

SECTION 4: ISSUES FOR THE MINISTER

1. *The Board would urge the Minister to work with his colleagues in the Department of Infrastructure to ensure an adequate public transport system is available to enable regular and important family contact for detainees to be maintained.*

Response:

This matter has been raised with the Department of Infrastructure and unfortunately, it is not economically viable for further bus services to be provided for a small number of visitors. However, discussions have identified that the Connect Bus service can be utilised by visitors and this has been communicated to detainees. In addition, to support family contact, the prison is introducing Purple Visits in the coming months which will provide secure video calling system for families when visiting in person is not possible.

2. *The Board would again urge the Minister to make sufficient funding available to deal with any repairs, replacement and structural issues which continue to arise now that the Prison is 13 years old.*

Response:

£210k per annum is currently committed for Minor Capital Works at the Prison. The Department has supported a business case, which requests continued funding of the Minor Capital Works budget for the prison for a further 2 years in the Capital Programme. This will allow medium term planning to continue, and funding to be aligned to where aged equipment, fittings and fixtures are reaching the end of their useful life.

3. *The Board acknowledges the significant progress that has been made with the Mental Health Pathway and would urge the Minister to continue to support and fund this.*

Response:

The Department continues to support the Mental Health Pathway which remains a priority for the Department.

4. *Whilst applauding the progress mentioned above, the Board remains concerned that there is no Secure Mental Health Facility on the Island. Vulnerable detainees with serious mental health issues are still being sent to the Prison which is not a safe or suitable place for them and could in certain circumstances be seen as a breach of their Human Rights. All too often, the Officers in the Close Supervision Unit have the extremely difficult task of safely managing and supporting these detainees. This is not acceptable. The Board would ask the Minister to consult his ministerial colleagues and reconsider the provision of an on Island Secure Mental Health Facility.*

Response:

There continues to be stronger partnership working within the different settings and recently two prisoners, sectioned under the Mental Health Act, have been transferred to undergo treatment in the UK. The Department acknowledges this took some time

to progress however this was related to COVID-19, and it is expected that the process will be more expedient as things return to normal. Officers continue to work with colleagues in the Department for Health and Social Care, and Manx Care, on the provision of secure mental Health facilities.

5. *The Board was concerned that the delivery of the COVID-19 vaccination to detainees and staff was not given greater priority even though the Prison was considered to be a 'Care Home' environment in every other respect.*

Response:

The Minister made several representations to the Council of Ministers however, the settled policy being followed in respect of vaccination roll out is to comply with the guidance set out by the Joint Committee on Vaccination and Immunisation (JCVI), an independent advisory body to the UK government for decisions regarding prioritisation of vaccines.

The JCVI considered frontline health and social care workers who provide care to vulnerable people a high priority for vaccination due to increased personal risk of exposure to infection with COVID-19 and of transmitting that infection to susceptible and vulnerable patients in health and social care settings. This risk is different to detainees and staff where mitigations can be put in place to minimise risk and I acknowledge the hard work and dedication of the Prison Governor and his team in taking those steps to protect against an outbreak at the Prison. I am also pleased that the Governor and his team are continuing to offer support and education to try and increase vaccine take-up amongst detainees.

6. *The Board would urge the Minister to publicly acknowledge and recognise the contribution that Prison staff and detainees have made during the COVID-19 emergency, through for example, meals for the Food Bank and the support given to Nobles' Hospital.*

Response:

I have publically acknowledged the work of the Prison Staff throughout the COVID-19 pandemic and both myself, and the Prison Governor, have thanked detainees for their support. I would also like to thank the Board for their commitment during this extremely difficult period.

The Department continues to seek ways to publicise the contributions detainees have made, not only during the pandemic. I have been delighted to see social media posts from commissioners on the work undertaken by the Community Service Groups which is an important part of the rehabilitation work. The Governor and his team have also placed a strong emphasis on recognition for detainees' success – for example through the Kostler awards.

7. *It remains the case that the budget for Education in the Prison has not increased for many years, yet the yearly running costs of the Education Department in the Prison are increasing constantly. Once more, the Board would urge the Minister to release additional funds for this vital aid to rehabilitation and also to support the Education Manager's efforts to obtain funding for the refurbishment of the Prison Workshops for vocational training.*

Response:

There are financial restraints across the public sector and the Department of Home Affairs is not protected from this. While Government reserves remain high, the impact of the pandemic can be seen clearly in this year's overall Government accounts. Despite this, the Education Service continues to see no physical reduction in budget. In addition, the Department has supported a business case for funding from the Seized Asset Fund to enable the refurbishment of the Prison Workshops, which I believe are vital to rehabilitation activities. I will inform you of the outcome as soon as we receive a response.

8. *The continuing high numbers of detainees serving short sentences for non COVID-19 related offences remains a concern to the Board. As highlighted in the previous three Annual Reports, the Board would ask the Minister to continue to press for priority in the legislative programme for such vital legislation. Alternatives to custody are an essential tool to encourage offenders to become productive members of society.*

Response:

I am delighted that the Justice Reform Act 2021 received Royal Assent at July Tynwald. The Act contains alternatives to custody and the Department will now be working on the secondary legislation necessary to bring the Act into operation. The Department is committed to implementing the Criminal Justice Strategy, which supports the use of custodial sentences only for the most serious and violent offences and bringing forward new sentencing legislation to further support this.

9. *The Board is concerned about the failure of the Department of Home Affairs to meet many of the 4-year Programme for Government targets and would urge the Minister to ensure these are given effort and resources they deserve.*

Response:

At the beginning of the pandemic, the Council of Ministers suspended the Programme for Government, and any work within, to divert the complete resources of the public service to the fight against coronavirus. The Programme for Government was then reviewed and a revised document published. This includes revised actions for the Department. These are set out below with an update on progress.

