



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

COVID-19 Thematic Inspection of Shelton Abbey

22 - 23 April 2021

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EXECUTIVE SUMMARY

The Office of the Inspector of Prisons carried out the sixth of twelve COVID-19 Thematic Inspections in Shelton Abbey on 22 - 23 April 2021. This inspection examined thirteen assessment areas across the Five Inspectorate Focus Areas: Respect & Dignity; Safety & Security; Health & Wellbeing; Rehabilitation & Development; and Resettlement.

Over the course of inspection, Senior Management and prison staff in Shelton Abbey were welcoming, and fully co-operative with the Inspection Team.

The Inspection Team noted a number of positive outcomes in the prison, which included:

- The prison has been successful in managing and responding to COVID-19.
- The prison met minimum human rights standards (e.g., prisoners had access to fresh air and outdoor exercise, the roll-out and increased frequency of video calls to compensate for the suspension of in-person visits, and communal dining) while complying with public health restrictions.
- Digital technology was hugely beneficial for prisoners to maintain family contact.

However, the Inspection Team also noted negative outcomes for prisoners, which included:

- Limited mental health supports were available to prisoners (at a time of even greater need) in particular, access to psychology services.
- Many purposeful activities and programmes to support the rehabilitation of prisoners in Shelton Abbey were suspended. The cancellation of daily temporary release programmes (e.g., employment in the community), due to public health restrictions, negatively impacted the sentence progression of prisoners.
- The loss of in-person family visits had a huge impact on the wellbeing of prisoners.

Prisoners largely accepted the need for COVID-19 measures. However, after more than a year of these restrictions, prisoners sought more innovative strategies to bring back services, activities, and visits.

The rehabilitative ethos of an open prison such as Shelton Abbey must not be undermined as a result of the COVID-19 pandemic. Restrictions imposed at all times must have a legal basis, be proportionate, and necessary.

As the Government eases public health restrictions across the country, the Irish Prison Service must provide information, and clearly communicate to prisoners about the relaxation of restrictions in prison settings. Open prisons offer a unique environment and therefore the Irish Prison Service should take this into consideration in any strategy on the unwinding of COVID-19 restrictions.

As part of the COVID-19 Thematic Inspections the Inspectorate examines three over-arching questions:

1. How will prisons in Ireland come out of COVID-19 restrictions?
2. What are the implications of the normalisation of COVID-19 related measures?
3. How will the impact of COVID-19 restrictions on prisoners be redressed?

1 INTRODUCTION

1.1 Inspection Function of the Office of the Inspector of Prisons

The Office of the Inspector of Prisons was established pursuant to Section 30 of the Prisons Act 2007 (“the Act”) in January 2007. The Inspector of Prisons is appointed by the Minister for Justice to perform the functions conferred on her by Part 5 of the Act. Patricia Gilheaney is the current Inspector and was appointed on 7 May 2018 for a five year term in office subject to the provisions of Section 30 of the Act. The Inspector of Prisons is independent in the performance of her functions.

The Inspector of Prisons does not have statutory authority to publish inspection reports, investigation reports or annual reports. In accordance with Section 31 or 32 of the Act as applicable, as soon as practicable after receiving a report from the Inspector of Prisons, the Minister must, subject to the following caveats, lay it before both Houses of the Oireachtas and publish the report.

The Minister may omit any matter from any report laid before the Houses of the Oireachtas if she is of the opinion that:

1. Its disclosure may be prejudicial to the security of the prison or of the State, or
2. After consultation with the Secretary General to the Government, that its disclosure
 - a. would be contrary to the public interest, or
 - b. may infringe the constitutional rights of any person.

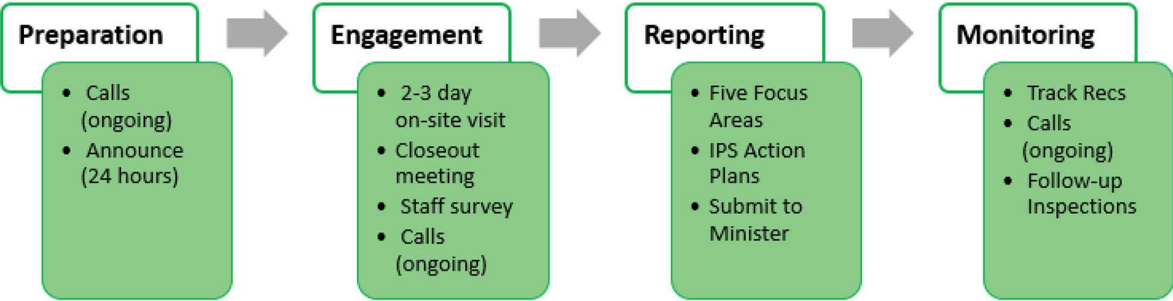
Where any matters are so omitted, a statement to that effect must be attached to the report concerned on its being laid before both Houses of the Oireachtas, and on its publication.

1.2 COVID-19 Thematic Inspections

The Irish Prison Service has adopted a number of practices in response to the need to prevent transmission of COVID-19 in Irish prisons, and to subsequently uphold Ireland’s commitment to the right to life under Article 40 of the Irish Constitution and the protection of life under Article 2 of the European Convention on Human Rights (ECHR). These measures include, amongst others, restrictions on family contact (Section 4.2), quarantine and isolation (Section 4.3), restrictions on access to exercise and activities (Sections 5.2 and 5.3) and changes to the prison regime (Section 5.1). In response to these restrictive measures, and the need to assess their impact on people living and working in prison, the Office of the Inspector of Prisons prepared a programme of COVID-19 Thematic Inspections to be carried out in all Irish prisons in 2021. The objective of these visits is to provide a human rights informed assessment of the treatment and care of prisoners across the Irish Prison Service. COVID-19 Thematic Inspections are carried out in line with the process provided in the 2020 Framework for the Inspection of Prisons in Ireland (Figure 1), and are designed to examine the five Focus Areas detailed in the Framework, with a particular focus on the impact of COVID-19 on the prison.

Figure 1: Framework Inspection Process

COVID-19 Thematic Inspections: Process



COVID-19 Thematic Inspection visits are announced short visits of between two and three days in duration, whereby the focus of the visit is on how people in prison experience and are impacted by COVID-19 related restrictions in the prison. The information obtained through inspections visits is complemented by calls to prisons,¹ continuous communications with the Irish Prison Service, which includes daily or weekly updates on the situation of COVID-19 and the dissemination of an online staff survey in April/May 2021.²

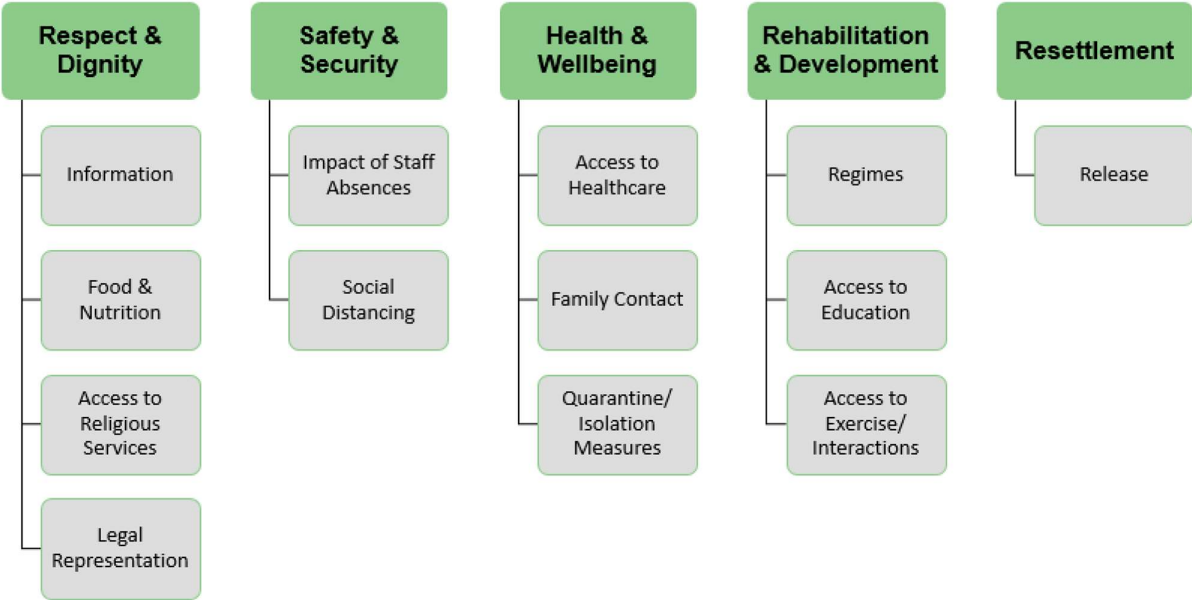
COVID-19 Thematic Inspections are carried out in a systematic and risk-informed basis, in line with the Office of the Inspector of Prisons Infection Control Protocol.³ Based on internal information and information received from the Irish Prison Service, the Inspectorate determines if a visit to a prison is (i) warranted given the risk, and (ii) in line with the principle of “do-no-harm” (ensure that risk is offset by preventive action). COVID-19 Thematic Inspections are announced, with prisons provided with at least a 24-hour notice in advance of the inspection. The Inspection Team is reduced in size, with only two or three Inspectors carrying out the inspection of the prison over a two to three day time span.

The Focus Areas of Inspection are: Respect & Dignity, Safety & Security, Health & Wellbeing, Rehabilitation & Development and Resettlement. Within the five Focus Areas, inspections may assess a number of themes, as outlined in Figure 2. Given time constraints, not all inspections will examine all assessment themes.

¹ OIP. COVID-19 Call Template, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-Call-Template.pdf>
² OIP. COVID-19 Staff Survey, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-19-Survey-for-IPS-Staff-2021.pdf>
³ OIP. Infection Control Protocol, available at: <https://www.oip.ie/wp-content/uploads/2021/05/OIP-Infection-Control-Protocol.pdf>

Figure 2: Inspection Focus Areas – COVID-19 Assessment Themes

Shelton Abbey Assessment Themes



The COVID-19 Thematic Inspection process involves the following:

- Observation of the prison environment;
- Discussions and informal interviews with prisoners and staff; and
- Documentation-review and tracing.

Direct quotations from prisoners and staff are included in this report. These quotations describe the lived experience of prisoners and staff as shared with the Inspection Team.

The on-site inspection visit to the prison is complemented by ongoing telephone communications with the prison. These calls are designed to: (i) identify COVID-19 related practices in the prison across the Focus Areas; (ii) highlight areas of concern that may require further attention as part of an inspection visit; (iii) monitor implementation status of IPS Action Plans developed to respond to Inspectorate Recommendations; and (iv) provide prison management with an opportunity to indicate positive advancements and challenges related to COVID-19 related restrictions in the prison. Three calls were made to Shelton Abbey in advance of the inspection, on 19 February 2021, 8 March 2021 and 20 April 2021. Follow-up phone calls were made to Shelton Abbey on 11 May 2021 and 1 June 2021 to learn about progress on the issues raised by the Inspectorate.

Over the duration of the inspection process, the Inspectorate endeavours to raise awareness of the ongoing inspection and of the role of the Office of the Inspector of Prisons more generally. To this end, the Inspectorate has developed prisoner information booklets and a video. The information booklets, are available in Irish, English (NALA Plain English Mark), Cantonese, French, Polish,

Romanian, Russian and Spanish.⁴ The Inspection Team witnessed the distribution of the information booklets to all prisoners on the first day of inspection in Shelton Abbey during the midday “count.”⁵

Furthermore, having met members of the Inspection Team, one prisoner was aware of the Chief Inspector of Prisons from the open prison’s television channel, stating, “[I] saw her on the telly.”

This Report on the Inspection of Shelton Abbey, the sixth of twelve COVID-19 Thematic Inspection reports, provides a human rights-based assessment of the Irish Prison Service’s response to the COVID-19 pandemic. The report examines the Focus Area themes to assess the following:

- Compliance with national legislation and international human rights standards;
- The physical and non-physical prison environment; and
- The outcome, or impact of compliance or non-compliance with legislation and/or standards and the environment within the prison setting.

The Office of the Inspector of Prisons may provide recommendations to assist the Irish Prison Service in bringing its procedures and practices in line with international human rights standards and best practice. As part of the Inspectorate’s inspection and reporting processes, the Inspectorate engages the prison and the Irish Prison Service to review the inspection report, including recommendations, and to determine recommendation Action Plans. The Irish Prison Service Action Plan in response to the COVID-19 Thematic Inspection in Shelton Abbey is provided in Section 7. The IPS did not provide review statements in response to the draft COVID-19 Thematic Inspection Report of Shelton Abbey.

The inspection of Shelton Abbey was carried out over two days. The degree of co-operation received in the prison during the inspection was very good. The Inspection Team had open access to Shelton Abbey, and all local requests for information were answered promptly by prison management. At the time of inspection, there were no COVID-19 positive cases among the prisoner population in Shelton Abbey.

The Inspection Team would like to express appreciation to the designated Liaison Officer for the support provided to the Inspection Team during the inspection. The Inspectorate commends Senior Management, prison staff and prisoners in their ongoing success in with preventing transmission of COVID-19 in Shelton Abbey. The Inspection Team would also like to take the opportunity to thank people in prison in Shelton Abbey for their engagement.

The Inspector of Prisons and the Inspection Team presented preliminary observations to the Senior Management of Shelton Abbey at a virtual Closeout Meeting on 27 April 2021. The commentary received during this meeting was taken into account in the drafting of this report. The Inspectorate looks forward to ongoing dialogue and engagement with both prisoners, prison staff and prison management in Shelton Abbey.

1.3 Composition of the Inspection Team

The on-site Inspection Team for the COVID-19 Thematic Inspection in Shelton Abbey comprised of Senior Inspector Ciara O’Connell, Inspector Michelle Martyn and Inspector Robert Bradley. The Inspection Team was supported by office-based Inspectorate Administrative Staff.

⁴ OIP Information Booklets, available: <https://www.oip.ie/information-booklet/>, available in Irish, English, Cantonese, French, Polish, Romanian, Russian and Spanish.

⁵ The “count” refers to a practice whereby prisoners are counted at various times on a daily basis by prison management.

1.4 Overview of Shelton Abbey

Shelton Abbey is a low-security open prison located in Arklow, County Wicklow.⁶ It accommodates men aged 19 years and over. The prison is situated on 25 acres of grounds. There are no perimeter walls around the prison, and there is an adjoining 55-acre working farm. Prisoners in Shelton Abbey are deemed by prison authorities to be of limited risk to community safety.⁷

Shelton Abbey has a maximum operational capacity of 115 prisoners. On the first day of inspection, there were 103 prisoners in custody. This comprised 90% of Irish Prison Service's Shelton Abbey official bed capacity.

Shelton Abbey was described by Senior Management as a community. People living and working in Shelton Abbey knew each other on a first name basis, and staff did not wear Irish Prison Service uniforms.

There were two accommodation blocks in Shelton Abbey:

“Old House”

The main house is known as “Old House.” The main house comprised of: two common areas, a general office, a board room, a staff kitchen, the gym, library, Tuck shop, and other administration offices. Dormitory-style accommodation was located on the first floor. There were seven dormitories and five “pod” spaces (i.e., partitions between beds). The introduction of “pod” spaces afforded greater levels of privacy to prisoners in shared rooms.

“Avoca House”

Prisoners were also accommodated in “Avoca House,” which contained mainly single-room accommodation for prisoners serving long sentences. The lower ground floor of Avoca House accommodated older aged prisoners.

In line with the Council of Europe's (CoE) “responsibility’ principle”⁸ (i.e., provide opportunities to allow prisoners to exercise personal responsibility in their daily life), there was a kitchen for prisoners serving long sentences to develop independent living skills. Prisoners could lock their rooms in Avoca House.

Avoca House also contained: recreation halls, a launderette (comprised of two large industrial washing machines, one small machine, two industrial dryers and one small dryer) where prisoners did their laundry, as well as offices for the Probation Service, Training and Education, and Counsellor.

⁶ The purpose of an open prison is to support prisoners as they transition and reintegrate back into society. The concept of an open prison is premised on the principle of trust. Prisoners typically have more freedoms and a greater connection to the outside world. In 1955, the first *UN Congress on the Prevention and Treatment of Crime and the treatment of Offenders* placed particular emphasis on open institutions and described its benefits:⁶

1. The open institution is one of three components that characterise ‘modern prison systems’, and is supportive of the ‘individualisation’ principle
2. Open prisons could contribute to decreasing disadvantages of short term prison sentences

The Congress recommended (i.) the extension of an open prison system to the ‘largest possible number of prisoners (ii.) the compilation of statistics to assess the impact of open conditions on recidivism and social rehabilitation.’ See Manuel Lopez-Rey, First UN Congress on the Prevention of Crime and Treatment of Offenders, 47 *J. Crim. L. Criminology & Political Sci.* 526 (1956-1957) p.534,

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=4532&context=jclc>

⁷ The Irish Prison Service sets out the criteria in which prisoners are assessed for transfer to an open prison. Factors taking into account when approving a prisoners to an open prison includes: nature of sentence/offence, length of sentence, length of sentence left to serve and risk to the public. See Irish Prison Service (2019) *Open Centre Policy Document* (https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Open-Centre-Policy-2019.pdf)

⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (2016) *Situation of life-sentenced prisoners*, <https://rm.coe.int/16806cc447>

Table 1 below provides an outline of the number and type of room occupancy for prisoners in both houses.

Table 1: Type of Room Occupancy in Shelton Abbey

Room Occupancy	Number
Single-room occupancy	38
Double-room occupancy	6
Triple-room occupancy	2
Quadruple + room occupancy	12

*This information was provided by Senior Management.

A single room in Avoca House measured 146.7”L x 91.5”W x 91.2”H (approximately 8.7m²). There was a sanitary facility shared between two people in single rooms. This room size met the CPT minimum standard on living space of 6m² for single cell occupancy with an additional sanitary facility, however it fell short of meeting the CPT’s 2.5m (98.4”) height requirement.⁹ A four-person dormitory style room in Old House measured 206”L x 155”W x 33”H, with the sanitary facility located in the hall. There was one fully fitted room in Avoca House allocated to accommodate prisoners in COVID-19 isolation (Section 4.3.2).

