

Annex 1

Updated list of all places of deprivation of liberty

01. The quarters at the Special Assignment Group Complex, Ta' Kandja limits of Siggiewi
Listed as place of detention for the purposes of the Immigration Act
02. The approved place of Police Custody at the Victoria Police Station, Gozo
Listed as place of detention for the purposes of the Immigration Act and declared to be a place of detention for the purposes of the Criminal Code
03. The lock up in the building housing the Courts of Justice at Valletta
Listed as place of detention for the purposes of the Immigration Act and declared to be a prison for the purposes of the Prisons Act and declared to be a place of detention for the purposes of the Criminal Code
04. The lock up at the Police General Headquarters at Floriana
Listed as place of detention for the purposes of the Immigration Act, declared to be a prison for the purposes of the Prisons Act and also declared to be a place of detention for the purposes of the Criminal Code
05. The approved place of Police Custody at the Malta International Airport
Listed as place of detention for the purposes of the Immigration Act
06. The approved place of Police Custody at the Seaport, Valletta
Listed as place of detention for the purposes of the Immigration Act – such place is no longer used; any inadmissible person is kept aboard the vessel concerned
07. The approved place at Lyster Barracks, Hal Far
Listed as place of detention for the purposes of the Immigration Act
08. The approved place of the Police Complex at Fort Mosta, Mosta
Listed as place of detention for the purposes of the Immigration Act – such place is no longer used: this was so declared for emergency situations only
09. The Hal-Far immigration Reception Centre
Listed as place of detention for the purposes of the Immigration Act
10. The approved place at the Safi Barracks, Safi
Listed as place of detention for the purposes of the Immigration Act
11. The Police Headquarters at Floriana
Declared to be a prison for the purposes of the Prisons Act
12. The lock-up at Paola Police Station
Declared to be a prison for the purposes of the Prisons Act
13. St Michael Ward at St Luke's Hospital in Guardamangia
Declared to be a prison for the purposes of the Prisons Act
14. The former Primary School at Mtahleb
Declared to be a prison for the purposes of the Prisons Act
15. Ward 10 at Mount Carmel Hospital
Declared to be a prison for the purposes of the Prisons Act – such place has been renamed 'Forensic Ward' and falls under the direct responsibility of the Director of the Correctional Services
16. The Centre for inadmissible travellers at the Malta International Airport

17. St Patrick's Home, Sliema
Boys' residential home – classified as a residential home for children under a care order, court order or in voluntary care
18. St Joseph Home, Santa Venera
Boys' residential home – classified as a residential home for children under a care order, court order or in voluntary care
19. Fejda, Santa Venera
Girls' residential home – classified as a residential home for children under a care order, court order or in voluntary care
20. St Jeanne Antide, Santa Venera
Girls' residential home – classified as a residential home for children under a care order, court order or in voluntary care
21. Angela House, Gwardamangia
Children's home (Mixed) (3-9yrs) – classified as a residential home for children under a care order, court order or in voluntary care
22. Fra Diegu Home, Hamrun
Children's home (Mixed) (3-9yrs) – classified as a residential home for children under a care order, court order or in voluntary care
23. St Rita Home, Tarxien
Children's home (Mixed) (3-9yrs) – classified as a residential home for children under a care order, court order or in voluntary care
24. Ursuline Home (Piccola Casa di San Giuseppe), Valletta
Children's home (Mixed) (3-9yrs) – classified as a residential home for children under a care order, court order or in voluntary care
25. Dar San Guzepp, Zabbar
Children's home (Mixed) (3-9yrs) – classified as a residential home for children under a care order, court order or in voluntary care
26. Dar Sagra Familja, Zabbar
Children's home (Mixed) (3-9yrs) – classified as a residential home for children under a care order, court order or in voluntary care
27. Dar Santa Tereza, Zurrieq
Children's home (Mixed) (3-9yrs) – classified as a residential home for children under a care order, court order or in voluntary care
28. Ursuline Creche, Sliema
Children's home (Mixed) (0-3yrs) – classified as a residential home for children under a care order, court order or in voluntary care
29. YMCA, Valletta
Residential Placement for Adolescents – classified as a residential home for children under a care order, court order or in voluntary care
30. Dar Teresa Spinelli, Valletta
Residential Placement for Adolescents – classified as a residential home for children under a care order, court order or in voluntary care. Such home is primarily for adults who require a shelter, however it also offers residential care to adolescents who are either under a care order, court order or are admitted voluntarily.

Annex 2a

Conservatorio Vincenzo Bugeja

DAR FEJDA U DAR JEANNE ANTIDE

Regoli ghar-Residenti

MERHBA

Nilqawk maghna f' din id-Dar.

Nifhmu li ghalik dan jista jkun zmien difficli f'hajtek u wkoll ta'ugieh f'qalbek. Forsi ta' biza ghax se tintaqa ma nies godda go post gdid u b'hajja differenti u drawwiet strambi. Dan nifmuh u minn naha taghna nixtiequ nghidulek li lesti li naghmlu dak kollu li nistghu biex int thossok milqugha u komda fostna u li malajr thossok wahda minnha.

Sabiex tifhem ahjar dawn id-djar , ser naghtuk xi informazzjoni dwar min jahdem hawn.

1. HOMES DIRECTOR

Nibdew biex naghtuk xi informazzjoni dwar ir-rwol tal-Homes Director.

Il-Homes Director hija mpjegata tal-Board of Management li huma responsabbli ghat-tmexxija kompleta tad-djar.

Bl-ghajjnuna tar-Residential Social Workers, u l-Care Workers. Id-Director tiehu hsieb l-amministrazzjoni, id-dixxiplina u il-bzonnijiet ta' kuljum, kemm tad-djar u kif ukoll tieghek. Xoghol iehor li taghmel hu li tiehu hsieb tal-htigijiet l-ohra tieghek bhal affarjiet ta' sahha u medicini, l-iskola u l-ilbies, affarjiet ghal-uzu personali tieghek u anke tal- 'pocket money' tieghek (jekk int ma tahdimx)

Il-Homes Director tiehu hsieb ukoll tat-training tal-carers biex jahdmu tajjeb mar-residenti bhalek

2. RESIDENTIAL SOCIAL WORKER

Ir-responsabbilta tad-dar partikolari taqa' fuq ir-**Residential Social Worker**. Din is-Social Worker tiehu hsieb generali tieghek u ta' l-attivitajiet tar-residenti, bhal outings, sports, courses, etc.

Hija tiehu hsieb ir-Residenti tad-dar tieghekk, minn meta jidghlu f' din id-dar. Din tghinek f'xi problemi li ghandek jew li ghaddejja minnhom: fl-iskola, fuq ix-xoghol, fil-hajja tieghek, mal-familja, u anke li tiltaqa maghhom hawnhekk. Din is-Social Worker ser tisinghek, tifmek, kif ukoll tighnek biex flimkien tersqu lejn hajja kuntenta u kalma (fejn hu possibli) biex ittejjeb u ssolvi xi problemi jew affarjiet li qeghdin idejquk. Flimkien mieghek tahdmu biex taghmlu "Care Plan" ghalik.

Din issir ukoll mal-Field Social Worker li kellek qabel ma dhalt f' din id-dar u mal-familja tieghek.

3. HOMES PROGRAMME CO-ORDINATOR

1) **Il- Homes Programme Co-Ordinator** mar-Residential Social Worker qieghda biex issir taf x'ghandek bzonn u int x'tixtieq..

2) Din responsabbli biex t-organizza l-attivitajiet sportivi u attivitajiet ohra ta' barra il-Konservatorio.

Meta ma ikunhemmx skola, Il-Homes Programme Co-Ordinator tista wkoll tuza parti minn il-hin ta *Study time* biex xi residenti jghamlu xi training fil-Gym.

3) Mal-Carers tieghu hsib li l-*outings* u li l-okkazjonijiet specjali l-issiru skond ir-regolamenti.....u taghti konsekwenzi ghal xi nuqqasijiet.

.4) Mar-Residential Social Worker tohrog ir-roster ghall weekend leave, *pocket money* u *petty cash* ghad-detergents/sapun etc.tieghek.

5) Id-dahhal sens ta' responsabbilta u dixxiplina fir-residenti.

4. SENIOR CARE WORKER U CARERS.

.F-rwol iehor ferm importanti ssib ukoll il-Carers.

Dawn huma nisa li jqattghu hafna hin mieghek fid-djar kemm maghtul il-jum kif ukoll bil-lejl. Dejjem ikun hemm zewg Carers matul il-gurnata fil-waqt li wara nofs in-nhar ikun hemm tlieta jew izjed.

Dawn jippreparaw l-ikel ta' kuljum u jghinukhom tippreparaw l-ikel ta' fil-ghaxija.

Jekk tkun ma tiflahx, dawn jaraw li jgiebulek it-tabib jekk ikun hemm bzonn jew jiehdok il-polyclinic.

Jekk ikun qed isir xi '*bullying*' fuqek minn haddiehor, ghandek tgharraf lil-Carer mill-ewwel u mill-aktar fis. Din taghmel minn kollox biex tiproteggik.

Jekk ikollok xi nuqqas ta' qbil jew xi konflitt ma' xi carer u ma tafx kif se taghmel biex is-solviha wahdek, tista tkellem lir- Residential Social Worker jew lil Homes Director. Dawn jghinuk biex issolvi il-problema tieghek.

L-Ghan tal-Programm gewwa Dar Jeanne Antide u Fejda

Il-Programm go dawn id-djar ghandu 'l-skop li jsahhek permezz ta' programm personalizzat u professjonali li jikkonsisti f'pariri sew ghal kull individwu, grupp jew familja, kif ukoll ghajnuna ntensiva minn Social Workers fi hdan ambjent ta' kura.

L-ghanijiet laharija ta' dan il-programm huma li jghinuk tikseb il-hilit personali u socjali tieghek biex imbghad jghinuk tintegra ruhek tajjed lura fil-familja tieghek, meta jkun possibli jew biex int tkun tista tghix ghal rasek u tikkontribwixxi posittivament fis-socjeta'.

KUNFIDENZJALITA:

Li nzommu l-kunfidenzjalita' hija haga ewlenija fis-servizz taghna.

Ir-Residential Social Worker tispjegalek dan fid-dettal, fl-ewwel laqgha mieghek.

Tista tafda lir-Residential Social Worker f'kollox ghax dak kollu li ser tghidilha mhux ser jinghad lil hadd.

Izda jekk dak li int tghidilha juri li ser twegga lilek innifsek jew lil haddiehor, din il-kunfidenzjalita ma' tistghax tinzamm, sabiex tipprotegi lilek stess jew lil-haddiehor. Dan jghin biex noholqu ambjent san, li jkun jista' jinkoraggik biex titkellem fil-miftuf. Inti ghandek id-dritt li tistenna li d-dettalji personali u intimi dwar hajtek ma jigux zvelati indiskriminalment.

L-informazzjoni tista tigi maghrufa minn Jaddiehor meta jkun hemm raguni professjonali soda ghaliex dan ghandu jsir.

Il-kxif t'informazzjoni kunfidenzjali dwarek hija materja serja hafna. Inti mhegga li titkellem dwar l-affarijiet personali tieghek mal-Counsellor, il-psikologa jew terapista, il-Homes Director, is-Social Worker Residenzjali jew: il-Field Social Worker ta' l-Appogg.

Inti mhegga tittratta informazzjoni sensitiva dwarek b'rispett.

Inti ghandek id-dritt li tkun infurmata dwar metodi kif l-informazzjoni hija mizmuma u min jista' jkollu access ghal din l-informazzjoni u taht liema cirkustanzi.

Kultant ikun necessarju li l-Homes Director jew ir-Residential Social Worker ikollhom l-obbligu legali li jghaddu xi informazzjoni lil Agenzija ohra.

Meta jkun possibli, il-permess tieghek, jigi mitlub. Inkella inti tigi nfurmata u jkun hemm il-htiega li tigi spjegata lilek ghaliex din l-informazzjoni giet moghtija.

Informazzjoni personali dokumentata fir-registri personali tar-residenti ma tistax tigi moghtija lill- Pulizija jew lil xi awtorita' civili minghajr il-kunsens bil-miktub mill-Homes Director.

Il-karti dwar sahtek u il-karta tar-referral tat-tobba huma mizmumin go registru separat fil-kamra tal-Carer.

Il-file personali tieghek u informazzjoni personali ohra huma mizmuma fl-Ufficju tar-Residential Social Worker. Access ghal dawn il-files minn membri ohra ta' l-istaff ghandu jigi awtorizzat mill-Homes Director.

Access tieghek ghad-dokumenti personali:

l-programm tad-dar jaghtik id-dritt li tkun taf x'hemm miktub dwarek fid-dokumenti personali li huma mizmumin mir-Residential Social Worker u mir-records li jinzammu fil-logbook.

Access ghad-dokument personali huwa possibli wara preparazzjoni adegwata mir-Residential Social Worker jew minn xi professjonist tal-fiducja tieghek.

Meta inti titlob informazzjoni personali li tkun dokumentata, inti trid taghmel talba formali lil Homes Director.

F'cirkostanzi eccezzjonali certi prekawzjonijit ikunu mehtiega:

Informazzjoni dwar xi persuna ohra ma tistax tinghata lilek minghajr il-kunsens ta' dik il-persuna.

Informazzjoni li tigi konfidenzjalment minn xi persuna ohra ma tistax tigi zvelata ming]ajr il-kunsens ta' dik il-persuna l-ohra.

DRITTIJET TAR-RESIDENTI

Fid-Dar Fejda u id-Dar Jeanne Antide, id-drittijiet tieghek huma rrispettati.

Dawn id-drittijiet jinkludu dan li gej:

1. Id-dritt li kemm id-dinjita', kif ukoll l-individwalita' tieghek, jigu accettati.
2. Id-dritt li tinghata pjan ta' trattament individwali.
3. Id-dritt li jigu rrispettati u accettati il-kultura, ir-religjon u l-emozzjonijiet tieghek.
4. Id-dritt li tigi kkonsultata dwar xi deci\jonijiet li jistghu jaffettwawlek il-hajja tieghek ta' kuljum.
5. Id-dritt ta' l-indipendenza personali, l-ghazla personali u r-responsabilita' personali ghall-azzjonijiet tieghek.
6. Id-dritt ghall-privatezza tieghek; ghalik innifsek u ghall-affarijiet personali tieghek.
7. Id-dritt ghall-edukazzjoni u informazzjoni mehtiega ghall-bzonnijiet personali tieghek.
8. Id-dritt ghall-access, taht supervizjoni ghal dokumenti b'informazzjoni dwarek li jkunu mizmuma god-djar taghna, u li fihom ikun hemm xi informazzjoni dwarek.
9. Dan jaqbel mal-procedura ta' l-Agenzija Appogg dwar l-access ghad-dokumenti.
10. Id-dritt li jigu kkunsidrati l-ilmenti li jista' jkollok kif huma stabbiliti l-proceduri.
11. Id-dritt ghal uzu ta-mobile jigi moghti lilek skond il-Care Plan tieghek mir-Residential Social Worker..

Meta jsir il-process tad-decizjonijiet, tinghata attenzjoni biex int tigi moghtija responsabbiltajiet konsistenti ma' l-eta' u mal-livell ta' kemm int tkun tifhem.

DMIRIJET TAR-RESIDENTI

Fil-waqt li d-drittijiet taghkom bhala residenti jigu mharsin, ghandkom id-dmirijiet li tosservaw bir-reqqa ir-regoli tad-dar li tkunu qeghdin tghixu fija.

Biex tghix ma' haddiehor go dar, huwa mportanti tkun taf minn qabel x'inhuma r-regoli tal-hajja flimkien. Hekk l-esperjenza tista tkun ta' gid ghalik mhux biss issa, izda wkoll fil-futur. Fil-hajja r-rispett ghal haddiehor hija mportanti hafna u fuqa nibnu s-sliem u l-hena.

Ghalhekk fid-djar taghna mhux perness:

- 1). Ghajjat u kliem mhux xieraq, dagha u tghajjir baxx;
- 2). Glied u bullying, kondotta vjolenti u tfih ta' xi haga lejn haddiehor:
- 3). Tattoos u body piercing;
- 4). Vandalizmu ta' equipment bhal TV, radio, siggijiet, mobbli, hgieg, etc:
- 5). Dhul fil-programmi tat-TV jew computer, jew radio jew washing machine waqt ikunu jigu uzati minn-haddiehor:
- 6). Muzika tghajjat wara hin ta' l-irqad:
- 7). L-ilbies indecenti jew trasparenti, jew giri fid-dar bla hwejjeg.
Mhux xieraq tohrog barra fit-triq bid-dublett qasir hafna jew "top" qasir hafna, li jaghti impressjoni hazina tieghek:
- 8) Heavy make up mhux permezz.
- 9). Posters indecenti.
- 10) Abbuz sesswali fuq l-ohrajn, loghob tal-idejn, anke bic-cajt;
- 11). Tipjip mhux perness fid-djar taghna, izda dawk ta' 17 il-sena l-fuq jistghu jpejpu fil-gnien bil-perness tal-Carer.
- 12). Ix-xorb tal-alkohol fid-dar jeww barra mid-dar:
- 13). Armi bhal sikkina, sejf jew mus fil-kmamar:
- 14). Id-droga hija sustanza illegali ghalhekk tittiehed dixxiplina serja fuq dawn l-azzjonijiet.

DIXXIPLINA

Dixxiplina fid-djar:

Importanti tkun taf, li gewwa d-djar taghna nuzaw sistema ta'

"REWARDS" u "KONSEGWENZI".

Dan ifisser li mgieba tajba tigi p-premjata bir-"**REWARD**" u ghal-imgieba hazina ikun hemm "**KONSEGWENZA**".

B'din is-sistema inti titghallem tkun responsabbli ta' l-imgieba tieghek kemm gewwa d-Dar kif ukoll barra id-Dar, kemm issa kif ukoll fil-gejjieni.

Jekk thoss li xi konsegwena ma' tkunx f-loka, tista ssaqsi lis-Social Worker biex din tigi diskussa mal-Homes Director.

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Indafa generali tad-djar:

Hadd ma jiehu pjacir jghix fil-hmieġ jew ma nies mahmugin. Ir-residenti kollha huma responsabbli li jzommu d-dar kif ukoll il-kmamar tagħhom nodfa. Kulhadd mistenni li jghin fit-tindif. Ix-xogħol jitqassam ugwalment bejn ir-residenti kollha. Biex nizguraw dan, tezisti “roster” li juri kif ix-xogħol kuljum jiġi mqassam. Int gentilment mitluba li tikkoopera ma’ l-ohrajn.

Ir-responsabbiltà biex il-post jinzamm tajjeb, u ta’ kuljum taqa’ fuqek u fuq ir-residenti l-ohra kollha taht il-harsien u s-supervizjoni ta’ dawk li jahdmu hawnhekk.

Kmamar tas-sodda:

Wiehed jifhem il-]tie[a tal-privatezza u l-ispazju tieg]ek. G]al dan il-g]an, kull meta possibli, inti jkollok il-kamra tas-sodda tieg]ek.

Biex int tag]mel il-kamra tas-sodda tieg]ek veru tieg]ek, int im]e[[a [[ib l-affarijiet personali tieg]ek biex i\\ejjen kamartek.

Int mistennija [\omm](#) il-kamra tas-sodda tieg]ek dejjem nadifa u kollox f’postu kull Jin.

Kull fil-ghaxija jsiru ‘room checks’ mil-carers on duty u jiġi mmarkat fuq charts għat-apposta kif qedt tinzamm il-kamra ta’ kull residenta.

Minn \mien g]all-ie]or, isiru spezzjonijiet fil-pre\enza tieg]ek mis-social worker u anke mill-Homes Director.

Hadd ma ghandu permezz jidhol fil-kmamar ta’ xulxin.

Sahha Fizika:

Is-sahha ta’ kull residenta tinghata importanza kbira fid-djar tagħna u għalhekk meta inti tigi għall-ewwel darba, jrid issirlek esami mediku mit-tabib. Importanti li nkunu nafu l-mard kollu li int kellek qabel ma gejt għandna.

Waqt li qeghda hawn f-wahda mid-djar tagħna, jekk thossok hazin, inti mitluba tavza lil-Carer malajr biex jingieb it-tabib

Hemm formoli għat-apposta li jintlew u jigu ffirmati minnek jekk int tirrifjuta l-ghajnuna u l-medikamenti mehtiega

Tinhasel ta’ kuljum izommok f-sahhtek. L-indafa fl-ilbies u x-xagħar isebbah.

