



Education and Home Affairs Panel

MONDAY, 9th SEPTEMBER 2013

Panel:

Deputy J.M. Maçon of St. Saviour (Chairman)
Connétable M.P.S. Le Troquer of St. Martin
Deputy M. Tadier of St. Brelade

Witnesses:

The Chief Probation Officer

Deputy J.M. Maçon of St. Saviour (Chairman):

Good afternoon and welcome to this hearing of the Education and Home Affairs Scrutiny Panel. Today we are discussing the annual report for the Jersey Probation and After Care Service. I wonder if I can just begin, and it is an ongoing thing, and while we appreciate that while the probation service does not come under directly the Home Affairs Department, we have been looking at the ongoing issues of C.S.R. (Comprehensive Spending Review), checking that their processes have been sticking to kind of the timetable that they're supposed to be following, and obviously the probation service has obviously fitted into the wider plan of that, and I wonder if you can just start by looking at kind of the C.S.R. programme and how that has affected the probation service.

The Chief Probation Officer:

By all means.

Deputy J.M. Maçon:

So if I can just ask a general question then, what has the impact of the C.S.R. Programme been on the service over the past 3 years?

The Chief Probation Officer:

We have taken out our full share of the C.S.R. programme, so we have not asked for any exemptions or to be sheltered from the process and we have entered into the process and taken the percentage cut over the years. Fortunately, that has coincided with a decline in crime, which has made some of our reorganisation easier than it would have been and I am happy to say that I do not think any of the changes we have made have impacted on the effectiveness of the service currently. I think the only slight concern would be, should crime increase, which is what you expect in a recession, and paradoxically that has not happened so far, then we would be under greater pressure. We have lost staff, we have had no compulsory redundancies, and we have managed, by looking ahead, planning retraining, we have managed to do that by sort of more natural processes, people retiring, people moving into new roles and so on, and not recruiting when vacancies come up. So we have managed the process without too much human cost.

Deputy M. Tadier:

Can you tell us about some of the manifestations of those cuts, what kind of things have you had to rejig ...

The Chief Probation Officer:

Sure, yes, specifically I think we have now one less person in our administration team as a result, we have, I do not know if you have heard about the Daisy case management system, which now runs throughout the criminal justice system and it started as a probation information system, it is now used by the Magistrates' Court as their primary system, and when they brought it in it meant that they were entering a lot of the data that we previously used to enter, court results and so on. So that has made some administrative savings, which helped with that one. Youth crime has fortunately gone down significantly and we used to have 2 probation officers and a 2/3 assistant probation officer looking after children and young people; that is now 2 probation officers, we lost the 2/3 post. The post holder was, as luck would have it, a qualified probation officer and moved into a vacancy we had in the probation team, created by resignation, so again there was no loss there.

Deputy M. Tadier:

It is not directly related to C.S.R., but do you think there is a specific reason in your mind why youth crime has gone down or is it just a fluctuation?

The Chief Probation Officer:

Well it is interesting, is it not, because it is not just a Jersey phenomenon and I think there are things we have done locally, I was part of a team in 2010, which reviewed youth justice, a mixture of academics, off-Island and on-Island expertise, and that was a sort of dynamic process, rather than just like an inspection where you look and report back. It was much more of a sort of ongoing discussion with people about what they were doing and why they were doing it and there were significant changes as a result, even by the time the report came out. I think some of the Building a Safer Society projects funded by Home Affairs, you know, that investment, everyone talks about, if you invest in early years, you see the results later on. It is very hard to demonstrate that, although the evidence would seem to support it, and I think we have seen some of that as well.

Deputy M. Tadier:

Are we still putting the correct amount of investment now, even under C.S.R., in there that?

The Chief Probation Officer:

Yes, and one of the things, Home Affairs, I think, B.A.S.S. (Building a Safer Society) would have been easy target for their C.S.R. savings and they did not hit Building a Safer Society monies, much to our relief.

The Connétable of St. Martin:

The control issues that you mentioned in the report, there is some concern, if it suddenly went up, the youth crime suddenly takes off because you go through a bad patch, and I think it is going through in waves, then what does the department do then?

The Chief Probation Officer:

We have a large part of my early and mid career was in exactly that scenario where demands on services were increasing substantially, and there are always things you can do, and I think it would depend exactly where it went up and how, but I think in the past the staff team have absorbed it, sometimes at considerable personal cost.

The Connétable of St. Martin:

Is there any availability of additional funding then if something like that did happen?

The Chief Probation Officer:

We would have to go to States contingency I think if we were really pushed, but having said that we always look internally first and I think you will see in 2012 for example we had a request from the Lieutenant Governor's Office to provide him with additional information on people potentially

subject to deportation and it is a reasonably significant piece of work but you find a way of absorbing it and doing it and that is always our first route.

The Connétable of St. Martin:

The Daisy system, is that going to go further now? So you use it at the courts, what about the parish halls?

The Chief Probation Officer:

Well it is, and the St. Helier charges office are also using it, and I think there are, it is dangerous to quote a statistic off the top of your head, I think there are around 300 users of the Daisy system now. It is no longer a probation system, it is a criminal justice system, and there is a capital bid in for 2016 for the rewrite because the architecture it is written in is coming to the end of its useful life, probably by 2020 it will not be around anymore.

The Connétable of St. Martin:

Would putting the prosecution service into one centre, like St. Helier, I mean it is taking it away from the 11 other parishes, would that save a lot of time and money do you think?

The Chief Probation Officer:

I think, as I understand it, the parishes are being quite pragmatic anyway, and a number of the parishes will pass to St. Helier for processing some of their prosecution files. I think they retain, and absolutely they still retain the charging within the parish, and I think that is very important, and I think in other forums we have said why we think that is important; to maintain that sort of community policing within the parish, but I think there probably are things that you can do to make things more efficient without losing that.

The Connétable of St. Martin:

Thank you.

Deputy J.M. Maçon:

On page 30 of your report, you talked about these old issues, in particular the post funded under Building a Safer Society and Home Affairs. I mean you talked about how B.A.S.S. seemed to be protected so there has not been any budget change there.

The Chief Probation Officer:

Yes, that is right, but I think what I am obliged to point out is that, we have a very good relationship with Home Affairs, the Minister for Home Affairs and the Home Affairs Department, but as a

service we are reliant on that funding stream continuing. We employ the people, we then recharge for the cash, and if they pulled the plug we would be in a very difficult position.

Deputy M. Tadier:

So what are the initiatives or programmes that have been either cut completely or reduced?

The Chief Probation Officer:

Under C.S.R.?

Deputy M. Tadier:

Yes.

