

REPORT OF PROCEEDINGS OF THE HOUSE OF KEYS (QUESTIONS)

**Douglas, Tuesday, 25th March 2003
at 10.05 a.m.**

Present:

The Speaker (the Hon. J A Brown) (Castletown); Mr D M Anderson (Glenfaba); Hon. A R Bell; Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Hon. S C Rodan (Garff); Mr P Karran, Hon. R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North); Hon. D C Cretney and Mr A C Duggan (Douglas South); Hon. R P Braidwood and Mrs B J Cannell (Douglas East); Hon. A F Downie and Hon. J P Shimmin (Douglas West); Capt. A C Douglas (Malew and Santon); Hon. J Rimington and Mr Q B Gill; with Mr M Cornwell-Kelly, Secretary of the House.

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**Civil Service – Chief Executive Officers –
Salary Increases –
Question by Mr Henderson**

Question 1. The hon. member for North Douglas (Mr Henderson) to ask the Chief Minister:

What is the percentage increase awarded to chief executive officers of departments over each of the last five years, including any proposals for this year's 2003-4 awards?

The Speaker: I call on the hon. member for Douglas North, Mr Henderson, to ask question 1.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Ta mee shirrey kied yn eysht y chur ta fo my ennym.

The Speaker: Hon. member for Onchan, the Chief Minister, to reply.

Mr Corkill: Mr Speaker, the 1999 annual settlement for the chief executives of the nine departments of government was the same as applied to the whole of the civil service - that is, 2.3 per cent. Also that year, as a consequence of an independent arbitrator's award, the civil service received an additional spine point, which broadly equated to 4 per cent.

From 1st August 2000 a new pay agreement for departmental chief executives and the Chief Secretary was put in place as a consequence of an independent review in return for a changed rôle, enhanced accountability for developing corporacy within government, and a spot salary; pay was increased by an average of 17.5 per cent.

There was a further increase of 5 per cent on delivery of a framework of performance targets to support corporate government endorsed by the Council of Ministers.

Since August 2001, chief executives have received the same annual increases as other civil servants as follows: on 1st August 2001, 3.3 per cent, and on 1st August 2002, 5.6 per cent. At this time a settlement for 1st August 2003 has not been determined, and I understand that the Civil Service Commission has yet to commence negotiations with the Government Officers Association on the 2003 annual settlement to apply from 1st August 2003.

In regard to the framework of performance targets I referred to, those targets have been delivered and are being further developed to support the delivery of the government and department's business plans.

The Speaker: Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Could the Chief Minister answer then why there is an interim pay proposal currently for CEOs within government which is clocking in at somewhere in the region of 10 to 15 per cent for some of these officers, and could he also answer why our lower officers in the civil service are offered derisory awards and some hardly anything at all?

The Speaker: Hon. member for Onchan, the Chief Minister.

Mr Corkill: I think I would just like to say again, Mr Speaker, that at this time a settlement for 1st August 2003 has not been determined and I do not really wish, by my comments, to interfere with the process that is underway at the moment for the negotiations that hopefully will be settled in time for that 1st August deadline, as is normal. Can I say that the new pay agreement that covered nine departmental chief executives plus the Chief Secretary does not include other chief officers who are civil servants, nor those chief executive officers who are not civil servants and who have different negotiating bodies.

I would also just like to make the point that, unlike the rest of the civil service, the chief executives have a spot salary where there is no opportunity for annual incremental progression.

The Speaker: Hon. member for Rushen, Mr Gill.

Mr Gill: Thank you, Vainstyr Loayreyder. Would the Chief Minister agree that part of the justification for the pay settlement that chief officers enjoyed a few years ago was to prevent haemorrhaging of these chief officers to the private sector. So could the Chief Minister answer, how many chief executives have actually left the civil service in the past decade, and would he agree with me that the answer to that is none, and will any future pay settlement reflect the fact that we are not in danger of losing these officers and there is no great demand for their services outside?

The Speaker: Chief Minister to reply.

Mr Corkill: Well, can I say, Mr Speaker, that the commission continues to monitor the competitiveness of salaries and it is currently reviewing those in the chief executive group. This was part of the 2000 agreement in that there should be regular reviews of the position with regard to market competitiveness, which I believe is what is underlying the hon. member's supplementary question, which is, 'how do these chief executives compare with situations in the private sector?' That is an ongoing situation which, as I have said, the commission monitors, but I would agree with the hon. member that we do want to make sure that we have professional, high quality executives heading up our departments.

The Speaker: Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Could the Chief Minister confirm that there is an interim pay proposal currently which clarifies massive pay hikes for CEOs, and could he also answer why then, if there are performance-related bonuses for this quango, they were not present at the debate of the Isle of Man Government plans in Tynwald?

The Speaker: Chief Minister to reply.

Mr Corkill: I think we have to be careful, Mr Speaker, that we do not interfere with pay negotiations on the floor of this House. It is a complex area and it is very easy to take a snapshot and make an issue out of a particular area, whereas the commission has the duty of looking at government sector pay on an overall basis. Certainly we wish to maintain, we need to recruit and we need to have good standards in our public service, and the only way that we will achieve that is to have salaries that take notice of market conditions.

