



HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 29th November 2011

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Present:

The Speaker (Hon. S C Rodan) (Garff);
The Chief Minister (Hon. A R Bell) (Ramsey);
Hon. D M Anderson (Glenfaba); Mr L I Singer (Ramsey);
Hon. W E Teare (Ayre); Mr A L Cannan (Michael); Hon. T M Crookall (Peel);
Hon. P Karran, Mr Z Hall and Mr D J Quirk (Onchan);
Mr R H Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North);
Hon. D C Cretney and Mrs K J Beecroft (Douglas South);
Hon. C R Robertshaw and Mrs B J Cannell (Douglas East);
Hon. J P Shimmin and Mr C G Corkish MBE (Douglas West);
Mr R A Ronan (Castletown); Mr G D Cregeen (Malew and Santon);
Hon. J P Watterson, Mr L D Skelly and Hon. P A Gawne (Rushen);
with Mr R I S Phillips, Secretary of the House.

Business Transacted

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The House adjourned at 10.47 a.m.

House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

5 **The Speaker:** Moghrey mie, good morning, Hon. Members.

Members: Good morning, Mr Speaker.

The Speaker: The Chaplain will lead us in prayer.

PRAYERS

The Chaplain of the House of Keys

Special Meeting to elect one Member of the Legislative Council

10 **The Speaker:** Hon. Members, as you will know, the following candidates have been nominated for the vacant post of Member of the Legislative Council, Mr Brian Rae and Mr Tony Wild.

I would remind Hon. Members that the special meeting to elect a Member of the Legislative Council will take place on Monday 12th December.

Parliamentary duties Statement by the Speaker

15 **The Speaker:** Hon. Members, a large number of Committees were set up at the November sitting of Tynwald Court. The Clerks and the Parliamentary Administration Office are currently engaged in setting up initial meetings for various Committees. This is not always an easy task. I would remind all Members that parliamentary duties must take precedence over all other commitments, including any executive responsibilities Members may have in Government Departments.

Questions for Oral Answer

CHIEF MINISTER

Scope and structure of Government Re-examination

1.1. The Hon. Member for Malew and Santon (Mr Cregeen) to ask the Chief Minister:

20 *When the Council of Ministers will re-examine the scope and structure of Government?*

The Speaker: Hon. Members, we now turn to Item 1 on the Order Paper, Questions for Oral Answer, and I call on the Hon. Member for Malew and Santon, Mr Cregeen.

25 **Mr Cregeen:** Thank you, Mr Speaker.
I beg leave to ask the Question standing in my name.

The Speaker: And to reply I call on the Chief Minister, the Hon. Member for Ramsey, Mr Bell.

30 **The Chief Minister (Mr Bell):** Thank you, Mr Speaker.
As Hon. Members will be aware, I stated in my statement of policy priorities for my nomination to the position of Chief Minister that I believed we needed to revisit the Report on the Scope and Structure of Government, and I proposed to reconstitute the original Committee and charge them to produce an update on progress so far and suggestions for the future. Once this exercise had been completed, I also proposed a full Tynwald debate on the issues to take place to identify a collective and acceptable way forward.

35 Mr Speaker, I can advise Hon. Members that I have met with the Chairman of the original Committee and he has agreed to discuss the proposal to reconvene the original Committee with the Members who were previously involved.

40 The remit of the Committee will be to review the recommendations contained within the original Report in respect of the scope of Government, as I do not believe we need to reopen the structure of Government debate following the lengthy debate which we had in another place in 2010. Should the Committee Members agree to participate in this exercise, I have asked that the work be completed and a report provided to the Council of Ministers by 31st March 2012, which will then be fully debated by Tynwald.

The Speaker: Mr Cregeen, supplementary.

50 **Mr Cregeen:** Thank you, Mr Speaker.
Does the Chief Minister not agree that two of his current members – three of his current members – of the Council of Ministers actually proposed reduction in a number of Departments – Mr Robertshaw, Mr Watterson and Mr Crookall? The previous proposals put to the last Chief Minister only got defeated by one vote: will he please revisit the structure of Government?

55 **The Speaker:** Chief Minister.

The Chief Minister: Mr Speaker, at the moment, my priority is to review the scope of Government. That, I believe, is the most urgent requirement.

60 Government as a whole has been in some considerable disarray over 18 months, delivering the restructuring that was approved by Tynwald at that time. I do not believe it would be appropriate at this particular time to review again the number of Departments and all the problems which would flow from that. However, I do not ultimately exclude the review of the number of Departments. I just think, in terms of priority, the urgent one at the moment is the scope of Government.

65 **The Speaker:** Hon. Member for Douglas North.

Mr Houghton: Thank you, Mr Speaker.

70 In listening to the Chief Minister's candid responses this morning, can he inform this Hon. House that he really is in disapproval of what took place, when the new Government Departments were put in place on 1st April last year?

The Speaker: Chief Minister.

75 **The Chief Minister:** What happened last year, Mr Speaker, is now history. We have to live with what we have today. We have a structure in place which I hope will work effectively to deliver the services the people of this Island require.

80 **The Speaker:** Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.

When members of his Council of Ministers did consider there were too many Departments, will he not revisit that and go through the structure of Government, because that is where the

85 savings are going to be? We have chief executives due to retire. These remove the big expensive headcounts, rather than just hitting the smaller people at the bottom.

The Speaker: Chief Minister.

90 **The Chief Minister:** I think I answered that question, Mr Speaker.

The Speaker: Mr Cregeen, a final supplementary.

95 **Mr Cregeen:** Does the Chief Minister require a motion to Tynwald to request him to revisit the structure of Government?

The Chief Minister: Mr Speaker, if the Hon. Member had listened to me, I said my priority at the moment is to review the scope of Government. I think that is what people are most urgently looking for.

100 To remove several Departments from the current overall structure will take a considerable amount of work and a considerable amount of disruption at a time when all Departments are struggling to balance budgets and continue to deliver services. A further debate of this nature at this particular time would be a major distraction, which might, in fact, prevent us from delivering the services we want. It has taken 18 months for the previous restructuring to settle down and for Departments to start working.

105 I do believe, at this particular time, we need a period of calm to identify the savings we need, but I am not ruling out a review of the number of Departments in the future and I will certainly bear that in mind as soon as we get the scope dealt with.

110 **The Speaker:** I am not going to have a debate. Indeed, the Question has been answered. Mrs Cannell has a supplementary.

Mrs Cannell: Thank you, Mr Speaker.

115 I would like the Chief Minister to say he is not ruling it out. Bearing in mind he is going to ask the same Committee to reconvene and review what we have done so far, is it not sensible, therefore, that they would be looking at the structure as well as the scope, during the course of their review, and that they may well come forward and make similar recommendations to that which they made in the first instance, which was to reduce the number of nine ministries down to seven?

120 **The Speaker:** Chief Minister.

The Chief Minister: I cannot add any more than I have already said, Mr Speaker.

125 **The Speaker:** Mr Cregeen, this is your last supplementary.

Mr Cregeen: Will the Chief Minister give an undertaking to bring this forward within the next six months, a year at the maximum?

130 **The Speaker:** Chief Minister.

The Chief Minister: As soon as the issue of the scope of Government has been dealt with, Mr Speaker, I will certainly look at that straight after.

**Brussels office
Mr Bourke's actions since appointment**

1.2. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Chief Minister:

- 135 (a) *What the staffing and rental costs of the Brussels office have been since the appointment of Mr Bourke;*
(b) *which issues Mr Bourke has lobbied about on behalf of the Isle of Man Government and what the results of that lobbying have been; and*

(c) what newsworthy contributions Mr Bourke has made since his appointment?

140 **The Speaker:** Question 2, Hon. Member for Douglas South, Mrs Beecroft.

Mrs Beecroft: I beg to ask the Question standing in my name.

The Speaker: Chief Minister to reply.

145 **The Chief Minister (Mr Bell):** Mr Speaker, since the appointment of the Director of European Affairs in April this year up to mid-November, the staffing and office rental costs of the Brussels office, together with computer equipment, IT, telephone and travel expenses, is £109,109.

