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Mr R Ringham
Chair of the Prison IMB

16th September 2022

Dear Mr Ringham

MINISTERIAL RESPONSE TO PRISON INDEPENDENT MONITORING BOARD ANNUAL REPORT 2021-22

Thank you for the Board's report for the period 1st April 2021 to 31st March 2022. I would like to thank all the Members of the Board for their continued work through what was another extremely challenging 12 months given the ongoing COVID situation.

Below are responses to the points raised in the Board's report. It is very reassuring to read the report and the positive commentary about both the Prison and Probation staff, and the improvements made during the reporting period.

I note that despite the access to the Department and the Prison Governor during the reporting period, there continues to be a significant number of recommendations, particularly in comparison with IMB reports for UK Prisons. However, I am pleased that in the time between the end of the reporting period, and publication of the Report, a number of the Board's recommendations have already been, or are in the process of being, addressed. I note that the Board is revisiting the format of the Report for the next reporting period and I hope this may be something the Board could reflect on. I believe a revised approach would enable a more timely publication of recommendations and progress, allowing the Department and Governor to focus resource on priority issues.

We continue to meet every six months and have an action log in place to provide updates between meetings on issues raised and resolutions. I am also pleased that we have a training programme in place to support current and new Members.

I greatly appreciate the role played by Members of the Board and am grateful for the time you give and your diligence and empathy in ensuring appropriate monitoring is in place at the Prison, Custody Suites, and Holding Cells, so all detainees feel safe and supported.

Yours sincerely



Hon. Mrs Jane Poole-Wilson, MHK
Minister for Justice & Home Affairs

RESPONSE TO IMB RECOMMENDATIONS

Recommendation 1

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

Response:

- The Department has responded to this recommendation in previous reports.
- Bus timetables are due to be reviewed and the Department will put forward issues raised to colleagues in the Department for Infrastructure. However, no changes are likely before 2023.
- Prison staff have implemented and continue to encourage visitors to use Purple Visits video conferencing as an alternative.

Recommendation 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 14 years old.

Response:

- £210,000 was committed and utilised in the 2021/22 financial year for minor capital works, including delivery of the works to complete the installation of the new security system.
- A further £210,000 has been allocated for the 2022/23 financial year.
- Isle of Man Government is undertaking work on a Strategic Infrastructure Needs Assessment which will identify long term capital requirements across the Department's estate and the Prison is included in this work which will support future capital budget allocation from Treasury.

Recommendation 3

The Board acknowledges the progress that has been made with the Mental Health Pathway and would urge the Minister together with her colleagues to continue to support and fund this; any slippage would be of detriment to both detainees and the wider community.

Response:

- As noted in the response to last year's report the Mental Health Pathway remains a priority for the Department which we continue to support through joint working with the Department of Health and Social Care and Manx Care.

Recommendation 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 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 Board has witnessed the Officers in the Close Supervision Unit performing the extremely difficult task of safely managing and supporting these detainees. This is not acceptable. The Board would ask the Minister to consult ministerial colleagues and reconsider the provision of an Island Secure Mental Health Facility.

Response:

- The Department is working with colleagues in the Department for Health and Social Care to progress work to understand the gap in provision, and what service provision could be commissioned to address the issues raised.

Recommendation 5

The Board would strongly urge the Minister to speak to colleagues in the Department of Education, Sports and Culture regarding the decision made by the Department in early 2022 to 'ban' education staff from visiting the prison wings. The Board believes education is the key priority to aid rehabilitation and prevent reoffending. The decision is detrimental to the detainees, their families, and the wider community of the Isle of Man.

Response:

- The Department agrees that education is a key component of rehabilitation. Work has been undertaken by the Prison Governor to address the concerns raised but this issue has been escalated and the Department's Chief Executive has sought a meeting with his counterpart in Education, Sport and Culture to seek a resolution to the issues raised.

Recommendation 6

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 secure additional funds for this vital aid to resettlement.

Response:

- The Budget for Education in the reporting year was £135,922.74. The Prison Governor is seeking to increase the budget in the next financial year which is subject to the Government's budget process.
- However, as previously outlined given the pressures on public finances, the Department will also seek to make applications to relevant funds for pilot schemes where permanent funding is not immediately available. This has proven successful with the recent support for the refurbishment of the Prison workshop.
- In addition, the Prison continue to be innovative in their partnerships with business to support education and training.

Recommendation 7

The continuing high number of detainees serving short sentences remains a concern to the Board. These detainees' life opportunities are damaged by imprisonment with insufficient time to rehabilitate during a short period in custody. As highlighted in the previous four Annual Reports, the Board would ask the Minister to tackle delays in progressing vital legislation with increased effort to allocate the resources such important bills deserve. Alternatives to custody are an essential tool to encourage offenders to become productive members of society.