The Speaker: Hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Ardshirveishagh explain why we did not put them onto a five-year contract, as some of us did when we were chairman of a statutory board in order to try and make them more accountable? Would he also not agree that the problem is that they are getting all the advantages of the private sector and none of the disadvantages as far as the private sector is concerned, and would he consider taking back to his government, and agree with me, that once every 10 years we should have the same amount of pay rise across the board in order to help the low-paid that work for government, and would he consider that at the present time, 10 per cent of a lot is a lot and 10 per cent of nothing is nothing? (**Mr Henderson:** Hear, hear.) This is something that could be done and has been done in the 1970s by, believe it or not, the Tory government, but it is something that we should be looking towards, making ourselves more of an inclusive society.

The Speaker: Chief Minister to reply.

Mr Corkill: Yes, a couple of points there, Mr Speaker, and I understand what the hon. member is saying about differentials when you apply a fixed percentage and I am quite happy to relay those comments to the civil service commission for them to deliberate on that further. I am sure they are aware of that argument but I will reinforce those comments that the hon. member for Onchan, Mr Karran, has just made to make sure that they are aware of that impact.

With regard to the comment about five-year contracts, there are pluses and minuses in that situation, and I think a view has to be taken as to whether you want to employ someone in continuum for the longer term and the benefit of experience that that brings or whether you do want a five-year contract competitive situation, which is fairly common in the private sector, but I would suggest that chief executives on five-year contracts in the private sector on average are rewarded substantially more than we actually reward our chief executives at the moment. So that is part of the equation in terms of comparing public sector pay with the marketplace. It is not just about money, and that is why I was saying that it is rather dangerous on the floor of this House to talk about specific snapshots of a situation, because there are these other factors such as term contracts to take into account.

The Speaker: Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Would the Chief Minister agree with me that, given the proposals for large pay hikes for CEOs and his concern for the market attractiveness of these particular posts, the same principles should be applied to the lower grades of civil servants and the equal rule should apply there that we should hang on to our hard-working ordinary staff who have to bear the brunt of his government plans?

Mr Houghton: Hear, hear.

The Speaker: Chief Minister to reply.

Mr Corkill: Well, in terms of reading the correspondence, Mr Speaker, that is the very point that has been surfacing during these negotiations: that it is at the early entry recruitment stage and it is at the top-end senior level of government service where the recruitment and retention problems exist, but in the middle ground, if I can use that terminology, there has been an assessment with the marketplace, and that is what is beginning to bring some of these things to a conclusion, and I believe that has been at the request of the service itself. So without getting into any more detail, which I think would be unhelpful, that is the very point that is being taken into account, Mr Speaker.

DHSS – Appointment of Human Resources Officer – Question by Mr Henderson

Question 2. The hon. member for North Douglas (Mr Henderson) to ask a member for Health and Social Security:

Why was the position of the human resources/employee relations officer awarded to an off-Island candidate, and can you clearly evidence that there were no suitable local candidates for this post?

The Speaker: I call on the hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Ta mee shirrey kied yn eysht y chur ta fo my ennym.

The Speaker: I call on the hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. I can confirm that the Civil Service Commission has made an offer of appointment to the post of Director of Human Resources Management on the establishment of the Department of Health and Social Security to an applicant who current resides off-Island and is not an Isle of Man worker for the purposes of the control of employment legislation. An application to the Work Permit Committee for the issue of an indefinite work permit was accompanied by a detailed submission from the commission in support of the application, explaining the reasons for the choice of the individual concerned. I confirm that the Work Permit Committee has granted the permit. Thank you, Vainstyr Loayreyder.

The Speaker: Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Could the hon. member answer why on earth there were no locally available candidates and, if there were, what happened to them and what is her department doing offering jobs off-Island, which is clearly an absolute shambles?

The Speaker: Hon. member for Peel, Mrs Hannan.

Mrs Hannan: I think the language used by the member is rather aggressive in relation to appointment of a post. The post itself is a new one resulting from an external review of the way in which the human resources function across the largest employing authority in the Island is currently managed and organised. The report into that review concluded, and I quote: 'The most obvious gap in the existing service provision is at the top. For an organisation of 2,700 people you must have a senior board level human resources post given the size of the DHSS, but perhaps more importantly the human resources management challenges it faces. A human resources director should be appointed.' That was the advice that was given following the review and it is a decision that the health services have taken cognisance of in relation to the

management of 2,700 people of varying posts throughout the whole of the department. I think it is one of the biggest employers in the Island, and therefore it was felt that we needed someone of that sort of level to look after the human resources, especially after it was pointed out in a review of the department's workings.

The Speaker: Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Could the hon. member answer why then, seeing that this position covers nearly 3,000 members of staff throughout the health services, is the position employed by management and would she not agree with me that this position should be an independent position where the postholder is not beholden to management and whereby any advice and actions taken can clearly be seen to be independent from the executive of the DHSS rather than currently, where they seem to be beholden to the DHSS and management?

The Speaker: Hon. member for Peel.

