

### **3.8 Deputy J.G. Reed of St. Ouen of the Minister for Home Affairs regarding budget reprioritisation:**

Would the Minister inform Members whether consideration has been given in recent years to reallocate funds within the Home Affairs budget between the different services as priorities have changed, to address, in particular, the lack of funding at the Prison and, if not, would she explain why?

#### **The Deputy Bailiff:**

Deputy, I understand you are filling in for the Minister today?

#### **The Deputy of St. John (Assistant Minister for Home Affairs):**

That is correct, Sir. In the absence of the Minister, who apologises for not being with us today: she has had some minor surgery and she had so much fun last week she really is missing today, so she sends her apologies. In answer to the Deputy's question, in each of the last 3 years the Home Affairs Department has been required to review the allocation of funds to its different services, as have all States departments, in order to play a proper part in the Fundamental Spending Review (FSR) process. It was generally accepted during the last FSR process in 2004 that the prison requires substantial growth funding: £1.1 million was awarded, mainly to defray costs of sending prisoners to prisons in the U.K. and prison officer overtime. The fact that the prison required an additional £1.7 million from the General Reserve in 2004 substantiated the case for revenue growth funding. Against this background, the stance was taken in recent years as being that it would be unrealistic to expect that such large budgetary shortfalls should be met by removing funds from, say, the police, customs or fire services without seriously impairing those operational services to the point where they could no longer carry out their statutory duties. I can see that this would be a realistic approach where much smaller shortfalls are concerned but the fact remains that the prison budget in recent years has been totally inadequate for the task it has to carry out and it did not seem to be sensible to adopt a strategy which could decimate other operational services in order to solve prison problems. Whilst the previous Finance and Economics Committee always sought to assure themselves that Home Affairs would scrutinise its own budget heads of service, the fact that vital support from the General Reserve was given indicates that this point was generally accepted.

#### **3.8.1 The Deputy of St. Ouen:**

Could the Assistant Minister confirm that it is in fact the Minister's responsibility to prioritise capital and revenue expenditure allocated to her department, which is the Home Affairs Department? And if it is, could the Assistant Minister explain why it is only recently that we are informed that monies allocated to providing a new police station are now being used to improve facilities at the prison?

#### **The Deputy of St. John:**

In answer to the Deputy's question, can I just correct him on the re-allocation of funds. The situation with the police station: it will not affect the way that that project is proceeding in terms of timescales. We are simply using the budgets that have been allocated in terms of capital to move forward a project at the prison quicker that is highly necessary to do so. We already have contractors on site, the project is halfway completed at the moment. It makes absolute sense to bring some of that budget across to the prison project. The timescales for the development of the police station will not

be affected by this particular re-allocation of funds. As far as allocation of funds and keeping to budgets are concerned, I would concede - as I have already stated - that we are of the belief that the budget set for the prison has never actually been correct. I am all for working within budget, as is the Minister, but the budget was never actually correctly set.

### **3.8.2 The Deputy of St. Ouen:**

In a letter to the editor of the Jersey Evening Post, the Minister comments on appalling conditions at the prison and chronic under-resourcing and yet we hear, and we have just been informed, that the Minister, who was President of the then Home Affairs Committee, chose to prioritise capital expenditure in providing a new police station rather than directing funds and deferring the development of the new police station to ensure that the capital expenditure for the prison could be met. I would ask the Assistant Minister why this was the case?

### **The Deputy of St. John:**

Sir, the issues that the Deputy is referring to are issues of revenue expenditure, not capital expenditure. The capital programme was approved and is being spent at the moment. The project is ongoing. The issues that we have at the prison at the moment are very much to do with revenue expenditure. We have been under-funding the major costs we have, of which 80 per cent is staff-related. We cannot perform many of the functions adequately at the prison - which has a great deal of bearing on current conditions - without sufficient staff, and that is the issue there: the revenue budget has never been quite at the rate that it should have been. The capital programme, however, has been widely debated and we are satisfied that the capital allocated currently is sufficient.

### **3.8.3 Deputy F.J. Hill of St. Martin:**

It has been recently reported that the States Police have purchased a high-tech police car at the cost of £70,000-plus to detect speeding motorists. Given that the Connétables now have all got radar equipment et cetera. to carry out that process, would the Assistant Minister not agree that that money could have been better spent at the prison?

### **The Deputy of St. John:**

No, Sir, the car that the Deputy refers to is far more than just a vehicle required to catch speeding motorists. It is a surveillance vehicle. Most police forces have them. It is highly useful in catching criminals such as drug traffickers, which we would dearly like to keep out of our prison.

### **3.8.4 Deputy S.C. Ferguson:**

Is the Assistant Minister aware that every member of the youth in the Island with a mobile phone has got the description of the new car plus registration number already?  
[Laughter]

### **The Deputy of St. John:**

I could not possibly comment on that, Sir. It is probably a matter of security, Sir.  
[Laughter]

### **3.8.5 Deputy G.C.L. Baudains:**

Would the Assistant Minister confirm that there could actually be a problem with this new vehicle? If it is as effective as he thinks it is, it could actually end up filling the prison more.

