

Mr Boys Smith

Mr Mitchell
PA
10/1/84
Mrs McDonald

- cc PS/SofS (L&B) M
- PS/Lord Mansfield (L&B) M
- PS/Mr Scott (L&B) M
- PS/Mr Patten (L&B) M
- PS/PUS (L&B) M
- PS/Sir Ewart Bell M
- Mr Bourne M
- Mr Brennan
- Mr Palmer M
- Mr Angel
- Mr Doyne-Ditmas M
- Mr Buxton M
- Mr Merifield M
- Mr Gilliland M
- Mr Norris
- Mr Wood
- Mr Jackson M
- Mr Kerr M
- Mr D McNeill M
- Miss Simmons M
- Mr Ginn M
- Mr Bickham
- Mr Needham

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Hennessy file

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HENNESSY DEBATE: 9 FEBRUARY

The Secretary of State was grateful for your note of 7 February to which you attached a revised draft of his speech for the Hennessy Debate. He was grateful also for the comments which Mr Andrew and others made on the draft.

I attach a final revised draft which has been approved by the Secretary of State and which he intends to use, or in parts draw on, in opening the debate.

J. M. Lyon

JOHN LYON
Private Office

9th February 1984

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HENNESSY REPORT DEBATE : 9 FEBRUARY 1984

SPEECH FOR THE SECRETARY OF STATE

This afternoon we are considering the report of Sir James Hennessy, Her Majesty's Chief Inspector of Prisons, on the escape from the Maze Prison on 25 September. When I made a statement to the House two weeks ago, at the time of its publication, I was able to refer only briefly to the main recommendations and to the analysis which lay behind them. I welcome the fact that, now Honourable Members have had a chance to read the Report, the House has this opportunity to debate it in detail, and in so doing to look more widely at the situation in the Northern Ireland prisons.

2. The report on the escape is the product of over 3 months concentrated work by Sir James and his colleagues in the Prisons Inspectorate. The Inspectorate is used to making detailed professional examinations of the workings of prisons, and to giving their findings to Ministers. They are not people to have the wool pulled over their eyes and they are not ones to pull punches in reporting their conclusions. Their report is painstakingly thorough both in its account of the escape and in its analysis of what lay behind it. It is also a comprehensive report, and must be read as a whole and taken as a whole. It is not possible for anyone to pick and choose. For my part, as the House knows, I have accepted it in its entirety and all its recommendations. The Government has full confidence in the professional judgement of the Inspectorate.

3. In opening today's debate, I should like to follow the Report by referring first to the situation in the Maze prison. Sir James points out that the Maze is a prison without parallel in the United Kingdom, unique in size, and in the continuity and tenacity of its protests and disturbances. The prison population is unique as well. I can do no better than to quote Sir James Hennessy's description: "It consists almost entirely of prisoners convicted of offences connected with terrorist activities, united in their determination to be treated as political prisoners, resisting prison discipline, even if it means starving themselves to death, and retaining their paramilitary structure and allegiances even when inside. Bent on escape and ready to murder to achieve their ends ... they are able to manipulate staff and enlist the support of paramilitary organisations in the process of intimidation". The House should know too that the number of prisoners has increased quite without precedent - from 600 before the troubles to 2,500 now, 420 serving life sentences. Some 40% of the total would be described in England as category A.

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4. We are not therefore dealing here with an ordinary prison [nor with ordinary prisoners.] As Sir James says, it is a singularly "difficult and dangerous task". It is according to Sir James, made even more difficult by "the determination of the Government not to give into the terrorists' political demands; the determination to treat terrorists like all other prisoners - with all that implies in terms of regime and privileges; and the determination to avoid, in the wider interests of peace, those measures which, although beneficial in security terms, might provoke further destruction, further protest or further conflict and loss of life". I believe the House will agree that the determination of this Government and

of its predecessors on these fronts is right and proper. That is our clearly stated policy, as it has been the policy of successive Governments.

