



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
BING VEAYN TINVAAL**

**PROCEEDINGS
DAALTYN**

**CONSTITUTIONAL AND LEGAL AFFAIRS
AND JUSTICE COMMITTEE**

Youth Justice

HANSARD

Douglas, Monday, 23rd May 2022

PP2022/0096

CLAJ-YJ No. 3/21-22

All published Official Reports can be found on the Tynwald website:

www.tynwald.org.im/business/hansard

*Published by the Office of the Clerk of Tynwald, Legislative Buildings,
Finch Road, Douglas, Isle of Man, IM1 3PW. © High Court of Tynwald, 2022*

Members Present:

Chair: Miss T M August-Hanson MLC
Mr C C Thomas MHK

Clerk:
Mr J D C King

Assistant Clerk:
Miss A H Khan

Contents

Procedural.....	53
EVIDENCE OF Mrs Jane Poole-Wilson, Minister, and Mr Dan Davies, CEO, Department of Home Affairs; Mr Leroy Bonnick, Prison Governor and Head of Probation.....	53
<i>The Committee sat in private at 4.48 p.m.</i>	88

Constitutional and Legal Affairs and Justice

Youth Justice

*The Committee sat in public at 2.38 p.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MISS AUGUST-HANSON *in the Chair*]

Procedural

The Chair (Miss August-Hanson): Good afternoon and welcome to this meeting of the Standing Committee of Tynwald on Constitutional and Legal Affairs and Justice.

I am Tanya August-Hanson MLC and I chair this Committee. With me is Chris Thomas MHK. The other Member of the Committee, Mr Peters, is not able to join us.

5 Please can we all ensure that our mobile phones are on silent or switched off, so that we do not have any interruptions. For the purposes of *Hansard* I will be ensuring that we do not have two people speaking at any once.

EVIDENCE OF

**Mrs Jane Poole-Wilson, Minister, and
Mr Dan Davies, CEO, Department of Home Affairs;
Mr Leroy Bonnick, Prison Governor and Head of Probation**

Q218. The Chair: Firstly, is there anything as an opening statement that you would like to begin with? (**The Minister and Mr Davies:** No.) No?

10 So the first question, for the benefit of *Hansard* and anyone listening, please could each of you introduce yourself, giving your job title and how long you have been in the post?

The Minister for Home Affairs (Mrs Poole-Wilson): Jane Poole-Wilson MHK, Minister for Justice and Home Affairs for seven months, I think, in post.

15 **Mr Davies:** I am Dan Davies, I am the Chief Executive Officer of the Department of Home Affairs; a post which I have held permanently since 28th March this year, but prior to that I was acting as an Interim Chief Executive for around three and a half years.

20 **Mr Bonnick:** Good afternoon, my name is Leroy Bonnick, I am the Prison Governor and Head of Probation. I have been in post permanently since July 2021 but had a previous 10 months as Acting Governor.

25 **Q219. The Chair:** The topic today is Youth Justice. Minister, do you have any interest which you would like to declare at this point?

The Minister: Yes, thank you, Chair. I would just like to declare for the record that I was previously the Chair of Trustees of St Christopher's Isle of Man. I have stepped away from that role due to conflict with my ministerial responsibilities now, but I do have that background.

30 **Q220. The Chair:** Thank you.

Minister, you will remember that in 2019 the Committee published a report on the Criminal Justice Strategy and, in it, it said that when the Criminal Justice Strategy was published in 2012, the team's work was recognised as highly effective. In 2018, the Chief Constable reported that the number of under-18s being arrested had risen by 22%. The Youth Justice Team has been dissolved.

35 What is the arrest rate like today?

The Minister: My comment would be that it is the Chief Constable that can give you the operational detail. I think when you had the Chief Constable in for the evidence session he did give you quite a lot of detail about the offending rate of young people.

40 It is my understanding that broadly we do have a number of individuals who touch the criminal justice system. I think he quoted in the region of 300 young people who end up being referred also as part of that through to the Police Early Action Team. But I think the big challenge is for an awful lot of those young people there is quite successful diversion and opportunity to divert them away from the criminal justice system. But unfortunately we do have a smaller group, I think he referenced about 27 young people, who commit far and away the bulk of criminal activity; but actually their backgrounds, their histories and the complexity of their lives is such that they are a more difficult cohort to try and intervene and support and manage away from the criminal justice system.

45 The Chief Executive might have some more up-to-date detailed information, which I would expect in any event to be published with the Chief Constable's Annual Report for this year.

Mr Davies: There has broadly been a 22% reduction in young people who have been arrested since 2020-21. I think it is important to say that 2020-21 was an exceptional year for lots of reasons. So the figures are broadly the same since the 2019-20 year, which is probably a good benchmark, looking outside of the 2021 year.

55 As the Minister said, and I think the Chief Constable explained in his evidence, it is a really complex area and if you look simply at arrest rates or you look at offences it does not include things like the LINK scheme, which the Chief Constable referred to, which is that very early intervention, which might just be a letter to a parent of a young person who may have started engaging in some form of almost pre-criminal activity.

60 So I think the statistics are a challenging area to use to look at one area of youth justice and I think the whole area of youth justice does not just span police activity, it looks at Social Care activity, Educational activity and lots of other parts of Government that I think have a role to play.

65 **Q221. The Chair:** I suppose we have had a number of conversations which you will no doubt be aware of with the Director of Public Health who has frequently said that the numbers that we are actually working with here on the Isle of Man do not make a representative sample. Do you think that might be the case here, unless you see a substantial increase or decrease when it comes to looking at the figures?

70 **Mr Davies:** Definitely. It is hard with small numbers to really get an accurate picture of trends, which is often why we work on three-year rolling averages, because it gives you a better idea of a constant trend. If you have a small number then sometimes an equally small increase can look like a 150%-200% increase, but the actual numbers are quite small. So definitely.

75 It is a challenge in a small jurisdiction and that applies not just within criminal justice but in Health and right across the sphere of the public service.

The Chair: Okay. Mr Peters had a question which I believe our Clerk will put to you.

Q222. The Clerk: Thank you, Chair.

80 Yes, Mr Peters thought it would be helpful if the panel could advise how much of a challenge is poor behaviour which often appears to go unpunished and without consequences? He was thinking, for example, of teenagers who regularly go missing, causing the Police extra work with appeals for information and so on.

85 **The Minister:** It is interesting to look at the evidence that the Committee has already heard, both from the Chief Constable but also from St Christopher's Isle of Man. I think one of the challenges, certainly for looked-after young people, is that there have been periodic challenges in the past when they have gone missing. It is my understanding, and sorry I hark back to a former role when I was involved with St Christopher's that at one stage that was very resource-intensive because of the risk assessments that were going around that. There was a one-size fits all approach, which is a child has gone missing, we will call out everybody to find them.

90 I think actually my understanding is there has been some very good work done between St Christopher's Isle of Man and the Constabulary to really build better risk understanding, so that the response can then be tailored to the young person; where the care team at St Christopher's understand that although the young person has not come back at the relevant time or the agreed time, *they* know where they are and they can take steps themselves to try and act, without necessarily calling in a full missing response from the Constabulary.

95 I think the other thing to remember is that we are very often talking about very vulnerable young people, so the risk to them when they are missing is significant. Indeed it is something, if we take our corporate responsibilities to safeguard these young people properly, then it is absolutely right that there is an appropriate response to make sure that they are kept safe and that they are not being exploited.

100 **Q223. The Clerk:** As you have given me the floor, Chair, may I ask a follow-up then? Because when you said a minute ago that you would not always call out everyone to seek a missing child, has there been any instance when a child has actually not been found? Is there a list of missing children?

105 **The Minister:** Not that I am aware of. My understanding is that there is also now a Complex Abuse Group in place, which is a piece of work done by different agencies and I think also the Constabulary feed into that with their Operation Yarrow work, where they have identified some of our most vulnerable young people; and they know at any one time who they would categorise as the top 10 most vulnerable young people. That, again, is there to inform and respond appropriately. But I am not aware of any young missing people who have not been found, not to my knowledge.

110 **Q224. The Chair:** I suppose the main reason why this subject is being discussed is just about the Youth Justice Team and how successful that was in the past. Obviously there was quite a significant rise in 2018, but moving to today there seems to still be quite an issue there in having not quite found the right solution since. Could you just explain what happened on the disbanding of the Youth Justice Team before that point, but also post that point; and what it is exactly, what the essence of it is that we need to go back to?

115 **Mr Davies:** I think again, in his evidence, the Chief Constable quite succinctly explained the history and background. The original Youth Justice Team was formed in 2002 and it followed quite soon after the release of the Everall Inquiry into the deaths of two young children in care. I think at that time one of the recommendations in the Everall Report was that there was a statutory youth justice team. But at its height, the Youth Justice Team probably consisted of around

12 members of staff including police officers, probation officers, social workers, health workers, education and even people from the Department for Enterprise, for example, who had helped young people into work. It was successful and it looked like it reduced youth offending by 30%, which was incredibly beneficial.

Around about, I would say probably 2018, the service suffered from the withdrawal of services from other participants, in particular Social Care at that time, and the director at the time took the decision, because of resource implications elsewhere, to reduce the number of social workers who formed part of the team. And other partners began to withdraw. A lot of this was down to resourcing. I have some sympathy with colleagues in other areas in that where you are under pressure to show cost reduction, or even manage within a specific budget, the first thing you will do is look at your core statutory services and youth justice – as it was being delivered in that multi-agency way – was not a core of statutory service, and so lots of agencies started to withdraw their commitment and their resourcing to the team.

In the end, in 2018, the team was really probation officers and police officers and all they were doing was writing court reports; and, frankly, if you are writing a court report for a young person it is probably too far gone to make any meaningful difference to that young person's life.

So in the end, the Chief Constable took the decision to withdraw the police officers who were committed to the team, which in essence meant the team was disbanded and it was a slow and painful death of the team.

Q225. The Chair: Can we just go back to exactly what it was that made the team work well?

Mr Davies: It was before my time so I am only passing on anecdotes, there is only so often as a Chief Officer you can say that, but I am saying that. It was before my time, but the feedback I have had from colleagues was that it was a really flexible team that was not bounded by rules in that – obviously they stayed within the law, but they had access to a range of things. They might take a young person to a job interview because that young person had no other access or had very little funding to go and do that themselves; they might go and buy a suit for them to attend a job; or they might just phone up and say, 'Don't forget you have to go to school this morning', or, 'It's your exams next week'. I think it was a really flexible and empowered team who were able to get on and just do things that might well support a young person and divert them or support them.

Youth offending is normally symptomatic of something else that is going on in that young person's life and by the time they get to that point where they are offending or they are exploited they are often a victim themselves either of abuse ... They come from very difficult families and I think this is a discussion the Minister and I often have, that it is really important to look at these young people not through the lens of the majority of people who live fairly well-ordered lives within a framework which we can all understand and relate to, these young people come from incredibly, often, chaotic families where there is abuse, there is substance misuse, there is chaos because perhaps parents themselves have been criminals or criminalised in the past. So it is a really interesting thing to look at and the dynamics are social as well as criminal.

The Minister: If you do not mind, Chair, if I may just add to that, I think Stephen Taylor from St Christopher's, when he was giving evidence to this Committee, one of the hallmarks he pointed out from the Youth Justice Team is that they co-located. So I think as well as being flexible there is huge advantage when professionals can work together and understand each other's statutory duties and so on, but also work together to find what can be done. So that co-location idea is something that I think can work very well and seems to have worked well for the Youth Justice Team, when it was working well at its height.

Q226. The Chair: Do we know what the actual contribution from various different agencies was at that point in time, when it was working very well?

The Minister: We know that there were 12 staff members and we know there were police, Social Services, the Probation Service, the third sector and, as the Chief Executive has mentioned, there was even input from the Department for Enterprise. I do not have exact numbers, though, and I certainly do not have the budget from those different areas to share with the Committee.

185 **Q227. The Chair:** Would it be possible for you to submit that privately at all?

Mr Davies: I will certainly ask colleagues who were around at the time if they have got that information.

190 **Q228. The Chair:** Thank you very much.

