

I am in receipt of the decision from the AG's office which states that the decision to place [REDACTED] at Greenfields will not now be challenged in the Court. This decision has been made because of the arrangements which have now been made for [REDACTED] namely a placement at [REDACTED] secure unit in [REDACTED].

Whilst understanding that the issue with [REDACTED] has been resolved, we are still left with the issues surrounding the original judgement. I have discussed this with Marnie and Tony and we believe that the judgement still needs to be challenged. If this is not done, we will still be in a situation where this could happen again and the issues which arose from this incident would still apply. Our concerns were considerable and are highlighted below as explained to our Minister:

i) Greenfields currently has in its care a young person whose legal status is unclear. He is a sentenced prisoner in a remand/welfare setting. Whilst appropriate care arrangements will continue as before, the authority of staff and managers to have care of him, and to act in response to any challenges or event is compromised. Staff unions have expressed disquiet about the implications of their members having care of a sentenced prisoner when their terms and conditions are that of care staff, not prison officers. A meeting took place today between Greenfields management, HR and union officials, and this situation is being contained. I am happy to report that on a day to day basis staff remain committed to ensuring that [REDACTED] is well cared for.

ii) Greenfields now has a mix of residents on remand and sentenced. Legal advice taken some time ago on the future use of Greenfields has indicated that establishing Greenfields as a unit where youths can serve a sentence is certainly not simply a matter of the HA Minister designating it as such. A move to house sentenced with remanded individuals and/or welfare placements in the one unit will, amongst other care and managements concerns, be in contravention of the UNCRC.

iii) A secure accommodation order application for a female is shortly to be made to the court, which, if granted, will potentially see that female placed at Greenfields with sentenced sexual offender [REDACTED]. The court to be apprised of this at the time of the hearing if [REDACTED] has not been moved by then. This illustrates well how the presence of [REDACTED] as a sentenced prisoner has the potential to compromise our ability to take the right action for other individuals.

iv) The YOI had full information about [REDACTED] before his case came to court, and had put in place appropriate arrangements to meet his welfare and other needs. Had [REDACTED] gone direct to the YOI arrangements would immediately have been put in place to secure his transfer to a UK unit. In normal circumstances, once sentence is passed the individual becomes the responsibility of the Prison Governor, who has the authority to arrange transfer to the UK or elsewhere in appropriate cases. As things stand, it is unclear who has the formal responsibility and power to arrange transfer for [REDACTED] - not the Prison Governor, as [REDACTED] has not been handed to him. H&SS does not have the power to transfer prisoners. [REDACTED] social worker has had discussion with the Youth Justice Board to identify an appropriate placement. A [REDACTED] based unit, close to where [REDACTED] can hopefully in a matter of days, and the local Youth Offending Team have agreed to oversee the placement. Discussions with the Prison Governor have taken place to find a pragmatic solution to the difficulties caused by the Court's decision in respect of getting the necessary approval from the Secretary of State for an inter-jurisdictional transfer.

v) In answer to [REDACTED] query about the part played by the Secretary of State, he does not have jurisdiction over arrangements for youth detention in Jersey. Youths of 15 are legitimately sentenced to the YOI at present, though thankfully rarely. The issue in this case is the length of sentence, which necessitates a more appropriate setting than La Moye YOI, where specialist interventions can be made available.

vi) Finally and most importantly the SG's advice indicates that there is a danger that if the decision to place a sentenced individual at Greenfields was to remain unchallenged, there is a real risk that it would be used as a precedent by defence advocates to seek to place further unsuitable young people at Greenfields. This would compromise the CPG Ministers' ability to make policy decisions and propose legislation in a reasoned way, in the context of the Youth Justice element of the Children's Plan.

I hope you understand that given the above facts, it is essential that this is challenged in order that I can be clear with the Greenfield staff should this matter raise its head again.

We are, of course, happy to discuss if you so wish.

Regards

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