

### **3.6 Deputy R.G. Le Hérisier of the Minister for Home Affairs regarding the implementation of the 2001 inspection report on H.M. Prison La Moye:**

Would the Minister identify the mechanisms that were put in place to ensure implementation of the recommendations of the 2001 inspection report covering Her Majesty's Prison?

#### **Senator W. Kinnard (The Minister for Home Affairs):**

A former President of the Home Affairs Committee invited Her Majesty's Chief Inspector of Prisons to carry out the first ever inspection of La Moye in 2001. That was in anticipation of a new governor, and the new governor, Mr. Mike Kirby, submitted a first report to the Home Affairs committee in February 2002 after he had been in post a matter of a few months. That response identified the actions that he and his senior team intended to take forward to address the 147 recommendations that were made. It was clear that many of those required additional resource of both capital and revenue. There were regular reports to the Committee on progress from Mr. Kirby and, indeed, in answers to questions in the States. These occurred in February 2002, as I mentioned, May 2002, and there were 2 reports during 2004 and another in March 2005. In hindsight, I would say that with so many recommendations I think it probably was really a mistake that there was not a better prioritisation of those recommendations, and indeed that is something we would seek to rectify in taking forward the recommendations of the most recent report. I became President of the Committee in 2003, and immediately after Mr. Kirby's departure from the post in July 2004 there was a period - a hiatus of time - while we were awaiting the new governor. And, indeed, with the appointment of the new governor, Mr. Guy Gibbons, he indeed reviewed the position. The latest report was in answer to a question to Deputy Bridge in March 2005 and that report stated that 70 of the original recommendations had been completed with work ongoing on a further 11. The remaining recommendations would either be completed following the building programme or, indeed, required more resources to complete. So it was becoming very clear at that time to everyone that it was going to become increasingly difficult to meet the recommendations without further resources. It was increasingly becoming clear that our resourcing issues were grossly inadequate and I was, at that point, drawing the attention of my colleagues on the Finance and Economics Committee on numerous occasions to my concerns about this. There was, indeed, at that time as well, increasing pressures on the prison in terms of prisoner numbers, and this meant that many of the plans that had been identified originally by Mr. Kirby as necessary were very, very difficult either to establish in the first place, and then those that were introduced, the staff found it incredibly difficult to sustain them under the budgetary pressures and, indeed, under the pressures in terms of really inadequate staffing. So, Sir, in the context of that I would say that we have learned the lesson that in future, in order to ensure that recommendations are taken forward and are sustained, that one of the most important matters is to introduce a performance improvement plan. And that performance improvement plan, indeed, will have the assistance of our colleagues from the Prison Service in England and Wales in developing that plan, in monitoring it and, indeed, auditing it. Indeed, I would say, Sir, that we will be then able to set targets, but they must be realistic targets. Those targets have to be achievable within the resources that we can realistically obtain. The governor is absolutely clear that he is responsible in achieving those agreed targets and, indeed, work has started to address the shortcomings that have been identified in the most recent report. But I think we must all recognise that there is no quick fix to this problem. We are dealing

with a situation that has been, if you like, simmering and has only now come to a head, but has been the result of extreme under funding and extreme neglect over a period of decades, not just of the last few years of difficulty.

### **3.6.1 Deputy R.G. Le Hérisier:**

Whilst appreciating the Minister's difficulties and the resource problems, would the Minister confirm that there was no clear high-level political-come-executive group whose job it was to drive through the implementable part of that report? Would she first confirm that, Sir? Secondly, would she say whether an analysis was done of the areas which did not require much money? For example, reform to prisoner transport, introduction of an independent monitoring board, legal text books in the library, drug and alcohol service needs analysis, Samaritan hotline, et cetera?

### **Senator W. Kinnard:**

Obviously the oversight was envisaged as being provided by the Home Affairs Committee at the time with regular updates and reports, and indeed the States as a whole, as I have mentioned, did receive answers to questions. There were a number of initiatives that were, in fact, taken forward at different times, and I think it is a credit to the staff who faced difficulties in terms of extreme levels of overtime, terrible conditions that they were working in, and levels of over-crowding that we saw increasing year on year. We have had a level of increase in prison population higher than it has ever been, and yet they were still attempting to meet those recommendations. Now, many of those recommendations fell by the wayside because they physically could not deliver them. They were exhausted from working overtime. There really was no give in the system. There were, on occasions, barely enough officers to work the landing let alone deliver the rehabilitative programmes that we know that they would wish to deliver given that opportunity. There were also a number of things that have been implemented very, very successfully. Some of those were drawn attention to in Her Majesty's Inspectorate's report which, in terms of the health care, indicated how that is delivered well within the prison. The fact is that the prison officers have an excellent relationship with those under their charge. Indeed, also another of the positive aspects was recognised in terms of...