Was there also a degree, or anecdotally you may have picked this up, or not picked this up, but that they had alongside them being given that enablement and ability to be able to hold Government to account to a degree? Was it also personalities that were thrown into the mix as well that made that work, do you think?

195 **Mr Davies:** I am not sure whether the team held Government to account. I do not think I could ever say that. I think the personalities, the people within the team were empowered to get on and I think that is the bottom line. They were not held to a rigid structure, 'You must attend Monday-to-Friday nine-to-five'. Sometimes they worked at weekends. So I think the success of the team was a group of committed individuals with a common goal of supporting young people and preventing them from entering the criminal justice system in the first place

200 **The Minister:** And I think again, just having looked at the evidence you had from Stephen Taylor of St Christopher's, he commented that he felt that whoever set it up in the Police, who was a driving force, actually held the team to account. So I think the comment from the Chief Executive about committed individuals who were determined to act flexibly and to meet the needs of the young people they were trying to support, is probably quite powerful.

205 I have not seen any documentary evidence of any of that. I think I am just basing that on the evidence that you heard from Stephen Taylor, who I think said he was around at the time and could see the impact of the work that team were doing.

210 **Q229. The Chair:** I suppose that leads me on quite neatly to the 2019 report where the Committee wrote:

We believe that, under the current structure and ways of working, a multiagency plan for reform such as the Criminal Justice Strategy is unfortunately only destined for failure in the long term.

215 How is this administration looking to deliver a joined-up strategy that works?

The Minister: So I think there are a number of aspects of that. If you look at the Department's Delivery Plan, for example, one of the aspects that we are keen to deliver on is, as the Justice Reform Act is implemented, that the Criminal Justice Board moves onto a statutory footing.

220 I suppose you could debate whether or not these things do need to have a statutory basis, and actually I am really pleased the Criminal Justice Board has been meeting regularly, and has been working together to focus around the implementation of the large pieces of legislation that were passed in the last administration. But I think if it is on a statutory footing it then makes it very clear that this body is an important body that must meet, that must collaborate, and that must work together so that we, first of all, focus on this legislation; but another aspect of the Department's Delivery Plan is to review and refresh the Criminal Justice Strategy. And again, I would expect the Criminal Justice Board, with its representation from a number of agencies, would come together and actively participate in that process of review and refresh.

I think the other thing that we are hoping to achieve is that once the Criminal Justice Board is a Statutory Board there is provision in the Justice Reform Act for it to have sub-committees. So on the specific topic the Committee wanted to talk about today, youth justice, we would look to put in place a youth justice board. I think again, the aim there would be to bring back together around the table the relevant agencies to work again collaboratively in this area of youth justice.

The Minister: ... So I do not think that is *all* aspects of this administration's efforts to deliver joined-up working, but in the specific sphere of criminal justice and youth justice they are key ways in which we will look to bring agencies together to work meaningfully to deliver a strategy.

Q230. The Chair: Yes, there have been some issues with the Criminal Justice Board perhaps not working particularly *as well* in the past. So what is it that is now making it work better? Is it just the frequency of the meetings or has there been an injection perhaps of enthusiasm around the boardroom table?

The Minister: Well, I think my sense is we have got a good sense of purpose and focus, particularly with the legislation. We have got the Domestic Abuse and actually it is *very* clear to me, and it has been since that legislation was passing through the Branches of Tynwald, that the legislation in and of itself, whilst important, is not enough without partner agencies looking at how you build the service provision around it. So I think there is a good sense of focus and purpose.

I am also conscious, though, that because the agencies that sit around that table are engaged in a number of different things, I think them coming together and engaging in this does help to keep a focus and a sense of prioritisation. I think that is an important feedback loop not only to the Department but to other parts of Government, so that we actually do make sure that we deliver on the things that we are trying to deliver, and do not try and do too many things all at the same time and then lose focus and the ability to deliver.

I am sure the Chief Executive, who is at the meetings, will be able to talk also about how they are going.

Mr Davies: Yes, it is a balance, isn't it, between a governance structure that allows you to deliver and holds you to account for delivery, but also the people around the table. I think there is some really strong leadership around the Criminal Justice Board now and I think the last time I sat in front of a Justice Committee I did talk about the people and I think the Justice Committee made comment on that. So it is a balance between the people and the systems but ultimately within the Isle of Man Government, for lots of reasons, if you do not have people who are able to collaborate with each other stuff sometimes fails to get done.

So I think we are at the right time where we have got a blend of committed leaders who know what to achieve. There is political ambition and drive to achieve that, and we have got a governance system, with the new Justice Reform Act, which sets the board on a statutory footing and requires the board to make an annual report to Tynwald, which will then set out who has attended, what has been discussed and what the priorities of the board are – which I think comes together to give us an opportunity to deliver.

Q231. The Chair: Who are the current members of the Criminal Justice Board?

Mr Davies: We are running the Criminal Justice Board in shadow form, as if it would be. The statutory members are set out in the Justice Reform Act and include the Chief Executive of the Department of Health and Social Care, as well as all of the other people you would expect – so the Head of the Prison and Probation Service; me, as Chief Executive of the Department; the Chief Constable; the Director of Prosecutions. We are looking at that membership and the Department can amend the membership by Order of the Board, so if it does need amending once it goes on to a statutory footing, it is relatively easy to do. But we are trying to run it in shadow form now.

Q232. The Clerk: May I just ask a follow-up?

I think Mrs Poole-Wilson said the words 'Youth Justice Board' earlier and I may not have been paying attention. Is that something which will also have a statutory basis under the same legislation?

285

Mr Davies and the Minister: Yes.

Mr Davies: The Justice Reform Act allows the Criminal Justice Board to create statutory sub-committees of the board. So the reporting requirements will apply to the sub-committees.

290

Q233. The Clerk: Can I ask another couple of questions, Miss August-Hanson? Is that okay?

Just going back to the retrospective on the way things used to be, again I think the Chair asked if you would submit documents on how the old Youth Justice Team worked when it was working at its best, and you said you would have a look. I am sure that would be very helpful to the Committee. Even if there are not documents, I think it would be helpful to have a bit more detail on who these people were. We have been told 12 people, but I am still a bit hazy about what sort of people we are talking about. Are they at constable level? Are they sergeants? Are they superintendents? Or are they very senior people?

295

I think in your statutory structure you are talking about very senior people, but you have also talked about people collaborating to get things done. So can you advise the Committee either now or later, what level of people would be involved in this kind of team?

300

Mr Davies: Yes, I think the Youth Justice Board would probably have heads of service, then the delivery would be carried out by a team below that. But the Youth Justice Board would be responsible for holding the teams to account for their delivery.

305

Q234. The Clerk: Without wishing to answer my own question, it seems to me that you need to pitch it at the right level so that people are not so senior that they have got no time, but they are not so operational that they have got no ability to be creative and spot the opportunities.

310

Mr Davies: Absolutely. The challenge we have with all of these initiatives is that it is generally the same people who attend. So if we think about the Youth Justice Board I would probably want to have the Executive Director of Social Services on that Youth Justice Board, because the Department of Health and Social Care and Manx Care have statutory responsibilities under the Children and Young Persons Act 2001. But if we think about our Domestic Abuse Implementation Plan, I would absolutely want the Executive Director of Social Services to sit on that board that helps us to tackle the introduction of the new domestic abuse legislation, which brings a whole raft of new powers. There are other areas where the executive director would be helpful and that person is, as you have said, a busy person. They also have a service to run themselves.

315

It is a real challenge getting the right people in a small organisation, but not asking them to attend a myriad of committees and sub-committees, because they also want to get the job done.

320

Q235. Mr Thomas: Minister, you used a phrase 'Statutory Board' to describe the Criminal Justice Board and I think you have used 'Committee' as well. Perhaps there are three types of statutory bodies like this: there is the full Statutory Board like the MUA and the Post Office; then there are regulators; and then there are perhaps ones in the middle which are neither a regulator nor a board. Is that the nature of this Criminal Justice Board? Is it somewhere in the middle? Is that correct? It is called a board, but it is not really a board, it is a statutory committee.

325

The Minister: Yes, Mr Thomas, I think you are right. There are statutory boards as defined in law and then there is what is described in the Justice Reform Act. I do not have it in front of me

330

actually, but I believe it is referred to as the Criminal Justice Board under that, but it is not a statutory board in the sense you are talking about.

335 **Mr Davies:** But certain provisions of the Statutory Boards Act 1987 are applied to it under certain circumstances.

Q236. Mr Thomas: Sorry, I have got a slight advantage over you because I do have it open in front of me!

340 You talked about the Director of Prosecutions being a member, but I think the statute says the Attorney General is a member, but then you can have people go to different meetings on their behalf. That is obviously a good thing to have flexibility.

Who receives the minutes of the of the meetings? And are they public, in fact, or is it just attendees? How does it work?

345

Mr Davies: The minutes are currently circulated to attendees but I see no reason why the minutes should not be made public. (**Mr Thomas:** Okay.) Once the board moves into full statutory operation it would be sensible to do so.

350 **Q237. Mr Thomas:** Do you ask certain members, as in the Law Society?

Mr Davies: Yes.

355 **Q238. Mr Thomas:** So I guess it would be quite hard for them not to share it with the Law Society Council if they are there as a representative of the Law Society or something like that? So that would be a good question to answer.

360 **The Minister:** Indeed, one of the purposes of having a representative of the Law Society is of course to be able to consult practising advocates about relevant matters so that information comes back into the board.

365 **Q239. Mr Thomas:** Then the other one is, it sounds a bit like the Housing and Communities Board, which has not as yet had the honour of having a statutory status. But you talk about 'co-ordinating and facilitating the activities'; you talk about 'monitoring the operations of the Department'; and you also talk about 'advising the Department on the strategic allocation of resources'.

370 Does the Criminal Justice Board advise the DHSC on the strategic allocation of *its* resources, or does it just advise the rest of you who are the Department of Home Affairs? To me it is a bit unfair and you have perhaps got a fatal flaw already. Why the Youth Justice system thing failed was because you could not get money off the DHSC or the Department of Education, or something. Can you perhaps actually advise the DHSC on the use of their resources from this board?

375 **Mr Davies:** I think the Council of Ministers provides the forum, doesn't it, where Departments, if they have issues or need to resolve conflict or resourcing, would bring that issue? So the board, as I would envisage its operation, would probably make an advice to the Department that perhaps certain areas of youth justice might be underfunded, but the Minister would take that advice into the Council of Ministers if it had to get resolved at that level.

I think the governance mechanism probably works. I would not say it was a *fatal* flaw.

380 **Q240. Mr Thomas:** So the Board or the Committee could advise the DHA, who could escalate it to the Council of Ministers? Is that how you see it working?

Mr Davies: Yes.

Mr Thomas: Okay, that is good.

385

Q241. The Chair: Assuming that those minutes would also be ... unless you are talking about specific cases that you might make reference to, in which those would be redacted before it going public?

390

Mr Davies: Absolutely, we would apply the usual redaction.

Q242. The Chair: What attention is given ... I am aware that Mr Davies is also involved in some of the ACEs work with Public Health, so what attention is given to prevention and early intervention actions in DHA, and what drives policy in that particular area?

395

The Minister: I think that is a really good question and in my mind at the moment, I have separated out, to some extent, the very early intervention and prevention work, which I think you are right is very much in part about tackling adverse childhood experiences.

400

One of the other actions in our delivery plan is to set up a community safety board – and the word ‘board’ is there again. They are commonly referred to as community safety partnerships when you see them in the UK, but that is planned to be set up as well as a sub-committee of the Criminal Justice Board. We completely recognise at this point that that is the wrong home for it, in that what it is about, by the time you are touching the criminal justice system, it is too late. That community safety partnership is really there about that much more cross-agency, early intervention work, that helps young people and their families and tries to make sure the wraparound support is there so that young people do not grow up and become exploited or end up touching the criminal justice system.

405

But that is a longer piece of work, absolutely. We have got the Starting Well, Developing Well work that Public Health will lead on, that will look into adverse childhood experiences. But absolutely we must start this because I recognise completely that this sort of work, tackling adverse childhood experiences and supporting families, takes longer to see the result for young people and their families. So the intention is, we must start it.