Mrs Hannan: I can only go back to the advice that was received, that there is a gap at the top. It is a large number of people in the organisation and, given the size and the human resources management challenges that face the department, it is more important that the human resources director should be appointed and should be appointed to that sort of level and have a senior board position. Now, I am not an expert, and I do not think any of us are experts, in human resources management, but I think there are many organisations outside, I am sure, which can give independent advice to any of the workers including unions and including other bodies because, as I said, there are a number of different posts throughout the whole of the department and each have their own professional bodies that can receive and give advice, but this is a position that manages the human resources, works at a board level and is also working along with the people within the department itself.

The Speaker: Hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. Is the hon. member for the department aware that the Isle of Man Water Authority employs a human resources officer and that that position is at a senior officer level? And is the hon. member aware that that in fact works extremely well in representing the workers for the Water Authority and, indeed, helped to secure the Whitley Council pay awards to be backdated for the Isle of Man workers and that having a human resources post at such senior level, I would suggest - and would the hon. member accept? - is proof of the

pudding that it does in fact work and it is greatly needed in all divisions of government?

The Speaker: Member for Health and Social Security, Mrs Hannan.

Mrs Hannan: I would thank the member for her comments in relation to the Water Authority and if I could point out that this is a Civil Service Commission appointment, obviously taking advice from the Department of Health and Social Security, but the offer of the post came from the Civil Service Commission, and I am sure that in the same way the Civil Service Commission was involved with the Water Authority advising them.

The Speaker: Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Would the hon. member agree with me that this particular position should be independent of DHSS executive management and it should be a separate appointment? And is she aware that the position is not working currently as well as it might do and in fact that the advice and help that has been given from this particular office is heavily biased towards management and is not independent, and would she agree that an inquiry is called for into this particular situation?

The Speaker: Hon. member for Health and Social Security, Mrs Hannan.

Mrs Hannan: It was never intended, Vainstyr Loayreyder, that this post should be independent. As I have said before, it has not been working in the past because we have not had a Director of Human Resources Management in the past, and for that reason, I think, nobody has given us advice that it should be an independent post. The advice that we have had following the review is that it should be at board level and, as the member for the Water Authority has pointed out, it works very well, not only for the board but also for the workforce. There are all sorts of areas in which this person would be involved in human resources management, and one of them, reading through the actual information submitted by the applicant, is to try to retain staff, and if you have got someone there who is able to retain staff, the actual investment that is put into people that are retained is in fact increased and the people that are retained there are able to be valued more. The Department of Health and Social Security has striven over the last few years to try to improve the influence and effect that the department has on retaining staff, valuing the professionalism of the work staff and making them feel valued within the department.

The Speaker: Hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, firstly, would the member tell this hon. House what is the structure of the personnel department of the DHSS as far as numbers are now and what were they 18 months ago? Would the member not agree that the problem is that the structure has been done by the Civil Service Commission for a department and calling itself a Personnel Department - it should be called an anti-personnel department? (**Mr Henderson:** Hear, hear.) Would she not agree that the people that work there are heroes as far as being able to try and sort out the problems within the DHSS (**Mr Henderson:** Hear, hear.) and can she just clarify how many increases there have been since I took the previous personnel chief to the Water Authority two years ago? Has anybody been able to get somebody suitable to fill the post?

The Speaker: Hon. member for Health and Social Security, Mrs Hannan.

Mrs Hannan: I am not sure I understand the question that the member for Onchan has asked.

Mr Karran: What numbers are they now to start off with?

Mrs Hannan: I do not believe that was –

Mr Karran: And what were they 18 months ago?

Mrs Hannan: I do not believe that that is part of the question, I do not have that information, but if the member would let me have the question about the different numbers I would be quite happy to circulate them to members of this hon. House.

The Speaker: A final supplementary on this question. Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Would the hon. member please answer: is she aware that the particular post currently with the human resources office within her department is heavily biased towards the employer and is not giving out independent advice, and would she initiate an inquiry to ensure that it will work better, and for the good of the staff which she is concerned about, in the future?

The Speaker: Member for Health and Social Security, Mrs Hannan, to reply.

Mrs Hannan: No, I cannot give that assurance, Vainstyr Loayreyder. This particular post has come about not because the management wanted it

necessarily, but because of a review, and the review is pretty straightforward. It says the level it should be; that the postholder will play a key rôle as part of the department's senior management team and will be expected within the department to be a primary source of advice on employment legislation; develop the departmental human resources management strategy based on a business partner philosophy, and subsequently compile operational plans to give effect to the strategy across the department; lead and direct human management resources across the department to ensure the consistent implementation of policies and advice; build strong partnerships with senior management throughout the department and act as their business partner; manage, develop and coach the human resources management team and build their capacity to operate as business partners; act as a conduit between the department and the government Personnel Office; lead a departmental team in determination of terms and conditions of service for non-civil servants; oversee the department's arrangements for ensuring consultation between management and staff through joint negotiation committees. Those are the duties. They are not exclusive but they are the duties, the broad outline of what we were looking for. It had to be at a senior level and, although there were local people interviewed, they had not got the overall management and experience that the person that was appointed to the post has got, and that is the reason, along with the independent advice that we should appoint a human resources manager, and as I say, the department has been successful in obtaining a worker with those qualifications and has also received a work permit for that person. Thank you, Vainstyr Loayreyder.