The Chief Probation Officer:

We have not reduced our services; we have reorganised to deliver the services more efficiently and effectively, and, as I say, we have been able to do that because of the reduction, or largely because of the reduction in crime, as well as there were always things, I think we may have put one or two things on hold, which we would have liked to have developed.

Deputy M. Tadier:

Can you give an example?

The Chief Probation Officer:

I am just trying to think of one where perhaps we might have gone ahead with something. No, off the top of my head ...

Deputy M. Tadier:

Do not worry. Could I ask a specific question though, looking on page 20 of the report, there is a programme that was called Self Management and Rational Thinking and there seems to have been a sharp decline from 2011 to 2012 in the attendees.

The Chief Probation Officer:

That is right.

Deputy M. Tadier:

Is there a reason?

The Chief Probation Officer:

It is just that when you get such small numbers it does fluctuate. That programme is only for those at the highest likelihood of reoffending. They are not the most serious offenders, but they are those who are most likely to find themselves back in the system and so you have to reach a certain unfortunate threshold before you can be referred. Once you have reached that threshold, unless there are exceptional circumstances, you will be referred to that programme, so it is just a feature of the small numbers.

Deputy M. Tadier:

If we look down, this again is not necessarily specifically related, but I think it is useful for us to know the background, there seems to be a perception, if you were solely to rely on the media, that sexual offences are going up. It seems that is all you read about on the pages, is that the case? If it is, can you talk to us about what the mechanisms and what the causes of that are?

The Chief Probation Officer:

I think, whether there is a greater prevalence of sex offending in the community, I do not know. I think the ways in which people commit those offences is changing, I mean the Internet being a prime example, and the detection and investigation of those offences is also improving, the technology is catching up, and therefore we are seeing more prosecutions, and I think that is probably true. Whether they are just catching people they were not catching before is an open question.

Deputy M. Tadier:

How does your department respond to that in terms of also having the resources?

The Chief Probation Officer:

We prepare reports on all Royal Court cases and generally, if a case was in Magistrates' Court for that offence, they would be asking for a report. We have invested significantly in the training of probation officers in working with sex offenders in both the assessment and the treatment, and in fact we probably have the most extensively trained team in a non-specialist setting within the British Isles because obviously the numbers in Jersey would not justify a specialist unit, if you like.

Deputy M. Tadier: Sure.

Deputy J.M. Maçon:

Can you just explain to me, and it might seem to be quite an ignorant question, but when obviously someone is in the criminal justice system, when does your service kick in?

The Chief Probation Officer:

There are a number of different points at which we can kick in. As the Constable will know, we support the parish hall inquiry system, so in the case of young people, any young person who is appearing before a parish hall inquiry for anything other than the most minor matter, no L plates we would not go, but anything other than that sort of level of offence, a member of my team, a probation officer, will ring the parents when we receive notification, explain to them a little bit about the parish hall inquiry process, because there is a proportion of the population now who do not understand in the way that perhaps you and I do what the parish hall system is about.

Deputy J.M. Maçon:

It is limited, but yes.

The Chief Probation Officer:

Yes, it is a hearing, but it is also an opportunity for the young person to put forward their explanation for what has happened, for the parents to say what action they have taken perhaps, you know, have they apologised if there is a victim, have they made recompense, have they grounded the child, you know, that sort of thing. How is the person doing at school? Are there any issues? We then attend the parish hall inquiry and we can advise the Centenier about what we have found out and the Centenier can then decide whether or not they want to proceed to prosecution, whether they want to deal with it by way of a caution, or whether they would like to refer them to us. So that is the first place we get involved. In the Magistrates' and Youth Court, we prepare verbal reports for the Court if they are just concerned about somebody and want to know a bit more, we always have representation in Court and they will ask our officer, they will stand a case down for 10 to 15 minutes, either for a specific assessment or a general assessment. We also prepare written reports on request from Magistrates' and Youth Court, which is an assessment of the individual really, it is a life history, putting their offending behaviour in context and making recommendations about how we think that could best be dealt with, although sentencing is always a matter for the Court. Then in Royal Court, we are involved with people on a finding or admission of guilt, so everyone who is found guilty in Royal Court or who admits an offence has a report prepared on them. So those are our gateways in, if you like. There are a few others like for example if someone was sentenced; a Jersey person was sentenced by a U.K. (United Kingdom) Court and was released on licence, we would be responsible for their supervision if they returned to Jersey and former offenders can contact us directly, In fact anyone can contact us directly and ask for assistance.

The Connétable of St. Martin:

So on the verbal report that you might give to the Magistrates' Court, can you suggest to the Magistrate that you want time to do a written report?

The Chief Probation Officer:

Absolutely, and when we introduced those, which were 10 or 15 years or so ago, we were concerned, we wanted to improve the service that we offered and we felt we were doing some reports that probably we did not need to do, but we were concerned that we did not want to shortcut where we needed a more thorough assessment and we always have that option to go back and the Court have always been very good, I have to say, in saying: "We will remand for 2 or 3 weeks."

The Connétable of St. Martin:

It puts you on the spot with 15 minutes ...

The Chief Probation Officer:

It does, absolutely. I mean we will do a direct assessment, sometimes they will say, for example, quite often if it is, for example, a secondary prime(?) offence or something, they will say to us: "Would you please assess this person for a community service order?" and we will go off and do that and the Court Officer will come back and say suitable or not suitable, and generally people are, there might be certain caveats around that, but it might be we feel, "There might be an underlying alcohol problem here and we would like a full report please?" so generally the Court have been very good in those circumstances.

The Connétable of St. Martin:

Can we just go back on the attendance of these different programmes that you do, is there a set number of times a person has to attend?

The Chief Probation Officer:

Different programmes have different attendance criteria and are different lengths, if you like, so the S.M.A.R.T. (Self Management and Rational Thinking) programme we were talking about before, is a 35-session programme, twice a week, and that is in addition to other probation appointments.

Deputy M. Tadier:

Sorry to interject. The Court direct people to do these or is it just a suggestion that they ...

The Chief Probation Officer:

They used to; there used to be specified conditions in probation orders. We moved away from that a number of years ago because inevitably if you have four weeks to get to know someone and you make the recommendation, you either miss something sometimes or you make a recommendation for programme you subsequently learn they probably did not need that. So, having looked at it, the Court felt that the requirements of the programmes all fell within the general expectations of

what they feel should be covered by a probation order, so we do not have to have a specific requirement in there and generally there is not a specific requirement. If we have identified something at the report stage, we will still put it in our recommendation as part of ... there is always a work plan if we are recommending a probation order and we will say, as part of the year-long probation we would expect this person to attend the alcohol study group.