410

At the same time, though, we must look at the youth justice work, because we already know there are some young people who are either touching the criminal justice system or have got into the criminal justice system. We must work on that through the Youth Justice Board or Committee, to look at how do we best try to divert young people? Or indeed if they do touch the criminal justice system, try and work with them so that they do not reappear in the criminal justice system when we try to help them get life back on track; and avoid that exploitation, which is a theme of so many young people who do get wrapped up in the criminal justice system.

415

420

Q243. The Chair: Is there a strategy that you are already working with, or is that something that you are working towards?

The Minister: I think it is something that we absolutely have to work towards, and I think it is very important for us to understand ... again, we have limited resource in the sense that this will typically involve the same people. So I think it is *really* important that we look at what we should be doing in the Isle of Man and what works well. There are of course aspects of this which touch on work that is already going on in other parts of Government.

425

Mr Thomas referenced the Housing and Communities Board before and we know that one of the factors of instability for some young people, particularly when they are leaving care, is available and suitable housing. So I think it is understanding what the factors are and then developing a strategy that helps us address in the best way how we support the early prevention and intervention work; but that also helps with people who may already be in the system, or are vulnerable.

430

435

Mr Davies: The Minister referred to the Joint Strategic Needs Assessment being developed by the Public Health Team. It is called Starting Well, Developing Well and what that will do is provide us with the local data to help inform where scarce resources should be targeted. It will look at each of the different forms of adverse childhood experience or trauma; it will look at instances of domestic abuse in a household; it will look at parents who are incarcerated – for example, parents where there is substance misuse. That should hopefully provide a platform then to allow us to target our resources better from a trauma-informed approach to early intervention and prevention across the public service.

Q244. The Chair: All of this is tying in together, is it, and everybody is aware of what everybody else is doing in this particular area?

In the past, has there been any other strategy that perhaps may have come up from other agencies regarding pre-birth and onwards relating to adverse childhood experiences?

Mr Davies: The Social Policy and Children's Committee in the previous administration looked at an early intervention strategy based around adverse childhood experiences. I think that strategy, the development of such was halted really, it ran into the pandemic and then the end of the previous administration. So it started and I think it had good intentions, which was to take a trauma-informed approach to public service delivery. So how do you make sure that where a child is in a household where there is domestic abuse, that that child is given the support to stop those future issues with physical and mental health, and potential offending happening with that child?

There are instances of fairly tactical approaches. For example, there is a version of Operation Encompass between the Constabulary and the Department for Education where, if a child is in a household where there is domestic abuse, then the Constabulary will work with the school so that the child the next day if they are not dressed particularly well or their behaviour is odd, then the teacher will not look at punishing them or excluding them. The teacher will understand the context and will offer additional support to the child.

Q245. The Chair: That is a relatively recent thing, is it not – (**Mr Davies:** Yes.) similar work to what may be going on within Encompass? I believe it came about over the course of the pandemic, did it?

Mr Davies: Yes, it did. It happened just around the time of the pandemic actually. It had been something we had been looking at for a long time, but the pandemic gave it a little bit of extra impetus.

Q246. The Chair: And it is going well?

Mr Davies: From what I understand there have been quite a few referrals. I think over 50.

Q247. Mr Thomas: When you were talking about the safety partnerships, and you mentioned that perhaps it was not in the right place, I do remember that there was a Douglas Safety Partnership, about 2012-13, which the Council signed when I was a councillor I seem to remember. Is that a similar-type initiative or it is something for you to look back in the files at?

The Minister: I have to say, I am not familiar with the Douglas Safety Partnership. But the Community Safety Partnership is really around building support for young people and families so that they ... I think the Chief Executive referred earlier on to stable environments where children can go to school every day, where they can participate, where they have trusted adults, they have care and they have all the things that can go wrong for young people when they are in a family setting, perhaps where there are problems and challenges for the parents.

So the Community Safety Partnership brings together all sorts of different agencies, but the aim there is to actually provide intervention and support for families. So if the Douglas Safety Partnership was about anti-social behaviour and nipping that sort of thing in the bud, I think that is more the Police Early Action Team and the LINK system – that is when there is some behaviour going on and people can intervene –

Mr Thomas: It is different, that is right.

The Minister: So it is different. The Community Safety Partnership is holistic and deep –

Q248. Mr Thomas: It is just the same use of the words in a local context, so you need to be a bit careful remembering that ...

Mr Davies: Yes, we have had that discussion.

The community safety partnerships in the UK were set up statutorily – another statutory partnership or board – as a result of the Crime and Disorder Act 1998, possibly. They have a range of statutory attendees and their aim is to take a strategic multi-agency approach to community safety. It might involve fire safety, for example, but in a joined-up way; or it might involve tackling anti-social behaviour or looking at vulnerability. I think that is probably more analogous to what the Community Safety Partnership here would look like, rather than just a small piece of anti-social behaviour.

But you are right, names are important and we should probably be clear what it is and what it does.

Q249. Mr Thomas: The second one is – I hate to be mischievous – but I seem to remember a joint strategic needs assessment was started around 2013-14. Is it the same one that is soon going to be completed by Public Health? Is it the same joint strategic needs assessment that has been under preparation for 10 years? (**Mr Davies:** No.) It is a completely brand new one that has been restarted? Okay.

Mr Davies: Yes. It has not been restarted. I think this is specifically on adverse childhood experiences. I am not sure the original one was on adverse childhood experiences –

Q250. Mr Thomas: This is the one that Mr Robertshaw launched when he was in Social Care and it was going to be looking at the deprivation and indices of deprivation and all of that sort of thing.

Mr Davies: That report was more of an analysis of data and did not really fit the criteria of a joint strategic needs assessment. I think it was a good start and it was the first time we had compiled a lot of data in one place, but a joint strategic needs assessment is more of an analysis of existing data and then comparing it to standards and benchmarks and identifying where the gaps are, which then allows Ministers to prioritise resource towards a specific area.

Q251. Mr Thomas: You mentioned Public Health, and the Public Health Director did write up her view of deprivation indices and so on. So it would be quite helpful, I think, to clarify which sort of line of UK British Islands or whatever this fits into, because those words ‘joint strategic needs assessment’ are bandied around quite a lot, and I think it would be quite helpful to establish at an early stage which of the approaches is being followed in this one and how it is different from previous attempts –

Mr Davies: What I will do, Chair, is send the Committee some examples of similar joint strategic needs assessments done in the UK looking particularly at adverse childhood experiences and the framework within which they are carried out. Would that be helpful?

Q252. Mr Thomas: Yes. So, for instance, GPs, there is a huge deficit in terms of knowing the patient base they have in terms of children and other types of people who need looking after in a GP's area. They miss lots of data. Is that the same joint strategic needs assessment? They are always telling me we do not have a way of working out that Finch Hill and Snaefell Surgery need more money than other places because of the strategic need they service.

So is it the same joint strategic –?

Mr Davies: A joint strategic needs assessment may well identify that there is a gap in the provision of care for young people, but it would not specifically look at GP indicators.

Q253. The Chair: Okay, so without wanting to do the Director of Public Health's job for her, just a question regarding legislation. Obviously there has been an awful lot that has been done in terms of the Justice Reform legislative programme. Is there anything – and I am looking across the statute book now – in other Departments, offices and Boards that perhaps might need an update, that would help firm things up and improve the youth justice situation, do you believe?

Mr Davies: Now, there is a question.

The Minister: There is a question! Well, the wrong answer would be no, because I think there is always opportunity to look at our legislative framework and make sure it is fit for purpose.

Actually I think the Children and Young Persons Act is due to be refreshed, so in doing that ... the interesting thing – and the Chief Executive has touched on it – is that when it comes to youth justice, in particular, quite a lot of the role and the *vires* for interventions actually sits with the Department for Health and Social Care and under legislation such as the Children and Young Persons Act.

I think the answer would be, as we bring forward legislation to review and refresh, we absolutely should make sure, as we have identified needs and so on, that we can deliver them. I think the other side of it is that you can have legislation – and we already know we have got justice reform coming along – but actually if you do not then put the services and provision around it you will not deliver the aim.

So I think it is both: is the legislation where it needs to be to facilitate what we need? But where we have legislation have we actually got the resource and the skills or whatever it is we need to deliver the change on the ground?

Q254. The Chair: Just digging down a little bit into the Children and Young Persons Act, is there anything specific that you may have picked out that you have an idea that perhaps could be improved, for the record?

The Minister: Well, there is an upcoming discussion that the Department for Home Affairs will have with the Department for Health and Social Care, precisely because we understand that the range of interventions and how they can be delivered does speak to legislation, some of which the Department for Home Affairs is responsible for, but some of which the Department for Health and Social Care is responsible for. I think in coming together to have that discussion that is where we can helpfully have a look and say, 'Well, actually, have we got the right legislative framework, or are there any gaps?' We have not had the opportunity to have that look across the piece, but we will do that.

Q255. The Chair: Okay. That is me.

Is there anything else that you would like to add about the Youth Justice Strategy or anything that we have previously talked about that perhaps you do not feel has been covered just yet?

The Minister and Mr Davies: No.

The Chair: Moving on to Mr Thomas, then, on cross-Government working.

Q256. Mr Thomas: Mr Davies, you told this Committee in January 2019 apparently that youth justice, quote: 'Spans several different agencies and yet the responsibility and accountability seems to sort of disappear into the ether, because there is not a clear line of one person with ultimate responsibility'. Unquote.

Do you consider that there is a clearer line of responsibility and accountability today?

Mr Davies: The position is not much different now, but when the Justice Reform Act is brought into force and the Criminal Justice Board is established with the Youth Justice Board sub-committee – if I can call it that – then I think that will help greatly with accountability.

Q257. Mr Thomas: Okay. As the previous Chair of that Committee, the Youth Justice sub-committee – sorry this is to you as Chair of the Justice Committee, Minister – that highlighted siloed Government as a hindrance to movement on the Criminal Justice strategic direction. What is your position now as a Member of the Council of Ministers and the Deputy Chief Minister?

The Minister: I think it is unchanged. I think if we operate as silos we will not be able to address some of the more complex, cross-departmental challenges that we have. So we have to work together.

Q258. Mr Thomas: Okay, and going back to the questions I referenced about the membership of the Criminal Justice Board, do you think it might be useful to use the forthcoming Justice Reform (Amendment) Bill, which I think is now scheduled, to actually think about whether or not you give yourself more ability to influence some of the other Departments – Health and Social Care, the Health part, and Education – to actually focus on dealing with this persistent youth justice issue through empowering the Committee to give advice in terms of resources and policy across Government? Or do you think it might be lost? And if you do not do that, might it not be lost in the future, who has got ultimate responsibility?

The Minister: I think the Chief Executive's point that, once these boards are established, that gives clear sight over the meeting and the attendance. I think the point that was discussed earlier on about publication of minutes is very sensible. I think it allows a level of transparency actually that would enable Tynwald Members, as well as a Committee like this, to hold to account the different Departments, which is quite right. So if it becomes clear that there are challenges, then it would be for Ministers and agencies to explain why they are in the position they are in, in terms of either not being able to commit resources, or time, and so on.

I do think this is a challenge for the reasons the Chief Executive has alluded to earlier, that we have multiple issues we are trying to address, and we typically turn to the same people to try and tackle them. So at that point then I think there has to be clear prioritisation. Certainly the Department in its delivery plan has tried to do that to say of course there are *many* things that need to be tackled, but we have a group of staff and these are the things we are going to prioritise. I would hope that the Criminal Justice Board and the Youth Justice Board, in due course, can also take that approach.

There is nothing to stop, in the meanwhile, teams of staff across the public service, as is already happening, taking action to try and address the day-to-day issues. So if we look at the Constabulary, looking to co-locate some social workers with the Police Early Action Team, there

is nothing to stop these interventions happening where they can happen anyway. But when we are trying to look more strategically at a focus for intervention then I think, absolutely, I would expect these boards to meet, for their minutes to be published and where there are questions around have we got some barriers and problems, then how do we address them? If they need a legislative fix then we would have to address that, you are right, but I am not entirely convinced it is all about legislation at this point. I think it is about the governance structure and making sure the Boards meet, and that we see what the challenges are and then think about how to address them.