L-uzu tat-telefon:

Inti tigi mogħtija 5 euros easyline card jew mobile card fix-xahar u mitluba li tuzaha bil-ghaqal Mhijiex prudenza l’ il-linja tinzamm okkupata għal hin twil minn persuna wahda, speċjalment meta jkun hemm residenti ohra jistennew biex icemplu. B’rispett lejn haddiehor, inti mitluba li t-telefonati jinzammu qosra kemm jista jkun u jsiru għal-bzonn. Il-hin li wahda tista tagħmel u tircievi telefonati huwa bejn is-6.00pm u 8.00pm ta’ fil-ghaxija.

L-uzu tat-Television u r-Radio:

It-TV u r-Radio jistghu jintuzaw mill-10.00am fil-weekends u mis-6.00pm matul il-gimgha. Il-volum tat-Television u tar_Radio ghandu dejjem jinzamm moderat u bejn is-2.00pm u 4.00pm ta' wara nofs inhar, jinzamm baxx. Ir-radju u TV jintefa waqt l-ikel bejn is-1.00pm u 3.00pm u fil-ghaxija fl-10.45pm.

L-Iskola:

Il-Ligi ta' Malta titlob li kulhadd sa' 16 il-sena imur l-iskola kuljum. Residenti li ghadhom jattendu l-iskola ma jistghux jiskartaw u ghandom ifallu biss meta jkunu morda.

Il-Carer on duty ic-cempel lil-iskola tar-residenta mill-aktar fis biex tinfumhom bil kaz.

Hinjiet tal-Ikel:

Il-hinjiet ta' l-ikel ghandhom jigu mharsa minn kulhadd, ghax l-ikel flimkien ma' l-ohrajn hi haga sabiha u z-zid l-ghaqda bejn ir-residenti.

Jekk xi residenta, ghal-raguni jew ohra, ma tistax tigi fil-hin, hija resposabbilta taghha li tinforma lil-Carer on duty kmieni biex l-ikel jinzamm shun.

Preparazzjoni ta' l-ikel:

It-tisjir huwa kkunsidrat bhala taghlim u xoghol importanti hafna fir-rutina ta' kuljum fid-djar Fejda u Jeanne Antide.

Int u r-residenti l-ohra kollha flimkien ma' dawk li jiehdus hseibkom jippreparaw Menu kull gimgha.

Meta int ikun imissek issajjar, int trid tara mal-Carer li jkollok l-ingredjenti kollha necessarji ghall-ikla ta' dak in-nhar.

Int, flimkien ma' dawk li jiehdus hseibkom li jkunu xoghol tridu tippreparaw l-ikel ghall-grupp kollu.

L-ikel irid ikun lest u jisserva bejn is-7p.m. u s-7.30p.m.

Int, ir-residenti l-ohra u dawk li jiehdus hseibkom, ghandkom tieklu kollha flimkien.

Il-mejda trid tigi armata sew minnek bl-ghajnuna u taht is-supervizjoni ta' dawk li jiehdus hseibkom.

Huwa mportanti li tifhem li jekk inti tonqos mir-responsabbiltajiet tieghek biex jithejja l-ikel, ir-residenti l-ohra, jibqghu minghajr ikel.

Jinghata biss 'snack' minflok l-ikla ppjanata.

Meta jkun imissek tipprepara l-ikla, ikun id-dover tieghek li tqassam l-ikel mal-Carer lir-residenti l-ohra.

Meta jkun imissek tipprepara l-ikla, int ghandek tnaddaf il-cooker.

Ir-residenti l-ohra, flimkien ma' dawk li jiehdus hsiebkom huma responsabbli li jnaddfu l-kcina/kamrau il-mejda ta' l-ikel.

Ghar-ragunijiet ta' sahha, l-ikel li jibqa irid jigi merfugh tajjeb fil-fridge/freezer minghajr dewmien.

Ir-residenti li jippreparaw l-ikel flimkien ma' l-Carer ghandhom jaqsmu din ir-responsabbilta'.

Id-dustbin ghandhu jigi mbattal u mahrug barra kuljum fl-4 p.m. mir-residenti bl-ghajnuna tal-Carers li jkunx xoghol.

Zjarat mill-qraba:

Iz-zjarat mill-qraba u l-hbieb ghandhom isiru bil-permess u skond kif kien gie deciz mar-Residential Social Worker.

Il-post ghaz-zjarat mar-residenti huwa barra mill-kwartieri tar-residenti fin-naha ta' l-intrata u meta jkun temp sabih anke fil-gnien.

Hadd ma' jista jidhol izjed il-gewwa tad-dar, minghajr il-permezz tal-Homes Director.

Il-Hinijiet tal-viziti huwa bejn is-7 p.m. u t-8 p.m. kull nhar ta' Tlieta u nhar ta' gimgja. Kulhadd huwa mheggeg josserva dawn il-hinijiet.

Meta dawn il-hinijiet normali ma jkunux jistghu jigu mizmuma, ghandhom isiru arrangamenti ohra mas-Residential Social Worker.

Laqghat ghar-residenti

Il-laqghat tar-residenti jaghtuk l-opportunita' u l-ispazju biex int ikollok sehem kif jitmexxa ta' kuljum il-programm.

Il-laqghat mieghek u mal-kumpliment tar-residenti isiru kull gimgha f'hin konvenjenti ghal kulhadd.

Fil-prezent, ir-Residents' Meeting ta' Dar Jeanne Antide isiru nhar ta' Tnejn fit-3.30pm u r-Residents' Meeting ta' Dar Fejda jsir nhar ta' Tlieta fit-3.30pm. Waqt il-vaganzi tas-sajf dawn il-laqghat isiru aktar kmieni.

L-agenda titfassal minnek, is-Senior Care Worker u ir-Residential Social Worker..

Il-punti jistghu jinkludu t-tfassil tal-menu, regoli, hrug tal-grupp, xi risoluzzjonijiet dwar kunflitti, xi problemi migjuba mill-arers u t-tmexxija ta' kuljum tal-programm.

Int imhegga tippartecipa attivament u pozitivament ghal dawn il-laqghat.

Dawn il-laqghat, li jkunx mmexxija mis-Residential Social Worker, huma obligatorji. Biex wahda ma tattendiex ghal-din il-laqgha jrid ikun hemm raguni valida.

Il-Homes Director/Residential Social Worker ghandha titkellem privatament ma' dawk ir-residenti li jirrifjutaw li jattendu ghall-laqghat.

L-affarijiet personali tar-residenti:

Inti kont imhegga ggib mieghek l-affarijiet personali tieghek meta kont sa' tidhol fid-Djar fuq bazi residenzjali.

L-affarijiet personali tieghek ikunu trattati b'kura u rispett u dettalji ta' hwejjeg ta' valur jig u mnizzla fuq formola apposta u int u ir-Residential Social Worker tiffirmaw ghaliehom.

Mhux permess li tislef l-affarijiet personali tieghek lir-residenti l-ohra ghax dawn l-affarijiet jistghu ma jigux rispettati kif ghandu jkun. u g]ax din tista' tkun ta' periklu ghas-sahha

Affarijiet jaqtghu u bil-ponta bhal skieken, xfafar jew oggetti ohra li jistghu ikunu perikoluzi ma jistghux jinzammu ghandek.

L-ebda medicina ma tista' tinzamm ghandek. Ghal ragunijiet ta' sigurta' dawn ghandhom ikunu maqfulin fil-kabinett jew fil-fridge tal-medicini fil-kamra tal-Carer.

Affarijiet ta' valur:

Ir-residenti ghandhom ikunu jafu li huma responsabbli li jiehdh hsieb flushom, kif ukoll xi dokumenti u affarijiet ta' valur ohra li jkollhom.

Dar Fejda u Dar Jeanne Antide ghandhom 'safe' (kaxxa forti) b'access ikkontrollat mill-Homes Director.

Biex wiehed johrog xi affarijiet mis-safe ghandu jaghmel talba lil Homes Director ta' lanqas saghtejn qabel l-ahhar shift ta' x-xoghol..

Ir-residenti huma mhegga juzaw din il-facilita.'

Kull ma jsir ghandu jigi miktub fir-Registru ta' l-affarijiet ta' valur u ffirmat sew mir-residenta, kif ukoll mill-Homes Director u mir-Residential Social Worker jew xi hadd minn flokha. Dan ir-registru jinkludi l-isem tar-residenta, deskrizzjoni ta' l-oggett/i depositati, id-data meta gie depozitat u meta rega gie moghti lura.

Apprezzament u twiddib

Dar Fejda u Dar Jeanne Antide jassiguraw li int tigi dejjem rispettata. Madankollu, int mistennija tirrispetta lilek innifsek, lir-residenti l-ohra, lil dawk li jiehdh hsiebek u lill-ambjent.

L-imgieba tajba tieghek tigi ppremjata, fi-waqt li mgieba hazina tieghek tigi mrazzna.

Imgieba tajba tieghek tkun ippremjata hekk:

Hrug zejda

Hrug specjali

Rigali aghjar

Pocket money zejda..

Imgieba hazina jew mhix accettabli tigi mrazzna hekk:

Tnaqqis finanzjarju (Kumpens ghall-bzonnijiet tieghek)

L-ammont ta' flus u l-perijodu tal-hlas jigu negozjati bejnek u bejn ir-Residential Social Worker.

Facendi zejda

Dhul lura qabel il-hin.

Hrug anqas.

Tnehija ta' affarijiet personali

Jekk inti taghmel uzu hazin mill-affarijiet tieghek jew minn affarijiet ohra tar-residenti l-ohra jew tad-Dar, bhal xi radju dan l-oggett jista' jigi kkonfiskat ghal tul ta' zmien, kif ikun hemm bzonn.

Affarijiet perikoluza jew xi oggetti ohra li jistghu jintuzaw b'manjiera perikoluza jigu mnehija u moghtija lil-Residential Social Worker, li, min-naha taghha tid-disponi minnhom kif ikun hemm bzonn.

L-involvement tieghek meta jittiehdu d-decizjonijiet

Inti mhegga tikkontribwixxi mets jigu fformulati xi pjanijiet ghall-kura tieghek waqt konferenzi dwar xi kazi u xi tibdil ta' ghajjnuna. B'dal-mod, int tkun tista' turi l-hiliet tieghek kif ukoll l-awtonomija tieghek.

Int ghandek tkun involuta attivament u posittivament fil-programm terapewtiku ta' kuljum.

Id- Dehra personali tieghek

Il-programm iheggek tkun kburija bid-dehera personali tieghek u ghalhekk:

Int ghandek ir-responsabbilta' li tahsel hwejghek, tghaddi u tpoggihom f' posthom.

Hwejjeg personali li jithallew fil-kamra tal-hasil ghal aktar minn 24 siegħa, jew li jithallew jigrū 'l hemm u 'l hawn, f'xi postijiet oħra, ikunu kkonfiskati għal xi zmien.

Id-decizjonijiet fuq il-konfiska ta' dawn il-hwejje, tittiehed mir-Residential Social Worker.

Pocket Money:

Kull residenta li ma taħdimx tircievi 5 euros fil-gimgha. Ikollha wkoll 1 euro 'saving'.(mgemmha)

Barra min hekk tigi mogħtija 23euros 30cents fix-xahar biex tixtri l-affarjiet personali tagħha bħal sapun, shampoo, detergents, etc.

Proceduri dwar x' ilmenti:

Fil-Conservatorio wiehed jifhem il-bzonn li wiehed għandu jittellem dwar xi lmenti, nuqqasijiet jew xi mistoqsijiet li jkun jixtieq jagħmel.

Għal dan il-ghan int mistiedna timla formola apposta u tghaddiha lil Homes Director, Residential Social Worker, jew Social Worker li tkun inkarigata jew lil xi membru iehor ta' l-istaff li int tkun tafda.

Jekk issib xi diffikulta' biex timla l-formola int tista' titlob l-assistenza ta' xi persuna li tafda int.

Tista' ssib il-formoli go file fuq lix-xkaffa gewwa l-living room.

L-ilment tiegħek jigi ttrattat kif għandu jkun fi zmien gimgha.

Tipjip, alkohol u droga

TIPJIP

Fid-djar tagħna, it-tipjip huwa projbit bil- ligi, minhabba li hu jazin għas-sahha.

Ir-residenti fuq il-17 sena li jpejpu huma permessi jagħmlu dan barra mid-djar residenzjali biss.

L-istess regoli japplikaw għall-vizitaturi u għal-istaff kollu.

XORB

Dar Fejda, kif ukoll Dar Jeanne Antide huma zoni kompletament hielsa mix-xorb. U Ix-xorb bhala xarba soċjali huwa projbit fl-area residenzjali.

Ix-xorb (inbid) huwa permess biss fil-kcina biex jintuza fit-tisjir.

Kull xorb li jigi misjub fl-area residenzjali jigi kkonfiskat u jintrema immedjatement mil-Carer.

Li wiehed ikun taht l-influwenza tax-xorb fil-Conservatorio huwa inaccettabbli u jgib mieghu konsegwenzi serji..

DROGA

Sustanzi ta' natura ntoksikanti huma projbiti fl-post kollu tal-Conservatorio.

Li wiehed ikun taht l-influwenza tad-droga fid-Dar Fejda jew go Dar Jeanne Antide huwa inaccettabbli u jgib mieghu konsegwenzi serji.hafna.

Testijiet ta' l-urina ghall-abbuz mid-droga jistaw jsiru ghall-gharrieda u int mistennija li tik-kopera.

HINIJIET STIPULATI - REGOLI FISSI

Matul il-gimgha inti mistennija tqum u tirtira fis-sodda f'hinijiet stabbiliti.

Qawmien huwa bejn is-6.45 am. u s-0700 am.

Study time huwa bejn l-4.00pm u s-6.00pm

Hin ta' l-irtirar huwa l- 11.30 pm. u int mistennija titfi d-dwal mhux aktar tard minn nofs il-lejl.

Matul il-vaganzi u nhar ta' Hadd int tista tqum siegha aktar tard imma mhux aktar tard mid-9.00 am.,

Tista tirtira f'nofs il-lejl u dwal iridu jintfew fin- 12.30 am.

Study Time

F'okkazjonijiet specjali, il-qawmien jithalla ghad-diskrezzjoni ta' dawk li jkunu xoghol dak in-nhar.

Dawk ir-residenti li jahdmu fuq bazi 'full time' li jkunu jew franki, jew jahdmu bir-'roster', huma permessi li jorqdu aktar tard fil-ghodu.

Study Time

Gewwa Dar Jeanne Antide kif ukoll go Dar Fejda jezisti Study Time bejn 4.00pm u 6.00pm mit-Tnejn sal-Gimgha.

L-*Study Time* mhuwiex biss biex wiehed jaghmel il-Homework.

Huwa importanti li dan jitlesta l-ewwel meta wiehed ikollu, izda dan il-hin jista' jintuza wkoll biex wiehed jaghmel xi ricerka jew xi xoghol iehor fuq il-Kompjuters bhal projects, crossword puzzles u xi hobby iehor.

Hrug:

Fix-xitwa tista tohrog mal Carers fil-ghaxija sal-hdax 1100pm u fis-sajh sa nofs il-lejl (1200am) biss.

Il-hinjiet tal-hrug u tad-dhul ghandhom jigu mifthema qabel ma' Residential Social Worker jew il-Homes Director.

Importanti li kull residenta meta sejra tohrog tinforma l-Carer fejn sejra u meta se' tirritorna d-dar.

Residenti li ghandhom il-permess jibqghu barra **sa nofs-il-lejl** (1200am) meta jigu lura ghandhom juzaw dawl baxx biex ma jqajmhux lil l-ohrajn.

Hrug bla permess mill-Conservatorio jew waqt outings

Jekk residenta ma tidholx fil-hin li suppost, tiflej l-outing li jmiss jew xi outing ohra li jigi deciz mil-Carer, mis-Social Worker jew il-Homes Director

Jekk residenta ma tigiieg lura fil-hin **u tkun izjed minn-sahhtejn tard jew tahrab** mill-Conservatorio u anke minn xi 'outing' ghal-ewwel darba, **tigi nfirmata Il-PULIZIJA** u it-tifla tigi misjuba minnhom u tingab lura.

Wara tigi mwiddba mir-Residential Social Worker u il-Field Social Worker.ta' L-AGENZIA APPOGG.u tinghata Konsekwenza.

Jekk l-istess residenta tahrab ghat-tieni darba, terga' tigi mwiddba mir-Residential Social Worker, u din id-darba bil-miktub mil-Field Social Worker ta' L-AGENZIA APPOGG.

Jekk ir-residenta tahrab ghat-tielet darba, jkun jidher bic-car li l-istess residenta ma' ghandha l-ebda interess li ssegwi l-programm tad-dar u l-post taghha jigi moghti lil xi hadd iehor.

Il-Field Social Worker issib akkomodazzjoni alternattiva ghar-residenta hekk kif din tinstab, ghax ir-residenta ma' jkollix jedd terga' tirritorna fid- Djar tal-Conservatorio.

Knisja, Quddies u Talb:

Dawk ir-residenti li huma mghammdin ikun xieraq li jisimghu l-Quddies almenunhar ta' Hadd u fil-festi kmandati

Waqt li ahna naghmlu l-almu taghna kollhu sabiex issir quddiesa kull nhar ta' Hadd fil-kappella tal-Konservatorju, jkun siewi li jekk din ma tkunx ser issir, xorta wahda tisimghu quddies fil-knisja ta' l-Istitut San Guzepp jew fil-Parrocca.

Fil Prayer Room tal-Konservatorjo tista titlob wahdek fil-kwjet meta trid, kif ukoll fil-ghaxija ma' l-ohrajn jekk trid.

Jekk xi darba tixtieq li titkellem ma' qassis, saqsi wahda mill-Carers, li-Residential Social Worker jew anke lil-Homes Director u jsiru l-arrangamenti mehtiega.

END

Annex 2b

CONSERVATORIO VINCENZO BUGEIA

MANUAL OF PROCEDURES FOR THE HOMES

**JEANNE ANTIDE
AND
FEJDA**

Mission Statement

The Homes aim to empower adolescent girls, with emotional and/or behavioural problems, through a professional personalised programme consisting of individual, group and family counselling, and intensive social work intervention within a caring environment. The ultimate aims are for these girls to be able to acquire the necessary social and personal skills which would then enable them to be reintegrated positively back into their family, whenever possible, or for them to be able to live independently and to contribute positively to society.

Principles underlying Practice

The main aim at the Homes is to provide high quality alternative care over a period of time. Each girl has the opportunity to experience an environment which is suitable and safe and which attempts to meet her individual needs.

Our concern is to respond to the residents' right to be contained and guided in a constructive manner, enabling them to progress into adulthood with a greater ability to direct their feelings and behaviours in ways which will result in a positive return for themselves and which make a positive impact on their environment.

We aim to be open, honest and positive with our residents and to encourage the same attitudes in the residents by involving them in decisions about their own lives and the running of the community. These

decisions may pertain to studies, work, and other activities, and are most beneficial whenever they involve considered responses.

The wishes and feelings of the residents are acknowledged and respected.

Residents are encouraged to express their opinions, concerns and grievances to any member of staff or senior management. Their views will be taken into account and acted upon. This will contribute towards the residents' sense of personal validation and confirmation.

Admission of Residents

- The prospective residents best interests as well as those of the residents already placed at the Homes are the main considerations when deciding whether to admit or not.
- A girl may be referred to the Homes through a social work agency. The Field social worker following the case is to fill in an Admission Form which is to be presented to the Director of Homes together with
 - a birth certificate
 - medical card/reports
 - social report
 - psychological assessment report (when necessary)
 - other relevant documents.