**Civil Service – Personnel Office –
Adequacy of Training –
Question by Mr Henderson**

Question 3. The hon. member for North Douglas (Mr Henderson) to ask a Member for Health and Social Security:

Is the central government Personnel Office adequately resourced to produce successful training for its staff or other public servants generally so that they stand as equal a chance of obtaining a government post as any off-Island candidates for such positions and, if not, why not?

The Speaker: I call on the hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Ta mee shirrey kied yn eysht y chur ta fo my ennym.

The Speaker: I call on the member for the Department of Health and Social Security, Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. The Department of Health and Social Security has no jurisdiction in relation to the function or resources of the Personnel Office, which is part of executive government. It is primarily the Civil Service Commission which endorses the functions and priority of resources allocated within the office. Could I respectfully suggest that the hon. member raises any concerns he may have regarding these issues with the chair of the commission? Thank you, Vainstyr Loayreyder.

The Speaker: Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. May I respectfully ask the hon. member: why on earth then have we got the situation where she has just admitted in public that there were local candidates for this particular position and now we hear that there is no succession training for our local staff, and, if she is so interested in retaining staff at the DHSS, then why are we not succession-training the applicants who applied for the position of human resources officer and what is her department going to do about this in the future?

The Speaker: Hon. member for Peel.

Mrs Hannan: I would imagine, Vainstyr Loayreyder, that once we have got the post filled - this is the new position of the Director of Human Resources Management, certainly within the Department of Health and Social Security there will be training, and that this succession management will be looked at and it will be something that I think will be approached quite aggressively.

The Speaker: Hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. Could the hon. member for the department confirm that it is government departments independently in divisions of government that have budgetary provision within their own budgets to provide for training and ongoing training and retraining for its staff, whether they be public servants or whether they be civil service appointed, and it is really up to each individual department to indicate what the finances are set aside for that in each year? Would the member further agree with me that it has nothing to do with the central government Personnel Office, which you have so kindly described as being responsible under executive government, and that the central government Personnel Office has absolutely nothing at all to do

directly with any government department, statutory board or division? And can the hon. member, in helping to advise the questioner, advise hon. members also what the departments budget is for the forthcoming year for its personnel, public servants, civil servants, training, whether or not you would have a training budget and what it is for this year?

The Speaker: Hon. member for Health and Social Security, Mrs Hannan.

Mrs Hannan: I thank the member for her helpful comments with regard to the Civil Service Commission and pointing out again that it is central government's responsibility. I also thank her for pointing out about training. I think all departments are involved in training. Sometimes it is up to individuals to take up the opportunities that are there for training. However, I think it is also incumbent upon each department to ensure, working with the Civil Service Commission, that obviously the training is available.

With regard to training within the Department of Health and Social Security, I do not have that information in front of me but I will secure that for members of this hon. House and circulate it to them.

The Speaker: Hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, a supplementary. Would the member confirm that there has been no change of policy from when I was a member for health, that the resources for training for the DHSS are something like three times the amount that there would be in an adjacent local authority? Can she confirm that that is still the case and something that this hon. House can be proud of? So if that is the case, can she confirm is there then a problem in managing these resources adequately in order to get the proper training?

The Speaker: Hon. member for Health and Social Security, Mrs Hannan.

Mrs Hannan: Vainstyr Loayreyder, there has been no change since the member left the department. Probably there are more resources put down for training, but one of the issues is that it has been pointed out that this is an area which is lacking within the department, and I would have thought that members would welcome a professional appointment looking after human resource management and all the issues that relate to training, to supporting - as I said in the previous question - our 2,700 workforce. Political members do what we can. The chief executive and his office and the divisions all do what they can but, within that, there needs to be a Director of Human Resource Management and I certainly welcome this appointment, as I am sure many members do.

The Speaker: A final supplementary on this question and I return to the hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Would the hon. member agree with me that succession training should be a major plank of Isle of Man Government policy and specifically in her department? And would she agree with me that her department is failing miserably in this particular area currently, and further that her department needs to closely liaise with the civil service personnel section to ensure that this practice ceases forthwith and give the staff in the health service some hope of promotional aspects?

The Speaker: Member for Health and Social Security, Mrs Hannan.

Mrs Hannan: I cannot agree with the member that we have failed in the past, but I think by the appointment of this post we are saying that we are not particularly satisfied, and that we could do better, and with a post such as this I think that we will do better and we will be able to give our workforce . . . which I would like to pay tribute to not just in the areas that I work but in the health services and within the civil service in the division of social security, and also the everyday pressures that social services come up against and, therefore, to have this extra support and this extra resource within the department, I think, is and will prove to be useful in the future, and I hope that in years to come we are able to look back to today, saying that, yes, we have made a difference to managing our resources in a much more professional way, so I would hope that we will do better, but I would not accept that we have failed in the past.

**White Hoe Secure Unit –
Numbers Accommodated – Cost -
Question by Mr Gill**

Question 4. The hon. member for Rushen (Mr Gill) to ask a member for Health and Social Security:

- (1) *How many young people have been accommodated at the White Hoe secure unit since it opened; and*
- (2) *what is the estimated cost of accommodating each of these young people?*

The Speaker: I call on the hon. member for Rushen, Mr Gill.