150 In answering the second part of the Hon. Member's Question, Mr Speaker, I think it is important to clarify that the Director of European Affairs is not engaged as a lobbyist. The Brussels office has been established to give the Isle of Man Government a permanent dedicated presence in the heart of the European Union. The Brussels office acts to obtain information on developments at the EU level, which might have a positive or detrimental effect on the Island, work with expert colleagues in different Government Departments to develop policy responses to those developments and represent those positions through the individuals and organisations responsible.

155 It is important to understand that the Brussels office is not a stand-alone operation, separate from Government, but an integral part of it. Only by Departments being clear about the impact on their business of various developments at EU level can the Brussels office take that message to those making the decisions there.

160 The Director of European Affairs has been engaged in a wide range of matters since his appointment. In particular, he has been heavily involved in preparing and delivering our response to the EU Code of Conduct Group on the Zero-10 issue – a vital matter which Hon. Members will be well aware of and from which a positive outcome is anticipated.

165 There are many other issues which the Director is actively working upon with the Treasury, the FSC and others, some of which are at an early stage of development and others which are ongoing. Examples include discussions with the European Payments Council concerning the Single European Payments Area; also, the terms by which non-EU businesses can access the EU market under the terms of the Alternative Investment Fund Managers Directive and the Markets in Financial Instruments Directive. The Director is also engaged with proposals which may have a less direct but no less significant impact on the Island, such as the Financial Transactions Tax and the Common Law of Contract, as well as measures which are essential to the public and private sectors day to day, such as the review of the Data Protection Directive.

170 In respect of part (c) of the Question, I think here again, Mr Speaker, it is important to understand that the purpose of this commitment is not to make headlines; it is to work diligently and carefully, often behind the scenes, to build relationships and alliances to help develop and influence where it can be of most benefit to the Island.

175 In addition, the Director of European Affairs plays an important role in advising Ministers and senior officers on European issues. As I have explained, success in Brussels will result from close co-operation between Departments on the Island and the Brussels office. Sometimes there will be a quick and visible result, but in an environment where policy, legislation and regulation are developed gradually over a period of several years, the real value of the Brussels office will be longer term.

185 **The Speaker:** Mrs Beecroft, supplementary.

Mrs Beecroft: Thank you, Mr Speaker.

190 Could the Chief Minister clarify what he has just said about the lobbying aspect? I think he said it was not part of his remit; the news release by Government dated 7th April lists various things that they are hoping for Mr Bourke to achieve, such as strengthening relations with key decision-makers etc, but the first thing that it states is 'lobbying on behalf of Government'. So there seems to be a bit of a contradiction there.

I am just wondering if the Chief Minister could clarify that, please.

195 **The Speaker:** Chief Minister.

The Chief Minister: The position of the Director is not as an out-and-out lobbyist, as people would understand it. It is to quietly engage with the decision makers in Brussels to identify

200 emerging issues which will affect the Isle of Man, on occasions to put forward the Isle of Man's position on various matters, not just financial services but on a wider range of issues when appropriate, and to ensure that the Isle of Man is fully briefed.

205 This is an extension of the relationship which existed for the Isle of Man in Brussels for many years with White & Case, our legal firm, who represented us there. They, too, were not employed as lobbyists, but were our active eyes and ears in Brussels, and I think that is a vitally important role at this present time for the Isle of Man to have.

The Speaker: Supplementary, Mrs Beecroft.

Mrs Beecroft: Yes, just a final supplementary, Mr Speaker, please.

210 Could the Chief Minister confirm, then, that in the news release issued by the Government, the emphasis and the terminology is actually slightly incorrect?

The Chief Minister: I have answered what the role is, Mr Speaker.

Isle of Man Census Publication of Report

1.3. The Hon. Member for Douglas North (Mr Houghton) to ask the Chief Minister:

When the Isle of Man Census report will be published?

215 **The Speaker:** We turn to Question 3. Hon. Member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.
I beg leave to ask the Question standing in my name, sir.

220 **The Speaker:** Again, I call on the Chief Minister to reply.

The Chief Minister (Mr Bell): Mr Speaker, provisional headline figures will be available by the end of this year and the full report will be finalised and released before the end of the first quarter in 2012.

225 **The Speaker:** Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.
Can the Chief Minister advise why this has taken far too long?

230 **The Speaker:** Chief Minister.

The Chief Minister: I understand, Mr Speaker, this is in the timeframe which was originally identified.

TREASURY

London Office, No 1, Cornhill Costs and benefits since opening

1.4. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

- 235 (a) *What the staffing and rental costs of the London Office at No 1, Cornhill, EC3, were in each year since its opening in January 2006;*
(b) *what use of the premises has been made since its opening (i) by Isle of Man businesses, (ii) by Isle of Man politicians and civil servants;*
240 (c) *what promotion and development of the Island's financial services sector has been achieved by the office since its opening?*

The Speaker: Question 4, Hon. Member for Douglas South, again, Mrs Beecroft.

Mrs Beecroft: I beg to ask the Question standing in my name.

245 **The Speaker:** I call the Minister for the Treasury, the Hon. Member for Ayre, Mr Teare.

The Minister for the Treasury (Mr Teare): Thank you, Mr Speaker.

250 Hon. Members will be aware that the contract for this facility ceased on 24th October 2010, and that both prior to and since this time, the answers to these questions have been a matter of public record.

Rather than read extracts from the official records of *Hansard*, I would urge the Member for Douglas South to view pages 321 and 322 of the Proceedings of Tynwald Court on 16th November 2010 and pages 415 to 417 of the Proceedings of the House of Keys on 9th February 2010, where the answers can be found, sir.

ECONOMIC DEVELOPMENT

Driving instructors' Work Permits Number issued in last 24 months

1.5. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Economic Development:

255 *How many Work Permits (self employed or employed) were issued to individuals for the purposes of driving instruction in the last 24 months?*

The Speaker: Question 5, Hon. Member for Michael, Mr Cannan.

260 **Mr Cannan:** I beg leave to ask the Question standing in my name, sir.

The Speaker: I call the Minister for Economic Development, the Hon. Member for Douglas West, Mr Shimmin.

265 **The Minister for Economic Development (Mr Shimmin):** Thank you, Mr Speaker.

The number of Work Permits issued to individuals for the purposes of driving instruction by my Department in the period between 31st October 2009 and 31st October 2011 is five. All of these Work Permits were issued to allow the individuals to work as a self-employed driving instructor.

270 Of the five cases, one is a new Work Permit and the four other Work Permits granted are renewals of Work Permits issued prior to October 2009.

The Speaker: Mr Cannan, a supplementary.

275 **Mr Cannan:** A supplementary, Mr Speaker.

Will the Minister reassure this House that the Work Permit Office continues to carefully assess applications of this nature, particularly in those instances where the role or the nature of the business may be seen to detract from providing local business opportunities to Manx qualified workers?

280

The Speaker: Mr Shimmin.

The Minister: Thank you, Mr Speaker.

285 Yes, I take that on board, Mr Speaker. The Department and the Work Permit Committee will continue to scrutinise all applications submitted. They do, as a committee, convene twice monthly and regularly receive economic data, so the criteria used to make decisions on granting Work Permits reflect the short and long-term needs of the economy and the wider social needs of the Island. So before approving any Work Permit, the Committee thoroughly review the prevailing economic situation and, in cases of self-employment, satisfy themselves that there is a need to
290 grant the permit due to a lack of suitable Isle of Man workers offering that service.

If that is found not to be the case, Mr Speaker, I would be glad to have that brought to my attention.

**Isle of Man TT World Series
Question withdrawn**

1.6. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Economic Development:

295 *How much the consultancy services by the Sports Consultancy in respect of the feasibility study into the formation of an Isle of Man TT World Series cost?*

The Speaker: Question 6, Hon. Member for Douglas South, Mrs Beecroft.

Mrs Beecroft: I am sorry, Mr Speaker, that Question was withdrawn.

300 **The Speaker:** Withdrawn, I beg your pardon.
Thank you.