Q259. Mr Thomas: I am now going back to December 2013 and the Tynwald Resolution of January 2014, which is the Modernising Ministerial Government resolution, which was that:

The Council of Ministers should consider: opportunities for further reforming the criminal justice system ...

And in that Council of Ministers' Report on Modernising Ministerial Government, the report said:

In December 2012, Tynwald unanimously approved a strategy from the Department of Home Affairs, supporting the modernisation of the Criminal Justice System in the Isle of Man ... it is recommended that the Criminal Justice Board is charged with thoroughly investigating options for structural reform of all elements of the Criminal Justice system ... [and that] the Criminal Justice Board will report back, via the Department of Home Affairs, to the Council of Ministers by no later than 30 June 2014.

So why has it taken so long and why is it taking so long to implement any change for a more effective criminal justice system for young people, for youth, and indeed for everybody else?

The whole time we have had the DHA leading the Criminal Justice Board in a way that perhaps it now will do under statute, but why could it not have happened before and why will it happen now?

Mr Davies: I cannot explain the actions of the DHA prior to 2018, that is something that happened before my time. But what I can say, since 2018, is that we have seen increased use of the Live Link system, so reducing unnecessary trips to court for offenders. We have got the Justice Reform Act, which includes many of the things talked about in the Criminal Justice Strategy, so introducing conditional cautions, the removal of committal proceedings to help try and streamline the Court of General Gaol Delivery and the summary courts.

The Police have introduced the CONNECT computer system, so digital records are now borne in the Police, whereas before it was all paper-based, police records are now borne digitally. The General Registry is just about to start the implementation for a new computer system; the Sexual Offences and Obscene Publications Act reforms and modernises the sexual offences legislation; and I think over the COVID period we demonstrated increased collaboration with partners right across the criminal justice system, which I think is really positive and is something the strategy aimed for.

So there are lots of operational Criminal Justice meetings, which led to things like people who went to court virtually from a police holding cell, rather than having to travel to court which was something we have talked about for a long time; and the introduction of the Criminal Justice Board as a Statutory Board, or being put on a statutory footing. It has taken quite a long time, but I think we have given it something of a shove probably in the last three years.

The Minister: If I may add, Mr Thomas, I think what is interesting about putting the Criminal Justice Board on to a statutory footing and increasing the transparency ... It has taken General Registry some time to be in a position to be able to commission their own digitisation, but that should make a big difference in due course to the efficiency of the courts system. So when we look at the objectives of the Criminal Justice Strategy and what we are trying to achieve, some of

it has taken a *very* long time because of either being able to obtain resource or then actually implement digitisation. So the Police have got that up and running

If you want a system that can speak to all the moving parts from beginning to end, we are not quite there yet, but we have definitely made progress. I would hope that by being more transparent around what the challenges are, then that will help to make ... If business cases need to come forward against all the other priorities for funding, you can show more what the need is and how it can be phased in and what the benefits will be.

Q260. Miss August-Hanson: I was literally just going to ask that question actually, because obviously you want to get children and young people in and then straight out as quickly as you can, because it is a very distressing process for anybody let alone young people, but Connect, of course, does not really connect across the criminal justice system, and that is an issue because much of it is still paper-based, particularly through the courts. So I was going to ask if that is in any way a priority in trying to get all of this to connect up properly, get it digitised so that it is a quicker process for everybody?

The Minister: Yes, one of the challenges, for very good reason, is the courts and General Registry are operationally independent from the Constabulary and from the prosecution. However, the purpose of bringing these constituent agencies together is to look at how we can work more effectively across the entirety of the criminal justice system to help with these efficiencies anyway, but absolutely to make sure that cases are handled appropriately in the most efficient way possible.

Q261. The Chairman: But it is a priority for them? Those discussions are being had?

Mr Davies: I think, yes, there are already moves to look at the interchange of information between each agency. I think originally there was maybe an aspiration that there would be one giant system for the whole of the criminal justice system, which is entirely impractical, massively expensive and if you look at reports of large government IT systems elsewhere, they often do not go to plan.

I think our approach now would be that each individual agency would procure its own system, but in the specification of that system it would need to say that you must be able to communicate in a way that is understood by the systems and so what you would end up with is perhaps a single overarching system that would interface with each of the different systems in order to have that single offender journey through the criminal justice system, a single record and it would virtually join up each of the different systems, rather than building a monolithic system which would do all of these things.

The Chairman: Very relieving to hear.

Q262. Mr Thomas: So those successes for the Criminal Justice Board, which are important and significant, tended to be about, from your list, core administration and making policing more effective and more efficient, but whilst all those successes were going on, in 2018 from your own testimony today, the adverse childhood experiences work was beginning to peter out and the Youth Justice Team petered out.

So I put it to you that essentially the Criminal Justice Board has been better at making progress in areas that the Department of Home Affairs directly controls and less effective when you have to work with the DHSC and with the Department of Education and with people outside the Department of Home Affairs. What do you think of that hypothesis and therefore perhaps we need to have the Criminal Justice Board reformed to be able to encourage that co-operation?

Mr Davies: That is a fair comment, Mr Thomas.

The Minister: I do think I would add, though, Mr Thomas, that the Department of Home Affairs does not control the General Registry and does not control the prosecutions. So actually it is positive that those agencies have come together and are working collaboratively, but I think that also goes to show that you do need a statutory basis for this to have all the partners around the table, because there is no overriding control in Home Affairs over any of those constituent parts; it has to be a good governance structure that works for any of the agencies that are involved in delivering justice.

Mr Thomas: Okay.

Q263. The Clerk: Do you think the Island is guilty of believing its own spin and that people think there is not crime in this Island?

Mr Davies: I think in certain cases it goes back to that comment that if we look at things solely through our own lens we do not see the whole picture, and so if you ask most people on the street, 'Is there a problem with the exploitation of young vulnerable people in the Isle of Man?' they might say no. If you ask people, 'Is there a problem with drugs being imported to the Isle of Man?' they may say no.

I think we are a safe Island and we have very low levels of crime, but there are pervasive and difficult issues to solve that require a joined-up public policy approach. So I think the majority of people, quite rightly, sleep very easily in their beds, to quote *Crimewatch*, because crime affects people: acquisitive crime is low – burglaries are low, robbery is low; but there is an issue across the Island with the exploitation of vulnerable young people, which does not affect most people, but we must not forget it.

The Minister: If I may add, I think the Chief Constable's evidence was very interesting on this point, so if you look at the 300-odd young people who get referred to the LINK programme, the vast majority, that low-level intervention, whether it is a letter to the parents, a visit to the parents, a discussion with them, works. It works to stop perhaps the antisocial behaviour that has led to the referral to LINK, but we have a much more challenging problem with the cohort of between 20 and 30 young people who are the extremely vulnerable people who are being exploited but also end up in patterns of crime, and it is increasingly being reported to be more concerning crime, whether it is about violence or sexual exploitation.

So I think we do have to recognise that that problem, if we do not tackle it, is not only damaging for those young people but has a greater consequence. But it is not something that most people see – I agree.

Mr Davies: If I can just add a little bit more. Violent offences have increased over three times in the last year's data – this is young people; and sexual offences – that is offences perpetrated by young people on other young people – have increased probably threefold. So there is an increasing issue, but it is not an issue that most people are affected by or that they see in their daily lives, but that does not mean it is not an issue.

The Minister: I think the other thing that I regularly hear the Chief Constable talk about, and I recognise as a strategic way of approaching crime, is to look at the harm involved. So what we are talking about, actually, when we talk about this smaller cohort of very vulnerable people is actually if you look at the type of crime in the way the Chief Executive has just referenced, the harm is significant for those young people and for those affected by it. Again, it speaks to why it is important to have a focus on it.

Q264. Mr Thomas: To go back to this interaction between the Department of Home Affairs and the other agencies and Departments that contribute to try to prevent and reduce with early

intervention, particularly youth crime, how does the Department interact with the Department of Education, Sport and Culture, and how does it interact with the Department of Health and Social Care? I think I have in mind in that question: at a political level; at an officer level; and about policy strategy and delivery.

The Minister: I can speak for myself, since becoming Minister of Home Affairs, that I think it is very important that there is political engagement cross-departmentally and actually Home Affairs is in a position of doing this with multiple Departments. So if I take a topic that is not to do with what we are talking about today, but if we talk about road safety, it is very important that the Department of Home Affairs engages properly with the Department of Infrastructure in that space. But when we are talking about youth justice, yes, engagement with the Minister for Education and also the Minister for Health and Social Care is a key part of that.

I referenced earlier on joint policy sessions, which I am quite a fan of, where you can sit down and talk about ... we talked about it in the context of legislation, but where we are talking about an area such as youth justice and we might want to understand: how is the Criminal Justice Board operating; are we confident that the right people are going; are we confident we are understanding the feedback from that as to what they are finding as barriers; what are the challenges; how are we going to meet them among all the competing priorities? I think that political engagement and understanding is going to be very important. The Chief Executive might want to talk about officer engagement.

Mr Davies: There are a range of fora in which I meet the Chief Officer of DESC, so within the Chief Officer Group, for example, but also at the Safeguarding Board, and below that there is quite a lot of good engagement with the Department for Education, Sport and Culture. I have talked about Operation Encompass, for example, at a tactical level. I think we could always improve and I would like to see further engagement at a strategic level, and we will certainly have representatives from DESC on the Youth Justice Board under the Criminal Justice Board.

Q265. Mr Thomas: Thank you.

You mentioned earlier that the Social Affairs and Children Policy Review Committee did not exist anymore, but *de facto* it does: the Ministers of Home Affairs, Education and Health and Social Care would still meet and the officers would still meet, but they would be *ad hoc* meetings outside the formal fora of the Policy and Strategy Committee and the Delivery Committee?

The Minister: I think there is benefit to engagement on many levels, so, yes, I think it is appropriate for the Ministers to meet, whether it is just DHA and DHSC or DHA and DESC. I also think that we do have the National Policy and Strategy Committee, and I think this is where focus becomes critical again.

So if we look at the Island Plan and the delivery plan, if we are going to look at what the outputs of a Joint Strategic Needs Assessment on Starting Well, Developing Well are, then you have to make some decisions about what are the policy initiatives going to be, based on that data. So I think that is also the forum to bring forward developing policy where we need to drive some initiative.

Q266. Mr Thomas: Another quotation from the report this Committee – our Committee, your Committee then – produced in 2019 includes this statement from Mr Davies, which is that:

Ultimately, because of the distributed nature of the different responsibility or accountability lines throughout the Criminal Justice Board, there was little in the way of sanction ultimately if we found one agency was not performing or was not bringing information to the table that we required.

When the Committee asked what sort of accountability would be effective, Mr Davies suggested that ‘more ministerial oversight would be helpful’ and the Committee commented:

We agree, which is why we recommended in our last report that there should be ministerial responsibility for justice. Now that this recommendation has been supported by Tynwald, we expect that delivery of the Criminal Justice Strategy will be of great interest to the Minister with responsibility for justice.

So the question is, effectively, is there key success difference between the previous situation and now, which is that there is now a Justice Minister to lead this co-ordination? And I will go beyond that: from what you have said, is the Justice Minister the lead for social policy and bringing the education and health briefs to the Policy and Strategy Committee of Council of Ministers, because you serve on that whereas Health and Education are only on the delivery committee; from memory, they are not on the Policy and Strategy Committee?

The Minister: Well, I think there are two things. I think what we have talked about in the context of youth justice absolutely speaks to the social need that can lead to that issue, but I think that is far bigger than justice actually, so I think we have to be very clear that in having justice as part of my responsibility that does not then make me the spokesperson for all aspects of social strategy. That is much more complex and cross-cutting.

But I do think it is helpful to have that element of justice as part of the remit. I think it is helpful perhaps in ways you have not alluded to, Mr Thomas, in that, for example, I now have regular meetings with members of the judiciary. The High Bailiff, in fact, has I think, in the time I have been Minister, written to me twice about matters she wanted to draw to my attention, which is very helpful because they are matters then that if they are political I can raise appropriately; if they are matters that I would expect the Criminal Justice Board to look at, I can reference them there. I also find it very helpful, again, to have that engagement with outside agencies such as the Law Society, because they will speak about their members and their experience of our justice system, and again that is very helpful to feed in.

