



Connétable L. Norman
Minister for Home Affairs
Department for Justice and Home Affairs
Cyril Le Marquand House
St. Helier
JE4 8QT

31st October 2018

Probation and After-Care Service

Dear Minister,

I write to you in respect of an email that was sent from the Chief Officer of the Probation and After-Care Service to both the Panel, yourself and the Assistant Minister on Friday 26th October, further to the quarterly public hearing that same day. The email is appended to this letter.

The Panel would like to clarify the points raised by the Chief Probation Officer and would like to ask you for your response to the issues that have been raised in the email. I would be grateful if we could receive your response by **Friday 9th November**.

Thank you for your assistance in this matter.

Yours Sincerely,

Deputy Rob Ward
Chairman,
Education and Home Affairs Scrutiny Panel

Email from Chief Probation Officer – 26th October 2018

Dear States Members,

I have just been watching the Scrutiny hearing on the internet (from approximately 6 minutes 50 to 17 minutes.) Great to have that option these days.

Can I correct a few statements about our practice. All prisoners ARE allocated a Probation officer to work with them through their sentence and have been for many years now. Very few refuse this service. The Early Release system CERL which replaced the other forms of temporary release a couple of years ago is a form of Parole for up to 18 months or from the half way point of their sentence for prisoners assessed as suitable. We (Probation) prepare reports on suitability as part of the decision making process. The “new” prison governor Nick Cameron and I are agreed that there is potential to develop further the numbers released in this way and revisit the criteria used by the Release Panel in some respects. We DO supervise those released prisoners on CERL – it is a condition of their release – it NOT correct to say that they are only subject to curfew checks. The Probation Service resourced this supervision service from within its existing resources.

Regarding programmes – we do carry on the work which has been started with clients if they are subsequently imprisoned wherever this is practicable and if the client remains motivated. Some of the work cannot be carried out in a custodial setting. We have offered to provide programmes to the prison but previous Governors have preferred to develop their own programmes and employ their own staff directly with the exception of one programme ASG which is delivered both in prison and the Community. Some programmes are optimised for delivery in the Community and some for Custody which does not mean they are not compatible. I am meeting with the Acting Governor next week about another programme we deliver which a recent report has recommended could work in the Prison setting – we first offered this to the prison in 2014.

There is a joint Sentence Management Unit of Prison and Probation staff and I did not recognise the description given at the Hearing of the way our services interact. That said prison work is only one part of our overall diverse criminal and non-criminal workload. I’ve attached a slightly dated presentation from a few years ago – part of a joint presentation with the Prison Governor to Jurats.

I did not recognise the description of discussions with myself and my staff regarding a move to the States of Jersey. There has been very little contact or discussion. On 4th October, Charlie and Julian met Mike Cutland and I for a very abbreviated version of the Service brief you have all received for 45 minutes followed by a general 45 minute meeting with staff. This was not specifically to discuss the proposed move although it was the principle subject staff were concerned about.

I have yet to see any business case outlining why a move would be beneficial and any specifics about what it would achieve.

Regards

Brian

Brian Heath M.B.E
Chief Probation Officer

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09 November 2018

A handwritten signature in blue ink, appearing to read 'Rob'.

Dear Deputy Ward

Thank you for your letter of 31st October 2018. I am grateful for the opportunity to address the points raised by the Chief Probation Officer.

Sentence Management

I think it is important to clarify that, under the current structure, the case management of a prisoner is provided by the Prison Service. It is helpful for Probation staff to hand over an offender's case on their admission to the Prison, and at that stage responsibility for mentoring, sentence management and pastoral support should fall to the Prison staff.

There is merit at present in Probation maintaining continual contact during a sentence of, for example, 3 months, due to the relatively short length of that sentence. For a sentence of 12 months or longer, Probation should become involved at the pre-release planning phase of the sentence which is usually 3 months prior to the release date.

I have been made aware, under the existing arrangements, that it is a common practice for the Probation Service to seek to extend their remit to include involvement during a prisoner's sentence. This is unnecessary and creates confusion for the prisoner, especially as a member of Probation staff cannot deliver any outcomes or interventions at this stage. It also blurs the lines of accountability for the management of prisoners. It is, regrettably, a concern that neither I, nor any of my officers, can address at the present time.

In my view, this provides a clear example of the need for change and demonstrates one of the benefits that could arise from an integrated offender management structure. Prison and Probation officers would integrate, work together, and provide a seamless service for an offender throughout their time within the offender management system. Furthermore, there would be clear accountability for the management of offenders and the delivery of interventions.