EDUCATION AND CHILDREN

**Kirk Michael School landswap deal
DEC Order under Education Act 2001**

1.7. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Education and Children:

305 *In respect of the Kirk Michael School landswap deal –
(a) whether his Department made a relevant Order in accordance with schedule 2 of the Education Act 2001;
(b) when it made the Order; and
(c) what objections were received?*

The Speaker: Question 7, Hon. Member for Michael.

310 **Mr Cannan:** Mr Speaker, I beg leave to ask the Question standing in my name.

The Speaker: I call the Minister for Education and Children, the Hon. Member for Onchan, Mr Karran.

315 **The Minister for Education (Mr Karran):** Vainstyr Loayreyder, I thank the Hon. Member.
The Department has not yet brought to Tynwald a relevant Order in accordance with schedule 2 of the Education Act 2001. Following consideration by the Department and prior to the agreement with Heritage Homes, it was felt that it was premature, as the landswap, although enlarging the overall footprint of the grounds of the school, did not materially affect the building or its capacity.

320 It also has reached its decision that the Department was mindful of the motion passed by Tynwald on 18th January 2011 that Tynwald does support the Department of Education and Children in the current and further discussions, and to sell or transfer the ownership of part of the land at Michael Primary School, Douglas Road, Kirk Michael, for this purpose of ensuring the ability to develop further the school site for the benefit of the school and the community.

325 Therefore, in respect of the two other questions, I have no comment to make, as an Order...
When it is brought forward to Tynwald, we will address this issue. If the Department was to significantly enlarge or alter the school premises, then there would be an Order brought forward, Vainstyr Loayreyder.

330 **The Speaker:** A supplementary, Mr Cannan.

Mr Cannan: Thank you, Mr Speaker.

335 Can I ask the Minister... or will the Minister actually accept that, under the terms of the land swap agreement, there will be alterations to a school premises?

The Speaker: Minister to reply.

340 **The Minister:** The alterations will not actually affect the premises of the school. There will be more sports facilities, which is there...

As I have said, Vainstyr Loayreyder, to be helpful to the Hon. Member, I am happy to bring forward any Order that could be seen in accordance with Schedule 2 of the Education Act 2001. Our legal advice is the fact that it is not actually materially affecting either the building or the capacity of the building that we do not need to go down that approach.

345 Thanking the Hon. Member for his supplementary.

The Speaker: Further supplementary.

Mr Cannan: Further supplementary, Mr Speaker.

350 I am sorry, I am just slightly confused here that we have a slight question over the definition of the word 'premises'.

Will the Minister now, therefore, explain to the House that the definition of the word 'premises' is actually land and buildings together, or is he saying that premises, as defined by the Act, are actually just the buildings?

355

The Speaker: Minister to reply.

The Minister: The legal advice that we have is that it does not materially affect the building or its capacity.

360 That was what the principle behind schedule 2 of the Education Act 2001 was concerned about. Obviously, I can appreciate the Hon. Member has to look after the interests of his constituency and the issue that he must be seen to do something as far as his constituents are concerned. I cannot get involved with the issues of whatever the interests or the effects as far as the surrounding constituents are. I have to be concerned about one issue, not nimbyism, but the issue of the facilities as far as education is concerned, and my Department – which I went to see this morning to try and reclarify this point – are quite sure that the issue is that the buildings are... capacity was what was meant by the interpretation as far as schedule 2 of the Education Act is concerned.

370 If he can bring to me that this is not the case, then I will be very happy to go back to my officers and to the Attorney General's department to find out how he has managed to find a different interpretation for this piece of legislation.

INFRASTRUCTURE

Driving instructors' licences Transfer between UK and Isle of Man

1.8. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Infrastructure:

- (a) Whether a UK qualified driving instructor can transfer his licence to the Isle of Man, but an Isle of Man qualified driving instructor cannot transfer his licence to the UK; and
(b) if so, what measures are being undertaken to alter this?

375

The Speaker: Question 8. Hon. Member for Michael, Mr Cannan.

Mr Cannan: I beg leave to ask the Question standing my name.

380 **The Speaker:** I call the Minister for Infrastructure, the Hon. Member for Douglas South, Mr Cretney.

The Minister for Infrastructure (Mr Cretney): Thank you, Mr Speaker.

385 In response to the first part of the Question, any UK-qualified driving instructor is permitted to transfer his or her licence to the Isle of Man. Schedule 4 of the Road Traffic Act 1985 exempts a person qualified under part 5 of the Road Traffic Act 1972 to give instruction in the driving of motor cars, and who satisfies the Registrar that his name is in the register of approved instructors referred to in section 126 of that Act, from passing the approved driving instructor examination in the Island. There is no equivalent provision in UK legislation because, until recently, Isle of Man driving instructors' regulations were very different from United Kingdom legislation and did not provide equivalent tests.

390 The Motor Cars (Driving Instructor) Regulations 2007 did improve the situation. However in 2011 these Regulations have been further amended to require approved driving instructors to undertake a hazard perception test in addition to the theory test and the current provisions should now be equivalent to the United Kingdom provisions.

395 Since the introduction in April 2011 of the amendment to the Regulations, my officers have contacted the UK Driving Standards Agency, requesting that they support a request to the UK Department for Transport for a change to legislation to exempt Isle of Man approved driving instructors from the UK examinations.

400 The UK legislation permits regulations to set aside the requirement to pass the GB qualifying tests in certain circumstances and the Driving Standards Agency has advised that they would consider taking this forward within their modernising driver training programme. Any changes to UK legislation would, of course, be subject to consultation.

UK Encams survey and assessment Cost

1.9. The Hon. Member for Onchan (Mr Quirk) to ask the Minister for Infrastructure:

405 *How much the UK Encams survey and assessment cost?*

The Speaker: Question 9, Hon. Member for Onchan, Mr Quirk.

Mr Quirk: I beg to ask the Question standing in my name, sir.

410 **The Speaker:** Again, I call on the Minister for Infrastructure, Mr Cretney.

The Minister for Infrastructure (Mr Cretney): Thank you, Mr Speaker.

415 I confirm that an order to the value of £38,400 plus VAT was placed on 25th February 2011 with the Keep Britain Tidy organisation to provide street cleaning performance management services.

420 A copy of the order and the associated agreement was previously provided to the Hon. Member on 21st March 2011 by the Director of Highways, when Mr Quirk was a member of the Department. The work, which consisted of a local environmental quality survey and online market research, was aimed at providing independent data to inform strategic street cleansing decisions, so that the service can, in future, be made as effective and efficient as possible. The survey has now been completed and the results are being used to inform the Department's review of street cleaning operations.

425 **The Speaker:** Mr Quirk, supplementary.

Mr Quirk: Thank you, Mr Speaker. I thank the Minister for his Answer.

430 In the Report, can the Minister explain to me why the Report is owned by Keep Britain Tidy and if any part of the document has to be reproduced, we have to ask Keep Britain Tidy for its permission?

The Speaker: Mr Cretney.

435 **The Minister:** I am sure the Hon. Member, as a member of the Department, will have asked that question. I have not asked, but I will and I will come back to him.

The Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

440 Could I ask the Minister, in his press release of the 29th, he did indicate that they have met several times with a number of local authorities to develop a framework agreement... Can I ask the Minister, could he give an indication to this House and to myself, where those framework agreements are and will they be available for the areas that were chosen?

The Speaker: Minister to reply.

445 **The Minister:** There have been meetings with the local authorities. Indeed, I attended an all-day seminar and, unfortunately, I had other commitments, so was not able to stay all day, but there were a number of local authority representatives, both politically and officer level, who are embracing and looking forward to extending these facilities and making sure that our Island really is a clean and green place.

450

Several Members: Hear, hear.

The Speaker: Mr Quirk, a supplementary.

455 **Mr Quirk:** Finally, if the document is owned by Keep Britain Tidy, I am just wondering whether the Minister could indicate to me where it is said there are... I think it said 11 towns or nine towns, off the top of my head – where the town is of P-E-L-L?

The Speaker: Minister.

460

The Minister: Obviously, the persons who have written that have made a mistake and I presume it is Peel.