So I do think having a focal point for different parts of the justice system to feed in and raise matters not only is helpful from a policy perspective, to understand what some of the issues may be and what we should focus on, but also it allows whoever is holding the responsibility for justice to reach out and gain that understanding.

Q267. Mr Thomas: But I repeat, though, the Department of Home Affairs Minister was the only Minister from the Social Affairs Policy Review Committee that made it to the Policy and Strategy Committee of Council of Ministers. The others sit in the delivery one that sees how you are doing in the policies that you have devised. So do you speak for Health and Social Care if things come up that you think have got a social affairs angle in the Policy and Strategy sub-committee of Council of Ministers?

The Minister: I think the Policy and Strategy output would tend to go to the Council of Ministers in any event, and if there was policy that needed input from relevant Departments, that input would still be there. It is just that the forum for some discussion around that before it goes to Council of Ministers would be the National Policy and Strategy Group. So I do not think it cuts out, at all, the relevant Departments where they need to have input into developing policy.

Q268. The Chairman: The Committee suggested in 2019, just working on measuring success, that there was a paucity of data against which to measure progress and set targets. So what data could be used and what do you think could work quite well in order to pull together the right set of measures that might produce a degree of accountability?

The Minister: I think we see from the Chief Constable, the richness of the Constabulary's data, and that is very helpful actually to understand the nature of the challenge, but also I think it can be very helpful, subject to the caveats that the Chief Executive Officer mentioned before about pure raw numbers and not being too swayed by changes in numbers from year to year.

The Chief Executive Officer will help if I am not quite right on this, but what I would expect to see as well with the General Registry digitisation is that we will start to have better understanding from the courts' side of how matters are progressing through the criminal justice system. Also, we have not heard yet from Mr Bonnick really this afternoon, but I am aware that there is also helpful data that can be generated from the Prison and Probation Service, that again will help us with understanding around what types of intervention and support for detainees make a material difference.

So we have said in our delivery plan we are conscious of how best to measure the success or otherwise of any interventions that may be brought forward, whether via the Department or agencies that we are co-operating with; and that is a piece of work that we have committed to in the first year of this delivery plan. There is a fine line, I think, between gathering data and processing it for the sake of it and actually looking at what is sensible and meaningful to measure.

We have had some interaction with the Home Office in the UK about their work in this space, so we are in the course of looking at what we should capture and what we can capture, because again we are slightly confined by what data is actually available to us; but what are we able to capture, what should we capture and what should we be trying to measure sensibly to work out whether what we are doing is helping making an improvement?

Q269. The Chairman: Yes, perhaps a bit precipitous to ask about the metrics at this stage then so early on in the administration?

Mr Davies: I think it is a challenge in that the Police collect an inordinate amount of data, or a lot of data, and they could swamp you with data if you really wanted, but that is probably not what we want; we want a more targeted approach. The Attorney General's do not have a system which provides a rich amount of data, and I know that the Director of Prosecution there is really keen to improve that situation, and she has been working really hard to do that. The courts, it is almost impossible to retrieve summary court data, which is frustrating for everybody but, as the Minister said, they recognise that and their plan with the new system will capture all of that information. Then the Prison and Probation Service do collect a wealth of data in their system and they are keen to share that information with colleagues and partners, so we can use it to demonstrate success.

But I think we have to be really clear to focus ultimately on outcomes, not outputs, and activity because they are two things that I think will bring value to us. From an activity perspective, I think a waterfall approach: so if there are 500 young people who were spoken to by Police, how many of those in the end received a custodial sentence would be really interesting statistics to show where people go through the system. Because if there is a political aspiration that prison is reserved for the most serious and violent offenders and that children do not go to prison or into a custodial setting where possible, then that starts to tell the story politically to allow us to focus our efforts on the parts of the system where we think intervention is needed most.

But I think we have to focus on outcomes and the challenge for us is that it is really difficult to say if you divert a young person from a life of crime, what their outcome will be in the longer term. They may well have fewer problems with substance misuse, they may well have a job and be able to contribute to society, they may well be lower users of the Health Service. But quantifying that is really difficult. That does not mean we should not try, but it is a really difficult thing to do with limited resources. We have two people in our Policy and Legislation team in the Department of Home Affairs, and that is to cover not just criminal justice, but that is to cover Police policy, the policy of the Prison and Probation Service individually, the Fire and Rescue Service and the Communications Division; and it is a real challenge for the Department to be across all of those different agencies and provide the right policy input and advice to the Minister. So it is something we try to manage, but it is difficult.

935 **Q270. The Chair:** In an ideal world, if you could have the resources that you need in order to have this functioning, perhaps a little bit easier or free-flowing, then how many officers would you have in policy and legislation?

940 **Mr Davies:** I could not give you a number, but what I will say is that I think we need more analysis resource to look at the data. I would like business analysis support to help us develop the business process that sits behind the policy and legislation, and I would certainly like more policy officers – this is my own wish list, Minister – who are able to work with the individual service heads and the Minister, to develop policies that can help inform the legislative development.

945 I would not put a number on it, but I think it is easy to say we want more resource. It is a challenge, because front line resource is always going to be prioritised, because that is the thing that people see. But the challenge is how we support these really important things that we have in the Department and how we support the services in delivering their services in an effective way.

950 **The Minister:** But actually it is powerful because the Constabulary have invested in that analysis capacity and what that then does is it helps them determine – because there will always be limited resource – where to target that resource, if you take a strategic approach that this is about harm. And when we look at crime overall, what are the crimes that cause the most harm? So, especially when you think that the Constabulary here has to cover such a gamut of matters, it will then help that strategic process of how to deploy that resource most effectively and how to change the deployment of that resource.

955 So I think analysis and data is a big part of this, it is working out how to capture it and focus on outcomes rather than outputs, as you have said.

The Chair: Fantastic, thank you.

960 **Q271. Mr Thomas:** Does the Department consider youth justice matters to have significant human rights implications? What safeguards are in place to prevent a breach of the European Convention on Human Rights or the UN Convention on the Rights of the Child?

965 **Mr Davies:** I think it is probably important to say that the custody of young people is the responsibility of the Department of Health and Social Care under the Children and Young Persons Act 2001. So in commenting we give broad comment rather than specific.

970 I think there are safeguards in place. The Independent Monitoring Board for Cronk Sollysh, the children's home, provides an independent oversight of the children and the way children are detained, and they will also consider compliance with international obligations. But in addition to that the Regulation and Inspections team from the Department for Health and Social Care inspect the premises as well. So there is also an independent oversight from that perspective.

975 **Q272. The Chair:** Not wishing to labour the point on the Children and Young Persons Act, but some of the justice reform as a whole, a piece was travelling through the Branches and there were a number of conversations in and amongst political Members about the criminal age of responsibility, which is obviously set at the age of 10. Is there a view or a policy view from the Department of Home Affairs as to whether or not that is correct or needs looking at?

980 **The Minister:** I think there are a couple of interesting points there, and this picks up on the point the Chief Executive made just before about the resource and capacity to look into policy matters such as this. We understand there is a piece of work going on in the UK, where this issue of the age of criminal responsibility for children is being looked at, at the moment. Obviously, different countries take different views. I was also struck by the Chief Constable's evidence to this Committee and I think your question was: 'Would you set it at the age of 16?' The comment back was 'Yes'.

985

What would you then do with the behaviour of 13-, 14- and 15-year-olds? What would be your mechanism to try and address that?

I think this is one of those areas where it would be rash for me to make a statement today without that considered policy thought. I think it speaks absolutely to why you need a conversation that looks at child welfare and safeguarding, which is all the remit and territory of the Children and Young Persons Act and the Department of Health and Social Care, as well as the part around justice and how it touches the criminal justice system. I think you have to have that joined-up approach.

Mr Davies: I think it is probably also important to put on the record that the Justice Reform Act will *increase* the age of criminal responsibility, which addressed an anomaly whereby in law it was 17 in the Children Young Persons Act 2001, but for all intents and purposes most of the agencies would deal with young people right up to the point that they got to court, up to the age of 18. So now that age of criminal responsibility has been increased to 18, which –

Q273. The Clerk: Do you mean the age at which they are treated as children –

Mr Davies: Sorry, yes, children and adults, not the age of criminal responsibility, the age at which the criminal justice system would treat them as an adult. Yes, from 17 to 18. My apologies.

Q274. Mr Thomas: Specifically on the conventions that I asked you about, is there any periodic reporting by the UK on the Crown Dependencies' performance in respect of the convention rights and the convention? It is not something you need to tell us about today, necessarily, it would just be interesting to know whether the UK has asked about anything and has raised any concerns and has made any reports. I do not know either way, but it would be interesting to know whether or not there have been any periodic reports that were made in respect of these conventions.

Mr Davies: Yes, the Cabinet Office reports on behalf of the Isle of Man Government to the UK as part of the obligations, and we are currently in the middle of periodic reporting under the UN Convention on the Rights of the Child.

Q275. Mr Thomas: Okay, it would be great if the Committee could receive what you think we should be able to receive in private, or something, about how we are going to submit our self-evaluation against that to the United Kingdom?

Mr Davies: May I recommend through the Chair that the Clerk approaches the Cabinet Office who deal with the international conventions, if that is okay?

Mr Thomas and the Chair: Yes.

Mr Davies: Thank you.

Q276. The Chair: Just moving on to child detention. Currently, there is only one place on the Island – Cronk Sollysh – where we detain those under the age of 18. Has the Department considered any other solutions or has any policy view on whether or not there could be another solution?

The Minister: I think this is where we come back to the need to work with the DHSC, because again when it comes to child detention and alternative ways for children to serve out any sentence, it has very much got to involve the DHSC, because that is where I suppose a lot of the support around any alternative means of disposal would come in. So if we are thinking about things like attendance centres, for example, other ways of helping young people with restorative

justice mechanisms and so on, what you would actually need is the trained staff and the facility to be able to accommodate that.

I think the broad thrust of the Criminal Justice Strategy, that already exists – and it will be reviewed and refreshed over the course of this year ... I think it is absolutely clear in the UN Convention on the Rights of the Child as well that prison detention should be reserved for the most serious matters. You should look at suitable alternatives to the extent you can before that and it should be reserved, when you are talking about young people, for the most serious matters and for the shortest time possible. I think that suggests to me that the focus of our existing Criminal Justice Strategy and the focus of our Youth Justice Strategy should be about, first of all, how do we divert people? Secondly, how do we address offending behaviour, but in a way that rehabilitates and restores the child and does not criminalise them unnecessarily?

But I think we have to work in partnership with the DHSC because the Department does not have all of the tools available, legislatively or otherwise.

Q277. The Chair: Do you think that it currently sits in the right place over at DHSC? Or do you think that elements of it should rightly sit with DHA? Or that it should stay as a cross-departmental approach?

The Minister: I think it is a very interesting question. I think back to the idea that we want to achieve better outcomes. I think if the Youth Justice Board, once put in place, has the right people there that can have the right conversations around what tools are available, what is missing and how those tools can be put in place if possible – I think if that works, you have to worry slightly less about whose legislation it is because the mechanism to deliver it is working. If that is not working, then I suppose you are asking some fundamental questions about why, and is it to do with where responsibilities sit?

But that, I would say, is the aim or the direction we are trying to travel in at the moment.

Q278. The Chair: Is the Department aware of any issues that may or may not crop up – with obviously the services commissioned via Manx Care – with Cronk Sollysh? Does that sort of communication travel through and loop back?

The Minister: The Department's responsibility is to set up the Independent Monitoring Board for Cronk Sollysh and we would see their reports coming out of that. So we would be aware in that sense from an independent monitoring board perspective.

Q279. The Chair: Aside from the Independent Monitoring Board, is there anything else that the Department is responsible for in relation to Cronk Sollysh, at all?

The Minister and Mr Davies: No.

Mr Davies: It is a designated place of custody under the Custody Act, but that is a matter for the DHSC to arrange.

I was just going to say, I know the Prison Governor has worked with St Christopher's, who provide the service at Cronk Sollysh to give advice and support on certain matters of custody, in particular procedures around the treatment of young offenders and security.

Q280. The Chair: Is there anything you would like to add?