### **The Deputy Bailiff:**

I think a precise answer to the question is called for.

### **Senator W. Kinnard:**

I suppose what I am wanting to say, Sir, is that there were a number of issues that were being addressed. Some have been addressed, and if the Deputy wishes to perhaps give me a written question I am quite happy to give all the detail to that. Many of them were addressed, so those that were not addressed were mostly because there was a lack of funding, all because of the over crowding situation. But I would say, Sir, that I am aware that there are some other areas and I will give an example here. For instance, the treatment of young offenders in terms of searching where changes have to be made and are being made. It is not that there has not been any progress. There has been significant progress even since this most recent report in August of last year. So, Sir, what I would say to the Deputy is that it is an extremely challenging situation, but it is one that I am prepared to take forward and work with the officers and the prison governor to achieve. I think there is no one committed Member of this House more committed to prison reform than myself.

### **3.6.2 Senator B.E. Shenton:**

There was an article in the *Jersey Evening Post* that questioned the Minister's ability to deliver. Would the Minister like to comment on this article?

### **Senator W. Kinnard:**

Yes, I think the article referred to - I imagine - is the editorial that appeared recently in the *Jersey Evening Post*? Is that the one? The recent one from a colleague of mine who I know lives across in another Island, who is Mr. Clement. I do feel that that was a very unfair article from the point of view that on many occasions we, as Ministers, are told that we must cut costs, we must work within the budgets that we are given, that we must do the best we can. Indeed, I have been on numerous occasions - and I am sure the Treasury Minister will, and former Members of the Finance and Economics Committee, will actually back me up on this - to the Finance and Economics Committee asking it to help us in terms of resources for the prison. On some occasions I was successful, but not nearly successful enough to deliver the recommendations. If you take those recommendations, we are already, on the work that we are doing, about £1 million under-funded in the budget of the prison, and in order to meet those recommendations we would really need to find an additional further £1 million in revenue costs. That is without the extra money that we would need in terms of the capital programme. So I am aware that, under the situation we are in, I have to look to my own resources under my own control first of all. And one of the things that I am looking to do, which I will be taking to my colleagues at the Council of Ministers, is to reorganise - reprioritise - the capital budget, in particular, that I have in order to try and bring forward the capital programme. But I am fully aware that there are not extra resources out there for me to just go and pluck. I am fully aware that I will have a hard time with my colleagues in an FSR (Fundamental Spending Review) process trying to take resources away from them. So I know that I have to use the resources that I have. I am having to be flexible. I am having to be quite inventive. But, Sir, this is a matter I am determined to take forward and I will take it forward, but I do need my colleagues to recognise that you cannot turn this round over night. We are dealing with decades of problem at the prison. To give an example, a senior member of our team has had no training for 23 years. That is not down to my presidency since 2003.

### **3.6.3 Deputy of St. Martin:**

I am almost afraid how long will it take to get an answer. I have got 3 questions and I will ask the first one first. The inspection was carried out the last week of June and a report was then submitted - 27th June to 1st July - and it was submitted to Home Affairs, according to the report, in September 2005. Why did it take so long for the report to be made known to the public, and who is responsible for withholding that report?

### **Senator W. Kinnard:**

No one was responsible for withholding the report. It is a matter of the process that happens with all inspections. Remember, of course, that we invited the Inspectorate in because we wanted to know what the difficulties are, what the progress had been, what had not been done and what we needed to do.

### **Deputy of St. Martin:**

I only asked for who was responsible.

**Senator W. Kinnard:**

A draft report came out in September 2005 and it was sent for checking, as indeed is the usual way. It went to the Prison Governor for checking and, in fact, I did not actually see it at that point. It was some time later that it came before me. We are also aware that there were the elections coming up and all sorts of things going on then. We did not know who the Minister was going to be.

**The Deputy Bailiff:**

A concise answer please, Minister.