Deputy J.M. Maçon:

You discuss changes, I think, with the involvement of La Moye, and I wonder if you could just tell us how these changes have contributed to the improvements in the efficiency and effectiveness of your service?

The Chief Probation Officer:

Yes, that was quite interesting, back in 2006 we had a growth bid accepted for 2 additional members of staff, 2 probation officers, which allowed us to provide a through-care service to every prisoner at La Moye, so every prisoner who is sentenced is allocated a probation officer. Now they may refuse, because no-one can make them take somebody, but very few do. Initially our view was that we would spread that among the probation officer team, so the person who knew them best, maybe who had worked with them on a number of occasions before or whatever, would get that case. That led to a lot of ... the prison is conveniently sited out at La Moye, our officers are in town, and it caused some administration difficulties with both the prison and ourselves and a lot of to-ing and fro-ing, so we looked at it. There is a very important principle in effective practice around client continuity, it is important that people are not pulled from pillar to post and feel like they are being done to, you should be working with people. So we did not want to disturb that too much, but where somebody has a long sentence what we decided was really it is all right to transfer them to somebody else who they will work with through that sentence and on release. So they still have the same officer through and after care. Where someone is doing a short sentence, and we do not have many short prison sentences in Jersey, something we have worked very hard at over the years, we increased our market share as a service, there used to be over 600 short prison sentences here.

Deputy M. Tadier:

That means we only have long-term prisoners?

The Chief Probation Officer:

Yes, but not that short sentences have increased, it is the alternatives are being used by the Magistrates' Court. So, where there is a short sentence, it is likely that the field probation officer will still keep the case rather than transfer it to yet another person and so on. But where someone has a long sentence, we will transfer it to one of 2, so we have a dedicated through-care team of 2

probation officers, which was the resource we were given, who look after the majority of those at La Moye doing the longer sentences.

Deputy M. Tadier:

Who would make the allocation of probation officer?

The Chief Probation Officer:

That is done by the probation team leader.

Deputy M. Tadier:

What is the involvement of Jurats with the probation service?

The Chief Probation Officer:

Yes, that is quite interesting. We report to our customer. Our customers are the Court. There is no, or very little, in precedent or law, which requires the Court to use any of our services. Now you can argue that is a bad thing and a lot of jurisdictions have very clear legislation saying: "You shall do this. You shall do that. You can only impose a custodial when you do this. You should be imposing a community sentence when you do that." On the other hand, and the view I subscribe to, is that it keeps us on our toes; it keeps us talking to the Courts, it keeps us talking to the sentencers, and we know who our customer is. There are always tensions in that relationship, our instinct, we work best in the community, and our job is trying to keep people in the community wherever possible; that is, all things being equal, where you can have the greatest impact on people's lives. Sentencers have other things to consider. So the short answer to your question is that my boss is the Royal Court, all probation officers are appointed by the Royal Court to carry out their delegated orders, but to make it easier the Royal Court have devised a probation board consisting of 5 Jurats who act as a sort of informal subcommittee of the Royal Court, who I report to, and who have oversight of the service.

Deputy M. Tadier:

Is there any tension in the Jurats' position on that probation board and the fact that they hold positions on the Board of Visitors? Would it be the same Jurats?

The Chief Probation Officer:

Generally they are different Jurats, but sometimes people have served on both.

Deputy M. Tadier:

Are there any issues arising from that?

The Chief Probation Officer:

I think sometimes it has been quite helpful where they may receive a complaint from a prisoner about something that our service has done.

Deputy M. Tadier:

So they are effectively complaining to themselves, is that what they are doing?

The Chief Probation Officer:

Well I do not think they are really complaining to them ... because generally they are not complaining about something the Jurats have done, they would be saying: "Why was my probation officer not changed to so-and-so" or "My probation officer has not been to see me." We do not get many complaints, having said that, but I have to say they are very quick to follow-up on those things. I think where the Jurats are very good is that they do not try and run the probation service; they operate, if you like, like a board of non-executive directors. They set policy; they will tell me when I am getting things wrong or when the service is moving in a direction that the Court finds difficult, but they do not interfere on a day-to-day basis.

Deputy M. Tadier:

The last question in this particular line is, how would the operation of the probation vis-à-vis the Court be comparable with other jurisdictions?

The Chief Probation Officer:

Very different.

Deputy M. Tadier:

What would be the case elsewhere?

The Chief Probation Officer:

It depends which "elsewhere" you ...

Deputy M. Tadier:

Take the U.K. for ...

The Chief Probation Officer:

The U.K. has a number of different models. If you look at England and Wales, they are currently, the National Offender Management Service incorporates both the prison and the probation service. It is currently about to privatise 80 per cent of its community work through the new policing and crime commissioners and they will have a greater role. That is what is happening in

England and Wales. There is a different ethos to probation work in England and Wales as well in that it is primarily about punishment in the community. Our role is not primarily about punishment in the community; our work is about helping people avoid reoffending, it is about changing. I mean clearly it is demanding, if you have ever tried to change any of your own behaviour you will know how difficult that is, and particularly if you have any sort of habitual behaviour in drugs, alcohol, or something like that.

Deputy M. Tadier:

Given the fact that you ... sorry, I know I said just then, it is just never say never. Given the fact that a lot of your work is valuable to the whole of the community, even before it gets to the Court stage, should not a lot of the remit come from outside of the Court given that prevention is not simply in the interests of the Courts, in the interests of the wider community, and therefore maybe the lines of responsibility and also mutual accountability should be just more generally political rather than judicial?

The Chief Probation Officer:

I really oppose that, and I think why our service has ... I talked earlier about increasing our market share, and I think we have done that because we have the confidence of the Court because they know they can reign us in if and when they need to. I think what has happened in some other jurisdictions is the executive and the judiciary have ended up using the probation service almost as a bit of a football. I think we have very good relationships with the executive departments; we work very closely with the police, we have help from social services with the youth service particularly, we have strong partnerships. So I do not think it suffers because of that. So I think we are in quite a good strong position.

Deputy M. Tadier:

Thanks.

The Connétable of St. Martin:

Just on the officers on these probation orders and they are working with people who have been sentenced by the Court, going back to the through-care one, what is the sort of work that ... you say there are two dedicated officers there, what sort of work do they do then with long-term prisoners?