5. There are those who while they accept this policy, have nevertheless suggested that the circumstances of the escape demand Ministerial resignation. I take that view seriously and have given it the most careful consideration. I share hon Members concern about the honour of public life and the maintenance of the highest standards. I said at the time of my statement to the House on 24 October, without any preknowledge of what Hennessy would find, : "It would be a matter for resignation if the report of the Hennessy Inquiry showed that what happened was the result of some act of policy that was my responsibility, or that I failed to implement something that I had been asked to implement or should have implemented. In that case I should resign".

6. In putting the emphasis which I did on the issue of 'policy' I was not seeking to map out some new doctrine of Ministerial responsibility. I was responding to the accusations made at that time that it was policy decisions reached at the end of the hunger strike which made the escape possible. Since the report was published the nature of the charges levelled at my Hon Friend and myself has changed; it is now argued in some quarters that Ministers are responsible for everything that happens in their Department and should resign if anything goes wrong. But my position has not changed, and I want to make it quite clear if there were any evidence in the Hennessy report that Ministers were to blame for the escape, I would not hesitate to accept that blame and act accordingly, and so I know would my hon

Friend. But I do not accept, and I do not think it right for the House to accept, that there is any constitutional or other principle that requires Ministerial resignations in the face of failure either by others to carry out orders or procedures or by their supervisors to ensure their staff carried out those orders. And let the House be clear: the Hennessy report finds that the escape would not have succeeded if orders and procedures had been properly carried out the Sunday afternoon.

7. Of course I've looked carefully at the precedents. There are those who quote the Crichton Down Case. I do not believe it is either a precedent or that it establishes a firm convention. It is the only case of its sort in the past 50 years: and constitutional lawyers have concluded that the resignation was not required by convention and was exceptional.

8. Whatever some may wish, there is no clear rule and no established convention - rightly it is a matter of judgement in the light of the individual circumstances. I do not intend to review the judgements made by Ministers faced with the question of whether to resign following failures in their Departments. Nor do I seek to justify my decision on grounds that there are many difficulties in Northern Ireland - there are, but that adds rather than subtracts from the argument. The question I have asked myself is whether on the Sunday afternoon of September 25th I was to blame for those prisoners escaping. The Hennessy report is quite explicit in its conclusion that although there may have been weaknesses in the physical security of the prison and in the Prisons Department the escape could not have taken place if the procedures laid down for the running of the prison had been followed.

9. These are the principal lessons to be learned and I am determined that whatever efforts of self-justification that some may make, these lessons should not be obscured. One can never be completely satisfied, but we will continue to work to ensure that everything possible is done to provide a secure and yet humane environment in the Maze.

10. I want now to consider in some detail, Sir James' findings on what may have contributed to the escape. Sir James analysed a number of aspects of the running of the prisons which he concluded, taken singly or together, played no significant role in facilitating the escape. He says that none of the policy changes made at the end of the hunger strike, including the decision to allow prisoners to wear civilian clothes, contributed significantly, if at all, to the success of the escape. Another of those changes - interwing association - was not permitted at the time, and had not been for a year. The report also concludes that, as regards the allocation of manpower and resources the Prison Service has been reasonably well treated. Sir James reported that the Governor had told the inquiry team that he had never been refused any reasonable request for capital expenditure, and the team themselves were unable to identify any request for expenditure on security grounds which had not been met.

11. Allegations have been made about Ministerial policies in relation to prison work and to security generally. It is important that the sequence of events here is clearly understood. Republican prisoners stopped their no work protest in November 1982, a year after the end of the hunger strike. They did so because of the protest embarked on by Loyalist prisoners at that time - it meant that Republicans could start to work and secure their entitlement

of restored remission without having to mix with Loyalists, who by their protest effectively segregated themselves. It has been pointed out that the Government wished all convicted prisoners to work in accordance with Prison Rules and, at the end of the Republican prisoners' protest, had indicated that no prisoners should remain idle. That is so. That is what the Prison Rules say, and as regards work I have not the slightest doubt that they are right. We were not prepared for some inmates to be treated as conforming prisoners and to have some remission restored if they were not working. But Ministers could not compel prisoners to work - non-compliance was to be treated, as it always had been, as a breach of Prison Rules, and that was the message given to the Governor. It was his job to allocate work. There was no compulsion to appoint people as orderlies. There certainly was not in the case of McFarlane, one of the escapees; Sir James describes the decision made in the prison to make him an orderly as a serious error of judgement. There was however no reason for the Northern Ireland Office to challenge the view that individual dangerous prisoners should not be moved around the prison regularly and should not be given access to workshop equipment, but should instead be made to serve as orderlies.