Information regarding the following areas of the girl's life is to be looked into:

- personal details
- legal status of parents
- legal details regarding parental responsibility
- family composition, history and relationships
- the current circumstances of the girl and her family
- education - history, attainments and special needs
- health - history, medical/physical problems
- self-perception
- behavioural or emotional problems exhibited by the girl
- hobbies and the likes and dislikes of the girl

- police caution or convictions, if any
- any further information which would assist in making an assessment of the girl's needs.
- The Residential social worker at the Homes is to inform the Field social worker, of the referring agency, regarding the details of a pre-admission case conference. The girl, her parent/s or legal guardian/s, as well as any significant others and professionals who are involved in the case, and who could contribute positively during the conference, are to be invited.
- As planned during the pre-admission case conference, the girl and significant others, are invited to visit the Homes on an orientation visit. In most cases, the prospective girl is invited to visit the Home for a couple of hours over a period of time. These meetings are held for the purpose of sharing information, obtaining the views of the girl and her significant others, and making an initial assessment of whether to continue with the process of admission or not. The girl is then given a copy of the Homes' Brochure (Ir-Regoli tad-Djar). Orientation visits are to be facilitated by the Residential social worker.
- If the decision to admit the girl is taken, immediate arrangements are made by the Director of Homes for a medical examination to take place. This would include a general check-up, blood and urine testing, testing for drug use, hepatitis and testing for HIV.
- It is left to the decision of Director of Homes to reconsider admission, if the medical results do not meet the admission criteria of the Homes.
- After the decision to admit a girl is taken, another case conference, attended by the Director of Homes, the Residential social worker, the parent/s or legal guardian/s of the girl and the referring Field Social worker, is organised.
- When appropriate, all present are given more detailed information regarding the therapeutic programme as well as the running of the home. Both the girl and the parent/s or legal guardian/s sign a contract to seal their commitment with the management of the Homes.
- The Management reserves the right to refer the case back to the field social worker of the referring agency if any important data regarding the girl has been withheld for any reason whatsoever.

Reception of Residents at the Homes

- The girl is to be brought to the Homes by the Field social worker and met by the residential social worker at a pre-arranged time.
 - Residents at Homes are to be informed of the arrival of the new-comer and are encouraged to give her a warm welcome and to help her to settle in and feel at home.
 - The baggage of the new resident is checked in the presence of two members of staff
 - The girl is to be shown to her room, helped to unpack and to personalise her own space.
 - The girl is introduced to all the other residents and to members of staff.
 - The carer on duty at the Home is allocated the task of helping the new-comer to settle in and to adjust to the programme.
 - At a later stage, the adolescent is assigned her key-worker.
-

Residents' Rights

The rights of residents at the Homes include the following:

- The right to an individualised treatment plan.
- The right to personal independence, personal choice and personal responsibility for their own action.
- The right to respect of their cultural, religious and emotional needs.
- The right of acceptance of their personal dignity and individuality.
- The right to consultation about decisions affecting their daily lives.
- The right to look after their own personal needs.
- The right to personal privacy for themselves and their belongings.
- The right to education and information relevant to their individual needs.
- The right to have their complaints considered according to established procedure.
- The right to be involved in the daily running of the Programme..

In the decision making process, care is taken to ensure that a resident is given responsibility consistent with her age and level of understanding.

Residents' Access to Personal Records

- Residents at the Homes have the right to supervised access to what is written about them in the personal records maintained by the Residential social worker and the unit records within the logbook
- Residents who wish to have access to written records should be enabled to do so after adequate preparation by the Residential or the Field social worker or by another professional entrusted by the resident. In exceptional circumstances certain safeguards will be needed.
- When residents request personal recorded information, they are to present a formal request on the appropriate form to the Director of Homes.

:

- Information about a third party should not be disclosed to a resident without the consent of that third party.
- Information derived in confidence from a third party should not be disclosed without the consent of the third party.
- In exceptional circumstances, it may be decided by the Director of Homes that a resident needs to be protected from the disclosure of matters which may have a damaging significance for her.
- In such cases the resident may appeal to the Board of Management against this decision.

Confidentiality

Maintaining confidentiality is an essential requisite of our service. It helps to create a safe environment which encourages the residents to speak freely. They have a right to expect that personal and intimate details of their lives will not be shared indiscriminately. Information will only be shared when there is a sound professional reason for doing so.

- Within the Homes, each staff member is responsible for working with very young persons. It is therefore important that information given to the caring staff both by members of the management team and the girls is kept confidential.
- Confidential recordings are to be accurate, concise, factual and clear and containing the minimum amount of information that is necessary. The information is written in the personal files of the girls.
- Information written in the logbook is to be factual and accurate and is to be considered and treated as confidential.
- Carers are to encourage residents to disclose personal confidential matters to the Residential or Field social worker.
- Disclosure of confidential information to third parties is a very serious matter and must not be taken lightly and it should be done only by professional staff e.g.: the Residential social worker.
- Residents are to be informed about methods of recording and storing of information and who is to have access to this information and under what circumstances.

- Residents are also to be encouraged to treat sensitive information with respect.
- In some instances, members of the management team have a legal duty to pass information to other agencies. Whenever possible the resident's permission is to be sought. Otherwise she is to be informed and the need to communicate information explained.

Such occasions may be:

- For the protection of a source of information and/or a third person;
- If a law or court order requires a resident's record to be released;
- Where there is evidence of a crime having been committed which affects a third person or the community;
- Where there is a stated intent to commit a serious crime;
- Whenever there is disclosure of possible danger of physical and/or sexual abuse;
- Where there is a risk of suicide;
- Personal information recorded in the personal files of the residents is not to be handed over or disclosed to the Police or any other civilian in authority without the written consent by the Director of Homes.
-
- Medical cards and referral tickets are to be kept in a separate file in the Carer's room.
- Personal files are to be kept in the Residential social worker's office. Access to these files by other members of staff is to be authorised by the Director of Homes

Residents' involvement in decision-making

- Residents are encouraged to contribute to the formulation of their care plan during case conferences and care reviews. In this way, they will be promoting their own empowerment and their own autonomy.

- Residents' should be involved in the daily running of the therapeutic programme.
- The weekly residents' meeting, chaired by the Residential Social Worker, facilitates the active participation of the youngsters in the organisation and daily running of the therapeutic programme.

Working with Parents

The caring staff is strongly urged to have a close partnership with parents or significant others as an essential part of providing help and support for the residents.

Some parents need greater support than others, in coming to terms with their daughter's difficulties, together with regular reassurance that their needs are being properly recognised and met.

Parents are able to contribute valuable information about their children's difficulties.

Parents can collaborate with the formulation of the therapeutic plan and on-going therapy through knowledge of their own children's habits, their likes and dislikes, what they are good and not so good at.

This family perspective can lead to a greater all-round understanding of the girl, which is essential for effective intervention.

Parental involvement is important and both parents should be encouraged to maintain contact with their daughter and to believe that their contribution is valued.

- To promote a clear sense of self-identity for the girl.
- To provide continuity in terms of a personal history and future relationship after leaving the Homes.
- Where the interests of parents and their child conflict, it is necessary to give the young persons interests priority.
- When a girl is a voluntary resident at the Homes is under a care order, major decisions are taken by the Children and Young Persons Advisory Board.

- Parents/significant others shall be informed of any important development in their daughter's life. They will be invited to attend planning and review conferences and be involved in making the decisions which affect their daughter's life.
- Good liaison with parents and other significant others is to commence when the initial referral is made. Their wishes and feelings are taken into consideration when assessing the residents and drawing up an initial plan of action.
- Arrangements are to be made for regular contacts.
- Arrangements are also to be made for the residents' parents or significant others to have regular contact with the Residential social worker..
- Parents should always be treated with respect and as separate people having their own needs.

Use of Telephone by Residents

Telephone contact by residents to their parents and significant others is encouraged when this is deemed as being beneficial to the residents.

- Residents who cannot afford a phone card are to use the phone-card provided by the Homes for this purpose.
- Residents are allowed to use the card phone during the established time.
- Telephone calls are not to exceed ten minutes.
- The Carer on duty is to ensure that privacy is observed by both residents and caring staff.
- The Carer on duty is to supervise a resident during phone calls if a decision to do so has been taken by the Director of Homes or Residential social worker.

- If the resident misuses this service, her phone card is to be withdrawn and handed over to the Residential Social Worker who is to deal with the matter appropriately.
- Residents are to have their own mobile phone kept by the Carer on duty at certain times as laid down in the Regoli tad-djar.

Transport Policy

- All members of staff who hold an appropriate driving licence may drive the transport belonging to the Homes.
- All members of staff who drive the van are to leave a copy of their driving licence with the Director of Homes.
- Fines for traffic contraventions are to be paid by those members of staff driving the van or car, unless otherwise decided by the Director of Homes..
An appeal may be lodged with the Chairman of the Board of Management.
- The van/car is to be used to carry a girl to school only if it forms part of the individual care plan.
- The van is to be used to carry girls to medical visits, for errands involving the daily running of the home such as shopping, for home visits, administrative duties and planned and authorised outings.
- Smoking and eating are not to be allowed in the vehicle.
- The van is to be kept clean at all times. On a roster basis, the residents, with the help of the caring staff, are to clean the van/cars every week.
- Residents are not allowed to drive any vehicle.
- After using the van, the driver is to log clearly and legibly the mileage, the point of departure and arrival and the purpose of the journey, together with the driver's signature.
- If any fault occurs or damage is done to the vehicle, the incident is to be reported as soon as possible to the Director of Homes or the Homes

Programme Co-Ordinator. The damage is to be reported by filling the appropriate form.

- If the driver or a passenger locks the key inside the van, the driver is to contact the Homes Programme Co-Ordinator or Senior Care Worker..
- A spare key is kept by the Homes programme Co-Ordinator.
- A fire extinguisher is to be kept in the van/car and should be checked regularly by the handyman.
- The Homes programme Co-Ordinator is to ensure that the van is filled with diesel at all times.

Visitors

- Family and friends are to be encouraged to visit regularly.
- The frequency of visits to the Homes is to be negotiated by the parents or significant others and the Resident Social Worker.
- Staff may need, in certain circumstances, to offer help to residents in responding to such visits.
- Parents, legal guardians, immediate family/non-members of family and friends, are to be assessed by the Residential social worker prior to being granted permission to visit.
- Members of family and others are encouraged to observe visiting hours.
- Visiting hours are between 6.00pm and 8.00pm on Tuesdays and Fridays. Everybody is encouraged to observe these hours.
- When normal visiting hours cannot be kept, other arrangement are made by the Residential social worker.
- A resident has the right to refuse to see a visitor. The caring staff on duty should respect this right, and should inform the visitor of the resident's wishes.
- Permission may not be granted to a person's to visit a resident if it is considered by the Residential Social Worker involved not to be in the best interest of the resident.

- Residents are to receive visitors strictly in the area designated for this purpose.
- Only residents who have visitors are to be allowed to stay in the visitors' area during visiting hours.
- When a resident is restricted to her bedroom because of ill-health, visitors may be allowed to visit her in her room under supervision when it is required.

Aftercare

- Prior to discharge, a Case Conference is organised to discuss the termination of the programme and to outline plans for aftercare.
- Following termination of the programme, the resident is offered, whenever possible, an aftercare service to render the transition period after leaving the Homes as smooth as possible.
- If aftercare is being carried out by the Residential Social Worker, the frequency of case reviews is determined during the termination case conference.
- Termination of after-care should be decided during a case conference organised by the Residential social worker and attended by all professionals involved in the case.

Upkeep of the Premises

The caring staff are to instil a sense of responsibility in the residents by encouraging them to clean up after making use of the kitchen and other parts of the premises for their personal needs.

- The responsibility of the daily upkeep of the residential premises rest on the residents under the guidance and supervision of the staff.
- The upkeep of the premises is shared fairly by all the residents.

- The residents are to organise the daily chores under the supervision of the caring staff on duty.
- The general cleaning of the house is to be done on Saturday morning.
- The cleaning up is to be done by the residents with the participation of the caring staff.
- The general clean-up of the kitchen is to be carried out on Wednesday by the caring staff with the help of the girls.
- To encourage the residents to participate in the daily running of the Programme, the residents are assigned a supervisory role on a rota basis.

Bedrooms:

- The Carers should understand the residents' need for privacy and space and for this purpose, the residents are provided with their own bedroom.
- The residents are expected to keep their room clean and tidy.
- Spot checks, are from time to time carried out, by the Director of Home.
- The caring staff on duty are to check that all girls' bedrooms are in order before leaving their shift.

Kitchen work

- Cooking is considered a therapeutic task.
- The residents plan the weekly menu after the residents' meeting together with the carers on duty.
- Both the caring staff and the residents are to work together to prepare meals for the whole group.
- It is the responsibility of the two residents who have the responsibility to prepare the meal for the day, to ensure that they have all the necessary ingredients.

- Meals are to be ready and served between 7.00pm and 7.30pm
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- The residents who prepare the meal serve the food to the others.
- All residents and caring staff are to have their meals together.in the Dining room.
- The table is to be properly laid by the residents with the help and under the supervision of the caring staff.
- The caring staff is to help the residents understand that if they fail to assume their responsibilities, there will be repercussions on the rest of the group.
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- A separate cutlery set consisting of 18 knives, 18 forks, 18 spoons and 18 teaspoons is to be used during meals.
- The cutlery set used during meals is to be kept locked up in the mini-store.
- It is the responsibility of the caring staff to ensure that this cutlery set is taken out before meals, counted and returned to the mini-store after meal times.
- It is the responsibility of the caring staff on duty to make sure that all kitchen utensils are accounted for.
- The caring staff on duty is to report any breakages to the administrator the following morning.
- It is the responsibility of the caring staff on duty to soak the used dish cloths overnight and to wash and hang them out before end of morning shift.
- For reasons of Hygeine, left over food is to be stored in the fridge/freezer properly without delay. This responsibility is shared by the residents who prepared the meal and the carers on duty.
- Food that is unsuitable for saving is to be thrown away immediately..
- The rubbish bin is to be emptied and taken out daily at 4.00p.m. by the residents with the help of the caring staff on duty.

- The residents who prepare dinner, are expected to clean up the cooker. The rest of the residents together with the caring staff are responsible to clean the kitchen/dining room.

Residents' Personal Possessions

- Residents are to bring with them their own personal belongings when they are admitted to Programm Fejda on a residential basis.
 - All residents' possessions should be treated with care and respect and details of valuable items recorded in the appropriate form.
 - The staff are to educate residents in the appropriate care of their belongings.
 - Residents are not allowed to lending their personal belongings to other residents.
 - Sharp, pointed objects such as knives, loose blades or other potentially dangerous items are not to be in the residents' possession.
 - Medical or non-medical drugs are not to be in the residents' possession. These are to be kept locked in the medicine cabinet in the carers' room.
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Valuables

- Residents are to be made aware that they are responsible for the safe-keeping of their own money, documents and other valuables in their possession.
- Programm Fejda has a safe with access controlled by the Programme Manager or the Head of Care in which valuables and other personal possessions of the residents are safely kept.
- Request to withdraw possession/s are to be made to the Head of Care at least 2 hours before the end of each working shift.
- Residents are to be encouraged to use this facility.
- Each transaction is recorded in a Valuables Register and signed by the resident and the Head of Care or his/her delegate. This register includes the name of the resident, a description of the item/s deposited, the date of deposit and the subsequent withdrawal.

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Removal of Possessions

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- If a resident inappropriate use of any of their own possessions or other possession which belong to Programm Fejda, (such as a radio) causes significant annoyance to others, the item concerned may be confiscated for an appropriate length of time. The item is to be confiscated after the resident/s have been warned two or three times.
 - Staff are to ensure that the possessions are returned at the end of the stipulated time.
 - Dangerous objects or other objects which can be used in a dangerous manner, are removed and entrusted to the Head of Care who, in turn, will dispose of them appropriately.
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Personal Clothing

- Residents' are to assume responsibility for their own laundry, ironing and storing.
 - Items of personal clothing left for over 24 hours in the laundry room or other areas of the premises outside the residents own room will be confiscated.
 - Decisions regarding items confiscated are taken by the Head of Care.
 - For the residents' benefit, and for hygienical purposes, sharing of clothes is not permitted.
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STIPULATED TIMES - GROUND RULES

Weekdays: Girls are to wake up and retire to bed at established times.

Waking up is between 6.45 and 7.00am.

Retiring time is at 11.30p.m.

During holidays waking up time is at 8.00am and retiring is at 12.00am.

On very special occasions, waking up time is left to the discretion of the caring staff on duty.

Residents who work on a full-time basis and are either on leave, shut-down or work on a roster, are permitted to sleep later in the morning.

Residents who are allowed to stay out till midnight on coming in are to use the dim lights so as not to disturb the others.

At the discretion of the caring staff, on special occasions, during the weekend, the residents may be allowed to stay up later (but not later than 2.00am.).

Guidelines on Group Outings

- During group outings, residents are to be accompanied by at least two members of the caring staff and/or volunteers.
- Residents and the caring staff are to remain with the group at all times. Residents are expected to behave appropriately.
- Residents are to actively participate in group outings. The venue of the outing is to be decided by the girls in accord with the caring staff on duty.
- Expenses incurred during the outings to be paid by Programm Fejda are not to exceed the agreed stipulated sum of money. Girls who work are to pay their own expenses.
- If a resident absconds during an outing, the staff is to follow the guidelines for cases of abscondment.

WEEKEND LEAVE

- Residents' weekend leave is decided during case conferences and in extraordinary circumstances is reviewed by the residential social worker, in consultation with the Head of Care and the resident.
- The residential social worker records the weekly leave of those residents who are allowed out during the weekend in the Logbook.

- The Caring staff on duty are responsible to see that the girls do their share of responsibilities before allowing them out on leave.
- The Caring Staff on duty are to record the time the residents leave the premises and the time the residents return on the weekend leave logbook.
- The Caring Staff on duty are to record in detail any relevant information regarding the state the resident was in on her return or any other relevant information that the resident has passed on to the caring staff in the logbook.
- If a resident returns to Programm Fejda much later than the stipulated time the matter is dealt with preferably the following day or at the earliest time possible by the Head of Care or the residential social worker.

Changes in WEEKEND Leave

- If a resident misbehaves or does not adhere to the rules, it is up to the Head of Care to decide whether it would be appropriate to limit or withhold weekend leave or any other leave of absence.
 - The caring staff on duty are to ensure that the resident has carried out her duties prior to taking leave.
 - The resident is not to leave the premises if she has failed to carry out her duties.
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Preliminary Procedures to a Disciplinary Action
on a resident by a member of the Caring Staff

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- The resident is given a chance to offer an explanation.
 - The resident is to be given the opportunity to change or improve to an acceptable standard of behaviour.
 - The carer on duty is to make sure that the resident understands that her behaviour is unacceptable and such behaviour brings with it a relative consequences..
 - The carer on duty is to give an opportunity to the resident to improve her behaviour. If the resident persists in her unacceptable behaviour the carer is to give the resident a appropriate consequence.
 - The consequences to the disciplinary action is to be executed and terminated during same shift.
 - The carer is to remain calm and not to continue discussing with the resident if the resident becomes abusive.
 - If the incident is grave, the caring staff on duty is to report it in full in the incident report and handed over to the Head of Care/residential social worker the following morning.
 - The resident is to be given an opportunity for a re-evaluation of the incident by the head of care or the residential social worker.
 - The Head of Care/or residential social worker is to evaluate the incident and decide what disciplinary measure to take.

Discipline Procedures with regards to major incidents

- On admission to Programme Fejda, each resident is given a residential booklet. Each resident is made aware that compliance with the rules

and procedures of Programme Fejda is obligatory and that non-compliance will result in disciplinary action.

- If the misbehaviour is of a certain entity, the caring staff is to report it in the Incident report sheet which is to be handed over, before the end of shift, to the Head of Care/residential social worker who in turn will deal with the incident accordingly.
- The Head of Care and/or residential social worker is to deal positively with everyday incidents of misbehaviour and to apply corresponding consequences.
- The caring staff is to avoid impulsive confrontation with any resident who may show antisocial, disruptive and aggressive behaviour.
- The caring staff is to understand that any intervention forms part of the residents' treatment care programme.

The boundaries of acceptable behaviour will be explicit and consistently enforced and the sanctions will be applied if rules are transgressed.

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Rewards

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Caring staff should always provide positive reinforcements by recognising and acknowledging residents' achievements

Rewards that can be given to the residents include the following:

- Extra activities
 - Extra outings
 - Special outings
 - Any other gifts, particularly for residents who may be moving into independence after their stay in Programm Fejda
 - by showing appreciation
 - by giving encouraging feedback
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Withdrawal of Privileges

- Privileges which do not form part of a resident's normal routine and which do not form part of the therapeutic programme, such as activities, may be withdrawn as a sanction, where and when necessary.
- Staff are to ensure that all sanctions are specific and time limited and flexible enough to be lifted as appropriate.
- Negative sanctions are to be logically connected to the misbehaviour.

