

SOCIAL AFFAIRS SCRUTINY PANEL

FRIDAY, 12th MAY 2006

HMI Prison Report 2005

Panel:

Deputy F.J. Hill, B.E.M. of St. Martin (Chairman)
Deputy J.A. Martin of St. Helier
Deputy D.W. Mezbourian of St. Lawrence
Deputy S. Pitman of St. Helier
Deputy A.E. Pryke of Trinity

Witnesses:

Senator W. Kinnard, Minister for Home Affairs
Mr. S. Guy-Gibbens, Governor of HMP La Moye
Mr. S. Austin-Vautier, Chief Officer, Department of Home Affairs

Deputy F.J. Hill of St. Martin:

Right, can I say good morning to everybody, and welcome. In particular, welcome Senator Kinnard and Mr. Austin-Vautier and Mr. Guy-Gibbens. I am Deputy Bob Hill, the Chairman of Social Affairs Panel, and I am going to ask my fellow Members, to my right, to go around the table and say who they are and also ensure their voices are loud enough. I ask that indeed to my fellow Members on my left that this matter will be recorded, so keep your voices up to ensure that Jane in the corner can pick everything up. So, over to you, Judy.

Deputy J.A. Martin of St. Helier:

Yeah, I am Judy Martin. I am Deputy for St. Helier No. 1.

Deputy D.W. Mezbourian of St. Lawrence:

Morning, I am Deidre Mezbourian, Deputy for St. Lawrence.

Deputy A.E. Pryke of Trinity:

Good morning, I am Ann Pryke, I am Deputy of Trinity.

Deputy S. Pitman of St. Helier:

Good morning, I am Shona Pitman of St. Helier No. 2.

The Deputy of St. Martin:

Even the Members please, keep your voices up, so we can all hear. I will ask you, Wendy, to introduce yourself.

Senator W. Kinnard (Minister of Home Affairs):

Yes, I am Senator Wendy Kinnard, Minister of Home Affairs.

Mr. S. Austin-Vautier (Chief Officer, Department of Home Affairs):

Steven Austin-Vautier, Chief Officer for Home Affairs.

Mr. S. Guy-Gibbens (Governor of HMP La Moye):

Steve Guy-Gibbens, Prison Governor.

The Deputy of St. Martin:

And to my right we have our two Scrutiny officers, Mr. William Millow and Mr. Charlie Ahier. Mrs. Jane Rueb over there is working all the electronics. Okay, there is certain protocol to go through before we can start, and one is, indeed, I have to read a statement out to the witnesses who are attending here. I have 2, because we have one for States Members and one for people who are not States Members. So I will read them out together, or one after the other, and particularly Senator Kinnard, I read: "It is important that you fully understand the conditions under which you are appearing at this hearing. You will find a printed copy of the statement I am about to read to you on the table in front of you. The panel's proceedings are covered by parliamentary privilege through Article 34 of the States of Jersey Law 2005. As a result, you are protected from being sued or prosecuted for anything said during this hearing. Although this privilege should obviously not be abused. The proceedings are being recorded and transcriptions will be made available on the Scrutiny website." Could I just say, as a matter of course, these will be sent to you prior to going, just in case there is something which may be incorrect. Thank you.

Senator Kinnard:

Sure.

The Deputy of St. Martin:

And to the people who are not States Members, again: "It is important you fully understand the condition under which you are appearing at this hearing. You will find a printed copy of the statement I am about to read to you on the table in front of you. The proceedings of the panel are covered by parliamentary privilege through Article 34 of the States of Jersey Law 2005, and the States of Jersey Power, Privileges and Immunities Scrutiny Panel's POCFBBC Jersey Regulation 2006. Witnesses are protected from being sued or prosecuted for anything said during hearings, unless they say something that they know to be untrue. This protection is given to witnesses to ensure that they can speak freely and openly to the panel when giving evidence, without fear of legal action, although immunity should obviously not be abused by making unsubstantiated statements about third parties who have no right of reply. The panel would like you to bear this

mind when answering questions. Again, the proceedings are being recorded. A transcription will be made available at the Scrutiny website. As a matter of courtesy we will ensure that you get them before they are published." Now, for the benefit of the media and members of the public, I have got to remind you please, those of you who have mobile phones, please make sure they are switched off. Right. Now, the purpose of the hearing today is that on the 20th April, Senator Kinnard, I wrote to you inviting you to come here, and the purpose of the hearing will be to discuss why the recommendations contained in 2001 HMI report were not addressed, why steps were not addressed in 2000 recommendations, and what timetable has been established to ensure that recommendations are carried out. What I will propose doing, the way we will conduct our process this morning, is that if I ask you all the questions, and if you feel that they could be better answered by one of your officers, you will ask them to that. It may be easier that way, rather than us asking individual officers, so everything will go through you, and if you say that: "I would rather Mr. Vautier or Mr. Gibbens" --

Senator Kinnard:

That is quite an unusual procedure compared to most of the panels I have been to before. The other Members are at liberty to answer questions as well (... several inaudible words).

The Deputy of St. Martin:

They will be, but what we will be doing is that we will ask you the question, then you will delegate.

Senator Kinnard:

Oh, they will be. But before we start. I mean, obviously, if you are going to go into questioning now, I think, given that you have made an opening statement, it is quite useful, I think, for Members of your panel and for those listening for me to make a statement to sort of set it in context. Would you mind if I did such a thing?

The Deputy of St. Martin:

If you feel --

Senator Kinnard:

I think it is important, because, quite clearly you are wanting to delve down into the detail of something that goes right the way back to 2001. I think it is important, therefore, now that we are in 2006, that I have an opportunity just to set that in context. It is a very short statement, I might add.

The Deputy of St. Martin:

Yes, I do not intend to go too far back to 2001, because --

Senator Kinnard:

Well, that is the purpose you were asking me to come here for, was to talk about the 2001 recommendations. So, if you would allow me to say a few words, I think it would be of use and, indeed, I think it would help Members of your panel.

The Deputy of St. Martin:

Okay. Just go ahead.

Senator Kinnard:

Thank you. So, much indeed has been said and written about the prison in recent weeks. It is right, I think, that I am given an opportunity here to give my view and to let the public of Jersey hear that view, because, indeed, they have expectations. The public of Jersey expects to live in a society which puts public safety first, that provides a high level of personal security, and which enhances their quality of life. The prison, therefore, cannot be viewed in isolation, and it should be considered in its proper context, within the Island's successful criminal justice system, the main features of which are: a low crime society in which our policing services, both uniformed and honorary, are highly effective, an equally effective customs and immigration service, which secures our borders and which, in partnership with the police, has had particular success in intercepting drug trafficking; a highly respected judicial system which has been consistent in dealing with organised crime; a probation service with a good track record of rehabilitating offenders, and providing the courts with sensible and effective alternatives to custody and, finally, a prison service which, notwithstanding its recent critical report, can justifiably claim that it has fulfilled its primary role of protecting the public from those offenders who merit a custodial sentence. No one has escaped, for example. That it has treated prisoners humanely and fostered excellent staff-prisoner relationships. That it has carried out an extremely difficult multi-purpose role, which no UK prison is required to undertake because their prisons are categorised. Through careful risk management, the prison has operated a temporary release scheme in which breaches have been negligible. This is what I believe the people of Jersey expect in a safe society, and this is what they get. That is not to say that the prison regime is all it should be in the 21st century. It is not, as the 2005 HMI report highlighted. Then, of course, why has the prison attracted such a critical report? With all the rhetoric passing through the media and in the cut and thrust of political life, the people of Jersey, I think, deserve to know, from me, how the prison came to be in this position. How did we get to where we are? We have an excellent policing service, which serves the people well. It actually catches criminals. Together with the police, customs, we have numerous successes over many years apprehending drug traffickers. We have been very highly successful in protecting the people from this evil trade. Hitherto, these services have been properly resourced. The courts have meted out sentences which the people have come to expect. Where the prison is concerned, we, in fact, have been the victim of our own success. Overcrowding has been caused by the numbers of prisoners serving long sentences, particularly

for drug offences. For the last 5 years, the prison has been operating at and sometimes beyond its capacity, unlike is suggested in Jersey Beginners in last night's *Jersey Evening Post*. Our prison governor cannot say there is a boat in the morning. The prison budget and infrastructure has not kept pace with the demands placed upon it. We cannot accommodate all prisoners that the courts send us. The prison, though, cannot turn them away. So a substantial number have had to be sent to the mainland at extra cost to the taxpayer, and putting the prison budget under even greater strain. The end result of all of this is a prison with only the resources and facilities to do little more than lock people up, which cannot run education programmes to help prisoners, which has unacceptable levels of staff overtime and sickness, which cannot release staff for important continuation training, which does not have sufficient management resource to put essential procedures in place, and which, in an era of prison reform, cannot play its part in the rehabilitation of turning offenders away from a life of crime. It is little wonder, I think, that the Chief Inspector highlighted these aspects, in particular, in her report. The people of Jersey understand that the common thread running through all this is, indeed, a lack of resources to do the job that is required of us. The people may also wonder how the prison service has really managed, despite being so undervalued and under-resourced for a long time. A lot, I have to say, can be attributed to the very strong leadership of the present prison governor, professionalism and the total commitment by all members of the prison service. So what am I doing about it? I am committed to the task of turning this prison around so that Jersey has an institution that it can be proud of. So, too, is the prison governor and his staff. To achieve this, by adopting best practice from the UK system, we are putting together a performance improvement plan, which will be completed by the end of May, but will take a little longer to do the detailed costings accurately. The plan will be regularly monitored and will have responsibility assigned to the achievement of its objectives. Progress reports will be given to the States, Scrutiny and the public. However, this will only be achievable if it is properly resourced. I have to then look to my political colleagues, including those on Scrutiny, to assist me in this. There is no free lunch here, let us be clear. If you give me the resources, I will deliver the plan, but if you continue to starve me of the tools to carry out the task, and the prison regime, then, in 5 year's time, will have made little improvement. I trust that the people of Jersey will appreciate that this message is simple and clear. Give me the tools and I will certainly do the job. Thank you for hearing me out. Would you mind if we distribute a copy of that to the press? Thank you.

The Deputy of St. Martin:

Okay.

Senator Kinnard:

And a copy --

The Deputy of St. Martin:

You have made some quite lengthy speeches --

Senator Kinnard:

I thought it was quite short, actually, considering, but anyway.

The Deputy of St. Martin:

Well, okay, you have made a speech, you have made a point and the issues will come out in the course of the morning. Could I start off by asking when exactly was this present building built?

Senator Kinnard:

The 1970s, I think.

Mr. S. Guy-Gibbens:

1974.

The Deputy of St. Martin:

You have gone on record, in fact, (... several inaudible words) today, although you did not actually say it in words, that we are dealing decades of problems at the prison. How long did you consider decades of the problems to have been? Because if that was 30, 32 years ago, the prison is quite - - in structure, I suppose it could be sort of rebuilt. You know, how does that tie in with your statement that there has been decades of problems with the prison? Are you talking about the prison service or the prison itself?

Senator Kinnard:

Well, I think I am talking about a number of things. We are talking about the fabric of the building, which now is very old, there has been very little maintenance done to it over a period of years. Of course, prison building has changed quite significantly, so we are left with a set of buildings which are not in good repair, and they are frankly not adequate to the task. They are certainly not adequate to the modern requirements for human rights compliance. The prison was also built with a regime that prisoners were only in the Island originally for up to 2 years. Any sentence longer than that they were sent to the UK. So when it was actually built, yes, it was adequate to the task and it was a state of the art modern facilities. But, frankly, through a period of decades nothing has really been done to continue the process of development that was required in order to keep pace with the changes that have happened, both in terms of prison design in the United Kingdom and also in terms of how that affects efficiency. It has certainly not kept pace with the changes in terms of what we now believe is required to deliver an appropriate regime to rehabilitate prisoners properly. Now, there have been lots of reasons like the fact that resources have been quite tight in Jersey, that we do not have --

The Deputy of St. Martin:

I do not want to interrupt but can I ask questions otherwise we are going to be here all morning.

Senator Kinnard:

Okay, well, I think if we have to be here all day, Chairman, that is the case. You have asked me to come here.

The Deputy of St. Martin:

Yes, but --

Senator Kinnard:

You have asked me to give you the full background, and I am prepared to do so. If it takes all day, Chairman, it will take all day. Perhaps my prison governor would like to explain more clearly to you, because I think it is a very complex problem that you have not really appreciated. My prison governor would like to explain to you the difficulties of operating a regime in a decrepit set of buildings which are completely out of date.

Mr. S. Guy-Gibbens:

Thank you.

The Deputy of St. Martin:

Could I ask, as a matter of course, this morning, our questions will try to be brief. We would like to get sufficient questions asked this morning and sufficient answers, and you may well be prepared to stay here all day. We are aware that there is a major problem, and this is part of the process of putting the problem to record and get a remedy to it. But at the same time, we are also conscious of time, if we can be succinct with our answers, then I would ask please to be succinct with them, otherwise --

Senator Kinnard:

Okay, well what I can say is we do have a number of papers, so if we do not have the opportunity to discuss things in sufficient detail we can give you those.

The Deputy of St. Martin:

Yes, if you would like at some other time to call a press conference to use that opportunity to do so, but I would ask that this is not the process today. We are here for the process of the Scrutiny, we are not here for Home Affairs to make press statements. Obviously if you choose another path. But the prison governor was just going to give us a little bit more --

Mr. S. Guy-Gibbens:

Just, I mean, I am not a technical person, I am an operational person, so I will not talk a great deal about the physical condition of the buildings. But the design of the buildings, for whatever reason, prison design in the 1960s and 1970s, it is now accepted, not just in Jersey but across, certainly Western Europe, it was a poor design. There are a number of prisons that I have personally worked in, in England and Wales, that were built and designed in the 1960s and 1970s and are now regarded as bad prisons, even if the physical fabric is okay. They are very expensive to operate, and I know that all of the Scrutiny Members have had the benefit of visiting the prison. You have got narrow corridors which are difficult to supervise, very easy for prisoners to bully one another, because we just cannot provide sufficient staff to supervise. They are dark, they are depressing, they are small, they are not fit for purpose. That was recognised, again, in many jurisdictions in the 1990s, which was when the design changed very significantly, interestingly, almost back to Victorian times, which would suggest they got it right, but whoever designed the prisons in the 1960s and 1970s appeared not to get it right. But, certainly, if I talk to colleagues in education, I think there is a similar feeling there with schools that were designed in that sort of era. Again, as I say, I am not technical, but I am conscious that large numbers of houses and flats that were built in the 1960s and 1970s are being demolished because they are just not up to the standard that is now needed.

The Deputy of St. Martin:

Yeah, I think that is one of the things we did notice when we went around the prison, that you are having significant (... several inaudible words). It was very useful, the discussion we had with you, because I think, obviously, in fairness to the prison, not your fault, not anyone's fault here. Like a lot of our schools, it was designed with something in mind, it was very clever, but not really functional. Okay, we will move on then. One of the things that you have made in your statement about the problems you have had, but under the Article 4, the Prison (Jersey) Law 1957, it requires an annual report from the Department of Home Affairs be produced to the States. The last one we could find it was RC28 of 2003. Why had reports not been presented. Of course if those had been presented, no doubt the problems you have been echoing today would have been in those reports.

Senator Kinnard:

Well, and there have been a number of reports given in answer to questions, and there has always certainly been the report of the Board of Visitors, which is laid before the State, and that is an annual report. Certainly, I mean, I do not want to take up your time, but I have a whole list of dates on which --

The Deputy of St. Martin:

Yes, but the question was you were asked if (...overspeaking) --

Senator Kinnard:

I think that the law is --

Mr. S. Guy-Gibbens:

I do not have that law in front of me, so I cannot refer to it.

Deputy J.A. Martin:

I think the law states, sorry, that it provides for an annual report from the Department of Home Affairs.

Senator Kinnard:

Well, I mean, we have tended to view the Board of Visitor's report. That is the only report that I am aware of that has ever been to the States in the past. If you can come up with some other alternative reports, then please let me know so. But my understanding is that the reports that have only ever gone to the States have gone under the name of Home Affairs but have been Board of Visitors reports.

The Deputy of St. Martin:

I can produce 2. As part of our research --

Senator Kinnard:

Well, of course, we did give various reports on temporary release and so on. I am talking about ourselves. There were particular issues where we did give reports and we have laid them before the States where they have particular issues to deal with.

The Deputy of St. Martin:

The issue I was questioning on was --

Senator Kinnard:

What kind of report --

The Deputy of St. Martin:

Well, I was really referring to what the Jersey Law says, and I think we have heard that one should be published every year, and we could not find one in 2002 and, indeed, that was the RC28 2003. Again, the point I am trying to making really was if these concerns were so important that might have been a useful place to come through by way of annual report, which is a statutory obligation by law to do that.

Senator Kinnard:

Well, I think the concerns have been laid before the States in terms of the Board Visitors reports. On a number of occasions they have brought attention to those. When we have dealt with particular issues, we, indeed, have put reports before the States in the form of, as I mentioned, the issues of temporary release, there was the report that was done by Dr. King. When we have answered questions, we have not just merely answered questions, but also appended very complete documents.

The Deputy of St. Martin:

So were you aware that one has to be produced?

Senator Kinnard:

Of an annual report? My understanding was that that was to do with laying the Board of Visitors report, but --

The Deputy of St. Martin:

Well, it would --

Deputy D.W. Mezbourian:

No, it was not. I mean, just for clarity, there are 3 sections under Article 4 of the Prison Jersey 1957, and if I read them to you: "The report shall contain the statement of the accommodation of the prison, the daily average and highest number of prisoners confined therein, particulars of the work done by prisoners in the prison, and (c) a statement of the punishments inflicted in the prison and of the offences for which they were inflicted." And the Article 4 states: "The Home Affairs Committee shall each year present to the States a report on the prison for the preceding calendar year."

Senator Kinnard:

Of course, we do receive those at committee.

Deputy D.W. Mezbourian:

That is why I think the Chairman was referring to the business plan of RC28 of 2003, that no other plans that we could find have been presented to the States in accordance with this Article.