Cancellation of Ben my Chree sailings Reasons; minimising for future

1.10. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Infrastructure:

465 *Whether or not the recent cancellation of sailings by the Ben my Chree has only been because of bad weather or whether problems with the bow thrusters have been a consideration; and, if so, what plans he has to minimise cancellations in future?*

The Speaker: Question 10. Hon. Member for Douglas South, Mrs Beecroft.

470 **Mrs Beecroft:** I beg to ask the Question standing in my name.

The Speaker: Minister for Infrastructure.

The Minister for Infrastructure (Mr Cretney): Thank you, Mr Speaker.

475 In answer to the Hon. Member's Question, the Steam Packet captains have demonstrated, over many years, their professionalism, experience and awareness of the important service the *Ben my Chree* provides to the Isle of Man.

480 In taking the decision not to sail, several matters were taken into consideration by the captain on the day, one of which was the forecast steep deterioration in weather and sea conditions on the afternoon of 17th November 2011, and the ability of the *Ben my Chree* to safely manoeuvre in them. It was the captain's decision – nobody else.

485 It has been well reported that the *Ben my Chree* suffered the loss of one of its bow thrusters in May this year and the necessary repairs are in the hands of the manufacturer, Wärtsilä, which is a company based in Germany. Once the repairs to the bow thrust unit have been completed, the vessel will have to be drydocked for it to be refitted. This requires the vessel to be taken out of service for several days. Therefore, this work must be scheduled when a dry dock is confirmed as available and replacement passenger and freight services can be maintained.

Given the difficulty of finding substitute ships, particularly a passenger ship with suitable capacity, the Company's preferred option is to utilise *Manannan* to cover the passenger service and charter in a replacement freight ship.

490 The Department maintains close contact with the Company at both officer and Department level. Indeed, as I stated last week, in the short time I have been Minister, I have met three times with senior representatives of the Company. Use is made of these various meetings to try to ensure the Company provides the necessary information for passengers and public, when cancellations and other amendments to the schedule occur. However, the decision to cancel any sailing due to
495 adverse weather remains where it should and that is in the hands of the Company and in particular, the captains of *Ben my Chree* and *Manannan*.

The Speaker: Mr Hall, supplementary.

500 **Mr Hall:** Thank you, Mr Speaker.

I thank the Member for his reply, but I am a little unsure... The information is not totally accurate, because the bow thruster problem actually originated since March 2010, when it came out of dry dock, according to a marine investigation. Is he aware, also, in respect of this, that the circuit breakers... in the criticism, that a technician's relative inexperience and lack of formal
505 training resulted in introducing new faults?

Is he also aware that the recommendation was that the Steam Packet and companies... that they actually have technical expertise to carry out the work involved to a satisfactory standard, especially when critical equipment is necessary? Can he confirm that the Steam Packet are now doing this, they are actually using the original equipment manufacturers for their annual service?
510 Can he confirm that the bow thruster problem has actually been going on for some time now, since March 2010, to the best of my knowledge – not what he said, May of this year?

The Speaker: Minister to reply.

515 **The Minister:** I can only answer the Question on the basis of the information I am provided with, and the information I was provided with was that which I read out.

In relation to the other matters which the Hon. Member raised, obviously the Steam Packet Company is a private company and if they have been offered advice of a technical nature, I would expect them to follow that.

520 **The Speaker:** Mrs Beecroft, Hon. Member.

Mrs Beecroft: Thank you, Mr Speaker.

I wonder if the Minister has any date... The bow thruster... According to his Answer, the
525 problem happened in May; it was due to be sorted in September. I wonder if he has a date when it will be, that we can work to, hopefully when these problems will be over.

Also, has he been informed by the Steam Packet of any other technical problems? If he has, if he could inform this House of those problems; and if he has not, would he seek clarification from the Steam Packet that there are not any other technical problems, apart from the bow thruster?
530

The Speaker: Minister to reply.

The Minister: On the basis of the supplementary questions that have been raised by both Hon. Members, of course, I will be asking the Steam Packet if there are additional problems which I was not aware of. I am very happy to do that.

In relation to the bow thruster itself, the fitting thereof and the dry dock and everything else that goes along with that, it will be some time in the New Year – as soon as possible, obviously, is in everybody's interest.

540 **The Speaker:** Mr Hall.

Mr Hall: Thank you, Mr Speaker.

Is the Minister aware – and we fully appreciate that the ultimate responsibility always lies with the captain – but is he also aware of the navigation guidelines of Heysham harbour, because the general vessels cannot enter that port with winds in excess of 35 knots, as registered at the port's roundhead meter: but, further than that, is he also aware that with the loss of one thruster, that that gets reduced down to 25 knots? So the real issue, Mr Speaker, is a number of factors.
545

The Speaker: Minister to reply.

550 **The Minister:** Well, the Member has really got me on the rocks now, hasn't he? (*Interjection*)
Mr Speaker, obviously, if there are further technical issues associated with the problems that I
am not aware of, as I have said previously, I will clearly raise them. I am, however, obviously
aware, on a historic basis, of the difficulties accessing Heysham from time to time, and anybody
555 who knows anything about sailing from the Isle of Man to the United Kingdom will be aware of
that. That is why I have always been a proponent of Liverpool.

The Speaker: Mrs Beecroft.

560 **Mrs Beecroft:** Thank you, Mr Speaker.
I understand that the Minister cannot have all the information to hand, but I would be very
grateful if he would circulate (*Interjection by the Minister*) the information, once he has spoken
with the Steam Packet, and particularly with the engineers, to see if they have any cause for
concern, rather than the top-level management that he might speak to.

565 **The Speaker:** Minister, will you circulate information?

The Minister: I am very happy to comply with the wishes of Hon. Members, to the extent to
which the Steam Packet wish to provide such information.

570 The Steam Packet is a private company. I will raise with them the concerns of Hon. Members.
It would be helpful sometimes, rather than just putting a Question down, if Hon. Members had the
courtesy either to pick the phone up or to write to me, and then I could have provided the
information this morning, which is obviously much more than I can be expected to know about.

The Speaker: Hon. Member for Ramsey.

575 **Mr Singer:** Thank you.
Could I ask the Minister if the *Ben* goes in early in the year for repairs, is the Minister satisfied
that the *Manannan* would be a suitable substitute, particularly if the weather is anything like it is at
the moment; and if the *Manannan* then cannot itself sail, how does that comply with the User
580 Agreement?

The Speaker: Mr Cretney.

585 **The Minister:** Clearly, it would not comply with the User Agreement.
The information that the Steam Packet Company have provided for me is that, as soon as
possible in the New Year, they wish to get this undertaken. There are issues around that, such as
providing additional capacity, which is not readily available, but obviously they are going to make
efforts to make sure that happens, and they will need a time, whilst the vessel is in dry dock for the
work to be undertaken. Clearly it is in everybody's interests that that is done as soon as possible,
590 so that the Steam Packet Company can get back to their sailings on the more regular basis.

The Speaker: Mr Singer.

595 **Mr Singer:** So, is the Minister therefore satisfied that, when the *Ben* goes in for repairs, there
will be an adequate service provided for the people of this Island to go to England?

The Speaker: Minister.

600 **The Minister:** I have been assured by the Steam Packet Company, the private company which
operates such services, that they will continue to comply with the User Agreement.

The Speaker: Mr Hall, a further supplementary.

605 **Mr Hall:** Thank you, Mr Speaker.
Could the Minister actually find out with this manoeuvrability problem with the bow thrusters
in certain conditions, how many tugs are actually required to assist a ship in the harbour? I
understand that Heysham port only has one tug, so could he find out how many would be
required?

610 **The Speaker:** Minister.

Mr Cretney: Happy to do so.

COMMUNITY, CULTURE AND LEISURE

Marown and Rushen low cost activity hall DCCL capital programme

1.11. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Community, Culture and Leisure:

615 (a) *Whether the low cost activity hall approved for Marown and Rushen has been removed from his Department's five-year capital programme proposals; and*
(b) *if he will reinstate the hall in his Department's capital programme in the interests of improving the participation of young people in healthy, sporting activities and improving access to sports facilities in Marown and Rushen?*

The Speaker: We turn to Question 11. Hon. Member for Middle, Mr Quayle.