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Personal Searches

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Body Search

A body search is a serious measure and should be carried out with utmost respect for the person and should only be carried out as a last resort.

- A body search is to be carried out **ONLY** after consultation with the Head of Care and only when there is substantial reason to believe that a girl is carrying a dangerous item such as a pointed object, illegal drugs or illegal medicines.

- The girl is to be held under constant supervision and informed that she is about to be body searched. This is to be carried out by two female caring staff.
 - Body searches are to be carried out in such a way as to guarantee the dignity of the girl concerned and she should, at least, retain her underwear.
 - A body search should not be carried out if the police are to be called in.
 - It is forbidden to carry out body searches on non-residents when they are involved, or suspected to be involved, in any kind of incident with Programm Fejda residents.
 - In such cases, the incident is to be reported to the police after consulting the Programme Manager or Head of Care.
 - All body searches should be recorded in the Log book.
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Smoking, Alcohol and Drugs

Smoking

- At Programm Fejda smoking is discouraged as it is a health hazard.
- Smoking by both residents and staff, is only allowed in the living room and the T.V.
- The same rules apply to visitors.

Alcohol

- Programm Fejda is an alcohol free zone.
- Alcohol as a social drink is prohibited in the residential area.
- Alcohol (wine) is only permitted on the premises for cooking purposes.
- Any alcohol found in the residential area is to be confiscated and disposed of immediately by the caring staff.
- If the caring staff should suspect that any resident has abused of alcohol but does not manifest dangerous behaviour, the resident is to be accompanied by the caring staff to her room, and put to bed and the caring staff is to ensure that the resident is safe before leaving the room.
- Afterwards, the resident is to be checked frequently as required.
- The incident is to be reported in the logbook.
- Should a resident be heavily under the influence of alcohol and should she manifests aggressive behaviour, the caring staff are to do their utmost to get her under control. The caring staff are to ensure that the other residents are safe in their rooms. The incident is be recorded in the appropriate form.

Drugs

- Substance of an intoxicating nature is prohibited within the grounds of Programm Fejda.
- Programm Fejda caters for adolescents who have experimented with drugs but does not cater for residents with a drug problem.
- Girls who have experimented with drugs are to have a urine test on a sporadic or on a regular basis as decided during case conferences or case reviews.
- The caring staff who is informed or has a suspicion that drugs might be hidden on the premises and/or grounds are to inform the Head of Care in the morning without taking other measures.
- On such an occasion, the caring staff are to keep a constant and close watch on all the residents and to make sure at all times that the caring staff have access to the residents' rooms.

- If drugs or any other suspicious substance are found, these are to be immediately confiscated and locked up in a safe place in the carers' room.
 - The caring staff is to hand over the material to the Head of Care the following morning and it is to be duly dealt with by the Programme Manager and the Head of Care.
 - Such incident is to be recorded in the Log book and an incident form.
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Bullying

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At Programm Fejda, a strong emphasis is placed upon protecting vulnerable young people from the harmful effects of bullying.

General Guidelines for the Prevention and Control of Bullying.

- Be alert to signs which indicate bullying.
- Understand that residents may find it very difficult to talk about bullying.
- Take all information given by the girls seriously and record all available information in the Log book.
- Report verbally to the caring staff on change of shifts.

- Never further isolate a bullied resident, unless temporary isolation is necessary to protect her safety.
 - The issue of bullying, and any incidents of bullying, are to be discussed during residents meeting and caring staff meetings and unit supervision meetings.
 - Incidents of bullying are to be recorded in detail in the log book and incident report form.
 - Decisions as to how each incident of bullying is to be dealt with are taken by the head of care in consultation with the Programme Manager.
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Permitted Sanctions

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The following sanctions can be used with a resident :

Financial Compensation

- Compensation should be reasonable according to the resident's means. The amount and period of payment must take account of the age and understanding of the resident.

Reparation/Extra Chores

- The resident can be required to undertake a task or action to compensate for a misdemeanour.

- Staff are to ensure that the task or action takes full account of the resident's age, abilities and circumstances and that they understand why they are doing it.
 - That the consequence is to be relative to the resident's misbehaviour.
 - The caring staff are to report the sanctions in the log book and give feedback to the head of care/residential social worker.
 - Sanctions which form part of the therapeutic programme, sport activity included, are not to be used as consequences.
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Prohibited Sanctions

It is not permitted to use the following sanctions at Programm Fejda:

- Any form of corporal punishment or other actions which are intended to hurt, frighten, intimidate or humiliate.
- Any deprivation of food or drink during meal times.
- Any restriction or refusal of any facility for a resident to receive visits and communications from parent/s or guardian/s, her field social worker or any other professional involved in her case.

(This applies unless it is decided by a Care or Court Order, by the Children's and Young Person's Advisory Board or by the Clinical Team during a Case Review that any prohibition, restriction or condition upon contact between the resident and any person is deemed necessary to promote or protect the welfare of the resident.)

- The withholding of medication or any other form of general welfare.
 - The intentional deprivation of sleep.
 - The imposition of fines (except by way of reparation.)
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Failure of a Resident to return at the stipulated time

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- When a resident fails to return to Programm Fejda three hours after the stipulated time, the police should be contacted after:
- Contacting the parents/legal guardians or significant others

After looking for the resident at the usual whereabouts

- Prior to contacting the police, the caring staff is to consult with the policy "Ascondment of a Resident".
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Lights Off

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During the week, the television set is to be turned off at 23.00 hrs and all girls are to be in bed by 11.30hrs.

- On Fridays and Saturdays, the television set is to be turned off at 24.00hrs (midnight) and all girls are to be in bed by 00.30hrs.
- Residents who are allowed to stay out till midnight on coming in are to use the dim lights so as not to disturb the others.
- At the discretion of the caring staff, on special occasions, during the weekend, the residents may be allowed to stay up later (but not later than 2.00a.m.)

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Medical Guidelines

- Medicines, treatments and Personal Medical Cards of all residents are to be kept locked in a cupboard in the carers' room.;
 - Any illness is to be recorded in the Health Chart by the carer, which is kept in the Carers' room, and is to be handed to the residential social worker in the morning and filed in the appropriate file.
 - A resident is to be accompanied by a female member of staff during the doctor's examination.
 - Visiting doctors are to record treatment given in Medical Record Cards.
 - Residents' medical records are handed over to the Head of Care/Residential social worker upon termination of the residential programme.
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MEDICINE ADMINISTERED TO THE RESIDENTS

- Staff are to register, in the appropriate form, all medicine administered to the girls. These forms are to be signed both by the carer and by the resident.
- The caring staff on duty is to prepare individual doses, for those girls who are under medication, in containers used for this purpose.
- Preparation of individual doses to be administered in the morning is to be carried out when all the residents have settled for the night in their rooms.

It is important that:

- when the caring staff has finished preparing the individual doses, the containers are to be locked in the medicine chest.
- the handling of any type of medicine is not to be done in the presence of the residents.
- Doses are to be given to the resident in the carers' room.
- No other resident should be present in the carers' room while medicine is administered.
- Programm Fejda is a specialised programme for girls with behavioural and emotional difficulties, therefore our client group are very susceptible to mood swings and can easily misuse medicines to try to overcome

their problems. It is therefore the responsibility of the caring staff on duty to ensure that medicine is never accessible to the girls.

Accident Procedure

When a resident/s is involved in an accident appropriate action must be taken.

In major accidents the Carer is to:

- call an ambulance (196) without delay.
- inform the parent/s or legal guardian/s or significant others.
- inform the Programme Manager or the Head of Care of the accident.
- ensure that the details of the accident are properly filled in on the Health Chart and in the incident report.

Minor Accidents:

- Minor cuts and abrasions are to be dealt with by using basic first aid procedures.
- Treatment dispensed is to be recorded immediately in the Log Book.
- Appointments for further medical treatment required after minor accidents are to be fixed on the first working day after the accident by the day carer.

- The details of the appointment are to be written down in the health chart and further recorded in the residential social worker's diary and the day carer's diary.
- The Health Chart is to be handed over and filed by the resident social worker in the appropriate file.

Serious injuries:

- In the event of a serious injury such as a broken limb, injury to the eye(s) or injury to the head, it is essential to obtain expert medical attention at the Casualty Department at St. Luke's Hospital.
- An ambulance (196) is to be called without any delay.
- The patient's legal guardian or significant others are to be informed immediately.
- The girl is to be accompanied by one member of staff. Residents are strictly not allowed to accompany a resident to hospital if the accident occurs on the premises.
- The member of staff accompanying the girl is to make sure that he/she takes all relevant medical records to hospital.
- If the accident occurs outside the premises, relevant medical records are to be taken to hospital when necessary, without delay.

Contact of Police by Staff Members

The Police should only be contacted after consulting with the Programm Manager or Head of Care.

Police are to be contacted:

- (1) When a resident who is under 16 years of age fails to return to Programm Fejda and more than three (3) hours from the stipulated time have passed without the resident notifying the carers on duty that she is going to be late.
- (2) When a resident who is over 16 years of age and who has been admitted to Programm Fejda under a Care or Court Order fails to return to Programm Fejda and more than three (3) hours from the stipulated time have passed without the resident notifying the carers on duty that she is going to be late.
- (3) When a resident who is over 16 years of age and who has been admitted to Programm Fejda on a voluntary basis fails to return to Programm Fejda by midnight.

The parent/s, legal guardian/s or closest relatives should then be informed immediately before launching a report with the Police.

- (4) When a serious, violent fight breaks out among residents or between the resident/s and a member of staff and the members of staff on duty feel that they are not in a position to control it.
- (5) When two members of staff have carried out a spot check and have found a dangerous weapon or stolen goods in the room of a resident.
- (6) When a spot check is carried out by two members of staff and illegal drugs are found, the carers on duty are advised to contact the Programme Manager early the next morning. Meanwhile, the

substance is to be removed from the resident's room and kept in a safe place under lock and key.

- (7) When extensive damage to property has been done such as breaking or serious damage to doors, furniture, appliances and so on.

- (8) When an item/s of a certain value goes missing from the premises after a search is carried out on the premises.

It is of utmost importance that a detailed written report about the incident be made as soon as possible by the concerned member of staff and handed over to the Head of Care.

The Hamrun Police Station is to be contacted on telephone number on 249771 or on the mobile squad telephone number 191. The Programm Manager is to be contacted on her residence home number or mobile telephone number 097 5762.

The Head of Care is to be contacted on her residence phone number or pager number 707070 - 9654.

Volunteers

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A team of well-screened and trained volunteers contribute in a positive way to the residents' therapeutic programme.

There are several ways in which voluntary helpers can assist the residents:

- by befriending individual residents
- by accompanying them on outings and errands
- educational activities
- social and recreational activities
- inviting them to their own homes
- in the upkeep and running of the premises

- Potential volunteers are to apply in writing on specific forms addressed to the Management Team. Character references are to be included with each application.

- Prospective volunteers are to be interviewed by a selection team.

- Details of specific tasks and duration of commitment, including a weekly schedule are to be specified.

- Those who qualify are invited to spend a number of hours with the residents prior to their final interview.

- Volunteers are to be supervised by the Head of Care or the residential social worker.

- The Programme Manager is to ensure that volunteers are made aware of the stated aims and the philosophy of Programm Fejda.

- Each volunteer is to be provided with a role description.

- Caring staff should be made aware of the particular contribution expected from all volunteers.

- Volunteers are encouraged to attend in-service training programmes.

- Volunteers are to attend certain meetings organised by the Head of Care.

Meetings held at Programm Fejda

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Board of Management Meetings

- The Board of Management is the body which is ultimately responsible for the therapeutic programme.
 - It is made up of members of the Board of Trustees from the Conservatorio Vincenzo Bugeja and members of the Department of Family Welfare.
 - Meetings are held regularly on a monthly basis.
 - Items on the agenda may include discussion of the status of Programm Fejda, personnel management, conditions of work, budgeting and financial planning, on-going evaluation and planning of service and other relevant issues
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Management Meetings

- Management meetings are to be held on a monthly basis.
- The management team is made up of the Programme Manager, the Head of Care, the administrative Officer, the residential social worker and a caring staff member appointed by the Programme Manager in consultation with the caring staff.
- Management meetings are chaired by the Programme Manager or the Head of Care.
- Items on the agenda are to be presented by members of the management team; other members of staff may suggest items to be presented on the agenda. These have to reach the Administrative Office not later than 3 days prior to the meetings.

Items to be discussed include:

- administrative procedures,
 - short, medium and long-term planning,
 - human resource management,
 - financial management and planning programme activities and other relative issues.
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Clinical Meetings

- Clinical meetings are held on a bi-monthly basis and do not last more than an hour.
 - The Clinical team is composed of the Programme Manager, Head of Care, the residential social worker, consultant and counsellors.
 - Clinical meetings are chaired by the Programme Manager or her delegate.
 - The agenda for a clinical meeting is prepared by the residential social worker in consultation with the Programme Manager.
 - During these meetings, residents' progress is reviewed on an individual basis. Decisions regarding therapeutic programmes may be taken at this meeting or proposed as an item on the agenda for the next Case Review.
 - Items discussed during these meetings may include consultation, changes in behaviour, management approaches, counselling or social work intervention and other relevant issues.
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Staff meetings

- Staff meetings are to be held on a bi-monthly basis and will not last more than 2 hours.
 - All members of staff are expected to attend. If a member of staff cannot attend a meeting due to a valid reason, he/she is to inform the Programme Manager in writing by not later than three days prior to the meeting.
 - Staff meetings are chaired by the Programme Manager or by the Head of Care.
 - Members of staff are invited to suggest items for the agenda up to 4 days prior to the meeting.
 - Administrative issues and the general aspects of the therapeutic Programme are discussed during staff meetings.
 - Staff meetings are minuted by an administrative member of staff. A copy of the minutes is to be filed in the Administration Office and is made accessible to all members of staff, and another copy is kept by the Head of Care, whilst the original is kept by the Programme Manager.
 - In case of an emergency, a Staff meeting may be called after giving a 24 hours notice to the staff.
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residents' Meetings

- Residents' meeting is to be held on a weekly basis at a convenient time for the residents.
 - Agenda is to be formulated by the management, caring staff and residents.
 - Items may include menu setting, rules, group outings, conflict resolution and the day-to-day running of the programme.
 - Residents are encouraged to participate actively in the meeting.
 - All residents are compulsory to attend these weekly meetings and head of care/residential social worker is to deal privately with the residents who refuse to attend the meetings
 - The meeting is to be chaired by the head of care/residential social worker.
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Unit Supervision Meetings

- Unit Supervision meetings are to be chaired by the Head of Care and are to be held on a monthly basis.
- All full time caring staff, part-timers and relievers are obliged to attend these meetings.
- If a member of staff cannot attend a meeting due to a valid reason, he/she is to inform the Programme Manager in writing by not later than three days prior to the meeting.
- Members of staff are invited to suggest items for the agenda up to 4 days prior to the meeting.

Issues discussed:

- Issues concerning the day-to-day running of the Therapeutic Programme, and issues vis-à-vis the caring staff and the Therapeutic Programme.
 - Matters concerning the implementation of individual care plans.
 - Reviewing individual cases.
 - Staff meetings are minuted by an administrative member of staff. A copy of the minutes is to be filed in the Administration Office and is made accessible to all members of staff, and another copy is kept by the Head of Care, whilst the original is kept by the Programme Manager's staff meeting may be replaced by a supervision unit meeting.
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Complaints forwarded by Staff

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All complaints, grievances, queries and suggestions are to be presented in writing to the Programme Manager and handed over to the Administration in a sealed envelope.

These may be dealt with directly by the Programme Manager/the Head of Care in the following ways :

complaints may be dealt with on a one to one basis with the member of staff presenting the complaint;

- During a unit supervision meeting or staff meeting when the complain involves all the caring staff or during individual supervision when the complain involves personally one member of staff.
- When the complaint is on an administrative nature, it is dealt with by the Programm Manager. When the complain concerns the therapeutic programme, it is dealt with by the Head of Care.

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Roster Shift Hand-over

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Hand-over meetings by Carers are held to promote effective communication and serve several purposes:

- In order to provide continuous and consistent care, the hand-over sessions are to take place when there is a change of shift.
- Sharing of information regarding details of any specific events on the shift and any other relevant information regarding an individual resident or the whole group are to be discussed during the hand-over session.

Hand-over sessions are held:

12.45 to 13.00 - Morning shift – hand-over session.

8.15 to 8.30 - Night shift- hand-over session.

Requests for Time-Off

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- Time-off is to be requested by filling the appropriate form at least 3 working days in advance.

- Time-off is to be authorised by the Programme Manager.
- In emergency situations the time-off requested is to be granted by the Programm Manager in accordance with the exigencies of the service.

Time-off should be resorted to only in exceptional circumstances.

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Request for Leave without pay

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- Leave without pay is to be requested in writing at least two weeks in advance.
- Leave without pay is to be authorised by the Programme Manager.
- In emergency situations leave without pay requested is to be granted by the Programm Manager in accordance with the exigencies of the service.

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Guidelines on Group Outings

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- During a group outing, the residents are to be accompanied by at least 2 members of the Caring Team.
 - When a member of staff is on his/her own during an outing or an errand, he/she should not take more than five youngsters with her. If a member

of the caring staff plans to go out on her own with more than five youngsters, she is to consult the Head of Care or, when absent, the Programme Manager.

- Residents are expected to remain with the group at all times and they are expected to behave appropriately.
- If a resident absconds during an outing, the staff are to follow the guidelines for cases of abscondment.

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DISCIPLINARY PROCEDURES

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- On admission to Programme Fejda, each resident is presented with a residential booklet. Each resident is made aware that compliance with the rules and procedures of Programm Fejda is obligatory and that non-compliance will result in disciplinary or other consequences.
 - The caring staff is to deal positively with everyday incidents of misbehaviour and to apply reasonable corresponding consequences.

- If the misbehaviour is grave, the caring staff is to enter it in the Incident report sheet to be handed over before the end of shift to the Head of Care/residential social worker, who, in turn, will deal with the case accordingly.
- The caring staff are to avoid impulsive confrontation with any resident who shows antisocial, disruptive or aggressive behaviour.

The caring staff are to understand that any intervention forms part of the resident's treatment/care programme.

The boundaries of acceptable behaviour will be explicit and consistently enforced and the sanctions will be applied if rules are transgressed.

Contact of Police by Staff members

- When a serious, violent fight breaks out among residents or between the resident/s and a member of staff and the members of staff on duty feel that they are not in a position to control it.
- When two members of staff have carried out a spot check and have found a dangerous weapon or stolen goods in the room of a resident.
- When a spot check is carried out by two members of staff and drugs are found, the Carers on duty are advised to contact the Programme Manager early the next morning. Meanwhile, the substance is to be

removed from the resident's room and kept in a safe place under lock and key.

- When extensive damage to property has been done such as breaking or serious damaging of door, furniture, appliances and so on.
- When an item's of a certain value goes missing from the premises after a search is carried out on the premises.

It is of utmost importance that a detailed report about the incident be made as soon as possible by the concerned member of staff and handed over to the Programme Manager.

- The police are to be contacted after consulting with the Programm Manager or Head of Care.
- The Hamrun Police Station Telephone number is 249771

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Stipulated Times

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Wake-up

- During the week, wake-up time is between 6.45 and 7.00a.m.
- During weekends and Public Holidays, wake-up time is not later than nine o'clock. On special occasions, wake-up time is left to the discretion of the caring staff on duty.
- Residents who work on a full time basis and are either on leave, shut-down or work on a roster, are permitted to sleep later in the morning.

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LONG LEAVE

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- Residents' leave is decided during case conferences and it is reviewed periodically during case reviews.
- The resident should be fully involved in the decision to be granted leave. She should be able to demonstrate that she is able to cope well outside Programm Fejda.
- The granting of leave is not be used as an alternative to discharging the resident
- When granting leave Programm Fejda is to ensure the smooth continuity of the care plan
- The staff of Programm Fejda involved in the decision to grant leave of absence to a resident is to bear in mind that the responsibilities for the

resident's care plan remain the same while she is on leave, although they are exercised in a different way.

