



**STANDING COMMITTEE  
OF  
TYNWALD COURT  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
BING VEAYN TINVAAL**

**PROCEEDINGS  
DAALTYN**

**SOCIAL AFFAIRS POLICY REVIEW  
COMMITTEE**

**Department of Home Affairs**

**HANSARD**

**Douglas, Monday, 21st June 2021**

**PP2021/0167**

**SAPRC-HA, No. 1/20-21**

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**Members Present:**

*Chairman:* Ms J M Edge MHK  
Mr P Greenhill MLC  
Mr M J Perkins MHK

*Assistant Clerk:*  
Ms G Phillips

**Contents**

Procedural.....	3
EVIDENCE OF Hon. Graham Cregeen MHK, Minister; and Mr Dan Davies, interim Chief Executive Officer, Department of Home Affairs .....	3
<i>The Committee sat in private at 12.07 p.m.</i> .....	15

# Standing Committee of Tynwald on Social Affairs Policy Review

## Department of Home Affairs

*The Committee sat in public at 11.19 a.m.  
in the Legislative Council Chamber,  
Legislative Buildings, Douglas*

[MS EDGE *in the Chair*]

### Procedural

**The Chairman (Ms Edge):** We now welcome the representatives of the Department of Home Affairs. The last time we heard oral evidence from the Department was 11th October 2019, with the previous Minister.

### EVIDENCE OF Hon. Graham Cregeen MHK, Minister; and Mr Dan Davies, interim Chief Executive Officer, Department of Home Affairs

**Q1. The Chairman:** For the benefit of *Hansard* and anyone listening please could you both  
5 introduce yourselves, including your title and how long you have been in post?

**The Minister for Justice and Home Affairs (Mr Cregeen):** My name is Graham Cregeen, MHK. I am the Minister for Justice and Home Affairs, and I have been in post since March 2020.

**Mr Davies:** My name is Dan Davies, I am the interim Chief Executive Officer for the Department  
10 of Home Affairs, and I will have been in post three years this August.

**Q2. The Chairman:** Thank you.  
How long can you be an interim Chief Executive? Are there any intentions on that position?  
15

**Mr Davies:** I am not sure. I think I am still confirmed as interim Chief Executive, Ms Edge.

**Q3. The Chairman:** Okay, thank you.  
We will do a few questions on the pandemic, we do not particularly want to focus on it, but we  
20 will do a few. Shortly after you were appointed, Minister, you found yourself dealing with the pandemic. When the emergency was declared Government created a lot of new criminal offences, as the lead Department for criminal policy how much involvement did your Department have at that point?

25 **The Minister:** Coming into the pandemic I would say that Dan had quite a lot to do with going through the legislation. I think maybe if Dan explains some of the stuff that he was doing with the legislation it might help you.

**The Chairman:** Okay.

30 **Mr Davies:** Obviously we had input from a practical perspective and an enforceability perspective as the legislation continued to develop. A lot of the offences originally were based on the UK approach, but obviously tailored for the Isle of Man, and once CoMin had agreed on the scope and scale of the lockdown and the various restrictions that would be in place it was then  
35 down to us to support the drafting of the legislation and work with the drafters in the Attorney General's Chambers. We ensured we consulted with the Chief Constable, certainly in the first lockdown, in terms of the practicalities of enforcing the legislation.

40 **Q4. The Chairman:** So do you feel that the Police were properly resourced to deal with the pandemic at that point?

**Mr Davies:** I think nobody was properly resourced, actually. Certainly in the first pandemic we did not really know what it was going to look like.

45 But what I will say is that the Police responded by reconfiguring their whole operation, and clearly it is down to the Chief Constable to comment on the operational mechanics of it, but I think the Police responded very well indeed. They changed and configured all of their shift patterns, they had a dedicated COVID team, it was set up as an incident and it was managed in that way, and they responded incredibly well, as did all of the services actually, right across the Department of Home Affairs.

50 **The Minister:** What I would say in there is that during the lockdown we had Department meetings seven days a week, that was for monitoring staff absence through people going into isolation, how we were dealing with all areas across the emergency services, even to the point where Tynwald approved a change to the remuneration for special constables, because we  
55 brought in a number of special constables on a full-time basis and the legislation was changed to allow those people to be paid, and I am really pleased that a number of those who stepped up to that position during the pandemic have actually applied for full-time positions as police officers, and we have a number of them now who are full-time police officers.