620 **Mr Quayle:** Thank you, Mr Speaker.
I beg leave to ask the Question standing in my name.

The Speaker: I call on the Minister for Community, Culture and Leisure, Hon. Member for Peel, Mr Crookall.

625 **The Minister for Community, Culture and Leisure (Mr Crookall):** Thank you, Mr Speaker.

One of the first tasks that my Member and I had to consider on my appointment was the capital programme to be submitted to the Treasury in preparation for the Budget.

630 My predecessor had submitted an original programme, which had included financial provision totalling £1½ million for two low-cost activity halls. The Treasury later issued revised targets which were below the sum which had originally been requested. As a Department, we considered the relative merits and priorities of all the projects within the original submission and decided that we should prioritise projects that maintain existing assets or which are essential to main existing services. This inevitably meant that the low-cost activity halls which were included in the programme, at the Department's initiative, as the provision of new facilities were afforded a lower priority and were not included within the capital submission. In addition, the majority of spend was to be off Island. The Department has stopped all work on the project and we have advised the two applicants who had previously been granted preferred-bidder status of that.

640 Whilst I have absolutely no difficulty in supporting the laudable objectives expressed by the Hon. Member, I am afraid that, within the capital resources currently allocated to my Department, our priority must remain the maintenance of the assets we already have. If financial circumstances had allowed the expansion of our leisure portfolio, I would have no hesitation in supporting the low-cost activity halls. Of course, it is possible that we may, at some point, be asked to identify projects that can be quickly progressed using local resources, in which case I will ask that this scheme is reassessed on a conventional build.

645 In the longer term, if the funding position improves, we will certainly look to reconsider the decision to cancel the project.

650 Thank you, Mr Speaker.

The Speaker: Mr Quayle, supplementary.

Mr Quayle: Thank you, Mr Speaker.

655 Would the Minister explain why he is cancelling building works which would help our severely pressed construction industry, whilst the Chief Minister and other Government Departments are supporting capital and construction projects, to help our local construction industry?

660 Would he, further, support these sports halls, if the local Commissioners for the relevant areas came back with proposals, utilising a greater percentage of local construction work?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

665 As I think I already said, one of the problems we had with this – well, two problems – one was the lack of money to be able to do this and, two, most of the money was going off Island. If we are in a position to bring it back, I will reassess this and most of the money will be spent on Island with local building firms.

670 **The Speaker:** Mr Quayle.

Mr Quayle: Just a further supplementary, thank you.

Does the Minister know what the waiting list is, if a youth group, say, in Marown or Rushen, wanted to book a five-a-side hall football pitch on a once-a-month basis at the National Sports Arena, which is the only facility available, certainly in Marown?

675

Two Members: St John's.

The Speaker: Minister.

680

The Minister: Thank you, Mr Speaker.

I am not exactly sure of the exact time of the waiting list, but I know, certainly, from Peel, when they have to go to St John's to use their astroturf sometimes, it is available, but there is a waiting list. I am aware of that, sir.

685

The Speaker: Hon. Member for Rushen, Mr Skelly.

Mr Skelly: Gura mie eu, Loayreyder.

As a Member for Rushen – obviously, our constituency will be a loser in this particular issue – and also a Department Member, I have to say it was not an easy decision to make that decision, to make that cut. It is –

690

The Speaker: A question, please.

695 **Mr Skelly:** The reason we are here, I think, the reason we were put in this House was actually to make difficult decisions, and I have to say I would like to support the Department in this decision on the basis –

The Speaker: Do you have a question?

700

Mr Skelly: The question is that I do support it... and I would just like to say in my... in this mistake here... *(Laughter)*

A Member: What exactly are you supporting?

705

Mr Skelly: I agree. I support the Minister in this. It was a very difficult decision and I do support the Minister.

The Speaker: Thank you. *(Laughter)*

Mr Quayle.

710

Mr Quayle: Further supplementary.

Would the Minister be disappointed to know that, having spoken to the National Sports Centre staff today, the waiting list is over a year and, in fact, there have been people on the waiting lists for these sports facilities for a number of years – and I was told not to bother, if I wanted to book a slot for local youth groups on the Island?

715

Could I reiterate that if the local Commissioners came back with a scheme, utilising a far greater percentage of local building suppliers, would he reintroduce the capital schemes for Marown and Rushen for these sports halls?

720 **The Speaker:** Reply, sir.

The Minister: Thank you, Mr Speaker.

I am not in a position to do that at this moment, but I would be more than happy to talk to the Hon. Member afterwards, with regard to the comments that he has received back this morning.

725 **The Speaker:** Hon. Member for Onchan, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Could I ask the Minister, would he investigate the allegation, then, if the NSC allocation for the sports pitches is fair? Would he come back to Members?

730

The Speaker: I am not sure that this is within the bounds of the Question. It may be. Mr Crookall.

A Member: He asked it.

735

The Minister: I do not think it is, sir, but I will certainly look into it and report back to Mr Quirk.

The Speaker: Hon. Member for Malew and Santon, Mr Cregeen.

740

Mr Cregeen: Thank you, Mr Speaker.

Will the Minister confirm that he would support local authorities funding sports facilities if they wish to?

745

A Member: Hear, hear.

The Speaker: Mr Crookall.

Mr Watterson: Start with the NSC.

750

Mr Crookall: That is a yes, sir.

The Speaker: Hon. Member for Rushen, Mr Gawne.

755

Mr Gawne: Gura mie eu, Loayreyder.

Will the Minister confirm that he will be investigating how these proposals came forward in the first place with so much off-Island spend, when we clearly need to have on-Island support for our construction sector? Will he go back to his Department to find out how on earth this proposal, which had been agreed and is now off the table, got onto the table with so much off-Island spend in the first place?

760

A Member: I can tell you the answer.

The Speaker: Minister to reply.

765

A Member: Costs.

The Minister: I am happy to do that, Mr Speaker.

770

The Speaker: Thank you, Hon. Members, that brings us to the end of the Questions for Oral Answer.

Questions for Written Answer

The Speaker: There are four Questions for Written Answer and the replies will be circulated.

HEALTH

**Doctors and nurses by category
Complaints and poor performance**

2.1. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Health:

During the past five years –

- 775 (a) *how many complaints were made against doctors and nurses in each category;*
(b) *how many outstanding complaints there are and for how long they have been
outstanding, broken down by categories;*
(c) *how many doctors and nurses failed objective performance assessments and, if so, what
steps were taken to protect patients in each category; and*
780 (d) *how many doctors and nurses were recommended to be struck off the register or incurred
a suspension in each category?*

Answer: (a) & (b) The compliments and complaints procedure is an important component of the overall patient safety and quality framework across the Department of Health. It provides feedback from patients and their relatives as to the standards of care delivered.

785 Unfortunately, it is acknowledged that, now and again, the standard of service delivery does not meet the standards to which we aspire, or match the expectations of our patients or their relatives. In these circumstances, patients and their families may take the opportunity to complain about the care they receive. This affords clinical leaders and managers the opportunity to enter into constructive dialogue to address patient concerns and, where appropriate, put into place remedial action to prevent recurrence. The ultimate goal in this process is the maintenance of high quality patient care, thus improving the patient experience when using the services that are provided.

790 As healthcare develops, the types of treatments and therapies become more complex and varied; it is not inconceivable that the style of complaint is also becoming more complex and can include several component parts. These may be very varied, and include concerns as to clinical care, staff attitude, appointment and waiting times etc. To enable the Department to appropriately analyse the data obtained, and to monitor remedial actions, it has invested in information software in order to provide appropriate statistics and aid in trend analysis of, *inter alia*, the types of complaints that are raised by the patients themselves, or their relatives on their behalf. This software was only introduced in 2010-11 and we were not able to analyse data in this way previously.