The Chief Probation Officer:

Initially it concentrates on the sentence planning process, contributing to the sentence planning process, so we are keeping the link with the community, so if they have family in the community we are trying to keep that link going, and we are contributing to the sentence planning process,

which is looking at what that prisoner needs to do to progress through the system and to come out the other end with the maximum chance of being rehabilitated. I have to say that is always more of an uphill struggle in prison. I think a lot of people, whether it is the media or the public, think you can have your cake and eat it, you cannot. Evidence worldwide is that prison sentences are damaging. There are good reasons to impose prison sentences, but reform is not one of them. So you always have a harder task in the sort of sentence planning and prison through-care role than you do on a probation order in terms of working with somebody to change. As I say, as well as ... it starts with the sentence planning process, as someone comes closer near to release our work is about helping them prepare for release, so in terms of social security, finding employment, accommodation, that sort of thing.

The Connétable of St. Martin:

In-between times, in the vast sort of time, they might spend 3 or 4 years in prison, how often would they be visited during that time, or not at all?

The Chief Probation Officer:

They will be visited; it will not be that often during the intervening time, it is usually when there is a sentence planning meeting coming up, so it might be quarterly, something like that, at that stage. Then it gets much more frequent towards the end. But it is important that the prisoner knows who the probation officer is and has established a relationship with them; not just yet another official.

Deputy J.M. Maçon:

That takes us nicely along to community service. Obviously in your report it refers to a substantial number of hours done within the community. One question though I do notice on your objectives, it mentions objective 2.2: "To achieve the average work rate of at least 3 hours a week in the community, achieved and exceeded for many years, target needs revision or removal."

The Chief Probation Officer:

Yes, sorry, that was more or less a note to self in there, yes. It is too easy. You know when you have a target that just is not a target anymore, we regularly exceed that, so we need to either up it or get rid of it in future years.

Deputy J.M. Maçon:

What process would you follow to analyse that?

The Chief Probation Officer:

When it comes to doing next year, what we will do is we will look at the number of hours people are currently working and see whether or not it is still worth having a figure in there. I think the

concern when we started measuring that area was, were people waiting too long to start? Were they just doing a couple of hours a week? Was it dragging on? That just is not an issue with the way community service is administered, people start within a week or 2 at the very outside and have a regularly diarised work appointment, which usually lasts for 5 hours, sometimes longer.

The Connétable of St. Martin:

You would recommend to the Court in a report community service, but the Court could still sentence anyway against that?

The Chief Probation Officer:

Yes, they do not have to have ... everybody has, on their report, as long as the offence is imprisonable, there is a separate sheet attached to the back of the report saying that the community service scheme has been explained to them and whether or not they are suitable. Our internal policy is that, if someone is fit for custody, they are fit for community service. It is very rare that we will turn anybody down. A criticism of some community service schemes has been, for example, people with child care commitments are being assessed as being unsuitable for community service and ended up in custody, which is a nonsense.

The Connétable of St. Martin:

The supervision of that can be, it is not just weekends I take it, it can be (overspeaking)

The Chief Probation Officer:

No, when the numbers went up, one of the things we did was introduced weekday work parties and at one time I think we were operating 6 days a week, we are now down to 4 days a week, numbers have started dropping again, but there has been a huge increase from 2009 onwards and we have been clearing 20,000 hours a year.

Deputy J.M. Maçon:

Can you just explain how you find and develop and manage different placements to be able to put people on because I cannot imagine it is always easy to find them.

The Chief Probation Officer:

We have a long established scheme now, we have been running since 1982, and we have had a succession of very able people in post who have worked with local non-profit organisations, and it has to be non-profit organisations. It also has to be meaningful work, so you are quite right, it is sometimes a difficult job, because the work can be very simple in nature, it might be clearing a footpath or managing a hedgerow or something, but it has to have value to the people doing it,

there has to be a sense that there is a purpose, so you are not just digging a hole and filling it in; that is not the purpose of community service.

The Connétable of St. Martin:

Used to have treadmills.

The Chief Probation Officer:

Yes, that's right. We always try to explain to people why the job that they are doing is important. So, yes, it is a punishment and everyone on community service would otherwise be in custody; that is the way our community service law works; it is an alternative to custody scheme, and people have to have passed that threshold, the Court has to have decided that they will be going to impose a custodial sentence, and they can then look to see whether or not they can divert people into community service. So in that sense it is quite a strict scheme. I think the answer to your question is probably that over the years we have established with local organisations that we deliver, we provide a good service with very little trouble, very little difficulty, we do not identify people as offenders, so sometimes they are working alongside other volunteers, genuine volunteers.

Deputy M. Tadier:

Where do they come from, the volunteers?

The Chief Probation Officer:

The other volunteers?

Deputy M. Tadier:

Yes.

The Chief Probation Officer:

Well, for example, if we are working alongside the National Trust or Heritage or someone, it would be their normal ...

Deputy M. Tadier:

Do you get anything from back-to-work schemes with social, or do they tend not to?

The Chief Probation Officer:

I know we work for some of the same organisations; I am not sure we have ever worked alongside them, and certainly I think it would be the wrong message probably for people on back-to-work. We could provide some expertise perhaps, but I think we should do that at arm's length really.

Deputy M. Tadier:

You might criminalise them.

The Chief Probation Officer:

Exactly so, or at least give them the feeling that they were being penalised somehow.

The Connétable of St. Martin:

You have picked the person for the role of the task now, I take it, somebody who might have ...

The Chief Probation Officer:

Yes, our existing lead officer in that area, the assistant community service manager, has a background in horticulture, management in horticulture, is health and safety qualified, so he can provide a decent risk assessment for a job, know how long it is going to take, all that sort of stuff.

The Connétable of St. Martin:

They are never alone? I mean, when I say "alone" there is normally a group of people working?

The Chief Probation Officer:

We operate community service wherever possible, and you will see elsewhere one of the targets we did not hit last year was we try and get a third of people on community service in the individual placements, and they are likely to be the most successful, and it also means that our resources are spread, not just into the big organisations, but the small ones, charity shops for example are often quite reliant on the help we provide. But obviously we risk-assess everybody and we will only send someone on an individual placement if we are confident that they are not going to pose any difficulties for the beneficiary who is then responsible for supervising them. The work parties themselves are 6 to 7 people together with one supervisor who is in touch, we have the Tetra radio system.

The Connétable of St. Martin:

You get a problem that is reported, is it a warning first or is it back to the Court?