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12. The Northern Ireland Office expected - indeed I expected - that appropriate supervision would be given to all work activities by the Governor and his staff whether in the workshops, in vocational training or as orderlies in the blocks. Neither Ministers nor officials in the Northern Ireland Office would have sanctioned any relaxation of security in relation to work or any other activity. Sir James Hennessy reported that he believed the Government was right

to reject the paramilitaries' demands for a no-work regime but he recommended that the range of work available to prisoners who pose security risks should be reviewed. That review will be undertaken. Meanwhile I reject any suggestion that our policy of implementing Prison Rules over work meant that prisoners could not be properly supervised. The resources for proper supervision were there; but there were failures in the way they were used.

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13. I am very well aware of the acute difficulties under which those in immediate command of the prisons operated - and continue to do so. It has been suggested that there was a collapse of morale. I am bound to say that is not evident from the courage displayed by prison officers at all stages during the course of the escape. If morale were as bad as some have tried to suggest, they would not have taken the action they did. Sir James pays full tribute to these officers, and the House will wish to join him. We must not forget the struggle that was put up at the main gate, or that one officer was killed and 5 others seriously injured. Nor, to be frank, did any of the representatives of the main Unionist or other constitutional parties who visited the prison last year tell either me or my Department that they detected any breakdown of morale, either from what they learnt then or what they had reported to them in other ways.

14. Questions have also been raised about the Prison Department of the Northern Ireland Office. The Report draws particular attention to some administrative deficiencies in the Security and Operation Division of the Prison Department. I am determined to take action to rectify these deficiencies. Nevertheless the

Hennesy Report does draw attention to the good service which the Division provided to the Governor on urgent operational matters and the Report also acknowledges that, in relation to guidance and instructions, there had been an improvement since the re-organisation of the Department in January 1982 and more particularly since the present Director of the Security and Operations Division took over.

15. Sir James reported that the Governor has said he had never found himself without advice on any urgent operational matters, and Sir James concluded that in this respect the Security and Operations Division provided a good service.

16. I should like to remind the House of some of the report's main conclusions, and to deal more thoroughly than has so far been possible with the Government's response. I have already said that I readily accepted the Report's analysis and all of its 73 recommendations. I wished to act quickly to rectify any security deficiencies in the Maze. Although I certainly acknowledge that there has been shortcomings, deficiencies and operational mistakes, my main concern was to move forward to implement Sir James Hennesy's recommendations.

17. The House will know that there were three main aspects to Sir James' criticisms of the Maze - physical weaknesses; including the Main Gate; procedural weaknesses, including search arrangements; and finally deficiencies in management. We have taken action in all these areas.

18. As I said 2 weeks ago, 21 of the recommendations had already been put into effect before the Report was published. These included structural changes at the Main Gate, Tolly Lodge and Armoury; improved arrangements for searching prisoners, visitors, vehicles and staff; improving the security of the Block Communications Room and establishing a check-call system between the Emergency Control Room and the Blocks; a Quick Reaction Force was established; orderlies are now subject to closer supervision and their movements and location have been restricted; arrangements to improve supervision and for more contact between senior management and the prison were introduced; and necessary immediate staff changes in the prison were made.

19. Since the Report was published action to implement its other recommendations has continued. This work is being supervised by a special team dedicated solely to the urgent implementation of the recommendations. This team will report regularly to me on progress. Preparatory steps have been taken to modify and increase the vehicle locks, and construction will start shortly; communications between the Emergency Control Room and Gate staff are being revised; a review of the staff training programme is underway, revised Governors Orders on the dangers of manipulation, orderly selection procedures, searching of goods, searching of laundry, stores and workshops and the supervision of visits are being issued; the staff disciplinary investigation team has been set up; an additional Governor III has taken up post; new arrangements for chairing and improving the effectiveness of the Local Security Committee are underway; the Prisons Department in the Northern Ireland Office has been strengthened and a review of the management structure in this Department is being carried out.

