthly meeting examines statistical data covering the areas of adjudication, segregation, control and restraint, Preps, home leave, drug testing, searches, work allocation and complaints. A member of the Board attends as an observer.

The Criminal Justice Independent Review of Progress since the 2022 inspection recommended that there be more formal consultation with prisoners. To this end, the format of the meetings has been revised and prisoner representatives of the house

forums are now invited to remain throughout, rather than just at the start of the meeting. Instead of circulating a full printed set of statistical information, the data is shown on screen with some redactions. It is pleasing that a representative of the Travelling Community attends.

It is important that prisoners should be encouraged to provide input to the day to day working of the prison and the Equality and Diversity meeting allows their voice to be heard. Prisoners are often reluctant to become representatives and only H2 has a forum that meets on a regular basis. This seems to indicate a need to establish a more general meeting, comprised of representatives from each house, possibly chaired by the Residential Governor and timetabled to meet at weekends when there is less pressure on time. The Board would also recommend that some incentive be offered to prisoners who agree to be members of a forum and contribute to it.

A continuous Action Plan provides an overview of progress against recommendations. While this is currently produced at local level, there is merit in it being extended to all three establishments.

The monitoring data produced and discussed is presented in a format that enables disparities to be clearly identified, with a focus on identifying any poorer outcomes for either of the two main religious groups. Any anomalies are further examined by taking a 10% dip sample. Data relating to other protected groups are included in the monthly Key Performance Measures Report, but copies of this are not provided at the meeting and are not discussed. The Board suggests that the provision and consideration of data drawn from each of the protected groups would strengthen the work of the committee and increase its inclusivity.

As an attempt to destroy some of the myths surrounding perceived religious discrimination, a poster has been produced. The poster displays the breakdown of

the prison population and the percentage of each religion, (including an 'Other' category) who are Enhanced prisoners, resident in Alpha or Foyleview, have had adverse reports, been selected for non-random drug tests and have been issued with positive reports. While this clearly shows the care that is taken to ensure equality, statistics alone do not change perceptions. A prisoner refused a request will often default to discrimination as the basis for the refusal rather than accept that there is a reason why it cannot be granted.

Analysis of complaints is very thorough and detailed with comparisons made month to month. For those topics that receive numerous mentions a more longitudinal examination would identify trends and possibly suggest action that could be taken to reduce their occurrence. Problems with property and cash continually engender the greatest number of complaints with the majority concerning items lost in transit and delays in prisoners receiving items sent to them. This would indicate that the process for dealing with property is flawed and should be reconsidered.

Despite complaints concerning discrimination, harassment or the actions of staff being rigorously examined, the Independent Review of Progress recommended that the prison should investigate and address prisoner perceptions of staff victimisation. This has been ongoing although no conclusive evidence has been found to support any overt discrimination. Prisoners are often unwilling to give the name of any member of staff involved in poor behaviour but there is no clear procedure for dealing with accusations of victimisation. The Board has concerns regarding the independence and rigour of staff investigations and calls for this to be rectified.

In situations where an officer has caused offence to a prisoner it is often the case that what was said was in the nature of banter but was not perceived as this by the recipient. Staff need to receive some training around this as humour is often an excellent means of diffusing a difficult situation but needs to be used carefully.

Members of the Board have received complaints from prisoners regarding occasions on which derogatory language has been used to address them. Verbal abuse may be experienced as deeply damaging and is both unprofessional and unacceptable. There is also a tendency for prisoners to be called by an Officer shouting their name down the wing. Not only is this disrespectful it also destroys the confidentiality of a meeting with the IMB. This has been drawn to the committee's attention and is both unprofessional and unacceptable.

Following on from the 2020/2021 report the Board is pleased to report the continuation of the excellent work with foreign national prisoners undertaken by the co-ordinating officer. All are met individually and the officer shows a good understanding of their needs and the support each requires. Regular "check-ins" enable specific difficulties to be raised and level of understanding of English ascertained. Flash cards with useful phrases have been produced and printed as a book to help with purchasing from the Tuckshop. Prisoners have also been provided with translations of Prison Rules and daily menus. Where necessary use of Language Line translation facility is encouraged but if a prisoner in Magilligan does not have anyone else who speaks his language Maghaberry is contacted to see if a transfer can be made of someone who speaks it. This improves communication and avoids possible isolation. All Foreign National prisoners who want employment are found work, and many undertake TESOL courses.

Home Office Immigration surgeries are held at monthly intervals and this regular contact keeps prisoners informed of the status of their date for deportation or application for settlement and alleviates much of the anxiety generated by uncertainty regarding their progression.