795 The system, as currently set up, groups the type of complaint into general statements and not by individual component factor. It is, therefore, not straightforward to provide answers to the questions asked, i.e. 'how many complaints were made against...', as there is no context. For example, a complaint against a doctor may include such components of long waiting times, or a delay in receiving a laboratory result. In these circumstances the complaint against the doctor is outwith his control, and is technically not a complaint against a named doctor. The same would apply to nursing staff. It is very rare we receive a complaint against a specific individual. Complaints are received about nursing care or medical care or both, but not usually about a specific doctor or nurse.

800 The provision of data regarding outstanding complaints is similar, as there are a number of reasons that a complaint has been closed. They include factors such as the complexity of the complaints requiring extended investigation; the 'local' resolution date has not been achieved, or that the matter has been referred to the Independent Review Body (and consequently remains open), or that patients and their relatives may raise other concerns associated with their original complaint as the process develops.

805 In relation to GP complaints there is a process under which GP practices have a dedicated person to deal with complaints lodged. The majority are able to be settled at practice level in discussion with the patient. In cases where patients have been dissatisfied with the outcome of the practice-based complaints process they are provided with an opportunity to have the matter referred to an Independent Review Body.

820 The figures given below are for the complaints the Department of Health has received as a whole. They include complaints regarding the services provided at Noble's Hospital, including the MEDS Service; Primary Care; including the Ambulance Service, District Nursing and Health Visiting Services and the Prison Medical Service.

825 The following tables show the number of complaints received and broken down, as requested.

Table 1 gives the information for staff employed by the Department of Health and Table 2 gives the information for local General Practitioners.

Table 1

Department of Health - Complaints in the last five years

	2007-08	2008-09	2009-10	2010-11	2011 to present	Total
Number of complaints	167	191	179	121	126	784
Complaints against medical staff	15	9	8	59*	33*	124
Complaints against 'other staff'	12	10	7	Category broken down below		29
Complaints against nursing staff				5	1	6
Complaints against admin staff				5	5	10
Complaints against maintenance and ancillary staff	Information not available on previous IT System			2	-	2
Complaints against Professionals allied to Medicine				2	-	2
Complaints included as a component				44	22	66
Number of complaints currently open				15	61	76
Complaints specific to service failures				28	32	60

830 *Note: The apparent increase in complaints against medical staff for the years 2010-11 and 2011 is a consequence of our ability to interrogate the new software Complaints and Risks System in more detail. The system introduced in 2010-11 allows us to analyse data in much more detail, thus highlighting and identifying themes that were not readily available before. The new system identifies the complaint about clinical care against the responsible consultant, but it does not mean that the complaint was about the doctor themselves. The overall number of complaints received by Health Services has decreased.

Table 2

Year	2007-08	2008-09	2009-10	2010-11	2011-12 (1st half of the year)
Total number of complaints/concerns across the Island's GP practices	26	41	60	59	19

835 (c) The appraisal and individual performance review systems that are used within Health Services for doctors, nurses and other staff are designed to promote life-long learning and continual professional and personal improvement and development. They are not 'pass' or 'fail' assessments and therefore it is difficult to provide numbers with regards to how many 'pass or fail' their objectives.

840 The objectives are set by individuals and their line manager and relate to their own personal and professional development needs. Many of these are about enhancing their education and academic knowledge and are not necessarily about clinical competency, technical tasks or skills. These things are monitored on a day-to-day basis within the clinical environment, working with practice and clinical supervisors. Again, these are all post-registration, in that they are advanced and continuing skills after the practitioner has qualified to be a nurse or a doctor and therefore are
845 not necessarily 'pass or fail'.

Within Health Services, there are comprehensive patient safety and quality frameworks which relate to clinical governance and are there to ensure that services, systems and practitioners are safe. These patient safety frameworks are put in place in a number of ways. These include:

- 850 • Clinical supervision
- Practice development programmes
- Patient safety walks around clinical areas
- Observations of care
- Competency frameworks for skills and technical tasks
- 855 • Clinical audit
- One-to-one supervision of learners

860 All of these things make up our framework, which ensures practitioners are safe to do the job that they do. When and if they are not, steps are taken to either retrain them in that particular skill or task or job role, or to make a decision that they should not undertake that particular skill, task or role.

It is also important to note here that each individual practitioner should be able to demonstrate that they are competent and confident to practise to their regulatory body. At the time of re-

865 registering, they must declare this. In the next few years, this process of revalidation will become increasingly robust as the regulatory bodies enhance their systems.

(d) Doctors and nurses are regulated by the General Medical Council (UK) and Nursing and Midwifery Council (UK) respectively. These are the regulatory bodies whose responsibility it is to protect the public, set professional standards and regulate practitioners. Where the employer (or any other person) is concerned about the capabilities, competence or conduct of a practitioner to the extent that they believe the public might be at risk from the practitioner, a referral for review of that individual's ability to stay on the Register can be made to the regulatory body. Referrals can be made for a number of reasons:

(1) *that the individual practitioner's health is impaired to the extent that it might affect their ability to practise;*

(2) *the practitioner has been convicted of a criminal offence (there is a statutory obligation to advise the regulatory body in these circumstances);*

(3) *there is a concern that the competence or conduct of a practitioner is a risk to the public or has brought the profession into disrepute.*

880 Table 3 below shows the number of referrals that the Health Services, as an employer, has made to the regulatory bodies of doctors and nurses in the last five years. These referrals relate to practitioners working both at the Hospital and in Primary Care. It is important to note that the figures do not include those staff employed by the former Department of Health and Social Security who now work within the Mental Health Services part of the Department of Social Care. They also do not include those practitioners who are either independent practitioners or work within the independent healthcare sector in the Island. There are also some practitioners who may have been referred by another person or employer. These practitioners are not included, either as this data is not necessarily available to us, or applicable to their employment here.

Table 3

Referrals to the regulatory bodies for doctors and nurses employed/contracted by Health Services within the last five years

Type of Practitioner	Regulatory Body	Reason for Referral	Outcome or Action of Regulator
Nurse	NMC	Health	Suspended then removed from the Register
Nurse	NMC	Health	Suspended then removed from the Register
Nurse	NMC	Criminal	Recorded criminal conviction
Nurse	NMC	Conduct	No further action
Nurse	NMC	Criminal/Health	Not yet concluded
Nurse	NMC	Health	Interim suspension then removal from Register
Nurse	NMC	Conduct	Conditions of Practice/Caution
Doctor	GMC	Criminal/Conduct	Suspended from the Register – not yet concluded
Doctor	GMC	Conduct	Not yet concluded
Doctor	GMC	Conduct	Interim suspension/caution
Doctor	GMC	Conduct	Suspended/reinstated

Note: These figures do not include those staff formerly employed by DHSS and now employed by DSC or those referred by the Island's Chief Nurse Adviser but employed within the Independent Health Care Sector.

In summary, there have been seven nurses and four doctors referred to their regulatory bodies.

**Health Services and addiction treatment for prisoners
Expenditure 2003-11**

2.2. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Health:

How much was spent on the provision of Health Services to prisoners in the Isle of Man in each financial year between 2003-04 and 2010-11; and how much was spent on methadone and the treatment of addiction to banned substances in each of those years?

Answer: The provision of healthcare to prisoners only became the responsibility of the Department of Health in 2008, with the move to the new Prison.

I can, with regard to the first part of the Hon. Member's Question, provide the following costs in relation to the provision of healthcare to prisoners. It should be noted that this includes the provision of nursing staff (Registered Nurses and Registered Mental Health Nurses); General Practitioner input; Dental; Ophthalmic and Pharmaceutical services.

	£	
2006-07	144,317	Data supplied by the Department of Home Affairs
2007-08	85,264	Data supplied by the Department of Home Affairs
2008-09	305,500	
2009-10	322,000	
2010-11	267,832	

The Department of Home Affairs were unable, within the available time, to provide figures for the first two years requested.

In addition, there is the provision of Mental Health Services such as psychiatry; psychology and social work. These are within the purview of the Department of Social Care and these costs are not included.

To assist, a briefing note is attached, which was prepared in 2008, which details the rationale for the transfer of prison healthcare to the Department of Health, including an overview of the identified services. Following the HMI Report in 2006, there was a very considerable increase in the healthcare resources dedicated to prisoners and this is reflected in the cost figures which I have provided.