20. In addition a number of reviews recommended by Sir James Hennessy have started or will start shortly. These reviews include - the structure of the visits complex, conditions for professional visits, the need for a separate dogs section, a review of the closed circuit TV surveillance system and of the alarm and communications system in the Emergency Control Room. And plans are being drawn up for a new search area and a new purpose built Main Gate complex. There are other reviews; the role of the security forces, the types of hobbies and prisoners' work allowed in the prison, the concept of the segment system, the need for Orderly posts in the H-Blocks and the management structure of the prison.

21. I am very well aware of the acute difficulties under which those in immediate command of the prison operate. I have already paid tribute to the dedication with which the then Governor of the Maze carried out his 34 years service in the prisons - I do so again today. But given the extent and nature of the security deficiencies within the Maze which the Report highlighted - and considering Sir James' conclusion that the Governor must carry ultimate responsibility for the state of the prison - I believe that it was right to accept his resignation. I am determined that the management shortcomings in the prison are rectified and the present Governor of the Maze has assured me that action has already been taken and will be taken to this end.

22. This then is the Government's response to the main recommendations in the Hennessy Report. There have been some since the Report was published who have brought forward what might be thought to be new

evidence or material about the management of the Maze. Some may suggest that this would have altered Sir James' professional judgement.

Some of the sources have themselves some professional experience in prisons, though none, I have to say, of the level of HM Inspectorate. The House may find it helpful if I quoted with his permission from a letter I received yesterday from Sir James Hennessy. Referring to the comments which had been made, he said, "I have read and heard nothing so far to change my mind about the conclusions I reached in the Report." Sir James' analysis and recommendations stand and, as I have told the House, I am acting on them.

23. My responsibility now is to help the prison service in Northern Ireland to respond to the demands which will be placed on them. Running a prison of course requires more than just going by the book. It needs subtlety and imagination, motivation and high morale. And it is also essential that leadership is sensitive to the changing situation, and to attitudes among staff as well as prisoners. The report shows ways in which procedures can be improved and staff better managed. That guidance will be followed. But it must not be forgotten that as well as describing the pressures on the system the report emphasises the many qualities of the service and of the men and women who work in it - qualities of courage as well as of the highest professional standards. I attach great importance to the task the prison service has to perform for the community in Northern Ireland, a task which it is the continuing aim of the terrorist to undermine. That must never be allowed to happen. Sir James says that the report of itself will not solve all the problems of the future; this serves to underline the need to instil confidence and demonstrate support for the prison service in its vital work.

24. But I would not want the House to think that the work of the prison service can be taken in isolation from the community which it serves. The Maze is a product of the troubled history of Northern Ireland. It is a history of division and conflict as well as of resourcefulness and determination. It reflects a community which takes pride in its separate identities, but which shares, without always recognising it a common heritage. This debate is about the Maze prison. But let us not forget that life in the Maze affects and is influenced by life outside the prison.

25. If the proper lessons are learned from the Maze escape, as I am determined they will be learned and that they will be acted on, then we will go a long way to ensuring that such a catastrophe does not happen again. I hope we can acknowledge the improvements which have been achieved in the security situation in Northern Ireland and that we can reaffirm also the standards we require of the prison service as well as our support for them in their difficult task. But I hope we will also accept the duty and responsibility which is on all who are in a position to influence the affairs of Northern Ireland. We can and must work to create structures in Northern Ireland which no longer spawn a prison establishment like the Maze and which no longer set the prison service such a daunting, difficult, and dangerous task. I believe that in the months ahead we may well have that opportunity. I, my hon Friend and my other Ministerial colleagues remain determined and dedicated to doing everything possible to take the opportunity. But we will need the support and understanding of the whole House. These I believe are the underlying lessons of the Maze escape. I only hope they can be learned.