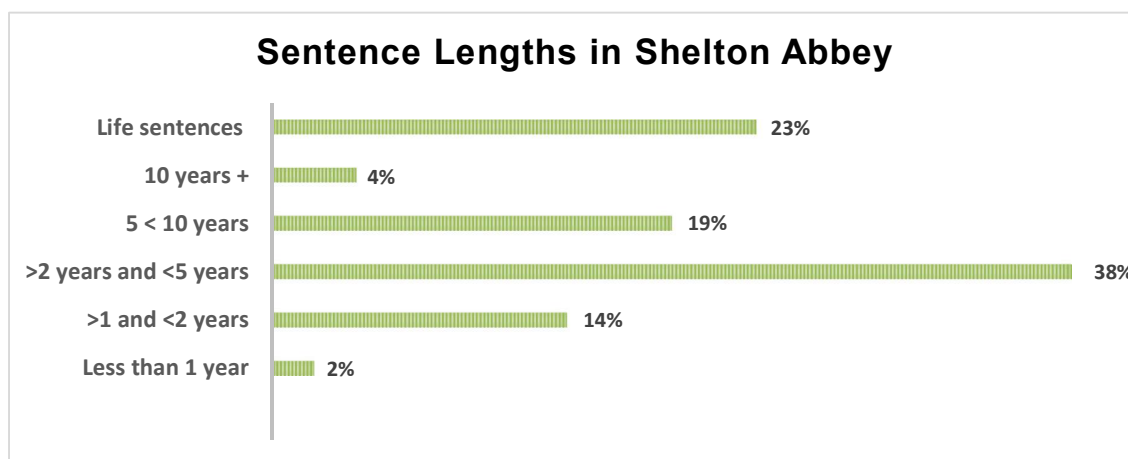
Table 2 provides an outline of the number of people in custody placed on COVID-19-related restricted regimes on the first and second day of the on-site inspection, 22 and 23 April 2021.

Table 2: People in Custody, COVID-19 Restricted Regimes

Date	Quarantine	Isolation	Cocooning
22 April 2021	0	0	0
23 April 2021	0	0	0

Figure 3 provides a breakdown of sentence lengths of the prison population in Shelton Abbey on the first day of the onsite inspection.

Figure 3: Sentence Lengths (%), 22 April 2021



⁹ CPT, Living Space per Prisoner in Prison Establishments: CPT Standards, CPT/Inf (2015) 44, <https://rm.coe.int/16806cc449>

The snapshot figures provided by Senior Management illustrate that on the first day of inspection, Shelton Abbey catered for persons with various sentence lengths and thus varying levels of need.¹⁰

Follow-up information provided by the prison, indicated that on 19 May 2021 approximately 21% of the population in Shelton Abbey were Foreign National Prisoners.

Before COVID-19, prisoners in Shelton Abbey open prison had access to daily temporary release programmes (work, education, training and sport) in the community for the purposes of resocialisation and reintegration. Prisoners were collected from the prison by prison staff and returned to the prison at the end of day. These activities stopped during the COVID-19 pandemic. Therefore, the pandemic has had a major impact on the purpose, and pathway of progression and rehabilitation for prisoners in Shelton Abbey open prison (See Section 5.1).

1.5 Immediate Action Notifications (IAN)

The COVID-19 Thematic Inspection of Shelton Abbey did not require the Inspectorate to issue an Immediate Action Notification.

¹⁰ The Irish Prison Service's Open Centre Policy states: "Traditionally, Open Centres have been used to facilitate prisoners in the final stages of longer term sentences. To maximise the benefits of an Open Centre, prisoners should, in general, have a minimum of six months left in their sentence when transferring." See Irish Prison Service (n 7).

2 RESPECT & DIGNITY

2.1 Information

Central to the Respect & Dignity Focus Area is the provision of information within the prison. As part of the inspection of Shelton Abbey, the Inspection Team assessed how prisoners were provided with information upon transfer from the closed prison estate to Shelton Abbey. In addition to this, the Inspection Team examined how people in prison perceived the Irish Prison Service's effort to provide COVID-19 related information, in order to assess if prisoners felt well-informed.

2.1.1 Compliance

The Irish Prison Rules 2007-2020, Rule 13, includes the supply upon committal of an explanatory booklet that outlines the entitlements, obligations, and privileges for prisoners. Further to this, the Rule provides for, in so far as is practicable, the provision of explanatory booklets to Foreign National Prisoners in a language that can be understood by the prisoner, and that in instances where this is not possible, or where a prisoner is not able to read or understand the contents of the booklet, that all reasonable efforts be made to ensure that the prisoner's entitlements, obligations, and privileges are explained.

Section 42 of the Irish Human Rights and Equality Commission Act 2014 (the Public Sector Equality and Human Rights Duty) also requires the Irish Prison Service to eliminate discrimination, promote equality, and protect human rights of both prisoners and staff. This law is important in the context of the Irish Prison Service providing information to certain cohorts, such as Foreign National prisoners and prisoners with disabilities.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) (2015) provide more specificity about the contents of such an explanatory booklet, with Rule 54 providing that every prisoner shall be provided with written information about applicable prison regulations, rights (including methods of seeking information, access to legal advice, and procedures for making requests or complaints), obligations related to disciplinary sanctions and all other matters necessary to adapt to life in the prison. The Nelson Mandela Rules also require, under Rule 55.3, that prison administrations display summaries of information in common areas of the prison, and that the written information be made available in commonly used languages in accordance with the needs of the prison population; interpreter assistance should be provided if a language is not available (Rule 55.1).

Alongside, the Nelson Mandela Rules, the Revised European Prison Rules (2020) state that at admission, and as often as necessary afterwards, all prisoners shall be informed in writing and orally in a language they understand of the prison regulations and their rights and duties in the prison (Rule 30.1). The European Prison Rules also state that prisoners are allowed to keep in their possession written versions of the information they are given (Rule 30.2).

With specific regard to COVID-19, the European Committee for the Prevention of Torture (CPT) Statement of Principles Relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (COVID-19) Pandemic (Principle 4) requires that any restrictive measures taken to prevent the spread of COVID-19 should have a legal basis and be necessary, proportionate, respectful of human dignity and restricted in time. All persons deprived of liberty should receive comprehensive information, in a language they understand, about any such measures.

The caveats provided for in the Irish Prison Rules 2007-2020 (“all reasonable efforts” and “in so far as is practicable”) allow for a situation in which the national legislation’s provisions in relation to information may be curtailed or denied. Further, the Irish Prison Rules place no responsibility on the prison to provide information “as necessary” after the point of committal, thereby leaving open a vacuum of information which may be filled with assumptions and/or incorrect information.

2.1.2 Environment

In the committal area of Shelton Abbey, a small number of copies of the Irish Penal Reform Trust’s booklet, *Know Your Rights: Your Rights as a Prisoner*¹¹ were displayed at the counter. No other booklets regarding information on obligations and privileges (as outlined under Rule 13, Prison Rules, 2007) were readily visible in this, or any other part of the prison.

The Inspection Team observed a *COVID-19 Public Information Booklet* at the reception entrance of the main house in Shelton Abbey. Posters on COVID-19, including Red Cross posters on safety procedures, were visible in a common area.

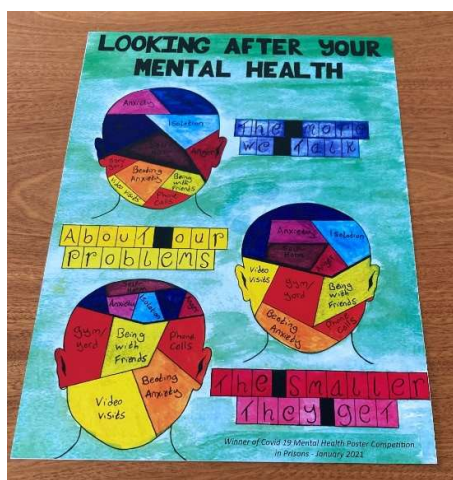


Figure 5: Winner of COVID-19 Mental Health Poster Competition in Prisons (January 2021)

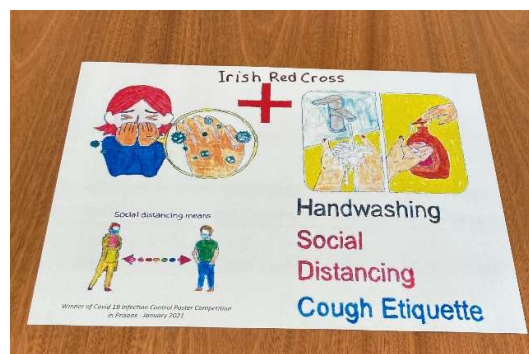


Figure 4: Red Cross Poster on COVID-19 etiquette

Posters on the theme of, *Minding Your Mental Health*, were also visible in the common area. The message focused on encouraging people to speak about their problems to promote positive mental health.

The Education Centre Information Point (notice board) contained information related to parcel items. Items permitted included: clothing, footwear, bed linen, toiletries, books, games, chocolate, crisps and protein. Materials listed as prohibited included: liquids, home baked goods, unsealed jars, chilled/frozen food, laundry detergent, memory sticks and food preparation equipment.

The Irish Prison Service Headquarters provided Senior Management at Shelton Abbey with a video-recording kit in the weeks preceding the inspection. Senior Management informed the Inspection Team of plans to develop materials on mindfulness and a virtual tour of Shelton Abbey for the local television information channel.

A newsletter (Shelton Abbey-specific) was created by prisoners and teaching staff at Christmas time. This newsletter was produced every six months, and featured quizzes, puzzles, jokes, a book club, and updates including awards for students who completed Open University, and a message from the school encouraging prisoners to book classes for 2021. Newsletters such as these reduced the risk of overwhelming the prison population with information solely related to COVID-19.

¹¹ IPRT. Know Your Rights: Your Rights as a Prisoner, <https://www.iprt.ie/human-rights-in-prison/know-your-rights-your-rights-as-a-prisoner/>

On observation, there were no visible information materials regarding support services, or preparation for release in Shelton Abbey.

2.1.3 Outcomes

Some prisoners reported a lack of communication upon arrival to Shelton Abbey: “No one comes to you, you have to ask for everything,” and “you basically have to go looking yourself.”

While the ethos in Shelton Abbey centred on personal responsibility (e.g., a member of Senior Management stated to the Inspection Team [regarding prisoners], “you’re responsible for yourself”), providing clearer information and supports to prisoners upon transfer to Shelton Abbey would allow for a smoother transition from a closed to open prison environment. As described by one prisoner: “you need to adjust.”

Information on COVID-19 was available throughout the prison. Prisoners reported receiving COVID-19 information sheets once a month. These were developed by the Irish Prison Service’s Care and Rehabilitation Directorate. In addition, prisoners received education and training on COVID-19 from the Red Cross Prisoner Volunteers. Prisoners were also verbally informed of the situation of COVID-19 by the Governors.

The Inspection Team did not observe any visible COVID-19 information materials in languages other than English.

Of note was the lack of written information available on the quarantine process and what this entailed. There was no written information on entitlements for prisoners in quarantine, or what steps would be taken if a prisoner suspected of COVID-19 was sharing a multi-occupancy room with other prisoners.

Some prisoners did not understand why certain parcel items such as fruit and ham were no longer permitted. In a follow-up phone call (11 May 2021) with the prison, the Inspectorate was informed that meat was prohibited for hygiene purposes, especially as a result of delays in post, and that these prohibited items were available in the Tuck shop and the kitchen. The Inspection Team noted a poster regarding permitted and prohibited parcel items on the wall in the Main House. However, based on conversations with some prisoners, it was unclear to them the reasons for the prohibition of certain items. This type of information should be made more accessible to prisoners.

At the Closeout Meeting (27 April 2021), Senior Management stated that the prison TV information channel was operational ten days prior to inspection in Shelton Abbey. Senior Management committed to developing a “virtual” tour of Shelton Abbey prison on the local TV channel. The Inspectorate welcomes and supports this idea. Providing a “virtual” tour would help prisoners to absorb information at their own pace as they transition from a closed to open prison environment. The TV channel could also be used as a platform to engage, and accommodate prisoners, especially those who may have low literacy levels.

Despite efforts made to provide information, prisoners expressed some frustration with the lack of communication and information available on the relaxation of COVID-19 restrictions and its impact on their sentence progression. At the time of inspection, the Integrated Sentence Management (ISM) Officer was developing a directory of services for prisoners (See Section 6.1). Given the profound impact COVID-19 has had on an open prison regime, it is important that prison authorities provide accurate up-to-date and local information to prisoners. This will help to negate hearsay which can lead to tension and anxiety. As one prisoner stated to the Inspection Team: “rumours start about what might happen.”

2.1.4 Recommendations

Recommendation 1: In line with Rule 54 of the Nelson Mandela Rules, Shelton Abbey and the Irish Prison Service should ensure that written and oral information about the process of quarantine/isolation is provided to prisoners. This information should be designed to assist prisoners in adapting to quarantine, and should clearly outline what they can expect while in quarantine. The information should be provided in a language and form that can be understood by the prisoner; this may require the assistance of interpreters. Prisoners should be provided with ongoing opportunities to raise questions and to be informed of all matters necessary to adapt to quarantine and prison life in general.

Recommendation 2: The Irish Prison Service should provide prisoners with a written copy of the *Framework for Living with COVID-19*.¹² Prisoners should be consulted, and updated on future plans including, family visits, regimes, and sentence progression as COVID-19 restrictions unfold.

2.2 Food & Nutrition

One of the measures implemented by the Irish Prison Service to prevent the transmission of COVID-19 in Irish prisons has been to change how food is delivered in the prison. At the outset of the pandemic, beginning in March 2020, the Irish Prison Service provided food to people in custody who were cocooning by distributing boxed meals to cells. The Inspectorate noted in the July 2020 report, “Ameliorating the Impact of Cocooning on People in Custody – A Briefing”, that it is “important that people (...) are brought meals (and) informed about what is on offer and asked which portions they do and do not want.”¹³ Further, the Inspectorate urged the Irish Prison Service to commit to better consultation with people subjected to public health measures or restricted regimes about their food and to consider models used in hospitals for food selection. Given the recommendations made by the Inspectorate in regards to food provision for individuals cocooning, the Inspection Team considered as part of the COVID-19 Thematic Inspection how food was provided in Shelton Abbey.

2.2.1 Compliance

The Prison Rules 2007-2020 establish a number of standards as regards food and nutrition. The Rules state that prisoners should have a sufficient quantity of food that is properly prepared and well presented (Rule 23.1). The Rules allow, in so far as is practicable, for a prisoner to observe dietary practices of religion and culture (Rule 23.2) and to have any dietary needs met for any medical conditions (Rule 23.3). The Prison Rules also allow for sufficient clean drinking water to be available to each prisoner each day (Rule 23.4). The Prisons Act Section 35 (1) (2) (c) legislates for regulation and good governance of the treatment of prisoners, including but not limited to, their diets.

According to the Nelson Mandela Rules, prisoners should receive food that is healthy and at usual times (Rule 22). Prisoners should have drinking water whenever they need (Rule 22). Food should also be regularly inspected by a physician or competent public health body (Rule 35).

The European Prison Rules state that the food provided should take into account the age, health, physical condition, religion, culture and the nature of prisoners work (Rule 22.1). Food should be served hygienically (Rule 22.3) with reasonable intervals between meal times (22.4).

¹² See Irish Prison Service, COVID-19 in Irish Prisons, <https://www.irishprisons.ie/covid-19-irish-prisons-2/>

¹³ Office of the Inspector of Prisons and Maynooth University, “Ameliorating the Impact of Cocooning on People in Custody – A Briefing” (July 2020) <https://www.oip.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>.

The Irish Prison Rules 2007-2020 are largely in compliance with international standards, but are limited in application by the clawback clause, “in so far as is practicable” in reference to observation of cultural or religious or dietary needs.

In May 2021, the CPT published a “minimum decency threshold” for prisons. As a minimum, the CPT stated that prisoners should have ready access to clean water and adequate food both in quantity and of nutritional value.¹⁴ Failure to meet this minimum decency threshold can lead to situations in which prisoners are exposed to inhuman or degrading treatment.

2.2.2 Environment

The prison kitchen was located in the main house of Shelton Abbey. Social distancing markings were on the floor near the kitchen. Three to four prisoners worked in food preparation in the kitchen. It was reported that on some Saturdays prisoners cooked food for staff.

The kitchen operated a 28-day set menu. The menu was described by a staff member as “a bit different and nicer” than other prisons. Accommodation was made for special dietary requirements. Eggs from Shelton Abbey farm were used in the kitchen.

Due to COVID-19, Perspex screens were installed as a safety measure, and were visible at the servery. Prisoners collected their food from the servery and brought it over to the dining hall. The Inspection Team was informed by Senior Management that meal times were staggered to accommodate social distancing (e.g., the first main meal serving was at 12:00 and the second main meal serving was at 12:20). In order to facilitate social distancing during COVID-19, alongside the dining hall a common room (previously the visiting area) was used for dining purposes.

Table 3 outlines the daily meal time schedule in Shelton Abbey:

Table 3: Shelton Abbey Meal Times

Meal	Time
08:00-08:30	Breakfast
11:50-12:20	Dinner
16:00-16:20	Tea (a smaller lunch type serving)

*This information was provided by Senior Management in Shelton Abbey prison.

Prisoners and staff reported that Kraft boxes were used to serve food over the first four to six weeks of the beginning of the COVID-19 pandemic. Red Cross Volunteers delivered food to prisoners in quarantine. At the time of inspection, plates were pot washed in the prison.

Prisoners serving life sentences had their own kitchen as part of a programme to develop life skills, such as preparation of a meal. This practice promotes the Council of Europe (CoE) principles of normalisation, responsibility, and progression.¹⁵

The Tuck shop was located in the Main House. Items sold in the Tuck shop included: confectionery, breakfast cereals, minerals, hygiene products and weight protein. The Tuck shop opened at 12:20 each day from Monday to Friday.