In relation to the second part of the Question, the Department is unable to provide the information requested within the available time. The treatment of addiction to banned substances can take place in a number of settings, via general practitioner input; Mental Health nurses; DAT services; psychiatry and psychology etc. Extracting the requested costs from the various areas would be a protracted process.

If the Hon. Member contacts the Department direct, officers can provide a comprehensive briefing.

**Prison Healthcare in the Isle of Man
Briefing Note**

Following an inspection of the prison by the HMI in 2006, the resultant report stated, in relation to Prison Healthcare services, that they were seen as:

'...limited and prisoners were not receiving the level of healthcare they could expect to receive in the community. We found little evidence that the prison was meeting its objectives of attending to prisoners' mental and physical wellbeing. Prison Health Services were not linked to the IOM health service. Despite our previous recommendations no health needs assessments have been undertaken, there was no clinical management or leadership, no clinical IT system, no evidence of clinical audit and no clinical policies. Women could not see a female doctor, there was no out of hours healthcare service, no nurse led clinics and practically no health promotion. Mental Health Services provided by the IOM national health service were not integrated with the healthcare department. For the vast majority of patients, the administration and in some cases the prescribing of medications was unsafe.'

This damning report subsequently led to the agreement between the DHSS and the DHA to bring prison healthcare within the scope of the NHS, which in turn led to the development of the project to review and develop the healthcare provision for the Isle of Man Prison. That project group, which includes members from across the Health Service and Prison Service, developed the following Prison Health Vision Statement which states that:

'The Department of Health and Social Security (The Department), and The Isle of Man Prison Service (The Prison Service), being part of the Department of Home Affairs, are committed to working in partnership and collaboration to ensure prisoners have access to Health Services which are broadly equivalent to those available to all other sections of our Island community.'

The vision document also states the partners' commitment to:

- (a) providing a comprehensive level of healthcare for prisoners,
- (b) a prison healthcare service which encompasses qualities of empathy and compassion and respect for dignity and confidentiality,
- (c) all prisoners having health assessments on admission, and care plans as required on release,

- 960 (d) prisoners being actively encouraged to participate in formulating care plans whenever possible,
 (e) working with prisoners to enable them to participate in decisions about their care,
 (f) acting as part of a multi-disciplinary team and participating fully in developing effective working relationships in
 order to ensure that prisoners receive well co-ordinated care,
 965 (g) providing information and literature to promote good health and care for prisoners,
 (h) using quality assurance as an instrument to ensure that standards are maintained, and
 (i) helping prisoners adopt healthy lifestyles that can be taken back into the community.'

In addressing the requirements, as stated above, an appropriate model of healthcare provision
 970 needed to be identified. A report by the UK Joint Prison Service and UK National Health Service
 Executive Working Group titled '*The Future Organisation of Prison Health Care*' set out a
 number of models for the organisation of prison healthcare. One such model is that proposed for
 the Isle of Man, whereby nurses and other healthcare professionals are employed to work within
 the prison, supported by medical services which are contracted out to a local GP practice. Such a
 975 system can reduce professional isolation of staff and benefit patients by offering the full range of
 primary healthcare services. This, in turn, can reduce social exclusion, by giving prisoners
 healthcare that is consistent with that on offer in the community and which can be more effectively
 continued when they are released.

The transition from prison to community upon release being another area of concern to many
 services, e.g. health, social services, mental health, probation, police etc.

980 Since the introduction of the new GP contracts, best practice is for primary care professionals
 to work as a full team, with roles for doctors, nurses and other healthcare staff. It is envisaged this
 approach will be mirrored in the IOM prison health system. As this is a new system, and given the
 previous HMI reports, much work will be required at the outset to ensure that services are
 addressing the needs of the prison population; that clinical roles are not duplicated and that support
 985 and development for staff is available. It is proposed that this system will be regularly reviewed
 and changes made, as appropriate, to ensure that the service is meeting the criteria set out by the
 Prison Health Vision Statement.

It should also be recognised that the majority of offenders spend most of their lives in the
 community and not in custody. But more importantly, the prison population "differs from the
 990 general population, in that it has a higher proportion of people with mental health problems, a
 history of abuse and neglect and/or drug/alcohol dependency, and poor health". (*Anthony &
 McFadyen, 2005*). This is supported by the report '*Improving Health, Supporting Justice*', DH
 (2007), but further states that many persistent offending behaviours are casually linked to their
 health needs. Improving the health and wellbeing of people in the criminal justice system by
 995 addressing these health needs is seen as an important element of reducing re-offending.

The IOM Prison, along with other Island prisons, is in a unique position, in that it has male and
 female, adults and young offenders as well as remand and sentenced prisoners, all housed within
 the same institution. Thus we must acknowledge we are not able to compare like with like.
 Research, by Boardman & Parsonage (2007), estimated that a typical men's prison with 550
 1000 inmates needed 11 whole-time equivalent specialist health staff to meet the needs of its population.
 The prison population at Jurby, has the potential to exceed 130 and, on these calculations, would
 require 2¾ whole time equivalent healthcare workers. However, if we factor in that we are not
 comparing like with like, the provision of an additional 2 healthcare staff addresses the diversity
 within the new prison, allowing for appropriate healthcare to be delivered, addressing the pressing
 1005 mental health needs of the prisoners, and enabling the Healthcare Department to meet the
 standards required by the HM Inspectorate of Prisons. Details of the specific duties of the
 healthcare staff is attached for information.

Importantly, it should be noted that the development of comprehensive and appropriate prison
 healthcare has the potential to reduce the financial burden on the Island's secondary services,
 1010 freeing up resources for other service users.

- General health: On reception, all prisoners will receive health screening and the appropriate
 1015 intervention for any identified needs. This may include chronic disease management, referral to
 in-house drug and alcohol or mental health services (thus ensuring only appropriate referrals to
 secondary services). The development and use of appropriate evidence based screening tools
 will ensure early detection of both mental and physical health problems, ultimately reducing
 the need for costly medical intervention.

- Health Promotion and Education: In order to meet HMI standards and the DH suggested
 1020 performance indicators, it essential that all members of the healthcare team develop skills and
 competencies in these areas. The existing three team members have already started to address
 some issues and have delivered sessions on sexual health, blood borne viruses, tolerance and

1025 emergency first aid. With the introduction of a smoking ban in line with the new legislation,
the healthcare team have all attended smoking cessation training and been involved with
delivering advice to individual prisoners. Obviously, with the IOM Government taking the
courageous step to be the first prison in Europe to ban smoking, the Healthcare Department
1030 have been fully committed to ensure that when legislation is enforced, prisoners find the
detoxification from nicotine is as uneventful as possible. With the Department reaching full
complement, it is intended that the following areas will be covered: stress management, mental
and physical wellbeing, anger management, substance misuse, healthy lifestyles, healthy
eating.

1035 • Mental health: Although a rudimentary health-needs assessment was undertaken following
the 2006 inspection it was always the intention to undertake a more comprehensive health-
needs assessment following the transfer to Jurby. Data collected by the two RMNs will play an
important part of the mental health-needs assessment. Surveys in prisons in the UK indicate
that up to 70% of prisoners suffer from mental health problems (Singleton et al 1998).
Although a significant number suffered from the more serious end of enduring mental ill
health, such as psychosis, the vast majority suffered the more common mental health problems,
such as depression, anxiety, stress and sleeping disorders. Taking prescribed medication as the
1040 indicator, IOM Prison population mirrors those in the UK. 37% of prisoners are taking
medication for depression, 25% medication for anxiety and 37% for sleeping problems. A
further 6% are on methadone detoxification regimes. With the development of the Prison
Healthcare Department, the majority of these individuals will be managed in house and will
not require interventions from secondary care.

