

3.3 Deputy M. Tadier of the Chairman of the Education and Home Affairs Scrutiny Panel regarding recent allegations of misconduct at the Prison by past members of staff:

What steps, if any, will the Chairman and his panel be taking to satisfy themselves that adequate safeguarding mechanisms are in place at the Prison in the light of recent allegations of misconduct by past members of staff? Will the Chairman advise whether the panel will undertake to conduct a review into dismissal procedures at the Prison in relation to cases where there is evidence of gross misconduct?

Connétable S.W. Pallett of St. Brelade (Chairman of the Education and Home Affairs Scrutiny Panel):

The Education and Home Affairs Scrutiny Panel have no intention at this time of taking any steps to review that adequate safeguarding mechanisms are in place at the Prison. In regards to the second part of the question, the panel has no intention at this time of conducting a review into dismissal procedures at the Prison in relation to current allegations of gross misconduct.

[10:00]

3.3.1 Deputy M. Tadier:

Could the Chairman confirm that he received yesterday, along with the Minister for Home Affairs, an email copied into the mainstream media, allegations which seem to come from a current prison employee stating no less than 7 prison staff in the past who have alleged to have had gross misconduct have had a mixture of no action or them remaining or being moved on with pension rights and reputation intact? Can the Chairman confirm he has received that email and do the allegations therein concern him?

The Connétable of St. Brelade:

Yes, I can confirm that Deputy Tadier sent an email yesterday regarding allegations made by an anonymous person. All these allegations relate to misconduct or disciplinary matters, which are outside the remit of the panel. But, yes, I can confirm I have had email. I will also say that one comment made at the beginning of that email, just regarding the original allegation - and I quote this from the email itself - is that: "On the whole it was a fairy tale."

3.3.2 Deputy M. Tadier:

That is by no means conveying the tone of the email which ends up saying: "The questions asked should be why have all these incidents been covered up by X at the Prison. Ultimately the buck stops with the governor but it is common knowledge that X, who runs La Moye, makes the decisions. Several officers convicted of violent offences kept jobs because they were personally protected by X." Can the new Chairman of the Education and Home Affairs Scrutiny Panel say that while it may not be his remit to look into individual cases the overarching policy when it comes to dismissal and safeguarding at the Prison very much does fall within the remit of the scrutiny panel? What further evidence does the Chairman need to take these allegations seriously if we are not at risk of bringing the whole system of both scrutiny and the Prison into disrepute?

The Connétable of St. Brelade:

Quite simply, as the Deputy knows because he has been in scrutiny for nearly 8 years or more at various times, anonymous submissions will not be considered. The panel at this current time has nothing in its hand that is not anonymous. I cannot run and it is impossible to run a scrutiny panel by internet, Facebook, Twitter, whatever social media that the Deputy involves

himself in. There is a process to follow and all I would ask is that if any member of public, including Deputy Tadier, has issues that he thinks are relevant to the scrutiny panel to go through the correct procedures and the correct process. Do I have concerns? Yes, if he can find me evidence that is not anonymous then there may well be issues that the panel will look at, but at the current time the panel has nothing in its hand that is not anonymous and the only thing I have in my hand is an email of yesterday that is anonymous. So, again, at the present time I cannot see what the scrutiny panel can do to please Deputy Tadier.

3.3.3 Deputy M.R. Higgins of St. Helier:

I must say I find that answer remarkable considering written question 9 outlines a whole series of offences and actions taken against Prison Officers about gross misconduct, about phones being taken in to the prison and all sorts. So there is evidence in front of him here that shows actions going on in the prison which need to be investigated. The Prison Governor and the Minister for Home Affairs need to be accountable for these. If I could ask the Chairman, this email that he has got, there are 7 named officers who have either had sexual relations with prisoners, supplied phones, pornographic material whatever, have you ever prosecuted any of these people, or have you had any dealings with these people?

The Deputy Bailiff:

Deputy Higgins it is not the Chairman of the scrutiny panel's job to bring prosecutions.

Deputy M.R. Higgins:

As a Centenier, working as a Centenier?

The Deputy Bailiff:

No, I disallow that question. You are not entitled to ask questions of ...

Deputy M.R. Higgins:

With respect, Sir, could we change to did he have any knowledge of these instances and these people?

The Connétable of St. Brelade:

Of the people mentioned there is only one person on that list that I have knowledge of, although I did not prosecute them at the time. In relation to the answer to question 9, there are quoted on here, I think, 16 gross misconduct reports. Again, that is a matter for the Prison and the Prison Governor, it is not a matter, I do not feel, for scrutiny. This issue has been dealt with and, in fact, as Deputy Higgins knows, topics will be rejected if they have been addressed by others, and they have been addressed by others. Again, if Deputy Higgins had read the last Prison report, which I have here, I will quote from it: "The Prison regime and the quality of learning and skills provision were really very good." So an independent report has said the Prison regime was very good. I do not think there is anything that having a review will add or improve the service as it currently is at the present time.