- The caring staff is to have access to the address and telephone number of a resident on leave.
- The granting of leave and the conditions attached to it are to be recorded in the residents' care plan.

END

Annex 3a

22 ta' Jannar, 2009

Ċirkolari nru: 7/09
P.463/03

'Taser Guns'

Referenza : Ċirkolari nru: 143/08 datata 23 ta' Settembru, 2008.

Illum, wara kważi aktar minn xahrejn li *t-taser gun* ġie mqassam fid-distretti u diviżjonijiet, kif ukoll fit-taqsimiet speċjalizzati tal-Korp, wasal iż-żmien - u dan wara li l-amministrazzjoni tal-Korp irċiviet l-ewwel rapporti dwar l-użu tiegħu - li wiehed jikkjarifika aktar dak li diġà intqal fiċ-ċirkolari hawn fuq imsemmija :

1. **'It-taser gun m'ghandu qatt u għall-ebda raġuni jiġi sparat għal xejn jew b'mod abbużiv'.**

Din is-sentenza nahseb li hi ċara biżżejjed u ma tinhtieg l-ebda spjegazzjoni.

2. **'It-taser gun m'ghandu jiġi użat qatt hlief f'każ ta' vjolenza li tkun qed issir permezz ta' arma tan-nar jew xi arma irregolari u li imminement tkun ser tintuża fuq xi membru tal-Korp jew fuq xi persuna ohra'.**

Hawnhekk wiehed jara li l-kelma 'vjolenza' qiegħda tiġi kkwalfikata. Mhux kwalunkwe vjolenza ġġib magħha l-użu tat-*taser gun* iżda vjolenza li fiha l-aggressur ikollu f'idu xi tip ta' arma tan-nar jew inkella xi arma irregolari (bħal sikkina, imqas, turnavit, eċċ). Dan mhux biżżejjed. Sabiex isir l-użu tat-*taser gun*, dik l-arma tan-nar jew inkella l-arma irregolari trid tkun jew tidher li tkun ser tintuża imminement jew fuq xi membru tal-Korp li jkun involut fis-sitwazzjoni jew inkella fuq xi terza persuna.

Hawnhekk joħroġ l-element tal-proporzjonalità li hu kardinali fl-applikazzjoni tal-użu tal-forza minn kull membru responsabbli miż-żamma tal-ordni. Jekk ma jkunx hemm l-elementi deskritti aktar 'il fuq, allura *t-taser gun* ma jistax jintuża. Dan ma jfissirx li m'ghandhomx jintużaw mezzi ohra biex l-aggressur ikun jista' jiġi mrażżan bħal-*lembuba* jew *pepper spray*.

Fuq din il-materja wiehed jista wkoll jikkonsulta l-Kodiċi tal-Etika tagħna li jittratta punti importanti dwar l-użu tal-forza f'paġni 22 – 26 kif ukoll l-artikoli 96 sa 102 ta' L-Att Dwar il-Pulizija, Kap 164 tal-Liġijiet ta' Malta.

3. **'It-taser gun m'ghandu qatt jintuża f'konfronti verbali iżda biss f'każijiet ta' aggressjoni vjolenti u fiċ-ċirkostanzi kif deskritti aktar 'il fuq wara li kull mezz ta' perswazzjoni jkun jidher li falla'.**

Dan il-paragrafu hu wkoll kruċjali. Fl-ebda hin u fl-ebda ċirkostanza ta' konfront verbali biss, m'ghandu jintuża *t-taser gun*. L-użu tat-*taser gun* għandu jsir biss meta wiehed ikun eżawrixa kull mezz ta' perswazzjoni possibbli u għaldaqstant ma jkunx fadallu triq ohra hlief li jirrikorri għall-użu tiegħu.

Is-Supretendenti għandhom jaraw li l-istruzzjonijiet mogħtija hawn fuq jiġu skrupolożament segwiti.

John Rizzo
Kummissarju

/ms

Annex 3b

Kwartieri Ġenerali tal-Pulizija
Floriana

23 ta' Settembru, 2008

Ċirkolari nru: 143/08
P.463/03

'Taser Guns'

Kif wiehed jaf, it-*taser gun* hu arma 'anqas letali' li meta jiġi użat, jispara żewġ *probes* permezz ta' arja kkompressata li kapaċi jrażżnu momentarjament persuna li tkun qed taġixxi b'mod vjolenti u dan b'rizultat ta' kurrent elettriku li jgħaddi mill-arma nnifisha għal ġol-persuna. Il-persuna hekk milquta minn din l-arma ma ssofri l-ebda griehi serji.

Numru ta' uffiċjali diġa' ħadu t-taħriġ meħtieġ fuq din l-arma minn *instructor* Amerikan li nġieb Malta għal ta' l-apposta. Dawn l-uffiċjali ġew ukoll iċċertifikati sabiex jagħmluha ta' għalliema lill-kollegi tagħhom dwar kif l-arma għandha tiġi użata.

Taħriġ ieħor sar u qieghed isir lill-membri tal-Korp fl-Akkademja tal-Pulizija.

Mil-lum ser jibdew jitqassmu dawn it-*taser guns* f'diversi taqsimiet tal-Korp. Użu minnhom jista' jsir biss minn dawk il-membri tal-Korp li jkunu segwew il-kors preskritt. Meta ma tkunx qed tingarr, l-arma għandha tinżamm maqfula f'post sikur. Għandhom jinżammu *records* li jindikaw id-data u l-hinijiet kif ukoll l-isem tal-membri tal-Korp li jkun ha r-responsabbiltà tat-*taser gun*. *Hand-over* tat-*taser gun* u lil min, għandu ukoll ikun irregiſtrat

Permezz ta' din iċ-ċirkolari, nixtieq nemfasizza li t-*taser gun* m'għandu qatt u għall-ebda raġuni jiġi sparat għal xejn jew b'mod abbużiv. It-*taser gun* m'għandu jiġi użat qatt hlief f'każ ta' vjolenza li tkun qed issir permezz ta' arma tan-nar jew xi arma irregolari u li imminetament tkun ser tintuża fuq xi membru tal-Korp jew fuq xi persuna oħra. It-*taser gun* m'għandu qatt jintuża f'konfronti verbali iżda biss f'każijiet ta' aggressjoni vjolenti u fiċ-ċirkostanzi kif deskritti aktar 'il fuq wara li kull mezz ta' perswazzjoni jkun jidher li falla.

Għall-ebda raġuni mhu ser jiġi ttollerat xi ksur ta' dawn id-direttivi u passi dixxiplinarji jew kriminali jittieħdu kontra kull min ma jimxix ma' l-istruzzjonijiet mogħtija lilu kemm waqt it-taħriġ li jkun ha kif ukoll dawk misjuba f'din iċ-ċirkolari.

Kull użu tat-*taser gun* irid jiġi rrapportat immedjatament bil-miktub u b'mod iddetaljat lill-Kwartieri Ġenerali mill-fizzjal ta' dak il-membri tal-Korp li jkun uża l-arma.

Is-Supretendenti għandhom jaraw li l-istruzzjonijiet mogħtija hawn fuq jiġu skrupolożament segwiti.

John Rizzo
Kummissarju

/ms

Annex 4a

A.L. 266 ta' l-2007

**ATT DWAR L-IMMIGRAZZJONI
(KAP. 217)**

**Regolamenti ta' l-2007 dwar Bord tal-Viżitaturi ghal
Persuni Detenuti**

BIS-SAHHA tas-setghat moghtija bl-artikolu 36 ta' l-Att dwar l-Immigrazzjoni, il-Viċi Prim Ministru u Ministru tal-Ġustizzja u l-Intern ghamel dawn ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2007 Titolu.
dwar Bord tal-Viżitaturi ghal Persuni Detenuti.

2. (1) Ghandu jkun hemm Bord tal-Viżitaturi ghal Persuni Bord tal-Viżitaturi
ghal Persuni
Detenuti.
Detenuti, hawn iżjed 'il quddiem imsejjah "il-Bord", li jkun magħmul minn *Chairman*, mill-inqas minn żewġ membri u l-aktar tmien membri u minn Segretarju skond ma jistgħu jiġu mahtura kull sena mill-Ministru responsabbli għall-immigrazzjoni, hawn iżjed 'il quddiem imsejjah "il-Ministru".

(2) Il-Viżitaturi ghandhom jibdew jeżerċitaw il-kariga tagħhom mill-1 ta' Jannar tas-sena li jiġu appuntati għaliha.

(3) Jekk matul is-sena jiġri li jkun hemm xi vakanza fil-Bord, minhabba f'xi mewt, riżenja jew minhabba xi raġuni oħra, il-Ministru ghandu, kemm jista' jkun malajr, jahtar persuna oħra biex timla dik il-vakanza:

Izda l-Bord u l-membri tiegħu xorta jistgħu jaġixxu minkejja li jkun hemm xi kariga vakanti bhal dik.

3. Il-Bord ghandu jkollu dawn il-funzjonijiet li ġejjin: Funzjonijiet tal-
Bord.

(a) li jissodisfa lilu nnifsu dwar il-mod kif ikunu qegħdin jiġu trattati d-detenuti, l-istat tal-fondi taċ-ċentri ta' detenzjoni u l-amministrazzjoni taċ-ċentri ta' detenzjoni;

(b) li jissorvelja l-amministrazzjoni tas-sistema ta' dixxiplina fiċ-ċentri ta' detenzjoni u jinforma lill-Ministru bir-

rizultanzi li jkollu; dan ikun jinkludi li l-awtorità tista' tattendi għal seduti dixxiplinarji li jirrigwardaw lid-detenuti;

(c) li jagħti parir lill-Ministru dwar dak kollu li jirrigwarda t-trattament tad-detenuti, kif ukoll l-organizzazzjoni u l-ameljorament taċ-ċentri ta' detenzjoni u s-Servizz ta' Detenzjoni, li l-Ministru jista' jirrifertilha jew kull haġa anċillari li l-Bord jista' jqis li jkun opportun li jissottometti l-parir tiegħu dwarha lill-Ministru;

(d) li jagħti parir lill-Ministru dwar kull haġa li jkollha x'taqsam max-xogħol u l-attività li għandu jsir mid-detenuti;

(e) li jinvestiga u jirrapporta dwar kull ma jqis li jkun adatt, jew li l-Ministru jitolbu, li jiġi investigat;

(f) li jaġixxi bhala l-korp ta' persuni responsabbli għall-Mekkaniżmu Preventiv Nazzjonali kontra t-tortura, kif provdut fil-Protokoll Opzjonali tal-Konvenzjoni tan-Nazzjonijiet Uniti kontra t-Tortura; u

(g) li jwettaq dawk il-funzjonijiet l-oħra li jiġu assenjati lillu taħt dawn ir-regolamenti.

Laqgħat u proċeduri tal-Bord.

4. (1) Il-Bord għandu jiltaqa' mill-inqas darba fix-xahar f'dak il-post skond ma l-Bord jista' minn żmien għal żmien jistabbilixxi.

(2) Sakemm ma jiġix provdut xort'oħra f'dawn ir-regolamenti, il-*quorum* fil-laqgħat tal-Bord għandu jkun nofs in-numru ta' membri u wiehed iehor.

(3) Il-laqgħat tal-Bord għandhom jiġu presjeduti miċ-*Chairman* jew, meta jkun assenti, mill-*Vici Chairman* jew minn membru li jiġi mahtur mill-Bord biex jipresjedi l-laqgħa.

(4) Il-Kap (Servizzi ta' Detenzjoni), hawn iżjed 'il quddiem imsejjah "il-Kap", jista' jattendi għal laqgħa shiha jew parti minnha tal-Bord jekk jiġi mistieden għaldaqstant mill-Bord u għandu jagħti lill-Bord kull informazzjoni li dan jista' jkun jehtieg fil-qadi tal-funzjonijiet tiegħu kif imiss.

(5) Il-minuti tal-proċedimenti u d-diskussjonijiet tal-Bord għandhom jitnizzlu mis-Segretarju tal-Bord u r-Reġistru tal-Minuti relattiv għandu jinżamm minnu. Dawk il-minuti għandhom jinqraw u jkunu konfermati fl-ewwel laqgħa li taħbat wara l-laqgħa li dawn ikunu jirrigwardaw, jew xi laqgħa sussegwenti, u għandhom ikunu iffirmati

miċ-*Chairman* jew minn xi membru iehor li jkun jippresjedi l-laqgħa li fih dawn jiġu konfermati u mis-Segretarju.

(6) Il-provi li jingħataw bil-ġurament, dwar xi lment jew inkjesta li ssir taht dawn ir-regolamenti, jistgħu jinstemgħu minn xi wiehed jew aktar mill-membri tal-Bord skond ma dawn jistgħu jiġu nominati għaldaqstant mill-Bord li għandu wkoll jinnomina lill-membri li jkun jista' jagħti l-ġurament.

5. (1) Il-Bord għandu jagħmel viżiti u jispezzjona ċentri ta' Detenzjoni mhux inqas minn darba fix-xahar b'tali manjiera skond ma l-Bord iqis li jkun konvenjenti. Viżiti u spezzjonijiet mill-Bord.

(2) Meta l-Bord ikun hekk jehtieg, għal dawk il-viżiti u spezzjonijiet għandu jattendi wkoll il-Kap u kull uffiċjal iehor li jiġi nominat mill-Kap.

(3) Il-persuni detenuti għandhom jiġu mistoqsija jekk ikollhomx ilmenti xi jressqu dwar il-mod kif ikunu qegħdin jiġu ittrattati fiċ-ċentri ta' Detenzjoni u meta persuna detenuta tkun tixtieq tressaq xi lment għandh tinstama' f'dik it-taqsimha taċ-ċentru skond ma l-Bord iqis li jkun adatt:

Izda ebda sanzjoni bħal dik m'għandha tiġi ordnata, applikata, permessa jew tollerata kontra xi persuna jew organizzazzjoni tali din tkun wasslet lill-Bord xi informazzjoni, kemm vera jew falza, u ebda tali persuna jew organizzazzjoni m'għandha altrimenti tiġi b'xi mod preġudikata.

(4) La l-Kap lanqas ebda uffiċjal iehor m'għandu jkun preżenti waqt li persuna detenuta tkun qegħda tressaq xi lment quddiem il-Bord. Il-Kap, madankollu, għandu jinstama' dwar dak l-ilment.

(5) Il-Bord għandu jzomm *record* ta' kull ilment li jitressaq quddiemu minn persuni detenuti u dwar id-deċiżjonijiet tiegħu fuqhom, u għandu, jekk iqis li jkun hekk mehtieg, jgħaddi biex jirċievi x-xieħda bil-ġurament tal-persuna li tkun qegħda tressaq l-ilment u ta' dawk l-uffiċjali u ta' persuni detenuti ohra jew ta' persuni ohra li l-Bord jista' jqis li jkunu rilevanti. Il-ġurament għandu jingħata miċ-*Chairman* jew minn xi membru iehor li jkun qieghed jippresjedi.

(6) Kemm-il darba ma jkunx manifestament frivolu jew mingħajr ebda bażi, kull talba jew ilment għandha tiġi trattata u tingħata risposta mingħajr ebda dewmien.

(7) Meta ma jitqiesx li jkun prattiku mill-Bord li ssir viżta jew spezzjoni taht id-disposizzjonijiet hawn qabel imsemmija ta' dan ir-regolament mill-membri kollha tal-Bord, viżta li ssir minn mhux inqas minn tliet membri li jiġu nominati għaldaqstant mill-Bord għandha titqies bħala ispezzjoni li ssir mill-Bord, u d-disposizzjonijiet hawn qabel imsemmija għandhom ikunu japplikaw għal viżta jew spezzjoni bħal dik bl-istess mod u bl-istess effett bħallikieku din kienet waħda li saret mill-Bord. Kull *record* li jinżamm mill-membri li jkunu qeghdin jagħmlu dik il-viżta jew spezzjoni u kull ilment li jsir minn dawk il-membri għandu jiġi riferut lill-Bord fil-laqgħa tiegħu li jkun imiss u jiġi wkoll reġistrat fil-minuti, sakemm jekk ikun mehtieg li tinstama' xi xiehda bil-ġurament matul xi viżta jew spezzjoni bħal dik, il-ġurament għandu jinghata minn xi wiehed mill-membri li jkunu qeghdin jagħmlu l-viżta jew l-ispezzjoni.

(8) Il-membri tal-Bord jistghu wkoll jagħmlu viżti jew spezzjonijiet bħal dawk sew flimkien sew separatament kull meta jridu, kemm bi nhar kemm bil-lejl, kull meta dawn ikunu jqisu li dan ikollu jsir b'dak il-mod. Dawk il-viżti jew spezzjonijiet jistghu wkoll isiru minghajr ma jinghata avviż minn qabel lill-Kap. Għandu jsir rapport ta' dawk il-viżti jew spezzjonijiet lill-Bord fil-laqgħa tiegħu li jkun imiss kemm-il darba l-membri li jkunu qeghdin jagħmlu l-viżta jew l-ispezzjoni ma jikkunsidrawx li għandhom jinfurmaw lill-Bord aktar qabel permezz taç-*Chairman*.

Smigh ta' lmenti ohra.

6. Ikun ukoll id-dmir tal-Bord li jisma' u jiddeçiedi, kemm jista' jkun malajr, kull talba jew ilment li jitressqu quddiemu minn persuna detenuta, jew minn xi persuna f'isimha, minbarra dawk li jitressqu quddiemha direttament jew quddiem il-membri tagħha filwaqt li tkun qeghda ssir xi viżta jew spezzjoni.

Deçizjonijiet tal-Bord.

7. (1) Id-deçizjonijiet tal-Bord għandhom jittiehdu minn maġġoranza tal-membri preżenti u li jkollhom il-vot. Fil-każ ta' ugwaljanza ta' voti, iç-*Chairman* ikollu vot deçiziv aktar mill-vot oriġinali tiegħu.

(2) Id-deçizjonijiet tal-Bord ta' Detenzjoni ma jkunux vinkolanti fuq il-Kap iżda jkun id-dmir tal-Kap li jikkunsidra serjament ir-rakkomandazzjonijiet tal-Bord wara li tittiehed deçizjoni skond m'hemm provdut fis-subregolament (1) u li jiddjaloga mal-Bord dwar kif dawn jistghu jiġu implimentati. Meta l-Kap, jew xi ufficjal iehor li jkun qiegħed jaġixxi f'ismu, ikun tal-fehma li r-rakkomandazzjonijiet tal-Bord ma jkunux jistghu jiġu implimentati minhabba f'xi raġunijiet li jkunu fl-aħjar interess ta' l-amministrazzjoni taç-çentru ta' Detenzjoni, għandha tinghata spjegazzjoni bil-miktub liç-*Chairman* tal-Bord ta' Detenzjoni b'kopja lill-Ministru, jew lil xi persuna li huwa jiddelega,

dwar dawn ir-raġunijiet, u dan fi żmien xahar mid-data minn meta jirċievi r-rakkomandazzjonijiet tal-Bord. Il-Ministru, jew dik il-persuna li tiġi hekk delegata minnu, tista' tikkonferma jew tibdel id-deċiżjoni tal-Kap.

8. (1) Il-membri tal-Bord ghandhom iniżzlu nota fir-Registru tal-Viżitaturi uffiċjali dwar kull viżta jew spezzjoni li huma jaghmlu, flimkien ma' kull rimarka li huma jqisu li tkun adatta dwar iċ-ċentri ta' Detenzjoni u l-persuni detenuti.

Record uffiċjali ta' viżiti li jsiru mill-Bord jew mill-membri tiegħu.

(2) Ir-Registru tal-Viżitaturi uffiċjali ghandu jingieb quddiem il-Bord waqt kull laqgħa ta' kull xahar u kull meta l-Bord jista' jkun jehtieġ.

(3) Il-Ministru jista' jitlob li jeżamina r-Registru tal-Viżitaturi uffiċjali u r-registru tal-minuti tal-Bord.

9. (1) Ebda persuna li jkollha interess f'xi kuntratt għall-provvista ta' oġġetti jew servizzi lil ċentri ta' Detenzjoni m'għandha tkun membru tal-Bord.

Skwalifika u astensjoni ta' Membri.