60 **Q5. The Chairman:** Do you think the response was due to the fact that all of the areas of the Department are regulated and they are very aware of risks anyway, do you think they would have already had emergency plans and risk assessments in place to deal with any type of incident?

**Mr Davies:** Absolutely.

65 **The Minister:** Yes, because they have set procedures to go through to deal with emergencies, I think that was one of the things that came out, they were all sort of prepped up for an emergency and are used to dealing with them. Of course, there were things that occasionally would be thrown up that were going to be difficult. In the Fire Service, when the numbers were starting to get a bit  
70 closer, to ensure that we had got coverage through all the fire stations the Chief Fire Officer was in discussions with the UK to see whether, if we got to that point, we would be able to access any fire crews from the UK to come over here.

75 **Mr Davies:** I think that point you made is absolutely right in that the services deal in risk. They understand the concepts of risk and they had a number of plans and procedures in place. Also they are all disciplined services and that is really important in setting an agenda and getting people

just to go in and change their working patterns and to meet the demands. But genuinely, if you look at how the services over here have coped, I do think, really, for the size and scale of the services we operate, they did magnificent work over the pandemic.

80 And each of the three lockdowns had a different flavour or feeling, so the last lockdown was probably, in some ways, the most challenging because of staff abstractions, because of the policy to isolate high-risk first contacts. So at one point in the Fire and Rescue Service there was 24.5% abstraction rate, which was incredibly challenging, and obviously in the Prison a small number of staff were identified as symptomatic, positive with COVID, and so the Prison at one point was  
85 operating a regime with 10 officers for the whole of the Prison.

**Q6. Mr Perkins:** How much do you think COVID has cost you extra above your normal budget?

**Mr Davies:** In total, for the Department costs were around about £230,000-£240,000, the majority of that was in overtime and additional resourcing costs and then there was an amount on PPE.  
95

**Mr Perkins:** Thank you.

**Q7. The Chairman:** It sounds like they are a good example for the rest of Government!  
95

You mentioned the Prison there, and with regard to priority vaccinations for anybody within your services, what efforts were put in to try and get Government to look at priority of vaccinations for the people in your services that are so essential to the Island?

**The Minister:** Well, one of the things was – and I did bring it up at Council of Ministers on numerous occasions and the Department of Health – we were following the Joint Committee on Vaccination and Immunisation (JCVI) guidance and so it was raised on a number of occasions and we were advised that because they were following the JCVI that was their priority list so that was as far as we actually got with that.  
100

**Mr Davies:** We made representations at officer and political level, and I guess we understood at the same time that the DHSC were in an invidious position because is they opened up the vaccination to prison officers, police officers and fire and rescue officers, then potentially you would get a whole raft of other services who would claim they were equally important.  
105

I think the case was well made but I do also understand the constraints that the DHSC were under and ultimately we did not know enough about the vaccine at the time and the ability or not for it to stop the spread of the virus, for example, and the infection rate. So I suppose the bottom line really is that even if a person was vaccinated, at the time we did not know how efficacious the vaccine was and, in any event, had they tested positive, they still probably would have had to go off work.  
110

So we made representations but I think we accepted the arguments of the DHSC at the time, who were in a difficult position.  
115

**The Minister:** And just following on from that, you have just had the Department of Education, Sport and Culture in and I suppose we had the same sort of situation, like Dan was saying, if they had given the vaccine to us then they would have had all the teachers then coming in and where do you then draw the line? So everybody had a priority. The other thing is that it was not compulsory to have the vaccination, so that actually plays a part in it as well.  
120

**Q8. The Chairman:** Okay.  
125

Just moving on to the Prison, you said that at one point there were only 10 staff available. At what point do you go into the black regime? I understand that quite a lot through the pandemic you were in the black regime.

130 **Mr Davies:** Yes, so in total the Prison went into the black regime five times over all three of the lockdown periods.