Senator Kinnard:

I think you must be right. I mean, I have to say that we obviously have the committee reports on a regular basis we received throughout that period, and indeed, as I mentioned, the Board of Visitors reports. There have been other reports. But I have to accept, and I hold up my hand, I have to

accept that we have not collated them together into one report and laid before the States. Clearly I have to hold my hands up to that.

The Deputy of St. Martin:

I simply hope that in future there will be an annual report.

Senator Kinnard:

No problem with that. No problem with that.

The Deputy of St. Martin:

Could I move on?

Senator Kinnard:

Yes.

The Deputy of St. Martin:

Okay. You made mentions about the Jersey Board of Visitors, and we have the last numbers of years' reports. In there they made reference to concerns. I could not find them, actually. I think you have got to go back to the year 2001 when comment was made to urge you to pay serious -- to deal with this urgently. In 2002 they mentioned about having 14 of the recommendations in it, but thereafter there is no report whatsoever from the Visitors Board to makes any mention of that recommendation. Also, we could not find it being submitted to the States either. Have you any comment on that at all?

Senator Kinnard:

Well, the Board of Visitors write their own reports, I have no control over what they write. But they certainly have regular meetings and express their concerns via you, do they not, Prison Governor?

Mr. S. Guy-Gibbens:

Absolutely. Clearly they are independent, that is their whole purpose, so I would not wish to speak on their behalf. But yes --

The Deputy of St. Martin:

They are integral part of, and they should be reporting to you. How often do you liaise with them?

Mr. S. Guy-Gibbens:

Twice a month, at least. We have a formal meeting once a month. Yes.

The Deputy of St. Martin:

They come to the prison?

Mr. S. Guy-Gibbens:

The whole board visits as a board, once a month. An individual member visits in the intervening time, so that twice a month, at least, a member (... several inaudible words).

The Deputy of St. Martin:

They go through the recommendations with you?

Senator Kinnard:

Well, yes, we are working with them on having quarterly meetings with them. In fact, I was up there just a couple of weeks ago sitting in on some of the work that they do do. They are very supportive of the governor and the staff, and, indeed, of myself, and what we are trying to achieve in taking this forward. I cannot really speak for them, and perhaps they might be some groups of people you wish to speak to yourself.

Deputy J.A. Martin:

Can I just come in there about the prison Board of Visitors? The constitution is of 7 Jurats appointed by the Royal Court, in this day and age do you not think that 7 Jurats as prison Board of Visitors are a bit too close? I mean, these are some people who have sentenced the same people that they are going to visit and listen to complaints about it. Is anything being looked at? It has been since 1957?

Senator Kinnard:

It has been. This has been looked at, because, obviously, one of the issues we were mindful of is human rights compliance. We took the advice of our legal advisers here at the States, and they have concluded, and the court, indeed, was involved, as well in discussions around the compliance of human rights. The advice that we have received is that it is a human rights compliance system. I believe that you have never received any complaints talking to prisoners about the actions of the --

Deputy J.A. Martin:

Well, that is my point exactly.

Senator Kinnard:

Let me make that clear. They receive complaints which they deal with. The prison governor has not received complaints about the work that is undertaken by the Board of Visitors.

Mr. S. Guy-Gibbens:

Absolutely. I mean, the Board of Visitors receives regular complaints. I mean, I do not have the exact statistics, but from recollection it probably averages about 10 to 15 each month ask to see them on a range of different matters.

The Deputy of St. Martin:

There is another piece of legislation which revolves around the prisons, that is called The Prison Jersey Rules 1957, and I understand that there are issues in there which may not be human right compliant, and I did ask Mr. S. Austin-Vautier if he would let me know when the Rules went to law drafting, and how long ago they were. Maybe I can get an answer to that one and also the reason why the Rules have not been produced or lodged at the States.

Senator Kinnard:

Well, indeed, I will hand over to Mr. Austin-Vautier because he was recently dealing with this matter.

Mr. S. Austin-Vautier:

And I had replied to you the day before yesterday, I do not know whether you have got it yet?

The Deputy of St. Martin:

I have not, no. Okay.

Mr. S. Austin-Vautier:

I think the question was more around when --

The Deputy of St. Martin:

When were they submitted to be amended, yes.

Mr. S. Austin-Vautier:

Okay. The Lord Draftsman completed a complete draft, I think from memory, towards the end of 2003. But it took them almost a year to get to that stage, because it is a hefty document, and it was produced in tranches. It was quite a complicated piece of work. That went to committee, but then once it got to committee we got into all the human rights compliance questions, and your previous question is rather linked to it about the role of the Jurats. Unfortunately, there were conflicting views on the veracity of that advice. So, I think I am right in saying the committee was in a position of which advice does it listen to. It all surrounded whether the Jurats was the right body of people to use in the context of adjudications. We have bottled it out now. The advice that the Minister is now running with is that it is a compliance use of Jurats to use them for adjudications. But in so doing, in order to make it compliant with the convention, we are going to

have to change some of the administrative procedures as to when Jurats go about their business. I mean, obvious things like, for example, if a Jurat is going to adjudicate on something that a prisoner has done in prison, you would expect that that Jurat has not been involved with the particular case . We are going to have to be very careful about that. There is a distinction between what might be a criminal offence and something that is merely an administrative infringement. We have to separate the 2 and decide whether the criminal one -- say there is an assault in prison, that those do go through a criminal tribunal and not simply through an adjudication by Jurat. Now, those are 2 examples of where we are going to have to, or the prison governor is going to have to look at the procedures to make sure that we are actually running them in a compliant way. I do not know if you want to add anything?

Mr. S. Guy-Gibbens:

Only really to say that that is very much as we are doing it now. I mean, although it may not be written down in the Rules as it is, but certainly, currently, if there is an adjudication which the Board of Visitors need to administer, they make sure that the Jurats that hear that are not the same Jurats that have been involved in sentencing. Indeed, already, if a criminal offence is committed, such as an assault, then we immediately would call in the police and it would go through the courts. It is not dealt with internally. So those 2 matters we are already well advanced in dealing with that.

The Deputy of St. Martin:

I do not want us to dwell too long on that particular subject, but I think it is important to draw out the fact that there may well be seen to be a conflict, as Deputy Martin said. Has consideration been given maybe to, I know we have seen an act that the Jurats, and no one is questioning honourable people etc, but maybe in the modern day and age that we might -- in the UK we have lay visitor schemes operating in prisons and in police stations completely independent of anybody. Do you think inspiration could be given by me to go the whole hog and remove the prison Board of Visitors from the actual legislation?

Senator Kinnard:

Well, I think there are 2 issues there. One is that, as I say, we have never had any complaints at all about the action or the ability or the effort that is put into the work that is done by the Board of Visitors. In fact, I think their work is very much appreciated. But also I would say that, in terms of what is going on in the UK, lay visiting is a bit different from when you are dealing with issues around adjudications and so on. They have things called independent monitoring boards, and there is a whole kind of bureaucratic system that is set up around that, and we would, I think, have to think very carefully given all the other pressures on budgets as to whether that was where you wanted to go. But I think the other important thing is nowhere else in the prison service of England and Wales has access to something to like Jurats. We are unique from that point of view. I think

that we sometimes overlook what we do have that we can utilise to our own advantage, which in many ways and on many occasions, I think, is both cost effective and extremely successful.

The Deputy of St. Martin:

But the point is that one is seeing from questioning on this, that from their visits, their reports, the annual report, there is no reference made about the problems in the prison giving, for instance, recommendations. What I think is (... several inaudible words). Also, just to come back to you that you mentioned how they visit regularly. Under Part 638 of the recommendations here said: "A Member of the Prison Board of Visitors did not visit routinely each week." Would you like to elaborate maybe on that, just to comment on what that is saying?

Mr. S. Guy-Gibbens:

Yes, the Chief Inspector had not read the Jersey Law, and was not aware that there were many differences, but one of them being under English law there is indeed a requirement for a member of the independent monitoring board to visit the prison weekly. That is not in the Jersey Law, as you will know. So, in fact, that was an erroneous recommendation. That is not to say that as we move forward we may, in consultation with the Board of Visitors, consider that we may want to make another change to the law. But they were wrong in what they were writing there, because under Jersey law there is no requirement for the Board of Visitors to visit on a weekly basis.

The Deputy of St. Martin:

I do not want to dwell too long on this, but I think it is an important area that if you are having people coming into the prison, they should be seen to be independent, and really be seen to be having a liaison, a close liaison with you, reporting back on some of the things. I am just wondering whether the rules that the Board of Visitors work under are really appropriate for this particular role, because they could be dealing with complaints from prisoners too about some of the problems they have, and indeed that would be their role rather than a lay visitor's role, which would have a much wider brief.

Senator Kinnard:

Well, certainly they have complete access to myself and even to Steven Austin-Vautier as well. I think that one of the things moving forward, in my recent discussions with them, is that we want to work more closely together to develop, in fact, their role. But I would certainly say that, again, in Jersey we are quite different. It is not as if I am sat in some ivory tower and I do not get to hear what the problems are of prisoners. In fact, I have had them ringing me in the past on the appropriate telephone, if there is a particular issue that I have had to deal with. They write to me on a regular basis. Their families ring me, write to me. They do it as well to Steven Austin-Vautier. They do it to the prison governor. So it is not as if we are, if you like, apart from what is actually going on on the ground. We know all too well. In fact, I have also had meetings with a

group of partners of prisoners, who formed a group with the Pathways project - in fact I am due to meet them again soon - to talk about the issues that they face as families of prisoners. So we are not divorced from the issues.

The Deputy of St. Martin:

Okay, anything else? We will move to the 2001 recommendations. On page 5 of the HMI report 2005, on the HMI Inspector (...inaudible) said: "Few of the recommendation of the first report from 2001 that have been (... inaudible)", that was on page 5, top of the paragraph. I will ask the question: why were so many recommendations not actioned? You have kindly submitted us --

Senator Kinnard:

We have.

The Deputy of St. Martin:

-- a form.

Senator Kinnard:

Yeah. Which, I think, covers it (... inaudible).

The Deputy of St. Martin:

Yeah, I did find this very helpful, but there were a number of things in here I did not think (... several inaudible words) deal with looking at 2005. Some of them do repeat themselves, from 2001 into 2005, and we did, in fact, find one or 2 that certainly had been achieved. There were dates to say when they were achieved, yet they were seen to be shown in the recommendations (... several inaudible words). Whilst this was useful, it really did not give us all the answers.. The main question is, why were some of them not actioned?

Senator Kinnard:

Well, I think it is quite clear, if we go through them. There is a summary on the back page that gives the number that are achieved or partially achieved, some that were considered, some that were, in some cases, rejected, some that were not achieved. In the vast majority of cases it is to do with capital and revenue issues. I mean, certainly the 45 that are not achieved are largely revenue. Basically, they are as the result of us not having a sufficient budget over a great number of years. Prison Governor, do you want to add to that?

Mr. S. Guy-Gibbens:

I believe, Minister, it is almost self evident that that is the case.

The Deputy of St. Martin:

We happy to move on?.

Mr. S. Austin-Vautier:

Can I add to that, Minister, if I may?

Senator Kinnard:

Yes.

Mr. S. Austin-Vautier:

What is significant about the summary is that it says that 45 were not achieved. But we are saying there that 62 have got severe capital and revenue resources, ergo, there are more that have got those revenue and capital implications than are not achieved. So some of the ones that that partially achieved are affected by that and have got no further. So it paints a picture.

The Deputy of Trinity:

Just thinking about that, what he just said about most of them are capital.

Senator Kinnard:

Or revenue.

The Deputy of Trinity:

Or revenue. Was any kind of plan put in place to ask at that time, in 2001, to look at that? I do not want to dwell on it for too long, so a short answer will be --

Senator Kinnard:

Absolutely. I mean, we did that to death. You know, the number of times that we put in plans to achieve that, and we have done very well on the capital side, I have to say. It is further good news, I think, I that I can give you today on that. But on the revenue side we did plans, we did research, we did projects, we went backwards and forwards to Finance and Economics, and I am afraid I did not get the answers that I wanted. On very many occasions it was: "Well, you just have to try and manage within your own budget." We did have some extra funding, and there is a summary chart which, have you given out, Steven?

Mr. S. Austin-Vautier:

I do not have that.

Senator Kinnard:

You do not have that? But you probably have it among your papers, because it was in answer to a question in the States, which is a summary chart of the financial statement. Although we were very pleased to have assistance from Finance and Economics on a number of occasions to fill the holes in the budget, that only enabled us to continue just holding prisoners, just doing the main job we have to do of incarcerating prisoners. There was no extra money there to be able to do the job that we want to do in terms of rehabilitation, education and so on.

The Deputy of St. Martin:

I would have thought those things would have been prioritised rather than some of the things you have put money into.

Senator Kinnard:

Well, I would not say that, because the community expects us to hold prisoners, and that is the job we have to do first and foremost. It is very difficult then to try and say: "Well, okay, we would like to do these other things, like provide better education, better programmes" but, at the end of the day, we have to pay prison officers to hold prisoners. We have to pay for prisoners in the United Kingdom as well, because we were bursting at the seams. Incredibly high levels of overtime pay, because of the increase in prisoner numbers. So we were in a very difficult situation. All the things that we would like to do, that we know are effective in turning people away from crime in the future, there literally has been no money to do it. I am surprised that so many of the recommendations were either achieved or, indeed, were in part achieved given the difficulties that the staff faced. I take my hat off to them and say: "Well done" rather than them being criticised in some circumstances.

The Deputy of St. Martin:

Could I ask, you mentioned about the number of times you have asked Finance and Economics for money. I think it would be very helpful if the Scrutiny Panel could be given a list of the occasions you have asked, the requests you have made and the replies received. Because, again, also including the your requests maybe, I cannot recall in my time in the States where you asked a question of the Finance and Economics Minister across the board and said, you know: "How about giving us more money? We have a problem at the prison." Maybe if you could provide the Scrutiny Panel with evidence to show you have been making these requests. We just ask if you could. We do not want them now.

Senator Kinnard:

Okay. Certainly, there were a number of occasions, speeches I made in the House, articles from the *Jersey Evening Post*. I have a list of dates. I am quite prepared to give you all of that.

The Deputy of St. Martin:

Fine, I think it would be helpful. Right, if we could move on then to ... Okay, the public was advised that the standard practice in the UK is that after an HMI report has been published, there is normally a follow up by the HMI within 18 months. Can I ask why this did not happen after 2001 report?

Senator Kinnard:

That was never the agreement. You must remember that we are in a different situation here, where we are not part of the prison service of England and Wales. We are a separate jurisdiction. From the point when the prison was opened at La Moye, there had never been an inspection report. It was only at the time that the long-term Governor, Mr. Wheeler, was retiring, that we were then in a position that we had to obviously recruit that we felt it was important to invite the inspectors in, to give us our very first inspection report so that whoever the Governor was that was going to be recruited would, basically, know what he or she was taking on. At that time - because, of course, as I say, it was the first report - there was also a decision that in terms of a rolling programme that it would be sufficient to have a report done only really at sort of certain slots of time. We are not, as I say, subject to the regime of England and Wales.

The Deputy of St. Martin:

Okay.

Deputy D.W. Mezbourian:

I would like to do a follow up question to that. You say that it was only commissioned in order for you to be in a position to recruit when the sitting governor was leaving, were you then satisfied that the prison was in good order before Mr. Wheeler was due to leave?

Senator Kinnard:

Well, clearly, as I say, the first inspection report in 2001. So that was a snapshot, if you like, of the prison at that point in time. But, certainly - and I do not know whether you would have any intention of calling in any other previous people involved - I would say that they would probably tell you that the prison had been, for a great many years, suffering from issues around the budget but they had become progressively more difficult since we had greater levels of overcrowding. Certainly, we would say that the report, as you know, in 2001, came up with a huge number of recommendations. With the incoming prison governor we really said: "Well, here are the recommendations, this is your job for the future." But, again, you have got to look at it. We had been a separate jurisdiction, there has never been an inspection, and all of a sudden in 2001 you have got the current expectations of the prison service of England and Wales as the standard, and they were looking then at Jersey Prison. So there is like 30 years of previous time where that was not done.

Deputy D.W. Mezbourian:

Okay, but are you saying then that until 2001 Home Affairs was satisfied that the prison was in a good condition and being well run and managed?

Senator Kinnard:

This is a difficult question. I think the prison, throughout the period of time, given the situations that they have had to deal with and the resourcing it has been well run and managed. But the recommendations are a set of targets, if you like, or a set of recommendations which are at the very highest standard, which, as I say, there has been a huge change in culture in the prison service of England and Wales in recent times. Suddenly Jersey, that had never been involved in that, had to kind of get to grips with it. Steven, you were perhaps more involved with that.

Deputy D.W. Mezbourian:

Sorry, just to go back to my first question, was Home Affairs satisfied before the 2001 report with its 147 recommendations? Was Home Affairs satisfied that the prison was being well run and managed?

Senator Kinnard:

It was the Defence Committee and there was a different kind of culture. Certainly, at that time, I was not a member of it. They did not have the difficulties in terms of numbers, for a start, to deal with.

Mr. S. Austin-Vautier:

If I could help Deputy Mezbourian go back a bit?

Deputy D.W. Mezbourian:

Yes, perhaps do. We are glad that you are here so that you can --

Mr. S. Austin-Vautier:

Yeah, well, I was working in the court service at the time, and I think the sad fact is that when the first HMI report was commissioned, it happened to coincide with when overcrowding really took off at the prison. When things like the people serving long sentences for drug trafficking really started to bite. Before that the prison had got some slack capacity. There was a percentage of cells which were not used. But we sort of quickly - and I suppose it is Sod's Law, if you like - in 2001, got to the stage where the prison van turns up and you are not quite sure what to do with the people in it. That is the sort of position that --

Deputy D.W. Mezbourian:

Had the report had been commissioned in 2000, would it have been as damning?

Senator Kinnard:

Who knows?

Mr. S. Guy-Gibbens:

I do not know. From personal knowledge, I know that I think 2001 was a sort of a defining moment, if you like, in the prison's history.