1045 • Drugs and alcohol: Many of those sent to prison are already addicted and require treatment
and assistance to reduce the harm from their drug or alcohol use. Prison is a unique opportunity
to address these health issues while also addressing the causes of offending behaviour. There is
a high correlation between alcohol and drug consumption and crime, particularly domestic
violence and other forms of violent crime. With the development of in-house services,
healthcare will be able to offer not just detoxification, but evidence-based therapeutic
1050 interventions. The Prison offers the opportunity to deliver interventions to those with a
complex drug or alcohol problem, individuals who are often hard to reach in the community.
Improvement of services to meet the challenges of alcohol abuse and its devastating effect on
individuals, family and community is in line with the Island's Drug and Alcohol Strategy.

1055 The foregoing demonstrates that, due to the environment and resultant restricted access to
services, more easily accessed in the community, the Prison healthcare team, which includes the
contracted GP services, develop, have and use, skills that cross professional boundaries.

1060 The Prison project group are satisfied, having met and developed the service provision over
many months, that the proposed service is appropriate.

12th February 2008

ECONOMIC DEVELOPMENT

Isle of Man Airport ramp checks on aircraft Number conducted; failures

2.3. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Economic Development:

1065 (a) *How many Ramp Checks (Check R) have been conducted on aircraft at the Isle of Man
Airport in each year from 1st January 2006, broken down by aircraft operator and/or airline;
and*

(b) *how many aircraft operators/airlines have failed a Ramp Check (Check R) conducted at the
Isle of Man Airport since 1st January 2006; and what actions were taken?*

1070 **Answer:** The Department of Economic Development (DED) is not aware of any surveillance
of foreign commercial operators in 2006, 2007 or 2008 at the Isle of Man Airport. The competence
and technical skills to carry out this work were not available within the former Department of
Transport.

In 2008, responsibility for the regulatory oversight of the Isle of Man's airspace and Airport was transferred to the former Department of Trade and Industry (Civil Aviation Administration) and, subsequent to the reorganisation of Government, to DED.

1075 In 2009, ramp checks were conducted on three commercial aircraft; no discrepancies were discovered.

In 2010, ramp checks were conducted on three commercial aircraft; no discrepancies were discovered.

1080 In 2011 to date, ramp checks have been conducted on two commercial aircraft; no discrepancies were discovered.

The ramp checks are to ensure the aircraft conform to International Civil Aviation Organisation (ICAO) standards and recommended practices, rather than any particular national requirement.

1085 The scheduled commercial operations to the Isle of Man are carried out by operators from the European Aviation Safety Agency (EASA) States (UK, Ireland, Germany and the Czech Republic) holding an Air Operator Certificate based upon a common requirement (EC 859/2008). They are, therefore, considered to be operating at an identical standard.

1090 The Isle of Man is not part of the European Community Safety Assessment of Foreign Aircraft (SAFA) programme but has been granted access to the SAFA database. The Department uses both information in the database and the results of its own checks to assess the level of safety risk to Isle of Man passengers and the wider public and adjusts the number and frequency of aircraft checks accordingly.

1095 The ramp check planning, frequency and execution has been carried out by the Director of Civil Aviation and Deputy Director of Civil Aviation, based upon their long experience as senior managers within the UK Civil Aviation Authority (CAA) and the ICAO.

The Civil Aviation Administration has not discovered any discrepancies on aircraft at Ronaldsway Airport and has not categorised or grouped the reports by operator or airline.

ENVIRONMENT, FOOD AND AGRICULTURE

Food establishments

Inspections and prosecutions during last five years

2.4. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Environment, Food and Agriculture:

- 1100 (a) *How many inspections of food establishments took place in each of the last five years;*
 (b) *in each year, how many catering venues were inspected during TT fortnight; and*
 (c) *how many successful prosecutions there were each year?*

Answer:

(a) Food Premises Inspections by year:

1105

1/11/10 to 31/10/11	1/11/09 to 31/10/10	1/11/08 to 31/10/09	1/11/07 to 31/10/08	1/11/06 to 31/10/07
539	619	635	692	528

(b) Food Premises Inspections by TT fortnight

1110

28/5/11 to 10/6/11	29/5/10 to 11/6/10	30/5/09 to 12/6/09	31/5/08 to 13/6/08	26/5/07 to 8/6/07
27	35	68	144	40

1115 The Department has a policy that all enforcement is reasonably proportionate and consistent with good practice. Its authorised Environmental Health Officers (EHOs) within the Food Safety Unit take account of the full range of enforcement options available to them. This includes educating food business operators, giving advice, informal action, sampling, detaining and seizing food, serving hygiene improvement notices/improvement notices, hygiene prohibition procedures/prohibition procedures and prosecution¹.

1120 I am pleased to advise that, by adhering to the Department's enforcement policy of working with the food industry to improve standards through education and co-operation, during the last

five years the Department has managed to achieve good standards of hygiene without having to refer any businesses to the courts for prosecution².

1125 This enviable position has been partly achieved by our ability to offer training courses, which have had a significant positive effect on the standards found within premises. I can confirm that during this period the Department has trained just over 1,000 food handlers to achieve the Level 2 Certificate in Food Hygiene³ and distributed approximately 600 *Safe Food Better Business* packs to both catering and retail businesses. These packs help food businesses to put in place a safe food management system.

1130 **Notes**

1. Except where circumstances indicate a significant risk, officers operate a graduated and educative approach starting at the bottom of the pyramid i.e. advice/education and informal action and only move to more formal action where the informal does not achieve the desired effect. This should lessen the likelihood of a legal challenge.

1135 In deciding the type of enforcement action to take, an environmental health officer will have regard to the nature of the breach and the history of compliance of the food business operator or, in the case of new businesses, an assessment of the food business operator's willingness to undertake the work identified by the officer. It is important that the full range of enforcement options remains open to officers. **We should not adopt policies where the number of hygiene improvement notices served or the number of prosecutions is an indicator of performance.**

1140 All of the above is supported by the Food Standards Agency in the UK.

2. Included a number of night-time inspections by EHOs with regard to 'no smoking' regulations.

3. Food hygiene training covered 29 nationalities whose first language was not English, some of whom were provided with exam papers in their own language.

Order of the Day

BILL FOR SECOND READING

Dogs (Amendment) Bill 2011 Second Reading approved

3.1. Mr Gawne to move:

That the Dogs (Amendment) Bill 2011 be read the second time.

1145 **The Speaker:** Item 3. Bill for Second Reading. I call the Hon. Member for Rushen, Mr Gawne to move.

Mr Gawne: Gura mie eu, Loayreyder.

1150 This Bill makes various minor amendments to the Dogs Act 1990. It simplifies the procedure for granting exemptions from the need for a dog licence. The main objective of this amendment is to enable the Department to specify exemptions by order, instead of them being laid down in primary legislation. This would allow the Department to, firstly, make an order, specifying exemptions based on the current list of exemptions, such as dogs under six months, dogs used by blind persons and police dogs.

1155 Then, at a later date the Department would be able to introduce exemptions for dogs that were, for example, microchipped. Any order would be subject to initial consultation and require Tynwald approval. The amendments in the Bill also provide that the colour of tokens issued for licensed dogs shall be specified by the Department, rather than through regulations.

1160 A further amendment made by the Bill relates to dog fouling and extends the provisions relating to fouling of land by dogs to car parks, cemeteries and churchyards. This will enable local authorities to include such places in any new byelaws that they choose to make and enforce.

1165 The amendments contained in the Bill were subject to extensive consultation, as part of the Local Government Housing Bill consultation in 2009. The restructuring of Government in April 2010 meant that the remit for this particular issue fell to the Department of Environment, Food and Agriculture, which resulted in the need to remove the provisions concerned and for a separate Bill to be prepared.

Loayreyder, I beg to move that this Bill be read for a second time.

The Speaker: I call on Mrs Cannell.

1170 **Mrs Cannell:** Thank you, Mr Speaker.
I beg to second and reserve my remarks.

The Speaker: If no Member wishes to speak, I shall put it to the vote.
Those in favour that the Dogs (Amendment) Bill be read for the second time, please say aye;
1175 against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes the business of the House this morning. The House will now stand adjourned until the next sitting, which will take place at 10 o'clock on Tuesday, 6th December in this Chamber.

1180 *The House adjourned at 10.47 a.m.*