Normally a decision is made by the senior management team based on a number of factors: access to healthcare; availability of officers on the wings; the status of the prisoners themselves as to whether or not there is an outbreak potentially. And once the decision has been made, then  
135 the regime is completely reconfigured to ensure that each of the different wings is kept in its own bubble, that officers in that wing do not move to another bubble. So the decision, is when the number of officers drops below 14, I think it is, then there is a decision to move to black regime or if there is another significant risk of infection.

So, for example, when there were five gentlemen from Doncaster that came into the Prison, I  
140 think there was a decision at that time to change the regime to a red regime, for example, because of the risk that they may well be symptomatic. The decision to move to black is informed by a number of factors, but ultimately it is taken by the Governor on the advice and information from the senior management team.

145 **The Minister:** I think one of the issues also, in hindsight, looking at it, was we see figures across the UK that about 20% of the prison population in the UK were infected with COVID and if we go back to the early days of when COVID hit, we had the unfortunate situation of Abbotswold. I think that is playing in the back of your mind all the time. If you have a closed environment you really have to be very cautious to ensure that you do not get a situation where some of these vulnerable  
150 people may be put at risk.

**Mr Davies:** Yes, and if I may, Madam Chair, I think the Minister's point is valid. There are 127 prisons in the UK and the prisoner estate stands at 84,000 prisoners, 27,000 prisoners in the UK have contracted COVID and there has been an outbreak in every single prison.

155 I genuinely would like to put on record, I think it is testament to the Governor, the Prison officers and the Prison healthcare team that we have not had an outbreak amongst prisoners in our Prison, and it would have been devastating.

**The Minister:** And we have had complements from prisoners saying how they thought that the  
160 Prison staff have protected them during that period.

**Mr Davies:** I think, yes, the prisoners themselves played a really important role in this in that they complied with the regime. And it is massively difficult; some of them at one point were in their cell for pretty much a whole day and yet the prisoners themselves were responsible, there  
165 was no disorder, they understood and they complied and I think we also have to give credit to the prisoners themselves for complying with the regime.

**Q9. The Chairman:** With regard to access to legal representation – obviously once the legislation was put in place and courts and tribunals could continue – I have had concerns raised  
170 that perhaps that was not as good as it could have been. What process was put in place?

**Mr Davies:** So right at the start, in the initial lockdown, we suspended access to telephones and other visits because of the potential risk of the spread of COVID. And I think there was a period of four or five days where there was not access to legal representation for the offender. But we  
175 addressed that I think very soon after the original lockdown via the use of mobile telephones. And actually as the regime went on we make provision for video calls with advocates and telephone calls.

So I think there was a short period of time for four or five days where, because we had no idea what the implications might be, and we were trying to control the risk of infection, so there was  
180 probably a short period of time where that access was not available.

185 **The Minister:** But if you look back to when we first had the pandemic, there was a huge amount of concern about contact via touching something, so if you touched something the virus could have stayed on that for a number of days. So I suppose the risk is that if you have got a telephone and somebody has been talking on to it then you would have to do something if it is getting passed around, so what they did was they went after the phones.

The other thing is, as Tynwald Members will know, we actually did a lot of work on video links and the video links have been really successful, and that was helping to protect prisoners, the courts and the Constabulary because it was in the custody block in the courts and up at the Prison.

190 **Q10. The Chairman:** Most recently there were concerns about the black regime in lockdown three and access to papers. So what did you do between lockdown one and lockdown three in prisoners having access to court papers and been able to do that?

195 **Mr Davies:** As far as I am aware, everybody has had access. There have been no concerns raised with us in respect of that at all.

200 **Q11. The Chairman:** Whose decision would that be? If there was a concern, you mentioned in lockdown one there was concern about transmission of the virus on paper or phones, so whose ultimate decision would that be as to whether paper was distributed during the back regime? Is that in the policy?

205 **Mr Davies:** I think there was a period of time where, for example, we photocopied all letters that a prisoner received during the first lockdown – this is personal letters that they received – they got photocopied and then given to the prisoners to avoid the transmission there, so that would be the Governor's decision.

But just to reiterate, as far as we are aware, there have been no instances where a prisoner has been denied access to court papers.

210 **The Chairman:** Okay, thank you.

**Q12. Mr Perkins:** During that period I think there was a newspaper headline about contravention of human rights and the possibility of some action being taken. Has that dropped away now or is that still bubbling over?