¹⁴ See European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2021) 30th General Report of the CPT, (see from p.35 onwards) <https://rm.coe.int/1680a25e6b>

¹⁵ CPT, Situation of life-sentenced prisoners (n 8).

2.2.3 Outcomes

The Inspectorate commends efforts to ensure that communal dining in Shelton Abbey continued in a safe manner throughout the COVID-19 pandemic. This demonstrates the benefits of smaller prisons.

There were mixed reports received by prisoners regarding the quantity and quality of food. One prisoner stated, "Food is 100%." However, the repetitive nature of the menu, and the lack of fruit and vegetables were issues raised with the Inspection Team. The restriction on parcel items reportedly reduced prisoners' access to fruit. The size of meal portions was also raised as an issue. Some prisoners felt a bigger portion of food was provided on the day of inspection: "Food is better today because you [Inspectors] are here."

The last served meal for prisoners on Saturdays was reportedly at 15.30, with the next meal not being served until breakfast the following morning at 08:00. This reported mealtime gap for prisoners amounts to 16 and a half hours. Prior to the pandemic, the earlier meal time on Saturdays was scheduled to facilitate family visits. However, this meal time had reportedly not changed throughout the suspension of family visits during the pandemic.

The Inspection Team noted that general set meal times, in particular meals at the weekends, did not align with the normal times at which people in the general community eat their meals and thus did not reflect the Council of Europe's "normalisation" principle outlined in the Revised European Prison Rules 2020, (Rule 5) which state, "life in prison shall approximate as closely as possible the positive aspects of life in the community."

The suspension of day release programmes for life-sentenced prisoners due to COVID-19 meant that the kitchen, which enabled prisoners to develop independent living skills (i.e., preparation of meals), was not in use at the time of inspection.

Tuck Shop

On the second day of the on-site inspection, the Inspection Team visited the Tuck shop. Two prison officers were assigned to work in the Tuck shop and one prisoner was assigned to restocking duties.

There were no set opening hours, only what was described by a prison staff member as a system, "to clear the queue." In this respect, consideration should be given to expanding and setting Tuck shop opening hours in Shelton Abbey.

There were no visible prices on items for sale in the Tuck shop. This meant prisoners asked the price of an item at the counter in the queue. One prisoner stated: "No prices on them, coffee and a bun, €9!" Prisoners reported feeling embarrassed by this. Privacy surrounding the sum of cash available in an individual's account for the Tuck Shop was also raised as an issue. Prisoners informed the Inspection Team they had to request what their account balance was at the booth, with a queue full of prisoners in the Tuck Shop. Prisoners reported issues of privacy and viewed this as potentially compromising in a prison setting. One prisoner stated: "it's degrading how people are being treated." In response to this matter, Senior Management stated in the Closeout Meeting (27 April 2021) that prisoners could request the sum of cash in their account in the main office opened on a daily basis on weekdays from 09:00-21:00. While the Inspectorate acknowledges this, further exploration should be given so that the privacy of a prisoner's account information is respected, and accessible to a prisoner in a safe manner. This could be achieved through the development and use of digital technology.

Upon request the Inspection Team received correspondence from Shelton Abbey in which the Finance Directorate of the Irish Prison Service stated that items in the Tuck Shop in Shelton Abbey were sold at cost price + 5%. This was with the exception of tobacco sold at the normal retail price.

In the Closeout Meeting (27 April 2021), Senior Management committed to putting prices on items in the Tuck shop.

2.2.4 Recommendation

Recommendation 3: In line with the Nelson Mandela Rules (Rule 22), and European Prison Rules, (Rule 22.4), the Inspectorate recommends that the scheduling of meal times be amended to ensure meals are served at reasonable intervals and at normal times: breakfast (morning), lunch (midday) and dinner (evening).

OIP Comment: The Inspectorate has recommended in the Mountjoy Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison COVID-19 Thematic Inspection reports that the scheduling around meal times be amended. This recommendation has been accepted by the Prison Service on both occasions. The Inspectorate welcomes the Prison Service's intention to roll out an amended meal schedule, following a successful pilot scheme in Castlerea and Mountjoy Prison Progression Unit, but notes that this was curtailed due to industrial relations issues. The Inspectorate encourages an early resolution to these issues, keeping in mind that such issues should not undermine adherence to human rights standards, as outlined in Rule 22.1 of the Nelson Mandela Rules and Rule 22.4 of the European Prison Rules.

2.3 Access to Religious Services

The Chaplaincy Service provided in Irish prisons is instrumental to ensuring pastoral care, dissemination of information and maintenance of familial contact. As such the Chaplaincy is uniquely positioned to support prisoners as they experience COVID-19 related restrictions.

2.3.1 Compliance

The Irish Prison Rules 2007-2020 provide that each prisoner shall, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, be permitted to practice and comply with the rules, observances and norms of behaviour of the religious denomination of which he or she is a follower or member (Rule 34(1)) and shall not be refused access to a chaplain of any religious denomination (including a chaplain of a religious denomination of which the prisoner is not a member) (Rule 34(6)).

The European Prison Rules, Rule 29.2, expand on the provisions provided in the Irish Prison Rules to place a duty on the Prison Service to organise the prison regime insofar as is practicable to allow prisoners to practice their religion and follow their beliefs. This includes enabling private visits from religious representatives.

2.3.2 Environment

At the time of inspection, one part-time Chaplain was based in Shelton Abbey. The Chaplain worked on Sundays, Mondays and Tuesdays. The Chaplain was not on-site on the days (Thursday and Friday) of the inspection.

There was no chapel in Shelton Abbey. Spirituality courses were facilitated in a designated room.

In line with COVID-19 public health restrictions, the Chaplaincy Service worked from home via telephone for approximately the first month of the pandemic. The telephone number for the Chaplain was available on a poster in the prison, and prisoners were aware of how to access the Chaplain.

The majority of prisoners in Shelton Abbey were identified by the Chaplaincy Service as Roman Catholic. Mass was made available through RTE television on Sunday mornings. Prior to this and in the absence of a chapel, mass would take place in a common area of the prison. The Chaplain provided a prayer service and meditation on Sunday mornings in the designated room.

Access to other Faith Leaders was facilitated by phone during Level 5 restrictions.

2.3.3 Outcomes

At the time of inspection, the Inspection Team was informed that the Chaplain had resumed in-person work. In a follow-up phone call on 28 April 2021 with a member of the Chaplaincy Service, the importance of being physically present in the prison was emphasised, “to be really present down there is really important.”

Prisoners reported positive experiences with the Chaplaincy Service. One prisoner stated, “She’s 100%.” The Chaplain described the various stages prisoners experienced during the pandemic, from anxiety, to feeling safe from COVID-19 in the prison, to anger and frustration, and to acceptance.

Bereavement and family contact were key issues for prisoners during the pandemic.

Prior to the pandemic, approximately 15-20 prisoners attended meditation on Sunday mornings. Due to COVID-19 restrictions, only four prisoners could be accommodated in the room as a result of adhering to social distancing requirements.

The Chaplain had asked the small minority of prisoners of Islamic faith of their wishes to contact a Faith Leader via telephone during Ramadan, one of whom accepted.

The Chaplaincy Service was greatly appreciated by prisoners, particularly in the absence of limited mental health supports, and given the disproportionate impact of COVID-19 restrictions on the emotional well-being of prisoners.

2.3.4 Recommendation

Recommendation 4: In line with the UN Mandela Rules (Rule 65 (1)), consideration should be given to a full-time Chaplain, or the additional provision of Chaplaincy hours in Shelton Abbey.

2.4 Access to Court and Legal Representation

The Inspection Team examined the issue of access to court and legal representation during the COVID-19 Thematic Inspection of Shelton Abbey.

2.4.1 Compliance

Access to Court

The right to a fair trial is protected under Article 6 of the European Convention on Human Rights and Article 14(3) of the International Covenant on Civil and Political Rights (ICCPR), which was ratified by Ireland in 1989. Article 14(3) states:

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a.) To be informed promptly and in detail in a language which he understands of the nature and cause of charge against him;
- (b.) To have adequate time and facilities for the preparation of his defence and to communicate with the counsel of his choosing;
- (c.) To be tried without undue delay;
- (d.) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
- (e.) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (f.) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
- (g.) Not to be compelled to testify against himself or to confess guilt.

The Human Rights Committee in its General Comment No. 32 states that that the fundamental principles of a fair trial should be respected during times of an emergency.¹⁶

The International Commission of Jurists (2020) recommended the following on the use of videoconferencing, Courts and COVID-19:

The right of any person to be physically present for his or her trial on criminal charges [and on his initial appearance before the judicial authority following his arrest or detention on criminal charges] should be fully respected, including in situations of crisis or emergency such as the COVID-19 pandemic. In particular, national laws and rules should not permit, and in practice courts and other authorities should not proceed, with criminal trials in which an accused is denied the right to be physically present for the trial and is instead forced to participate by means of a video link or similar technology without his freely given and fully informed consent.¹⁷

The *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020*, states that relevant hearings can be conducted remotely by the Court of its own motion, or on application to the court once it is satisfied that:¹⁸

- (a.) The application being heard without the relevant person being in the court would not thereby be prejudicial to the relevant person;
- (b.) The interests of justice does not require the presence of the relevant person at the hearing;
- (c.) The facilities provided by a live video link between the court and the place where the relevant person is located are such as to enable such interpretation or translation as may be necessary during the hearing;
- (d.) The relevant person and his or her legal representative are able to communicate in confidence during the hearing;
- (e.) The application being heard without the relevant person being present in court is otherwise appropriate having regard to-(i.) the nature of the application (ii.) the complexity of the hearing, (iii.) the age of the relevant person, and (iv.) his or her mental capacity; and

¹⁶ UN Human Rights Committee (2007) General Comment 32, see paragraph 6, <https://undocs.org/CCPR/C/GC/32>

¹⁷ International Commission of Jurists (2020) Videoconferencing, Courts and COVID-19 Recommendations based on International Standards, https://www.unodc.org/res/ji/import/guide/icj_videoconferencing/icj_videoconferencing.pdf

¹⁸ See Section 23(4) of the *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020*.
<http://www.irishstatutebook.ie/eli/2020/act/13/enacted/en/print#sec22>

- (f.) No other circumstances exist that warrant the relevant person's presence in court for the hearing.

Legal Representation

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) outline a number of standards regarding access to legal representation. On admission, prisoners should receive written information on their rights to access legal advice including information on legal aid schemes (Rule 54). Prisoners should have adequate opportunity to communicate and consult with a legal adviser (Rule 61.1). Should they need interpretation during this process, the prison should allow them access to an independent competent interpreter (Rule 61.2). A prisoner should be able to access legal aid (Rule 61.3), which also applies to remand prisoners who should not be charged for this (119.2). Furthermore, remand prisoners should be provided with writing material for any defence preparation (Rule 120).

The European Prison Rules support the Nelson Mandela Rules by stating that consultations between prisoners and their legal advisers should be confidential (Rule 23.4). Prisoners should have access and keep in their possession documents relating to their legal proceedings (Rule 23.6).

The Irish Prison Rules 2007-2017 largely align with international standards around legal representation. Prisoners are entitled to have privacy during visits with a legal adviser (Rule 38.1). Visits with a legal adviser can take place at any reasonable time (Rule 38.2) and when needed an interpreter can be present (Rule 38.3). Prisoners are also entitled to send and receive letters from their legal adviser (Rule 44.1.a). A prisoner can send a letter to their legal adviser without it being opened before it is sent (Rule 44.3). Any letter sent to a prisoner by their legal adviser can only be opened in the presence of the prisoner. This is strictly to examine that it is such a letter (Rule 44.4). Prisoners are entitled to make a telephone call to their legal adviser (Rule 46.5). Legal documents cannot be retained by a prisoner officer or a member of An Garda Síochána during a search (Rule 7.2). Prisoners are also entitled to privacy when communicating with their legal advisor using video link (Rule 42).

2.4.2 Environment

Over the course of the COVID-19 pandemic in Ireland in 2020, the use of remote courts hearings expanded from 30 to 58 courts, with more than double the number of cases heard via video-link as compared to 2019.¹⁹

In May 2021 the Bar Council of Ireland released a joint statement with the Bar Council of England and Wales, the Bar Council of Northern Ireland and the Faculty of Advocates of Scotland in which they warned against the widespread instruction of remote video hearings and that it is suitable "only for short uncontroversial or procedural business." Among the disadvantages cited by the barristers were less effective hearings because of less satisfactory judicial interaction. They outlined how managing witnesses, especially in cross-examination was also less satisfactory if done remotely and could have an adverse impact on the quality of the evidence given. The Joint Statement also argued that remote hearings delivered a "markedly inferior experience," and that the benefits of human interaction in physical hearings could not be ignored. A key concern was the need to protect the diverse needs of clients and safeguard their participation: "By its nature, a remote and automated system will only

¹⁹ EuroPris, Videolink-Maximising Resources for Service Delivery, M O' Mahoney, Europris, 11 November 2020 cited in Penal Reform International (2021) *Global Prison Trends 2021*, <https://cdn.penalreform.org/wp-content/uploads/2021/05/Global-prison-trends-2021.pdf>

degrade the valuable interaction that should be at the heart of meaningful and open access to justice.”²⁰

At the time of inspection, prison management informed the Inspection Team that prisoners in Shelton Abbey had access to their solicitor in person, or via video-link. If solicitors attended in-person, he/she met with the client in the boardroom with masks and a Perspex screen in place.

During COVID-19 restrictions, Shelton Abbey provided prisoners with access to video-conferencing facilities in the boardroom for remote court hearings. The boardroom was located in the main part of the prison and was partitioned by clear screened glass. Both prisoners and staff could walk up and down the corridor past this room during proceedings.

2.4.3 Outcomes

One prisoner reported that having a basic mobile phone improved access to legal representation: “You can ask people to google for your solicitor.”

Prisoners did not raise any issues with the Inspection Team related to remote hearings. The Inspection Team was informed by local prison management that the hearings ongoing during the inspection were mainly procedural, and at District Court level.

Video link court access has assisted in ensuring timely access to the courts for many prisoners. However, the Inspectorate has concerns about the suitability of this mechanism to facilitate access to courts. Remote court hearings may result in access to justice issues for prisoners.²¹ Research on video link court access has shown that these experiences diminish prisoners’ opportunities for engagement with and expressive participation in legal procedure.²² The impact of remote court hearings on sentencing outcomes is not yet fully known, although research findings indicate that virtual court cases may produce extra custodial sentences and fewer community sentences.²³ The potential lack of effective participation in video-proceedings is also evidenced by research which found that defendants participating via video-link were more likely to be unrepresented resulting in the individual being unable to navigate the proceedings.²⁴ These findings are important to consider in the context of a person’s right to a fair trial.

2.4.4 Recommendation

Recommendation 5: Taking into consideration Article 6 of the ECHR and Article 14 (3) of the ICCPR, the Irish Prison Service should continuously monitor and engage with prisoners on the impact of remote court hearings.

²⁰ The Bar Council, Four Bars statement on the administration of justice post-pandemic, <https://www.barcouncil.org.uk/resource/four-bars-statement-on-the-administration-of-justice-post-pandemic.html>

²¹ Written Evidence submitted by the Equality and Human Rights Commission, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-account-committee/transforming-courts-and-tribunals-progress-review/written/106341.html>

²² C. McKay, “Videolinks from Prison: Court ‘Appearance’ within Carceral Space” (2018) 14(2) *Law, Culture and the Humanities*.

²³ Ministry of Justice (2010) Virtual Court Pilot Outcome Evaluation, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/193633/virtual-courts-pilot-outcome-evaluation.pdf

²⁴ P. Gibbs (2017) “Defendants on video-conveyor belt justice or revolution in access?” <https://www.transformjustice.org.uk/wp-content/uploads/2017/10/Disconnected-Thumbnail-2.pdf>

2.5 Other Issues

In the process of inspecting Shelton Abbey, the Inspection Team made a number of observations that warrant inclusion in this inspection report.

Gratuity Rates and Work

Prisoners who carried out certain types of work activities were not deemed by prison authorities to be “workers” (such as farm work, garden work, barber shop, car wash, etc.). It was reported by prisoners to the Inspection Team that those identified as “workers” received a larger amount of weekly approved working gratuity. Prior to the pandemic, half the prison population received a wage from paid community employment by external employer companies. However, due to the suspension of work activities in the community, no prisoner was in receipt of a payment from an external employer during the pandemic. The Inspectorate queries if any change was made to the Irish Prison Service’s policy on Prisoner Gratuities and Private Cash²⁵ given the impact COVID-19 restrictions had on prisoners’ ability to work in the community and whether consideration of what activities are deemed as “work,” given these unique circumstances.

The CPT (2021) outlines, “effective access to, and fair remuneration for, work” is included as part of the criteria for a “minimum decency threshold.”²⁶ The Inspection Team also observed that the highest weekly approved working gratuity rate (€18.90) does not cover the price of some tobacco (€19.80) in the Tuck shop. This issue should be considered in light of the CPT (2021) statement which invites Member States to introduce a minimum wage that would be linked to prices in the Tuck shop catalogue so that prisoners could afford the items.

Staff Interactions

Prisoners reported both positive and negative interactions with prison staff. One member of prison staff was described as “a diamond” in one instance. However, some prisoners perceived a small number of prison staff to be disrespectful. One prisoner recounted a time when a member of prison staff told him, “you people always want” in response to a request made by the prisoner. Another prisoner described the potential for the environment in Shelton Abbey to improve: “If a certain attitude changes, this place would be running like clockwork.”

Rule 75 of the UN Mandela Rules (2015): “All prison staff shall possess an adequate standard of education and shall be given the ability and means to carry out their duties in a professional manner.”

Disrespectful staff interactions were raised by the Inspectorate in the Closeout Meeting (27 April 2021), and Senior Management committed to introducing a customer-service style training for prison staff. In a follow-up phone call (11 May 2021), the Inspectorate was informed that this action had not been progressed as training for prison staff had been centralised and the training centre was not fully back in operation.