The Chief Probation Officer:

That is interesting, there is a book coming out, it may be out now, I think it is called *Effective Compliance and Offender Supervision* of something and we are a chapter on our compliance methods because we do not ... we are very quick in terms of enforcing orders because the Court have asked us to ensure that people do something. But we will advise people if they are not performing properly, I mean mobile phone use is something that is one of the difficult things to get across, for example, so people will be warned about that before they are then removed from the

work party. They will then have what is called a compliance meeting. We reserve the right to take someone back to Court if they used foul language, if they assaulted someone, if they made racist comments, something like that, they go straight back to Court and the Court would then review whether they should allow that order to continue. Similarly, if someone does not turn up and they do not have a good reason, we reserve the right to return to Court. But, on occasions, and on the majority of occasions, we will have what is called a compliance meeting where the community service manager and a member of the management team from probation will sit in together with the offender and find out what is going wrong; why they are not complying, because it is clear they should otherwise be in custody. You would think, if it were you or I, you would probably be quite highly motivated to do everything you had to do, knowing that the next stop is custody. So that is the sort of intermediate stage and that works very well. Sometimes there is something, either there is an issue with someone they are working with, sometimes they may have hidden a drink problem, a drug problem, or whatever, and so they are turning up late because they have been out the night before or whatever. So there are occasions where those meetings are very useful, but we have to maintain the credibility of the scheme and the bottom line is that if people do not do what the Court have said they will go back to Court in order that we keep on getting the business from the Courts.

The Connétable of St. Martin:

So what percentage will go back to Court?

The Chief Probation Officer:

We get more than 9 out of 10 through their orders. Now some may have been back to Court ...

The Connétable of St. Martin:

For further offences?

The Chief Probation Officer:

No, just for non-compliance, and the Court may have given them a second bite, and they do that on occasions, and we do not have a problem with that.

Deputy M. Tadier:

But the majority of them do not have to go back to Court?

The Chief Probation Officer:

No, the majority go straight through. The majority of people, the vast majority of people, take advantage of the opportunity; they are well aware that otherwise they will be in prison and the last thing they want to do is come through the criminal justice system again. Typically, community

service is targeted to people who are at lower risk or lower likelihood of reoffending, but they have obviously done something serious. I mean it might be a very high reading of drink driving, for example, as a one-off. It might be someone of good character who has lost their temper and lashed out and committed a serious assault. It might be a fraud, someone again of good character.

Deputy M. Tadier:

If we see the example of drink driving, would there also be a consequent requirement for that person to attend a drug and alcohol related course?

The Chief Probation Officer:

You can, the Court can make combination orders, although the community service law says that you cannot impose a sentence of imprisonment or a financial penalty with a community service order, there is nothing to prevent the court making a probation order instead, even if there is only the one offence.

Deputy J.M. Maçon:

Can I just ask then, throughout this whole process, how is each individual programme measured and deemed to be efficient and effective?

The Chief Probation Officer:

We have a number of ways of looking at our performance. We use a likelihood of reoffending measure called the L.S.I.-R. (Level of Service Inventory - Recidivism), now that has been validated against reconviction rates worldwide, but it has also been locally validated, so we know that for any given L.S.I.-R. score the likelihood of reconviction is x, so we use that to keep an eye on things. Every few years we do a reconviction study, we have one due later this year, maybe at the beginning of next year now, but it is due, which looks at actual reconviction for various penalties for any given risk score. Because that is the important thing, it would be very easy for us as a service to improve our effectiveness by excluding higher-risk people, the people who really needed it, if you like. We also have reviews and inspections, internal inspections into various aspects of the service. Most recently community service last year, and I think you have a couple of questions about that at some point, about that inspection. We also ask clients for feedback more recently, we started with community service and now we include people on probation orders, so everyone completing is given a questionnaire on their experience of supervision and how it has helped them or not and we review those. There are a number of academic studies going on and then there is the training side. So, overall, we are confident that we are investing in effectiveness and looking to provide the best possible outcome,

Deputy J.M. Maçon:

As you raised it, you mentioned the inspection, can you just explain if that was an external inspection, I mean external to the service, of the Island, and also what were the outcomes of that inspection?

The Chief Probation Officer:

Sure. We publish all our reviews and inspections. I do not know if you have come across our website, probation.je, we put things on there. The scheme was inspected by the most senior officer from the Isle of Man and one of the two assistant chiefs, I suppose you would call them, although that is not their title, from Guernsey. Both the Isle of Man and Guernsey have their own community service schemes so they understood what community service was about. So they conducted that inspection, together with a Jurat from our board, to provide that sort of level of external scrutiny. We thought it was important there were people from outside of the Island involved in that and wherever possible we do that. Until recent years, we had retained the services of a former U.K. Home Office inspector to do that, but unfortunately he is no longer able to do that, and we are developing this reciprocal link with the Isle of Man and Guernsey to fill the gap, as it were. We had Her Majesty's Inspectorate of Probation back in 2005; we could not afford to do that these days, and I am not sure they would consider themselves anymore in a position to inspect us. I think the probation world has changed, we have gone in completely different directions, and even in 2005 they found it quite difficult because they were used to inspecting services, and what they thought of as a probation order was not necessarily what we thought of as a probation order, and the underlying ethos of it was different. They were surprised to find the Magistrates were saying, "Yes, if we have a problem about a case, we nip next door and speak to the officer".

Deputy M. Tadier:

Did they have problem with that?

The Chief Probation Officer:

Yes, it just does not happen.

Deputy M. Tadier:

So what is the issue in their mind?

The Chief Probation Officer:

Everything is just so large there, it just does not happen, and because the service is much more bureaucratised over there; the big area offices, and of course the Courts themselves are much bigger as well.

Deputy M. Tadier:

But would they have criticised it based on ...

The Chief Probation Officer:

No, they did not criticise it, I felt we had a very positive inspection, and we tried to benchmark ourselves, because there were a round of inspections that year in 2005, and I think we were in the top 25 per cent, and that was a conservative look at it. It was a very complimentary report and that is also available, I think it is on gov.je or probation.je and you are welcome to ...

Deputy M. Tadier:

It is a different time, so you are comparing apples and pears.

The Chief Probation Officer:

That is it. That is the difficulty now. We are much closer to our counterparts in Northern Ireland and Scotland. In fact England and Wales is the odd one out in the British jurisdictions: Jersey, Guernsey, Isle of Man, Northern Ireland and Scotland, all have models of probation, which are much more similar than England and Wales, which has a very ... it is changing to a very American model of supervision, for reasons known only to itself.

Deputy J.M. Maçon:

Yes, and just to touch on the outcome of this, the last report?

The Chief Probation Officer:

It was very positive. I will just find a nice quote there somewhere. Conclusions and recommendations: "In our view, this invited inspection found a scheme, which was operating to a very high level against the set standards, and was evidently held in high regard according to the views of sentencers, beneficiaries, staff and clients. Our conclusions are overwhelmingly positive and the recommendations are limited to suggestions for improvement in detail in three areas." We then, as we do, responded to that with an action plan to address the recommendations.

Deputy J.M. Maçon:

Just for the record, can you tell us what those 3 areas were?