(2) Jekk xi membru tal-Bord ikollu qrubija bil-konsangwinità jew affinità, sar-raba' grad inklużiv, ma' xi persuna detenuta jew ikollu xi interess professjonali f'xi persuna detenuta, li ma tkunx dik ta' membru tal-Bord, huwa għandu minnufih jagħmel dikjarazzjoni dwar dik il-qrubija jew dak l-interess lill-Bord u dik id-dikjarazzjoni għandha tiġi reġistrata fil-minuti. Dak il-membru għandu wara dan jastjeni milli jiehu sehem fil-proċediment u d-diskussjonijiet tal-Bord dwar kull haġa li jkollha x'taqsam ma' dik il-persuna detenuta u milli jivvota dwarha.

(3) Meta membru jkun assenti minghajr ebda raġuni valida għal aktar minn erba' laqgħat konsekuttivi, dan għandu jitqies li jkun irriżenja mill-kariga tiegħu.

10. Il-Bord għandu jiġbed l-attenzjoni tal-persuna detenuta dwar kull haġa li tkun tirrigwardah u għandu jagħmel rapport lill-Ministru dwar kull ma jqis li jkun spedjenti li jirrapportalu.

Kwistjonijiet li għandhom jingiebu għall-attenzjoni tal-Kap.

11. Il-Bord għandu jinforma lill-Ministru minnufih b'kull abbuż li jsir jaf bih u jkollu s-setgħa li jirrakkomanda lill-awtorità xierqa li tkun ser tittiehed azzjoni dixxiplinari kontra xi uffiċjal.

Abbużi f'ċentri ta' Detenzjoni.

12. Il-Bord għandu jiehu hsieb li l-ikel ta' persuni detenuti jiġi spezzjonat minn membru tal-Bord f'intervalli spissi.

Spezzjoni ta' l-ikel.

Rapporti fuq is-sahha ta' detentur.

13. Il-Bord ghandu jinvestiga dwar kull rapport li jsirlu, dwar kull informazzjoni li xort'ohra jsir jaf biha, li s-sahha ta' persuna detenuta, mentali jew fizika, tkun giet jew aktarx li tigi affettwata hazin bil-kundizzjonijiet tad-detenzjoni tieghu.

Aċċess għall-fond u records.

14. (1) Il-Bord u kull membru tieghu ghandu jkollu aċċess f'kull waqt għal kull parti taċ-ċentri ta' Detenzjoni u għal kull persuna detenuta u jista' jintervista lil kull persuna detenuta minghajr ma ebda ufficjal ma jkun jista' jara jew jisma' dak li jkun ghaddej.

(2) Il-Bord u kull membru tieghu ghandu jkollhom aċċess għar-records taċ-ċentri ta' Detenzjoni.

Rapport annwali.

15. (1) Il-Bord ghandu jaghmel rapport annwali lill-Ministru fi tmiem kull sena dwar l-istat taċ-ċentri ta' Detenzjoni u l-amministrazzjoni tagghom, u b'mod generali, dwar il-qadi tal-funzjonijiet tieghu.

(2) Informazzjoni kunfidenzjali li tingabar mill-Bord ghandha tkun privileġġata u m'għandha tigi pubblikata ebda data personali minghajr il-kunsens espress tal-persuna li tkun involuta.

L.N. 266 of 2007

IMMIGRATION ACT
(CAP. 217)

Board of Visitors for Detained Persons Regulations, 2007

BY virtue of the powers conferred by article 36 of the Immigration Act, the Deputy Prime Minister and Minister for Justice and Home Affairs has made the following regulations:-

1. The title of these regulations is the Board of Visitors for Detained Persons Regulations, 2007. Title.

2. (1) There shall be a Board of Visitors for Detained Persons, hereinafter referred to as “the Board”, composed of a Chairman, a minimum of two and maximum of eight members and a Secretary as shall be appointed annually by the Minister responsible for immigration, hereinafter referred to as “the Minister”. Board of Visitors.

(2) The Visitors shall hold office from the 1st January of the year for which they shall be appointed.

(3) If any vacancy in the Board occurs during the year, on account of death, resignation or for any other cause, the Minister shall, as soon as practicable, appoint another person to fill the vacancy:

Provided that the Board and the members thereof may act notwithstanding any such vacancy.

3. The Board shall have the following functions:

Functions of the Board.

(a) to satisfy itself as to the treatment of detainees, the state of detention centres premises and the administration of the detention centres;

(b) monitor the administration of the detention centres’ disciplinary system and inform the Minister of its findings; this includes the authority to attend disciplinary hearings of detainees;

(c) to advise the Minister on any matter relating to the care of detainees, as well as to the organisation and improvement of

the detention centres and the Detention Service, which the Minister may refer to it or any ancillary matter on which the Board deems it opportune to tender its advice to the Minister;

(d) to advise the Minister on matters relating to work and activity to be performed by detainees;

(e) to inquire into and report upon any matter which it deems proper, or the Minister requests it, to enquire into;

(f) to act as the body of persons responsible for a National Preventive Mechanism for the prevention of torture, as provided for in the Optional Protocol to the United Nations Convention against Torture; and

(g) to perform such other functions as are assigned to it under these regulations.

Meetings and
proceedings of the
Board.

4. (1) The Board shall meet at least once a month at such place as the Board may from time to time determine.

(2) Except where otherwise provided in these regulations, the quorum for meetings of the Board shall be of half the number of members plus one.

(3) The meetings of the Board shall be presided by the Chairman or, in his absence, the Deputy Chairman or a member appointed by the Board to preside the meeting.

(4) The Head (Detention Services), hereinafter referred to as "the Head", may attend the whole or any part of a meeting of the Board if so invited by the Board and shall give to the Board any information it may require for the due exercise of its functions.

(5) Minutes of the proceedings and deliberations of the Board shall be drawn up by the Secretary of the Board and the relative Minutes Book shall be kept in his custody. Such minutes shall be read and confirmed at the first meeting after the meeting to which they relate, or any subsequent meeting, and shall be signed by the Chairman or other member presiding the meeting at which they are confirmed and by the Secretary.

(6) Evidence on oath, in connection with a complaint or an enquiry under these regulations, may be heard by one or more of the Board's members as may be designated for that purpose by the Board which shall also designate the member who will administer the oath.

5. (1) The Board shall visit and inspect Detention Centres not less than once a month in such manner as the Board deems convenient. Visits and inspections by the Board.

(2) If the Board so requests, such visits and inspections shall be attended by the Head and any other officer designated by the Head.

(3) The detainees shall be asked if they have any complaints to make with regard to their treatment in the Detention Centres and any detainee wishing to make a complaint shall be heard in such part of the Centre as the Board may deem fit:

Provided that no sanction shall be ordered, applied, permitted or tolerated against any person or organization for having communicated to the Board any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

(4) Neither the Head nor any other officer shall be present while a detainee is making a complaint before the Board. The Head, however, shall be heard on any such complaint.

(5) The Board shall keep a record of all complaints made to it by detainees and its decision thereon, and shall, if it deems necessary, take the sworn evidence of the complainant and of such officers and other detainees or other persons as the Board may deem relevant. The oath shall be administered by the Chairman or other member presiding.

(6) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

(7) Where it is not considered practicable by the Board to carry out a visit or an inspection under the foregoing provisions of this regulation by all the members of the Board, a visit or an inspection carried out by not less than three members designated for such purpose by the Board shall be deemed a visit or an inspection carried out by the Board, and the foregoing provisions shall apply to any such visit or inspection in the same manner and to the like effect as to one carried out by the Board. Any record kept by the members carrying out such a visit or inspection and any complaint received by such members shall

be referred to the Board at its next meeting and entered in the minutes, provided that if it is necessary to hear any evidence on oath during any such visit or inspection the oath may be administered by any one of the members conducting the visit or inspection.

(8) The members of the Board may also make such visits or inspections either together or separately at any time, whether by day or night, whenever they consider it desirable to do so. Such visits or inspections may also be made without prior notice to the Head. A report of such visits or inspections shall be made to the Board at its next meeting unless the members carrying out the visit or inspection consider to inform the Board earlier through the Chairman.

Hearing of other complaints.

6. It shall also be the duty of the Board to hear and decide upon, as soon as practicable, any request or complaint made to it by a detainee, or any person on his behalf, other than those made directly to it or to any of its members during the course of a visit or inspection.

Decisions of the Board.

7. (1) The decisions of the Board shall be taken by a majority of the members present and voting. In the case of an equality of votes the Chairman shall have a casting vote in addition to his original vote.

(2) The decisions of the Detention Board shall not be binding upon the Head but it shall be the duty of the Head to take serious cognizance of the recommendations of the Board following a decision taken as provided in subregulation (1) and to enter into a dialogue with the Board on possible implementation measures. When the Head, or any other officer acting on his behalf, is of the opinion that the recommendations of the Board cannot be implemented for reasons which are in the best interests of the Detention Centre administration, an explanation in writing of these reasons shall, within one month of the date of receipt of the Board's recommendations, be forwarded to the Chairman of the Detention Board and copied to the Minister, or to a person delegated by him. The Minister, or the person delegated by him, may confirm or vary the decision of the Head.

Official record of visits by Board or its members.

8. (1) The members of the Board shall make a note in the official Visitors' Book of every visit or inspection made by them, with such remark as they deem proper in regard to the Detention Centres and the detainees.

(2) The official Visitors' Book shall be produced to the Board at each monthly meeting and at such other times as the Board may require.

(3) The Minister may request to examine the official Visitors' Book and the minutes book of the Board.

9. (1) No person having any interest in any contract for the supply of goods or services to the Detention Centres shall be a member of the Board. Disqualification and abstention of members.

(2) If any member of the Board is related by consanguinity or affinity, up to the fourth degree inclusive, to any detainee or has any professional interest in any detainee, other than as a member of the Board, he shall forthwith make a declaration of such relationship or interest to the Board and such declaration shall be entered in the minutes. The said member shall thereafter abstain from taking part in the proceedings and deliberations of the Board on any question relating to such detainee and from voting thereon.

(3) A member who absents himself without valid reason for more than four consecutive meetings shall be considered as having resigned his post.

10. The Board shall draw the attention of the detainee to any matter which calls for his attention and shall report to the Minister any matter which it considers expedient to report to him. Matters for Head's attention.

11. The Board shall inform the Minister immediately of any abuse which comes to its knowledge and shall have power to recommend to the appropriate authority the taking of disciplinary action against any officer. Abuses in Detention Centres.

12. The Board shall arrange for the food of the detainees to be inspected by a member of the Board at frequent intervals. Inspection of food.

13. The Board shall inquire into any report made to it, or any information otherwise coming to its knowledge, that a detainee's health, mental or physical, has been or is likely to be injuriously affected by any conditions of his detention. Reports on detainee's health.

14. (1) The Board and every member thereof shall have access at any time to every part of the Detention Centres and to every detainee and may interview any detainee out of the sight and hearing of all officers. Access to premises and records.

(2) The Board and every member thereof shall have access to all Detention Centres' records.

15. (1) The Board shall make an annual report to the Minister at the end of each year concerning the state of the Detention Centres and their administration and, generally, the carrying out of its functions.

(2) Confidential information collected by the Board shall be privileged and no personal data shall be published without the express consent of the person concerned.

Annex 4b

A.L. 265 ta' l-2007

**ATT DWAR IL-HABS
(KAP. 260)**

Regolamenti ta' l-2007 li jemendaw ir-Regolamenti dwar il-Habs

BIS-SAHHA tas-setghat moghtijin bl-artikolu 6 ta' l-Att dwar il-Habs, il-Viçi Prim Ministru u Ministru tal-Ġustizzja u l-Intern ghamel dawn ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu **Regolamenti ta' l-2007 li jemendaw ir-Regolamenti dwar il-Habs**, u għandhom jinqraw u jiftiehmha waħda mar-Regolamenti ta' l-1995 dwar il-Habs, hawn iżjed 'il quddiem imsejha "ir-regolamenti prinċipali".

Titolu.

A.L. 118 ta' l-1995.

2. Fir-regolament 104 tar-regolamenti prinċipali, il-paragrafu (f) għandu jiġi enumerat mill-ġdid bhala l-paragrafu (g) u minnufih wara l-paragrafu (e) tiegħu għandu jiżdied dan il-paragrafu li ġejj:-

Jemenda r-regolament 104 tar-regolamenti prinċipali.

“(f) li jaġixxi bhala l-persuna responsabbli mill-Mekkanizmu Preventiv Nazzjonali għall-prevenzjoni ta' tortura, kif provdut fil-Protokoll Opzjonali tal-Konvenzjoni tan-Nazzjonijiet Uniti kontra t-Tortura; u”.

3. Minflok is-subregolament (3) tar-regolament 106 tar-regolamenti prinċipali għandu jidhol dan li ġejj:

Jemenda r-regolament 106 tar-regolamenti prinċipali.

“(3) Il-prigunieri għandhom jiġu mistoqsija dwar jekk huma jkollhomx ilmenti x'jagħmlu dwar it-trattament li jkunu qegħdin jirċievu fil-habs u meta prigunier ikun irid jagħmel xi ilment dan għandu jinstama' f'dik it-taqsimha tal-habs skond ma l-Bord jista' jqis li tkun adatta:

Iżda m'għandha tiġi ordnata, applikata, permessa jew tollerata ebda sanzjoni kontra xi persuna jew organizzazzjoni talli din tkun ikkomunikat lill-Bord xi informazzjoni, sew jekk din tkun vera jew falza, u ebda tali persuna jew organizzazzjoni, m'għandha altrimenti tkun preġudikata b'ebda mod iehor.”.

Jemenda
r-regolament 108
tar-regolamenti
prinċipali.

4. Minflok is-subregolament (2) tar-regolament 108 ghandu jidhol dan li ġej:

“(2) Id-deċiżjonijiet tal-Bord m’ghandhomx ikunu jorbtu lid-Direttur iżda d-Direttur ikollu d-dritt li jikkunsidra serjament ir-rakkomandazzjonijiet tal-Bord wara li tittiehed xi deċiżjoni skond m’hemm provdut fis-subregolament (1) u li jghaddi għal djalogu mal-Bord dwar miżuri possibbli ta’ implimentazzjoni. Bla hsara għad-disposizzjonijiet tas-subregolament (3), meta d-Direttur, jew xi uffiċjal iehor tal-habs li jkun qiegħed jagħmilha minflok, jkun tal-fehma li r-rakkomandazzjonijiet tal-Bord ma jkunux jistghu jiġu implimentati minhabba f’raġunijiet li jkunu fl-ahjar interess ta’ l-amministrazzjoni tal-habs, għandha tinghata spjegazzjoni bil-miktub ta’ dawn ir-raġunijiet, fi żmien xahar mid-data meta jaslu r-rakkomandazzjonijiet tal-Bord, liċ-*chairman* tal-Bord flimkien ma’ kopja li tintbagħat lill-Ministru, jew lil xi persuna li tiġi delegata minnu. Il-Ministru, jew il-persuna li tiġi delegata minnu, tista’ tikkonferma jew tvarja d-deċiżjoni tad-Direttur.”.

Jemenda
r-regolament 116
tar-regolamenti
prinċipali.

5. Ir-regolament 116 tar-regolamenti prinċipali ghandu jiġi enumerat mill-ġdid bhala s-subregolament (1) tiegħu u minnufih wara dan is-subregolament ghandu jiżdied dan is-subregolament ġdid li ġej:

“(2) Dik l-informazzjoni kunfidenzjali li l-Bord ikollu għandha tkun privileġġata u m’ghandha tiġi pubblikata ebda *data* personali minghajr il-kunsens espress tal-persuna involuta.”.

L.N. 265 of 2007

**PRISONS ACT
(CAP. 260)**

Prisons (Amendment) Regulations, 2007

BY virtue of the powers conferred by article 6 of the Prisons Act, the Deputy Prime Minister and Minister for Justice and Home Affairs has made the following regulations:-

1. The title of these regulations is the Prisons (Amendment) Regulations, 2007 and they shall be read and construed as one with the Prisons Regulations, 1995, hereinafter referred to as “the principal regulations”. Title.
L.N. 118 of 1995.

2. In regulation 104 of the principal regulations, paragraph (f) shall be renumbered as paragraph (g) and immediately after paragraph (e) thereof there shall be added the following new paragraph:- Amends regulation 104 of the principal regulations.

“(f) to act as the person responsible for a National Preventive Mechanism for the prevention of torture, as provided for in the Optional Protocol to the United Nations Convention against Torture; and”.

3. For sub-regulation (3) of regulation 106 of the principal regulations there shall be substituted the following: Amends regulation 106 of the principal regulations.

“(3) The prisoners shall be asked if they have any complaints to make with regard to their treatment in the prison and any prisoner wishing to make a complaint shall be heard in such part of the prison as the Board may deem fit:

Provided that no sanction shall be ordered, applied, permitted or tolerated against any person or organization for having communicated to the Board any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.”.

4. For sub-regulation (2) of regulation 108 there shall be substituted the following: Amends regulation 108 of the principal regulations.

“(2) The decisions of the Board shall not be binding upon the Director but it shall be the duty of the Director to take serious cognizance of the recommendations of the Board following a decision taken as provided in subregulation (1) and to enter into a

dialogue with the Board on possible implementation measures. Subject to the provisions of subregulation (3), where the Director, or any other prison officer acting on his behalf, is of the opinion that the recommendations of the Board cannot be implemented for reasons which are in the best interests of the prison administration, an explanation in writing of these reasons shall, within one month of the date of receipt of the Board's recommendations, be forwarded to the chairman of the Board and copied to the Minister, or to a person delegated by him. The Minister, or the person delegated by him, may confirm or vary the decision of the Director.”.

Amends regulation 116 of the principal regulations.

5. Regulation 116 of the principal regulations shall be renumbered as sub-regulation (1) thereof and immediately thereafter there shall be added the following new sub-regulation:

“(2) Confidential information collected by the Board shall be privileged and no personal data shall be published without the express consent of the person concerned.”.

Annex 4c

<u>Extent to which Legal Notices reflect preventive mandate in OPCAT's NPM</u> <u>(Unofficial Comparative Table)</u>			
OPCAT	<u>Prisons (Amendment) Regulations, 2007 -- Legal Notice 265 of 2007</u>	<u>Board of Visitors for Detained Persons Regulations, 2007 -- Legal Notice 266 of 2007</u>	Comments
Art. 17	Regulation 2	Regulation 3(f)	
Art. 18	(See Art. 8(1), Prisons Act)	Regulations 2(1), 9(1), 9(2)	
Art. 19(a)	(For any further references please see also Prison Act and Prison Regulations)	Regulations 3(a), 3(b), 3(e), 5(5), 5(6), 5(8), 6, 8(1), 8(2), 12,13, 14(1)	
Art. 19(b)	Regulation 4	Regulations 3(c), 3(d), 3(e), 8, 10,11,	
Art. 19(c)	(For any further references please see also Prison Act and Prison Regulations)	Regulations 3(c), 3(e), 3(g)	
Art. 20(a)	(For any further references please see also Prison Act and Prison Regulations)	Regulations 4(4), 12, 14(1), 14(2)	
Art. 20(b)	(For any further references please see also Prison Act and Prison Regulations)	Regulations 4(4), 12, 14(1), 14(2)	
Art. 20(c)	(For any further references please see also Prison Act and Prison Regulations)	Regulations 5(1), 5(2), 5(8), 12, 14(1)	
Art. 20(d)	Regulation 3	Regulations 5(3)(1), 5(4), 5(5), 5(6), 5(8), 6, 14(1)	
Art. 20(e)	Regulation 3	Regulation 14(1)	
Art. 21(1)	Regulation 3	Regulations 5(3)(2)	
Art. 21(2)	Regulation 5	Regulation 15(2)	
Art 22	Regulation 4	Regulations 5(6), 7(2), 11	
Art 23	(See Regulation 92, Prison Regulations)	Regulation15(1)	

Annex 5b

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DETENTION CENTRE RULES

and

STANDING INSTRUCTIONS

Copy No 30

September 2006

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DETENTION CENTRE RULES AND STANDING INSTRUCTIONS

1. Introduction

These Rules constitute the Standing Instructions for the Detention Service. They make provision for the regulation and management of detention centres. They provide for matters such as the welfare and entitlements of detained persons, their religious observance, correspondence, health care and any complaints they wish to make, as well as the use of security measures such as powers of search and removal from association in certain circumstances. The Rules also provide for the duties of detention centre officers.