**The Deputy of St. John:**

He may well be right, Sir, but needless to say, I think all in this House would agree that catching such criminals is a high priority and we need to have every bit of equipment available to us to do the best possible job, Sir.

**3.8.6 Deputy J.J. Huet of St. Helier:**

Is the Assistant Minister aware that not only do the youths of the Island know what this car is like, so do - from what I gather - all the criminals know what it is like as well, because I have already been told what it is like [**Laughter**]. I will re-word that slightly, Sir. They have informed me what it is like. So, I am actually asking, is this car going to be much use to us at all?

**The Deputy of St. John:**

If anybody else would like to have a look at this vehicle, perhaps have a ride in it, I am sure I could arrange it with the Police Chief and they can make their own judgment. There is a huge amount of equipment on board, I think it is going to be of great use to the Police Service in Jersey, and like I say, most other forces around the country have them. We are slightly different here in that we have a very small, closed community and perhaps it will be observed by more than it would be in a larger area, a larger jurisdiction. However, I do believe it is of great value to the Police Service and in terms of the actual cost of it and what it will actually return in terms of increased service levels and the ability to catch criminals in all sorts of ways, I think it more than justifies the cost.

**3.8.7 Senator J.L. Perchard:**

Would the Assistant Minister agree with me that, whilst amusing, these are trivial asides and the real issue is the prison report and the 140 deficiencies found at Her Majesty's Prison, La Moye. Can he then accept that we must focus on correcting these wrongs and give the House a timescale, or a plan, in which the points raised in the report will be corrected and put right?

**The Deputy of St. John:**

Yes, Sir, I can. We have just commissioned a performance improvement plan which will be provided to us all very shortly and in that it will clearly state as to what the timescale for implementation of improvements is. We have been very fortunate in getting 2 top officers from the U.K. service to review this and provide the performance improvement plan, and that will be made available to Members shortly.

**3.8.8 The Deputy of St. Ouen:**

I would like to ask the Assistant Minister to explain why the Minister knowingly commissioned another report on La Moye Prison whilst being fully aware that there were many issues that had not been addressed in the 2001 report.

**The Deputy of St. John:**

Sir, that was precisely the reason why she commissioned it, because it highlighted the fact that, partly due to funding, we were unable to meet some of the demands of the

previous report. It was an independent report; we asked them to come here and do that report, they did not come uninvited. It was a needed exercise in order to highlight the issues that we have at the prison currently. Incidentally you may be interested to know, although it has not been published so widely as the Jersey report, that Guernsey had a very similar report done on their prison quite recently. It illustrated exactly the same types of issues, which are quite common in small jurisdictions whereby a prison such as ours has to perform so many different functions in one relatively small prison, which causes all sorts of resources issues, and these are highlighted in the report. I think the second report was highly necessary to bring the attention of this House, if nothing else, to the budgetary issues that remain at the prison and the operational conditions we have to operate as a result.

**3.8.9 Deputy G.C.L. Baudains:**

Could the Assistant Minister give us an assurance, Sir, that whilst all these new items such as this fancy new car may seem attractive, that resources will not be diverted from crime prevention towards crime detection.

**The Deputy of St. John:**

No, Sir, there is no suggestion that those resources will be reallocated. Each of the areas of Home Affairs has produced business plans which are publicly available and those plans will be adhered to.

**3.8.10 Deputy P.V.F. Le Claire:**

Is the Minister aware that reports are now surfacing in the U.K. media that prisons in the United Kingdom are likely to face a maximisation by summer of this year and they are looking to close some of their doors, estimated population going up to 74,000. With the U.K. now identifying the fact that their prisons are going to be full this year by summer, has the Minister taken this into account and are we prepared for this eventuality?

**The Deputy of St. John:**

We certainly will be once the development programme is completed. You may be interested to know that in recent times, mainly due to budgetary constraints, we have been sending less and less prisoners to the U.K. It is a misnomer here that a crime committed in Jersey by somebody that is not from the Island they should be sent back to the U.K. or perhaps where they came from to serve their sentence at no cost to us. The fact is that if we send those prisoners back against their will we have to pay for their incarceration in the U.K., so we have been trying to minimise that aspect and we have quite successfully done that by more than halving the number of prisoners that we currently pay for in the U.K. That is a process that we are continuing to do to save funds and also with the new wing coming on line it is less likely that we will have to take up places in the U.K.

**3.8.11 Deputy J.B. Fox of St. Helier:**

Would the Assistant Minister agree that by utilising targeting and detection work that it might be prudent therefore, budgetary-wise, if our criminals and drug pushers and couriers coming to Jersey are intercepted before they arrive on our shores and therefore would reduce our costs in maintaining them until they are subsequently released. Do you think, Assistant Minister, that this would be a better way of targeting than what currently exists at this time?