Deputy D.W. Mezbourian:

So it was timely really that you were due to get a new governor and decided to --

Senator Kinnard:

I mean, certainly, I would say from my own personal perspective that I felt that the prison service in Jersey at that time had been left behind. I mean, part of my degree is in criminology, and I do have some background in these kinds of issues. So I was aware of the changes that had been going on in England and Wales, and I did have some feeling that we in Jersey had been left behind. It quite clearly -- because we were not part of the main system. So there was not access to the things that other prisons have, like training, all sorts of facilities that they can get from the central service we could not get in Jersey because we were not part of that. We, frankly, had been left behind.

Deputy D.W. Mezbourian:

Would you just be able to confirm to us when you became involved in the prison as the Member of Home Affairs?

Senator Kinnard:

Yes, was it 1999?

Mr. S. Austin-Vautier:

January of 2000.

Senator Kinnard:

January 2000. January 2000.

Deputy D.W. Mezbourian:

So that was Defence?

Senator Kinnard:

That was as a member of the committee. No, that was the Home Affairs. What happened was there was a separate prison board, separate from the Defence Committee, and that was under the Deputy Henry Coutanche, and what happened was the Home Affairs Committee was -- when did that come together now?

Mr. S. Austin-Vautier:

January 2000, and it amalgamated the Prison Board with the Defence Committee to form the Home Affairs Committee.

Deputy D.W. Mezbourian:

But you were on Defence?

Senator Kinnard:

No. So, I came in at the very new Home Affairs Committee under Alistair Le Salle.

Deputy D.W. Mezbourian:

And when did you become President of Home Affairs?

Senator Kinnard:

That would have been --

Mr. S. Austin-Vautier:

January 2003.

Senator Kinnard:

January 2003, yes, that is right. Because Alistair, unfortunately, from my point of view personally, was not re-elected and I managed get into the --

Deputy J.A. Martin:

Just hearing what you said about the change of culture, and you felt that the prison had been left behind, and this was the first report that you had ever done. I think it is amazing, thinking that is the first report, and the culture and the way the prison exploded, and with 147 recommendations that you did not think it was even more appropriate to have the follow-up 18 months later as a check.

Senator Kinnard:

Well, I think the decision had already been taken at the time that we were going to invite the inspectors in, that it was only going to be at periodic times. But you must remember also in

Jersey, that we like to, to some extent, keep our independence. But also I think that at the time we had a new prison governor coming in and we said to the new prison governor: "Here are the recommendations, and we want you to give us a report on your view on them for the Home Affairs Committee to consider." We then got into a situation, I do not know if you remember, that that Prison Governor, Mr. Kirby, left the Island halfway through his contract for personal reasons. So we were then into having to re-recruit another prison governor. In some senses, I think it would have been unfair to have required, in 18 months, another report to be done, right at the point when the prison was having to deal with a change of prison governor and was having to be run by the deputy governor. I think that there was not a decision to do that anyway, but I think if there had been it would not really have been a terribly fair one. I think it became quite clear early on that resource issues were the paramount difficulty, the paramount importance. That is really what we were doing, in terms of trying to action the recommendations. Our focus was on trying, mostly, to get the capital programme through because, quite clearly, we knew that most of the accommodation that we had existing at the prison was not human rights compliant. If we could not do that, then really all the rest was so much sticking tape. So that is where the focus was and we were dealing with that scenario at a time when the States was getting even tighter and tighter about trying to screw the lid down on expenditure, insisting that we had to make efficiency savings. I mean, with all of these problems the prison was facing and the inadequate budget, it was still having to make the required efficiency saving.

Deputy D.W. Mezbourian:

Are you saying that this was being placed on the condition of the buildings --

Senator Kinnard:

The 2 go hand in hand.

Deputy D.W. Mezbourian:

-- that on managing correct procedures within?

Senator Kinnard:

No, the 2 go hand in hand and perhaps I might pass over to the Prison Governor, who will give you, from his experience, how it is you cannot really separate the 2.

Mr. S. Guy-Gibbens:

I think that is absolutely right, Minister. I think, as I said earlier, with the prison design - and, again, you have seen it for yourselves, so you know bits of it. But for us to properly supervise prisoners, for example, with the current prison building conditions, we would need a significant increase in the number of prisoners. Now, I mean, one recruiter says, and it was in both their reports - and it is a very valid criticism - is the difficulty of letting prisoners out at night to use the toilet. There is

no doubt, from a security point of view, I should either be saying: "No, we will not do it. There is a bucket, get on with it," is one way of dealing with it. The alternative is to dramatically increase the number of prison staff I have got at night so that we can safely and securely let prisoners out at night. Now, we do not do that and there is bits of risk assessment that we undertake to do that. That is an example of where the poor buildings go hand in hand with the resource issue. So, certainly from my perspective, both are equally important, and that is why I am always very careful when people say it is good news that the capital building programme is moving forward. Yes, it is, but do not think that will be the answer. It will not. We will need resources as well, in order to be able to do the things that, in the 21st century, we ought to be doing in prisons.

Senator Kinnard:

Yeah, I will also say that in England and Wales resources were being absolutely thrown at the prison service in order to increase capacity. Also thrown at things like when they had a performance improvement plan. I think it is half a million that a prison governor is given in England and Wales and a team is brought in to run his prison while he develops the plan. We are asking our prison governor to try and deliver this within existing inadequate resources. There is no ability for our prison governor to take the time out and do the job as he would do in England. This is the problem, we knew that resources were causing us big issues and as a result of that, that meant the recommendations were taking much longer to implement. I think, to be honest with you, I do not speak for Mike Kirby, because he can speak for himself if you wish to contact him, but I think it came as a shock to him to realise that the kind of resources that would have been available to implement them were clearly not coming online in Jersey. I think that is the difficulty probably that you have experienced as well.

Deputy D.W. Mezbourian:

I would like to go back to the performance improvement plan that you have just mentioned, which the Governor is now working on. Before the 2005 report was commissioned, were you aware of the amount of problems that there were within the prison buildings and procedures?

Senator Kinnard:

It came as no surprise, I would say. Certainly when we give you the background papers of when we went off to Finance and Economics Committee, we are raising and flagging there the big issues around overcrowding.

Deputy D.W. Mezbourian:

Well, you were aware obviously that not all the recommendations from 2001 had been carried out?

Senator Kinnard:

Yes, I was certainly aware that the ones to do with the resourcing, some of them could not be carried out until we had the resources to do it. Hence the focus on trying to get the capital programme in. But then, on the revenue side, it was desperately difficult to get sufficient resources just to run the prison as a unit to incarcerate prisoners.

Deputy D.W. Mezbourian:

So I as you were you aware of all these problems, why is it only as a result of the 2005 report that the performance improvement plan is being introduced?

Senator Kinnard:

Well, it is quite a new thing, even in England and Wales. Perhaps, Prison Governor, you could give the detail on that.

Deputy D.W. Mezbourian:

You could call it by any other name. I mean, let us forget that it is a performance improvement plan. Why were these issues that you have been asked to address now within the plan not being addressed before the recommendation in 2005?

Mr. S. Guy-Gibbens:

I think as the Minister has explained, certainly in my time I do not think I have been particularly quiet in saying that I feel physical conditions are poor, I feel the amount of resources we have got are lacking. I have said that from the day that I arrived here. I continue to say that. I am not changing anything that I have ever said. Indeed, various reports have been put forward to the former Home Affairs Committee, supported by that Committee and now by the Minister, to get additional resources. It is why we were able to be successful in getting Finance and Economics to agree that we could increase the establishment by 25, because we were 25 members of staff short, just to do the very basics, not to start doing any of the rehabilitation. Just the very basic security needs at the prison needs an additional 25 members of staff, which we have now got permission to recruit and we are in the process of bringing on. In terms of the capital programme, again people here have far greater experience and knowledge than I have of Jersey, but will know that -- and it is the same anywhere, you are not going to get additional millions of pounds, and that is what we are talking about, overnight. So we have got new buildings going up now at a cost of several million. I am hoping that in the not too distant future, we are going to move forward with that. Unfortunately, there is not a quick fix, in my view.

Deputy D.W. Mezbourian:

We are talking about resources to improve conditions but why could management not have identified what is being asked for within the performance improvement plan?

Mr. S. Guy-Gibbens:

Yes, I mean, you are right on one level, but --

Deputy D.W. Mezbourian:

Had their recommendations already been identified by you and your management team?

Mr. S. Guy-Gibbens:

Certainly, as I have just said, yes, I guess what the performance improvement plan is doing is trying to pull everything together. I think that is useful because on one level, in my view - certainly in the early stages of being at the prison - was that this is an impossible task I have been given. There is too much to do. So this is able to try to focus the mind, to try to put in one comprehensive plan, everything; rather than perhaps what I have done up to now is almost a piecemeal approach. To say: "Right, we need to do something about the psychologist. We need to do something with the chaplaincy team. We need to do something with security. We need to increase education." I have done that with the management team, with Home Affairs, with the Minister, but what this is doing is trying to pull it all together. I guess, much in the same way, again, as the Minister has referred to the report that there was nothing surprising in that from our point of view. But I guess it did hit you a bit between the eyes when you got everything all together. My view is that when the performance improvement plan is completed, that will be pretty similar. You know, for the first time all the different elements that all of us have been talking about for some time will come together. I suspect, again, that may come as a bit of a shock to people when we do start to identify what the real shortfalls are and what the real needs are. Again, I mean, I have talked before about I am not interested in quick fixes. I am not interested in knee-jerk reactions. The prison deserves better than that. Jersey deserves better than that. We have got to do better than that. This is the one opportunity, it seems to me, that Jersey has got to, if you like, put its house in order and get a prison that it ought to be proud of. We --

Senator Kinnard:

Again -- sorry, carry on.

Mr. S. Austin-Vautier:

The idea that we can do all this in one go is a folly. I mean, we are going to have to prioritise here. You know, it is an impossible task to think that you could put everything right at the same time, all in one go. We are going to have to establish priorities for doing that.

Deputy D.W. Mezbourian:

That will obviously be within the plan?

Mr. S. Guy-Gibbens:

Yes.

Senator Kinnard:

Can I just go back to this thing about the previous governor and so on, because, of course, you must, as I say, remember that we have had 2 governors in this time. That Governor Kirby made a very good start on the recommendations but he did find that they could not be sustained, precisely because of what this present governor has described. There was too much to do and there just were not the resources to do it, and it was a case of how do you do it? How do you plan it out? What we discovered was that I would say that perhaps some of the reports that I received were a bit optimistic, to be frank. That this was really becoming -- coming to light at about the time that Governor Kirby was leaving his post. When the new governor took over, he wanted to review the whole lot. I kept saying: "Well, we have got these recommendations. How are you getting on with the recommendations?" He said: "Well, hang on a minute, because I want to really get down to the bottom of this to work out exactly what can be sustained." And if I may be so bold as to speak for you, Governor, I think he took a slightly less optimistic view of what could be sustained, and basically said: "Look, if we cannot sustain this properly, in my view, we say it has not been achieved." I welcome the honest approach that this governor, and certainly the other governor, has said: "Look, you know, basically, we have got to be very clear about this. It is no good saying we are going to over-stretch to try and achieve this and then, some months down the line, we cannot continue it." At this time, with the performance improvement plan, what we are very clear about is we have to be very clear about what the resourcing implications are, because it is not fair on the staff and it is not fair on the prisoners.

Deputy D.W. Mezbourian:

I think my question was really, although we call it the performance improvement plan was there nothing like this before that?

Mr. S. Austin-Vautier:

2002.

Deputy D.W. Mezbourian:

Before the 2005 report as on a good management basis that someone prepares the report highlighting what the deficiencies are and, therefore, what deficiencies need to be --

The Deputy of St. Martin:

Can I just add on to that? Who was it delegated to? You had a committee at that stage, did you delegate to some specific group and say: "Look, we have a problem here, please get on with it." Did you delegate that to anybody?

Senator Kinnard:

I will answer the first question first, about the reports and so on. Governor Kirby, on the basis of the 2001 report, did a response to it, which came to Committee. Also, he did, within that response, his recommendations in terms of what we needed, in terms of capital investment and so on. So something along those lines was done and the running spreadsheet --

Deputy D.W. Mezbourian:

Did you call that the performance improvement plan?

Senator Kinnard:

But I was just saying, it is not of the depth or vigour of what we are doing now.

The Deputy of St. Martin:

Why was it not done? Because, we are looking as if the 2005 really is a rerun of the 2001. Fortunately, we are now going to have a performance improvement plan, but it is -- I ask again, really, you had a problem in 2001, you did not or did you consider setting up a specific group to say: "We have a problem, please get on with it and report to me" so we had some mechanism to ensure that something was done?

Senator Kinnard:

Okay, the first thing I would say is performance improvement plans in the form that we are doing now have only really been in existence in England and Wales in the last 6 to 9 months.

Deputy D.W. Mezbourian:

(... several inaudible words)

Senator Kinnard:

I am coming back to this other question. What we have in Home Affairs is you have got operational areas, and you have experts, if you like, in the operational areas who are heads of their operational area. Now, Governor Kirby, at the time, did not ask for any assistance from that point of view. He was clear that it was his responsibility to take forward those recommendations and make reports to the Committee. The Committee saw him at their monthly Committee meetings, he gave a report about various issues to do with the prison and updated us as we went along at our monthly meetings. There was never any request or any desire on the part of Governor Kirby to ask for some other form of oversight. So the Committee, firstly under Alistair Le Salle and then under myself, were, if you like, the political oversight, but the responsibility from our point of view was the operational head's responsibility to deliver the recommendations that we had set as --

Deputy D.W. Mezbourian:

So you when received the reports from Governor Kirby, which you received on a fairly frequent basis, were you satisfied that the reports were giving you correct details as to the way the recommendations in the 2001 report were being dealt with.

Senator W. Kinnard:

Well, I think one takes a view here that obviously we took him at face value. We were on occasions required to report in terms of progress in response to questions in the States and those responses were given to the States. I would have to say that --

Deputy D.W. Mezbourian:

Because when I asked you a moment ago about the 2005 recommendations and the report coming as a surprise, you said it was not a surprise.

Senator W. Kinnard:

It was not. Well, it was not a surprise from the point of view that we knew that there were resource issues which meant that all of those recommendations could not be implemented in a timescale that we wanted to implement them. In fact, there is a whole lot that was achieved and in terms of the recommendations there is a whole list of things that were achieved under Governor Kirby. Perhaps I could pass this to you and you could perhaps take a copy of this.

The Deputy of St. Martin:

Well, if you leave that for us we can look at it.

Senator W. Kinnard:

This just gives you an example. There are 2 pages of what was achieved under Governor Kirby. I do not want you to run away with a view that he did not achieve anything.

The Deputy of St. Martin:

No. If I could bring you back to the question, really what we are looking at, as indeed (...inaudible) Deputy Mezbourian, that the fact is that you did not set up a specialist group to say okay. You left it completely to the prison governor, who had a very busy prison to run. There were no monitors, no checks, no specific --

Senator W. Kinnard:

Well, there was --

The Deputy of St. Martin:

No, because you took him on face value. Again, I come back to the Prison Board of Visitors report which they made in 2002. They said 114 recommendations had been carried out. Then when one reads some of the questions that have been asked in the States through Deputy Jennifer-Anne Bridge, a couple of times we get different reports of how many have been done, so the whole thing seemed to be who was directing whom?

Senator W. Kinnard:

The reason why it changed is because a number of things were set up that could not be sustained. We were actually quite clear and honest about that. If they could not be sustained we were not going to say we were doing them. So, it was a changing situation. You have to remember at the same time we had increasing numbers of prisoners, so any resources that were going towards doing some of these programmes suddenly would have to be put back into just the role of incarceration. That is the reality of a fluid situation where you have incredibly stretched resources and your main job is keeping your prisoners actually in the prison. I do not know if you want to comment?

Mr. S. Guy-Gibbens:

Well, I think you alluded to it earlier, Minister, and certainly I know that Mike would have had the same difficulties that I have now got. Yes, what he should have done, what I should have done and what I should be doing now is very carefully monitoring this, having committees looking at that, and as the Minister said, colleagues across the water would have access to a whole range of different support and assistance, including up to an additional half million pounds to be able to buy in consultancy or whatever to do it. We have not got that and I know, yes, clearly I could have gone to the Minister and said: "Look, in order to take this forward I would like you to go to the States and say: 'Could I initially have an additional half million?' and then on top of that can you look at all of the other resources?" But I know the position, I read the JDP, I listen to the local radio and TV; I know that resources are stretched, so we are trying to deal with it as best we can. Again, one of the peculiarities, one of the benefits and advantages, if you like, is that we are separate, but what that means is as well as being prison governor I am head of the prison service of Jersey. What that means is that when, quite rightly, people like yourselves want to ask questions about how the Jersey prison is operating, I am the person (along with Mr. Austin-Vautier and the Minister) that you would want to talk to. That is quite right and proper. But what that means is that I, again quite rightly, spend hours and hours getting all of the information that you quite rightly want, therefore, as well as, if you like, my day job of trying to run the prison. Then in my spare time I (...overspeaking).

Deputy D.W. Mezbourian:

One final comment, please, on my question with regards to the performance improvement study and who has responsibility. My comment really is that the Minister in her opening speech to us stated exactly really what the panel wanted to hear, which is that the performance plan will be regularly monitored but I think more importantly that it will have responsibility assigned to the achievement of its objectives. That is the point I was trying to make following the 2001 report: was responsibility assigned?

Senator W. Kinnard:

I think Governor Kirby took it really upon himself and did not assign the various responsibilities. I think in hindsight (and I do not like to be critical as he is not here to answer for himself), it was a mistake on both his part and certainly on our part. I accept that and that is one of the things that I have made quite clear: that will not happen again.

Deputy D.W. Mezbourian:

So, if responsibility is assigned, then accountability must follow?

Senator W. Kinnard:

Absolutely, yes.

Deputy S. Pitman:

Talking about the PIP and the resources, how satisfied are you that the performance improvement plan will be financed?

Senator W. Kinnard:

I am not at all satisfied because at the moment we do not have a budget for the prison that is adequate to meet the recommendations.

The Deputy of St. Martin:

Could I ask if you could expand on that later on because I think that will follow through later on. I just want to move on. You will get the opportunity to expand on that, but I really want to go on. I am conscious of time as well. We heard about that there was no follow-up on the 2001. Now, having the benefit of hindsight, (...several inaudible words), will you be looking at or getting the HMI to come back in 18 months' time to say: "We are getting it right" or you are not quite getting it right?