Response:

- The Department has produced implementation plans for the three key pieces of legislation, (Domestic Abuse Act 2020, Sexual Offences and Obscene Publications Act 2021 and Justice Reform Act 2021), requiring implementation and these were sent to the Board in March 2022.

- Significant parts of the Justice Reform Act came into operation on 7th September 2022. Further work is required and is ongoing on the secondary legislation required in respect of Part 6 of the Act.
- The Department has also been successful in ensuring that new Sentencing Legislation forms part of the Government's legislative programme. There is work to scope and introduce some legislative change in the current Parliamentary year (2022/23) as well as a more wide-ranging review of current sentencing provision.
- This is not simply a matter of resources but ensuring the effective delivery of new legislation. The Department is working with partners including the Courts and General Registry on the practicalities of implementation and is again seeking to utilise support from relevant Funds to deliver key pieces of new legislation.

Recommendation 8

The Board recommends the Department's KPIs should be re-designed to establish true re-offending rates calculated over longer periods than twelve months.

Response:

- The Prison Governor has recently undertaken work to develop the data available to the Department both in respect of re-offending but also wider KPIs, which will be subject to ongoing review to ensure their effectiveness.
- KPI's are reviewed at the Prison Senior Leadership Team monthly meeting and are reported quarterly to the Department.
- Re-offending rates are currently calculated over a one year follow-up period after release. The Prison Governor has confirmed that in the next reporting period they will also include a further six-month waiting period (to allow the offence to be proven in court) making the calculation of re-offending rates consistent with UK Ministry of Justice Guidance to Proven Reoffending Statistics.

Recommendation 9

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 into society. This is a grave concern.

Response:

- The Prison have undertaken significant work and invested in resettlement and we do not believe that this action reflects the Board's report or the data held by the Prison. Please see Prison Governor's response for further details.

Recommendation 10

Support with appropriate resources the findings of the Probation Cultural Review to ensure consistent improvement in the Probation Service and a genuine reduction in re-offending.

Response:

- The Department supported consultancy support to provide resource to implement areas identified in the Cultural Review.

- The Prison Governor has completed a re-structure of the Probation Team and has recently advertised a permanent role that will head Culture and Operations.
- Other areas identified within the Review have been completed, including the development of a clear Service Delivery Plan which has been shared with the Board.

Recommendation 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 produced an updated document in 2019 detailing the work undertaken to implement the 26 recommendations within the Karran Report.
- At that time it was reported that 19 recommendations had been implemented, and the Department confirmed it would not be pursuing 2 of the recommendations in the form suggested.
- Of the remaining 5 recommendations:

3: "Provide Rules and Guidance Notes in the form of secondary legislation setting out the objectives of the Committee and key factors and guidance principles to be considered and weighed when decisions for parole are made."

Completed. Direction to the Parole Committee and guidance documents in place as follows:-

"The Parole Committee is required to make its recommendation or direction to the Department after considering and assessing the following principles:-

1. The risk to the public that early release would present
2. The risk of further offending
3. If early release would contribute to rehabilitation and reintegration into the community
4. What conditions could be attached to a licence to assist with reintegration of the offender into the community and reduce risks identified upon early release."

13: "If any contact is made with a Police Officer regarding a person released on Licence during the period of that licence, or any reference is made to a Police Officer regarding that person, a report should be submitted immediately to the Supervising Probation Officer, the Committee, the Department (and the MAPPA Committee if appropriate)."

Completed. Should a client under licence come into contact with the Police, with regard to alleged further offending, a notification is provided to Probation. It is then the responsibility of the supervising Probation Officer to contact the Police to ascertain the context of the situation and to discuss with the Public Protection Chair (if client is subject to public protection arrangements).

The supervising Probation Officer is required to continue to liaise with Police and if they proceed with a charge, discuss with their senior practitioner if recall is the appropriate action to take. At this time discussions will also take place to consider what risk management strategies can be put in place and this may include, for example, increased contacts, referral to Tromode House hostel, or a link with appropriate health care agencies.

16: "The case for the Prosecution and the remarks of the Deemster sentencing the Detainee to the term in respect of which he is then applying for parole should be contained within the Dossier."

Completed. Sentencing remarks are included in all Parole Dossiers.

20: "The clear meaning and effect of any condition imposed in a licence for parole must be known to all involved in the parole process, and fully explained to the Detainee before his release, and to the person or persons living where the Detainee is to reside."

Completed. Licence conditions and guidance were updated and are publically available at: <https://www.gov.im/media/1377112/2022-licence-conditions-guidance-april-2022.pdf>

26: "The Police should be given power to detain a person who is found to have broken a parole licence condition or is suspected of so doing."