Mr Bonnick: No. I am sure, once you have posed your questions to me, I can answer those.

But we are in regular contact with them in terms of giving them support on any questions or any difficulties they have, and that some of the detainees may have some difficulty with.

Q281. The Chair: Are there a lot of conversations that may be had? Is it a regular thing that you might have conversations about how –?

1095 **Mr Bonnick:** We tend to speak quarterly, but even more so if we have a young detainee who has been given a sentence that will run over the individual's 18th birthday and therefore they would come into our custody. There is some intervention by ourselves that we meet with the team and the individual, and then we appoint a personal officer/mentor for that individual and obviously their integration from Cronk Sollysh back into Jurby.

1100 **Q282. The Chair:** How often does that happen?

Mr Bonnick: In recent times, certainly in my time at the end of five years, I think we have had five.

1105 **Q283. The Chair:** Could you describe the process? How many meetings do you have –?

1110 **Mr Bonnick:** Normally I will receive an email when the individual has been sentenced to say that the time served will still have to be finished at Jurby, with the amount of time that is left. At that point we have a multidisciplinary meeting to discuss how that transition will work and what sort of intervention could happen in the time left for the individual to serve their sentence, and if there is any work that we can do with the individual.

1115 **Q284. The Chair:** And those multidisciplinary meetings would, I assume, have the Police there, they would have Probation Services there, they would have a number of different –?

Mr Bonnick: There would be Probation, Health Care, Education and obviously the Cronk Sollysh team that has dealt with the individual, and a social worker if they have been involved in the process at any time.

1120 **Q285. The Chair:** A very similar set-up then to the adults that you might well deal with in that case?

1125 **Mr Bonnick:** ... *[Inaudible]* then you have the key stakeholders there that have an input to the individual.

Q286. The Chair: Over the course of the pandemic, has it actually led to any new ways of working or any innovations in terms of rehabilitation, and also the conversations that you may or may not have due to the rise in youth crime over the course of the pandemic?

1130 **Mr Bonnick:** There are a lot more meetings that happen on Teams and that obviously brings a lot more people to the table rather than travelling to the north of the Island. So we have found a lot more participation in terms of that, yes.

1135 **Q287. The Chair:** And just to read a quotation from the 2020 Report to the UK's National Association for Youth Justice:

... it was confirmed that children's educational activities were limited to worksheets in their cells; the third establishment was able to provide just two hours face-to-face education on school days. The time children spent out of cell varied from three hours a day to just 40 minutes. Contact with the outside world has been curtailed, with the consequence that children no longer have any face-to-face interaction with families or friends, nor visits from social workers, YOT staff or lawyers. We are storing up a range of problems that will not be easily dealt with later ...

Is that similar ...? Have you had any of that? Obviously that is quite a list, so I do apologise for that. But is there any of that that rings true with some of the conversations that you may or may not have had from 17- to 18-year-olds when they are moving into the system?

1140 **Mr Bonnick:** You are referring to the UK there with that statement. (**The Chair:** Yes.) I have worked in the UK and I can relate to that. However, it is not the case here on the Island, and certainly my experience in terms of education ... Education is at the heart of everything we do in terms of whether they are youngsters or some of the adults who have obviously missed school throughout their time in school. Hence the reason we drive that from the centre. So it is not the case at all.

1145 One of the individuals that you refer to that has come from Cronk Sollysh could never read and write. He is now doing a one-to-one and recently took a GCSE and got a C. So that is progress for us and for the individual ... to go to education when you are in a prison setting, especially with some of the peer pressure. But we have worked hard at it and he has achieved what is necessary.

1150 **Mr Davies:** I think it is probably important to clarify if I may, Chair, that obviously the provision of education would be a matter for the Department of Health and Social Care, liaising with DESC. So obviously the Prison Governor is able to comment on matters which may transition between the two, but I think it is probably important to ask the Department of Health and Social Care or Manx Care.

1155 **The Chair:** We certainly will!

The Minister: My suggestion actually to the Committee was that maybe you do contact Manx Care and St Christopher's to try and arrange a visit to Cronk Sollysh, because I think that will show you – that quote that you have read out – how the secure facility actually works in practice. I have had the privilege of visiting many times, not as Minister, but in my previous life, but I do think it would be well worth visiting to see how it operates in practice.

1165 **Q288. The Chair:** We have already made that approach and we have a Member who has already been down there as well. But we are intending very much to go over to Cronk Sollysh and make those cross comparisons, I suppose, between what we have read about and what currently exists and obviously heard about through evidence sessions as well. So it is the intention.

1170 **Mr Thomas:** 'Cronk Sollysh turned my life around when I was much younger' – is that what you meant?

Q289. The Chair: Incidentally not!
Reoffending rates have, for at least a decade, been regarded by central Government as a litmus test of youth justice success. Does the DHA see a low reoffending rate as a success or a failure?

The Minister: I think, probably first and foremost, the real success would be young people not touching the criminal justice system, if I am honest. I think that would be a real hallmark of success.

1180 Then yes, of course, for young people who do come into the system if interventions can then be put in place or the methods of disposal are such that we can rehabilitate individuals and they do not reoffend, then obviously that is a success. I think it is one of those things that it is easy to talk about, but I go back to the Chief Constable's statistics that for a lot of people early intervention through the Police Early Action Team and LINK works very well. For a small number, it is much more complex and difficult.

1185 **The Chair:** Prison and Probation, Mr Thomas.

1190 **Q290. Mr Thomas:** You have asked most of the Prison and Probation questions, there is just one left. Right at the beginning of your time, Mr Bonnick, the Youth Justice Team was in the process of petering out: did you in your handover notes, or did you have any direct experience of what the impact of the demise of the Youth Justice Team was on the Prison and Probation Service?

1195 **Mr Bonnick:** Whilst I was there, I was in the position of a deputy governor so there was not a lot of that that came across my remit, to be fair.

Mr Thomas: Okay, I think you have described pretty accurately in answer to the above questions about how the interface works for those five people who were in Cronk Sollysh and were moving into the Prison –

1200 **Mr Bonnick:** My previous role was Head of Residence, as the Deputy Governor, so I would have that direct link with Cronk Sollysh in terms of that. I visited the facility on a few occasions and met some of the detainees there, just to give them insight of what they would be coming into and how we would prepare that prisoner journey into Jurby, just in terms of decency.

1205 **Q291. The Chair:** What has your experience to date been of Cronk Sollysh?

1210 **Mr Bonnick:** Pretty much what I have experienced across in terms of the secure unit, where there is a lot more time spent with a child in terms of work done on a one-to-one basis, and the resource is there to do that.

Q292. Mr Thomas: Okay, moving on to rehabilitation, if that is okay?
How does that work in the Isle of Man? How does rehabilitation work?

1215 **Mr Bonnick:** We have slightly changed tack. Previously we had a company that looked at interventions and everything else and perhaps it was one size trying to fit all. What we are doing now is what we call the LS/CMI, which is a Level of Service Case Management Inventory tool that looks at individual risk, and as a result of that we can look at what has actually made this individual reoffend, and look at some of that data. Then we can plan their journey a lot better and with the interventions that are actually required.

1220 Ultimately, it is about risk to the public once these individuals are put back into the community. So we start that from day one. We have a set-up every Wednesday, we have what we call a resettlement/interventions meeting where key stakeholders attend, where that is third parties – and that could be made up of Education staff, Healthcare, the DAT team, the Jobcentre, homelessness. All the key stakeholders. As I alluded to earlier, the fact is they do not have to actually come to Jurby, so we can do it on Teams and they come via Teams. It is about that individual person rather than having one size trying to fit all.

1230 **Q293. Mr Thomas:** Okay, so I suppose some people might say that the key to successful rehabilitation would be having an income when you leave, and you are much more likely to have an income if you have got a house and a stable setting. More specifically, how do you support people to make sure they have got the right income when they are rehabilitated and they have got the right place to live, and so on? Very specifically.

1235 **Mr Bonnick:** We have increased that in recent times in terms of suitable risk assessments to put prisoners out on what we call RDR, which is Resettlement Day Release where they have actually got a job where they have some income. They keep 80% of that and 20% of that goes to Victim Support. As a result of that it builds up some income, so when they go out they can actually have enough money for a deposit to put down on a flat. Certainly some of the employers that we

are currently working with, the majority of them are given those full-time jobs once they have come to the end of their sentence. So that is proving to be a success.

We recently applied to the Seized Assets Fund for a construction workshop and that is concentrating more on the younger element and the youth that we have been talking about today in terms of plastering, joinery and woodwork. That was after some work had been done by a combination of our Resettlement team and Education, and looking at what is actually out there at the moment in terms of employability.

Those are the key areas that we are working on and work has started on that now with a workshop instructor who will run an eight-week course with them and then accreditation at the end of that. It gives them something to go back into the community with, and certainly be a part of the community, and put something back into the economy.

Mr Davies: I think it is really important as well to show that the Isle of Man Prison and Probation Service is a joined-up service, and that journey from an offender leaving the custodial part of their sentence, if they are on licence, going on into the community where they will serve the rest of their sentence. As the Governor said, it is about managing the risk in the community, but it is also about supporting them with the things they need to integrate back into a community, and often that is generally a job or some form of stable income and employment, it is a role model or mentor support, and it is accommodation. If you get those three things then their chance of reoffending is significantly reduced.

But the fact that we have got a joined-up Prison and Probation Service and the Governor sits at the head of that service, that offender journey through the gates of the Prison is supported by probation officers who work as part of an overall service and I think that is really important for us in the Isle of Man.

Q294. Mr Thomas: Thank you. Just a couple of things that arise from what you have said. The first one is from what Dan said, but I just wanted to clarify.

Does the support outside the Prison only work for people on licence, or do people who are in custody actually have a chance to go out and begin preparing for —?

Mr Bonnick: These are people who have been in custody and have worked through the process and have been risk assessed.

Q295. Mr Thomas: But during the custody period as well, they are actually out ...?

Mr Bonnick: I currently have five offenders going out to work on a daily basis and coming back to prison at night. One has just finished a weekend visit to integrate back with his family.

Q296. The Chair: Obviously with Mr Bob McColm, he was recruited because of his vast knowledge of rehabilitation and his passion for it as well, which was quite a rare commodity I suppose in and among prison governors across the UK at that particular point in time. So the rehabilitative approaches, are you consistently reassessing all of those approaches to make sure that they are the right ...?

Mr Bonnick: Yes. Ultimately, it is about giving people hope, isn't it? I think I said that in my interview for the Governor.

These people are incarcerated and if they have got no hope, they have been told all their lives that they are no good and they cannot do anything, then you have got to give them some hope. But as part of that hope as well you have to have the courage sometimes to do the right thing in terms of giving them the opportunity. Ultimately, some of them will fail, but you have to keep trying and give them that belief that they can make it.

1290 The difference, from my time in the service, is that they can move to a different area in the UK
and reinvent themselves. They do not have that opportunity on the Island, so we give them the
tools so they can be part of the economy and the community, and we give them the confidence
to do that. In a short space of time I think we can demonstrate that with some good stories of
1295 people who are now working. One in particular, in the catering business, is running his own
business.

Q297. The Chair: All of that knowledge and that learning, that bit of organisational learning I
suppose to a degree, is that being filtered through to Cronk Sollysh? Are they able – for 16- and
17-year-olds at least – to incorporate some of those rehabilitative approaches that have been very
1300 successful in the adult facility, into those age groups within the Cronk Sollysh facility?

Mr Bonnick: Not so much with the offenders, but certainly the staff who work in Cronk Sollysh
do get the opportunity to come to some of our training. We have a shutdown training day once a
year – again, it will be this Wednesday – and they have the opportunity, with some of the training
1305 that we do deliver, for them to attend. We offer that on each occasion.

Q298. The Chair: What does that incorporate?

Mr Bonnick: That could be a number of things. For example, we have talked about the LSCMI,
1310 which is an assessment tool. It is one thing talking about it, but the staff have to understand what
it does and how it assesses an individual, which gives me some comfort in terms of when I do it ...
because I have the final say whether we will let an individual go back into the community. What
is that risk to the community, or will they fail, or obviously go back to their old ways? We go into
some depth of what this tool is about and a lot of our staff are trained in that now.