Senator W. Kinnard:

No, there is a different procedure. We have got constant monitoring of it and, Prison Governor, perhaps you would like to explain how that is going to be achieved.

Mr. S. Guy-Gibbens:

Well, absolutely. Through the performance improvement plan there will be, as we talked about, clear targets. That will be reported through to Home Affairs and through to the Minister and through to the States, through to yourselves if you wish to receive it. But also we are linking in with England and Wales and from time to time they will come across and monitor us. Now, again, one of the bits that I think is relevant is, of course, the inspection is not free and I guess if you ask me as Prison Governor do I want to spend £26,000 on having another inspection in 18 months' time or would I like £26,000 to have half of a teacher or half of a drugs worker, that is not too difficult a question for me to answer.

The Deputy of St. Martin:

Okay, good. I think that we are satisfied. Let us move on. We now move forward to 2005. Why was that report commissioned? You had no means of knowing how well you were doing on your 2001 because there were no reports coming to you from the Board of Visitors. There was no annual report being published by Home Affairs. How did you know how successful your recommendations were because you were getting different numbers (...overspeaking)?

Senator W. Kinnard:

I explained that.

The Deputy of St. Martin:

What led you to have the 2005?

Senator W. Kinnard:

Well, we had planned to have it at any rate but also I was very clear that the new Prison Governor had come in, he had reviewed matters. We had answered various questions and during the process of that that had been reported to the States. We were under pressure. We had increasing numbers. There were pressures on the budget. We were aware of all of that as the wide picture. The prison governor was obviously very close to it, but again, I was up at the prison on a fairly regular basis. I could see what was going on. As I mentioned, families of prisoners themselves contacted me and certainly a regular programme of HMI reports was what we had built into the programme. This was the standard procedure; that was what we were trying to do. We have it in other areas. We do it for police; we do it for fire service; probation has a similar system. We have this oversight and overview in our area of Home Affairs, which is an independent oversight and overview that other ministries perhaps do not have. I can think of circumstances where perhaps they ought to consider it, but we do have that and as I would say, those other services have on the whole got very, very good HMI reports because they have been adequately resourced. The prison has not been adequately resourced for decades and I think it is impossible

for us to really say that they could meet all of those recommendations without giving them extra resources to do it. That is something that I have tried behind the scenes to do, to FSR and so on. You must also remember the situation changed politically. Instead of fighting out your corner on the floor of the House in the budget debate, it was all done through an FSR process. Certainly, if you want to speak to some of my other colleagues, and perhaps some of you who might have been attending in an observational capacity, you will know full well that I have fought the case of the prison and its lack of resources at those FSR meetings and, indeed, as I say, at F and A on a number of occasions.

The Deputy of St. Martin:

Could I just say we have heard it cost in the region of £26,000, £27,000. You say it is money well spent. Was there any other way possibly you could have drawn people's attention to it? Because I think somewhere along the line, maybe in the States somewhere, you have said you called for this report as one way of advertising how problems were at the prison. Could you not have found another way of, again, saving £26,000 without having a report?

Senator W. Kinnard:

As I said, this was part of a set situation where we have regular reports, which we had said we had set out a plan of when we would have them. It seemed to me that it would not be right to have a scenario where we were saying: "Well, we are not going to have this report." It would seem very odd; there would certainly be questions on why are you not having this HMI report done when you are doing it on the same regular basis in other parts of your services? But from my own personal perspective, I needed to have objective independent analysis of what I was seeing on the ground, which was they were incredibly stretched. Things that they had really tried to achieve they were being disappointed (I am talking about prison officers now) that they could not carry them on and could not sustain them. So, we needed to have an independent analysis of that.

The Deputy of St. Martin:

Can we just move on because I think you have covered that in your speech, Senator Kinnard. We have this report. It was carried out. You had 6 months' notice prior to it coming because I think somewhere along the line you asked for it. There are 2 types of reviews that can be carried out. One is when someone just calls in on you.

Senator W. Kinnard:

We do not have unannounced inspections.

The Deputy of St. Martin:

Then the other one was in advance. So, here you called for it, so you knew you were going to have this report. In fact, you almost had 6 months to prepare for it because I think you asked for it some time at the beginning of (...overspeaking).

Senator W. Kinnard:

What happens is you have to give notice because clearly Her Majesty's Chief Inspector of Prisons is a very busy individual and so are her teams, so it is not a matter of having prior notice. You have to, if you like, put in your bid, your application, and they tell you when they are going to do it. Clearly, it has to be at their convenience that they do it. But we did not have all that amount of time in a sense to prepare or whatever for the report. It is not like that at all. Basically, the resources that we put to the report we knew that we had to put to having that report done. But in terms of preparing for it, with no resources how are we going to suddenly -- are you trying to indicate that somehow in that 6 months' period we should have tried to put some better gloss on the situation?

The Deputy of St. Martin:

No, I am just trying to get --

Senator W. Kinnard:

Because certainly I do not see that as our role.

The Deputy of St. Martin:

No, what I am trying to do is get the drift. You have 6 months' notice. The HMI come along, about 15 or 17; in fact we were honoured by having the HMI herself, Anne Owers, to come over. This report was carried out over a matter of days in the same time as Guernsey's one coincidentally was also being carried out. Then the report was put out. I think on page 6 it says her report was then presented in September. Then we have the process where do we go from there. When did you get the report?

Senator W. Kinnard:

I saw the report I think it was January.

The Deputy of St. Martin:

Could I ask you, Governor, when did you get the report?

Mr. S. Guy-Gibbens:

I saw a draft report in I think it was November just to correct any factual inaccuracies.

Senator W. Kinnard:

And then, of course, there was the elections and so on and so basically a lot of work could not get done.

The Deputy of St. Martin:

You were still with us, though, you were not involved in elections so it was still your baby, so to speak?

Senator W. Kinnard:

I was not the Minister obviously at that point. I was the President.

The Deputy of St. Martin:

It is the same difference. You were responsible for Home Affairs?

Senator W. Kinnard:

I was responsible for Home Affairs at that time. I did not see this report when it came back after the factual corrections until January.

The Deputy of St. Martin:

You were not biting at the teeth saying: "Look, I have a huge problem. I have been visiting the prison regularly. I have seen all of these problems and I have called for the report" and you waited until January before (...overspeaking)?

Senator W. Kinnard:

No, it was not a question of waiting. That was when I received the report to look at it. My Chief Officer was not in a position either to do anything about it at that point. I do not know what this kind of issue is because you have raised it with me before. What are you trying to imply?

The Deputy of St. Martin:

No, I am trying to imply or trying to get from you how serious you took the whole issue at the prison.

Senator W. Kinnard:

I think I have made it quite clear how serious I take these issues at the prison. You have mentioned the Guernsey report. I think that if you care to look at some back reports of the Guernsey press you will find that I am held up as being the responsible objective person who is taking very seriously these recommendations and wishing to take them forward, in contrast to other governors in other places.

Deputy S. Pitman:

Just out of interest, will the performance improvement plan go to the Council of Ministers?

Senator W. Kinnard:

Sorry, I did not mean to say governors; I meant to say ministers. Sorry, I missed that bit.

The Deputy of St. Martin:

So, we have now got the report and we will come on to that performance improvement plan now. I will ask the question. What stage are we at now? You have employed 2 officers from the UK to come over.

Senator W. Kinnard:

No.

Mr. S. Guy-Gibbens:

We have occasional assistance. We did have 2 across for 3 days. I had another across for a period of 3 days by himself and, indeed, 2 are going to come across for 3 days in 2 weeks' time to assist us with some of the process and some of the background, not to write the report.

Deputy D.W. Mezbourian:

And will there be a cost to getting ...?

Mr. S. Guy-Gibbens:

Yes, there will. I am keeping it as low as I can recognising the constraints that we are under. Maybe the Minister will say: "Here is half a million" and that will make my life a lot easier, but if that does not happen I will continue to -- even if it does happen, I would still have regard to taxpayers' money and be as efficient as I can be. There is a cost, but not a great deal.

Deputy S. Pitman:

Can I just go back to my question? Will the performance improvement plan go to the Council of Ministers?

Senator W. Kinnard:

Yes, indeed, it will. Basically, I am happy for anybody who wishes to see it, they can see it. We are very happy for it to be an open document from that point of view.

The Deputy of St. Martin:

Just coming back as far as the cost again, is it difficult to define how much cost? Do these people charge so much a day when they come to us?

Mr. S. Guy-Gibbens:

Yes. Obviously there are travel costs, living costs, but yes, there is then a cost to their services as well and I continue to negotiate with colleagues in the prison service of England and Wales to get the best deal that we can.

The Deputy of St. Martin:

So, we have got this performance plan which you were hoping to have by the end of April but I can understand the problems of getting it. It is a very important piece of work; you have to get it right.

Senator W. Kinnard:

It is. Obviously we are seeing it developing. It is incredibly detailed and it is going to be a very impressive piece of work.

The Deputy of St. Martin:

I think what is very important is what was missing in 2001 through to 2005: how is it going to be monitored? What is the process for making sure that we do not end up in 2010 with the problems we have had in 2005?

Senator W. Kinnard:

Again, I think we have already covered this ground. It is going to be setting targets; there are going to be assigned responsibilities and accountability lines; and it will be going to myself and also the Council of Ministers.

Mr. S. Guy-Gibbens:

Absolutely. I guess one of the bits that will stop us being here in 2010 will be us having sufficient resources to carry it out. It is okay having targets and responsibilities (and clearly it is down to me to assign and I am content to do that), but there will also be the column that says: "resources". If they are not forthcoming then we or my successor will be here in 2010.

Mr. S. Austin-Vautier:

Another factor, Chairman, if I can add to what the Deputy said earlier, there is an important point here. What you exposed I think was something that was not quite good or was not very good under committee government, but just as there is a ministerial system with a council and scrutiny, there is also a Corporate Management Board. At the time that all of this was going on, the former committee did not have the benefit of a Chief Officer in Home Affairs. They do now. Clearly, we work together. We scrutinise each other and I am accountable to the Chief Executive and the Corporate Management Board. So there are 2 parallel lines of accountability working here and I think that will serve us all better.

Deputy D.W. Mezbourian:

What the public has been asking recently, certainly people we have spoken to, is who was accountable for not delivering the recommendations in the 2001 report?

Senator W. Kinnard:

I would say the whole of the Government, States of Jersey, because clearly I was responsible as the President, just that level, but under the committee system we have talked about there were difficulties. Also within Home Affairs, as the Chief Officer just mentioned, we did not have a chief officer. Now, we were an unusual scenario in that virtually everywhere every other set of departments did have a chief officer. We were the ones that did not. Not to put too much of a gloss on it, I had to in some circumstances almost play the role of doing some of the functions of a chief officer on top of being a committee president. Completely unsatisfactory; not a role for which I have been trained and quite clearly it was not satisfactory under committee government. That has been changed. We now have a Chief Officer and, as was mentioned, the Corporate Management Board keeps a much tighter control of these things. Indeed, under ministerial government I do really feel that my colleagues are now beginning to accept that they need to shoulder some of this burden too. Certainly 2 areas where that has been the case is obviously in the area of our health needs at the prison. That will now be taken over.

The Deputy of St. Martin:

We will come on to that one presently.

Deputy D.W. Mezbourian:

I will just make this comment. You as Minister are totally accountable and if you fail to deliver --

Senator W. Kinnard:

Absolutely, but I think I should be accountable for a situation from the start of ministerial government. What I do not think, if I may say so, is fair is to seek to make me accountable now for a system that really we have all agreed was not an ideal system.

Deputy D.W. Mezbourian:

Would you say, then, that you are accountable for the delivery of the recommendations in the 2005 report, which was before you became Minister?

Senator W. Kinnard:

This 2005 report that we have now? Yes, I consider that I am accountable for that, but I would say to you that what now we have as a difference with a Council of Ministers is a collective view that we all have a role to play in this. That has not been accepted before. It is beginning to happen. I

have to say it has not gone quite as far as I would like it to go, but there has been a recognition of that. Again, at the end of the day, I am one Minister fighting for one pot of money which has got to go to other areas of the central services.

Deputy D.W. Mezbourian:

However, the system is that if you or any of the other ministers do not deliver, you will not remain in post for long.

Senator W. Kinnard:

Absolutely, and that is accepted. But as I say to you, the difficulty that we have in this scenario is I am saying to you we are in a new system now where I think that there are going to be improvements. But if we do not get the resources, we are fighting for the resources but I am fighting against health, I am fighting against education and so on, and you have to realise that.

The Deputy of St. Martin:

We understand your problem.

Senator W. Kinnard:

Other people would have run from this job, to be frank with you, but I will not do that because I care about these issues and I am determined to see them through. Now, very easy for politicians to jump on to some other portfolio and say: "Oh, those are all the problems then. They are nothing to do with me. I am not going to sort them out." What I am saying is those are all the problems then; there are lots of mitigating reasons why they could not be sorted out, but instead of just leaving that I am saying to you: "I want to get this job finished and I intend to do everything in my power to do that."

The Deputy of Trinity:

Just 2 questions. Going back to the performance plan, are there dates attached to your achievement plan?

Mr. S. Guy-Gibbens:

Yes.

The Deputy of Trinity:

One for you, Minister. You said about the Council of Ministers, collective responsibility, etc. If the Council of Ministers do not give you full support, where would you go from here?

Senator W. Kinnard:

Well, the difficulty, of course, is that if I do not get the support of the Council of Ministers to at least try to assist in terms of resourcing, we will not be able to achieve large tranches of the performance improvement plan. The budget I have at the moment will not enable us to achieve that. The budget that I have going forward into 2007 only achieves the existing system of incarceration except that we will have a few other added bits, as I say, with health assisting us. We have a little bit of assistance from education. We are achieving a lot and we have already achieved a lot, but there will be large tranches. I cannot put it any other way; that if I do not get more resources it will not be achieved.

The Deputy of St. Martin:

Okay, I think we have heard that clearly a number of times.

Senator W. Kinnard:

Please will you help me get them.

The Deputy of St. Martin:

I think we really want to get on with the 2005 report. For simplicity, we would ask you to look at page 77 of the HMI report, recommendation 9.1. That deals with the issue of children and juveniles should be held in separate prisons. How do you see you addressing this particular issue?

Senator W. Kinnard:

That is mostly to do with the development of Greenfields and, of course, that is ...

The Deputy of St. Martin:

Because Greenfields, no doubt, will assist in the problem, but make it clear to the panel really how it is going to affect the age level because I think one of the concerns at the prison is that we do have very young people at the prison who possibly should be elsewhere. So, could you help us to see how you are going to overcome the problem, including the ages of who will be where at a certain age?

Senator W. Kinnard:

Well, Prison Governor, I will pass it on to you because you have been part of the Children's Executive dealing with this issue and you will have the detail. I think possibly it is best if you respond.

Mr. S. Guy-Gibbens:

Yes. There has to be a change in the law, so I have to start off with saying that, and that has not yet gone for drafting so it is not yet in place. The intention would be where we are able to, to try to make some common sense because Jersey is small enough to hopefully be able to operate in a commonsense way. So, whilst on one level it is clear that children should not be held within the young offender part of the prison, what we are going to try to achieve is not to have an absolute age cut-off. Because clearly we all know that there are some 19 year-olds who are pretty juvenile in their maturity and there may be some 17 year-olds who are reasonably criminally sophisticated and mature. So, it certainly seems to me that it does not make sense, therefore, just to have this artificial cut-off point. However, there may still remain some legal difficulties with that and I am not a law officer and would not pretend to address that. Clearly, the overall aim both of the prison and of the Children's Executive is that prison is not the appropriate place for children. Certainly, those 15 and 16 year-olds who we currently lock up should not be held there.

Deputy S. Pitman:

The Children's Executive, who does that consist of?

Mr. S. Guy-Gibbens:

It consists of representatives from probation, the Children's Services, Social Services, education, psychologist, health, multi-disciplinary.

Senator W. Kinnard:

It came out of the Kathie Bull recommendations. It was set up following that.

Deputy S. Pitman:

Can I ask how much work you do with the Youth Service and if you think it is satisfactory?

Mr. S. Guy-Gibbens:

My main personal involvement with Youth Service is through the Children's Executive. I do have some other involvement, but I guess there is no doubt greater involvement from my manager in charge of the young offender unit than myself personally.

Senator W. Kinnard:

Can I just mention as well that the law drafting for that piece of legislative change is in the programme for 2007. Are you intending, Mr. Chairman, to go through all of those recommendations?

The Deputy of St. Martin:

No, we will go through them. I am quite happy that we could move on maybe then to 9.2 and ask Deputy Martin to address that.

Deputy J.A. Martin:

I will, but the Governor or Senator Kinnard did not answer when will Greenfields come online?

Senator W. Kinnard:

Oh, right. That is autumn this year.

Deputy J.A. Martin:

It is still on track for autumn this year?

Senator W. Kinnard:

I believe so.

Mr. S. Guy-Gibbens:

Yes, it is.

The Deputy of St. Martin:

How much of the problem will it solve? It is only about a dozen or so, Greenfields. It will obviously solve a problem, but it will not solve a great problem.

Mr. S. Guy-Gibbens:

If only in terms of numbers, but I think the principle of the prison not looking after juveniles and really we need to have very different arrangements for juveniles than for young offenders. So, it will make a significance.

Deputy J.A. Martin:

The recommendation 9.2 again has been made to the committee or the Minister about the database and IT system so you can be more effective in managing the prison population. How high a priority do you give this?

Senator W. Kinnard:

Huge. It is essential to help us to deliver a lot of other things and, in fact, that is well on the way. In fact, perhaps you would like to give us the latest on that?

Mr. S. Guy-Gibbens:

Yes, we are hoping to award a contract next week, we are that close to it, assuming that the companies are satisfactory.

The Deputy of Trinity:

The next one of the main recommendations is 9.3 about transferring responsibility for health and education to the Island's Health and Education Departments. Have you discussed this with the relevant ministers and what are their recommendations? Because that also was recommended in the Wool(?) report, I understand.

Senator W. Kinnard:

Yes, and indeed the latest on that is that, in fact, Health and Social Services are going to take on the health needs of the prisoners in the prison. That has been agreed and is going forward, which means a lot of the recommendations around that area now we can tick off as work in progress and some of them achieved, obviously.