The Equality and Diversity committee generates a large amount of data and whilst monthly comparisons are made there is no longitudinal analysis or identification of

trends. To what extent does the information inform policy? The Board would like to see evidence of the application of this data.

## **HEALTHCARE AND MENTAL HEALTH**

The normal regime of the prisoner was maintained throughout the year. Any cases of Covid were managed on an individual basis and did not cause any disruption to the prison.

Healthcare services, which includes primary care, mental health, dental and optical services, are provided by the South East Health and Social Care Trust (SEHSCT).

People held in custody should be afforded the same standard of care in prison as they would have received in the community.

Healthcare representatives attend the IMB monthly meetings by open invitation - as operational pressures allow. To monitor the service provided to prisoners, it would be beneficial to have regular written reporting of key metrics such as attendances at, and waiting list and waiting times, for health services. This would enable adverse trends to be identified earlier and mitigations put in place.

The waiting time for GP appointments improved during the year - from 14 weeks to around eight weeks; this is still a longer wait than in the general community. There are approximately five GP sessions per week in Magilligan with a locum working in June to October. One GP takes a particular interest in addictions.

Dental service has increased to four sessions with urgent appointments being seen first. Routine appointments can wait up to 12 weeks.

We have concerns with Pharmacy arrangements which are based at Maghaberry; this can lead to delays in fulfilling prescriptions and ensuring they arrive at Magilligan in

a timely manner. There has been a reduction in prescribing Pregabalin and Gabapentin as per guidelines and this has been communicated to prisoners. The number of prisoners on Opiate Substitute Therapy remains constant at approximately 150 across all prison facilities.

Nurse led sessions are available daily and nurses attend to anyone held in the CSU.

There was a trial for an Advanced Nurse Practitioner who was able to see up to 12 patients a day, one day per week to alleviate pressures on GP appointments.

Paramedics are still used to supplement medical cover at night and weekends.

The main issue with health provision continues to be staff shortages. It is proving difficult to fill vacancies in Magilligan. Recent Band 5 recruitment campaigns had a poor response and several 'no shows' for interview. There is a Band 8 vacancy and the current Band 8B is filled on a temporary basis. The health provision must be fully staffed to deliver to expected standards.

Access to medical services is a key concern for prisoners and a recurring topic for complaints. All complaints received are followed up within 10 days and resolved informally where possible. In June 2023, a part-time Engagement Leader - whose role is to take receipt of all Healthcare related complaints - was appointed. If a complaint cannot be resolved at local level, it will be escalated to personnel in Lagan Valley Hospital. The Engagement Leader's presence has made an appreciable difference to prisoner's wellbeing since they now feel that there is someone listening to their concerns and doing their best to help them. This is a positive focused intervention appreciated by the prisoners and it reduces unnecessary administrative burdens.

We note that on occasions, prisoners missed hospital appointments due to the unavailability of prison transport. Attendance at court, for example, was given priority. Sometimes little or no notice was given and the appointment was lost. There was not complete communication, particularly when the appointment was 'red-flagged'; this will now be passed to PECCS to reduce missed appointments and distress to patients.

## **LIBRARY**

The library is situated in a free-standing building which is centrally located. It is staffed by an officer who has designated responsibility for its administration and day to day operation, assisted by one full-time orderly and several part-time helpers. Stock is provided by Libraries NI and comprises over 7,000 books, 1,700 CDs and 3,900 DVDs in a variety of genre, foreign languages and levels of literacy. Each landing is allocated a dedicated day on which the residents can visit the library but, despite the recommendation made by the Board in previous Annual Reports opening hours have still not been extended to the weekend due to lack of staff and security issues.

Borrowing entitlement ranges from four items for prisoners on Basic regime, eight for those on Standard and ten for those who are Enhanced which includes, two CDs, and five DVDs at a time. Prisoners may be allowed to borrow additional items on occasion.

There are two Galaxy tablets which enable access to newspapers and magazines. These are particularly appreciated by Foreign National prisoners who are able to catch up with news in their native language. The Board understands that the tablets are awaiting an upgrade and would ask that this is expedited as soon as possible.

It is disappointing that the Big Book Share, which enables fathers to read and record an age appropriate story for their children, has been discontinued. Originally this was sponsored by the Library Service and a number of well-known children's authors visited the prison. While it is unlikely that this level of event could be facilitated the Board would recommend that it be re-instated as it would be possible to do so at very little expense.

During the period under review there were 7,718 visits to the library which represents 70% of the prison population. It is an important and popular service that introduces men to reading for knowledge and pleasure and enables them to make good use of their time.