215 **Mr Davies:** No. The Department has been subject to an action in relation to human rights. The Department refutes all allegations relating to any of these human rights and we intend to defend the case –

220 **The Minister:** Vigorously.

**Mr Perkins:** Thank you.

225 **Q13. The Chairman:** With regard to safeguards put in place for prisoners with regard to mental health, did you manage to put some safeguards in place for them or did you increase any therapies?

230 **Mr Davies:** I think the first thing to say is that the Prison is always conscious of prisoners' mental health and there are specific precautions and processes in place in relation to monitoring prisoners, particularly when there are extreme mental health issues or risks to self-harm. That procedure is well established.

I think the lower level issues around mental health were evident and I think over the lockdown, as with everybody, it has probably increased somewhat. We did try to support offenders, they

235 were given in-cell activities to do and the Samaritans were always available by phone call, once we established the new regime. I think a lot of the prison officers spent a lot of their time talking to inmates; they listened to them, they supported them.

240 I think we could probably do more in terms of prisoners' mental health, and it is always at the back of our mind and it is always at the back of the Governor's mind. But, particularly when the Prison went down to eight officers, it is really difficult, your focus has to be on the core regime and keeping people safe, keeping the environment decent for offenders. But the Governor has committed to looking at how to improve mental health access to services for prisoners over the next few months, I think that is going to be the challenge for us.

245 **The Minister:** I think what you will find is that across all parts of Government that we will be learning from this because mental health issues are not just in the Prison, it is across the wider community about how we deal with isolation at lockdown, and I think that it will be part of a greater review going forward.

**Q14. The Chairman:** Do we have a current permanent Governor and Deputy Governor?

250 **The Minister:** What we have got is that the closing date has now gone for applications and we will shortly be interviewing for the new Governor.

255 **Mr Davies:** So just to clarify, the previous Governor, Governor McColm retired on 31st December and given the challenges around lockdown, and I think our focus was really keeping continuity at the Prison. The risk of bringing somebody in new at the time, in the middle of the pandemic, was really too great a risk. So we put Deputy Governor Bonnick on an acting Governor contract for six months and we will be interviewing for the permanent Governor post on Thursday.

260 **Q15. The Chairman:** Thank you.

Sadly in March 2020, you did announce that a prisoner had died in custody. Have any lessons been learnt from that particular incident?

265 **Mr Davies:** That case is still to be heard by the coroner. So at this point we probably are not able to comment fully on that, if that is okay.

**Q16. The Chairman:** That is fine, thank you.

Moving on to the Chief Constable's Annual Report. Recent media coverage shows an increase in drug imports, how do you plan on tackling this?

270 **The Minister:** Part of that, as you will be aware, is that we are now looking at a border agency and we hope that come the 28th June we will have some resources in place for that, so that is an ongoing process. We are working with the Cabinet Office and also with Customs and Excise, so it is joined-up working there to ensure that we have a better presence at our ports and hopefully that will send a clear message out to those people wishing to bring illicit drugs into the Isle of Man, that we are fully aware of what is going on.

280 **Q17. Mr Greenhill:** On that point, if I can, obviously during the lockdown drugs were coming in in different ways and different forms etc. What has been done to make sure that that is controlled very heavily, no matter what happens with the border force going forward?

**The Minister:** Well, I think what the Chief Constable said was there was a 57% increase in interceptions and this is because the borders were closed and they were using other methods through freight and postal services, bringing smaller amounts through.



285 And, as you can imagine, if you have had a 57% increase in interceptions, the workload has increased. So the Chief Constable is going to be seeing how we can deal with that, and also with the borders as a good theme going forward.

290 **Q18. The Chairman:** You said that you hope that you will have something in place with the borders agency on 28th June; that is a week away. Whereabouts are you? Is that something that will just happen?

295 **The Minister:** Well, this is an operational matter for the Chief Constable, so how he deals with that is up to him. As a policy, we have put the policy forward and he carries that out. So I am sure what he will be doing in the short term is reallocating some of his officers to deal with the ports, but working with Customs and Excise they will be putting a business case forward for a small increase in staffing.

300 **Mr Davies:** The Chief Constable has got a joint operation with Customs from 28th June and there will be an increased presence at the borders in terms of identifying, detecting and dealing with criminality at the borders.