Deputy S. Pitman:

Does that include the prescription drugs?

Senator W. Kinnard:

Yes.

Mr. S. Guy-Gibbens:

Yes. Their takeover, which again you know from the visit, is certainly what I was looking for, is the responsibility for the health of Jersey prisoners in prison will be the responsibility of the Department of Health, of all of it.

The Deputy of Trinity:

I was thinking about the drugs that GPs write as a private prescription and that way you could save yourself £34,000 or whatever?

Mr. S. Guy-Gibbens:

Absolutely, yes. In fact, as I say, all of the health needs of prisoners will be the responsibility of the Department of Health.

Deputy J.A. Martin:

But the Department of Health are not responsible for the prescription charges; it is Employment and Social Services. Have you spoken to them? Are they willing to take on another £34,000 a year?

Senator W. Kinnard:

I believe that Health are looking at how they may provide prescriptions.

Mr. S. Guy-Gibbens:

Yes.

Deputy J.A. Martin:

So, it will not be the same way as the normal person on the street, as they were before they --

Senator W. Kinnard:

We do not know, it is up to them how they will achieve it, but that is for them to do.

Deputy J.A. Martin:

So you have not yourself spoken to Employment and Social Services?

Mr. S. Guy-Gibbens:

No, because as I say, the healthcare needs of prisoners will be the responsibility of the Department of Health. How they decide to administer that is not for me to determine.

Senator W. Kinnard:

It is up to them.

The Deputy of St. Martin:

Have you got a time when that will be activated?

Mr. S. Guy-Gibbens:

We have very active discussions and it is certainly anticipated that the majority of that will be in place by the beginning of next year.

The Deputy of Trinity:

Moving on from that, you talked about that the health of the prisoners will be looked after by Health and Social Services. Does that include the staff in the healthcare centre as well or will they still come under you?

Mr. S. Guy-Gibbens:

That is an area for further discussion.

The Deputy of Trinity:

You cannot elaborate any more on that? At the moment they are still --

Mr. S. Guy-Gibbens:

At the moment they are prison staff.

The Deputy of Trinity:

Just carrying on from there, have you looked at them having to have any clinical governance or any supervision?

Mr. S. Guy-Gibbens:

Certainly that part of it, there is no doubt that will come into being. There is no doubt that their professional development and the clinical governance will fall to the Department of Health, whether they remain as prison staff or if they transfer.

The Deputy of Trinity:

One of the other recommendations was to appoint a health promotion officer. How far are you with that? Is that going to be appointed? Because there is somebody, I understand, doing it at present in their own time.

Mr. S. Guy-Gibbens:

Yes, we are quite well advanced. We have agreed the job description. We have agreed where the establishment is coming from. We just need the final bits to be tied up before we can go out to advert. I would hope that we would be going out to advert within a matter of weeks if not days.

The Deputy of Trinity:

Is that going to be a new position as such?

Mr. S. Guy-Gibbens:

Yes.

The Deputy of Trinity:

This new position and all the other issues, will that affect your budget? Is the budget for the health of the prisoners going to be transferred across or are you keeping it?

Mr. S. Guy-Gibbens:

No, it will be transferred across. Yes, that would be the intention.

The Deputy of Trinity:

So there will be no financial savings as such?

Mr. S. Guy-Gibbens:

That is why I said there will need to be some careful discussions because clearly the aim is that we are going to benefit from it. So, the final numbers have yet to be agreed.

The Deputy of Trinity:

Also recommendations about putting a drug and alcohol counsellor in place; have you looked at increasing the hours for her bearing in mind that 75 per cent of your prisoners are in for drug-related crime?

Mr. S. Guy-Gibbens:

I would love to have far more drug workers. I just do not have the resources. I have increased my one counsellor to a full-time post but that is still in my view woefully inadequate.

Senator W. Kinnard:

We would need more resources to be able to do that, but clearly it is something we would very much wish to do.

The Deputy of Trinity:

So that is not changing?

Senator W. Kinnard:

Except she is doing more hours and there were other things, there were groups set up and so on to deal with addressing the needs of particular using groups, if you like.

Mr. S. Guy-Gibbens:

Yes, but clearly that will be one of the key elements of the plan which will have a resource cost next to it.

The Deputy of Trinity:

That is in your performance improvement plan?

Mr. S. Guy-Gibbens:

It will be, yes.

The Deputy of Trinity:

We have talked about Health and Social Services. The other recommendation was the education. How far are you in discussions with the Minister?

Senator W. Kinnard:

There have been some discussions that have gone on with that and what we have been offered by Education, Sport and Culture is a post starting in September to take forward the education needs

of the prison. I do not know, Prison Governor, if you want to expand about how you see that or what you want to develop going forward?

Mr. S. Guy-Gibbens:

Yes, it is good news and it is a step in the right direction in my view and I will be working very closely with the Department of Education, Sport and Culture to determine exactly what position that one post is going to take forward. Certainly, my view of education is that I do not want to take a narrow view of education because we are talking principally of adults so it needs to be a wider skills and training role that I am looking at. Because clearly the aim of all of this is to try to stop prisoners re-offending so we need to make sure that the education in its wider sense, the training and the skills that we are able to bring in would enable prisoners a far better chance of getting a reasonable job when they leave the prison. So, again, we are at the early stages but we know that the person is going to be in post by September so I have 2 or 3 months to work with Education to determine exactly what sort of person and what sort of post we are going to have.

The Deputy of Trinity:

Is that in addition to the staff member that you have got now who does the education?

Mr. S. Guy-Gibbens:

Yes.

The Deputy of St. Martin:

Are there any other questions? Could I ask Deputy Mezbourian to move on to 9.4?

Deputy D.W. Mezbourian:

9.4 is the performance improvement plan and the very detailed recommendations in the report setting priorities and time targets for action. What we have chosen to do is just run through the items that it says should be included in the performance improvement plan. I would just like to speak to you about the effective first night and induction processes that are mentioned. I will start by saying that in the 2005 introduction it is stated that safety and security are key issues for prisons and that La Moye lacked proper first night and induction procedures. Indeed, that prisoners felt unsafe on their first night in prison. This position of feeling unsafe has, in fact, worsened since the 2001 report. In 2005 it shows that 30 per cent of male respondents and 50 per cent of female respondents felt unsafe. What I would like to ask (and I think it should be addressed to the Governor) is what are the current reception procedures? We have heard a lot of negative things being said this morning. At this point I would just like to highlight that in the report it does say that reception was a reasonable facility but it was extremely clean and well maintained. Also that new prisoners were booked in in an efficient manner. I think I would just like to take that opportunity to say something that is positive here.

Senator W. Kinnard:

Thank you. It does make a nice change.

Deputy D.W. Mezbourian:

Just to go back to the question, what are your current reception procedures?

Mr. S. Guy-Gibbens:

They have changed slightly since the report in that now all receptions are dealt with through the reception area, be they men, women, young offenders, juveniles or whatever. So, I guess we are trying to build on that good practice that was identified for all of the prisoners that are received. We are looking at bringing in a more comprehensive first-night process as well as an induction process. Some of that will be greatly assisted by the IT system when we finally get it because that will help us to identify particularly vulnerable prisoners or particular needs in a far more systematic way than we are able to do at the moment. I think one of the other bits that the report does talk about quite a lot is the very positive relationships between staff and prisoners and clearly in reception is the area where that starts. I know that all of my reception officers do deal with all new receptions in a very sensitive way. There are various bits of, if you like, officialdom that have to be got through, the nature of imprisonment, but notwithstanding that we do try to make sure that we are as sensitive as we can be. We have now introduced the prisoner insider scheme. This is the peer support scheme whereby, particularly if it is somebody's first time in prison, as well as a member of staff explaining what the processes are we will link them up with one of the prisoner insiders who can give it to them from their perspective and hopefully allay some of the very genuine fears and concerns that prisoners will have, particularly I guess because if they are living in Jersey they cannot have failed to see the reports that have been in all of the local media about the concerns of the prisoners. So, if you are reading that in the local paper, watching it on the television, listening to it on the radio and then you are being driven up to come into the prison, that is bound to affect how you think you are going to be dealt with.

Deputy D.W. Mezbourian:

So, on reception how is the information provided to them? Is it verbal or written?

Mr. S. Guy-Gibbens:

It is verbal at the moment. There is some written information passed on, but again you will know that that is one of the criticisms, is that it is not kept up to date. Indeed, we are starting to look at a better way of informing people and, indeed, obviously making sure that it is available to any of the prisoners that we may get, within reason. In other words, trying to make sure that we cover the main languages of prisoners who may be coming in. I do have to say within reason because we could get anybody from anywhere in the States.

Deputy D.W. Mezbourian:

If you are going to provide written information for reception of prisoners, that would, in fact, comply with the Prison (Jersey) Rules 1957 which states that within 24 hours every prisoner who can read has read the information.

Mr. S. Guy-Gibbens:

Yes, and we do give them some written information. My concern is that it may not be absolutely up to date and it may not necessarily cover all of the areas. The other bit that I am very keen on, for me one of the strengths of, indeed, the English prison system, particularly the Jersey prison system, is the good relationship between prison officer and prisoner. What I do not want to happen is that we replace that physical link of a prison officer sitting down with a prisoner and explaining things with: "Here is a leaflet. Go away and read it and get locked up in your cell." So it is trying to get that balance. What the written information should be doing is supporting what the prison officer has told them. Because one of the other things that we know is whether it is your first day at a school or in a prison, you do not retain a lot of what you are told when you first arrive, which is why it needs to be backed up with some written information.

Deputy D.W. Mezbourian:

Also in the law it refers to those people who have difficulty in reading and understanding having the information explained to them so that they do clearly understand. Obviously you say they do not retain everything immediately. It would, of course, be helpful for them to have the information to refer to later on during their time in prison.

Mr. S. Guy-Gibbens:

Absolutely.

Deputy D.W. Mezbourian:

It states in the law that it is explained to the prisoners so that they may understand their rights and obligations. I think their obligations are important for them to understand because in the World Health Organisation statement on the importance of the safe introduction of prisoners into custody, it states that it is very important that new prisoners receive sufficient information about the details of prison life to enable them to adjust and cope with custody. Obviously the way that they are processed or inducted into the prison will go some way to helping them cope with their incarceration, to helping them understand their obligations. Of course, if they understand their obligations then it should make it easier for your staff to work with them. I do not think you have really said a lot about the current reception procedures. Will they change as a result of you producing this performance improvement plan? Certainly it says that you must introduce an induction process.

Mr. S. Guy-Gibbens:

Yes. They are separate bits. No, there is not an induction programme at the moment and we need to introduce that. That needs to be devised; that then needs to be staffed. So, again, there are some resource implications there, but that will be something to be included in the performance improvement plan.

Senator W. Kinnard:

To be fair, there have been changes as well particularly in the induction of women and so on.

Mr. S. Guy-Gibbens:

Yes. There is a danger with any report that there is bound to be jargon and I guess my understanding of an induction programme is something that is run in lots of prisons that I am aware of and is a pretty formal induction programme which includes things like how to correctly lift heavy weights and a whole range of different issues. That we have not got; that we are developing. What we do have is sensitive staff who will sit down and talk to prisoners and deal with them. Again, one of the advantages of being a relatively small prison is that we can deal with individuals as individuals and yes, certainly on the female wing or the young offender wing in general more time will be spent with an individual because of the nature of that particular unit. As I say, the introduction of the insider scheme has moved things on significantly so that as well as the prison officer speaking, a prisoner will speak to them. Part of that will be the prisoner saying: "Look, they are not horrible big warders that are going to beat you up. If you have an issue, if you have a problem, they are very approachable. Talk to a member of staff." That is for me probably the key message that I would want every prisoner to take away when they first come in, is if you are not sure what you should be doing, ask a member of staff. I think we are fairly good at getting that message across. I guess a measure of that would be that there are very, very few prisoners when they first come inside who fall foul of the roles that we have and find themselves on adjudication. I guess that would bear out the bit that we are able to deal sensitively with people. We do explain what the basic regime is, what prisoners need to do, where they need to be, how they get food, etc. What we do not have is a proper formalised induction programme that would link with sentence planning (because we do not have resources for sentence planning) and starts the whole process off.

Deputy D.W. Mezbourian:

Bearing in mind that an induction programme, which obviously is different to the reception process because induction can be a continuing process --

Mr. S. Guy-Gibbens:

Yes, it is the following week.

Deputy D.W. Mezbourian:

Bearing in mind that it is important for the prisoners to help them feel less traumatised being received into prison, particularly for those who will have been there for the first time, and bearing in mind that it imposes on them an understanding of their obligations and what is required of them within the prison for the effective running, indeed, of the prison, where would you place the introduction of formal induction process as priority within the other issues that you have to introduce in this performance plan?

Mr. S. Guy-Gibbens:

It is high up there. I would anticipate that we will have an induction programme certainly during this year, hopefully by the autumn. Part of the induction programme normally would be to introduce the prisoners to the range of different education opportunities that we have, the range of different training opportunities that we have, the number of different workshops that there are for them to work in and how they can progress through the system. Of course, we do not have those other bits in so it would be a shorter induction process.

Deputy D.W. Mezbourian:

How would you expect to monitor its effectiveness?

Mr. S. Guy-Gibbens:

That would be through a range of measures, some of it just by walking around and feeling the atmosphere and I certainly do not discount that as a method, but also by more formal methods of prisoner interviews and annual surveys.

Deputy D.W. Mezbourian:

I think that has probably covered the induction, thank you.

The Deputy of St. Martin:

Just one thing I picked up from your question was do they get given a copy of any prison rules? A lot is given and I can just imagine a new person going into prison being quite frightened about the whole experience. They are given all this information and suddenly it is in one ear and out the other. Do you give them a piece of paper which you say has to be updated?

Mr. S. Guy-Gibbens:

Yes. It is more than a piece of paper. There is a small booklet, yes.

The Deputy of Trinity:

Can I just ask a very quick one? Are children still being strip-searched by just one member of staff?

Mr. S. Guy-Gibbens:

No, we always have a minimum of 2 members of staff now for strip-search in reception. We do not routinely strip-search children before we have done an assessment.

The Deputy of St. Martin:

Whilst on strip-searching, would you ever get a situation where a male officer would search a female or a female being asked to search a male?

Mr. S. Guy-Gibbens:

You would never ask a male member of staff to strip-search a female nor a female member of staff to strip-search the other gender.

The Deputy of St. Martin:

We talk about strip-search; how about a body search?

Mr. S. Guy-Gibbens:

Body search, males can rubdown search only males; female staff once they are trained can rubdown search both male and female.

The Deputy of St. Martin:

Is that part of prison rules? It seems to be a male cannot strip-search or search a female, yet a female can ...

Mr. S. Guy-Gibbens:

Yes.

Senator W. Kinnard:

I do not find it odd at all, I suppose because I am of the female gender.

The Deputy of St. Martin:

Yes, but where a female says she would not like to search a male -- I can imagine a female may well have --

Mr. S. Guy-Gibbens:

Well, again, with a small staff I cannot have that luxury of saying: "Okay, yes, you can do this bit of the job but you do not have to do that bit of the job" and: "You can do this bit of the job." I am afraid I cannot operate like that, in common with 135 prisons in England and Wales.

Deputy S. Pitman:

With reference to 9.5 of the recommendations, the second point, a violence reduction strategy, systems, procedures and staff training to deal with bullying, the first question is in the 2001 report it refers to a timetable had been set out for implementation of the anti-bullying policy, yet in the 2005 report it said there was no published anti-bullying policy. What is the progress with the policy?

Mr. S. Guy-Gibbens:

I cannot speak for my predecessor, but it is true that there is not currently a violence reduction strategy. We have appointed an anti-bullying co-ordinator as the first stage of taking that process forward. We have also now appointed very recently a staff training officer to start looking at the whole range of staff training.

Deputy D.W. Mezbourian:

Albeit that you cannot afford to pay for staff training, as the Minister told us?

Senator W. Kinnard:

We have certainly had great difficulty, as you know, on pressures on the budget and we are getting some assistance from colleagues.

Mr. S. Guy-Gibbens:

Yes. I think as I said earlier, we are shortly appointing another 16 members of staff. It will not make life easy but it will enable us to do a bit more of the basics and, for me, part of the basics is training. It is an absolute essential and somehow or other (and I cannot tell you how) we will achieve some training. Perhaps not as much as we ought to, but I am no longer prepared to govern a prison where we are not training staff.

Senator W. Kinnard:

I have to say that the difficulty that has been present is that even if training could have been made available you could not release the staff to do the training because you could not have run the prison.

Deputy D.W. Mezbourian:

So, you are just about to appoint or have just appointed 16 new staff members?

Mr. S. Guy-Gibbens:

Yes.

Deputy D.W. Mezbourian:

Are they prison officers?

Mr. S. Guy-Gibbens:

No, they are the operational support grade, which is the grade, if you like, below prison officers, but they will be taking some of the jobs or part of some of the jobs that are currently being done by prison officers that in my view do not need to be done by prison officers.

Deputy S. Pitman:

Can I go back to the policy again? It says here that a draft policy had been written in 2004. Will you be using that to draft a new policy? This is on page 27 of the 2005 report, 9.3.

Mr. S. Guy-Gibbens:

Certainly yes, we will be looking at it as a starting point. As I say, we have now appointed a co-ordinator who will be looking at that and certainly we are hoping to do some research during the summer using a student that will help guide us into what are the key areas we need to be looking at.

Deputy D.W. Mezbourian:

I would like to do the follow-up question, if I may. On page 33 of the report, section 3.59(?), it states that staff had reported to (...inaudible) that a Madeiran and a black member of staff had both received a high level of racial abuse which could be categorised as bullying (and that is what they are discussing at the moment) from some staff and prisoners and this was ignored by management. I wonder whether a comment could be made on that?

Mr. S. Guy-Gibbens:

Absolutely. I looked at that and have done a bit of delving. Again without wanting to pass the blame, as it were, it was before my time. I have made it absolutely apparent that under no circumstances will I tolerate any racist or sexist comment or abuse and that anything that comes to my attention will be thoroughly investigated. As I say, I cannot speak for my predecessor as to why that was not properly investigated. My understanding is that it was not taken to senior management but was dealt with or not dealt with at a lower level. It never raised itself high enough up. As I say, I have made it abundantly clear at every management meeting and others that I just will not tolerate it and will take action against it.