## **SAFER CUSTODY**

Maintaining the safety, mental health and wellbeing of prisoners is a priority for the prison. The Board's view of safety is formed from observations taken from its own monitoring, attendance at meetings and speaking with staff and service providers. Members also view documentation and, on occasion, CCTV footage.

The Safer Custody Forum is the formal means by which the management of vulnerable individuals, incidences of self-harm, bullying and poor mental health is monitored. Monthly meetings are Chaired by the Residential Governor and attended by the Safety and Support team, Senior Officers, representatives of Healthcare and the Prisoner Development Unit. A member of the IMB attends as an observer. ..

The Board, in its 2020-2021 report commented on the strengthening of Safer Custody across the prison as a result of establishing a specific Safety and Support team. The team is located in designated offices in Halward House and has access to an electronic care management system which helps staff to raise a concern, assess an individual's risk of self-harm and meet the needs of prisoners in distress. Reports can



be produced for monthly safety meetings and all stakeholders are involved in the review process.

Where there are concerns that a prisoner is distressed or in a personal crisis the Supporting Prisoners at Risk (SPAR) Evo process can be invoked.

Prior to the introduction of the SPAR Evolution approach to providing support and care to vulnerable prisoners a 2014 Criminal Justice Inspection report on Prisoner Safety was critical of the over-use of isolation cells, anti-ligature clothing and the care planning aspects of SPAR which tended to be protective but needed to be more proactive to identify and address the individual's underlying issues.

SPAR Evo is better able to address these through triaging and risk assessment followed by the production of an individual care plan and monitoring. When a concern is raised, it is formally risk assessed and has three possible outcomes: No apparent risk; no apparent risk with other action/referral; or at risk.

The default within SPAR Evo is the person remains in their usual environment, unless the risk of suicide or serious self-harm is so severe as to justify relocation to a safer cell. Decisions regarding the use of a safer cell and special clothing will be at the discretion of the Duty Governor.

The Board has been critical of the standard of reports produced and is pleased to report that these have been greatly improved. A detailed audit has been established which clearly indicates actions that have been taken and generates an alert so that management checks can be made to ensure that they have been completed on time. Advice and support has been given to staff with reference to the quality of recording. The Safety and Support team has made a substantial improvement to the SPAR Evo process.

Multi-agency review/check-ins meetings for prisoners managed under Safer Custody enable an individual's issues to be addressed. An average of 22 prisoners are on the

case load at any time and each is discussed and a personal development plan agreed. The prisoner is generally involved in this process with the aim of a return to the general population. As a result of the lack of IMB members it has not been possible to attend these meetings regularly which is concerning.

Notification to the IMB of a prisoner being 'determined at risk' has been extremely haphazard and the Board requests that this be addressed as a matter of urgency.

The first night in Magilligan for transfer prisoners often occasions distress and the Board would suggest that better preparation for moving from Maghaberry would help to mitigate this. Frequently prisoners are given no warning that they are to be transferred so cannot notify their family that this is to happen. There is an introductory booklet which describes the prison and its regime but its provision is inconsistent. Furthermore their clothes and other possessions do not travel with them which frequently results in lost property causing further distress.

Following the introduction of the X-ray Body Scanner there has been a reduction in the supply of drugs brought into the prison with a subsequent increase in the diversion of prescription drugs on the landings. This could result in a rise in bullying and anti-social behaviour and staff would need to be especially vigilant in order to prevent this escalating. The Challenging Anti-social Behaviour, (CAB), strategy is based on recording evidence by raising a concern, incident or victim form. Despite assurances that all information supplied will remain confidential prisoners are unwilling to name perpetrators. While in the period covered by this report only 27 cases of Prisoner on Prisoner assaults were recorded the Board would suggest that a more investigative approach be adopted.

Use of force remains infrequent, with only a few incidents recorded. When force is used it is often low-level restraint and each incident is reviewed at regular meetings

attended by a Board member. The Board is satisfied that the use of force events are appropriately justified and reported.

During the Covid restrictions the group of Listeners trained by the Samaritans were unable to move around the prison to offer assistance. As a result the number of Listeners had reduced to two and support to prisoners experiencing distress had passed to contacting the Samaritans directly by phone. It had not been possible to train a new group as the Belfast Samaritan trainers were under staffed. It may be possible to undertake some training virtually and to start the regular wing walks again. The Board would encourage joint training with Maghaberry to be explored. It is the Board's view that, overall, the prison is a safe place to be. The safety culture is one of continuous improvement with the analysis of information gathered by the Safer Custody team, together with well embedded processes which ensure a regime that adapts well to emerging issues.