**The Deputy of St. John:**

I would agree with the Deputy and that is exactly what we occasionally do. I was only in a meeting yesterday with Customs discussing this very issue. That is what we endeavour to do on most occasions. However, in joint operations with Customs and the Police, it is often necessary to follow the drug traffickers all the way to the point of delivery in order to take out the entire chain, in other words from supply right through to delivery. On that occasion they are then arrested in Jersey, and the Deputy is quite right, we have to incarcerate them in Jersey. Wherever possible, when it is not in the interests of other Police activity to detect, like I say, the whole chain of the gang, then, yes, we do take them out - so to speak - in this case normally in France.

**3.8.12 The Deputy of St. Ouen:**

I am rather amazed at the response that the Assistant Minister gave regarding the commissioning of another report and the reasons behind it. Could the Assistant Minister confirm that in fact it would have been far more prudent for the Home Affairs Minister in her role as responsible for Home Affairs and the prison to bring a proposition to this House for extra funding, if that in fact is what is required?

**The Deputy of St. John:**

Not being quite so familiar with protocol as perhaps the Deputy is, I cannot disagree that perhaps that is what should have happened, but hindsight is a wonderful thing, Sir, that obviously did not occur. However, the Minister made it perfectly clear, through media reporting, through other debates in this House, that she regarded the prison as under-funded. We are now looking at a process whereby we are funded perhaps by the number of prisoners that we actually incarcerate. If we have a school, for example, that school is funded by the number of pupils that it has in the school, per head per pupil. Likewise the number of beds in a hospital are funded by the number of beds that we have, the number of beds that we require. We do not that at the prison. We have a certain number of prisoners there and there are fixed costs, obviously, we have to adhere to; but we do not fund the prison by the number of prisoners we actually have, in other words a price per head per prisoner. That is something which we are looking at with Treasury and Resources and reviewing the budget process so we actually have a correct budget for the prison.

**Senator S. Syvret:**

Point of Order; the Deputy was not in fact accurate when he said that the hospital is funded on the basis of the number of beds it has; that is not the funding formula used for Health and Social Services.

**3.8.13 Deputy J.A. Martin:**

The Assistant Minister has stated that the Minister invited Her Majesty's Inspector of Prisons to do another report. Is it not fair to say, through you, Sir, that if this second report was not commissioned by the Home Affairs Committee that Her Majesty's Inspector of Prisons would have come back anyway within a certain amount of time to see that their recommendations from 2001 had not been carried out?

**The Deputy of St. John:**

No, they would not be, Deputy. They are invited to do the inspection, they would only do a follow-up if they were invited to do so and in effect the second report was in somewhat a follow-up to that. We are under no obligation to the U.K. government to

comply to an H.M.I. report. We actually commissioned them as an independent body to review the prison. We are not obligated legislatively to abide by the recommendations of the report, albeit they are the experts and we agree with pretty much everything they put in the report.

**3.8.14 Deputy F.J. Hill of St. Martin:**

Could the Assistant Minister give the House some idea of the costs to the States for carrying out this second report by the H.M.I.? What did it cost the Home Office or the Home Affairs Committee?

**The Deputy of St. John:**

I am unaware of those costs, Sir, I will have to obtain them and let the Deputy know. My understanding is that it is mainly a subsistence cost and not a huge cost regarding the report but I will investigate further and get back to the Deputy, Sir.

**3.8.15 Deputy S.C. Ferguson:**

I would just ask the Assistant Minister, in the written answer last week, the Minister included a summary of the prison budget which is running in deficit for the past four years. Why did the Minister not enlist the aid of the various Treasury consultants to review the value for money of the running of the Prison and thereby obtain financial evidence to justify her requests for more funding?

**The Deputy of St. John:**

My understanding, Sir, is that is exactly what has been going on. One of the largest costs that we incurred, as I said before, is staff, 80 per cent of the budget is staff. We had an extremely high overtime bill because of lack of staff: some £700,000 was spent on overtime last year. That has been now resolved, partly, by recruiting more staff. We had a problem before that, I understand, where we had a cap on taking-on more public sector staff. At the time perhaps rightly so, but the prison was one of the departments that suffered from that capping, and that involved us having to employ a lot more budget in terms of overtime and that is one of the major reasons why the prison was running over budget.

**3.8.16 Deputy S.C. Ferguson:**

I would be interested to see... I wonder if the Assistant Minister could make available these reports that he says have been done? Because certainly, and during the time of operation of the Shadow Public Accounts Committee, we have not seen any of them.

**The Deputy of St. John:**

Certainly I will talk to the Prison Governor and I understand he carries management budgetary accounts, and if the Public Accounts Committee wish to view them they can be a matter of public record.

**3.8.17 Deputy S.C. Ferguson:**

Sorry, Sir, just a final one. My question talked about originally getting the people in from the Treasury, the Internal Audit Department and so on. Would the Minister confirm that he is actually talking about internal accountants as opposed to accountants from somewhere else within the States organisation?

**The Deputy of St. John:**

I understand that all departments are subject to auditing of some kind and it is something which I will discuss with the Treasury and Resources Minister and establish exactly what the procedure is. I am not aware of what the procedure is - no doubt there is some, if there is not there should be - and I will make sure that that information is made available to the Deputy by talking to Treasury Resources and the Prison Governor.