Deputy D.W. Mezbourian:

If such a situation arose again, have you put any formal procedures in place for staff to cope with it or would you just expect people to come and speak to you? Is there a formal process?

Mr. S. Guy-Gibbens:

There are formal processes and, again, certainly since I have been in post there have been a number of staff disciplinary hearings that I have conducted, none to do with racism or sexism, but I think staff have seen that that is the route that I will go down. If people are not acting professionally or appear not to be acting in a professional manner, then I will have it properly investigated and there will be a formal hearing and consequences, depending what the behaviour has been.

The Deputy of St. Martin:

Mention has been made about the staff shortage, etc. You are a very experienced prison governor. We have pupil/teacher ratios. How does it work in the prison? How many prison officers do you need for each prisoner? Is it a simple process?

Mr. S. Guy-Gibbens:

No, it is not because it depends on the physical buildings. Again, you have the benefit, Chairman, of having visited the prison so you can see that in the new block that we went into one member of staff can stand and observe 60 prisoners. If you go on to A wing or B wing or C wing, one member of staff, if they are lucky and the lights are full on, can perhaps see 10 prisoners. So, unfortunately there are a number of different elements. Yes, the type of prisoner and, therefore, their security requirements is one of the key ones, but I am afraid the physical constraints also have a significant bearing.

The Deputy of St. Martin:

How many staff have you got at the moment and how many do you really think you would need to deal with around about 180 prisoners on and off at any one time?

Mr. S. Guy-Gibbens:

If we get the buildings that we ought to get, then in terms of purely security, keeping prisoners secure, I guess the number of prison officers combined with the number of the new grades of staff that I have ought to be sufficient for about 200 prisoners. But that is a fairly big "if", if we get the buildings that we need.

The Deputy of St. Martin:

That building we observed I think most of us were impressed. It looks a bit like (...overspeaking) old style of prison.

Mr. S. Guy-Gibbens:

(...overspeaking) purpose.

Deputy S. Pitman:

Just one last one, reference 3.11 on page 28, says that security information reports were not used to communicate concerns and the contents of complaints from prisoners were not analysed. Are these security information reports used now and are the complaints from prisoners now analysed? Or do you plan to put that in place?

Mr. S. Guy-Gibbens:

There has been an increase in the use of SIRs (security information reports) because we have now introduced a regular security committee. The content of SIRs are looked at. It would be wrong of me to say that the same is happening with complaints from prisoners. Whilst, yes, each individual complaint is looked at, they are not analysed in the way that that is talking about there, a systematic analysis.

Deputy S. Pitman:

Is that down to lack of staff?

Mr. S. Guy-Gibbens:

Yes, lack of staff, lack of systems.

Senator W. Kinnard:

IT as well. Although some of these issues will be assisted once we get the IT system in and once we have the OSGs (operational support grades). Prison officers will then have more time to do this kind of analytical work that is required.

Deputy S. Pitman:

When do you anticipate the IT system?

Mr. S. Guy-Gibbens:

As I say, we are hoping to let the contract next week, so if that is the case we will get a better idea then. But certainly I am hopeful that most of the basic bit of the prisoner database will be in place by the end of this year.

The Deputy of St. Martin:

Could we move on to recommendation 9.4. It deals really with identifying and supporting vulnerable prisoners (...inaudible) and also on page 29, self-harm and suicide. One of the

concerns I have is there seems to be under 3.21 on page 29 strip(?) conditions were used to manage cases of self-harm. What if you have people who are suicidal or having problems, is it the appropriate thing to be strip-searching? Does that not really demean the people really at the lowest ebb if they are already pretty low before they start out?

Mr. S. Guy-Gibbens:

It is a very complicated position and one of the interesting bits is one of the prison systems that has the lowest level of suicide is New York. One of the reasons for that is that if there is any suggestion whatsoever that a prisoner may self-harm or commit suicide, they are immediately put into extremely austere strip conditions with a gated cell, with 24-hour constant observation. My view is that that is not the appropriate way most of the time to deal with prisoners who we have real concerns, worries, that they may cause self-harm or suicide. However, the overriding concern I have is to save life and it is always a balance that we try to take. The ideal would be to have a member of staff permanently with that prisoner, talking with them, listening to their concerns, whether that is at 2 o'clock in the morning on Christmas Day or whether it is midweek because, of course, we are a 365-day operation. However, some of that will come back to resources. Of course, we do not get notification that next Tuesday evening somebody is going to be doing this, it will be then and there, and if we are so stretched then it may be for a short period of time in order to save life that we will resort to this. It would be for the shortest period possible. It is very rarely done now, I would have to say, because we will always look at other ways of dealing with it rather than putting them in strip conditions.

The Deputy of St. Martin:

I am glad you covered it because it was the implication it was almost a matter of course that as soon as someone (...inaudible). Could I ask would you have a lady strip-searching a man?

Mr. S. Guy-Gibbens:

No, never.

The Deputy of St. Martin:

Only a physical search, okay. You are appointing a health care officer under 3.23 and that is good. It is a shame; a lot of good work has been done. It says a healthcare (...several inaudible words) did not always attend and prisoners were not involved and consulted. It seems we have a body set up but some people were not taking part. How will you overcome that problem?

Mr. S. Guy-Gibbens:

By ordering managers to attend.

The Deputy of St. Martin:

So it is really not a financial issue, it is a management issue and something is being done?

Mr. S. Guy-Gibbens:

I order them to attend and they attend. That means they are not doing other work that they could be doing, so on one level it is a resource issue and it means something else is not being done. My view is this is so important that they have to be there.

The Deputy of St. Martin:

We are looking at the reporting process. If you are talking about somebody, should they not be consulted about it? What methods have you got in place for those people to be informed that you have a concern about them and you have been talking about them?

Mr. S. Guy-Gibbens:

Yes, again that is back through the residential manager, probably normally through the personnel officer that that communication occurs.

The Deputy of St. Martin:

Again they talk about the correlation between incidents of self-harm and possible bullying.

Mr. S. Guy-Gibbens:

Yes. Again, I think that goes back to the earlier point that we have not yet established the anti-bullying committee. We have appointed a co-ordinator but it is a very valid point that is made there and, yes, it is certainly something that I would expect that committee to be looking at.

The Deputy of St. Martin:

In fact, to be fair, there is quite a concern about it. I want to move on here. Could I take the assurance that these matters are part and parcel of the improvement process? Some of the concerns are immediately being addressed (...overspeaking)?

Mr. S. Guy-Gibbens:

Yes.

The Deputy of Trinity:

Talking about your prison officers spending time with the prisoners talking about suicide and those issues, do they get training for that because it is a very difficult thing?

Mr. S. Guy-Gibbens:

Yes, it is. There are some staff who have had training, some staff who have had refresher training. Wherever possible we will clearly only use those staff that are trained in those particular areas. However, one of the key skills that prison officers have to have is being able to deal with prisoners in any situation and I believe that is one of the strengths they have. I am not diminishing the speciality that may be needed for dealing with people who are at the extreme end of despair and whatever and I guess, if you like, we may only be able to do a care-taking role until we can get the right trained staff to do more in-depth work with them.

Deputy J.A. Martin:

Another part of the performance plan is refurbishment of the accommodation for women and specific policies and practices to meet their needs. Obviously we have been to the prison and we have seen the facilities, but what we cannot work out from the main other recommendations which obviously feed back into 9.4 what recommendations even these are working on. What will be the policies and the specific needs for women? We have been there, but that is the only one we cannot relate to parts.

Mr. S. Guy-Gibbens:

There are a number of specific needs that clearly women need and we need to recognise that difference. As you know, we are dealing with the physical conditions by moving into far better accommodation in the autumn. Yes, we do then at the same time need to look at the particular needs of female prisoners. I think you are right, there is not anything in there. I am confident I will be able to find quite a lot elsewhere that will guide us and help us look at the particular needs of women, including, of course, talking to them themselves.

Senator W. Kinnard:

To give you just an example, it is not the case with us but some other prisons have been criticised for shops not necessarily selling the sorts of things that women might need for their own personal needs. As I say, it does not particularly apply to us but that is a particular area that has come under criticism in a lot of other prisons in England and Wales. There are specific needs and part of it was talking to the women about some of it. With a female minister I think I might be able to provide you with some guidance.

Mr. S. Guy-Gibbens:

Also, yes, I was an ex-governor of a female prison.

Senator W. Kinnard:

Indeed so, I had forgotten that for a moment.

Deputy J.A. Martin:

As I say, there are no recommendations but when we visited we were told by the staff that there are not adequate resources or places where women can meet with their children. Sometimes, if there are more than 2 children, it is forbidden that they can have them all together. Now, I understood that there was a room dedicated and it was opened a couple of years ago. I think the Childcare Trust had something to do with it. I thought that was carrying on. It used to be a Sunday morning visit. That has not happened. Will this be reintroduced?

Mr. S. Guy-Gibbens:

Yes. I think childcare is one of those issues that is perhaps more particular to women than men. There is probably a higher percentage of primary carers among the women than there are the men and certainly, yes, I recognise the importance of the link with children. We have very recently refurbished the visiting area and part of what we have got to look at is what is the best way of using that. Indeed, one of the areas that we are likely to look at is family visits where we can have a bit more time and perhaps in a bit more of a relaxed atmosphere for that to take place. Women are now able, if they are the right security category, to go to Communicare for the visits there with their children if they fit the right security constraints.

The Deputy of St. Martin:

You remember our discussion we had on our visit a few weeks ago now, there was this area of concern that prison rules themselves were not compatible with modern needs. When one looks at the prison rules, they are 50 years old now. I understand that there is some law drafting going on to help. Because really when one looks at the prison rules Article 10 talks about babies and the right of mothers to have them (...inaudible). Other than that, there is one paragraph 22 which deals with supervision of women. Really, it is almost as if women do not exist and yet we have women in the prison, so how quickly do you think we are going to get these prison rules and what sort of changes will be made in the prison rules to accommodate making life easier for parents, mothers particularly, with children?

Mr. S. Austin-Vautier:

The prison rules, along with police procedures and criminal evidence law and regulation of investigatory powers law and gender reassignment, are all things linked to bringing the Human Rights law into force. So, our minds are all concentrated on having to do these things this year because I think there is obviously a physical desire to get the Human Rights law in force as soon as possible.

Senator W. Kinnard:

You must remember that there is a very small department having to deal with these legislative pressures. There is Steven and his assistant and that is basically it.

Mr. S. Austin-Vautier:

That is it.

Deputy J.A. Martin:

Can I just make one small observation and then you can clarify for me? Going through the plan and I have asked about IT; you are saying that is being implemented. The staff training, you will not have staff unless they can be trained. You have appointed an anti-bullying co-ordinator and so on, obviously the things that you said are being done. Where do they fall in where you said earlier that any of the recommendations in the 2005 report cannot be carried out with the budget you have for 2007?

Senator W. Kinnard:

If I did say none of them could then that was a mistake. What I would say is that we cannot fulfil a lot of the recommendations in the report without further funding. Clearly what we are doing is that we are trying to make the best of the small resourcing that we do have, and we have got some assistance now from, for instance, Health and Social Services. The prison governor is calling in favours, if I might put it like that, from colleagues in the UK to assist where they can because, quite clearly, we are in a situation with very few resources. Make no mistake about it, me or whoever it is that is perhaps brave enough to take on this role, unless there is more resourcing that is put into the prison, things will not be able to be sustained in the way that they should be.

The Deputy of St. Martin:

Just one quick one before we move on. I am a bit concerned about the prison rules because I thought we had reached all the legislation necessary for us to go ahead with Human Rights.

Senator W. Kinnard:

Goodness no.

The Deputy of St. Martin:

No, but that was the point that I think most of us were made aware by Senator Walker in the States.

Senator W. Kinnard:

We will be. We certainly will be. I cannot speak for other areas because, of course, we are talking about the whole States here. But from our point of view there are particular pieces of legislation which have been stuck because of tricky issues.

The Deputy of St. Martin:

That is the point I was making with the prison rules. It would appear that this has been stuck over an issue of whether the Board of Visitors should be the (...inaudible) or be their own body. To my mind it seems quite a miniscule issue. I know it may be big for the people concerned, but do you think there are any steps one could take to solve what might be a totally unconnected issue to allow for human rights, etc, for the main bulk of people?

Senator W. Kinnard:

We have resolved it and so they are on the point of being concluded.

Mr. S. Austin-Vautier:

I think the prison governor is going to obviously go through it because the trouble with the passage of time is you want to make sure that you still agree with what is in there. The actual issue that has been a problem is one that we think we have a solution to now.

The Deputy of Trinity:

The next item is the effective child protection measures while children remain at La Moye, and you said that hopefully with Greenfields coming online at the end of the year some of the children will go there. But you also said that some of the children who are still under-age children as such might still be with you. With child protection issues, because I understand reading through the report that child protection training has not been place, is that changing?

Mr. S. Guy-Gibbens:

It will change. It is fair to say, as I said earlier, we have not done any training recently. It will change. Other areas that have changed there already is that I am the main link at a senior level now with Children's Services and others. All staff are now or are in the process of going through an enhanced police check which was another one of the criticisms; that is ongoing in terms of staff working with children. The next bits of it will again be in the plan and will need to be resourced.

The Deputy of Trinity:

Right. All the staff will be police checked at the appropriate level?

Mr. S. Guy-Gibbens:

Yes.

The Deputy of Trinity:

If juveniles continue to be held at the prison, some of those will be exposed to, shall we say, individuals who might be an unacceptable risk to them. How are you going to meet those needs?

Mr. S. Guy-Gibbens:

Well, I think the numbers that we are likely to receive once Greenfields opened is so small that we ought to be able to develop systems without too much difficulty with dealing sensitively with those few individuals that will come to us. There are other wider child protection issues that we need to be aware of, of course, such as visitors who come in with children. It is a pretty complex picture and again that is why I cannot just say: "Yes, from next week it will be better" because there are various things we need to put in place and that we are gradually putting in place.

The Deputy of Trinity:

Just having fewer numbers, will that put extra -- because they have to be somewhere separate so you have got fewer numbers, so will that add extra (...several inaudible words) --

Mr. S. Guy-Gibbens:

Yes. Well, then again there is this balance to be had. On one level there is a suggestion that we ought to keep juveniles separately. If we were to do that, what we would be doing is keeping juveniles in solitary confinement. I do not believe that is a sensible way for looking after juveniles. So, what we need to do is to say we need to put sufficient safeguards in place so that juveniles can interact with other young prisoners but, as I say, with enough necessary safeguards because I think, as I say, the alternative of that is solitary confinement. I do not think anybody will be saying that is a sensible way forward purely because the numbers are so low.

The Deputy of Trinity:

Yes. I mean, we have seen some of the cells that the young people are sharing - there is 2 or 3 that are sharing the cells - and it says that all cells have to be certified. Do those meet those --

Mr. S. Guy-Gibbens:

Well, again that is from England and Wales; there is no such requirement in Jersey.

The Deputy of Trinity:

Well, there is. In the 1957 law it does say and I just wonder what it means by being certified?

Senator W. Kinnard:

Is that the accommodation, certified?. I think it is to do with it being certified for certain use of accommodation because I had to certify past prisons for use by whatever. So, particularly categories of offender. Certainly, I have done that in my time with the prison.

The Deputy of Trinity:

Sorry to contradict you here.

Senator W. Kinnard:

Okay. Well, that is when I have certified it in that sense.

The Deputy of Trinity:

Right. It says: "Certified by the Medical Officer of Health for Prison" that its: "Size, lighting, heating, ventilation fittings are adequate for health."

Senator W. Kinnard:

Oh, that. Okay. Yes. Oh, that. Sorry I misread your (...several inaudible words). So, we (...several inaudible words) but that is the problem, is it not? What do you do? You cannot turn them away.

The Deputy of Trinity:

So, they do not basically.

Mr. S. Guy-Gibbens:

I do not believe they do. In my time here, I have not had any of the cells re-certified or had any concerns raised to me by the medical officer in terms of certification. It is also fair to say I have never seen any certificates in Jersey which are saying which cells can be used and what their standards are. It is something that I intend to introduce again as a result of this plan because part of what that should be saying is how many prisoners we can hold. I think that is one of the difficulties that the prisoners have over the year is we have never said that. Again, it is a difficulty on one level because we are the only prison so it is pretty difficult to say: "No, do not send anymore." But, equally there ought to be some agreed standard that says this is the number that you can hold. Again I am sorry if I am straying slightly but what I would anticipate is that we should have -- that would lead us to saying what the normal capacity of the prison would be and what the absolute overcrowded capacity could be, and that I guess we would then reach the point that once we got to the overcrowded capacity it would be a question of me saying: "I am sorry we cannot take any more." Now, the option now, I guess, would be we would have to move more across to England and Wales but I think we ought to be in that position.

The Deputy of St. Martin:

But that sort of procedure was happening some years ago in the UK and the prison said: "I am not having him" and they did not. I can well remember them going to police stations. But that was a way of highlighting the problem and certainly the governors would move and possibly though maybe it is not for me to tell you to (...several inaudible words) but ...

Senator W. Kinnard:

I mean, the way we have dealt with it is by sending prisoners to the UK which costs us a fortune and that is the only way when we have got to that real point where we really feel that there is no appropriate kind of space that we have dealt with them. But it obviously takes time because you have got to persuade a prison in England and Wales to take them. That does take a certain amount of time to do that and it does cost money. But the difficulty I think is, you have got to recognise when that prison was first built those cells were kind of certified - if they were certified - but they were designed for one prisoner. You know, you now end up with a scenario where that cannot in any way be sustained. They are virtually all shared, I think; the cells, are they not?

Mr. S. Guy-Gibbens:

In part of the prison. In some parts the cells are so small even we could not put 2 prisoners in.

The Deputy of St. Martin:

Okay. Are we finished now? Okay. Anybody else?

Deputy D.W. Mezbourian:

I would just like to ask a question on cells. I have got a copy of your Draft Business Plan 2006-2008 and one of your aims under Objective 4 is to improve custodial facilities. It refers to the percentage of cells that comply with the UN (United Nations) convention. Now, is that the UN Convention on Human Rights?