The Chief Probation Officer:

Yes, of course I can. Firstly, there was a small sample of offenders under the age of 18 and we discourage placing children on community service other than when there is an alternative, so there were a small percentage of the files reviewed, and there were a couple of cases where there was no evidence that a parent or guardian had attended the initial assessment. Now, our standards

say parents or guardians should be involved throughout and that is very important when you are working with children. So what we have done is upped our processes to ensure that always happens. There was a recommendation that we renew our efforts to provide individual placements, because the feedback was so positive from those individual places from both the beneficiaries and people doing them. There was something about communication between the community service staff and probation staff, they are both in the same building, and how they were sometimes ... there were a couple of cases where it did not look as though they had liaised as well as they should have done where someone was on a probation order and a community service order, and the left hand did not always know what the right hand was doing. But I should emphasise, they were in a very small number in all those cases. The report and the response is on the website if you wanted to look at it in more detail.

Deputy J.M. Maçon:

Thank you. Moving on, we touched on it briefly, but Youth Court and reduction in work in the past few years, and obviously you have talked about the reduction, I mean how has that impacted on the service? Has it freed up work that can be completed elsewhere, or does it mean that an even higher quality of service has been able to have been offered?

The Chief Probation Officer:

It is a mixture of the 2 I think, it has meant that officers working with children have had more time, but, as I said earlier, we have moved a 2/3 post, the assistant post has been lost also, so there has been a redistribution of duties as well, so they have not had it all their own way.

The Connétable of St. Martin:

The restorative justice, that is just at parish hall level, is it?

The Chief Probation Officer:

No, that is a very good question, it is often thought of as parish hall and I think that is where it is a very important tool at parish hall, but it runs parallel to all our processes, so even people serving long sentences for serious matters have also taken part in restorative justice, and sometimes those can be the most powerful processes.

The Connétable of St. Martin:

I have always associated it with young people, but I take it that is not the case.

The Chief Probation Officer:

Not just young people, no, wherever there is an identifiable victim and both the offender and the victim want to take part we will offer it.

Deputy M. Tadier:

Is that being done with, for example, the former Magistrate and the victims who he swindled money out of, would they be put down, sat face to face and given an explanation?

The Chief Probation Officer:

I would not talk about individual cases, but it would be wherever both parties are willing to take part, and it has to be, because I think some of the problems with some other schemes are that where, for example, sentencing discounts have been offered, you can see there is an incentive then to the offender to take part, and sometimes the victim might be feeling bad about something that is happening to the offender, wrongly, and feel pressured to take part. So we are very clear that, other than at parish hall where sometimes it is used as a bit of an alternative to prosecution, but generally speaking the law takes its course and then once the law has taken its course our restorative justice officer will speak to the offender and see whether they are interested in some form of restorative justice. If they are interested we will then try and contact the victim or victims and if the victims are also willing then we will try and do it. We do not do it, even try, in sex offences.

Deputy M. Tadier:

Presumably it is the victim's consent, which must be the most difficult to get.

The Chief Probation Officer:

You are absolutely right.

The Connétable of St. Martin:

There are some that refuse, in your report I read.

The Chief Probation Officer:

Yes, it is more often victims, and you can understand that, as you say, you know, they have been victimised and they really do not want to know. But for those who do take part, we have a fantastic satisfaction rate. We used to record the satisfaction rate but it always came out at 100 per cent, or I think there was once a case where someone was not happy, but it was so high it just was not worth recording it as a performance statistic. Both parties do benefit from it.

Deputy M. Tadier:

Someone who is doing a sentence, how would either the restorative part of it or, if that is not possible, the other care(?) limits, to make sure they have the message, how would that be done?

The Chief Probation Officer:

We talk about restorative justice and that can cover anything from a simple letter of apology, and sometimes victims only want indirect contact, they do not want direct contact, but the prison have facilitated face-to-face meetings with serving prisoners and their victims and that is something that is not easy for them to organise but they see it as being worth doing as well as us clearly thinking as well it is worthwhile. I can think of 2 cases where they have probably been some of the most powerful, both offences of serious violence.

Deputy J.M. Maçon:

Can you just explain the uptake from the offenders' side and the victims' side, the willingness? Because you mentioned it was more difficult, can you just give us kind of the ratios?

The Chief Probation Officer:

Pass. I know we did about 61 pieces of restorative justice last year.

Deputy J.M. Maçon:

How does that relate to how many people you see?

The Chief Probation Officer:

A lot of our clients do not have an identifiable victim in that, for example, it might be a drug offence where there may be victims if they have been supplying but they are very indirect victims in that sense. So we have never, and I think it would be wrong to shoot for a certain percentage, because I think it is always such an individual thing and I would not want our restorative justice officer to be putting pressure on anybody to participate, I think it sort of occupies a unique place in what we do as being an opt-in and for all the right reasons it is an opt-in. If someone does not opt-in, we will still provide sessions on victim awareness, nobody goes through our books without thinking about the impact of what they have done on others, and I think that is important. But physically sort of opting-in to restorative justice has to be a positive choice.

Deputy M. Tadier:

I guess there is always an element who end up in the criminal justice system who have not pleaded guilty and will be adamant that they have not done it and obviously that is always going to be a case, there may be one or 2 where that is the case, but is that a problem when someone has not acknowledged any guilt?

The Chief Probation Officer:

It can be and it can make it difficult to work with people who are absolutely, "They got the wrong person".

Deputy M. Tadier:

Either that or they just do not have the ...

The Chief Probation Officer:

That can be very difficult. It is unlikely that you would have someone on a probation order who had maintained their innocence throughout and who did not have at least a partial admission that they had problems, which would lead to difficulty. So we do come across it in the prison where people say they are wrongly convicted. Sometimes they will refuse the through-care offer, other times they will work with some practical issues, but they will not address any underlying ...

Deputy M. Tadier:

Is there an element that others may play the game simply just to have an easier time while they are going through?

The Chief Probation Officer:

Of course, and I think most of what we do is, you know, human nature is such I think that people will sign up for a probation order and they have to consent to a probation order and they have to consent to community service and they are doing that to avoid something worse. That is at least part of the motivation. We recognise that, although we require consent, that we are working with involuntary guys; that people have not really chosen freely to be with us.

Deputy J.M. Maçon:

If we just move on to the Family Court Advisory Service, can you tell us how has that service developed since its launch in 2010?