**The Chairman:** Thanks for that clarification, that is really helpful.

305 **Q19. Mr Perkins:** Are there any plans to introduce identity checks before you get on the boat?

310 **Mr Davies:** I think it is no secret that the Department would absolutely welcome an improved identity verification process, capturing the names of verified travellers. In the first instance, the Constabulary has been working with the Immigration team at the Cabinet Office to use existing legislative powers to identify manifests and passenger lists, but absolutely I think the aim ... And the Chief Constable has been very clear that if we do not know who is travelling on the boat then that increasingly gives opportunities to criminals to exploit that.

315 **Q20. Mr Perkins:** One of the things I heard is that there is likely to be a massive increase in violence because there are certain drug bills that have not been paid, and they are anticipating that there will be criminal people coming over to try and frighten people on the Island to pay these bills, is that of major concern to you at all?

320 **The Minister:** Yes, it is. I think the Chief Constable has made it quite clear that there is a huge concern about people who have built up huge drug debts because of these interceptions and there is real concern that these people from off Island may be looking at means of how they can recoup some of those losses. I would hope that by having that additional presence at the ports ... but you can say that there is a grave concern there could be some people who do get through and there could be an increase in criminality.

325 But what we would do is encourage people, if they have any concerns, to please contact the Constabulary because we need that information to come through, whether it is people who have got some debt or are aware of something that might be happening because we do have to do have to try and protect the population of the Isle of Man as much as possible.

330 **Mr Davies:** It is a significant risk and is something the Chief Constable has highlighted. It is an invidious position people find themselves in, it is particularly vulnerable people who perhaps agree to receive a package and when the package is intercepted by the post that becomes their debt and it is likely when the borders open that people will attempt to come over and settle those debts.

335 The Chief Constable has worked very closely with Public Health and other colleagues in  
Government to look at a violence reduction programme in the long term but it is a big and complex  
issue.

340 **The Minister:** And, of course, he has still got links throughout the UK police force, which I think  
have been strengthened over the last year, and so hopefully that intelligence will inform better  
protection.

**Q21. The Chairman:** Do you think the borders approach is the right approach? Who has the  
ultimate power for the border agency, who has the ultimate say?

345 **The Minister:** Part of that will come down to ... there are still powers for the Constabulary at  
the ports so they intimately have those powers and so do Customs and Excise.

As I said previously in my answers in, I think it was Keys, currently the Council of Ministers has  
not decided where ultimately the border agency will sit.

350 **Mr Davies:** Each agency will clearly exercise its individual powers, so the Police have powers in  
respect of criminality, the Customs Division has powers in relation to goods and illicit movement  
of certain goods, the Immigration Division of the Cabinet Office has powers in relation to illegal  
travel outwith the Common Travel Area and in terms of immigration status for certain people, and  
the Travel Notification Service has powers in respect of Public Health breaches.

355

**Q22. Mr Perkins:** Just looking at this in a totally different way, would you support the  
decriminalisation of cannabis?

360 **The Minister:** As you will be aware, we are going forward with a consultation on how we look  
at dealing with drugs and I think it would be wrong of me to pre-empt any consultation on that.

I think what we should be doing is having that mature discussion about how we deal with it,  
and I think the consultation that we will have with all interested parties will be a good way to go  
forward. But, like I said, we have to be aware of our neighbours and how their legislation deals  
with it as well.

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**Mr Perkins:** Thank you.

370 **Q23. The Chairman:** With regard to resources, I know you have touched on that and there will  
be papers. What are your vacancies looking like in the Police Force at the present time, have you  
got vacancies still or are you fully up to the expected levels?

**The Minister:** We have just had a very successful recruitment, I think, Dan, was it about eight  
officers who have just recently been...?

375 **Mr Davies:** Yes, I think there are 10 officers going through to training in the next month or so.

Recruitment has been difficult over the pandemic and I think retention is an increasing issue  
for the Constabulary in particular, for a number of reasons. People in particular are sometimes  
surprised by what the work involves in terms of shift work, in terms of some of the challenges  
from the public. I think if you talk to the Chief Constable he will tell you that they are increasingly  
380 working at the front end to ensure people's expectations are managed before they start. But  
certainly the Police is looking at recruitment from a range of different sources, including recruiting  
existing officers from the UK, for example, in certain areas but recruitment continues to be a  
challenge.