It is important that a culture of rehabilitation is the central focus of staff at Shelton Abbey.

2.5.1 Recommendation

Recommendation 6: The Irish Prison Service should expand the types of activities that are deemed as “work” in its policy on *Prisoner Gratuities and Prisoner Cash*. The policy should be reviewed and

²⁵ Irish Prison Service (2012) Prisoner gratuities and private cash, http://www.irishprisons.ie/images/policy/prisoner_gratuities_private_cash_policy.pdf

²⁶ CPT (n 14).

amended on the basis of the impact COVID-19 restrictions have had on access to paid external employment in the community for prisoners from open prisons.

3 SAFETY & SECURITY

3.1 Impact of Staff Absences

From 16 April 2021 and during the days of the onsite inspection, a “withdrawal of goodwill” by prison staff was underway. This withdrawal of goodwill centred on the lack of clarity provided by the Department of Health and Department of Justice in relation to when prison staff would be vaccinated against COVID-19. This section examines any impact COVID-19 had on staff absences since March 2020, and also the impact the “withdrawal of goodwill” had on the prison.

3.1.1 Compliance

The Revised European Prison Rules, Rule 83(a), requires that prison authorities ensure prisons are adequately staffed at all times in order to maintain a safe and secure environment and to meet requirements of national and international law. Rule 83(b) states that the prison authorities should introduce a system of organisation and management that are capable of withstanding operational emergencies and returning to ordinary standards at the earliest opportunity. Rule 83(c) states that “prison authorities should facilitate ‘proper co-ordination of all departments, both inside and outside the prison, that provide services for prisoners, in particular with respect to the care and reintegration of prisoners.’”

With specific reference to the situation of COVID-19, the March 2020 CPT Principles provide that staff availability be reinforced and that staff should receive professional support (Principle 3).

The UN Common Position on Incarceration (2021) states that staff are the most valuable resource in the prison system:

An enhanced investment in the most important resource of the prison system, namely, its personnel, is crucial in this regard. Supporting an ethos and self-perception among prison officers, including senior management that they are not merely guards or wardens, but rather agents for change, can help to harmonize the legitimate security requirements with those of rehabilitation and reform.²⁷

3.1.2 Environment

Staff absences directly impact on implementation of the Regime Management Plan (RMP) in a prison. The RMP, which is unique to each prison and agreed upon by the Irish Prison Service and the Prison Officer’s Association, sets out posts of priority to be covered in a prison to ensure the security of the prison, safety of the staff, and the safe custody of prisoners. The RMP outlines the priority of posts and services, and determines how and when officers need to be redeployed to provide escorts and cover other posts.

Given the nature of an open prison, security does not warrant the same level of concern as a higher security-level prison. In Shelton Abbey the first two posts for redeployment in the RMP were the Grounds/Escorts and Reception/Laundry. Since COVID-19, these posts were redeployed to cover the Main Gate Check-In Area, where all visitors were required to undergo COVID-19 screening upon entrance to Shelton Abbey. The school in Shelton Abbey did not require a school officer and therefore the school was reported by management as unaffected by the ongoing “withdrawal of goodwill.” According to information received from prison Senior Management, the gym never closed as other

²⁷ United Nations (2021) *United Nations System Common Position on Incarceration*, 14. https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf

posts such as Grounds and Reception were redeployed. The industrial cleaners worked Monday to Fridays from 08:00 - 17:00.

3.1.3 Outcomes

Comments were made by prisoners to the Inspection Team that the school and the Tuck Shop had been due to open on Monday 19 April 2021 but both were reportedly closed on this date during the “withdrawal of goodwill” period. It was confirmed by a member of teaching staff that the school reopened on Wednesday 21 April 2021. During the days of the onsite inspection Thursday 22 April 2021 and Friday 23 April 2021, the school was open.

More broadly, Senior Management reported that COVID-19 had not impacted on 85% of Shelton Abbey staff. No staff member was COVID-19 positive at the time of inspection, however, a small number of staff members were absent from the workplace, or worked remotely as a result of the risk COVID-19 posed to them (or a close family member) who were immunosuppressed.

While the prison appeared unaffected by COVID-19 and the “withdrawal of goodwill” duties in terms of its staffing, the Inspection Team noted a number of changes to personnel in Shelton Abbey:

- New Chief Officer (April 2021 - no Chief Officer between December 2020 and April 2021)
- New ISM Officer (April 2021 - no ISM officer between December 2020 and April 2021)
- New Probation Officer (on-site part-time since December 2020)
- New GP
- No Training and Education Officer (as of the final day of the on-site inspection, 23 April 2021)
- No Resettlement Officer²⁸

The Inspectorate noted that these staff vacancies and changes inevitably impacted on stability and routine for the prison population alongside the loss of institutional knowledge. It would also impact on the development of productive relationships with prisoners. Prison authorities should consider effective coordination of these services for the best care and reintegration outcomes for prisoners in accordance with Rule 83(c.) of the Revised European Prison Rules (2020).

3.2 Social Distancing

In April 2020, the Irish Prison Service Staff Newsletter, “COVID-19: What It Means for Prison Staff” focused on the need for staff to enforce social distancing. The newsletter suggested the following “practical ways of social distancing”:

- Avoid the canteen if you cannot sit 2 meters apart from others
- Avoid crowded rooms / busy areas particularly at popular times e.g. locker rooms
- In an office environment, re-arrange the furniture so you don’t directly face others
- Drive your own car to work
- Smoke on your own or stop smoking
- Politely ask others not to invade your space

Despite the Irish Prison Service efforts to implement social distancing in prisons, prisons are a difficult context in which to physically distance. Prisons are often overcrowded, poorly ventilated, and with limited space and resources, prisoners must share phones, showers and common areas.²⁹ Similarly,

²⁸ In a follow-up phone call (11 May 2021) with Senior Management, it was confirmed that there was now a part-time Resettlement Officer located in Castlerea linked in to Shelton Abbey prison.

²⁹ S. A., Kinner, et al, “Prisons and Custodial Settings are Part of a Comprehensive Response to COVID-19” (2020) 5 *Lancet Public Health*, e188-189.

staff may share small offices and locker rooms, and eat in common areas. While social distancing is recognised as the most effective way to prevent transmission of COVID-19, it is not practicable at all times in the prison context; additional measures such as proper use of PPE and improved sanitation and hygiene practices are needed.

3.2.1 Compliance

Given that it is not always possible to social distance in prison settings, the World Health Organization (WHO) recommends the continuous use of a medical mask for prison staff when making contact with detainees at distances of less than 1 metre, during security and health checks, and during transfer of COVID-19 cases to other prisons or hospitals. WHO guidance on management of masks³⁰ includes the following:

- Perform hand hygiene before putting on the mask.
- Inspect the mask for tears or holes, and do not use a damaged mask.
- Place the mask carefully, ensuring it covers the mouth and nose, adjust to the nose bridge, and tie it securely to minimize any gaps between the face and the mask. If using ear loops, ensure these do not cross over as this widens the gap between the face and the mask.
- Avoid touching the mask while wearing it. If the mask is accidentally touched, perform hand hygiene.
- Remove the mask using the appropriate technique – untie it from behind, avoiding touching the front of the mask.
Replace the mask as soon as it becomes damp with a new clean, dry mask.
- Either discard the mask or place it in a clean plastic re-sealable bag where it is kept until it can be washed and cleaned. Do not store the mask around the arm or wrist or pull it down to rest around the chin or neck.
- Perform hand hygiene immediately after discarding a mask.
- Do not reuse single-use mask.
- Discard single-use masks after each use and properly dispose of them immediately upon removal.
- Do not remove the mask to speak.
- Do not share your mask with others

In terms of hand hygiene and the need to prevent the spread of COVID-19, the Health Service Executive in conjunction with the WHO and the Center for Disease Control and Prevention³¹ recommends the following etiquette to be observed:

- Wet your hands with warm water and apply soap.
- Rub your hands together palm to palm until the soap forms a lather.
- Rub the back of one hand with your palm and fingers spread so you wash between fingers. Repeat with the other hand.
- Interlock the top of your hands and rub your fingertips - this cleans your fingertips and knuckles.
- Then finally grasp your thumb tightly and twist to make sure your thumbs are cleaned. Repeat with the other hand.
- This should take at least 20 seconds.
- Rinse your hands under running water.
- Dry your hands with a clean towel or paper towel.

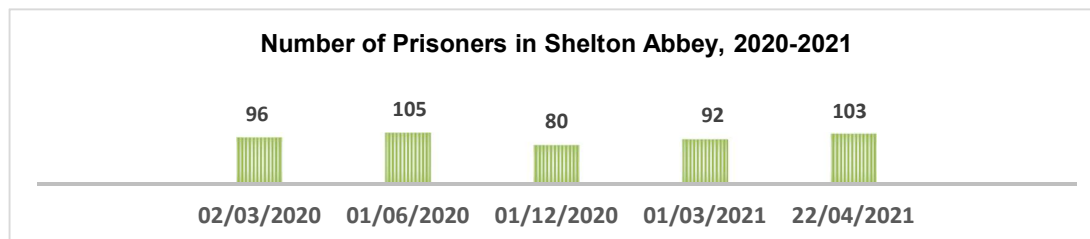
³⁰ World Health Organization, "Preparedness, Prevention and Control of COVID-19 in Prisons and Other Places of Detention Interim Guidance" (8 February 2021) 25-27.

³¹ Center for Disease Control and Prevention, "Show Me the Science - How to Wash Your Hands" (9 December 2020) and can be accessed here (<https://www.cdc.gov/handwashing/show-me-the-science-handwashing.html>)

3.2.2 Environment

Since the start of the pandemic, the population of prisoners in Shelton Abbey has fluctuated, with a total increase in the population of 7.3% between 2 March 2020 and the first date of the on-site inspection, 22 April 2021 (Figure 1).³²

Figure 6: Prisoner Numbers in Shelton Abbey, 2020-2021



Reduction in prison numbers helps to reduce the number of people room-sharing, which in turn minimises the risk of COVID-19 transmission and enables prisoners to practice social distancing. The open environment in Shelton Abbey allows for increased social distancing and access to exercise in the fresh air. However it is acknowledged that the use of dormitory accommodation in Shelton Abbey, much like shared accommodation throughout the prison estate, provides a risk to the spread of infectious diseases. The Inspectorate believes that single room accommodation with the vision of self-contained bungalows in Shelton Abbey should be considered as part of learnings from the impact of COVID-19 in prison system.³³ The Inspectorate is of the view that a decrease in the prison population in Ireland is of great utility to the management and prevention of COVID-19 transmission prevention in prisons.

Upon arrival to Shelton Abbey (on both days of inspection), the Inspection Team underwent temperature checks and was asked questions at the main gate to check for signs and symptoms of COVID-19. The Inspection Team was informed this was a newly allocated staff post in Shelton Abbey.

Social distancing markings were visible on floors throughout the prison. As of 14 November 2020, all prison staff were required by the Irish Prison Service to wear surgical face masks.

Industrial cleaners worked a schedule of 08:00 – 17:00, five days a week. The monthly budget for cleaning consumables in Shelton Abbey was reported as €2,473.17, including VAT. This budget covered materials such as: chemicals, mops, buckets, toilet rolls and paper towels. There was a daily cleaning rota schedule with a list of tasks to be completed in mornings and afternoons. Tasks included: sweeping of floors, dusting of ledges and furniture with chemical products which were checked by the Work and Training Officer (WTO).

3.2.3 Outcomes

In relation to the COVID-19 protocol in the prison, one prisoner praised prison staff as being “on top of their game.”

³² IPS Statistics, 2020 Prison Population: <https://www.irishprisons.ie/information-centre/statistics-information/2015-daily-prisoner-population/>; IPS Prison Statistics, 2021 Prison Population: <https://www.irishprisons.ie/information-centre/statistics-information/2015-daily-prisoner-population/2021-prison-population/>

³³ Shelton Abbey, Visiting Committee Annual Report 2019, https://opac.oireachtas.ie/Data/Library3/Documents%20Laid/2021/pdf/DOJdocslaid150121j_150121_153245.pdf

At the time of the visit, the Inspection Team observed a minority of staff members not consistently wearing surgical masks. The wearing of masks should be strictly abided by, given the harsh restrictions imposed on families (i.e., suspension of visits) for over a year. In the short period in which family members could visit prisons during Level 3 restrictions in July and August 2020, the wearing of face masks at all times, alongside the use of screens with no physical contact permitted, was obligatory. A failure to comply with these restrictions would result in the termination of a visit.³⁴ In this context and that of public safety, it is important that staff comply with public health restrictions at all times, and lead by example.

The Inspectorate welcomed a staff member's suggestion to provide prisoners upon arrival to Shelton Abbey with a COVID-19 cleaning pack. It was proposed that the cleaning pack (to be further developed in consultation with prisoners) would include the following items: two microfiber cloths, a bin bag, a cleaning bottle, disposable cloths, PPE gloves, and a scouring brush. The Inspectorate encourages the prison to train and certify prisoners as cleaners, for those who would like to do so. Cleaning should be recognised as a skill. It is one instance of using COVID-19 as an opportunity to provide new skills, and may offer future employment.

Signage regarding social distancing was generally very good throughout the prison. However, there were no social distancing markings in the prisoner and staff gyms.

In order to ensure safety and social distancing throughout the prison estate, a continued reduction in general prisoner population numbers is fundamental. As highlighted by the United Nations Common Position on Incarceration (2021):

The post COVID-19 recovery will provide an important opportunity for criminal justice systems to address their chronic shortcomings and engage in holistic prison reform. Building on the emergency initiatives adopted by Member States which have authorized the release of at least 700,000 prisoners globally, a concerted effort is needed to fully implement these results in a sustainable manner and to urgently rethink the overuse of incarceration.³⁵

3.2.4 Recommendation

Recommendation 7: The Inspectorate recommends that the Irish Prison Service engages with the Department of Justice to maximise all opportunities (e.g., increase the numbers on Community Return) available for reducing the prison population. The reduction in prison numbers reduces the number of people cell-sharing, minimises the risk of COVID-19 transmission, and enables prisoners to practice social distancing.

³⁴ Irish Prison Service, Family Information Booklet, https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Family-Information-Booklet-13-July-2020.pdf

³⁵ United Nations (n 27).

4 HEALTH & WELLBEING

4.1 Access to Healthcare

In assessing access to healthcare, the Inspection Team examined the impact of COVID-19 and related measures. Access to mental health support is examined in this section with a focus on the limited supports (lack of in-person visits and community involvement) and activities prisoners had access to during the COVID-19 pandemic.

4.1.1 Compliance

Underpinning healthcare provision in the prison setting is the principle of equivalence. The CPT Standard on Health Care Services in Prisons mandates that “a prison health care service should be able to provide medical treatment and nursing care, as well as appropriate diets, physiotherapy, rehabilitation or any other necessary special facility, in conditions comparable to those enjoyed by patients in the outside community.”³⁶ The principle of equivalence operationalises the principle of non-discrimination, as enshrined in the Mandela Rules, (Rule 2):

In order for the principle of non-discrimination to be put into practice, prison administrations should take account of the individual needs of people in prison, in particular the most vulnerable. Measures to protect and promote the rights of people in prison with special needs are required and should not be regarded as discriminatory.

The provision of prisoner healthcare is a State responsibility, and therefore prisoners should receive the same standards of healthcare that are available in the general community. This would include an obligation to inform individuals of their infectious disease test results. This ethical obligation to give all relevant information to patients is enshrined in the Medical Council Guidance on Professional Conduct and Ethics.³⁷

Ireland is obliged under Article 12 of the International Covenant on Social, Economic and Cultural Rights (ICESCR) to recognise the right of everyone to the highest standard of physical and mental health: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

As highlighted by the CPT (2020) in its Statement of Principles relating to the Treatment of Persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic: “detained persons should receive additional psychological supports from staff at this time.”

One of the basic principles (Principle 4) of the Revised European Prison Rules (2020) states: “Prison conditions that infringe prisoners’ human rights are not justified by lack of resources.”

According to the Council of Europe, healthcare in prisons should be preventive (e.g., prevention of the spread of transmissible diseases and the promotion of mental health support).³⁸

³⁶ CPT Standard on Health Care Services in Prisons (1993) CPT/Inf(93)12-part <https://www.refworld.org/pdfid/4d7882092.pdf>

³⁷ Medical Council, “Professional Conduct and Ethics” <https://www.medicalcouncil.ie/existing-registrants-/professional-conduct-and-ethics>, and <https://www.medicalcouncil.ie/news-and-publications/reports/guide-to-professional-conduct-and-ethics-for-registered-medical-practitioners-amended-.pdf>, 33.5.

³⁸ Council of Europe (2019) *Organisation and Management of Healthcare in Prison*, <https://rm.coe.int/guidelines-organisation-and-management-of-health-care-in-prisons/168093ae69>

A key observation made by the UNODC in the post COVID-19 recovery was the need for States to address challenges associated with imprisonment including that coordination between justice and health sectors, should be key to “build back better.”³⁹

4.1.2 Environment

At the time of inspection the Irish Prison Service was operating based on the 30th version of the “IPS Risk Assessment for People Presenting to and in Prisons - Clinical Criteria for Prisoner(s) to be Tested.” The algorithm outlines the criteria as follows:

1. A prisoner with acute respiratory infection - sudden onset of at least one of the following: cough, fever, Shortness of breath (SOB). Consider other aetiology that may explain the clinical presentation. If general population only 1 swab is required on symptom onset; OR
2. Special consideration should be made for atypical presentations, particularly in our high risk prison population. Vigilance is required for the following: Loss of sense of smell or taste, Fever, Cough, SOB, lethargy, confusion, loss of appetite, unexplained change in baseline condition. If general population only 1 swab is required on symptom onset; OR
3. A prisoner who has been identified as a close contact of a confirmed case must be tested on Day 0 (Day the index case gets a positive result) AND Day 7 (8 days after last exposure to the index case) - (if day 0 and day 7 are within 24 hours only 1 test is required on Day 7) *All close contacts must remain in isolation for 14 days inclusive even if they return 2 negative results;* OR
4. All new committals (N/C) must be tested on Day 7 (8th day in custody); OR
5. If symptomatic N/C test on day of symptoms onset and Day 7 (*if within 24 hours of each other test on Day 7*); OR
6. All new committals returning from outside the island of Ireland - Swab Day 1 and Day 10 (remain in isolation 14 days).