2. Interpretation

In these Rules, where the context so admits, the expression -

“Commander Detention Service” means the person appointed by the Minister responsible for immigration to administer all detention centres in the Maltese Islands;

"compact" has the meaning set out at rule 11(1);

"controlled drug" means any drug which is a controlled drug for the purposes of the Dangerous Drug Ordinance (Cap 101)

“family” means only in so far as the family already existed in the country of origin, persons who declare upon initial arrival that they are accompanied by their spouse or their minor children and can be shown to have been living together prior to their arrival; on condition that the children are unmarried and dependent, and regardless of whether they were born in or out of wedlock, or adopted in a manner recognised under Maltese Law.

"legal adviser" means, in relation to a detained person, his counsel, representative or solicitor, and includes a clerk acting on behalf of his solicitor;

“Non-governmental Organisation” means any organisation or association permitted by the Minister for Justice and Home Affairs to provide advice and support to persons in detention

"Officer In Charge" means, in relation to any detention centre, the person appointed by the Commander Detention Service to manage a detention centre

"officer" means an officer of a detention centre (whether a member of the Armed Forces of Malta, the Malta Police Force, Detention Service or otherwise)

3. General duty of officers

(1) It shall be the duty of every officer to conform to these Rules and the rules and regulations of the detention centre, to assist and support the Officer in Charge in their maintenance and to obey his lawful instructions.

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(2) An officer shall inform the Officer In Charge and the Commander Detention Service promptly of any abuse or impropriety which comes to his knowledge.

(3) Officers exercising detention functions shall pay special attention to their fundamental duty to attend to the well-being of detained persons.

(4) Officers shall notify the health care team of any concern they have about the physical or mental health of a detainee.

(5) In managing detained persons, all officers shall seek by their own example and leadership to enlist their willing co-operation.

(6) At all times the treatment of detained persons shall be such as to encourage their self-respect, a sense of personal responsibility and tolerance towards others.

4. Gratuities forbidden

No officer shall receive any unauthorized fee, gratuity or other consideration in connection with his office.

5. Transactions with detained persons

(1) No officer shall take part in any business or pecuniary transaction with or on behalf of a detained person.

(2) No officer shall without authority bring in or take out, or attempt to bring in or taken out, to or for a detained person, or deposit in any place with intent that it shall come into the possession of a detained person, any article whatsoever.

6. Search of Officers

An officer shall submit himself to be searched in the detention centre if the Officer In Charge so directs. Any such search shall be conducted in as seemly a manner as is consistent with discovering anything concealed.

7. Contact with former detained persons

No officer shall communicate with any person whom he knows to be a former detained person in such a way as could compromise that officer in the execution of his duty or the safety, security or control of the centre.

8. Communication with the press

(1) No officer shall make, directly or indirectly, any unauthorized communication to a representative of the press or any other person

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concerning matters which have become known to him in the course of his duty.

(2) No officer shall, without authority, publish any matter or make any public pronouncement relating to the administration of any detention centre, short-term holding facility or to any detained persons accommodated there.

9. Discipline

Discipline of staff members shall be carried out in accordance with disciplinary regulations governing their respective parent organisation.

10. Purpose of detention centres

(1) The purpose of detention centres shall be to provide for the secure but humane accommodation of detained persons in a relaxed regime with as much freedom of association as possible, consistent with maintaining a safe and secure environment.

(2) Due recognition will be given at detention centres to the need for awareness of the particular anxieties to which detained persons may be subject and the sensitivity that this will require, especially when handling issues of ethnic or cultural diversity.

11. Information to detained persons about these Rules and the detention centre

(1) Detainees will be given a document (to be known as the "compact") entitled 'Your entitlements, responsibilities and obligations while in detention' setting out certain rights to be enjoyed and responsibilities to be undertaken by detained persons during their stay at detention centres.

(2) The compact in 11 (1) shall in no way prejudice any other rights or responsibilities of detained persons as set out in these Rules, any local or international human rights instrument, or otherwise.

(3) Every detained person shall be provided, as soon as possible after his reception into a detention centre with a copy of the compact together with information in writing about those provisions in these Rules and other matters about life in the detention centre which it is necessary that he should know (including information about the proper method of making requests and complaints at the centre).

(4) In the case of a detained person who cannot read or appears to have difficulty in understanding the information so provided, the Officer In Charge, or a member of staff deputed by him, shall so explain it to him in order that he can understand his rights and responsibilities.

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12. Record, photograph and fingerprinting

(1) For purposes of identification and welfare, a personal record for each detained person shall be prepared and maintained.

(2) This record shall include such details and measurements of external physical characteristics as the Commander Detention Service may direct, but no copy of the record shall be given to any person not authorised to receive it by the Minister for Justice and Home Affairs.

(3) Every detained person may be photographed on reception and subsequently as many times as may be required by the Principal Immigration Officer, but no copy of any photographs taken shall be given to any person not authorised to receive it by such Officer.

(4) Any detained person may have his fingerprints taken if specifically directed by the Principal Immigration Officer.

13. Detained persons' property

(1) Every detained person shall be entitled to retain all his personal property, other than cash, for his own use at the detention centre save where such retention is contrary to the interests of safety or security or is incompatible with the storage facilities provided at the centre.

(2) Anything, other than cash, which a detained person has at a detention centre and which he is not allowed to retain for his own use as a result of paragraph (1) shall be taken into the custody of the Officer In Charge.

(3) An inventory of a detained person's property shall be kept, and he shall be required to sign it, after having a proper opportunity to see that it is correct.

(4) A detained person may have supplied to him and retain for his own use books, newspapers, writing materials and other means of occupation, except any that appears objectionable to the Officer In Charge or the Commander Detention Service on grounds that it is likely to give offence to others.

(5) Any cash shall be deposited with the Principal Immigration Officer for safekeeping and a receipt issued, which the detained person shall be required to sign, after having a proper opportunity to see that it is correct

(6) A detained person shall exceptionally be entitled to access to any cash deposited with the Principal Immigration Officer for safekeeping under paragraph (5) upon such authority being granted by the Principal Immigration Officer.

(7) Any property or cash which a detained person has deposited with, or surrendered to, the Officer In Charge in accordance with these

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Rules shall be returned to the detained person upon his discharge from the detention centre.

(8) Any article belonging to a detained person which remains unclaimed for a period of more than one year after he is discharged from the detention centre, or dies will become the property of the Detention Service.

(9) The Officer In Charge may confiscate any unauthorised article found in the possession of a detained person after his reception into a detention centre, or concealed or deposited anywhere within a centre.

14. Search

(1) For reasons of security and safety, every detained person shall be searched when taken into custody by an officer, on his reception into a detention centre and subsequently as the Officer In Charge thinks necessary, or as the Commander Detention Service may direct.

(2) A detained person shall be searched in as seemly a manner as is consistent with discovering anything concealed.

(3) No detained person shall be stripped and searched in the sight of another detained person, or in the sight or presence of an officer or other person not of the same sex.

(4) Paragraphs (2) and (3) apply to searches by officers acting in accordance with escort arrangements as well as to those exercising detention functions.

15. Custody outside detention centres

(1) A person being taken to or from a detention centre in custody shall be exposed as little as possible to public observation and proper care shall be taken to protect him from curiosity and insult.

(2) A detained person required to be taken in custody anywhere outside a detention centre shall be kept in the custody of an officer appointed to escort him or a police officer. Arrangements while under escort may entail hand-cuffing while in transit (e.g. while being escorted to the hospital or medical clinic).

16. Detention reviews and up-date of claim

(1) The Commander Detention Services shall, provide a detained person enquiring on his case, with an update on the progress of any relevant matter relating to him as follows when this is made available:

(2) For the purposes of paragraph (1) "relevant matter" means any of the following:

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- (a) a claim for asylum – Commissioner for Refugees;
- (b) an application for, or for the variation of, leave to enter or remain in Malta – Principal Immigration Officer;
- (c) the proposed removal or deportation of the detained person from Malta – Principal Immigration Officer;
- (d) an application to the Refugee Appeals Board;
- (e) an application to the Immigration Appeals Board;
- (f) an appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in paragraphs (a) to (e).

17. Female detained persons

Female detained persons will be provided with sleeping accommodation separate from male detained persons, subject to rule 18.

18. Families and minors

(1) Detained family members shall be entitled to enjoy family life at the detention centre save to the extent necessary in the interests of security and safety.

(2) Detained persons aged under 18 and families will be provided with accommodation suitable to their needs.

(3) Everything reasonably necessary for detained persons' protection, safety and well-being and the maintenance and care of infants and children shall be provided.

19. Clothing

(1) All detained persons may wear clothing of their own if and insofar as it is suitable and clean, and shall be permitted to arrange for the supply to them from outside the detention centre of sufficient clean clothing.

(2) Where required NGOs will be permitted to distribute clothing to all detained persons in accordance with arrangements approved by the Commander Detention Service.

(3) Facilities for the washing of items of clothing shall be provided.

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20. Food

(1) Subject to any directions of the Commander Detention Service, no detained person shall be allowed, except as authorised by the medical practitioner, to have any food other than that ordinarily provided.

(2) No detained person shall be given less food than is ordinarily provided, except with his written consent and upon the written recommendation of the medical practitioner.

(3) The food provided shall:

(a) be wholesome, nutritious, well prepared and served, reasonably varied, sufficient in quantity and, in-so-far as possible,

(b) meet all religious, dietary, cultural and medical needs.

(4) The Officer In Charge of a detention centre, shall at regular intervals inspect the food and shall report any deficiency or defect to the Commander Detention Service.

(5) In this rule "food" includes drink.

21. Alcohol

No detained person shall be allowed to have any intoxicating liquor.

22. Certification of accommodation

(1) No room shall be used for the purposes of: -

(a) removal from association under rule 43;

(b) temporary confinement under rule 45; or

(c) application of special control or restraint under rule 46 unless the Commander Detention Service has certified that its lighting, heating, ventilation and fittings are adequate for health and that it allows the detained person to communicate at any time with an officer.

23. Hygiene

(1) Every detained person shall have proper regard for personal hygiene in their own interests and the interests of others.

(2) Every detained person shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced as necessary.

(3) Separate male and female facilities shall be provided for every detained person to have a bath or shower on a regular basis.

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(4) Facilities shall be provided to male detained persons to permit daily shaving.

(5) Facilities shall be provided to allow detained persons to have their hair cut on a regular basis.

(6) No detained person shall be required to have his or her hair cut without consent.

24. Daily Routine

(1) All detained persons shall be provided with an opportunity to participate in activities to meet, as far as possible, their recreational needs and the relief of boredom.

(2) Wherever reasonably possible the development of skills and of services to the detention centre and to the community should be encouraged.

25. Time in open air

(1) Subject to paragraph (2), a detained person shall be given the opportunity to spend at least one hour in the open air every day.

(2) Time in the open air may be refused in exceptional circumstances where necessary in the interests of safety or security.

26. Diversity of religion

The practice of religion in detention centres shall take account of the diverse cultural and religious background of detained persons.

27. Religious denomination

If a detained person wishes to declare himself to belong to a particular religion, the Officer In Charge shall upon that person's reception at the detention centre record the religion to which the detained person wishes to belong.

28. Authority for ministers of religion to gain access to detention centres

Religious organizations may request access to detention centres to the Commander Detention Service who may grant such access on a case by case basis in consultation with the Principal Immigration Officer.

29. Outside contacts

In accordance with rules 29, 30 and 51, detained persons shall be entitled to visits from, or communications with authorised persons and representatives of non-governmental organisations, save to the extent necessary in the interests of security or safety.

30. Correspondence

(1) Every detained person may send and receive as many letters as he wishes.

(2) A detained person shall on request be provided with any writing materials necessary for the purposes of sending letters pursuant to paragraph (1).

(3) No letter or other communication to or from a detained person may be opened, read or stopped save where the Officer In Charge has reasonable cause to believe that its contents may endanger the security of the detention centre or the safety of others or are otherwise of a criminal nature or where it is not possible to determine the addressee or sender without opening the correspondence.

(4) Detained persons will be given the opportunity of being present when any correspondence is opened or read and shall be given reasons in advance if any correspondence is to be opened, read or stopped under paragraph (3).

(6) The Commander shall bear the postage expense of any letter to the European Court of Human Rights, the European Court of Justice, the Courts of Malta, the Refugee Appeals Board, the Immigration Appeals Board or an adjudicator (or any court entitled to hear an appeal against a decision of those bodies).

31. Visits

(1) In the interests of security and safety, every visit to a detained person shall take place in accordance with the directions of the Officer in Charge or as the Commander may direct.

(2) No person visiting a detained person at a detention centre shall be permitted to take a photograph whilst there without the permission of the Commander Detention Service.

32. Official interviews

A police officer, immigration officer or any other government official may interview any detained person willing to see him or obliged to see him.

33. Legal advisers and representatives

The legal adviser or representative of any detained person in any legal proceedings shall be afforded reasonable facilities for interviewing him in confidence, save that any such interview may be in the sight of an officer of the Detention Service.

34. Use of telephones

(1) All detained persons shall have access to public telephones at the detention centre.

(2) The Commander Detention Service may bear the expense of any telephone calls (within reasonable limits) by providing phone cards to all detained persons.

35. Money and articles received by post

(1) Any money or other article (other than a letter or other communication) sent to a detained person through the post shall be dealt with in accordance with the provisions of this rule, and the detained person shall be informed of the manner in which it is dealt with.

(2) Any monies shall, at the discretion of the Officer In Charge, be -

(a) dealt with in accordance with rule 13(5) or (6); or

(b) returned to the sender (if known).

(3) Any other article to which this rule applies shall, at the discretion of the Officer In Charge, be -

(a) delivered to the detained person; or

(b) returned to the sender (if known).

36. Medical Officers

(1) Every detention centre shall have reasonable access to a medical officer.

(2) Each Medical Officer shall pay special attention to the need to recognise medical conditions which might be found among a diverse population and the cultural sensitivity appropriate when performing his duties.

(3) Every request by a detained person to see the Medical Officer shall be recorded by the officer to whom it is made and forthwith passed to the Medical Officer or nursing staff responsible for the detention centre.

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(4) The Medical Officer shall ensure that all medical records relating to a detained person are forwarded as appropriate following his transfer to another detention centre. Immediately prior to discharge from the detention centre the Department of Health will inform the Principal Immigration Officer about the detained persons medical clearance.

37. Medical examination upon admission and thereafter

(1) Every detained person shall be given a medical examination by the Medical Officer (or another registered medical practitioner) as soon as possible after his admission to the detention centre.

38. Special illnesses and conditions (including maltreatment claims)

(1) The Medical Officer shall report to the Officer In Charge on the case of any detained person whose health is likely to be injuriously affected by continued detention or any conditions of detention.

(2) The Medical Officer shall report to the Officer In Charge on the case of any detained person he suspects of having suicidal intentions, and the detained person shall be placed under special observation at a mental health facility for so long as those suspicions remain, and a record of his treatment and condition shall be kept throughout that time in a manner to be determined by the Commander Detention Service.

(3) The Medical Officer shall report to the Officer In Charge on the case of any detained person who he is concerned may have been the victim of maltreatment.

(4) The Commander Detention Services will render a monthly report to the Minister for Justice and Home Affairs on any incidents arising from paragraphs (1), (2) or (3), provided that where any incident arising under (1), (2) or (3) is of such a serious nature as to require an immediate report, this will be sent to the Minister for Justice and Home Affairs without delay.

(5) The Medical Officer shall pay special attention to any detained person whose mental condition appears to require it, and make any special arrangements (including counselling arrangements) which appear necessary for his supervision or care.

39. Notification of illness or death

(1) If a detained person dies, becomes seriously ill, sustains any severe injury or is removed to hospital on account of mental disorder, the Officer In Charge shall inform the Principal Immigration Officer who will inform the Ministry for Justice and Home Affairs without delay and shall at once inform: -

(a) the detained person's spouse or next of kin (if he knows of their contact details); and

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(b) any other person who the detained person may reasonably have asked should be informed.

(2) In any case in which the Commander Detention Service is under a duty to inform the detained person's spouse or next of kin under paragraph (1), this shall be done in person by the appropriate officer wherever it is reasonably practicable to do so.

(3) Without prejudice to paragraph (1), if a detained person dies, the Officer In Charge shall give notice immediately to the police.

40. Medical examinations required in the interests of others

(1) This rule applies where an officer, acting under an authorisation given by the Officer In Charge requires a detained person to submit to a medical examination for the purposes of determining whether he is suffering from a disease.

(2) A detained person who has been required to submit to a medical examination shall, so far as is reasonably practicable, be asked to consent to the examination and be informed by the examining medical practitioner of the nature of the disease from which there are reasonable grounds to believe he is suffering.

41. Requests and complaints

(1) A request or complaint to the Commander Detention Service, the Officer In Charge, Principal Immigration Officer or the Minister for Justice and Home Affairs relating to a detained person's detention shall be made orally or in writing by the detained person in accordance with such procedures as may be approved by the Commander Detention Service.

(2) The Officer In Charge shall hear any requests and complaints that are made to him under paragraph (1).

(3) Any written request or complaint made under paragraph (1) may be made in confidence and, if the detained person so wishes, shall be sealed in an envelope with the addressee clearly indicated.

42. General security and safety

(1) Security shall be maintained, but with no more restriction than is required for safe custody and a well ordered community life. A daily roll-call shall be held to establish the presence of individuals in the detention centre.

(2) A detained person shall not behave in any way which might endanger the health or personal safety of others.

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(3) A detained person shall not behave in any way which is inconsistent with his responsibilities under the compact in rule 10 (1).

(4) A detained person shall not be employed in any disciplinary capacity.

43. Removal from association

(1) Where it appears necessary in the interests of security or safety that a detained person should not associate with other detained persons, either generally or for particular purposes the Officer In Charge may after consultation with the Commander Detention Service arrange for the detained person's removal from association accordingly.

(2) A detained person shall not be removed under this rule for a period of more than 24 hours without the authority of the Commander Detention Service.

(3) An authority under paragraph (2) shall be for a period not exceeding 6 days.

(4) Notice of removal from association under this rule shall be given without delay to the Medical Officer.

(5) If in any case the Medical Officer so advises on medical grounds, the Officer In Charge may arrange at his discretion for such a detained person as aforesaid to resume association with other detained persons.

(6) Particulars of every case of removal from association shall be recorded by the Officer In Charge in a manner to be directed by the Commander Detention Service.

44. Use of force

(1) An officer dealing with a detained person shall not use force unnecessarily and, when the application of force to a detained person is necessary, no more force than is necessary shall be used.

(2) No officer shall act deliberately in a manner calculated to provoke a detained person.

(3) Particulars of every case of use of force shall be recorded by the Officer In Charge in a manner to be directed by the Commander Detention Service.

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45. Temporary confinement

(1) The Officer In Charge may order a refractory or violent detained person to be confined temporarily in special accommodation, but a detained person shall not be so confined as a punishment, or after he has ceased to be refractory or violent.

(2) A detained person shall not be confined in special accommodation for longer than 24 hours without a direction in writing given by the Commander Detention Service.

(3) The direction shall state the grounds for the confinement and the time during which it may continue (not exceeding 3 days).

(4) Notice of the direction shall be given without delay to the medical practitioner.

(5) Particulars of every case of temporary confinement shall be recorded by the Officer In Charge in a manner to be directed by the Commander Detention Service.

(6) The Officer In Charge and the medical practitioner shall visit all detained persons in temporary confinement on a regular basis for as long as they remain so confined.

46. Special control or restraint

(1) The Officer In Charge may order a detained person to be put under special control or restraint where this is necessary on grounds of security, to prevent the detained person from injuring himself or others, damaging property or creating a disturbance.

(2) Notice of such an order shall be given without delay to the medical practitioner.

(3) On receipt of the notice the Medical Officer shall inform the Officer In Charge whether there are any medical reasons why the detained person should not be put under special control or restraint and the Officer In Charge shall give effect to any recommendation which the medical Officer may make.

(4) A detained person shall not be kept under special control or restraint longer than necessary, nor shall he be so kept for longer than 24 hours without a direction in writing given by Commander Detention Service.

(5) A direction given under paragraph (4) shall state the grounds for the special control or restraint and the time during which it may continue.

(6) Particulars of every case of special control or restraint shall be recorded by the officer in charge in a manner to be directed by the Commander Detention Service.