385 **The Minister:** And it is interesting, we do get quite a number of local people going through as cadets. It is really good to see them going through as cadets and then applying for jobs as full-time police officers.

390 **Q24. Mr Greenhill:** But actually where does that leave us at the moment with the number of staff available? Are there areas where we are not covered properly? Are there numbers that we are down on at the moment?

**Mr Davies:** No. I think the summer is always a difficult time but the Chief Constable has assured the Department that priorities will be met and that they will be able to cope over the summer.

395 **The Minister:** And if the Chief Constable raises issues regarding staffing then we will give that consideration for a business case going forward to ensure that we are actually making sure that the Isle of Man is properly protected.

400 **Mr Greenhill:** Thank you.

**Q25. Mr Perkins:** Going on from there, what about the proceeds of crime? Are you getting reinvestment from that area rather than the taxpayer?

405 **Mr Davies:** Proceeds of crime; the applications to their Seized Assets Fund have to be quite specific and generally we do not fund ongoing revenue projects. It is normally one-off initiatives or capital projects where funding can be applied for from that fund.

But certainly the Department has made a number of bids to the fund to meet the aims of the fund either in tackling crime or preventing crime, so the Department is aware of that funding and is certainly using it where it needs to.

410

**Mr Perkins:** Thank you.

415 **Q26. The Chairman:** From a succession planning point of view with regard to senior roles, do you feel that people going into the service now are not in it for the long-term, not a long-term 30-40-year career, as was previous, and what are you doing to encourage and promote it as a career of length, I suppose is the word?

**The Minister:** Are you looking across the whole of the Department or just the Constabulary?

420 **The Chairman:** Mainly the Constabulary, that is what we are focusing on at the minute, but from succession planning I think you might have a few gaps at very senior roles in the coming future from the Fire Service as well as the Constabulary.

425 **The Minister:** Yes, as you will be aware, we have got two reviews moving forward, one into the Constabulary and one into the Fire and Rescue Service. We are looking sometime next year, when the Chief Constable is due to be retiring, so we are already in the middle of succession planning into how that role is fulfilled. We are aware that some senior officers were due to go but we are working around how we can look into the future, rather than putting a short-term fix in. Because we have got this review coming forward we want to ensure that once the review is done, if we need to put different people in different roles, we have the appropriate people at the time. And similarly in the Fire and Rescue Service, I think the review will actually give us an idea of how the senior structure in the Fire and Rescue Service will look in the future.

435 **Mr Davies:** I think you are right in terms of that challenge for how we get people – and I do not think this is unique to the Department of Home Affairs – who come in to the service and progress

through the service and you build your leaders from inside. I think we are going to have to look at a number of innovative ways of addressing that because it is not seen as a sort of accepted a career pattern now, is it? To start a job at 18 and kind of work your way up through the ladder.

440 So I think we are not alone, and it is a challenge for the Department that we are going to have to look at in more detail over the next five years.

**The Minister:** And, of course, the Chief Constable is given a budget for his staffing so how he chooses to use that budget, on what areas and what management structure, is entirely up to him. We cannot dictate to him about how his senior structure should be because it is one of the things  
445 that was brought up many years ago, do you prioritise senior officers or do you put some priority into people on the beat?

**Q27. The Chairman:** So with regard to the reviews, when do you expect them to be available and published?  
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**The Minister:** Because of the pandemic we need people to come over here and go through the structures, so I think the first one we will probably get through will be into the Constabulary. I would hope that that will be able to be started, possibly before the end of this year and we should see a report by the end of the first quarter of 2022.

455 The issue with the Fire and Rescue Service is about whether they have the *vires* to actually come over here and do a review, so we are working with those to see how we need to develop.

**Mr Davies:** We are in discussion with Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in relation to both the Police and the Fire and Rescue Service. In terms  
460 of the Fire and Rescue Service we are keen that HMICFRS do that review here or the inspection. But they have confirmed to us that currently their legislative framework does not allow them to do an independent inspection of the Isle of Man. They have committed to us that they will look at changing their legislation or seeking a Member of Parliament in the UK to change the legislation,  
465 so we just need confirmation from them as to the timescale for that.