1315 One of the stats I put down today, we unlocked this morning 90 prisoners, 75 of those have
actually gone through the LSCMI and done a risk assessment, and that is a combination of Prison
staff and Probation doing those assessments to understand the individual needs. Those that are
not done are probably remand prisoners and are awaiting conviction to come into the system.

1320 **Q299. The Chair:** Obviously, there is quite a bit of crossover between Cronk Sollysh and then
the Isle of Man Prison, but with trying to develop some work regarding 18- to 25-year-olds, are
you aware of that and are you inputting into that?

Mr Bonnick: They approach us on many occasions on some of the issues, not every week but,
1325 as I say, we meet quarterly. Their SMT (Senior Management Team) meets ours and we sit down
and discuss what good practices can be learned and certainly some of the success stories with
some of the individuals that I have come across in the past.

Q300. Mr Thomas: But I think you said only five people have gone from Cronk Sollysh to prison?

1330 **Mr Bonnick:** I have had five meetings with them on each occasion of how the individual will
reintegrate into Jurby.

Q301. Mr Thomas: Just unpicking again a few more of the points you make. I think the Chief
1335 Executive mentioned mentors as being crucial, and you talk about risk assessment, so presumably
there is supervision in some sense. Would the mentor be the supervisor, or are they separate
roles? How does it work when you are out on licence?

Mr Bonnick: If I give you an example, we have recently had a young man who was due for
1340 release, he has got five months left to do and the Parole Board had recommended that he has
some experience in the community. So first of all we took him out with a member of staff. We

have a community work team where they go out with a member of staff and are supervised. The next step from that is actually going to work on a building site where he has to make his own way there by bus, and everything else. (**Mr Thomas:** Okay.) That does a number of things, it gives them some responsibility and accountability.

Certainly once I sign off the risk assessment, I have a one-to-one meeting and talk to the individual about some of the risks that are out there now, but it is obviously up to you to grasp this opportunity – it is like dipping your toe in the water for the first time – and you get yourself back into the community where there is an opportunity of a job, some finance and a roof over your head. Because it is a vicious circle, isn't it? You have got no money, you cannot pay your rent; if you have no rent nobody will give you accommodation, and so forth. But the meeting I referred to earlier in the conversation with the resettlement/intervention, all of that is looked at, at the start of their sentence – depending on the length of their sentence. So we can plan ahead, rather than when the time comes we are actually dashing for the line to get all of these into place. At this point it certainly seems to be working.

I have extended the offer to the Minister to come to one of these meetings in RV, as I say. You can see how it works, even if it is virtual, to see actually how we go through the process in terms of the prisoner's journey. That is an open invitation to anyone.

Q302. Mr Thomas: Just picking up on something you said about the differences between the Isle of Man and the UK, you said that in the UK some people have the opportunity to reinvent themselves somewhere else. Presumably then, afterwards, more people in the Isle of Man would end up back at the same address where they were living when they went into prison. Have you got have any statistical evidence that we do that quite well here?

Mr Bonnick: Sorry, they are taken back to the same address?

Q303. Mr Thomas: Yes, that is where they were living. So they do their time, they are rehabilitated and they go back and live as before in their home address –

Mr Bonnick: Are you asking for some information on this, some statistics –?

Q304. Mr Thomas: I would think, from what you said, it would be more prevalent here than it would be across.

Mr Bonnick: Yes, I can do. We do have the information on our PIMS system now to give us that sort of information –

Q305. Mr Thomas: Because that would be a success of rehabilitation if the community accepts them again after –

Mr Bonnick: The difference is, with the assessment tool you are looking at, what led the individual to criminality in the first place ... you try to address those even more so here on the Island, where they do not have the opportunity to go somewhere else and start afresh, and not with the same crowd that led them into that. That is when the intervention tools come in.

Q306. Mr Thomas: I think it might be helpful just to explain a little bit more to me and therefore to everybody about how that 20% levy goes to Victim Support, because that sounds the sort of thing that the public should know more about. So how does that work?

Mr Bonnick: Their salaries are paid into an account and 80% of that we save for them into a bank account, which they are allowed to have; and that is done through Treasury and everything else, as far as I am aware. All I know is they get 80% and the other 20% goes to Victim Support.

Q307. Mr Thomas: Okay, thank you.

1395 The other one is – unless there is something you want to add?

The other one is just that a number of times you have referred us to somebody else, particularly Education and Health. I think there was a time when Prison and Probation had its own arrangements for teaching and for health and things. Perhaps we have recreated silos that did not used to exist five or 10 years ago?

1400

Mr Davies: I am not sure that is correct. The Department has an agreement with the Department for Education, Sport and Culture for the provision of education services and I think those officers are really well integrated and they understand the Prison Service. I think there is more to do and I think, if we could, we would ask for more on-site teaching time from that. We pay for that contract to the Department of Education, but we would certainly recognise that there is a greater value than just the monetary value that is exchanged for lessons. The broader value to the community is significant and we are working with the Isle of Man College in particular to ensure that they understand that value.

1405

Secondly, we have a service level agreement with Manx Care to provide prison healthcare services and that is a really excellent service. It is a really good service and we work really well with Manx Care on that.

1410

Mr Bonnick: Both the Prison Lead and the Education Manager sit on the senior management team. So the everyday stuff, they are part of that.

1415

Mrs Poole-Wilson: I think the other thing is, just to mention, on a visit to the Prison several weeks ago, seeing the education team in action. There are also a number of volunteers who come in – and I think it is a good opportunity to put on the record our thanks to them, because again they will work side-by-side, one-to-one with detainees, and that makes a big difference as well. So it is very welcome.

1420

Mr Bonnick: You will see some of the press releases of achievements from some of the offenders up there that have never been able to read or write, and what they have achieved. I know each time we have exams and the results come out there is a press release on that.

1425

Q308. Mr Thomas: We have got three questions about anything you want to bring to our attention specific to younger people, because youth justice is our main focus. Is there any special provision in place in the Prison and during probation to support younger offenders – for instance, those under 25?

1430

What forms of intervention take place to reduce and prevent reoffending of younger offenders, in particular?

Are there sufficient schemes that allow troubled young people a clear pathway with ambitious goals?

1435

Mr Bonnick: No, I think I have touched on the assessment that we do on individual needs. I guess more so it is the education side for some of them, because you tend to find that they have skipped in and out of school, and they do not have the tools in the first place to go on and get a job in terms of basic national literacy. It is key with the assessments that are done with the education manager; but also in the first 72 hours there is a safer custody meeting where we look at individuals and see what risk they are and where they are going to fall down. We put the interventions into place as a result of that, because those first 72 hours are key for the information we glean from the individuals, and how that will pan out on the Prison –

1440

Q309. Mr Thomas: What I am hearing is that everybody gets good support and the support is assessed and focused –

1445

Mr Bonnick: Yes you would, but certainly you would flag up those under 25 more so, as young offenders, in terms of that. Obviously, you would be mindful of where they are situated in a prison setting and more emphasis would go on those to make sure that they go to education as part of it. It is mandatory, really. The whole plan is it becomes a working prison and we try to mirror what happens in the community: that they get up each morning, that they go to education, or they go to a place of activity, whether that be one of the workshops or whether they are cleaning or working in the kitchen, or so forth.

Mr Davies: From an operational perspective as well, I think the Prison Governor has dedicated a landing for under-25s, so they do not mix with the general population, which again is part of supporting that group of prisoners.

Mr Bonnick: The whole point of safer custody is in the title, where we look at individuals. So the demographics that Mr Thomas talks about, we would look at that even more so because they can be easily influenced by the older element, and certainly my experience in prisons is they look up to some of the older element and pick up bad habits.

Q310. The Chair: Obviously they will also pick up very good habits as well.

So moving from Cronk Sollysh, turning to the age of 18, and then moving over to the Isle of Man Prison and then transitioning out of the Isle of Man Prison, obviously that is an awful lot of disruption to their education. So what kind of interactions are going on between the Isle of Man Prison Service at that point with DESC?

Mr Bonnick: I am not sure what you mean by the question.

Q311. The Chair: Just in terms of a lot of disruption perhaps to the education of that individual because they would be going from Cronk Sollysh, they would then go into the Isle of Man Prison and then if things are going well, or otherwise, they may wish to go into an apprenticeship or something else. But if they wish to continue with their education, what kinds of conversations are had between the Isle of Man Prison and Probation Service?

Mr Bonnick: There is no provision for that to happen in terms of some of the examples that I have seen before with the education manager, because they would have access to that information. Again, we talked about the multi-disciplinary discussion with regard to if an individual has come from Cronk Sollysh, what work they were doing and how we can build on that in terms of a prison setting. The difference is – and you have a captive audience if they are doing a sentence – that they do something; and we actually pay a salary for them to go to Education as well so they have an income.

The Minister: If I may, Chair, I think, to the Governor's point about a captive audience, it has long struck me that it is interesting that sometimes when a young person does actually end up in detention, that is when they will probably get the most wraparound intervention.

I think the evidence you heard from St Christopher's about a staff member spending six hours a day one-to-one with that young person ... That could be a variety of things, but it will be about skills, it could be formal education, it could be a whole variety of things, very tailor-made to engage that individual.

But I think what is a really interesting challenge – and I do not have the answer – is, if we are trying to make sure that detention is reserved for only the most serious offences and for the shortest possible time, how do you support that young person in the community to not only address their offending behaviour, but actually to provide that engagement again, whether it is with education, skills development and so on?

1500 **Mr Bonnick:** It is easy for me to sit here and tell you how it happens, but actually when visitors come and see it happening live – prison is happening 24 hours a day, or whatever it may be. But if you come along and actually go into one of the education classes – or we have the Jurby advocates, which is prisoners who are selected from each of the areas to represent their own areas – and speak to them, you will hear it from the heart about how they feel the system works for them.

1505 **Q312. The Clerk:** I got a hint in the Minister's comment that we are better – taking the Island as a whole, not specifically the three people on the panel – but services are actually better for you with longer sentences, and that people getting short sentences are the ones who are losing out?

1510 **The Minister:** I think it is recognised ... I am sure the Governor could speak at length about this, that a short sentence causes maximum disruption with minimum time to intervene meaningfully to support the individual. But that is an area probably for the Governor.

1515 **Mr Bonnick:** That is a different discussion, isn't it, in terms of short sentences – short enough for you to lose your home, your job and sometimes your family; where actually an alternative to custody may be a better solution, sometimes.

Q313. The Clerk: So is there work going on to increase the range of non-custodial disposals?

1520 **The Minister:** I think the Justice Reform Act is significant in that respect, because it does introduce the conditional caution and so on. I think we have got to bring that into being. I think we also do need to look at what else we can do in the space of what is the appropriate way to address the offending behaviour. So this is not avoiding addressing offending behaviour, but what is the most appropriate level to both address that offending behaviour but without causing a significant number of other problems, as the Governor has alluded to?

1525

Mr Bonnick: And the economic cost, as well, with regard to that.

1530 **Q314. Mr Thomas:** On that, actually, because it is one of the questions I was supposed to ask earlier but did not, in the area that we are covering do you have a timetable for the Appointed Day Orders for the Justice Reform Act in your delivery plan to give us today?

The Minister: Yes, we do so.

1535 The delivery plan is published, we have a specific implementation plan for the Justice Reform Act which is published online. I think the timing for the Criminal Justice Board to come forward is Quarter 3 this year. As to specific dates, I do not have them off the top of my head, but it is all published online with our target implementation dates.

1540 **Q315. Mr Thomas:** The other question I was going to ask, the Justice Reform (Amendment) Bill that is now in the legislative programme for 2022-23, does that affect anything in the scope of our investigation? Do you intend to amend anything in the Justice Reform Act with that Bill?

1545 **The Minister:** There are amendments coming forward. I think that is more to do with the court's operation. I think it is the technicalities ... The big changes were around abolishing committal and the jurisdiction of the High Bailiff in the summary court. My understanding is that some of the devil in the detail is around how that will work in practice in the courts.

Q316. Mr Thomas: Not the sort of things we are talking about, we cannot expect it to change from –?

1550 **The Minister:** Not to my knowledge, but if there is anything we can certainly write to the Committee and let you know if there is anything specific on that.