Mr Gill: Gura mie eu. Ta mee shirrey kied yn eysht y chur ta fo my ennym.

The Speaker: I call on the member for Health and Social Security, Mrs Hannan, to reply.

Mrs Hannan: Vainstyr Loayreyder, the secure unit became operational on 1st February 2003. Since that time four young people have been accommodated at the unit for varying periods of time, dependent upon the circumstances of each case. In respect of part (2) of the question, the annual revenue budget for the secure unit is £859,600, and the unit can accommodate up to five young people at a time. This cost includes a full complement of staff, some of whom can be deployed to work with other young people at times when the secure unit is not fully utilised. Thank you, Vainstyr Loayreyder.

The Speaker: Hon. member for Rushen, Mr Gill.

Mr Gill: Could the hon. member please confirm that those staff who were not required during the periods in question have actually been deployed elsewhere, and could she give an estimated cost for each of these young people during the period in question as part (2) of the question, Mr Speaker?

The Speaker: Member for Health and Social Security, Mrs Hannan, to reply.

Mrs Hannan: Yes, as I said in my reply, Vainstyr Loayreyder, when the secure unit is not fully operational, staff are used working with other young people. This happened even before the unit was opened. The provider was using the staff in a very good way, working with young people and trying, in actual fact, to give people the sort of responsibility or support so that they would not end up in the secure unit.

If we assume full capacity and ignore the use of staff in other capacities, then the actual cost for each bed equates to £471 per bed per night. As at 20th March the unit had been occupied for 49 nights. The number of young people accommodated to date would otherwise, if they would have entered into the secure unit by the same way - that is, via the courts - might have been in the police cells or in the prison during that time, so you could say that the actual saving has been to the Department of Home Affairs, who are joint sponsors of the secure unit because, of course, the secure unit is run under the same custody provisions. Thank you, Vainstyr Loayreyder.

The Speaker: Hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the member not agree that maybe it is about time that we had a meeting with the department and hon. members in this House so that we can get the changes in the laws that need to be enacted in order to get this place used to its full capacity as far as the requirements for

our society are needed? Obviously, it is not a success and we want to keep as many people out of it, but would she not agree that we do need urgently to review the law as far as how this complex is used, because it does actually bring us all, not just your department, into disrepute when we are spending this sort of money and we do not have the legislative framework correct the use of the building?

The Speaker: Now, hon. members, before I invite the hon. member to respond, I am not going to allow this question to broaden out into all sorts of things related to this unit. The question on the order paper is quite straightforward and has been answered. Now, hon. member, I do not know if you wish to answer the question - (*Interjection by Mr Karran*) If the hon. member for Onchan wants to ask a question about how it is being used, then that question should be put on the order paper in the proper manner. Now, hon. member for Peel, if you wish to respond to the issue that is raised I am content for that, but I am not going to allow this question to broaden out.

Mrs Hannan: I think I should respond to it, Vainstyr Loayreyder, if I may. The use of this particular secure unit has been before another place with the orders and the reasons why this secure unit came into being. I cannot accept the proposal of the member that this should be used to its full capacity and that there should be a review. It has only just opened on 1st February. I am sorry if the member thought that it was going to be full to overflowing every night. In most instances - (*Interjection by Mr Karran*)

The Speaker: Hon. member for Onchan, please!

Mrs Hannan: In most instances, Vainstyr Loayreyder, young people, to go into a unit such as this, go through the courts; it is for the courts to decide. The rules and regulations of how a secure unit operates have, a very short time ago, been taken through another place and approved by the full Court of Tynwald. This unit came into being to bring us into compliance with human rights legislations and not just that, but our duties in relation to the United Nations conventions on the rights of the child. Other areas might not take into account the comments made by the United Nations, but I can assure this hon. House that government in the Isle of Man takes its responsibility under the United Nations conventions of the rights of the child seriously and has entered into this agreement to operate a secure unit. So I cannot accept the proposal that there should be a review after such a short time of this being in operation, and I think, if members did not know that the full cost of operating a secure unit such as this was before them at the time, they could have asked questions about it then, but could I say if we are able to protect young people and not have them in prison and give them proper resources to try to help them so that they are not

committing crimes in the future, then I think we have gone a long way in the past few years from putting children into prison, which I do not think is acceptable at all. Thank you, Vainstyr Loayreyder.

The Speaker: Hon. member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker. Can I ask the hon. member for social services: out of the four incumbents of the unit thus far, how many of those were sent via the courts and how many were authorised by the Director of Social Services? Could she also advise us how many are resident there now at this particular point in time and whether those incumbents have been one and the same person or more?

The Speaker: Hon. member for Health and Social Security, Mrs Hannan, to reply.

Mrs Hannan: I do not have the details of some of the information that the member is asking for about who the individuals are; I do not have that information, but during February three young people were accommodated, each on remand from the courts of justice for justice reasons. Of the three, two were subsequently bailed to addresses within the community and a third had previously been looked after by the department, and a young person has been sent to the secure unit, again for justice reasons, for a longer term of custody.

The Speaker: Hon. member for Middle.