**Q28. The Chairman:** A long time away.

Just picking back up on the Prison, when was the last independent review of the Prison carried out?

470 **Mr Davies:** 2009, I think, but I will confirm that date.

I think certainly the Department would welcome an independent inspection of the Prison and the Probation Service but I think you have to be really careful. If you look at the previous inspection of the Prison by Her Majesty's Inspectorate of Prison Services, it identified a number of issues that actually probably were not relevant to the Isle of Man, making particular provision in certain  
475 ethnic groups, for example, was probably less of a priority for the Prison Service here compared to in the UK where there is a significantly different population make up, for example.

I think where you have to be careful when you commission such a report is that it does take into account the local context. So the local context in the Isle of Man, the Prison here, for example, is unique in the way that it deals with a number of different offenders from different groups within  
480 the same prison, whereas in the UK the different groups would be split into separate prisons. So we just have to be really careful that context is taken into account when commissioning independent external inspections.

**The Minister:** And I think the other thing, if we go back to the pandemic, one of the issues was  
485 that if we had COVID in the Prison, we do not have another prison to send them to, whereas in the UK if they had a big outbreak in a prison they could move people around whereas we were stuck in a situation where you could not transfer the prisoners from the Isle of Man to the UK if

you had an outbreak, and I think that is one of the things people have to take into account and why the regimes came in as they did, that this is our one and only prison.

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**Q29. The Chairman:** And do you think it is right that the Prison Service and the Probation Service are under the same lead?

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**Mr Davies:** Absolutely. If you look at the offender journey, it is a journey from first arrest right through the gate of the Prison and then out into the community, because ultimately all of the people in our prison will end up back in the community and, particularly on a small island, that ability to manage that risk within a small community is so important. I think the Prison and Probation Service here is really demonstrating the value of having a joined-up service, and I think there is more we can do, there is absolutely more we can do.

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The Criminal Justice Strategy itself aims to keep prison for the most serious and violent offenders and the Probation Service is a key part in managing that risk in the community, particularly if you have got more offenders out in the community keeping that risk managed and under control is vital, and I think having a joint Prison and Probation Service is *really* important for the Isle of Man.

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**The Minister:** And I think one of the things that we announced the other week was about the victim liaison officers and that is integral to that part of dealing with the prisoners and probation and also with the victims as well, because if you have that separation in there you have got to ensure that the victims are kept in the loop. That you do not all of a sudden get a prisoner that has been released and it comes as a shock to, say, the victim's family.

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**Mr Davies:** I think that is a really good point the Minister has made actually in terms of making sure that our criminal justice system is aware of and takes into account the needs and voices of victims, and that is certainly something that the Probation Service has brought to that discussion, and I think will continue to do so and will continue to focus the criminal justice system on the needs of victims.

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**Q30. Mr Perkins:** You touched on cross-Department working, and one of the concerns this Committee has is early intervention on problem children and problem families. And with COVID we did see an awful lot of cross-Department working. Would you say there is co-operation from the other Departments? From Health, Social Services and from Education to facilitate this early intervention?

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**The Minister:** What I would say that has worked out well for me, coming from the Department of Education, Sport and Culture, and knowing the processes across there and coming into this Department, it helps with the links.

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What we are also looking at is at early childhood experiences and all these sort of things that ensure that we have got that link – and it is going to take some time before we get them all joined up, but through Committees like yourself and the Council of Ministers' committees where the Ministers sit and discuss these issues, I think it is really helpful to ensure that we have that joined-up approach.

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**Mr Davies:** And, I think, just to build on that, the relationship is improving all the time with other Departments. So, for example, the Department has an agreement with the Department of Education, Sport and Culture, based on an initiative in the UK called Operation Encompass, which basically allows information relating to a child where they have been in a house where the Police have attended because of a domestic abuse incident, the Police will share that information with the school to ensure that the child receives the support they need, but also if their behaviour is

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540 not what you would normally expect, it is they are not penalised for it, and that has been a hugely successful initiative.

But also we work really closely with the Department of Health and Social Care, so the Prison healthcare team is actually part of the Department of Health and Social Care but they work really closely with the Prison to make sure their needs are met, and that is a really good example of a good working relationship.