The Chief Probation Officer:

Yes, well it is coming along quite nicely, is the short answer. It was set up, both ourselves and the Children's Service, were providing the Courts with a private law service, so where couples were separating, divorcing, and could not agree on what should happen to the children, the Court were allocating to either a probation officer or a child care officer the resulting report, to look at the best interests of the child and to make recommendations to the Court about how to proceed. It might be a contact matter; it might be a residence matter, it might be a removal from the jurisdiction matter. For a long time, both Social Services and probation felt that we ought to have a dedicated team for this and following the Williamson report that became a reality and we got C.A.F.C.A.S.S. (Children and Family Court Advisory and Support Service), which was set up to look after that, what we call private law work. What had come along at the same time was the new Children Law and the Court found that in cases where the Minister was looking to remove a child or to detain a child for welfare reasons, so out of control for whatever reason, that they needed someone to

represent the interests of the child, and that because the Minister was moving to do a certain thing, to remove the child from the family for example, the Minister could not be said to be representing the child's best interests; that is ultimately for the Court to decide, so they wanted to appoint someone to do that. Initially, that was something that I do not think the officers who drafted the Law had thought about and the law was drafted without an explicit provision for these guardians being appointed, social work guardians being appointed.

Although in other ways the Law was drafted along very similar lines to the 1989 U.K. Children Act, but the court found that, none the less, guardians would be needed and initially the Judicial Greffe appointed guardians from the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children) in the U.K. who agreed to do it and then latterly when the N.S.P.C.C. withdrew they appointed from independent guardians in the U.K., randomly is the wrong word, but people who had been recommended. The Judicial Greffe were sort of quite unhappy at managing what was an independent social work service essentially and those are very time consuming and you can imagine very difficult pieces of work. They are not professionally qualified there to know what a good piece of guardian work would look like and so they asked if C.A.F.C.A.S.S. would take that work on and over the last few years we have done that and C.A.F.C.A.S.S. has largely absorbed that work internally and we now very rarely use external guardians to do work, we have trained our own staff to do that, so they do both the public law work and the private law work.

Deputy M. Tadier:

But the children are not given a lawyer over here, are they?

The Chief Probation Officer:

They are, in the majority of cases they are, there is no absolute requirements, although there is a judgment from the Deputy Bailiff, *re B*, which sets out the circumstances, and I think that says that, I am not a lawyer, but I think it says that there is no automatic right of a child to have a lawyer in those proceedings, but generally speaking, I am trying to recall when a child last did not have a lawyer in those sorts of proceedings.

Deputy M. Tadier:

They automatically have a guardian as well?

The Chief Probation Officer:

They will, yes, absolutely, and quite often the process is usually that the social work guardian is appointed and the guardian then approaches the Court and has a lawyer appointed for the child, because we are talking about removal from home, it is a big step.

Deputy J.M. Maçon:

Any further questions?

Deputy M. Tadier:

No, not really.

Deputy J.M. Maçon:

Unrestricted transfer of prisoners to the U.K., can you tell us what impact this has had on the work of the probation service?

The Chief Probation Officer:

That is going to be an incremental change; we have made it through the initial bulge, if you like, of requests from prisoners who were in the United Kingdom serving a sentence when the Minister changed his policy, were given the option of, should they stay restricted or should they move to unrestricted. If they had ties and family in the United Kingdom, because that is what that change in policy is about, it is about people returning and being dealt with in the place where they have the strongest ties. I think what it should do is mean overall less work for our service, probably not a huge amount less, I think it was calculated there were around 30 cases where people were likely to resettle in the U.K., but obviously, as time goes on, if someone, for example, comes into Jersey bringing a large quantity of drugs or something and is sentenced, they will be transferred out fairly quickly on an unrestricted basis and they will then be looked after by our colleagues in the U.K. and eligible for release under their terms, under their supervision, and we have no further involvement with that case.

Deputy M. Tadier:

Well there are 2 questions, one is to do with costs, but before we talk about that, how does the Court order work if it is then transferred to a different service? Presumably the sentencing must stay the same?

The Chief Probation Officer:

The sentence stays the same; the way the sentence is administered changes. It is quite complex and I have to sit down sometimes and look. Generally, in the past people were transferred on what was called a restricted basis, now that meant that they served 2/3 of their sentence and the final third, subject to good behaviour, they are released without any form of licence or supervision; that is the Jersey way; that is what we do with our prisoners. There are certain forms of early release for local prisoners, so they can start with community visits, they can start with community work, move on to working out, home leaves and so on, all those things can happen to local

prisoners, but there is no licence at the end of this; that is at the end of the 2/3 point. We encourage people to keep in touch with us voluntarily, and we have had some success with that.

The Connétable of St. Martin:

Do all those conditions start at the end of the 2/3 or prior to the end of the 2/3?

The Chief Probation Officer:

Prior to the 2/3, the working out, yes. At 2/3 they are out the door and they have no obligation to anybody and cannot be recalled. Now, under the U.K. system, depending on which jurisdiction they are transferred, but say they go to England and Wales, and England and Wales accept them on an unrestricted basis because they accept they have the family ties, their home is in England, from the halfway point they are eligible for release. The downside from the prisoners' point of view is that they are under supervision until the 3/4 point and they are eligible for recall back to custody until the end of sentence, so there are swings and roundabouts, but they get out earlier.

The Connétable of St. Martin:

If they behave.

The Chief Probation Officer:

Yes.

Deputy M. Tadier:

Do you think our system could, I mean it may be not your place to answer this, but could we do with a bit of that flexibility in our system?

The Chief Probation Officer:

I would be reluctant to introduce a post-custodial licence; I think we are getting the majority of those who want to work with us, some of the more dangerous people we supervise through the JMAP(?) process, so we do things to them in terms of monitoring and making sure we know what they are doing, but to engage with people in supervision, they at least have to half want to do it, and I am not sold on the benefits of compulsory post-custodial supervision.

Deputy M. Tadier:

Is there not a risk that those who do not want to engage will have a specific reason for that; they may be the ones that are more likely to reoffend?

The Chief Probation Officer:

But there is very little you could do about that I think. You know, you can try, and we do try to work with people who are in denial, and people deny for different reasons, either because of, it could be family reasons, it might be because it is just too shameful for them to admit to themselves what they have done.

Deputy M. Tadier:

Cost, how do the costs vary?

The Chief Probation Officer:

Now you would probably have to ask the prison governor that, but my understanding of this is that, if a prisoner requests transfer and they have family and ties in the other jurisdiction, there is no charge. The ones we pay for are people who transfer who are either Jersey prisoners, who will be returning to Jersey, and we have transferred them for a specific sort of treatment reason, for example a sex offender treatment programme or something like that, or good order and discipline cases, we pay for those. But you would probably need to check with the prisoner governor, but that is my understanding of the situation.

Deputy M. Tadier:

But it is more cost-effective for those prisoners who want to go?