Mr Quayle: Thank you, Mr Speaker. In terms of the number of young people that can be accommodated, I understand the maximum is five, and I wonder if the hon. member could share with us as to how this compares with other jurisdictions such as the United Kingdom or Ireland in terms of the amount of young people who are accommodated in a secure unit such as this in terms of general population, and also as to whether or not it is considered adequate for the number that can be provided for or whether or not her department has any plans to provide and prepare for an increased facility?

The Speaker: Hon. member for Health and Social Security, Mrs Hannan, to reply.

Mrs Hannan: The number in the secure unit was actually based on the numbers that are available in other areas, and for somewhere like Wales I think they have about 15 beds which are a much larger population than we have. So in other areas, in England itself, there are very few. I think it is St Helens that happens to have one and they were going to close it down when they built another one, but they have kept the first one open so there are two in St Helens, but very few secure

beds in the whole of the British Isles. But it was felt that, because it was pointed out here that we should not have young people in prison and it was unacceptable in the way that they were contained in prison, we should have our own unit. For that reason I think the unit is working well. The young people are sent there for justice reasons and, in the very rarest of circumstances, the Director of Social Services can detain people for safety for themselves and for the community, but that would be in the very rarest of circumstances and only for a very short period of time. So I suppose members could look at it from the point of view that we are over-resourced if we look at other areas, but it just depends on what is needed at the time and the number of beds that were used within the prison situation. So we are not reviewing at the moment, we are not considering we should have further beds and at the moment we are using the resource as best we can.

The Speaker: Hon. member for Rushen, Mr Gill.

Mr Gill: Vainstyr Loayreyder, could I welcome all the principles it permeates all the answers from the hon. member for social services, but could I ask her to confirm that the services at White Hoe, which are to be welcomed, are ultimately needs-driven - driven by the needs of the young people rather than money limited?

The Speaker: Member for Health and Social Security, Mrs Hannan.

Mrs Hannan: I can confirm that it is needs-driven, but we are looking at giving the best form of custody that we can to young people so that we can assist them; I think we have to remember that their behaviour can be caused by many reasons and, if we can assess and help them in different ways while they are detained in the secure unit, then we will be doing just that and helping them to meet the needs of these young people at all times.

The Speaker: Hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the member not agree that the unit has not been used right for the accommodation because the law dealing with the White Hoe secure unit is deficient? Will she look into the deficiencies? And is the member also aware that as far back as 1985 this hon. member was complaining about putting children in prison by the then member for East Douglas, Mr Martin? And would she not try to make out that we are all wanting to lock more kids up? What we want to do is make sure that the taxpayer gets a fair deal and we produce the proper legislation so it can be used effectively.

The Speaker: Hon. member for Health and Social Security, Mrs Hannan.

Mrs Hannan: I am not sure what the member means by 'using the secure unit effectively.' I do not believe the law is deficient. Young people did end up in prison before; it was pointed out to us: the United Nations rights of the child and also other areas, also the review of the prison which said that young people should not be in the prison and that the situation there was not correct and it left more that a lot to be desired. It was then agreed that the secure unit would be developed, but it was also agreed that it should have the backing of the law to operate it. I cannot accept that the law is deficient on this particular issue when we are taking away the freedom of young people and when we are putting them into a secure unit and detaining them. The rules did go before the other place, they were looked at, they were voted on, they were considered, and it is not just the Department of Health and Social Security that look at these rules and regulations but also the Department of Home Affairs, who have the ultimate responsibility, along with the Department of Health and Social Security, for the secure unit.

The member asks: will I look into the law and review the situation? I can say that the department has not just put these rules in and will walk away from them. We will be working with the people that operate the unit, we will be working with the Department of Home Affairs, and if there is felt to be a lacuna anywhere within the law then obviously we will look at that, but at the moment we do not feel that there is; we feel that it should have time to start working and operating within the rules that have been set up at the moment, which are hardly three months old yet, and I do feel that to start chopping and changing things when I do not know what the member for Onchan is suggesting is wrong with the use of this particular unit; if he would like to write to me, put it in writing to the department, we will certainly look at the deficiency that he sees that there is within certain areas. The department will certainly look at it. Thank you, Vainstyr Loayreyder.

**Foreign Workers –
Monitoring of Conditions of Service –
Question by Mr Henderson**

Question 5. The hon. member for North Douglas (Mr Henderson) to ask the Minister for Trade and Industry:

What mechanisms are in place for your department to monitor conditions of service imposed by employers on particular health care assistants and other staff employed from overseas jurisdictions?

The Speaker: I call on the hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Ta mee shirrey kied yn eysht y chur ta fo my ennym.

The Speaker: I call on the hon. member for Douglas West, Minister for Trade and Industry, Mr Downie.

Mr Downie: Thank you, Mr Speaker. Broadly speaking, in order to gain clearance from immigration to enter the Island for employment purposes, people from outside the European Economic Area will require a permit to have been issued by the Department of Trade and Industry to their perspective employer. In determining whether or not to grant a permit, the department is obliged by direction of the Lieutenant-Governor to have regard to the provisions of the overseas labour scheme applying in the United Kingdom. Under this scheme it is a requirement that the pay and other conditions of employment should be at least equal to those normally given to a resident worker doing similar work.