If a prisoner received a positive COVID-19 result he would have to isolate in his single room for a minimum of ten days. According to the risk assessment, in the last five days the individual should be free from any symptoms of COVID-19. If a prisoner (non-committal) received a negative result, isolation is stopped once a prisoner has been asymptomatic for 48 hours. No reference was made in the 30th algorithm to what might happen if there was insufficient single cell accommodation for prisoners to isolate until test results were returned.

The healthcare area was the first place a prisoner was assessed and triaged in Shelton Abbey. Shelton Abbey had two registered nurses. There was one visiting GP available for two hours a day, five days a week. There was no night medical cover; the prison relied upon the national ambulance service for emergencies.

Shelton Abbey was connected with local services in the community, which included an Optician and Dentist. Prior to the pandemic, a diabetic clinic operated in Shelton Abbey once every quarter. The Integrated Diabetic Nurse reviewed and educated long-term diabetic patients and newly diagnosed diabetic patients.

There was one addiction counsellor for a population of 115 prisoners. Prisoners who availed of counselling did so using the phone during the pandemic. However, at the time of inspection, the

³⁹ United Nations (n 27).

Inspection Team was informed that an external professional facilitated weekly in-person Narcotics Anonymous meetings.

A community Psychiatric Nurse visited prisoners who had histories of psychiatric issues; these prisoners were reviewed every quarter. There was no dedicated Psychologist for Shelton Abbey. A Psychologist visited the prison one day per month.

4.1.3 Outcomes

Prisoners provided positive reports related to access to general healthcare. However, healthcare staff noted the negative impact of COVID-19 on the general health and wellbeing of the prison population; in particular, the impact of the closure of the school and the lack of external agencies visiting the prison to provide training programmes. These opportunities gave prisoners the stimulation to progress, and provided a level of confidence in preparation for release.

The primary concern expressed by Senior Management, prison staff and prisoners alike was the limited access to mental health support. A visiting psychologist once a month did not accommodate one-on-one individual psychological intervention.

Numerous references were made to the Inspection Team regarding a case in which a prisoner was returned to a closed prison environment after the disclosure of mental health issues. It was clear to the Inspection Team that this incident had a major impact on the whole prison community in Shelton Abbey. Prisoners in an open prison should feel confident in speaking up about any mental health concern without the fear, and actual risk of being returned to a closed prison environment.

The Inspection Team was informed that a number of avenues to find a referral pathway for prisoners in need of psychology services had been exhausted. An application for access to a full-time psychologist was turned down by the Irish Prison Service due to higher priority in other prisons. Attempts to access psychology supports for prisoners locally were also outlined. However, these services were over-subscribed in the community with a waiting list of reportedly over one and a half years. There was no private psychologist available. Access to psychological supports via video-conferencing were suggested as an alternative, as were day return trips to closed prisons for prisoners to access relevant supports, but this was not a viable option based on current Irish Prison Service resources. Senior Management acknowledged the lack of psychology supports available in Shelton Abbey and noted that the lack of access to this service may result in people being sent back to closed prisons.

The challenges for prisoners in an open prison were previously highlighted in a (2015) report commissioned by the Irish Prison Service:

What is typically ignored, however, is that even in those less challenging environments [open centres], offenders face concerns, worries, frustrations, and even at times, intolerable levels of pre-release anxiety and doubt.⁴⁰

Graduating from a closed to an open prison is an adjustment and a vital stage for any prisoner who is likely to have been institutionalised in the closed prison regime.

Prisoners, by virtue of place in which they are held in custody, can experience increased mental health distress, particularly in the absence of protective factors such as family visits and a full and varied

⁴⁰ See "New Connections" *Embedding Psychology Services and Practice in the Irish Prison Service*, p.29 https://www.irishprisons.ie/wp-content/uploads/documents_pdf/New-Connections-Report-2015.pdf

regime.⁴¹ As simply expressed by one prisoner during inspection: “They don’t realise how sad some periods of prison are.”

Limited mental health support available in Shelton Abbey is of serious concern to the Inspectorate and this should be addressed. In addition to the limited psychology services, there was no occupational therapist available in Shelton Abbey. Access to occupational therapy would be a beneficial resource to support the development of life skills for prisoners, particularly those serving long sentences.

Accompanied by the disproportionate impact of COVID-19 on the mental well-being of prisoners, it is the Inspectorate’s view that a clear referral pathway for prisoners to access psychological supports must be provided. No additional psychology supports were made available to prisoners in Shelton Abbey during the pandemic.

The impact of limited psychology support, particularly as this may affect Parole Board recommendations, is further detailed in Section 6.1.

During the period of on-site inspection people in their early to mid-60s and over were eligible for the COVID-19 vaccine. The vaccination numbers for people in custody in Shelton Abbey as of 24 April 2021, as provided by the Irish Prison Service, were as follows:

Table 4: Vaccination numbers, by cohort, Shelton Abbey (24 April 2021)

Cohort 4	Cohort 5	Cohort 6	Cohort 7
1	0	0	28

*This information was provided by IPS Headquarters.

At the time of writing (May 2021) the following groups were being vaccinated against COVID-19 within the community:

- people aged 65 years and older who live in long-term care facilities (cohort 1)
- frontline healthcare workers (cohort 2)
- people aged 70 and older (cohort 3)
- people aged 16 to 69 who are at very high risk (cohort 4)
- people aged 65 to 69, including those at high risk (cohort 5 and 6)
- people aged 16 to 64 who are at high risk (cohort 7)
- pregnant women
- registration for people aged 45 and above

At the time of drafting this report the Inspectorate was informed that the immunisation of all prisoners and all staff under 40 years of age in all prisons in Ireland would commence on 9 June 2021. The Inspectorate welcomes that, since the on-site inspection and in advance of submission of this report, plans are advanced to provide vaccinations to all prisoners in prisons on a rotational basis. The roll-out of the vaccination programme is being undertaken by the HSE National Ambulance Service with the support of prison service nursing staff. Prisoners in Shelton Abbey received the first dose of the COVID-19 vaccination on 17 June 2021; 92 prisoners were vaccinated on this date and two people declined the vaccine. The second dose of the vaccine was administered on 15 July 2021.

⁴¹ World Health Organization and the International Committee of the Red Cross, Information Sheet, Mental health and prisons, https://www.who.int/mental_health/policy/mh_in_prison.pdf

In previous 2021 COVID-19 Thematic Inspection Reports a recommendation regarding the vaccination of prisoners was included. However, as this is now being addressed the recommendation is not included in this report. The Inspectorate will monitor progress of the vaccination roll-out on an ongoing basis.

4.1.5 Recommendations

Recommendation 8: In line with practice in the general community, and with the Principle of Equivalence, the Irish Prison Service should ensure that people in prison are provided with written information about their test results.

OIP Comment: The Inspectorate has recommended in the Mountjoy Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison COVID-19 Thematic Inspection reports that prisoners should be provided with their COVID-19 test results both verbally and in writing. On all occasions the recommendation was not accepted by the Irish Prison Service, with the justification being that “the implementation of this recommendation would require the manual provision of individualised letters which is not currently feasible from IT and resource perspective.” The Inspectorate remains of the view that all prisoners should be provided with their test results both verbally and in writing

Recommendation 9: In line with Article 12 of the ICESCR, the CoE principles of preventive health care, and cognisant of Principle 4 of the Revised European Prison Rules, the Inspectorate recommends that the Irish Prison Service must provide a referral pathway to psychology services for prisoners in Shelton Abbey, and consider access to an occupational therapist to support the development of life skills for prisoners as they prepare to reintegrate back into society.

4.2 Family Contact

Contact with family members is essential to the health and wellbeing of people in prison. As part of the inspection of Shelton Abbey, the Inspection Team assessed the impact of restrictions on family contact, in particular the loss of in-person visits. The Inspection Team also examined how the Irish Prison Service has compensated for this.

4.2.1 Compliance

In response to the need to prevent transmission of COVID-19 in prisons the Irish Prison Rules 2007-2017 were amended in 2020 to include Rule 36A. Rule 36A places a restriction on the implementation of Rules 35 and 36 as a means to prevent the transmission of infectious disease in prisons. Rule 35 includes provisions for ordinary visits whereby convicted adult prisoners are entitled to receive not less than one visit from relatives or friends each week of not less than 30 minutes duration. For unconvicted prisoners, the visit entitlement under Rule 35 is one visit per day from relatives or friends of not less than 15 minutes in duration on each of six days of the week, where practicable, but in any event, on not less than on each of three days of the week. Rule 36 provides for the regulation of visits, including provisions on the designation and searching of visitors, visits from legal representatives and visits for foreign nationals. The 2020 Amendment to the Rules, under 36A, permit the Director General (36A (1)) or the Governor (36A(2)) to suspend the entitlement to visits or restrict or modify the entitlement to visits under Rule 35, as regards frequency, duration and arrangements, particularly in relation to the number and age of visitors permitted to make visits, for a specified period or periods. The lack of a sunset clause for the newly added Rule 36A is of concern to the Inspectorate.

Article 8.1 of the European Convention on Human Rights provides that “Everyone has the right to respect for his private and family life, his home and his correspondence.”

Children who have a parent in prison are also independent rights holders. Under Article 9.3 of the UN Convention on the Rights of the Child, it states:

States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

Rule 58.1 of the Nelson Mandela Rules states that prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals by corresponding in writing and using, where available, telecommunication, electronic, digital and other means.

The European Prison Rules 2020 (Rule 24.1), provide that prisoners shall be allowed to communicate as often as possible by letter, telephone or other forms of communication with their families, other persons and representatives of outside organisations and to receive visits from these persons. Rule 24.5 states that prison authorities shall assist prisoners in maintaining adequate contact with the outside world and provide them with the appropriate welfare support to do so.

Rule 43 of the Irish Prison Rules 2007-2017 entitles a prisoner to send letters to his or her family or friends, and to receive as many letters as are sent to him or her by his or her family or friends.

Given the restrictions imposed by Rule 36A of the 2020 Amendment to the Prison Rules, there exists an obligation for the Irish Government and the Irish Prison Service to ensure that COVID-19 related restrictions have a legal basis, are necessary, proportionate, respectful and restricted in time (CPT Principle 4).

In May 2021, the CPT published its "minimum decency threshold." This threshold provides for "regular possibilities to remain in contact with the outside world."⁴² The CPT welcomed the increasing availability of in-cell telephones and secure prison mobile phones, as well as internet-based solutions to enable prisoners to maintain family contact.

4.2.2 Environment

At the time of the Inspection, Ireland was under the highest level (Level 5) of COVID-19 restrictions, and therefore in-person visits ceased.

Prior to the pandemic, prisoners in Shelton Abbey open prison had access to longer family visits at weekends in order to maintain family relationships, and support reintegration. These visits were held outdoors. The Inspection Team observed three disused children's playhouses at the farm in Shelton Abbey.

To compensate for the loss of prison visits, the prison implemented 20-minute video calls for prisoners, two to three times a week. These calls were facilitated in two rooms in Avoca House with phones equipped with a small built-in video screen. The video screen measured approximately 7.5cm x 12.5cm (measurement estimated from observation as the Inspection Team did not measure the screen during inspection). Slots were opened seven days a week for video calls from 10:00 to 18:00.

Prisoners in Shelton Abbey also had unrestricted access to a basic mobile phone with calls and texts to maintain family contact. Prisoners paid €20 a month for 3,000 minutes. Prisoners were also entitled to send and receive post while in prison.

⁴² CPT (n 14).

4.2.3 Outcomes

Visits

A member of prison staff at Shelton Abbey described COVID-19 restrictions related to visits as “a disaster” for families. Many prisoners had not seen their children or had a family visit for more than a year as a result of COVID-19 restrictions; one prisoner stated, “not seeing your children is hard.”

Prisoners missed family visits, which were beneficial because they “broke the weekends.” Concerns were also raised around the short visits introduced in August 2020 (during a period of relaxation of COVID-19 restrictions) in which the duration of a family visit was 15-minutes with a maximum of one child allowed to visit. Many prisoners deemed the short duration of the visit for families travelling far distances as “pointless.” Prisoners said they could not choose one of their children over another, and decided that it was more appropriate to not see any of their children.

One prisoner was informed by a member of prison staff regarding the re-introduction of family visits: “You’ll be well home before they get back.” Given that visits in Shelton Abbey were outdoor prior to the pandemic, and that there is a large amount of green space available on the grounds, the Inspectorate notes this unique environment may afford opportunities to facilitate a speedier return (and of longer duration) to in-person family visits that is not necessarily possible in closed prisons.

Video-Calls

There were mixed reports received regarding video calls. Prisoners reported getting 20-minute video-calls two to three times a week. Some prisoners reported the benefits of these video-calls, in particular the ability to see elderly family members. There were no reported issues regarding booking these calls.

Video calls were reported as not working for a month and the dropping of video calls was also raised as an issue. One prisoner was aware that video-calls were not working for him due to technology issues experienced by his family on the outside.



Figure 7: Screen for Family Video Calls

The Inspectorate notes that a larger screen for video calls would be beneficial for prisoners engaging with their families particularly their children.

Telephone Contact

Prisoners reported the positive impact of having a mobile phone to maintain family contact: “The one saving grace is the mobile phone.”

While prisoners had access to mobile phones, credit for use of these phones was largely dependent upon prisoners’ families. One prisoner explained that people who did not have external support to pay for the phones would be in a bad situation.

The CPT (2021) has raised the issue of prisoners being able to afford the deposit of a mobile phone and costs associated with it, alongside accommodating Foreign National prisoners to maintain contact with their families in monitoring compliance of its “minimum decency threshold.”⁴³

Post and Correspondence

Prisoners generally reported receipt of post in a timely matter. There were some queries related to the prohibition of parcel items, as referenced in Section 2.1.3.

⁴³ CPT (n 14).

At the time of finalising this report, the Inspectorate was informed of the intention to resume in-person visits in Shelton Abbey on 22 July 2021; this date aligned with the efficacy of the COVID-19 vaccination administered in June/July 2021. The Inspectorate notes that the resumption of visits is subject to ongoing risk assessments that take account of public health advice, the range of Government restrictions in place and other factors, including the prevailing transmission rate in the community. The Inspectorate welcomes the resumption of visits, while also recognising the impact of safety measures on families and persons in custody, including limitations to one adult and one child for each visit; no physical contact; and a 15-minute duration for in-person visits.

4.2.4 Recommendations

Recommendation 10: The Inspectorate welcomes compensatory measures such as the introduction and regular frequency of video calls, and mobile phone provision to facilitate family contact. In line with Article 8 of the ECHR and Article 9 (3) of the UNCRC, these measures should be maintained as forms of strengthening the right to family contact beyond the COVID-19 pandemic.

Recommendation 11: In line with the easing of restrictions in the community, the principles of proportionality and necessity, Article 8 of the ECHR and Article 9(3) of the UNCRC, the Irish Prison Service should consider the re-introduction of family visits (of a longer duration) given the outdoor space available in Shelton Abbey.

Request for Information 1: The Inspector of Prisons requests to be provided with information on the direction given to Shelton Abbey by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 36A of the Irish Prison Rules.

4.3 Quarantine/Isolation Measures

People placed in quarantine in Shelton Abbey included: prisoners returned to custody by An Garda Síochána under a Section 42 warrant and prisoners returning to custody following a period of temporary release. Prisoners were tested prior to and following any period of temporary release. Inter-prison transfers were not quarantined. Those placed in isolation included: prisoners who tested positive for the COVID-19 virus; those showing symptoms of the COVID-19 virus, while awaiting test results; and those who are close contacts of a person with COVID-19, while awaiting test results.

4.3.1 Compliance

The CPT Statement of Principles relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (COVID-19) pandemic, state:

While it is legitimate and reasonable to suspend non-essential activities, the fundamental rights of detained persons during the pandemic must be fully respected. This includes in particular the right to maintain adequate personal hygiene (including access to hot water and soap) and the right of daily access to the open air (of at least one hour).⁴⁴

“In cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day.⁴⁴

⁴⁴ CPT Statement of Principles relating to the Treatment of Persons Deprived of their Liberty in the context of the Coronavirus Disease (2020) Principles 6 and 8, <https://rm.coe.int/16809cfa4b>

Recent CPT guidance (May 2021) defines a “minimum decency threshold” for prisons which includes that all prisoners should be provided with the means to keep themselves clean including access to a shower (if possible on a daily basis but at a minimum twice a week).⁴⁵

In circumstances where prisoners are confined for more than 22 hours a day without meaningful human contact, this is solitary confinement; as defined by the 2020 European Prison Rules (Rule 60.6.a) and Mandela Rules (Rule 44).

While solitary confinement in itself is not a breach of Article 3 of the European Convention on Human Rights (prohibition on torture and inhuman or degrading treatment or punishment),⁴⁶ the preventive nature of the Inspectorate’s work is cause to raise concern about the prolonged use of solitary confinement as a strategy by which to avoid transmission of COVID-19 in the prison context.

4.3.2 Environment

There was one fitted room allocated for COVID-19 related quarantine/isolation on the ground floor of Avoca House (LG 04). This room measured 132.5”L x 95.5”W. This equates to 8.16m² and meets CPT minimum standards. The room was equipped with a shower facility, toilet, and wash basin. Inter-prison transfers were not expected to quarantine.



Figure 8: Isolation Room



Figure 9: Shower in Isolation Room

In the event that prisoners were granted daily temporary release, they would be required to undergo a period of ten days quarantine in their single-occupancy rooms upon return; consent to undergo quarantine was obtained prior to release.

4.3.3 Outcomes

On both days of the COVID-19 Thematic Inspection of Shelton Abbey, there were no prisoners in quarantine or isolation. There had been no COVID-19 outbreaks in Shelton Abbey and the last reported COVID-19 positive case in Shelton Abbey was in December 2020.