3.3.4 Deputy R.G. Le Hérissier of St. Saviour:

I do appreciate from when our panel operated that looking at individual cases versus looking at systemic issues is a difficult issue but I wonder if I can ask the Chairman of the panel, would he accept that issues do move along, that reports do get outdated and that it is part of the remit of the panel not to look at individual complaints but it is part of the remit of the panel to look at the regime overall and to see whether it is functioning at an optimal level? Would he accept that that is the role of the panel to look at the regime?

The Connétable of St. Brelade:

From time to time the Deputy may well be right. I think he used the word “outdated report” but the report is current, the report only came out within the last 10 months so as far as I am concerned, and I think of the panel who have also looked at this report, at the time - and I will quote again from the Prison Service that did an independent report - “At this inspection we found an institution that had been transformed both physically and in terms of improved practice from the prison we inspected 8 years ago.” It is vastly improved. I visited it as a Centenier some 6 or 7 years ago when there were some issues that needed to be resolved and I think the previous report picked them up. At the current time I believe that the Prison is running well, it has good officers that are doing a fantastic job up there and in regards to some of these comments that have come back again, whatever the reason behind the comments that have been made on this anonymous email, it is not a matter, I believe, at the time for the panel. I do not believe it will provide an improved service.

3.3.5 Deputy R.G. Le Hérisier:

Just a supplementary? Would the Chairman also be prepared to look at statistics in the areas covered by this alleged anonymous report in order that he can determine whether or not there have, indeed, been some serious developments?

The Connétable of St. Brelade:

Again, this anonymous report deals with matters of misconduct. That is a matter for the Governor and/or the Minister for Home Affairs, it is not a matter for the panel. It is not within the remit of the panel, as I have said already, in terms of disciplinary matters. Some of these could well be grievances that individuals have and, again, as I said, I do not think it will provide an improved service. So if new evidence comes up then we will look at it. At the current time, as I have just said, in the hands of the panels there is nothing at the present time.

3.3.6 Deputy T.A. Vallois:

Does the Chairman not believe that any misconduct, disciplinary or dismissal procedures come under a H.R. (Human Resources) policy which should technically be addressed by the States Employment Board?

The Connétable of St. Brelade:

That is a good question. It may well. It is not a subject that I had thought about. It may well. Again, if the Deputy wishes to bring a proposal for the panel to look at, I am quite happy to look at it. It may well.

The Deputy Bailiff:

Final supplementary, Deputy Tadier?

3.3.7 Deputy M. Tadier:

The Chairman has mentioned various things. He has tried to paint this as being something that only exists in the ether of social media. I remind the Chairman that this email seems to have come from a member of staff, which I did not ask to receive, which was sent to the Minister and it was sent to the media. It makes very serious allegations. The final paragraph says: “The morale in the Prison is the lowest by far in 10 years that I have been there and that the management, including X, run a regime based on corruption, bullying, lies and deceit.” These are not my words, these are contained in the email. The Chairman is saying that that person, who is a whistle-blower, needs first of all to make his name public so that we know who he is and that he needs to go back to that very management about whom he is making the complaints. Will the Chairman at least acknowledge that there needs to be a mechanism for whistle-blowers to come forward anonymously and will he confirm that I have told his

panel I will get people to come forward to meet the panel in person, confirm who they are so long as their anonymity can be maintained then he as Chairman and the panel can decide how best to deal with those concerns? If it is not something that can be dealt with by the panel, he and the panel - which I have also offered to join for this review - can then refer it on to the relevant body.

The Connétable of St. Brelade:

I think the Deputy knows very well that there is a process that can be followed that does allow people to give evidence where their names can be withheld and their evidence can be used. It is currently within the panel's remit to do that so I do not see why he does not think that process currently exists, it does exist.

Deputy M. Tadier:

I have offered this to the Chairman, I have said that I can bring forward people, he has essentially asked me to put up or shut up, in fact in those exact words, and I have said I am willing to put up so the Chairman should at least accept the offer of listening to whistle-blowers who want to give evidence. They do not send these emails for fun.

The Deputy Bailiff:

Deputy, this is question time not a debate. Will you accept the offer or not, Connétable?

The Connétable of St. Brelade:

If any individual wishes to bring evidence to the panel and they wish their names to remain anonymous, I think the Deputy knows there is a process in place that can be followed to protect their own anonymity if they so wish.