- Action Ref: 20.01 has been delivered through the Justice Reform Act which the Department is now working to implement.
- Action 20.02 remains Amber as new guidelines have not been finalised within the target period. However, work has progressed and remains a priority for the Department.
- Action 20.10 will be delivered through the implementation of the Justice Reform Act which includes provision to establish committees under the Criminal Justice

Board to formally facilitate multi-agency working on issues including early intervention.

10. *The Board is concerned that failure to recognise the community-wide safeguards that a ring-fenced Resettlement Team brings, may lead to further adverse events. The potential consequence of slow recruitment and budget saving measures has led to Resettlement barely functioning despite the best efforts of a hard working team. Detainees are not completing interventions or being properly prepared for re-integration to society. This is a grave concern.*

Response:

The Board have been kept abreast of issues regarding resettlement as a result of the pandemic and the impact on staffing levels. Resettlement meetings have recently begun again. Furthermore, interventions can still continue with offenders returning to the community on licence. Resettlement remains at the forefront of the Prison's re-profiling exercise.

11. *The Board would urge the Minister to provide resources for a comprehensive review of progress in rehabilitation against the Karran Report recommendations and to continue to support innovative ideas and training for Probation staff.*

Response:

The Department continues to monitor the implementation of recommendations from the Karran Report. The majority of which are now concluded. The Department has committed to a review of the structure of the Probation Service and looks forward to engaging the Board in these discussions. Training for Probation staff remains an operational matter for the Governor and I will allow him to respond more fully as appropriate.

12. *The Board would ask the Department of Home Affairs to continue to ensure that funding is available to train and develop both new and existing Independent monitoring Board Members. The Board would also hope to see greater media coverage to publicise and promote its role and encourage greater public awareness. These measures are essential if the Board is to recruit, develop and maintain sufficient members as specified in the Custody Rules 2015 Section 82(1).*

Response:

I am pleased that the complement of Members remains above the minimum required under the Custody Rules. The recruitment in early 2020 was successful and the Department is already progressing plans to look at further recruitment later this year. I am grateful to the Board Members for their support with training and we will continue to consider funding requests for specific training requirements as, and when, they are required. The Department is fully committed to ensuring resources are made available and the Board, and its valuable work, is the subject of greater publicity.

13. *The Board would also ask the Minister to consult his colleagues in Government to push for consideration to be given to pro-actively supporting IMB Members working in Government ensuring parity with those in other voluntary roles.*

Response:

Government is committed to flexible working and requests are handled by line managers to enable those requests to be balanced against operational needs. The Department would be more than happy to provide support for any such requests through the provision of information on the role of the IMB and the importance of members' contributions to the Island's community. I will also ask Officers to work with communications colleagues to identify further opportunities for raising awareness of voluntary positions like the IMB, similar to those successfully provided by incorporating social media elements within the recruitment process as this takes place.

14. *The Board would ask the Minister to ensure that members of all the Boards who form part of the OPCAT National Preventative Mechanism (NPM) attend its meetings and contribute to its monitoring role.*

Response:

The Department is committed to continuing to work with the Cabinet Office to raise awareness of the role that Members of all the Boards who form the OPCAT NPM, play in meeting the Island's responsibilities within that process.

15. *The Board would also ask the Minister to consult his Cabinet Office colleagues with a view to reviewing the structure and composition of the membership of the NPM.*

Response:

I am aware of the work during this reporting year by the Cabinet Office and the Department in respect of the NPM. The development and implementation of a formal Memorandum of Understanding with the Cabinet Office is a positive step forward, and I understand discussions are ongoing with the Department for Health and Social Care on membership. We will continue to work with the Cabinet Office regarding structure and composition of the membership of the NPM.

16. *The Board is concerned that it is becoming increasingly difficult for Officers in the Police Custody Suite and Court Cells to obtain the services of 'Appropriate Adults' for young and vulnerable detainees. The Board would urge the Minister to liaise with his Ministerial Colleagues responsible for Adult Services to ensure a swift resolution to this problem which is putting the most vulnerable at risk.*

Response:

I recognise the vital role appropriate adults play in the criminal justice system. There is a clear willingness for cross-departmental working together to address this issue but I have written to the Minister for Health and Social Care to set out the urgency for this to be progressed.

17. *The Board is concerned that the Juvenile Suite at the Court Custody Suite is not being used and would urge all parties to bring a swift resolution to this. The adult cells in the Court Custody Suite are not a suitable environment for young, vulnerable people and their use breaches the Custody Rules.*

Response:

Extensive work in the Custody Suite has already been undertaken and the Prison and Probation Service are currently awaiting costings for CCTV. The Service is scheduled to have a Contract Meeting in August when this will be discussed again to bring a resolution to the ongoing issue in respect of the juveniles, which addresses the limitations presented by the structure of the building.

18. *The absence of CCTV in the cells in the Court Custody Suite, particularly the multi-occupancy cell is of concern to the Board as it places both staff and detainees at risk. The Board would urge the Minister to liaise with his colleagues to resolve this before a serious incident occurs.*

Response:

The Prison Governor has recently visited the site and is aware of the concerns. He has spoken to the Estates Manager and as responsibility for the CCTV falls under the Department, the costings for updating the system have been requested.

19. *The Board is concerned that detainees in the Court Custody Suite do not have the same level of access to medication as those detained in the Prison and the Police Custody Suite.*

Response:

The Department are looking at a Forensic Medical Pathway to address issues about information sharing, safe use of medication, and consistency of medical care across all areas of the criminal justice system. Work is scheduled for later this year to address any inconsistencies.