There was only one room allocated as an isolation room. A prisoner who had to isolate for a minimum of ten days in the isolation room had access to an in-cell shower. Food was delivered to the door by Red Cross Prisoners. A prisoner in quarantine or isolation in their own room, for a minimum of ten

⁴⁵ CPT (n 14).

⁴⁶ European Court of Human Rights, “Guide on the Case-law of the European Convention on Human Rights” (December 2020) https://www.echr.coe.int/Documents/Guide_Prisoners_rights_ENG.pdf, 49.

days, typically shared a toilet facility and shower with another room. There was limited meaningful human contact for those placed in isolation or quarantine.

The quarantine room itself was referred to as the “pad” by prisoners. One prisoner explained there were general fears among the prison population of expressing symptoms of COVID-19: “A lot of people won’t complain because they don’t want to go to quarantine.” This echoes similar findings in previous prison inspections carried out by the Inspectorate.

The Office of the Inspector of Prisons shares the well-documented position that solitary confinement causes psychological harm to people in prison,⁴⁷ regardless of reasoning for its imposition. As such, solitary confinement should not be used as a means to prevent transmission of COVID-19 in prisons; safer alternatives exist, such as community-based alternatives to custody and expansion and further application of early release criteria.⁴⁸

The lack of information available on the quarantine process alongside the limited mental health supports available within Shelton Abbey is of concern to the Inspectorate.

4.3.4 Recommendations

Recommendation 12: Two hours of meaningful human contact (as defined in section 5.3) must be facilitated each day for people in quarantine/isolation.

OIP Comment: The Inspectorate has recommended in the Mountjoy Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison COVID-19 Thematic Inspection reports that prisoners in quarantine/isolation be provided with two hours of meaningful human contact each day. On all occasions the recommendation was not accepted by the Irish Prison Service, with the justification being that restrictions on in-person contact are a critical infection control measure. While acknowledging that the University of Essex and Penal Reform International Guidance on meaningful human contact (see Section 5.3.1) requires face-to-face interaction, the recent guidance from the UN Subcommittee on SPT within the context of COVID requires that states “compensate for the social isolation by using any means to improve social and family contact.”⁴⁹ The Inspectorate is of the view that improving possibilities for human contact can be facilitated for people in quarantine/isolation. More human contact can be provided by way of lifting limits on telephone calls and by providing people in quarantine/isolation with tablets to access video calls, education and services. In cases where people are denied meaningful human contact for at least two hours a day and also confined for more than 23 hours a day, the result is solitary confinement.

Recommendation 13: Measures must be taken to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist prisoners in coping with the impact of COVID-19 and subsequently imposed restrictive measures.⁵⁰

OIP Comment: The Inspectorate has recommended in the Mountjoy Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison COVID-19 Thematic Inspection reports that measures be taken to mitigate the effects of isolation on prisoners. This recommendation has been accepted by the Prison Service on all occasions, with the IPS indicating a roll-out of a COVID outbreak specific mental health protocol. The Inspectorate welcomes this initiative.

⁴⁷ D. Cloud, et al, “Medical Isolation and Solitary Confinement: Balancing Health and Humanity in US Jails and Prisons During COVID-19” (2020) 35 *Journal of General Internal Medicine*, 2738-2742; S. A., Kinner, et al, “Prisons and Custodial Settings are Part of a Comprehensive Response to COVID-19” (2020) 5 *Lancet Public Health*, e188-189.

⁴⁸ CPT Statement of Principles (n 44), Principle 5.

⁴⁹ SPT Follow-up advice of the Subcommittee to State parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic (June 2021), CAT/OP/12.

⁵⁰ SPT. Advice of the Subcommittee to States Parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic (April 2020) <https://undocs.org/CAT/OP/10>, 10(g).

5 REHABILITATION & DEVELOPMENT

5.1 Regimes

The Irish Prison Service Prison Framework for Restrictive Measures (7 December 2020) outlines changes to the prison regime in accordance with the general community restriction levels defined under the National Framework for Living with COVID-19. Restrictive measures at each level of the Irish Prison Service Framework impose varying degrees of change to the prison regime. As part of the COVID-19 Thematic Inspection of Shelton Abbey, the Inspectorate focused on regime changes made in response to COVID-19 under Level 5 Restrictive Measures.

Prisoners in open prisons have worked hard to progress from a closed prison environment. As a result, the levels of expectations are higher among prisoners in an open setting. Prisoners expect to be working in the community, with increased levels of contact with their families in preparation for release. However, COVID-19 restrictions meant that this level of community involvement did not take place for prisoners held in open prisons over the last year.

5.1.1 Compliance

The Irish Prison Service Framework for Restrictive Measures, dated 7 December 2020,⁵¹ outlines the following restrictions under Level 5 (not an inclusive list):

Table 5: Level 5 Restrictive Measures

	Level 5 Restrictions
Visits	Suspended
Education	Await NPHE/ Government Advice
Work & Training	Open – Protective Measures
TR (for resocialisation, education/work)	No AM/PM or Date to Date
Section 39 Applications	No – except for grave humanitarian reasons
Religious Services	Closed – services move online
Catering	** Operating – protective measures
IPS Clinical Services	* Yes
External Clinical Services	Yes on a case by case basis based on clinical need
Restoration of Services***	Yes – all clinical (including MQI and Red Cross), Statutory, Resettlement & Education
<p>* IPS Clinical Services: Dental emergencies only in levels 3 - 5</p> <p>** No Kraft Boxes to be supplied as we have developed an SOP to disinfect dishes</p> <p>*** As agreed by EPRT sub-group and Governor representatives</p> <p>NB - In the event of a Covid-19 outbreak at prison level, all of the above measures will be reviewed for the prison(s) concerned.</p>	

⁵¹ The OIP was informed by Irish Prison Service Headquarters on 12 March 2021 that Version 7 of the IPS Framework for Restrictive Measures was due for review on 19 March 2021. The Inspectorate was informed by the IPS that Version 8 will be provided to the OIP once adopted.

In response to restrictive regimes imposed by prison services to prevent transmission of COVID-19, the CPT Statement of Principles Relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (COVID-19) Pandemic indicate:

While it is legitimate and reasonable to suspend nonessential activities, the fundamental rights of detained persons during the pandemic must be fully respected.⁵²

Further to this, in its Follow-up Statement⁵³ the CPT noted:

Importantly, temporary restrictions imposed to contain the spread of the virus must be lifted as soon as they are no longer required. This relates, in particular, to limitations on arrangements for detained persons to contact the outside world and reductions in the range of activities available to them.

The Irish Prison Service Framework for Restrictive Measures permits Governors to determine restoration of services, and aligns access to education with NPHET guidance for the general community.

Ireland ratified and is obliged under Article 10 (3) of the International Covenant on Civil and Political Rights (ICCPR) to provide rehabilitation for prisoners:

The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.

It is essential that the purpose of imprisonment is balanced proportionately with the risk of COVID-19 transmission. As outlined under the UN Mandela Rules (Rule 4.1):

The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.

The CPT (2021) stated: "A satisfactory programme of purposeful activities (work, education, sport, training, etc.) is of crucial importance for the well-being of prisoners."⁵⁴

Furthermore, the UN (2021) has recognised the importance of advancing rehabilitation and social re-integration.⁵⁵

In line with the Nelson Mandela Rules, the United Nations System will promote a rehabilitative approach to prison management that fosters the willingness and ability of prisoners to lead law-abiding and self-supporting lives upon release, and that is embedded in a decent, safe and healthy prison environment and the positive engagement of officers with prisoners.⁵⁶

⁵² CPT Statement of Principles (n 44) Principle 7.

⁵³ CPT Follow-up Statement regarding the Situation of Persons Deprived of their Liberty in the Context of the Ongoing COVID-19 Pandemic CPT/Inf (2020) 21 (9 July 2020).

⁵⁴ CPT (n 14).

⁵⁵ United Nations (n 27).

⁵⁶ United Nations (n 27).

5.1.2 Environment

In the course of inspection, the Inspection Team was informed that face-to-face interventions with prisoners had been curtailed for over a year, since the beginning of the pandemic. The following programmes and activities were suspended at the time of inspection:

- Cancellation of all forms of Temporary Release with the exception of compassionate release and Community Return;⁵⁷ this includes the cancellation of Temporary Release used for assessing a prisoners' suitability for early release or reintegration in society.
- External employment
- External education and training
- In-person family visits
- Limited access to psychology
- Drug counselling - phone contact only
- No group work (in-person or online) activities such as *Choice and Challenge*
- Library Services (closed to access books)
- No community involvement in the prison (e.g., in order to comply with social distancing guidelines, members of the local community could not buy flowers in Shelton Abbey as was normally done in pre-pandemic times)

There were limited opportunities for prisoners to apply independent living skills, such as budgeting and grocery shopping or the preparation of a meal.

At the time of inspection, the general daily regime at Shelton Abbey was as follows:

Table 6: Shelton Abbey General Regime

General Regime	
Numbers parade read out for school	9:00
Gym/Farm/Other Work/Free time	
Return	
Lunch	11.50 - 12.20
Numbers check	
School /Gym/Farm/Other Work/Free time	
Numbers Check	
Tea	16:00-16:20
Recreation/Television/Football/Laps/Outdoor Gym	
Lights Out	23:30

* A number of "counts" were done throughout the day.

All prisoners in Shelton Abbey were on an Enhanced Regime level. According to the Irish Prison Service's published *Incentivised Regimes* policy, prisoners on an Enhanced Regime are afforded greater incentives including: levels of gratuity higher than standard, higher levels of access to private cash and tuckshop expenditure, priority access to better quality accommodation, enhanced daily

⁵⁷ This includes: Temporary Release for assessing a prisoners' suitability for early release or reintegration in society. Under Section 39 of the Prisons Act 2007 <http://www.irishstatutebook.ie/eli/2007/act/10/section/39/enacted/en/html>

regime, enhanced facilities, and increased contact with the outside world.⁵⁸ However, many of these benefits were curtailed as a result of the pandemic.

Prior to COVID-19, approximately 50% of prisoners in Shelton Abbey were on daily temporary release for the purpose of work, charity work, education and/or training and treatment to support resocialisation back into the community.

A prisoner in Shelton Abbey may typically apply for periods of temporary release under the following framework⁵⁹:

Table 7: Structured Release Programme

Remainder of Sentence	Proposed Programme
24 months	(i.) Initially two periods of AM-PM Temporary Release (escorted) (ii.) Periods of AM-PM TR (unescorted) will be dependent on the length of sentence (up to a maximum of three per year)
19 - 24 months	One weekend period of Temporary Release every two months
13 - 18 months	One weekend period of Temporary Release every month
6 - 12 months	Two weekend periods of Temporary Release every month
Less than six months	Three out of four weekend periods of Temporary Release every month

Due to COVID-19 restrictions, this structured and gradual approach to temporary release was stopped. The curtailing of activities and the complete stoppage of temporary release is likely to have increased the period of time prisoners were spending in prison. At the time of inspection, some forms of temporary releases started to occur.

Given the cancellation of Temporary Release and work in the community, the farm and cleaning duties were the main work options available to prisoners in Shelton Abbey. The farm was opened between 09:00-12:00 to 14:00-16:00, five days a week. Prisoners were independently responsible for the running of the farm on the weekends. Approximately 15 prisoners carried out farm work (at any one time) in the mornings and afternoons. This compared to a reported figure of 30 - 35 prisoners on the farm prior to the pandemic.

On the morning of inspection, there were 12 prisoners working on the farm. At the time of inspection, the farm was growing an acre of potatoes and prisoners were planting flowers. Previously, people from the local community could come to the farm and purchase flowers, however this level of community involvement stopped since the pandemic and was instead replaced with a pre-order system. Prisoners were also involved in the raising of calves to be exported to Africa as part of the *Bóthar Project*.

A bike repair shop was also opened during the summer of the pandemic in 2020. This positive initiative was an opportunity created as a result of the pandemic. At the time of inspection, one prisoner was working in the bike repair shop.

Other work activities included: kitchen, launderette, grounds, stores, car wash, and the training of six dogs under the *Dogs for the Disabled* programme. The presence of dogs in the prison seemed to have a positive impact; the Inspectorate welcomes this initiative. These were some of the meaningful activities open to prisoners during the pandemic.

⁵⁸ See Irish Prison Service (2012) *Incentivised Regimes*, <http://www.irishprisons.ie/images/pdf/incentivisedregimespolicy.pdf>

⁵⁹ Irish Prison Service (2019) *Open Centre Policy Document* (n 7).

Prior to the pandemic, 26 prisoners were trained as baristas. However, this programme was stopped due to COVID-19, and no further prisoners have been trained over the course of the pandemic.

There were plans for the development of multi-purpose rooms (visits/training courses) in Shelton Abbey, however the pandemic curtailed progression of these plans.

5.1.3 Outcomes

The impact of COVID-19 restrictions on prisoner rehabilitation and development is a core finding of the COVID-19 Thematic Inspection of Shelton Abbey.

Prisoners reported feeling safer in Shelton Abbey than in the closed prison environment. However, the impact of COVID-19 restrictions has been detrimental to the objective of an open prison, which is to support the rehabilitation of prisoners as they prepare to reintegrate back into society. Activities typically associated with the regime in Shelton Abbey, such as employment in the community, education and training (e.g., preparation for acquiring a driver's licence) were suspended as a result of COVID-19 restrictions.

The limited contact with the outside world was heavily felt by prisoners. Upon the Inspection Team's arrival at Avoca House, one prisoner commented, "New human beings!" Other remarks made by prisoners described the impact of COVID-19 on the open prison regime:

"No routine because of COVID."

"For everything they won't implement, its COVID."

"Less to do during it, you're just bored."

"It's different now really."

"Time above in the 'prison' [closed prison] would fly."

In the absence of daily temporary release (Section 39), which up to 50% of prisoners would have engaged with prior to the pandemic, prisoners desired the availability of more meaningful on-site activities, such as block laying, construction welding, and cooking. The Inspection Team was informed of demand and interest for these activities. In relation to one activity a prisoner explained, "[There's] 60 names for it...people are willing to take part."

In relation to the role of the prison officer, one prisoner stated: "Every officer should be a teacher." Another prisoner stated: "This is supposed to be about progression." Some prisoners felt let down by the prison system in terms of sentence progression and preparation for release:

"They tell you what you want to hear."

"[They] promise you the moon, but its all chit chat."

"Fake hope," "Nothing happens."

Prisoners feared consequences of raising issues and feared the threat of being sent back to a closed prison. For example, one prisoner stated, "Everyone won't do anything because they're afraid to go back." This fear of being transferred to a closed prison is not unique to prisoners in Shelton Abbey open prison.⁶⁰

⁶⁰ See HM Chief Inspector of Prisons (2021) *Report on a scrutiny visit to HMP Ford*, <https://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2021/05/Ford-SV-web-2021.pdf>

The positive impact of the re-opening of workshops was summarised by one prisoner: “This workshop is making me feel I have self-worth again.”

The findings illustrate the significant impact COVID-19 restrictions had on prisoners’ progression. The long period of stagnation for prisoners, and a general sense of not moving forward permeated throughout the prisoner population.

COVID-19 has deeply impacted service provision for prisoners in an open prison. The lack of purposeful activities available for prisoners undermined the primary aim of an open prison; more than a year on, this needs to be addressed. As highlighted by the CPT as an indicator of its “minimum decency threshold” for effective access to work and other activities: “A satisfactory programme of purposeful activities (work, education, sport, training, etc.) is of crucial importance for the well-being of prisoners.”⁶¹

5.1.4 Recommendation

Recommendation 14: In line with the UN Mandela Rules (Rule 4) and the CPT’s “minimum decency threshold,” additional meaningful activities should be available to prisoners to negate the lost opportunities, such as work in the community experienced by prisoners during COVID-19 restrictions. Work in the community should resume as soon as it is safe to do under public health guidance.

5.2 Access to Education

During the course of inspection, the Inspection Team examined how access to education was facilitated in the prison, and also learned of initiatives and ideas that have great capacity to improve access to education, irrespective of COVID-19 and restrictive measures.

5.2.1 Compliance

The Irish Prison Rules 2007-2020, Rules 27.2, 27.3 and 110 encompass the obligation to provide education programmes for prisoners. Education is recognised as an “authorised structured activity” with the objective of reducing the likelihood of reoffending (Rule 27.2). Rule 27.3 mandates that, “In so far as is practicable, each convicted prisoner should be engaged in authorised structured activity for a period of not less than five hours on each of five days in each week.” Rule 110 includes the following: that education programmes should meet the needs of prisoners, be designed to encourage participation, and that special attention should be given to prisoners with literacy and numeracy needs.

The Mandela Rules (Rule 104) state that education of young and illiterate prisoners should be compulsory and that, “so far as practicable” the education of prisoners shall be integrated with the educational system of the country so that after their release prisoners may continue their education without difficulty. In addition, the European Prison Rules (Rule 28.1) state that every prison shall seek to provide all prisoners with access to educational programmes that are “as comprehensive as possible and which meet their individual needs while taking into account their aspirations.” Much like the Irish Prison Rules (Rule 110), the European Prison Rules state that persons with literacy and numeracy needs should be prioritised (Rule 28.2). These Rules also echo the Mandela Rules by stating that education and vocational programmes should be integrated with the country’s general system so that prisoners can continue their education and training after release without difficulty (Rule 28.7).

⁶¹ CPT (n 14).

In regards to library access, the Irish Prison Rules require the establishment of a library in each prison (Rule 110.6), to which prisons should be entitled to avail of at least once a week (Rule 110.7). The Mandela Rules (Rule 64) state “Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it”. Rule 28 of the European Prison Rules aligns with these provisions by recommending that “every institution shall have a library for the use of all prisoners, adequately stocked with a wide range of both recreational and educational resources, books and other media.” The European Prison Rules also include a provision that, wherever possible, the prison library should be organised in co-operation with community library services (Rule 28.6).