The hon. member should be aware that not everybody from outside the European Economic area requires clearance from immigration. Individuals who have ancestral links to the UK, for example, usually require only a permit under the Island's own control of employment legislation. One of the matters to which regard may be had in determining whether or not to grant such a permit is consideration as to whether the wages and conditions offered by the employer are less favourable than those normally applying in the particular industry in the Isle of Man. In addition, irrespective of whether the application is for a permit under the overseas labour scheme or for one under the control of employment legislation, the employer must comply with the Island's employment law including the payment of at least the national minimum wage. Where it is clear that an application does not meet statutory requirements then a permit will be refused.

Overseas nationals holding the necessary permit enjoy Isle of Man employment rights. In particular, they have the same right of access to the Department of Trade and Industry's inspectorate, which provides guidance and enforcement in respect of the Island's minimum wage legislation. The inspectorate is also responsible for ensuring that employees are issued with written statements of the major terms and conditions of their employment. Overseas nationals may also seek advice from the department's equality adviser or from the Industrial Relations Service as appropriate. They may also wish to join a trade union and, should they do so, will enjoy the same protection against discrimination on grounds that their union membership or activities as other workers on the Isle of Man currently do. Provided that all statutory obligations are complied with, The terms and conditions of employment are a matter for the employer and the worker. The DTI itself has no statutory powers of inspection with regard to persons

issued with overseas labour scheme permits except those general powers arising out of the Island's employment legislation. Thank you, Mr Speaker.

The Speaker: Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. I thank the hon. minister for his helpful reply there and certainly his hard-line stance on overseas employee protection, but could he answer, or is he aware, that in the recent past some overseas employees have actually been discriminated against and, further to that, would he agree with me that his department actually needs an inspector to talk to the various employers of this Island, especially private business and enterprises, to ensure that they are operating best codes of practice and standards of equality?

The Speaker: Minister to reply.

Mr Downie: In reply to the hon. member's question, the question related to people working in the health area, in particular health care assistants and other staff employed from overseas jurisdictions. As far as I am concerned, I think it is an important issue that the hon. member has raised and I am prepared to give the hon. member a commitment that one of our DTI inspectors liaises with or visits all of the healthcare operations on the Island - and there are six in all - to ensure that pay conditions and conditions of employment are being fully met. Prior to the answering of this question, I did take advice from the DHSS who advised me that there are currently 10 Filipino members of staff in the health service. These staff are not care assistants but trained nurses with degrees. Most of the staff are recruited by the DHSS using a reputable nursing agency in the Philippines and the department has recruited at least one worker directly. Now, the terms and conditions of these workers, including pay and holidays, are the same as for resident workers. The department did, however, organise a six-month adaptation programme for each worker partly because this was a requirement of the professional nursing bodies and partly to help them adapt to life in the Isle of Man. The management of the hospital have praised the quality in dedication of the Filipino members of staff and the department provides itself as observing the standards of any good employer dealing with these workers. Could I just reiterate that there are a number of these people from the Philippines and other areas working in healthcare and, as I have said, I am prepared to give the hon. member an undertaking that we will follow up and check with all the various other establishments to ensure that their employment rights are being fully honoured.

The Speaker: Hon. member for Douglas North.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. I fully welcome the minister's commitment and certainly acting on my initiative for the employers to be visited. A further supplementary: how will the minister or his department make overseas workers aware of the rights under Manx employment law and the fact that they can access the Industrial Relations Office and they can access trade unions for advice and help? And if there is no such mechanism currently, could he ask his departmental offices to look into the appropriate situations and have literature circulated to overseas applications or various departments contacted re the same?

The Speaker: Minister for Trade and Industry to reply.

Mr Downie: I understand that within the department and within the various publicity material that they have, there are various leaflets which do allude to what workers' rights are (**Mr Henderson:** Hear, hear.) and what I will do, when we undertake this visit of the various establishments, is ensure that the inspectors have a number of these documents available to be circulated among the members of staff. As far as I am aware, one of the conditions of employment when they come into the Isle of Man to work is that they do have a reasonable command of the English language, so we will make sure that everybody is fully aware of what they are signed up to and they understand fully what they are entitled to under Isle of Man employment law.

The Speaker: Hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the minister make sure, when he is looking at the policing, that the priority is for them to talk to the employees and not the employers to make sure that there are no abuses as far as pay is concerned and also to make sure that practices such as the taking of their passports by employers is not acceptable? (**Mr Henderson:** Hear, hear.) I would also like to welcome the comments from the hon. minister when he talks of minimum wage legislation. I do hope that he will include it, not just for healthcare professionals, but also make sure that it includes the likes of the people who are training, or so-called training, or being used for cheap labour; I hope they will be included in the legislation.

The Speaker: Minister for Trade and Industry to reply.

Mr Downie: Currently I am not aware of any person working from overseas or anywhere else who is not in receipt of the minimum wage; in fact, I have not been advised of any complaint that may be pending within the department. I am not aware of any employer who is, for whatever reason, holding onto a member of

his staff's passport. If the hon. member can provide me with evidence of that, I am more than willing to chase it up. The hon. member will be aware that in the coming weeks, following discussions with Treasury, the department in conjunction with that department will be coming forward with a recommendation on what is to be the new figure set for the minimum wage. Also I would just like to point out that I have not heard one complaint from anyone who claims they are receiving less than the present minimum wage, so I hope that deals with the question the hon. member for Onchan posed. Thank you, Mr Speaker.