1555 **Q317. Mr Thomas:** Thank you. I have got a couple of more questions before we go. The first one is that I think, at the time when the Prison moved from Douglas to Jurby, there were concerns that this would have an impact on various things. Are there any issues about being able to provide good rehabilitation or good licensing for people at the end through being in Jurby, rather than being located somewhere else in the Isle of Man?

1560 **Mr Bonnick:** No. One of the aspects is giving them a bit of responsibility that they need to make their own way to their employment – so, having to get up on a morning, being let out of the Prison, get on to a bus. To be fair, one or two of the companies do supply transport as well. So there are all aspects of that.

1565 **Mr Davies:** I think we probably need to talk about the bail hostel in Tromode, certainly from an older person's criminal perspective. The bail hostel now in Tromode operates with 12 people. It has a pretty high risk threshold and it supports offenders in the community on licence. So from that perspective, I think, although the Prison itself is in Jurby, where people pass through those prison gates, where they have to live at a specific accommodation, or they do not have accommodation at which to live – then they live and they are managed in Tromode, which is very close to Douglas.

Q318. Mr Thomas: Okay, so that was a great initiative, then ...? Has that been part ...? Was that planned?

1575 **Mr Bonnick:** It has been at full capacity now since October.

Q319. Mr Thomas: Okay, but it is all planned for a second floor as well, so you are all right!

1580 **Q320. The Chair:** How many of the individuals who have been travelling through Tromode have been under the age of 25?

Mr Bonnick: I will have to come back to you with that statistic. I think I sent some information to you before ...?

1585 **Q321. The Chair:** It was a different Committee!

Mr Bonnick: Oh, right. Well I will find the information ... Under the age of 25, yes?
(Interjections)

1590 Off the top of my head, there are currently two, a male and a female in there currently under that age, who have recently come to the Prison.

1595 **Q322. Mr Thomas:** The last one is just: what sorts of contact and involvement do politicians, MHKs or MLCs have with the Prison and Probation Service? And what sort of contact and involvement would you want them to have in an ideal world?

Mr Bonnick: I think the contact is fine, again from what I was used to in the UK whenever you got a letter from one of your MPs it was 'Oh, my dear ...'. But obviously there is a lot more closer contact now. So the life I have been used to in the Isle of Man, I am happy with the contact and certainly the support I get from my line manager ...

1605 **Q323. Mr Thomas:** I do not mean necessarily in this sort of setting, which is formal. I mean in terms of if somebody has complained, because somebody who has been inside has just moved home next to me, and then obviously the constituency MHK represents both of those people – they represent the person who has just had somebody who has been rehabilitated and moved in back to their house next to them. Do you ever get contacted by MHKs?

Mr Bonnick: All the time.

1610 **Q324. Mr Thomas:** All the time? So perhaps you could say something a bit more about the fact that we represent all of our community at this point. (*Interjection*)

Mr Davies: I ask if the Minister might be better placed to answer that question?

1615 **The Minister:** To the extent that there should be input around policy matters, absolutely, I welcome comment from all Members of Tynwald. I think on individual matters, of course, if there is some concern that is being raised then, properly, they will go to the appropriate person, whether it is the Governor or the Chief Constable, because obviously there are complaints and there are mechanisms and I think it is right.

1620 But I think you raise a very good point about engagement in that I think there is a job for all of us as politicians. I think this sort of evidence session is very helpful in doing that to talk about what happens and why, so that when issues come to the fore there is some level of public understanding about why it is so important – in a small community like this – that we focus hard on rehabilitating people and helping them find their way in the community.

1625 The difficulty is: where else are they going to go? It is a small community. I think collectively we have to work very hard to support those individuals but also to support our wider community in understanding that. Yes, if there are local issues then I think politicians – working with, whether it is the Governor or the Police Force, whoever it is – can assist in that process and it is important that we do.

1630 **Mr Bonnick:** Whatever the misconceptions are about a prison, whether we want to believe it or not, it is part of the community just like a school or a hospital or whatever. It is part of the community and people need to ... Well, I always say that it is an open door, we have got nothing to hide, it is transparent, come and have a look and see what is happening live. I think people get a better understanding.

1635 It has happened in the UK, preconceived ideas of what is happening in the prison setting. That is my only thought on the matter.

1640 **Q325. Mr Thomas:** So, in summary, what you are saying then is inside your constituency you represent, quite often in the Isle of Man there would be the victims and the perpetrators living quite close to each other (*Interjection*) and they will end up living quite close to each other, and it is just something that we have got to ...

1645 **Mr Bonnick:** I understand the concept now. When I first came in, I saw a letter from an MHK – well, you visited to see one of your constituents ... So I fully understand now.

The Minister: But I think your point, Mr Thomas, is that the wider public should have the assurance that these things are very carefully considered.

1650 There is a lot of work that goes into risk management. There is a lot of work that goes into supporting rehabilitation in the community, and it is absolutely understood that there must be confidence in that. So I think the opportunity to talk about the work that goes on is really important.

1655 **Q326. Mr Thomas:** I think, Minister, perhaps you could comment on the fact that if a politician, an MHK was to phone a probation officer to get inside the case, that would not be right either – because the probation officer is doing their job properly and working through things in a proper process, like you have given an acronym for earlier on in terms of risk and so on.

1660 **The Minister:** Absolutely. I think some of that does come from perhaps not understanding these processes and how they work. Definitely, an opportunity like today helps with that, but I am sure there are other opportunities we can do to help raise politicians' awareness and the public awareness of how things operate in practice to give that knowledge and understanding.

Mr Bonnick: We could have an awareness session for politicians, couldn't we?

1665 **Q327. The Clerk:** If you want to follow that up, quite seriously, it sounds like the sort of topic which Members are interested in, generally. Without wishing to put words in the Committee's mouth, the Clerk of Tynwald's Office does run a programme of Members' CPD and we have all manner of topics.

1670 **Mr Davies:** I think the Custody Act itself would make a good topic for discussion, Schedule 2 in particular, which sets out very clearly but in a quite complex manner how sentencing works – perhaps the common misconception that where a person is sentenced to a term, they will not generally spend the whole of that term in custody and part of that term is spent on licence in the community.

1675 I think we would be very happy to come and be part of that CPD session to describe that.

The Chair: A good idea, I think.

On to some of the questions that have been pitched by Mr Peters, and if I can ask the Clerk to ask those questions.

1680 **Q328. The Clerk:** Thank you, Chair.

How would you respond to the view that troubled young people have any amount of public money lavished on them, whereas compliant and well-behaved young people suffer from a lack of funding in some areas? Is this a fair comment, and if so how can we address the perception?

1685 **The Minister:** I am not sure if there is an evidence basis for that view. I do not know whether there was any basis for bringing that view forward that the Committee can share?

The Chair: No, not that we can share. No ...

1690 **The Minister:** I think my comment would be – and I recognise in making this comment that I did have the privilege to work as a trustee of St Christopher's for a number of years, and so have seen at first hand the real difficulties that a number of young people face when they have had disruptive or difficult home lives, the trauma they have undergone. I think where we have individuals who have faced a lot of trauma and disruption in their life, society has to take some care for them. I think the problem is that, as well as being troubled and perhaps getting involved in crime themselves, they are also often exploited.

1700 So it is a very complex picture. I think it would be a mistake for us not to try to understand those complexities and then try to look across the entirety of policy and work as to how we can better intervene. It comes back to the conversation we had much earlier in this evidence session about the need for effective early intervention and prevention, and also meaningful ways to support and rehabilitate individuals if they do come into contact with the criminal justice system.

Mr Davies: I think if you look at evidence from the Prison Reform Trust, who did quite a large survey on young people with around about 6,000 people in custody, just to quote the statistics more than a quarter of them had been in care. This is a UK-based study, but I think there is a broad crossover between those figures: 20% had self-harmed; 11% had attempted suicide; and 12% had been bereaved, losing either a parent or sibling. More than half came from deprived backgrounds and a similar proportion had run away from home at some point. It also found that around three-quarters had absent fathers, while a third had experienced their mother's abuse.

So these are probably the most vulnerable and troubled young children in our community, and back to the point I made earlier around witnessing this through a different lens. I think we have to look at it through the lens of these young people who are incredibly vulnerable themselves. The fact that they have entered the criminal justice at all shows that we are probably not doing enough to support them earlier on.

Q329. The Clerk: The Committee heard earlier this afternoon and from Cronk Sollysh that a young person in that place will have the attention of a publicly funded person on a one-to-one basis up to six hours a day. Is that not disproportionate when other people are in publicly funded schools with increasing class sizes?

The Minister: I think the issue is that, as I talked about earlier on, these will be individuals who perhaps have not had a trusted adult in their life. Fortunately the vast majority, I would like to think, of our young people do have a trusted adult or two adults or family support in their lives.

I do not know what the price is that you put on trying to put that trust and support and attachment for a young person, but it is so significant for their emotional development, for their well-being, for how they will mature and grow. I think there is an issue that that attention is coming at the point of detention; and I think the early intervention and prevention strategies to try to support young people in their families and in their homes, to develop in a way that provides that stability and care from a much younger age, is the right thing to do and the right focus to have.

Mr Bonnick: The UK government have just talked about that, haven't they, and they are putting in £300 million over three years to cut youth crime and make the streets safer. They talk about the new turnaround scheme to catch troubled young people teetering on the edge of criminality. So once they get into the system it is going to cost us more, economically, long-term, isn't it?

I think they have always talked about spending it at the front end rather than at the other end, which will cost us even more. I do get your point, but I have seen it over the last 30 years and I think we need to do something in terms of early intervention more than what we are already doing.

Q330. The Clerk: Thank you.

The next prepared question from the Member who is not here says: Do you believe that all troubled young people can be rehabilitated, or are you expending resources on lost causes?

The Minister: I think those who have direct experience of working with troubled young people will be much better qualified to comment than me, from a politician's perspective. I listened very carefully to the Governor's words about hope, and I think if we do not try and support individuals and give up on them as lost causes, we are not giving them hope and we are not giving society hope.

Q331. The Clerk: Thank you. This is the last prepared question.

Some people are concerned that the carrot is too big and the stick too small; for example, frequent offenders are repeatedly given one last chance. How would you comment on that?

The Minister: Well, again, I suppose I would ask for the evidence of that. I think it is very difficult to comment in generalities in a Committee such as this. We all know that there are systems and processes that look at the individual circumstances. There are courts; there are probation officers ... I think it is quite difficult for me politically to comment on whether that is accurate or not without any evidence basis. Also, it is not for me to interfere in the processes of justice and the court decision.

So I do not know whether there was any particular example or statistics to back up the view?

Q332. The Chairman: Not at all, it was just a question.

The Minister: If there are any particular matters that you want to raise to Home Affairs or the Criminal Justice Board, I am sure we would all be very pleased to hear them. But I think actually, if you are trying to rehabilitate and divert young people from a problem that is only going to get worse, then I would prefer to rely on the professionals' views about what the appropriate interventions are to try and do that.

I accept that some people may perceive that as a series of last chances, but if that is deemed by professional people to be the appropriate intervention for the crime and for the individual, then I think we have to listen to the professional people who are qualified and understand how to intervene.

Q333. The Chair: That comes to the end of our questions, unless Mr Thomas has anything further, or our Clerk? No.

Do you have any closing remarks that you would like to make off the back of anything that has been said thus far ?

Mr Davies: I would just like to offer a small clarification, if I may, just in relation to the fund at the Prison that is basically the 20% of any offender's wages. We have in the past used it for a grant to Victim Support, but it has also been used for other purposes such as paying the deposit on an offender's accommodation when they leave prison, and for other works to buy small pieces of equipment within the Prison. It has got a relatively broad remit, but it is always used either to support victims of crime or to support offenders in rehabilitating back into the community.

Thanks for the opportunity to clarify that.

The Chair: Is there anything further, Minister?

The Minister: Nothing further. I need to thank you for the opportunity to come and talk to you today.

The Chair: Mr Bonnick?

Mr Bonnick: No, I think, myself included ... my first time in front of a Select Committee. So, yes, thank you.

The Chair: You did exceptionally well.

There is nothing further, so the Committee will now sit in private.

The Committee sat in private at 4.48 p.m.