5.2.2 Environment

On the days of inspection, the Education Unit was open. There were six full-time teachers and four part-time teachers employed in Shelton Abbey. Typically, the school in Shelton Abbey opened five days a week: mornings (09:30-12:30), afternoons (14:15-16:15) and for special events in evenings (16:30-18:30). The school consisted of two floors. The first floor contained the Head Teacher’s office, the Art Room and a workshop. The second room contained four classrooms: health and fitness, one-to-one literacy, computer classes and a guidance counsellor’s room.

The school closed in March 2020 and re-opened at a reduced capacity from August to December 2020. Throughout Level 5 restrictions, a teacher and Open University Coordinator attended Shelton Abbey on a weekly basis to check-in with students regarding the educational materials provided. COVID-19 signage was good throughout the Education Unit and the unit was equipped with hand sanitisers.

There were 11 computers available in the school and five computers available in the library. However, access to computers was limited throughout the pandemic given the library was closed, and the school was suspended on a number of occasions in line with COVID-19 restrictions. Table 8 provides the courses available prior to, and during COVID.

Table 8: Available courses in Shelton Abbey before and during COVID-19

Pre-COVID Courses Available	Courses Available during COVID * (when School was open)
Art and Craft (art, drawing techniques, mosaics, art workshops)	Available
Computers (e.g., QQI L3 and L5 in Word Processing)	Available
English	Available
Guidance Counselling	Available
Woodwork	Available
Driver Support (e.g., Driver Theory Test, Driving Test)	Not available
Computer Aided Design	Available
Maths	Available
Wood Sculpture	Available
Language Studies	Available
Horticulture	Available
Cookery	Not available
History	Available
Business Studies	Not available
Health and Fitness (e.g., Spinning, Pilates)	Not available
Training (e.g., Safe Pass, Forklift, Dumper)	Not available

The withdrawal of Temporary Release had a significant impact on what the school could offer students. No external trainer or educator could be invited into the school during the pandemic.

There were less than a handful of Open University students in Shelton Abbey at the time of inspection.

5.2.3 Outcomes

The impact of the closure of the school during the pandemic was heavily felt by prisoners. A prisoner explained, "School would have brightened up the place."

One prisoner reported doing an interview for the school in the week preceding the inspection but had not actually been to school. Based on information provided by a member of teaching staff, the school re-opened on Wednesday the 21 April 2021. On 22 April 2021, a staff meeting was held in the morning. The maximum number of students who attended a class on that day was 11 students. Classes included Word Processing, Wood Sculpture, Art and Student Support. Therefore, the numbers who attended school on the day of inspection was considerably lower (10%) compared to the number of students (41%) who were enrolled for a class prior to the re-introduction of Level 5 restrictions on 15 December 2020. This may be attributed to the recent re-opening of the Education Unit.

On the second day of inspection, the Inspection Team was informed that it was the Training and Education Officer's (TEO) last day in Shelton Abbey. The TEO post had been advertised and there were plans in place for a remote part-time TEO until the appointment of a new TEO.

Access to online learning appeared limited in Shelton Abbey. One prisoner recollected doing a virtual class with the Red Cross but explained that the course was stopped due to technical difficulties. Prisoners were sent follow-up materials for independent learning, with one prisoner reporting he was de-motivated by this approach. One prison staff member reported that prisoners could not avail of online classes because of the limited access to email and computers in Shelton Abbey.

Digital technology and learning should be a core feature of any open prison. Digital literacy is an important skill for future employment prospects and to reduce re-offending. While digital education should not be seen as an alternative to in-person learning, the Inspectorate encourages the Irish Prison Service to use the pandemic as an opportunity to develop digital technology particularly in open prisons.

All prisoners should have an email account to support activities in advance of preparation for release. In this respect, the Inspectorate welcomes Senior Management's plans to introduce an Android Tablet Project which would allow prisoners to have remote access to online tools like audio books, and e-books.

5.2.4 Recommendation

Recommendation 15: To meet the education needs of prisoners (European Prison Rules, Rule 28.1), which include facilitating more substantive engagement with education (and other services), the Irish Prison Service should make digital tablets available for prisoner use. These digital tablets could be pre-loaded with education materials.

OIP Comment: The Inspectorate has recommended in the Mountjoy Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison COVID-19 Thematic Inspection reports that the Irish Prison Service consider ways to provide for more substantive engagement with education (and other services), including use of digital tablets. This recommendation was noted as 'Under Review' on all occasions, with the Prison Service indicating their intention to develop an in-cell blended learning strategy.

5.3 Access to Exercise/Interactions

Restrictions on meaningful human interaction and exercise were actions taken by the Irish Prison Service to prevent transmission of COVID-19 in Irish Prisons. While recognising the utility of these restrictions, the Inspection Team focused on the impact of these measures on the people in Shelton Abbey.

5.3.1 Compliance

Rule 32 of the Irish Prison Rules mandate that all prisoners not employed in outdoor work or activities are entitled to not less than one hour of exercise in the open air each day, weather permitting. In addition to this the Rule states that “in so far as is practicable,” all prisoners must be permitted access to the use of indoor space and equipment for physical recreation, exercise or training.” However, the 2020 Amendment to the Irish Prison Rules 2007-2017, Rule 32A provides an amendment to Rule 32, whereby it permits the Director General (32A(1)) or the Governor (32A(2)) “to suspend the entitlement to physical recreation, exercise or training under Rule 32, or to restrict or modify the entitlement to physical recreation, exercise or training under Rule 32, as regards frequency, duration and arrangements, for a specified period or periods.” The lack of a sunset clause for the newly added Rule 32A is of concern to the Inspectorate.

Although the Irish Prison Rules now allow for a restriction on exercise and physical recreation, international standards require that these restrictions be necessary, proportionate, respectful of human dignity and restricted in time. Further, international prison oversight bodies, such as the CPT, have determined that outdoor exercise facilities “should be reasonably spacious and whenever possible offer shelter from inclement weather.”⁶²

With regard to meaningful human interactions, the Irish Prison Rules, Rule 27, provides that “subject to any restrictions imposed under and in accordance with Part 3 of the Prisons Act 2007 and Part 4 of these Rules, each prisoner shall be allowed to spend at least two hours out of his or her cell with an opportunity during that time for meaningful human contact. “Meaningful human contact” is defined in Rule 27.4 as “an interaction between a prisoner and another person of sufficient proximity so as to allow both to communicate by way of conversation.”

Despite restrictive measures imposed to prevent COVID-19 transmission, the standard on access to meaningful human contact remains, with the CPT stating in its March 2020 Statement of Principles: “on cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day” (CPT Principle 8). For prisoners separated from the general population of the prison, on any grounds, a denial of two hours of meaningful human contact each day is solitary confinement.

While the Irish Prison Rules 2007-2020 provide a definition of “meaningful human contact,” the University of Essex and Penal Reform International’s *Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules*⁶³ provides further substance to this principle as it is:

- Provided by prison or external staff, individual prisoners, family, friends or others – or by a combination of these;
- Human contact that is face to face and direct (without physical barriers) and more than fleeting or incidental, enabling empathetic interpersonal communication;

⁶² CPT Standards, Revised 2010, <https://www.refworld.org/pdfid/4d7882092.pdf>, 16.

⁶³ Essex Paper 3 Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules (2017) <https://rm.coe.int/16806f6f50>.

- Contact that must not be limited to those interactions determined by prison routines, the course of (criminal) investigations or medical necessity; and
- Direct rather than mediated and continuous rather than abrupt contact that is an empathetic, sustained and social interaction.

The *Guidance* also states that it does not constitute ‘meaningful human contact’ if prison staff deliver a food tray, mail or medication to the cell door, and it also does not include situations where prisoners are able to shout at each other through cell walls or vents.

While acknowledging that the University of Essex and Penal Reform International Guidance on meaningful human contact requires face-to-face interaction, the recent guidance from the UN Subcommittee on SPT within the context of COVID-19 require that states “compensate for the social isolation by using any means to improve social and family contact.”⁶⁴

5.3.2 Environment

The Inspection Team observed the grounds of Shelton Abbey. The grounds provided for green areas conducive to promoting positive mental well-being of prisoners. Prisoners were able to walk freely around the grounds during the day. This was very positive and in stark contrast to the limited out-of-cell time prisoners experience in a closed prison environment.

Table 9 provides an overview of the availability of activities and interactions in Shelton Abbey during COVID-19.

Table 9: Status of Activities/Interactions during COVID

Activities/Interactions	Status during COVID-19 Pandemic
Gym	Available (Exercise classes such as spinning and Pilates unavailable)
Alcohol Anonymous/Narcotics Anonymous (Weekly In-Person facilitated Meetings)	Available
Addiction Counselling	Phone Service
Psychology	Once a month
External outdoor activities (e.g., hillwalking in the local area)	Suspended
Internal outdoor activities (e.g., walks on grounds, football)	Available
Chaplaincy	Available (part-time)
Library	Suspended

5.3.3 Outcomes

The gym was open during COVID-19 and was of high value to prisoners. There were limits on the number of prisoners who could attend the gym at any one time in order to facilitate social distancing. Prisoners reported that they missed engaging in activities such as spinning classes and Pilates, which were unavailable. In the follow-up close-out meeting, Senior Management stated that spinning classes would be up and running shortly. In a follow-up phone call (11 May 2021) the Inspectorate was informed that the exercise bikes to facilitate spinning classes had been returned to the prisoner gym.

⁶⁴ SPT Follow-up advice (n 49).

There were also two pool tables in use during a period of the inspection.

Weekly in-person Alcohol Anonymous/Narcotics Anonymous meetings were being held in the prison. However addiction counselling services were via phone.

Following the Inspection, a number of prisoners and staff participated in the *Darkness into Light* run for charity as mental health was a cause of particular importance to many prisoners.

Request for Information 2: The Inspector of Prisons requests to be provided with information on the direction given to Shelton Abbey by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 32A of the Irish Prison Rules.

5.4 Other Issues

Parole

Prisoners serving life sentences must demonstrate to the Parole Board that they have participated in activities and courses to reduce their risk of re-offending. In the absence of the availability of certain activities, prisoners experienced a delay in sentence progression. Parole board recommendations, according to Senior Management, often referred to the need for “continuous psychological intervention.” In Shelton Abbey, the only way prisoners could fulfil this recommendation would be to return to a closed prison environment.

The Inspectorate is concerned that the absence of psychological support available in Shelton Abbey prison may result in prisoners spending more time in prison, and in effect being “penalised.” COVID-19 restrictions have resulted in delays in parole for prisoners through “no fault of their own”, as described by a staff member.

At the time of inspection, a number of prisoners expressed frustration at the lack of structure and progress which has been exacerbated by COVID-19 related restrictions. The prisoners’ own words capture this frustration:

“(I’m) more unprepared going out then I was coming in.”

“No idea, no plan.”

“I’m not able to achieve anything.”

“[Its] stop, go, stop, go.”

“You do fall through the cracks.”

“Nobody is communicating with you.”

“The process should be am/pm [day release], unaccompanied, overnights, weekends - none of that happened (...) COVID further slowed process down.”

The cancellation of Temporary Release programmes, which are used to assess suitability to return to society, has been a significant loss for prisoners in sentence progression. In addition, the generic nature of Parole Board recommendations made to prisoners was an issue raised by both prisoners and staff, therefore making it difficult to implement, and deliver upon these recommendations.

Given the issues raised, the Inspectorate urges the Irish Prison Service and Shelton Abbey open prison to prioritise enhanced communications with prisoners in relation to developing milestones and increasing awareness of their sentence plan.

5.4.1 Recommendation

Recommendation 16: The Irish Prison Service must ensure that prisoners are able to engage with services required in order to fulfil Parole Board requirements in an open prison.

6 RESETTLEMENT

6.1 Release

The transition period of imprisonment to liberty and the release period that follows is a critical period for prisoners.⁶⁵ As part of the COVID-19 Thematic Inspection of Shelton Abbey, the Inspection Team examined the impact of COVID-19 restrictive measures on programmes designed to prepare people for release from prison. Given the nature and purpose of Shelton Abbey, this section is of great significance to prisoners and is an area largely impacted by COVID-19.

6.1.1 Compliance

The Irish Prison Service has committed itself to the management of custodial sentences in a way that “encourages and supports prisoners to live law abiding and purposeful lives as valued members of society.” To enable and operationalise this, the Irish Prison Service 2019-2022 Strategic Plan determines to “further develop the integration of prisoner care and support services to deliver more effective rehabilitation to prisoners.”⁶⁶ Alongside this, the IPS and the Probation Service have developed a multi-agency approach to manage and rehabilitate “offenders” from pre- to post-imprisonment. This approach involves Integrated Sentence Management (ISM); Community Return; Probation Service case management and post-release supervision; and engagement with the Irish Association for the Social Integration of Offenders (IASIO) Resettlement Service.

The stated aim of this multi-pronged strategic approach is to ensure “that all releases from Irish prisons and places of detention are planned releases to ensure the informed and effective transition of the offender from prison to the community, in compliance with statutory, legal and sentencing provisions.”⁶⁷

The Irish Prison Rules include provisions which place responsibility on the Governor to “assist and encourage prisoners in (...) preparing for reintegration into society after release” (Rule 75(1) (ii)(d), and on the Prison Officer “to contribute to the rehabilitation and reintegration into the community (...) of prisoners” (Rule 85(3)(c)(iv). An Inter-Agency Group was established to implement key recommendations made by the Penal Policy Review Group to support the rehabilitation of offenders and crime prevention.⁶⁸ However, the Group’s last published report was for 2019. Despite this absence in the national legislation, international human rights law and standards place great emphasis on preparation for release.

The Mandela Rules (Rule 87) state:

Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same prison or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

⁶⁵ United Nations (n 27).

⁶⁶ Irish Prison Service, “Irish Prison Service Strategic Plan 2019-2022” https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf.

⁶⁷ Irish Prison Service, “Resettlement and Reintegration” <https://www.irishprisons.ie/prisoner-services/reintegration/>.

⁶⁸ Annual Report of the Interagency Group for a Fairer and Safer Ireland, http://www.justice.ie/en/JELR/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf/Files/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf

Further to this, the 2020 European Prison Rules 33, 103 and 107 recommend, amongst numerous other related provisions, the following:

- All prisoners shall have the benefit of arrangements designed to assist them in returning to free society after release (Rule 33.3);
- As soon as possible after such admission, reports shall be drawn up for sentenced prisoners about their personal situations, the proposed sentence plans for each of them and the strategy for preparation for their release (Rule 103.2);
- Sentenced prisoners shall be encouraged to participate in drawing up their individual sentence plans (Rule 103.3);
- Such plans shall as far as is practicable include: (a) work; (b) education; (c) other activities; and (d) preparation for release (Rule 103.4);
- Sentenced prisoners shall be assisted in good time prior to release by procedures and special programmes enabling them to make the transition from life in prison to a law-abiding life in the community (Rule 107.1);
- Prison authorities shall work closely with services and agencies that supervise and assist released prisoners to enable all sentenced prisoners to re-establish themselves in the community, in particular with regard to family life and employment (Rule 107.4); and
- Representatives of such social services or agencies shall be afforded all necessary access to the prison and to prisoners to allow them to assist with preparations for release and the planning of after-care programmes (Rule 107.5).

6.1.2 Environment

ISM (Integrated Sentence Management) is a system developed to ensure co-ordination of interactions with prisoners based on agreed sentence plans. The system is designed to allow prisoners to take greater responsibility for their development while in prison. If a prisoner has received a sentence of one year or more they are eligible to be assessed by an ISM officer. The intention of the ISM system is that a plan for the prisoner is created and regularly reviewed. The ISM officer should meet with a prisoner approximately one year prior to release to establish a plan for re-integration.

There was one ISM officer located in Shelton Abbey; this post was filled in April 2021. Prior to this, there had not been an ISM officer in Shelton Abbey since December 2020.

At the time of Inspection there was no sentence planning template provided in the Prisoner Information Management System (PIMS). A copy of the local sentence plan template for those in Shelton Abbey was provided to the Inspection Team. This examined various areas for each individual prisoner including: previous work or training, education, accommodation/resettlement, medical cards/social welfare payments, engagement with Training and Education, Health, Addiction, Psychology, Spiritual, Extra Activities, Supports, Visits, and eligibility for Community Return or other programmes. Based on information requested from Shelton Abbey, the Inspection Team was informed that all life-sentenced prisoners had a written sentence plan.

There were 1.5 Probation Officers allocated to Shelton Abbey at the time of inspection. One Probation Officer was working on-site on a part-time basis and the other Probation Officer was working from home full-time remotely. As part of COVID-19 restrictions, prisoners did not have direct access to these Probation Officers. Instead, a prisoner would request a meeting and outline its purpose to the Governor at the Governor's Parade. This request was then forwarded on to the Probation Officer with a decision being made by a Senior Probation Officer.

There was no Resettlement Co-ordinator based in Shelton Abbey at the time of inspection. A clerical role (described as a “Life Liaison Officer”) was available to arrange services such as social welfare, medical cards, and emergency accommodation.

6.1.3 Outcomes

The limited access to external service providers, including group work sessions such as *Choice and Challenge*⁶⁹ with the Probation Service, alongside deficits in resourcing such as an ISM officer and Resettlement Officer, all undermined the preparation for release of prisoners in Shelton Abbey. The Inspection Team welcomes one prison staff member’s vision for Shelton Abbey to become a “Centre of Excellence” and the ongoing compilation of a directory of services. This directory should be available to prisoners in Shelton Abbey to increase access to, and awareness of services available to support prisoners prior to, and following release.

It must be acknowledged that some limited access to services (e.g., psychology/occupational therapy) precede the COVID-19 pandemic. These systemic deficits need to be addressed in order for Shelton Abbey to fulfil the vision of becoming a “Centre of Excellence.”

One staff member also stated the need for adequate support on preparation for release: “[They don’t realise] how much you have to learn if you are 20 years [inside].”

There was no access to occupational therapy in Shelton Abbey despite almost a quarter of the prison population spending long periods in prison, which increases the risk of institutionalisation and loss of competence and confidence in carrying out the activities of daily living.