545 I think the Department is also working really hard to build relationships with the Department of Health and Social Care Social Services Division to support those vulnerable children you mentioned, Mr Perkins. I think that is a real area where we want to develop those relationships on the Island.

550 **The Minister:** The Operation Encompass is something that was started when I was in the Department of Education, and coming here and ensuring that continuation and the link between the two Departments has been really helpful.

**Mr Perkins:** Thank you.

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**Q31. The Chairman:** Back in December 2018, Mr Davies, when you attended this Committee, you said that a review had taken place of the Department. I know we have chased that report and I am not today aware ... and then according to the Public Service Reform report, debated last week, it said the Departments under is review, so when will this be resolved and when can the previous report be submitted to the Committee?

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**The Minister:** That is currently sat with the Cabinet Office.

**Q32. The Chairman:** The previous report is now in the ownership of the Cabinet Office?

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**The Minister:** It is sat with the Cabinet Office at the moment.

**The Chairman:** Okay!

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**The Minister:** What it is, is the Cabinet Office are doing that review.

**Q33. The Chairman:** Well, the report was actually produced by the previous Minister and the interim CEO, I understand, from December 2018.

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**Mr Davies:** Yes, so the review was passed over to the Cabinet Officer for consideration as part of the broader public service programme, I think.

**Q34. The Chairman:** And are you happy with the one Public Service Reform report that it has included the recommendations or anything that you had in that report?

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**The Minister:** You have got a moving feast there, because I think what you have to do, as was discussed last week in Tynwald, this Department has worked well with the other review committee and when you look at how Government has been changing, during our term you will have noticed that Government has changed, and how you are dealing with different things has been quite beneficial, and the COVID experience has actually made Departments work better together.

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**Q35. The Chairman:** That nicely leads into the final question, what should the priorities be for the Department in the new parliamentary session?

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**The Minister:** I think what we have got is a number of legislative areas that we need to look at. So we have got a Sentencing Bill, we have got the fire safety work to do, we have also got ... what are the other ones we have got?

595 **Mr Davies:** We have got fire safety, the Sentencing Bill and a Firearms Bill as priorities. But also I think there has been a long discussion around hate crime and I think legislatively hate crime is a growing issue.

I would also probably say that the Department's focus is now on implementation. We have got the Sexual Offences and Obscene Publications Bill, which is awaiting Royal Assent, which has completely modernised the sexual offences legislation framework, it captured things like digital offences against children and grooming, arranging to meet a child for sex. So all of those need implementation as well as the Domestic Abuse Act. And obviously the Justice Reform Bill, which recently cleared the House of Keys, has a huge amount of reform in it and will require an enormous amount of secondary legislation and guidance to be brought together, but that allows for things like early intervention and the modernisation of justice. So that is a huge piece of work, alongside the implementation of the Licensing Bill.

**The Minister:** And one of the things that I would say, with my position as Minister for Justice, is we have noticed that there is a lot of focus on getting the primary legislation through but then with secondary legislation – and it is what we are discussing currently with the Attorney General, the staffing. As you will also be aware, there have been a number of staffing changes in the Attorney General's Chambers and I think there is one thing having a priority to ensure that we have got the primary legislation in place but we need to make sure that we have got the implementation and that the secondary legislation actually progresses at the same time.

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**The Chairman:** Okay, I think that is everything.

**The Assistant Clerk:** Can I just clarify two points, please? Firstly, during the pandemic did staffing at the Prison drop to eight or 10 staff members?

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**The Minister:** It was 10.

**Mr Davies:** Yes, I think it was 10.

625 **The Assistant Clerk:** Ten, okay, perfect. And secondly would you be happy to provide the Committee with more detailed information on what the black and red regime entails, please?

**Mr Davies:** Absolutely.

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**The Assistant Clerk:** Thank you very much.

**Mr Davies:** Madam Chair, can I just clarify that there was a full inspection of the Prison in 2006.

635 **The Chairman:** Thank you for that clarification. I thank both of you for coming in today, it is a whirlwind stop tour, because it is shorter than your normal annual session but thank you and we will now sit in private.

**Mr Greenhill:** Thank you very much.

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**The Minister and Mr Davies:** Thank you very much.

*The Committee sat in private at 12.07 p.m.*