Completed. Procedures in place for urgent recall via the Parole Committee and, in expedient circumstances, the Department. Also included in the Justice Reform Act 2021 are powers for the Police to arrest for breach of licence condition. The relevant section of the Act was enacted on 7th September 2022.

- In light of the above implementation work, the Department will not be undertaking a further review of the Karran Report recommendations. However, there will be an independent review of the Prison by HM Inspectorate for Prisons and the Department is committed to a review and new Criminal Justice Strategy by the end of 2023 which will include rehabilitation. As highlighted to the Board in our most recent meeting we will look to engage with Members as part of the Review, and development of a new Strategy.
- In respect of training:
 - The Department, in conjunction with the Parole Committee, have put in place a comprehensive training programme for Members of the Parole Committee. This includes an induction plan and also updating of training for existing members.
 - The Probation Service have undertaken a review of their training and assessment needs. In July 2021 all members of the Probation Service and a number of Prison Officers were trained in formal case management risk assessments. This work is continuing with the appointment of three Forensic Psychologists who hold a monthly supervision meeting with Probation Staff.
 - In addition a programme of training is in place to January 2023 regarding assessments being undertaken by Prison Officers with the focus on meeting the requirements for Parole.
 - The Department has provided training to new intake Prison Officers, and this will be continuing regarding the process of parole to provide a focus on the parole journey from the moment a detainee steps into Prison.

Recommendation 12

The Board would ask the Department of Home Affairs to continue to ensure that funding is available to recruit, train and develop both new and existing 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:

- Last year, according to Department records, the Board continued to have a minimum of 10 Members, with 10 being the number prescribed in the Custody Rules.
- The Department in future will have a central membership index noting start and end dates for each Member, and would ask the Board that any resignations are made direct to the Department.
- The Department has committed to undertaking a further recruitment exercise towards the end of the year and wants to work with current Members to ensure effective promotion and public awareness of the opportunity to join the Board.
- The Department has sought to put in place a programme of training for the Board which includes mandatory eLearn Vannin courses and Members are invited to attend any modules of training of the new Prison Officer training course.

Recommendation 13

The Board would also ask the Minister to vocally and pro-actively support IMB Members working in Government, ensuring parity with other voluntary essential occupations.

Response:

- The Department notes that within the Civil Service Regulations, under the Public Service Special Leave Policy, employees are allowed up to a maximum of 18 days paid time off in a 12 month period for public service duties. Thereafter any additional paid special leave will be at the discretion of the employer.
- Any such time will be subject to the reimbursement to Government of any fees received in respect of these Public Duties.
- The above provisions in respect of time off and the reimbursement of fees apply to the IMB as they are an applicable body under Payment of Expenses (Specified Bodies) Order 2017. (Link to Policy is available at: <https://hr.gov.im/media/2287/psc-special-leave-policy.pdf>)

Recommendation 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:

- A new Chair for the IMB Secure Care has been appointed and will attend and contribute to the NPM.
- The Department continues to support with any issues, seeking response from colleagues in the Cabinet Office who are responsible for the NPM.

Recommendation 14

The Board would also ask the Minister to consult Cabinet Office colleagues to review the structure and composition of the membership of the NPM.

Response:

- As noted at the two meetings held in the reporting period, OPCAT entrust the relevant national bodies – namely National Preventative Mechanisms (NPMs) – with a role in the implementation of the Treaty.

- Under OPCAT, an NPM must, as a minimum, have the power to:
 - regularly examine the treatment of the persons deprived of their liberty in places of detention, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;
 - make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;
 - submit proposals and observations concerning existing or draft legislation
- The Board has these powers for a number of places of detention, and as in the UK, it is appropriate that the Board forms part of the Island's NPM, along with representatives of other bodies which hold similar powers namely the Mental Health Commission and the Secure Care Home IMB.
- The NPM provides the opportunity to raise issues of common concern to the Chief Secretary, and publically, but also to share knowledge and best practice in the work you undertake.
- The Department will continue to work with the Cabinet Office to raise issues regarding the NPM. For example during the reporting period the Department has helped to secure secretariat support for the NPM to address some of the issues raised.

Recommendation 16

The Board has noted in previous reports and highlights again that it can be very 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 Ministerial Colleagues responsible for Adult Services to ensure a swift resolution to this problem which is putting the most vulnerable at risk.

Response:

- The Department has worked with colleagues in the Department for Health and Social Care (DHSC) to seek approval for an updated Appropriate Adult Scheme. The DHSC will be responsible for recruitment and initial training of volunteers, with Manx Care Social Care providing professional support and oversight as required. The Department understands the work to recruit will commence shortly.

Department of Home Affairs
16th September 2022