The Speaker: Hon. members, that concludes questions for oral answer. We have one question for written answer, which has been circulated in compliance with standing orders.

**Police – Private Hotel etc. Facilities –
Cost of Hiring – Question by Mr Houghton
for Written Answer**

Question 1. The hon. member for North Douglas (Mr Houghton) to ask the Minister for Home Affairs:

- (1) *What has been the purpose for hiring private hotel and conference facilities by the Isle of Man Constabulary during the last two financial years;*
- (2) *what was the venue and cost on each occasion; and*
- (3) *what was the budgeted figure for this purpose for each financial year?*

Answer

During the year 2001-2, the Isle of Man Constabulary used off-site facilities for training and the personal development of its police officers and support staff on 19 occasions at a cost of £21,347.

The venues included the Empress Hotel, the Hilton Hotel, the Sefton Hotel, Admiral House, the Mount Murray Hotel, Tower House and the Onchan Youth Community Centre.

The training and personal development curriculum included:

- sergeants' leadership training;
- crime reduction managers' training;

- inspectors and senior management leadership development training
- interviews for the post of Deputy Chief Constable;
- information technology and EFQM conferences;
- training police officers in the use of batons and cuffs for their personal safety.

During the year 2002-3 the Isle of Man Constabulary used off-site facilities for training and the personal development of its police officers and support staff on 27 occasions at a cost of £14,564.

The venues were the same as those used in 2001-2.

The training and personal development curriculum was largely the same as 2001-2 but also included:

- training for major incidents and disaster;
- briefing for Project Centurion;
- The Chief Constable's two-day half-year review of the policing plan with all relevant parties;
- diversity training; and
- eleven separate days for baton and cuffs training.

There is a conference room in police headquarters that can comfortably accommodate a maximum of 18 people. However, for the duration of 2001-2 the conference room was used as a major incident and evidence preparation room for Operation Safe. This actually continued through to January 2003, and it was only in January of this year that the room was reclaimed for conference purposes et cetera.

Also, there is a small training room at Police Headquarters that can only comfortably accommodate some 12 people. The quality of the accommodation is very poor and is not conducive to learning. Only two weeks ago the constabulary secured larger training accommodation at Winchester Court, Second Avenue, Onchan, thus giving the force a decent training environment.

Whilst the Chief Constable does not discount using off-site facilities in the future should either the necessity or preference be present, the constabulary now have much better accommodation for conference and training facilities than has ever been the case – especially in the context of the last two years.

In any event, the constabulary do not have appropriate facilities to train for baton and cuffs and public order and will be required to secure off-site venues and incur the subsequent costs.

HOUSE OF KEYS, TUESDAY, 25TH MARCH, 2003

Details of the venues, costs et cetera are forwarded with this paper.

Venue	Description	Cost	Year
Empress Hotel	PITO conference	111	2001-2
Empress Hotel	management conference	964	2001-2
Hilton Hotel	EFQM	1011	2001-2
Hilton Hotel	management conference	477	2001-2
Hilton Hotel	inspectors' briefing	918	2001-2
Sefton Hotel	Inspectors' training	3094	2001-2
Admiral House	DCC interviews	2222	2001-2
Mount Murray Hotel	offshore policing forum	1417	2001-2
Mount Murray Hotel	* Henry V Workshop	1743	2001-2
Mount Murray Hotel	* leadership forum	1118	2001-2
Tower House	sergeants' training	1140	2001-2
Tower House	sergeants' training	851	2001-2
Tower House	sergeants' training	1062	2001-2
Tower House	room hire?	3467	2001-2
Tower House	crime prevention trg	836	2001-2
Onchan Youth Comm	4 occasions baton/cuffs	916	2001-2
Total		<u>21,347</u>	

* The above were partly financed by the private sector attending
 Around 50% costs recovered from those stated above

Hilton Hotel	EFQM	759	2002-3
Hilton Hotel	EFQM	1273	2002-3
Hilton Hotel	SMT briefing	1125	2002-3
Hilton Hotel	modace training	3031	2002-3
Hilton Hotel	policing plan	288	2002-3
Hilton Hotel	centurion	204	2002-3
Admiral House	training?	920	2002-3
Admiral House	police personnel meeting	196	2002-3
Admiral House	inspector training	480	2002-3
Mount Murray Hotel	SMT training day	168	2002-3
Tower House	sergeant training	833	2002-3
Tower House	sergeant training	1328	2002-3
Tower House	sergeant training	245	2002-3
Tower House	room hire	1222	2002-3
Tower House	diversity training	679	2002-3
Tower House	sergeant training	1069	2002-3
Onchan Youth Comm	11 occasions batons/cuff	744	2002-3
Total		<u>14,564</u>	

As venues for training, the budget for each course is contained within the main constabulary training vote.

Accommodation is shown in general terms in the budget.

The above are the major venues and occasions.

There may well be minor events which have not been identified separately.

Simon Court

18th March 2003