### **SEGREGATION - CARE AND SUPERVISION UNIT (CSU)**

Segregation, the restriction of association, may be used as a deterrent for a number of offences generally those categorised under Prison Rule 32 pertaining to the maintenance of good order and discipline within the prison or to ensure the safety of officers, prisoners or any other person or in the prisoner's own interests.. Cellular Confinement (CC) may also be awarded through the adjudication process for a variety of reasons including, possession of unauthorised items, disobeying an order and damaging prison property. Members of the Board visit the CSU at least once a week and have a statutory obligation to ensure that, where a prisoner is detained under Rule 32 the procedure has been undertaken correctly and the documentation generated signed to verify this.

The majority of documentation is generated digitally which makes it more difficult for IMB members to check. The Board requires training to become familiar with the forms and aware of how they are to be completed.

Members of the IMB must be informed when a prisoner is placed on a Rule 32 and are statutorily obliged to attend case reviews where an application for an extension to the period of segregation is sought. There is a protocol for contacting Board members but the introduction of the X-ray body scanner has prompted a change to this and notification now tends to be by the member on rota contacting the CSU to ascertain whether they are required. Even when a member arrives at the CSU there may well be a delay before the review begins which is frustrating and inefficient. Despite the IMB having so few members attendance at Rule 32 case reviews and oversight meetings have been prioritised with very few missed.

On occasion prisoners are placed on a Rule 32 for their own safety and/or the safety of others. In instances where an individual has enemies throughout the prison it is not possible to accommodate him anywhere other than the CSU. It should be noted that it is a place where individualised care can be administered but segregation is not conducive to good mental health and a concerted effort is made to ensure that no prisoner remains on it for any longer than is strictly necessary.

When visiting prisoners in the CSU, Board members are able to speak freely with them. Generally officers are in the vicinity but are not privy to any conversations. A private interview room is available but is at some distance from the main building and at times a security issue would prevent it from being used.

Governance of extensions to Rule 32s and placement on cellular confinement has continued to improve. Prisoner Placement forms, produced at the point of transfer state the reason for its imposition and enable medical concerns to be brought to the attention of staff. Within two to four hours of being moved a prisoner's fitness to be placed in segregation must be assessed by a member of the Primary Healthcare team. Where an extension is to be sought a further Healthcare assessment is provided. This does not pertain to prisoners on cellular confinement who may be

segregated for up to 14 days. The Board calls for these prisoners to be further assessed.

As near as possible a normal regime is followed. All prisoners receive a shower and phone call and time outside either in the yard or, if the weather permits, in the Therapy garden. There are a variety of distraction packs, books and DVDs. On arrival at the CSU healthcare, the PDU and education are notified of the prisoner's location. This enables education and Personal Development Plans to be continued. There have been criticisms concerning the lack of meaningful communication but conversations and time out of cell are now recorded electronically and can be verified.

Anyone placed on a Rule 32 should have an exit plan in place from the inception of their being placed in it. The longest time any prisoner spent in the CSU during the year under review was 120 days. Such a concerted length of time was unusual for Magilligan CSU and was occasioned by the prisoner's complex needs unpredictable, violent and abusive behaviour, several cell wrecks and a number of dirty protests. Throughout this time the staff showed total professionalism in managing him and made several efforts to produce a sustainable exit strategy.

Board members have attended Oversight meetings at which exit strategies are considered. Chaired by the Deputy Governor, representatives of Healthcare, mental health and education/activities are invited to attend or supply written documentation.

The CSU building is not fit for purpose and, although requires replacement, the Board is pleased to be able to report that it is being refurbished.

## **ADJUDICATIONS**

Adjudication is the formal process for dealing with offences carried out by prisoners that are against the Prison Rules. Possession of drugs, failing or refusing a drug test, or refusing to provide a sample for testing remain the principle charging offences.

Both at Rule 32 case reviews and adjudications more attention is paid as to what happened rather than examining the behaviour or events underlying it. The Board feels this is a missed opportunity.

During the latter part of the year, a number of governors have supplied the IMB with a weekly list of scheduled adjudications. Since prisoners frequently request that the IMB are present at their adjudication, this is extremely useful and should be incorporated into normal accepted practice.

In order to reduce the number of prisoners being segregated for failing a drug test for the first time there is an option to offer an opportunity to engage in a programme designed to address substance abuse. If the prisoner completes this satisfactorily the charge is subsequently withdrawn.