**Senator W. Kinnard:**

And, you know, in a sense, Sir, there was still lots of work that needed to be done in terms of the checking: what recommendations had been met and what had not. So it was important, Sir, that whoever brought this forward obviously needed to have the background and have the knowledge to move this on.

**The Deputy Bailiff:**

The question was, if there was a delay who decided?

**Senator W. Kinnard:**

There was not any delay. It was a matter of the process in terms of...

**The Deputy Bailiff:**

That is the answer.

**3.6.4 Deputy P.N. Troy**

Can I ask the Minister - now that I can get a word in **[Laughter]** - the previous Home Affairs Committee brought in a tracking system to track prisoners: has that alleviated the problems with the number of entrants into the prison? The prison is still at full capacity, so why have we not seen any reductions because of the introduction of the tracking system? If the case is that we are still having too many people coming into the prison does she now feel that we need a full and proper review of sentencing policy?

**Senator W. Kinnard:**

I think the Deputy is referring to the electronic monitoring scheme. That was brought in. The main reason for that is to do with rehabilitation rather than reducing the numbers of prisoners. Having said that, we made a facility for up to 30 prisoners to be monitored at any one time. We have never got up to that number because they have to be carefully risk-assessed. They also have to want to do it because they have to find appropriate accommodation and jobs, and so on. So the numbers, I think - most recently I checked in the last few weeks - around 14. So it is not a huge number. It is not a panacea to deal with the issues of over-crowding, but that was never its main reason. Yes, we do certainly need to have a review. I have asked the Royal Court to review its sentencing policy: the long sentences that are given in drug trafficking cases. But that is a matter for them. It is a matter for this community to decide what sentencing policies it wants. But what I would say to this community is, if you are going to keep the same sentencing policies you have got to give us the resources to actually deal with the output from that. We have not had those resources and I am being given an impossible task nearly...

**The Deputy Bailiff:**

I am sorry, Minister. You have made that point before already.

**Senator W. Kinnard:**

Certainly, if this House had debated the criminal justice policy at the time I brought it forward and it was ready to go, we would have more opportunities to deal with the over-crowding situation at La Moye.

**3.6.5 Deputy E.H. Egré of St. Peter:**

Would the Minister agree that one of the strategic problems within the Jersey Prison Service is that we are a one-stop shop in that in the United Kingdom there would be at least 3 prisons which would be dealing with our females, our young offenders, our serious offenders and our people who have been involved in drugs? Would she further agree that many efforts have been made, some resulting in emotional appeals both to this House and to the former Finance and Economics Committee, for funding to meet some of those very important requests that were made in the earlier reports, and that eventually a grudging - and I mean that word - a grudging acceptance was made that some of the finances would be made available, not only just for the prison but for...

**The Deputy Bailiff:**

They must be concise questions as well as concise answers.

**The Deputy of St. Peter:**

I was just asking for her to confirm one of 2 things, Sir. The last thing I wish to confirm is that it was not just the financing for the prison, it was for the financing of the supporting roles, including probation and education.

**Senator W. Kinnard:**

I would certainly agree with most of that, but I would not like to give the impression that we have not been helped out by the previous Finance and Economics Committee. Over the period from the year 2000 to 2006, the budget for the prison did grow from £4.5 million to £6.9 million. But that was mainly because I was going to the Finance and Economics Committee virtually begging them to bail us out because we were so under-funded. There was no way that we could operate that prison as a decent place with the funding that was available to it. So I would say I was grateful for the help that I could get but it certainly was not nearly enough. That is absolutely clear now and one of the reasons why I welcome this report. I have been criticised for saying that one of the reasons why I do welcome it is because at last somebody else, who is totally independent, is making and underlining the very points that I have been trying to make for at least 18 months. A lot of these issues and discussions go on behind the scenes through the FSR process, as we are all aware. We do not always see them on the floor of this Chamber. I am not one to actually weigh trout - I am not one to put political spin on matters. This is too important. We are dealing with people's lives here. I am sorry if I have not been making a big case in the JEP (*Jersey Evening Post*) enough for some journalists behind the scenes, Sir...

**The Deputy Bailiff:**

Minister, I am sorry. It is a simple question whether you will confirm.

**Senator W. Kinnard:**

And I will continue to do so.

**The Deputy Bailiff:**

Now I appreciate that this is a matter of great interest to Members but we are only halfway through the questions and well over halfway through the time, so I think I have to call it to a halt. I am sorry. I appreciate there are other people who want to ask questions but we must move in the interests of fairness.