Senator W. Kinnard:

I cannot think. I think that originally came in -- it was youngsters --

Mr. S. Guy-Gibbens:

No, it is the UN Convention on, I think, the treatment of prisoners, from memory. I ...

Deputy D.W, Mezbourian:

Because it says that you are aiming for 100 per cent by 2008. So, if it is the UN Convention on the Treatment of Prisoners, how many comply with that convention now? Disregarding the fact that they do not comply with the requirement under the Jersey Law, what about ...

Mr. S. Guy-Gibbens:

I mean, the problem is I am guessing in recognising this is on record. I would say the way that we operate at the moment at least half do not. I mean, I can come back and give you a more detailed answer rather than off the top of my head. But ...

Deputy D.W. Mezbourian:

When you have got time.

Senator W. Kinnard:

But certainly as part of the building programme that is what we are seeking to achieve and so ...

Deputy D.W. Mezbourian:

You have got down one of your key risks as unforeseen building difficulties to achieving that.

The Deputy of St. Martin:

Okay. Do we want to move on to your ...

Deputy D.W. Mezbourian:

We move on now to my proper question. So, if I could just talk briefly about the next item in this performance improvement plan which is a system to record prisoners' ethnicity. You have already mentioned, of course, that the new IT (Information Technology) system is coming on line. But if I could just make a few comments about race relations and foreign national prisoners because they are specifically referred to under that heading there. In the introduction, again in the prisoner report on page 5, it states that a quarter of young adult prisoners said that they had been victimised because of their race and yet there has been no work on race relations since 2002 and no training on race relations or diversity of staff as recommended in 2001. That is shown on page 32 under I23.2. Additionally, the Governor is reported in the report as saying that the promotion of good relations was important to the prison, that there appear to be no plans to replace the Race Relations Liaison Officer who had resigned at the end of 2003. Bearing in mind that on page 33 we are told under Section 3.65 that nobody had responsibility for looking after the needs of foreign nationals. This takes me back really to what we were talking about earlier, which was responsibility and therefore accountability, and there was no policy and the support offered to this group is limited. Can or will the Governor please explain what measures and systems you are going to put in place to identify the needs of minority, ethnic and foreign nationals? This is to comply with the recommendation.

Mr. S. Guy-Gibbens:

Yes, certainly. I mean, providing I get the necessary resources then we will be able to appoint a race relations officer, have a race relations management team, appoint a foreign national's officer and develop a policy. Again, it will be relatively simple for me to just say: "Right, okay, I have now appointed a race relations officer." I am not prepared to do that until I know that I can give that officer sufficient time to carry out their duties; I know that at the moment I cannot do that. So, if you like, that goes back to some of the earlier bits. I could do it, get a quick win here and I could change a red to a green tick by saying: "Yes, Officer Bloggs is now the Race Relations Officer."

But, as I say, I know I would not be able to give them any time to do their job. That is one of the reasons why the post failed previously - a matter of 2 or 3 years ago - because there was a race relations officer nominated but they were given absolutely no time to do their work because there were not any spare resources to enable them to do that. So, that will be one of the items that will be identified in the plan along with the cost of that. Providing I get the resources then we will bring it in.

Deputy D.W. Mezbourian:

So, we are told in the report that your race relations officer had produced a report in 2002 - or a business plan - but very few of the objectives have been achieved. Are you going to tell us that those objectives have not been achieved again because of --

Mr. S. Guy-Gibbens:

Absolutely. Because the starting point of that was that he -- it happened to be a chap. The first bit was he needed the time to work with it. He needed the time to train officers. He needed the time to look into complaints. He needed time, he needed resources and my predecessor and myself did not have, and do not have, spare capacity to say: "Yes." Certainly, I would guess we should be talking of at least 2 full days a week to cover that in the early stages of one member of staff plus, of course, if we are then going to do the training it is absolutely essential we have got to be able to release staff to do the training as well as having the qualified staff to conduct that training.

The Deputy of St. Martin:

Just to come on to that one about staff shortages. We constantly hear about how short you are of staff; how you need more money, et cetera, but how much supervision is there given of the actual practise? How are the work programmes built by the officers themselves? Is there a management problem there because one reads about the high amount of overtime being --

Mr. S. Guy-Gibbens:

Well, as you no doubt know the amount of overtime has reduced significantly and part of that was because I was not prepared to walk around the prison and be told by members of staff that they had worked 50 days without a single break. That is totally unacceptable. But, in order to just do the very basics of security, there is a minimum amount of staff that is required. In terms of overtime, I am prepared for anybody to come and look with any amount of detail at all of my books. I have nothing to hide and I know that there is no overtime that is not properly authorised and is not absolutely essential, and that is not taking into account the amount of work that my officers do without getting paid for it. The extra work they do. The work they do on their alleged days off. So, I reject totally and absolutely that there is any abuse of overtime or that there are more staff on duty at any time than there needs to be. The reality is there is not enough staff on duty most of the time.

Deputy D.W. Mezbourian:

I would like to just go back to your staff because we mentioned earlier about, it says in here: "A black member of staff had received racist comments." What proportion of your staff are of ethnic origin? I do not class that ...

Mr. S. Guy-Gibbens:

Sorry what? Okay, perhaps you need to tell me then what you mean by that question.

Deputy D.W. Mezbourian:

Minority ethnic. That is ...

Mr. S. Guy-Gibbens:

I do not have any black officers, as I would define it, or indeed I do not have --

Deputy D.W. Mezbourian:

Do you have Portuguese?

Mr. S. Guy-Gibbens:

Yes, I do have. I am trying to think; 3, I think. It is a very low percentage. I would be very keen to recruit more ethnic minorities, more women; any of those groups that are under represented.

Deputy D.W. Mezbourian:

Well, obviously that is going to be my point that if you were able to recruit those it would probably go some way to, if not resolving the any issues, certainly working towards resolving them.

The Deputy of St. Martin:

Okay. I think we have a good session but we have got about 4 little sessions, 4 little pieces to go. But, this would be the idea if everyone was here would know where we are and (...overspeaking)

ADJOURNMENT

The Deputy of St. Martin:

Could everyone take their seats, please.

Deputy S. Pitman:

Again, with reference to 9.4, facilities for religious observance that means statutory requirements. The first question is with reference to page 51 of the report, 5.34. It says there was no accurate data on various religious groups in the prison. How accurate is this data now?

Mr. S. Guy-Gibbens:

As inaccurate as it was at the time? We do not have a system for it at all.

Senator W. Kinnard:

But with the IT system and the information about prisoners that should be able to be recorded.

Deputy S. Pitman:

And how far were you progressed with accommodating religious needs?

Senator W. Kinnard:

Well, there is an ecumenical sort of team that we are putting together, and in terms of the building programme as well we are bringing forward, the Council of Ministers have agreed in principle. There is another meeting because the whole of the capital programme has not been read in its entirety but they have agreed in principle that we could bring forward the next phase of the building programme for the prison so that the sports facilities and so on would also provide space for religious observance as well as other things like meetings and things like that.

Deputy S. Pitman:

Who will consist of the ecumenical team?

Senator W. Kinnard:

At the moment it is kind of still in negotiations. So, I really do not want to say too much about that but we are looking at a team to cover a number of faiths and, in fact, develop it even on from where we begin. That, as I say, is the intention that we will be covering even more than just the perhaps dominant Christian faith that we are familiar with in our community.

Mr. S. Guy-Gibbens:

I think just the other bit to add to that. Certainly, discussions I have had with the Dean is that he is not concerned about the physical arrangement. He is content that we could find places even as we are, where prisoners could meet together for religious services or meetings. He is not overly concerned and, indeed, understands that with the restrictions we have got, it probably does not make sense to have one largish room that is only going to be used once a week. So, that is less of a problem than I think perhaps has identified in the report.

The Deputy of St. Martin:

Any other questions? Okay. It is my turn here. I have got under the review, security, implementation of effective procedures and management system. To be honest, I will show you my (...inaudible). This jumped out at me and (...several inaudible words). I have a lot of concern,

maybe because of my background, but the fact was it said: "We have serious concerns about security at La Moye" and it is just I bought it. It is a bad week maybe but if one reads in the paper about someone running a drugs business and using a mobile phone, one is left to consider how safe is the prison from within itself rather than how things are getting in and out. There is talk here about: "No formal security committee for at least 5 years. Again, security must be one of the most important things in prison." Where is this committee? Why have we not had this committee up and running?

Mr. S. Guy-Gibbens:

It has been running for now for about 4 or 5 months. It is one of the things that I brought in. In terms of the security staffing, again the biggest impact will be the introduction of the OSGs (Operational Support Grade) because that will enable, for the first time, us to establish a reasonable size security team which will be able to address a number of the issues including the searching.

The Deputy of St. Martin:

Okay, just for the benefit of us is the OSGs --

Mr. S. Guy-Gibbens:

Sorry, Operational Support Grade.

The Deputy of St. Martin:

The ...

Senator W. Kinnard:

Operational Support.

The Deputy of St. Martin:

Okay. It talks about the department being relatively (...inaudible). How much of an impact does the shortage of manpower made because surely everything must come into a prison everything goes out through an entrance?

Mr. S. Guy-Gibbens:

Yes, and every prisoner coming in should be strip-searched going in and going out. If I have got 20 prisoners coming in and going out every day, a strip search takes quarter of an hour, 2 members of staff. You know, it does not take too much to recognise that that is a very directly related resource bed. The same as searching -- certainly, yes, every vehicle should be searched. We have got a large building project going on, as you see at the moment. To search a vehicle that is coming in with several thousand bricks on it, going in and going out, is going to take a significant

amount of time without a number of technological aids that we do not have. The amount of all the food coming in, the number of visits that we have; again, one of the advantages of Jersey is that nobody's friends or relatives live very far away so can come up for very regular visits. That, of course, is going to be a real source of contraband potentially coming in to the prison. Now, of course, that is supervised and restricted to some extent, but again at the end of a visit a number of prisoners ought to be strip-searched. They are not; I do not have the staff to do that.

Deputy D.W. Mezbourian:

So, are there no random checks made?

Mr. S. Guy-Gibbens:

There are occasional; they tend to be targeted rather than random.

Senator W. Kinnard:

But, again with the officers' support grades, then there will be more ability to do that sort of work, which of course is needed.

The Deputy of St. Martin:

Could I move on then? I said about everyone going in and out of prison. Of course, everyone going in a prison means people like us and, of course, prison officers. It seems a certain amount is said about apathy. We hear about there was apathy towards security and searching. Was this something ingrained, which can happen with an institution that there is a relaxed atmosphere here so we are not too concerned about it, but how serious do you take this?

Mr. S. Guy-Gibbens:

I do not. I cannot find immediate reference to apathy to security. Certainly, there is no apathy from my point of view from security nor from the management. There certainly is a view that staff know we do not have the resources to do some of the basic security which would be just expected everywhere in other jurisdictions. But, I do not believe that is apathy. As I say, yes, there is a recognition we do not have the necessary resources.

The Deputy of St. Martin:

Okay. Well --

Senator W. Kinnard:

I do not want to sort of go into too much detail on this but there are some aspects where again you have got a trade off because if we were to not have certain things within the prison - gates within the prison walls, as it were - that some of the activities that prisoners are engaged in are useful

activities in terms of work; they would not be able to do. So, again in some of these areas it is not an easy issue.

Mr. S. Guy-Gibbens:

Also of course the complexity of the prison. So, we have only got the one prison. We have not got an open prison or a less secure prison. So, that does mean that you have got a mixture of prisoners that we are having to deal with.

The Deputy of St. Martin:

Could I just draw your attention to where I got that from, 63 on page 55 that said only 105 security information reports were submitted in 2005, which was a low figure and given the level of security concerns this reflected a general staff apathy towards security matters.

Mr. S. Guy-Gibbens:

Towards SIRs. Yes, I accept there might have been an apathy towards submitting SIRs.

Senator W. Kinnard:

But not in terms of security.

Mr. S. Guy-Gibbens:

Yes, SIRs, I explained earlier, were not being properly processed. We are processing them better and I believe that the apathy towards SIRs has diminished. I mean, again it is not all going to change over night but we are getting more and better quality SIRs submitted.

The Deputy of St. Martin:

Okay. There was no reference to scheduled searching either of the staff coming. I know it can be a bit degrading about staff going in and out but at the same time, I am afraid, it is part of the job and if you work in a prison you are not only putting yourself at risk but your colleagues and the other staff. How frequently are staff searched?

Mr. S. Guy-Gibbens:

They are not. We do not have the resources to do it. That will be part of the searching strategy; will of course include staff searches.

The Deputy of St. Martin:

Can we just move on to look at the boring situation of prisoner shopping? I know we discussed this when we were there and the law says, of course, they can have shopping with authority. It also talks about the risks imposed. It might be easier, possibly, and safer all round if there was no

shopping at all other than using the prison shop. How happy are you with the present arrangement?

Mr. S. Guy-Gibbens:

It is a balance, as I explained at the time. Yes, I understand the inspection, if you like, towing the prison party line that says: "Under no circumstances must prison officers do any shopping for prisoners." I understand the reasons behind that. However, the balance is between that and a member of staff saying to me: "I am the personal officer for Joe Bloggs. It is his little girl's birthday next week and he has asked me if I can buy a birthday card for her. He is giving me the money but he knows that the choice of the 3 birthday cards in the prison shop are not very good." So it is that balance between saying: "Well, yes, I can see that that will (a) enhance prisoner/staff relationships but may also actually help relationships between the mother and the small child." It is that sort of balance that has to take place. But, it should always be with proper authority and certainly always obviously it be paid for.

The Deputy of St. Martin:

Have you had problems with officers who had been purchasing things that they should not or is it a general rule that only certain people can purchase for --

Mr. S. Guy-Gibbens:

Providing that there is necessary authority there and providing the money is coming from the prisoner, then at the moment that is not a major issue. I mean, it is something that we are going to look at addressing by trying to introduce a better range of either stock within the shop or a catalogue type approach.

Senator W. Kinnard:

Indeed even if we get the computer systems up and running for prisons, even potentially internet shopping or get somebody to order for them. I mean, basically things move on. You have got to look at trying to deal with these issues in as wide a perspective as possible and with small resources you sometimes they come up with a solution that has worked for them in the past. It may not be the most perfect solution going forward.

The Deputy of St. Martin:

It is a question of getting it right and I can fully understand. However, I think, I feel it appropriate there are suitable safeguards so people knew where their limitations were so if they want to buy something and if they are going to buy it, it is then checked when they brought it in. Have you had any serious discipline problems among staff?

Mr. S. Guy-Gibbens:

We have not had any serious discipline problems, no.

The Deputy of St. Martin:

Okay. We will just look at the very last one on that. It is to do about the keys. That then jumped out at us about the fact that those keys on the -- if you look at the last page 7 and night locking arrangements should be introduced immediately to ensure that an officer not in a cell does not carry keys. That is 95. I know that was an assumption but has that been --

Mr. S. Guy-Gibbens:

No, it has not; I explained earlier it has not. That is this balance between allowing prisoners to use the toilets at night in a reasonable manner and again because of the layout of the prison. Again, I understand that system. I mean, in the past I was head of a security audit team so I know exactly where that is coming from and it is absolutely right. But, again, I guess it is trying to put standards from a quite different prison system with different resources into what we are doing here and certainly there are other comments in here about making sure that prisoners do not have to wait too long before they have access to the toilet at night. Well, that is in complete conflict with that and it is trying to get this balance and the risk assessment. Part of that, of course, will be resolved once we get new accommodation. Then certainly there will not be a need for staff to unlock prisoners at night.

Deputy S. Pitman:

Yes, with reference to 9.4, the introduction of education and skills training and you have really answered a few questions that I was going to ask. One question was you mentioned that you would be bringing in somebody to co-ordinates education and training skills. Will this person also recommend how many more teachers you need and will he be able to implement the recommended (...several inaudible words)?

Mr. S. Guy-Gibbens:

Certainly, yes, it would help me to have another professional on board who can give a view on what the education and training provision should be; so to be able to quantify that. As to whether then we will be successful in getting the additional resources to get the additional teachers that I am certain they will identify, I will identify the resources I need.

Deputy S. Pitman:

Will this person have a role as a teacher?

Mr. S. Guy-Gibbens:

Almost certainly, as I say, I am only in the very early stages of discussions. I need to talk with Education, Sport and Culture to make sure that we make best use of the very limited additional resources that we are getting. But almost certainly they will have a teaching background and it would surprise me if they do not do some up front teaching.

Senator W. Kinnard:

One of the problems, of course, that was a very important part of the criminal justice policy in terms of rehabilitation that I had hoped the State would debate last October and they did not. So, there was that issue and also resources put alongside it and it was not that we were seeking to put in the kind of resources that they even have in England and Wales because it is clear that that kind of money would not have been available. We have pared it right down to £100,000 recurring costs. Even with the resources we have been offered, we have not got a resource I do not think that is going to be up to that level. So, there is still a way to go on this, I am afraid, and I would certainly hope that my other political colleagues would see that there is an issue that has to be addressed here, both in terms of statutory responsibilities to educate those who are of an under school age and also in terms of life long learning. I am grateful for the assistance we have had so far from Education, Sport and Culture, but it is clearly not enough.

Deputy S. Pitman:

Also the GCSEs and O levels; who pays for them?

Mr. S. Guy-Gibbens:

We pay for them. We pay for the exams, yes.

The Deputy of Trinity:

Can I just ask a question here? Talking about the library resources; do you have a library or just rely on the mobile library?

Mr. S. Guy-Gibbens:

The reality is probably neither really. We have several rooms that have books in them. I think it would be stretching the imagination a little to call that a library. I have got a meeting with the librarian scheduled next month where we are looking at what is the best way of improving the service within limited resources of both services. But, as I say, currently there are books available but yes, it is not what I would see as a good, properly professionally run library.

Senator W. Kinnard:

There will be opportunities again, when we get the prisoner computer system in, in terms of perhaps ordering books, to have access to law books on line and so on but it is clearly not what

we would see as ideal which is a properly resourced peopled library doing the wide range of work that is required in that sort of role because we do not have the facilities.

The Deputy of Trinity:

The facilities or manpower?