There has been a marked increase in the number of prisoners refusing to provide a sample as the prisoner prefers to spend time in cellular confinement rather than be tested and found to have drugs in his system other than his own prescribed medication. A finding of this nature leads to Healthcare withdrawing medication as a safeguard. Prisoners are advised that it is preferable to fail a drug test rather than refuse it as the latter is often considered negatively by Social Services and may lead to a ban on seeing children at visits. The introduction of the X-ray body scanner has led to a shortage of illicit substances circulating in the prison and has led to an increased diversion of prescribed medication with some accompanying bullying and threatening behaviour.

There have been occasions where awards of cellular confinement have appeared to be particularly harsh given the nature of the offence committed. On investigation the IMB have been informed that the governor was taking into account previous offences but did not make this clear to the prisoner. The Board suggests that

governors should explain clearly their rationale in making an award. In addition, where a number of prisoners have been charged with the same offence there have been inconsistencies in the awards that were made.

Prisoners have told Board members that there is no point in them requesting witnesses to be present, or asking a governor why a particular decision has been made, as the outcome is already decided and will not be reconsidered. The members are of the opinion that it is rare for a prisoner to be given a caution rather than an award feel that that this should be employed more regularly - and other forms of punishment - rather than deprivation of privileges, be considered. The majority of prisoners have a negative view of adjudication. Encouraging the prisoner to explain his behaviour and to suggest how he might compensate for it might help to make adjudication more of a learning experience rather than just a means of administering punishment.

## **VISITS**

The importance of men who have lost their freedom meeting their families regularly and maintaining contact with them cannot be overstated.

There are currently 2 visit sessions per day, taking place on Wednesdays Fridays and Saturdays.

The new online booking system which commenced in January 2024 has, despite a few teething problems in the early days, proved to be very successful. Naturally, it does not suit everyone-especially those who are not au-fait with technology, the elderly and anyone who does not have adequate broadband provision, but 87% of visit bookings have been made on it to date. The site is easy to navigate and feedback from visitors who use it is very positive. Staff are available when needed to talk the process through, if and when difficulties arise.

Whilst 29,194 bookings were made, 22,850 actual visits took place. Virtual visits continue to be very popular and are particularly useful for those who find the geographical location of Magilligan a challenge. 21,374 took place during the reporting period.

The area in which visitors wait to enter the prison visits hall can only be described as dire – once again. The visitors queue on a walkway that is exposed to all the elements that the North Coast has to offer - literally four seasons in one day. This is completely unsuitable and unacceptable for everyone, but especially the elderly, disabled and the very young. Simple and practical adjustments/changes like providing seating facilities for the elderly, or a mother with small children to sit on, and erecting “a side or sides’ along the walkway would make a huge difference. This unfortunately is not a new nor recent observation by the IMB - it has been documented several times in recent years, but to date there have been no improvements or change.

We are aware that NIACRO provide excellent waiting facilities in their building, but it is obvious that visitors often want to get into the queue as early as possible to maximise their time with their loved ones, especially the many who have travelled a distance to get there.

The visits hall is bright, well-maintained and welcoming especially for small children, with toys, books and multiple activities provided, along with valuable input from NIACRO staff. NIPS staff who work there are friendly, helpful and feedback from families who visit is generally positive.

Child-centred visits are very important for families to interact in a non-custodial environment, but unfortunately, due to staffing resources there has been only one to two per month throughout April-June 2023 inclusive. A total of 501 adults and children attended in the financial year - 40, 46 and 65 respectively in April May and



June, whilst the numbers increased dramatically during July and August to 153 and 197 respectively, for obvious reasons. Visits were held twice weekly during these months. Some thought should be given to holding these visits on a Saturday, especially during term time. We are disappointed to learn that no CCV'S were held between September 2023 and March 2024, due to staffing issues. This needs to be addressed as a matter of urgency- more resources must be made available for CCV's to take place regularly. Children should not suffer as a result of their father being punished with a jail sentence, and the men who interact regularly with their families are often easier managed when they are apart from them between visits.

Finally, NIACRO have again continued to provide an excellent service in supporting families visiting Magilligan, along with colleagues from Barnardos'. They are often the first point of contact for visitors to Magilligan, and a warm welcoming environment is always guaranteed, along with advice and emotional support. The NIACRO team who work in Magilligan are to be commended for the sterling work they do, and for the initiatives shown in this area.

**Recommendations:**

Proper shelter and waiting facilities be provided at the area at the visits entrance  
Child Centred visits be held regularly and ideally on Saturdays, especially during term-time. Resources should be made available to accommodate above.

**LIST OF MAGILLIGAN IMB MEMBERS 1 APRIL 2023 - 31 MARCH 2024**

**Margaret McCrory - Chair**

**Anne Rowe - Vice -Chair**

**Tanya Quinn**

**Bryan Snoddy**

**Arlene Sproule**