The Inspection Team met with the on-site Probation Officer who explained she had 16 prisoners on her caseload. The Inspection Team was informed that prisoners were prioritised based on when their Parole Board report was due. There was no group work conducted in-person or remotely with prisoners in Shelton Abbey during COVID-19.

Based on discussions with prisoners, access to and consistent engagement with the Probation Service in terms of resettlement from prison was challenging during the COVID-19 Pandemic.

Community Return (a form of structured Early Release for prisoners serving sentences of more than one to eight years) continued to operate during COVID-19. It was stated by Senior Management at the time of inspection, “A lot of people coming down here are on Community Return” and that the prison was “one of the biggest users of Community Return which works in tandem with the Probation Service.” Based on follow-up information requested by the Inspection Team, only one prisoner had been approved for Community Return in Shelton Abbey on 21 April 2021. Delays in Community Return and the transparency of decision-making in relation to Community Return and Enhanced Remission were raised by prisoners. Some prisoners perceived unfairness and favouritism among the prison population: “People here are treated differently-those who do nothing are rewarded” and “there’s unfairness in selection of overnights.” One individual perceived that he was treated differently because of his race: “[There’s] discrimination against race in the place.” While the Inspectorate has no evidence to verify this claim of differential treatment, statements like these indicate the need for clear communication of outcomes to prisoners.

⁶⁹ Choice and Challenge was the Probation Service’s nationally approved re-offending programme and focuses on the promotion of pro-social behaviours. For more see [http://www.probation.ie/EN/PB/0/1610A96440ADAF0E802581D30045185F/\\$File/NicholasClarke_IPJ.pdf](http://www.probation.ie/EN/PB/0/1610A96440ADAF0E802581D30045185F/$File/NicholasClarke_IPJ.pdf)

Shelton Abbey had links with a number of accommodation service providers in the community.⁷⁰ Sourcing accommodation for prisoners was a significant concern, in particular, finding suitable accommodation to support individual needs.

As required by the European Prison Rules, the Mandela Rules and the Irish Prison Rules (Section 6.1.1), there is an obligation on the Irish Prison Service and on Shelton Abbey to ensure prisoners are prepared to re-integrate into society upon their release and therefore it is important that prison authorities engage and coordinate all service providers to enhance positive outcomes for prisoners, and wider society.

The Irish Prison Service should reflect upon the successes and challenges of managing COVID-19 in prisons. Shelton Abbey that met basic minimum human rights standards during COVID-19 and this should be considered in moving forward to a prison system that goes beyond minimum human rights standards.

6.1.4 Recommendations

Recommendation 17: In line with the Mandela Rules and the European Prison Rules, the Irish Prison Service should strengthen, operationalise and apply the Integrated Sentence Management process so that all prisoners are actively engaged and contributing to their sentence and re-integration plan and have at a minimum one meeting with the ISM officer per year. Prisoners should be provided with a written copy of their sentence plan.

Recommendation 18: In line with Rule 83(c) of the Revised European Prison Rules, prison authorities should co-ordinate external services in order to achieve positive outcomes for prisoners. External services should be accessible to prisoners through video-conferencing if not deemed safe in-person, in line with public health guidance.

⁷⁰ PACE is a voluntary sector organisation that works with people with convictions and provides a variety of supports to address their needs and that support their safe reintegration into community, <https://paceorganisation.ie/>. TRAIL is another accommodation service provider linked with Shelton Abbey.

7 RECOMMENDATIONS & IPS ACTION PLAN

No.	Recommendation	IPS Response	Action Required	Action Owner	Timeline
SACT1 <i>IPS/Prison</i>	In line with Rule 54 of the Nelson Mandela Rules, the Irish Prison Service should ensure that written and oral information is provided to prisoners upon entering quarantine and on an ongoing basis over the course of quarantine. This information should be designed to assist prisoners in adapting to quarantine, and should clearly outline what they can expect while in quarantine. The information should be provided in a language and form that can be understood by the prisoner; this may require the assistance of interpreters. Prisoners should be provided with ongoing opportunities to raise questions and to be informed of all matters necessary to adapt to quarantine and prison life in general.	Accepted: A bespoke booklet titled “Covid-19 – Living in Cell” was developed by the Red Cross Volunteers to provide detailed information to prisoners on isolation/quarantine and gives specific information on the Covid-19 testing process. This information booklet has been translated into several languages. Information is also included on prisoner information channel and is updated as required.	The Irish Prison Service will continue to provide translations of information provided. Governor provides a verbal briefing to new committals and prisoners going on temporary release.	Care and Rehabilitation Prison Management	In place and will be reviewed and augmented on an ongoing basis
SACT2 <i>IPS</i>	The Irish Prison Service should provide prisoners with a written copy of the <i>Framework for Living with COVID-19</i> . Prisoners should be consulted, and updated on future plans including, family visits, regimes, and sentence progression as COVID-19 restrictions unfold.	Part Accepted: The Irish Prison Service is currently developing a new <i>Framework for the Unwinding of Prison Restrictions</i> which is informed by the recent Government Plan for reopening our society, set out in <i>Resilience and Recovery: The Path Ahead</i> . The prisoners Red Cross created an information booklet, arrange regular information leaflet cell drops and the Prisoner TV channel is also updated as the Covid-19 situation evolves.	Continue to update as required	Prison Management Team	In place and Ongoing
SACT3 <i>IPS/Prison</i>	In line with the Nelson Mandela Rules (Rule 22), and European Prison Rules, (Rule 22.4), the Inspectorate recommends that the scheduling of meal times be amended to ensure meals are served at reasonable intervals and at normal times: breakfast (morning), lunch (midday) and dinner (evening).	Accepted: In 2019, the Irish Prison Service introduced a pilot alteration to the schedule of meal times in Castlereagh and Mountjoy Prison (Progression Unit). The purpose was to examine the impact of providing the main daily meal in the evening. The results of the pilot were positive and the IPS decided, in 2019, to roll out this meal schedule to all prisons.	The Irish Prison Service will continue to engage with the staff representative association with regard to the alteration of the existing prisoner meal schedule	Care and Rehabilitation	Ongoing

		<p>However, the roll out of this initiative has been prevented due to industrial relations issues.</p> <p>Saturday and Sunday afternoon meal schedule have been amended at Shelton Abbey in line with weekday schedule.</p>	<p>The Irish Prison Service has reintroduced divisional unlock across all prisons as part of the unwinding of restrictions.</p>	<p>Prison management</p>	<p>End June 2021</p>
<p>SACT4 <i>IPS/Prison</i></p>	<p>In line with the UN Mandela Rules (Rule 65 (1)), consideration should be given to a full-time Chaplain, or the additional provision of Chaplaincy hours in Shelton Abbey.</p>	<p>Recommendation under review:</p> <p>The Irish Prison Service intends to undertake an independent review of Chaplaincy Services in 2021 and this will include a review of the resources required in each establishment.</p>	<p>Independent Review to be undertaken</p>	<p>Care and Rehabilitation</p>	<p>Q4 2021</p>
<p>SACT5 <i>IPS</i></p>	<p>Taking into consideration Article 6 of the ECHR and Article 14 (3) of the ICCPR, the Irish Prison Service should continuously monitor and engage with prisoners on the impact of remote court hearings.</p>	<p>Part Accepted:</p> <p>The <i>Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020</i> allows for certain type of court hearings to be heard by video link. This includes arraignments, returns for trial, sentencing hearings and certain hearings in relation to surrender proceedings for extradition.</p> <p>While video link is not the default, the Act gives this authority to the Courts allowing them to make certain proceeding of their choosing by default. This authority is vested firstly in the Presidents of the Courts and subsequently in the Judges themselves.</p> <p>The Irish Prison Service and the Courts Service are working to increase the capacity of video link.</p> <p>Infection control measures introduced during Covid-19 have resulted in the widespread use of video link for Court appearances. Approximately 60% of Court appearances are now taking place via video link.</p> <p>The use of video link will allow the Service to redirect vital resources into the provision of prisoner services.</p>	<p>The Irish Prison Service will continue to engage with Court Services as necessary.</p> <p>The Irish Prison Service will continue to explore the use of video link for the provision of other services such as Probation interviews, prisoner case conferences, education and remote learning.</p>	<p>Operations</p>	<p>Reviewed on an ongoing basis</p>

<p>SACT6 <i>IPS/Prison</i></p>	<p>The Irish Prison Service should expand the types of activities that are deemed as “work” in its policy on <i>Prisoner Gratuities and Prisoner Cash</i>. The policy should be reviewed and amended on the basis of the impact COVID-19 restrictions have had on access to paid external employment in the community for prisoners from open prisons.</p>	<p>Accepted: A review of the categorisation of eligible work in the Prisoner Gratuities and Prisoner Cash Policy was completed in 2019 with input from the Governors of the Open Centres. All prisoners undertaking recognised work at Shelton Abbey are being paid the appropriate work gratuity. The only prisoners not being paid the work gratuity are those who are attending education/training or those who currently have no work due to COVID.</p>			<p>Completed</p>
<p>SACT7 <i>IPS</i></p>	<p>The Inspectorate recommends that the Irish Prison Service engages with the Department of Justice and the Probation Service to maximise all opportunities (e.g., increase the numbers on Community Return) available for reducing the prison population. The reduction in prison numbers reduces the number of people cell-sharing, minimises the risk of COVID-19 transmission, and enables prisoners to practice social distancing.</p>	<p>Accepted: In March 2020 the Irish Prison Service took decisive action to reduce the prison population to ensure effective infection control measures. It should be noted that, while temporary release is judiciously used to regulate prison numbers, not all prisoners are suitable for temporary release and the overriding concern when deciding on temporary release is public safety. The IPS has completed an assessment of the prison estate to determine a “Covid-19 Capacity” to ensure appropriate infection control measures. The IPS has engaged with the Department of Justice to examine potential solutions to manage the prison population in a way that ensures effective infection control measures. In addition, the Criminal Justice Efficiencies Group has tasked data analysts from across the sector with examining the potential impacts on prison numbers over the next 12 months.</p>	<p>The IPS will continue to review the Prison Population Management Plan and will introduce new measures to address prison overcrowding as necessary. Data analysis on the impact of increased committals to be completed.</p>	<p>Operations Directorate Criminal Justice Efficiencies committee</p>	<p>Ongoing</p>
<p>SACT8 <i>IPS/Prison</i></p>	<p>In line with practice in the general community, and with the Principle of Equivalence, the IPS should ensure that people in prison are provided with written information about their test results.</p>	<p>Not accepted: The Irish Prison Service has worked closely with the HSE/Public Health on the management of Covid-19 outbreaks in prisons. The completion of mass testing of all prisoners and staff is a huge logistical operation and this is completed twice per outbreak.</p>			

		People in the community are provided with test results via text message, which is not available to people in custody. The implementation of this recommendation would require the manual provision of individualised letters which is not currently feasible from IT and resource perspective.			
SACT9 <i>IPS/Prison</i>	In line with Article 12 of the ICESCR, the CoE principles of preventive health care, and cognisant of Principle 4 of the Revised European Prison Rules, the Inspectorate recommends that the Irish Prison Service must provide a referral pathway to psychology services for prisoners in Shelton Abbey, and consider access to an occupational therapist to support the development of life skills for prisoners as they prepare to reintegrate back into society.	Recommendation under review: The IPS acknowledges the importance of psychological support (mental health) for people in Open Centres. An IPS Psychologist attends Shelton Abbey one day per month, primarily providing consultation to the Multi-disciplinary team. The implementation of this recommendation would require additional resources. Any resource required for this would have to be applied for through the estimates process and agreed by the Department.		Care and Rehabilitation; Psychology Service	
SACT10 <i>IPS/Prison</i>	The Inspectorate welcomes compensatory measures such as the introduction and regular frequency of video calls, and mobile phone provision to facilitate family contact. In line with Article 8 of the ECHR and Article 9 (3) of the UN CRC, these measures should be maintained as forms of strengthening the right to family contact beyond the COVID-19 pandemic.	Accepted: The introduction of video visits has proven very successful and the Irish Prison Service intends to continue the use of video visits as a means of family contact going forward.			Completed
SACT11 <i>IPS/Prison</i>	In line with the easing of restrictions in the community, the principles of proportionality and necessity, Article 8 of the ECHR and Article 9(3) of the UNCRC, the Irish Prison Service should consider the re-introduction of family visits (of a longer duration) given the outdoor space available in Shelton Abbey.	Part accepted: The IPS are currently finalising their plan to commence the reintroduction of physical visits to all prisons with effect from 4 th August 2021. The IPS will reintroduce physical visits to prisons on a phased basis taking subject to public health advices and having due cognisance to appropriate clinical advices in the IPS context. The easing of visits will be dependent on the capacity available at each prison to ensure appropriate social distancing measures and to ensure the continued delivery of regimes and out of cell time to prisoners.	The Irish Prison Service aims to reintroduce physical visits in July.	IPS / Prison Management	Q3 2021

		The decision to lengthen visits in Open Centres will be revisited by the IPS once all prisoners are fully vaccinated.			
SACT12 <i>IPS/Prison</i>	Two hours of meaningful human contact (as defined in section 5.3) must be facilitated each day for people in quarantine/isolation.	<p>Not accepted:</p> <p>Prisoners in Shelton Abbey are placed in quarantine/isolation on return from Temporary Release. The last positive covid 19 prisoner case in Shelton Abbey was December 2020.</p> <p>All prisoner in Shelton Abbey have mobile phones and can therefore communicate with the Gov, A/Gov and other staff members.</p> <p>Prisoners in quarantine have restricted out of cell time, in accordance with Rule 32A of SI 250/2020 Prison Rules 2020.</p> <p>Prisoners in quarantine/isolation are managed in line with IPS national protocols developed by the Emergency Response Planning Team.</p> <p>Restrictions on physical contact are necessary for infection control measures. Restrictions are reviewed on an ongoing basis by the Emergency Response Planning Team.</p>			
SACT13 <i>IPS/Prison</i>	Measures must be taken to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist prisoners in coping with the impact of COVID-19 and subsequently imposed restrictive measures.	<p>Accepted:</p> <p>See SACT9</p>			
SACT14 <i>IPS/Prison</i>	In line with the UN Mandela Rules (Rule 4) and the CPT's "minimum decency threshold," additional meaningful activities should be available to prisoners to negate the lost opportunities, such as work in the community experienced by prisoners during COVID-19 restrictions. Work in the community should resume as soon as it is safe to do under public health guidance.	<p>Accepted:</p> <p>External employment to resume when it is considered safe to do so in the context of infection control and community restrictions.</p>	Assessment of Infection Control and Operational requirements to be undertaken, including quarantining arrangements in Shelton Abbey	Care & Rehabilitation Operations SA Management	Q3 2021

<p>SACT15 <i>IPS</i></p>	<p>To meet the education needs of prisoners (European Prison Rules, Rule 28.1), which include facilitating more substantive engagement with education (and other services), the Irish Prison Service should make digital tablets available for prisoner use. These digital tablets could be pre-loaded with education materials.</p>	<p>Recommendation is under review: The Irish Prison Service is developing an in-cell learning strategy to enhance learning from prison cells. A new prisoner TV Channel has been developed and is being rolled out across the estate. This allows for the broadcasting of local and national information and for the provision of educational material. CDETB have developed a substantial quantity of audio-visual course materials to be viewed on the TV channel and will provide accompanying supporting hard copy documentation to facilitate blended learning.</p>	<p>An in-cell technology plan is being developed to enhance learning capacities for prisoners and increase information and learning for those confined to cell. Care and Rehabilitation Directorate are examining technology solutions to allow prisoners to access educational materials on the education network from within cells.</p>	<p>Care and Rehabilitation</p>	<p>Q4 2021 Q2 2021</p>
<p>SACT16 <i>IPS</i></p>	<p>The Irish Prison Service must ensure that prisoners are able to engage with services required in order to fulfil Parole Board requirements in an open prison.</p>	<p>Recommendation under review: This recommendation is under review pending the commencement of the statutory Parole Board.</p>	<p>Plan for management of Life Sentenced Prisoners to be agreed with IPS and Department of Justice.</p>	<p>Operations</p>	<p>Under review</p>
<p>SACT17 <i>IPS/Prison</i></p>	<p>In line with the Mandela Rules and the European Prison Rules, the Irish Prison Service should strengthen, operationalise and apply the Integrated Sentence Management process so that all prisoners are actively engaged and contributing to their sentence and re-integration plan and have at a minimum one meeting with the ISM officer per year. Prisoners should be provided with a written copy of their sentence plan.</p>	<p>Accepted: ISM is Monday-Friday at Shelton Abbey. This further enhances the ISM function and availability of same to prisoners. To further support the development of the ISM function in all prisons a new centralised recording database for ISM interviews and prisoner multi-disciplinary sentence management plans is currently at the user acceptance testing phase of implementation. This database will provide the resources necessary to improve oversight and reporting in relation to the ISM function at Shelton Abbey. A Resettlement Service is provided to sentenced prisoners at Shelton Abbey by IASIO who assist with applications for housing, welfare and medical cards in preparation for release.</p>	<p>Database in testing phase.</p>	<p>Care and Rehabilitation/ Human Resources</p>	<p>End Q2 2021</p>

SACT18 <i>Prison</i>	<p>In line with Rule 83(c) of the Revised European Prison Rules, prison authorities should co-ordinate external services in order to achieve positive outcomes for prisoners. External services should be accessible to prisoners through video-conferencing if not deemed safe in-person, in line with public health guidance.</p>	<p>Recommendation under review: Prison Management make every effort to facilitate the delivery of rehabilitative services to prisoners. Consideration will be given to expanding the current external services offering.</p>		Prison Management / Care & Rehabilitation	Q3 2021
SAREQ1 <i>IPS</i>	<p>The Inspector of Prisons requests to be provided with information on the direction given to Shelton Abbey by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 36A of the Irish Prison Rules.</p>	<p>Information being collated to follow.</p>			
SAREQ2 <i>IPS</i>	<p>The Inspector of Prisons requests to be provided with information on the direction given to Shelton Abbey by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 32A of the Irish Prison Rules.</p>	<p>Information being collated to follow.</p>			