The Chief Probation Officer:

Absolutely. I do have to say, we put a lot of time and effort into resettling prisoners in Jersey who have had no ties with the Island other than being arrested on arrival. They make friends while they are here, they have seen better employment opportunities, certainly in the past locally, and they resettled in our community. I think the Minister probably took a view that was maybe less than ideal.

Deputy J.M. Maçon:

Just before we wind up, can I just ask if there is any impact from language issues when customers enter your service?

The Chief Probation Officer:

Yes. I think, for some time we have had, and it is funded through the B.A.S.S. strategy, a Portuguese speaking specialism within the service and we currently have an officer, and we have had for a long time, an officer who is bilingual, English and Portuguese. We review it from time to time, but funnily enough the board asked me in 2012, because they were concerned that maybe we should be providing a similar service in another language, and the need was not really there.

Portuguese is still needed, I have to say, that is not because they are particularly delinquent, it is just the proportion-wise, and it is also about offering people the language they are more comfortable with, you know, we talk about quite sophisticated concepts and although someone might have good everyday English they may not have the technical English or just be relaxed enough to engage in English, they prefer to do that in their native tongue. The numbers of others turned out to be too small to provide any dedicated service, but we do, we have a contract with The Big Word, telephone interpreting service, and that I fear to say, I think there have been some ups and downs with that contract, but it is a lot better than pulling people off the street, which is what we were doing before, and not being sure whether they were accurate or not. What we do know with The Big Word is that the quality has been very good. Sometimes the difficulty has been people getting a connection or sort of technical type responses, but it is something we do keep under review.

Deputy J.M. Maçon:

Thank you. Do you have any final questions?

The Connétable of St. Martin:

No, thank you.

Deputy M. Tadier:

I have just one to do with the last page of the covering report, page 7. You say it is always a challenge to find officers with the right qualifications, experience and attitude. Why are there challenges surrounding these appointments and what could we do to facilitate that?

The Chief Probation Officer:

Yes, I think generally it is difficult to ... you are much more exposed as a practitioner in Jersey than you are in a larger place and I think the Courts in Jersey have very high expectations, and quite rightly. We have a local trainee scheme; I benefited from that back in 1983, and I have been determined through my time as Chief that we maintain some form of training scheme. We currently have 2 trainee probation officers, one of whom is waiting for the next vacancy to arrive; there is not, if you like, a planned vacancy. It has to be said, you were talking before about the impact of the C.S.R., and I think the cuts before the C.S.R. meant that we lost our dedicated funding for training probation officers; we now offer those in-house, so to existing staff members, and I think if no-one was interested in progressing through and training through and we had to recruit outside, that might be financially quite challenging. But, as I say, we remain committed to recruiting and training locally wherever possible.

Deputy M. Tadier:

What did you mean by the high expectations of the Court?

The Chief Probation Officer:

I think sometimes that people who join us from outside the of the Island, I think the bar is higher professionally speaking in Jersey; they expect analysis, they expect thoroughness, they expect detailed inquiries, and that closeness, if you like, and that sort of personal accountability is not something that always sits well with people from outside the jurisdiction.

Deputy M. Tadier:

Is that a problem with recruitment or in maintaining, or does it mean there is a preference for not taking people from outside in the first place?

The Chief Probation Officer:

I think, wherever possible, it is always good to train your own anyway, and we provide an unusual and rewarding career for local people and I think that is a good thing, so wherever possible it is good to recruit internally. We have had some excellent staff from outside and we have 2 officers with us who have both worked for London probation in the past, for example, but their comments were similar to what I have just said, that, although they were very, very busy in their previous employment, and they had a lot going on, they felt they were much more visible in Jersey and people knew who they were, the Courts knew who they were by name, and had that high expectation in terms of both the assessment and the analysis and their work afterwards.

Deputy M. Tadier:

Thanks.

Deputy J.M. Maçon:

Just before I draw this session to a close, just to offer you the opportunity if there is anything you feel that you would like to say on the public record, anything which you would like to draw our attention to, anything perhaps you feel you would just like to flesh out a bit more, I would just like to give you the opportunity now.

The Chief Probation Officer:

All right, It is difficult to know where to start without giving you a lecture on the probation and after care service in 2013. No, I think you have asked some very pertinent questions about the work of the service. I am just looking at my scribbled notes. I mean you will see from the report that there are a number of areas where we have not made the progress that we would like, for example the mutual recognition of community orders, there is an E.U. (European Union) framework directive,

which allows probation orders from one E.U. jurisdiction to be recognised in another, a bit like the unrestricted transfer we were talking about. Now at the moment there is a voluntary arrangement between the British jurisdictions, so the Jersey probationer, and a Jersey probationer will require permission to move to England from ourselves, if we give them that permission a U.K. service will supervise on our behalf. A U.K. probationer, they do not call them probationers anymore, but people on community sentences in other jurisdictions, do not require permission to come to Jersey, they just have to inform their supervising officer that they are off, and they are here, but we will pick up, if they ask us, we will pick up the supervision and supervise those people.

Deputy M. Tadier:

Does that information get passed on?

The Chief Probation Officer:

Generally, supervising officers are very good where someone has said, "I am moving to Jersey", they will give us a ring and say, "Would you pick up supervision for us?" but it is only ever a voluntary arrangement.

Deputy M. Tadier:

Yes, you have no legal ...

The Chief Probation Officer:

We have no legal power; we cannot stop them coming, no matter how undesirable they might be, or how high risk.

Deputy M. Tadier:

What about the police; do they have special powers to monitor them?

The Chief Probation Officer:

The police can monitor, yes, absolutely.

The Connétable of St. Martin:

Would they not be breaching their sentence in the U.K.?

The Chief Probation Officer:

No; there is no power under a U.K. community order to prevent people from travelling out of the U.K.

Deputy M. Tadier:

Even less for any other jurisdiction.

The Chief Probation Officer:

Yes, that is right. So that mutual recognition under the E.U. framework is something we would really like to progress. We thought we were there, as you can see, in 2012, but there were obviously other legislative priorities, and I understand that England is delaying the implementation of the framework agreement full-stop for other reasons, so it might be some time, but we are hoping, the three Crown dependencies worked together, showing a united front on it, with the model, so we have the model, we think it will work, it is just finding the legislative slot. But it obviously requires the U.K. to legislate first and to ensure that their legislation incorporates a phrase about the Crown dependencies to allow us to do that.

Deputy J.M. Maçon:

Then, as I draw this session to a close, may I, on behalf of the Panel, simply wish to express to you and your whole service our thanks for the work that you and your colleagues do on behalf of Islanders and we hope that will be fed back in due course.

The Chief Probation Officer:

I will do, thank you very much.

Deputy J.M. Maçon:

Thank you very much. I would like to close the hearing.