Conditional Early Release

Conditional Early Release (CER) is a scheme that is available to the Prison Service. The decision to release a prisoner onto the scheme rests with the Governor, who is ultimately accountable in this regard. A majority of the supervision provided under CER is undertaken by the Honorary Police and Prison staff although I do appreciate the role of Probation Officers who provide important social support to prisoners on CER.

It is relevant to note, at this stage, that it remains the case that no mandatory post release supervision exists in Jersey except for life sentence prisoners, the majority of whom return to the UK. The Probation Service does offer a voluntary post release scheme and my preference is to move towards a robust, statutory system of parole in Jersey which would manage higher risk offenders in addition to those already covered by the CER scheme. I do not believe there is any great merit in further extending the CER scheme as an alternative. My conversations with the Prison Governor indicate that he is in agreement with this approach.

Prison and Probation Programmes

The issue around programmes being run by both Prison and Probation provides a further example of the need for an integrated service. Programmes delivered within the Prison are accredited and managed and delivered by the Prison Service. Probation also provide programmes although I understand that these are not always accredited or appropriately evaluated, and as a consequence the previous and current Governor have not always been content for them to be delivered in the Prison. In the future, I would have a preference for moving towards the provision of accredited programmes that can be delivered in the community, the prison and post-release. This would be a realistic objective if the Island benefited from the services of a single offender management team, but cannot be guaranteed under the current structure

Sentence Management Unit

As previously mentioned, sentence management is a responsibility of the Prison Service. The Prison Service funds a full time Probation role (based in the prison) to ensure that the Probation Service can have the appropriate input on prisoner admissions and those for the CER scheme. Again, it would be more logical and efficient in this regard for the services to be integrated and for the role of Probation Officers to focus on post-release supervision instead of trying to become involved during the sentence. There is great potential for development in the provision of post-release supervision, and I would hope that the Probation Service would see the potential that can be realised from a new approach to how we work in this respect.

Consultation

During the quarterly hearing on 26th October, the Director General and I stated that the future location of the Probation Service under the CEO's Target Operating Model was yet to be agreed and dialogue was ongoing. The Chief Probation Officer has confirmed that the Director General and Chief Executive attended upon the Probation Service on 4th October. I met the Chief Probation Officer on 23rd August as part of my introductory briefing programme. My predecessor engaged with the Chairman of the Probation Board and the Bailiff on this matter. I have continued that dialogue, including through attendance at meetings of the

Probation Board on 16th July and 24th September. I am due to meet the Bailiff and Chairman of the Probation Board to discuss matters relating to Probation on 13th November.

I wish to be clear that, before any changes are made, full consultation will take place with all staff within the prison and probation services. For the time being, I think it is important to establish agreement behind the principle to establish an integrated offender management structure for Jersey. It is proving difficult, however, to arrive at such an agreement with all relevant parties.

I can see significant potential benefits from re-structuring our current offender management provision, both for those individuals engaged with the system and the Island more widely by achieving a reduction in re-offending rates, which are still relatively high in Jersey. It is disappointing that others don't seem to be willing to even engage with these efforts.

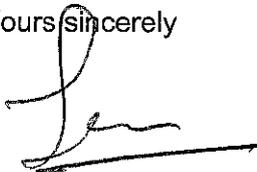
I am conscious that the Prison Service is subject to regular inspections by HMCIP, with the most recent inspection taking place in 2017. I understand that it has been over a decade since the most recent full independent inspection of the Probation Service took place. Given the strongly held views on this matter, I would, as a compromise and interim measure, be willing to jointly commission an independent review of Jersey's whole offender management system, in order that we can receive an objective view on our current arrangements and potential future developments. This course of action has been agreed with the Chief Minister.

Democratic oversight

One important area that has not been a regular feature of these discussions is the lack of democratic oversight and accountability for the Probation Service in Jersey. This is a unique position, certainly throughout the British Isles, and in my view is unacceptable. The States Assembly and Scrutiny cannot hold any Minister to account for the work of Probation, including the matters I have raised in this letter. My predecessor was willing to agree a compromise position whereby the Minister for Home Affairs and Chief Minister would become members of the Probation Board, which is similar to the position which existed prior to 2005. I regret that even this minimalist position has been resisted, with the Bailiff and Board insisting that Ministers are merely 'in attendance' at meetings and not members of the Probation Board.

I trust that this response addresses the points raised by the Chief Probation Officer and sets out just some of my reasons for seeking reforms to Jersey's offender management service. I would be happy, along with my officers, to meet the Panel should you wish to discuss these matters in more detail.

Yours sincerely



Connétable Len Norman
Minister for Home Affairs