Senator W. Kinnard:

Both. Well, we do not have the manpower. We do not have a physical area in which to put a library.

The Deputy of Trinity:

I just think whether the Prison Fellowship who visit regularly, whether in their voluntary capacity, had you thought of using them or --

Mr. S. Guy-Gibbens:

I had not, to be honest, but I mean, yes. I mean, that is a possibility. I believe that we should be offering prisoners in Jersey good access to modern library facilities which, as we all know now, has moved on significantly from the days when I last visited a library which was just to get a book to read. But, it is all the rest of the services that they ought to be providing, in my view. Yes, as the Minister said, hopefully we have now got, or will be in the process of rolling out, reasonable IT for prisoners. It seems to me that that may be the opportunity to give prisoners better access to information through that medium.

Deputy S. Pitman:

And it says in the report that there is no guarantee of education for school children?

Senator W. Kinnard:

Yes. I mean, it is a difficult one. My reading of the education law is that it is a statutory responsibility to deliver education to children under school leaving age. But, that has not always been happening. There has been some assistance and I think that has improved in recent times.

Mr. S. Guy-Gibbens:

Yes, it has and again we are looking at trying to link with IT because I guess it is - without generalising too much, but in general - the sort of young people that we may have, may be fairly disaffected school children anyway and so we need to be looking with the Education Department at trying to look at more imaginative ways of engaging with them. It may be that IT is a way of doing it. The only difficulty from the education perspective has been, certainly in my time, we have never had more than 2 juveniles at the same time and on occasions those 2 have been one boy and one girl and so they cannot meet with them together. So, it is again a pretty heavy resource

that we are asking from education to come up and provide 2 teachers to provide the necessary education. But, it is accepted, certainly by me, that it is a statutory responsibility to provide the education needs.

Deputy D.W. Mezbourian:

Have you finished? Okay. I would just like to ask, because I do not know, who makes the final decision as to priority or prioritising issues? In this instance, in the criminal justice policy it states quite clearly that 4 levels of literacy, numeracy and general education ability dramatically increases (...several inaudible words). Now, who makes the final decision as to where the money is spent on education? Does it lie with the Governor or does it lie with the Minister, because I do not know?

Senator W. Kinnard:

I think again we are in danger of always seeing this issue in isolation because obviously a lot of people who end up at La Moye are those who have been school failures or excluded or have been challenging to the system. I would say bullying is also around. There is racism. I mean, they do not arrive at La Moye and turn into racists overnight, you know? There are lots of issues that are going on much earlier on which requires early intervention. One of the big things within the criminal justice policy was about early intervention and I would say that for too long there is a lot being pushed on, and I think this is true in England and Wales, pushed on to the prison service to mop up the difficulties that have not been dealt with in other parts of the system. You know, you have got to ask yourself to what extent is it the responsibility of the prison service whose primary responsibility is to keep prisoners secure. To what extent is it their primary responsibility to do the remedial teaching if you like, that has failed to be achieved earlier on? But I do not see it like that. I do not see it as being a confrontational thing. What I would like to see, and I think this is one of the benefits that hopefully the Council of Ministers' style of government will help, is that we need to all say we have a responsibility, we have all got duties in this and we have got to work together to make sure that wherever the problem occurs, that we are intervening appropriately. But do not just leave it until the end and forget about those people that we should have been dealing with earlier on in the system. Do not leave it to the end for the prison service to pick it all up because frankly they cannot do it because they are just left without the resources but the challenges and the difficulties of the individuals with their own disadvantage to deal with. We have got to work together.

Deputy D.W. Mezbourian:

So, that was a question specific to education. When the resources are allocated, is it the Governor who decides how they are spent?

Senator W. Kinnard:

Well, it is a mixture. Obviously the Governor's decisions will be guided by the policy of the Minister but I have got to be very clear, we have statutory responsibilities and the statutory responsibility first and foremost is to be a place that keeps prisoners secure. Now, if after that you have got other resources and you can apply them, that is fine, but at the moment we are so stretched and have been so stretched that there is not that kind of flexibility. As much as there are things that we have been doing, wanting to do, we can only go so far with that. Clearly education is an issue we see as important. Actually, bullying is important but you cannot get blood out of a stone.

Mr. S. Austin-Vautier:

Could I help with an analogy because it is also in the prison? There was separate funding voted last year for post-custodial supervision. £250,000. Now, half of that was for probation. Now, that money is shunted into a siding at the moment for that but that is new money and so is that. That is not money that is already in the prison budget. If that policy had been accepted by Members - or even debated - and the money voted, it would have gone for that purpose. But, when you are pared to the bone to run a prison on the budget it has got, it is asking a lot to find that £100,000 out of what is there already, because you are going to end up not doing things that you should be doing; essential things.

Deputy D.W. Mezbourian:

So, the decision comes down to the Governor because he is running --

Mr. S. Austin-Vautier:

Well, it would if we were asking him to find it out of his own hide.

Senator W. Kinnard:

But, I mean, I am realistic about this. I know enough about this budget; goodness knows I have been through it time and again with a fine toothcomb. We are happy for, you know, audit committees, audit commissions, whatever, to go over it. We know that, at the end of the day, the budget is so stretched. We have got immediate statutory responsibilities that we have to deliver and as much as there are projects that I would love to see in place, if the money is not there I have got to say, as much as I would like this, my first duty is to meeting my statutory responsibilities and the duty is to keeping our community safe.

Mr. S. Guy-Gibbens:

Yes, and I am very clear that it is for the Minister to decide how I spend the money. It is for me to advise the Minister, from a professional standpoint, of what I see the money ought to be spent on.

Deputy D.W. Mezbourian:

That is really the answer to my question. It is the Minister who decides?

Mr. S. Guy-Gibbens:

Absolutely.

Mr. S. Austin-Vautier:

When we come into finance generally, we can expand on that very point.

The Deputy of St. Martin:

I think it would be useful if you could give us -- because we have heard a lot today that things cannot be done because you have not got the money for it. How much money do you think you need?

Mr. S. Guy-Gibbens:

Well, that is part of what this plan will do, and I do not want to pick a figure out of the sky without -- because your next question, quite rightly, would be: "Well, you said you needed an extra £2 million. Why? What are you going to spend it on?" That would be a very legitimate next question which I could not yet answer and that is what I am working on to come up with a realistic - not an inflated - but a realistic figure of what I feel is needed to operate a prison.

The Deputy of St. Martin:

The general feeling with respect to me is that you cannot always throw money. It has been proven with football teams. You can throw money at buying players - I know Chelsea's managed it and I think Arsenal do better - but the fact is that you cannot always throw money and you could be throwing good money after bad.

Senator W. Kinnard:

That is the importance of the performance --

Mr. S. Guy-Gibbens:

Some lose change would help.

Senator W. Kinnard:

Yes, absolutely. But, that is the importance of the performance improvement plan. It very clearly sets out exactly what is required, what the resourcing is.

The Deputy of Trinity:

So if you do not get the money from the Council of Ministers, what are you going to do?

Senator W. Kinnard:

Well, that is a very difficult one, is it not? That is a very difficult one but I would like to think that this has now become such an issue and that people now really understand that - despite our rather feisty start, may I say - I am grateful for the opportunity now to discuss this in a calm, reasoned way. I get really the sense that you are trying to understand now what our difficulties and our issues are. I am sorry if I got the wrong impression from your media appearances, Chairman, but it gives us the opportunity to talk about this very complex issue and I do think that there is much more now a recognition that this is an issue that is not going to go away. I do get the feeling that within the States as a body, there is recognition that there has been problems with budget and the accounts Ministers. I would hope that perhaps, may I say, with systems people like you who are taking the time to go through these issues that will build up enough head of steam and persuasion to find a way over the next few years to at least get us up for a position where we can do some of it. It is not all going to happen at once; I have to be honest about that. It is going to take time. You cannot turn it around over night.

The Deputy of St. Martin:

No, we are conscious of that. Are we okay; we move on to Deputy Martin. It is a bit of an extension of what we have been talking about but it is ...

Deputy J.A. Martin:

Yes, it is about the resettlement needs and followed up by the implementation of the effective resettlement strategy. When we were up there, up at the prison, we found - speaking to prison officers - that they found if they could help in any way educating or whatever, the minute the gates shut sort of behind the prison, there was nothing for them. Sometimes they were going out with no money, nowhere to go, and obviously I presume this is still the state of affairs. But, then I think Mr. Austin-Vautier just said that you have parked £250,000 for post-custodial. I know it is a different -- but it is saddening to think there is nothing but you have parked £250,000 just because the criminal justice policy (...several inaudible words).

Mr. S. Austin-Vautier:

Well, yes --

Senator W. Kinnard:

It is part of sentence planning as well. Do you want it, Steven? I will leave it to you to talk about it.

Deputy J.A. Martin:

Because it is linked.

Mr. S. Austin-Vautier:

I did say that.

Deputy J.A. Martin:

You did say that, yes. I was --

Mr. S. Austin-Vautier:

Yes, I did say that, yes, but I can defend it. **[Laughter]** Yes, the trouble at the moment is that we cannot supervise any prisoners in the community without some legal force. Because the flip side of what you said is when the gate closes, up yours, you know? I do not want your interference anymore; I am a free man or woman. I am being a little bit facetious to make the point. We would like to do the supervision so that people resettle properly, they find accommodation and to do that we need to assign them somebody from the probation service.

Deputy J.A. Martin:

I get confused. In England they were called parole because it is (...several inaudible words), is it not? But --

Mr. S. Austin-Vautier:

Well, we do have a sort of parole to allow people to go out on supervised release; that is part of the process. But, we cannot actually legally supervise anyone yet. The Chief Probation Officer, and actually us too, we have got a draft law which we have been forging ahead with so that we can do this legally and properly. But we have got into the odd situation where, through the fundamental spending review, we got the funds before the law which is sort of unprecedented. Now, that money, we do have it. It might be that although we cannot use it for that, we do desperately need it to make sure we do not overspend the prison budget anyway this year. So that is the sort of state of play that we are in. We cannot legally supervise anyone just at this minute.

Deputy J.A. Martin:

Yes, but legally supervising and having a resettlement strategy does not need necessarily to have -- at least they would have somewhere to go. They have been put in contact with the right agencies and if there are agencies there, housing even.

Senator W. Kinnard:

But, it is linked with sentence planning; if you do it properly and effectively. Perhaps, Prison Governor, you would like to expand?

Mr. S. Guy-Gibbens:

Yes. I mean, it is linked, you are absolutely right, Minister. That is what this is all talking about. I mean, it does all link together starting with the induction programme where we start the sentence planning, moving through, and hopefully seamlessly through, to release on supervision. Yes, there is a decision as to how that is brought in. There are resources that are needed and, as Steven Austin-Vautier has said, there is some resource there for us to bring in sentence planning linked with the post-custodial supervision.

Senator W. Kinnard:

But clearly there is more that needs to be done. Even above and beyond that.

The Deputy of Trinity:

But if someone has a home, somewhere to go to, that is it.

Mr. S. Guy-Gibbens:

Well, the reality is again, somehow or other we manage to do that. Whether that prison officer in his spare time goes around and calls in favours of friends, colleagues or whatever, or official agencies, there are not very many that we will discharge who do not have a home to go to, who do not have somewhere, an address to go to. Because somehow or other we will, between us, find something unless, of course, the prisoner turns around and says: "I do not want your help. I will go my own way, thanks." Point them towards the airport.

The Deputy of Trinity:

But that is done with the good will of everybody.

Senator W. Kinnard:

Yes. But, it is not planned in the way that it should be. There should be a whole resettlement programme and we cannot do that without resources. What we are doing at the moment is stopping the gap, if you like, and doing what you have to do at the last minute because somebody has got to do something. Now, that is not appropriate, in my view.

The Deputy of St. Martin:

Yes. It is quite interesting. I have talked to people and mentioned about money which is on page 5 of the 2001 report by Sir David Branson(?) (...several inaudible words). He said: "My definition of (...several inaudible words) is that provision of a full, purposeful plan(?) designed to occupy all types of prisoner according to their needs with the aim of preventing their reoffending on release." He said: "Three things most likely to prevent reoffending were a job, a home and a stable relationship outside. Prisons must ensure prisoners have a home to go to on release and they do all they can to help them maintain family relationship through the custody." These 2 cost virtually

nothing, which is not the same as far as jobs are concerned: "Prisons can help with jobs by providing activities designed to lead to professional qualifications, to put right adult deficiencies such as a lack of education and qualifications. But again, in order to inform the (...several inaudible words) committee on what is needed and whatever facilities to ensure that every prisoner is purposely occupied in a way that is likely to help them gain employment on release. An education and work release assessment should be carried out." Now, that was said in 2001. I am glad to hear that some money has been forthcoming but I think we probably all agree around here, it is pointless putting people in prison and hope they come out better characters if we do nothing when they are in there to help them. I do not know if anyone else has got any other questions to ask. But, it might be an appropriate point to end on because I think we are here, I know, and there may be some misapprehensions there but I think our team are very conscious of them and I would like to publicly thank them. I can assure you we have been well read. I think we can all safely --

Senator W. Kinnard:

I think it shows, myself.

The Deputy of St. Martin:

We know how to read. We know what we want to do. We know what to get out of it. At the end of the day we want to make all our lives a lot better and, most importantly, the lives of those of the inmates and the staff concerned. Now, today is a move forward. You have been looking for publicity, I hope this will provide the ethos for that publicity today. We have had members of the public here.

Senator W. Kinnard:

I have had far too much, actually! **[Laughter]**

The Deputy of St. Martin:

I can assure you, some of us do not look for negative publicity but I am afraid it is down to our friends in media on how they like to report it. But, I think I can speak for my colleagues here that we are determined to make sure that things are happening. You can see if I get frustrated about the slowness of it, I think it was shared by us because that is one of the questions I asked earlier. Why there seems to be the delay from having a report to having something done. I would like you to think that we have not delayed. Once that report was out we were moving our wheels as quickly as possible. We hope today we can help you to keep those wheels moving. But can I thank you --

Senator W. Kinnard:

Well, Chairman, we have not covered the budget though and I just feel that Steven Austin-Vautier has sat here patiently --

Mr. S. Austin-Vautier:

Well, (...several inaudible words) talking about it.

Senator W. Kinnard:

Do you mind if you just said a few words because I think it is important?

The Deputy of St. Martin:

I did ask earlier if you could give us some rough idea but I did not think you had it. But, if you have got it I think it would be useful to know what sort of things are in it.

Senator W. Kinnard:

(...several inaudible words)

Mr. S. Austin-Vautier:

Yes, I think Deputy Pryke. I thought you were going to develop that but when you said to the Minister: "What would you do if you do not get the money?" Actually, the way we are structured now, there are quite a number of hoops that have to be jumped through before the Minister gets to the point where she is asking the Council for more money. Because, as you know, the chief officers are now accounting officers, of which I am one. That is quite an onerous responsibility now under the law and that well, you cannot overspend. I start the year with £40 million; the trouble is people spend it. I have got to try and reach 31st December still in the black. But all that aside, when we have costed the (...inaudible) the first thing that I am expected to do is look at the home affairs budget, look at the services within it, let us say for the sake of argument it is £900,000, where we can get that £900,000 out of the £250,000. Now, we have scheduled that session to look at making savings in the budget. We will reach a conclusion. I will get beaten up in a corner by the Chief of Police and other people because what will happen is that the only place that money can come from is out of their service areas. I will then make recommendations to the Minister and say: "If we are to help the prisons to the tune of £900,000, these services will suffer thus." It is then a question as to whether that is acceptable.

Senator W. Kinnard:

I may well come to the view that we have one failing service. If I take the recommendations that are being put forward as a way to try and assist the prison within our own budget, I may come to the conclusion that we will end up with 3 or 4 failing services as a result. If that is the conclusion I come to, that is the point at which I go to my colleagues on the Council of Ministers and say: "This is my view and basically if you do not like the view that I am expressing, which is I am not prepared to agree to 3 failing services rather than just one" they then put before them what this will

mean. Then really it is a decision and I think it is one that really we should all shoulder and bear as to whether as to whether that is acceptable or not.

Mr. S. Austin-Vautier:

There is perhaps another little step in there between those and that is that obviously I am accountable to the Chief Executive. He will want to know what I am about to propose. If there is a solution somewhere in the rest of the public service which will solve that, then we will recommend that. That is one of those strengths, if you like, of the way we are now set up and that we will look for some sort of corporate solution if I cannot find one within my own area.

The Deputy of St. Martin:

Okay. Could I say that is exactly what we will be looking for in the future, the panel will be monitoring, as one would expect, the work and will invite you back at some time to see. In particular, we are looking forward to the performance improvement and we hope within that, and I think it is been indicated today, that there will be some indication line where responsibility for (...inaudible) lies along with each recommendation. So, I think what we would like to do is learn from probably what did not happen in the past to ensure that there are going to be set times, who is doing the jobs and who is accountable for it; and it will be monitored.

Senator W. Kinnard:

And the finance of it.

Mr. S. Guy-Gibbens:

I mean, the process has started, Chairman, and I have got some drafts - they are very rough drafts - that you can each have to take away with you to have a look at. But, as I say, a very rough draft of the first few pages so you can see that it does indeed have the points you make as an identified person taking responsibility, target date for implementation, resource implementations, and indeed the optimistic column on the right which is headed "When achieved". So, there is that and alongside that one of the other points that is underlying how we are going to take things forward, and I think I spoke with you about this when you visited the prison, is our own prison service standards so that for the whole area of the prison we have got standards. We have done again the first few of those which I am happy to leave a pack for each of you to wade through.

The Deputy of St. Martin:

A former prisoner took a leaf out of Mr. Power's book and he said: "Yes, your motto on where your aims and objectives are" and he would be delighted to see that they were being carried out around the prison. Can I just ask my team and my officers if there is anything they would like to ask or say?

Deputy D.W. Mezbourian:

Only thank you very much for coming here today and answering the questions.

The Deputy of St. Martin:

It is as much of a traumatic experience for us. This is our first occasion of one of these. As you know, we are a new team.

Mr. S. Austin-Vautier:

Start with a simple one! **[Laughter]**

The Deputy of St. Martin:

I did thank the team and duty officers. Thank you for showing up today. We have done a bit of homework but we are doing (...several inaudible words).