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(7) The Officer In Charge and the Medical Officer shall visit any detained person placed under special control and restraint at reasonable intervals during every 24 hour period for so long as the special control or restraint continues to be applied.

(8) Except as provided by this rule no detained person shall be put under special control or restraint otherwise than for safe custody, to give effect to directions lawfully given for his removal from Malta, or on medical grounds by direction of the Medical Officer.

(9) No detained person shall be put under special control or restraint as a punishment.

(10) Any means of special control or restraint shall be of a pattern authorised by the Commander Detention Service, and shall be used in such manner and under such conditions as the Commander may direct.

47. Compulsory testing for controlled drugs and alcohol

(1) This rule applies where an officer, acting under an authorisation given by the Commander Detention Service, requires a detained person to provide a sample for the purpose of ascertaining whether he has a controlled drug or alcohol in his body.

(2) In this rule "sample" means a sample of urine or breath or any other description of sample specified in the authorization.

(3) The officer shall not require a sample to be taken unless there are reasonable grounds for believing that the detained person has a controlled drug or alcohol in his body.

(4) When requiring a detained person to provide a sample, the officer shall inform the detained person that he is being required to provide a sample.

(5) The officer shall require the detained person to provide a fresh sample, free from any adulteration.

(6) An officer requiring a sample shall make such arrangements and give the detained person such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(7) A detained person who is required to provide a sample may be kept apart from other detained persons for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(8) A detained person who is unable to provide a sample of urine when required to do so may be kept apart from other detained persons until he has provided the required sample, save that the detained person

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may not be kept apart under this paragraph for a period of more than 5 hours.

(9) A detained person required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample and in particular a detained person shall not be required to provide such a sample in the sight of a person of the opposite sex.

48. Authorisation for access to Detention Centres

No person shall have access to a detention centre unless authorised by the Commander Detention Service or the Principal Immigration Officer acting on the advice of the Ministry for Justice and Home Affairs.

49. Prohibited articles

(1) No person shall, without authority, convey into or throw into or deposit in a detention centre, or convey or throw out of a detention centre, or convey to a detained person, or deposit in any place with intent that it shall come into the possession of a detained person, any money, clothing, food, drink, tobacco, letter, paper, book, tool or other article whatever.

(2) Anything so conveyed, thrown or deposited may be confiscated by the Officer In Charge.

50. Control of persons and vehicles

(1) Any person or vehicle entering a detention centre may be stopped, examined and searched.

(2) Any search of a person under paragraph (1) shall be carried out in as seemly a manner as is consistent with discovering anything concealed.

(3) The Officer In Charge may direct the removal from a detention centre of any person who does not leave on being required to do so.

51. Viewing of detention centres

No outside person shall be permitted to view inside a detention centre unless authorised to do so by the Minister responsible for Immigration.

52. Visitors

(1) Without prejudice to any other powers to prohibit or restrict entry to detention centres, the Minister for Justice and Home Affairs may, with a view to ensuring safety and security or the prevention of crime or in the

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interests of any persons, impose prohibitions on visits by a person to a detention centre or to a detained person in a detention centre for such periods of time as he considers necessary.

(2) Except in the most exceptional circumstances and after due authorisation by the Principal Immigration Officer paragraph (1) shall not apply in relation to prevent any visit by a legal adviser for the purposes of an interview under rule 33.

53. Discharge from Detention Centre

On notification of the date of release by the Principal Immigration Officer the Commander Detention Service will inform the Officer In Charge when an individual is due for discharge and will make arrangements for his transfer to an open accommodation centre or other accommodation as appropriate.

54. Delegation by the Minister for Justice and Home Affairs

The Commander of the Detention Service may, with the leave of the Minister responsible for Immigration, delegate any of the powers and duties under these Rules to another officer of the Detention Service.

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Annex 6

WHITE PAPER
on
RESTORATIVE JUSTICE



MINISTERU TAL-GUSTIZZJA U L-INTERN
Ministry for Justice and Home Affairs

WHITE PAPER

on

RESTORATIVE JUSTICE

Ministry for Justice and Home Affairs

**D i r e c t o r a t e f o r P o l i c y
D e v e l o p m e n t**

February 2009

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Introduction

A significant number of young people, and others not so young, fall foul of the criminal law at some juncture. Some manage to contain experimentation with their unlawful behaviour within a limited period in their life, others unfortunately embark upon a criminal career. Government is presenting this White Paper with a view to initiate public consultation on the possibility of introducing new methods of dealing with the problem, shifting away from imprisonment as retribution to a wider concept that emphasises social protection, reform, and the problem of relapse. This is ultimately to the benefit of our society.

Indeed, Government has already taken steps towards the legislative implementation of Restorative Justice principles, as demonstrated by the introduction of the Suspended Sentence in 1990, the introduction of Remission of Sentence and Prison Leave in 1995 (S.L. 260.03), the extensive amendments to the Probation of Offenders Act (Cap. 446) in 2002, and the introduction of the Community Service Order, also in the same year. Another development was the setting up of the Young Offenders Unit for Rehabilitation Services (*YOURS*).

These initiatives, as well as the proposals now being put forward in this White Paper, recognise that the Penal Justice System should serve more than one function, including the protection of society, retribution for crime and the reform of offenders. One of the main objectives of these initiatives is the sustained reintegration of offenders into society, in this way addressing one of the major challenges: the phenomenon of recidivism. This should be beneficial to society.

Moreover, within the Restorative Justice principle we are also bringing into play victim involvement and victim reparation, with a view to ensure that offenders, as part of their own reform, take action to compensate their victims. Government has already taken action in this regard; nevertheless this White Paper contemplates further steps in relation to the victim, again with a view to completing the transition from predominantly retributive to the Restorative Justice system.

Prison systems must of course continue developing in a manner that meets the changing requirements and demands faced by a dynamic society. This really implies that any major policy development initiative would require significant involvement from a range of sector agencies and stakeholders. Their participation is being invited by Government to ensure that reforms being proposed are implemented in a balanced and effective way.

The major proposal in this White Paper is the introduction of a system of Parole together with other procedures associated with the concept of Restorative Justice. Parole will enable a sentenced person to request release from custody in order to serve part of his or her sentence in the community, when evident improvement during the term of incarceration would give assurance that such sentenced person would be making concrete and serious efforts towards reform. In this regard, the establishment of a Parole Board as well as an Offender Assessment Board is deemed necessary. These two structures would manage the new processes envisaged to complement the shift towards new methods of Criminal Justice in Malta. The establishment of a Victim Support Unit is likewise a prerequisite for the proper management of victim involvement in the system.

This Introduction will be followed by Part One of the document which gives an overview of the administration of Restorative Justice; Part Two proposes the establishment of Restorative Justice Procedures, namely, Parole, Petition, and Remission; whilst Part Three makes proposals for initiatives aimed at the education of offenders and the management of victim support.

We have to dispel the impression that is sometimes formed that these procedures are just means whereby some offenders might be released early from prison. According to the principle of Restorative Justice, a prisoner's early release remains **strictly** conditional upon the individual prisoner showing that he is making serious efforts to increase the possibilities for his reintegration into society as the offender would show that he has realized the damage caused by his actions and is bent on true reform. The system would therefore have contributed towards the prevention of relapse. Factors such as proper behaviour in prison, as well as participation in educational programmes, and victim reparation have a central role to play in this regard. In brief, Government's aim in this sphere is straightforward, namely to maximise the reform and reintegration potential of the greatest possible number of offenders and to prevent their relapse.

It is sometimes argued that isolation from society and the closed prison environment itself may hinder attempts towards reform and subsequent reintegration. Consequently, the need is felt to review and enhance the educational and vocational programmes with a view to increase prisoner involvement and activity and to reduce, where it is safe to do so, time spent in prison. It is also recognised that the reformatory process

ultimately depends on the will of offenders to avail themselves of the opportunities offered. The more they participate seriously and with commitment the more they derive benefit.

Moreover, the reformatory model also places a moral duty upon society, because reform and rehabilitation do not depend **entirely** on the offenders. In this regard, community involvement may help offenders re-adjust in society better and more easily. Employers and Non-Government Organizations immediately come to mind, as these might offer former offenders the opportunity to participate in the economy and the community life in prospect of change and reintegration. It is conceded that some might not find it risk free to employ persons just released from prison in sensitive posts, however there are several job opportunities which could be made available to them.

Some schools of thought have focused on retribution for the crimes committed. Restorative Justice engages the offenders in the task of making amends to the people or organizations that have been harmed. Success in this shift of emphasis depends on the involvement of several sectors of society. It is Government's intention that various stakeholders and public opinion at large will help, not only during the consultation process, but more importantly during the implementation phase.



CARMELO MIFSUD BONNICI
Minister for Justice and Home Affairs

Part One

Administration of Restorative Justice

Chapter 1 : Institutional Framework

1.1 Establishment of an Offender Assessment Board (OAB) within the Probation Services

1.1.1 Establishment and duties

The introduction of new Restorative Justice processes will clearly require the setting up of new structures with a view to ensuring that these processes are properly and adequately managed. In this regard, Government proposes setting up an Offender Assessment Board (OAB), which would be an important arm in the Parole procedure and other Restorative Justice initiatives.

The establishment and operations of the OAB could be regulated by means of amendments to the Probation Act (Cap. 446). The Offender Assessment Board (OAB) could be made up of full-time senior professionals mainly versed in the fields of Probation, Psychology and/or Sociology. The mandate of the OAB would be to assess the risks posed by individual offenders, as well as their needs with a view to eventual reintegration. In this regard, its specific tasks, without excluding others, would include an assessment of the likelihood of the prisoner to re-offend upon release, the identification and classification of offending-related needs, including personality characteristics and cognitive, behavioral problems.

1.1.2 Procedures

The OAB would prepare a Preliminary Report on each prisoner after sentencing. This Report would feature an analysis of

problem areas that may have contributed to the criminal act committed as well as a Reintegration Plan – an action plan for reform and reintegration. At this stage, the OAB would also liaise with the Liaison Officer within the Probation Service Victim Support Unit (PSVSU) so that victim reparation would start immediately, whether imposed by Court order or otherwise. With regard to sentenced persons, it is being proposed that until such time as the Preliminary Report is completed they would remain in prison, irrespective of the offence in question; but without prejudice to specific procedural arrangements as foreseen in this White Paper (Chapter 2.12). The Reintegration Plan contained in the Preliminary Report would also be submitted to the Parole Secretary and Probation/Parole Officer assigned with the inmate for its actuation. The Reintegration Plan would be reviewed and updated at regular intervals.

It is envisaged that a second assessment is conducted when a prisoner becomes eligible for a Parole Licence, in order to examine the progress made. Importantly, this Second Assessment Report would feature a Risk Assessment component stating the score for potential risk and harm an offender may pose upon release. This Report would be forwarded to the Parole Secretary to be included in the Parole Dossier and submitted to the Parole Board for its consideration. The same procedure would be followed in respect of subsequent reports if these are necessary. This OAB report would bear most of the weight on the final decision on granting or withholding of the Parole Licence of the prisoner in question, although the Parole Board would also take into consideration any other evidence concerning the prisoner as necessary.

This White Paper is also proposing a new procedure relating to the Petition for Release which could be made in the model established for parole, as set out in Chapter 4.

1.2 Establishment of a Parole Board

The establishment of a Parole Board would also be necessary. This would be an independent Board responsible for a final decision in relation to applications for Parole and would make recommendations in relation to Petitions for Release. This set-up will ensure that each request would be treated in all fairness.

The Parole Board shall be made up of a member or ex-member of the Judiciary, who would be nominated Head of the Parole Board, and assisted by other professionals as appointed by the Minister.

The role and composition of the Parole Board is described in detail in Chapter 2, particularly sub-headings 2.2 and 2.3 thereof. Information in relation to the Parole Board is also included in sub-heading 4.3 in Chapter 4 and sub-heading 6.6 in Chapter 6.

1.3 Establishment of a Victim Support Unit within the Probation Services

With a view to ensure that victims of crime have the possibility to be actively involved in the Restorative Justice Procedure by way of Victim Offender Mediation and compensation, a Victim Support Unit would be set up within the Probation Services. This unit would collaborate with existing organizations involved in the sector. The role and composition of the Victim

Support Unit is further discussed in Chapter 6, particularly sub-headings 6.5 and 6.6 thereof.

1.4 Conclusion

The introduction of new Restorative Justice Procedures, particularly the enhancement of victim involvement in such procedures, will inevitably require investment in new administrative set-ups. Government deems such investment worthwhile as benefits would be accruing to society.

Part Two

Restorative Justice Procedures

Chapter 2 : Parole Procedure

2.1 Introduction

The word “Parole” may have different meanings depending on the context in which it is used. Nevertheless, the meaning in the present context is derived from the French word *parole*, that is, the “spoken word”. In Maltese, we use the word “*kelma*” to mean a promise, a strong commitment. Parole is the practice associated with early release of prisoners, based on the word given by prisoners to abide by restrictions imposed on them while serving part of their sentence in the community, subject to continued surveillance.

Historically, Maltese legislation kept its tempo with the times by shifting away from the punitive model towards a more rehabilitative system. The adoption of both the Probation Act (Cap. 446) and the Suspended Sentence (Act XXIX of 1990) led towards a restorative system central to offender reform and victim support. This White Paper therefore proposes to pioneer the Parole system in Malta as part of a restorative justice regime, by strengthening rehabilitation and linking it with compensation to victims and society by people who have broken society’s norms.

A vast amount of works written by experts in the field suggests that semi-custodial punishment can be more successful than prison at enabling people to correct their offending behaviour. Not only are there benefits in terms of avoiding the damaging influence of imprisonment, but community alternatives are also much cheaper, and can be more effective at reducing the incidence of relapse. The Parole procedure being proposed

shall focus on three central and equally important factors, namely surveillance, treatment, and reparation.

The Parole system has been adopted in various countries around the world for a long time but as statistical data demonstrate, one cannot create a flawless system. Nevertheless, the various reintegration programmes, as an alternative to prison, address recidivism more effectively, especially in relation to serious offenders and those on longer sentences. Alternatives to imprisonment provide people with real opportunities to address the factors that influenced their offending behaviour in the community before they were sentenced. The damaging aspects of prison – particularly isolation from family and support networks, coupled with the risk of institutionalisation - make reform and reparation not so easy to achieve whilst inside that institution.

Number of prisoners	Number of prison sentences
41	1
22	2
21	3
9	4
11	5
9	6
5	7
6	8
2	9
2	10
2	11
2	12
1	14
4	16
1	18
1	More than 30

Some might be sceptical about the conditional release of selected prisoners in the community before ‘completing their time’. However, more time spent in prison does not necessarily imply that one is avoiding relapse. In fact, the statistics provided in the following table reveal that too many prisoners are relapsers, some indeed are multi-recidivists.¹

As a matter of course the role of the Parole Board would have to be exercised with great caution as the intention is not to award a “get out of jail free card”, but rather to facilitate reform, which of course requires effort on the part of each individual prisoner. This means that a “one-size-fits-all” decision-making style would be inadequate. As a matter of fact one of the main advantages brought about by a Parole system is that it takes into account the circumstances and efforts of individual prisoners towards reform, whilst taking into consideration possible threats to public safety, before their actual release.

2.2 Establishment of the Parole Board

The introduction of Parole in Malta will require the establishment of a Parole Board by a Law laying down the Terms of Office of the Board as well as the mandate and powers, including the authority to grant or withhold Parole. The Board would therefore be a separate entity within the Ministry for Justice and Home Affairs that would have the authority to release prisoners on Parole, taking into consideration the relevant evidence contained in the Parole

¹ Parliamentary Question No. 827 – Sitting No. 14 of 9th June 2008

Dossier. This Board must impose the conditions under which this release would be given.

It is proposed that the Parole Board would consist of nine persons appointed by the Minister, chaired by the Head of Parole, who will be a member or a retired member of the Judiciary, assisted by two other legal persons. In principle, the other members of the Board should be experienced in fields of study such as psychology, psychiatry, sociology, youth studies, or medicine. A Warden Supervisor from Corradino Correctional Facility and a person conversant in youth affairs and juvenile corrections could make the full complement of this Board.

2.3 Parole Board procedures and principles

In deciding whether or not to grant a licence to any individual the Parole Board would primarily take into consideration the Preliminary Report and the Second Assessment Report submitted by the OAB, as well as other evidence, including whether the prisoner in question has registered any improvement in various areas related to the reform process. In particular, due regard would be given to voluntary and active participation in the Restorative Justice system. In this regard it should be noted that, as stated by Magistrate Silvio Meli², certain offenders may actually wish for an opportunity to acknowledge and remedy the harm caused by their actions. Victim-Offender Mediation would present such an opportunity and could therefore be integrated into Parole procedures. Such matters are discussed in detail in Chapter 6 of this document.

² Restorative Justice: A Break-Through in Penal Policy, Magistrate Silvio Meli, LAW & PRACTICE, The Malta Chamber of Advocates (18 June 2008), Executive Services Ltd., Mosta.

Further to the above, when considering a prisoner for Parole, the Board would also take into account the risk of a further offence being committed at a time when the prisoner would otherwise be in prison, the need to encourage the reform process and whether such risk is acceptable in the specific circumstances. One has to add the consideration that if the reform of the prisoner is achieved, it would reduce the risk of relapse in the future. Without doubt the principal aim of any Justice System is to restore a sustainable reform of the offender.

Decisions by the Parole Board would thus have to be inspired by the principle whereby a balance would be sought between the risk of re-offending on the one hand and the need to incentivise the process of reform on the other. In this regard, the fact that Parole provides for release, even though under a degree of supervision, should to some extent mitigate risk.

2.4 Parole – The way forward

The introduction of Parole legislation will present significant challenges to the Criminal Justice sector. By way of example, had Parole been introduced in 2007, up to 143 prisoners could have filed an application. This project shall therefore test the ability of the entities concerned to work together where the decisions taken by one entity could have major repercussions on the functioning of others.

Despite the complexities involved, the implementation of such a Parole system is considered necessary in a modern context with a view to adapting policy to today's needs. Evidently, nothing in this procedure would in any way impinge on the

discretion of the Judiciary with respect to sentencing of persons.

2.5 The Parole process

Existing legislation currently allows for the early release from prison on Remission of sentence³, which is granted to certain prisoners on grounds of industry and good conduct⁴. One possible line to take once Parole is introduced is to consider the Remission of Sentence to be an option for those prisoners who either (i) opt for it instead of Parole at the beginning of incarceration, or (ii) for those who do not succeed to be released on Parole.

It is being recommended that the Parole Procedure would apply in respect of prisoners sentenced for not less than 12 months in prison, irrespective of whether the minimum 12 month period results from a single sentence or from a number of sentences that amount to a total of at least 12 months. The procedure would also apply in respect to those who have previously served and concluded a past prison sentence.

2.6 Conditional Release (Parole): different systems

In 2003 a study was conducted to analyse practices with respect to conditional release (Parole) systems in all Member States of the Council of Europe. A report published in 2004⁵

³ Prisons Act (Chapter 260 of the Laws of Malta), Article 6(1) The Minister may by regulation provide for: (e) the manner in which and conditions under which a Remission of a portion of the sentence may be earned by industry and good conduct.

⁴ Ibid.

⁵ Pierre Victor Tournier, Systems of Conditional Release (Parole) in the Member States of the Council of Europe, *Champ pénal, mis en ligne le 28 janvier 2006*. URL: <http://champpenal.revues.org/document378.html>. (Date accessed 21.11.08)

distinguished between three different types of Conditional Release systems within the Member States, namely: the Discretionary Release System, as applied in France; the Mandatory Release System, as applied in Sweden; as well as the Mixed Release System that was introduced in England and Wales.

France adopts a two-tier system, where on one level first-time sentenced prisoners may be granted conditional release halfway through their sentence, while recidivists are required to serve two-thirds of their prison term before being allowed conditional release. The level of surveillance in the community following release largely depends on the individual and his penal record.

In Sweden, inmates sentenced to prison must be given conditional release after serving two-thirds of their prison term, as long as they have served a minimum of one month in prison. Conditional release may be delayed in case of disciplinary measures and is not applicable to short combination sentences. In the case of a life sentence, conditional release may only be granted by means of a pardon.

England and Wales apply a combination of the above systems: mandatory release with supervision applies to prison sentences of less than four years, whilst the discretionary system is applied to sentences of four years or more. Hence, a sentence of between one to four years' duration carries an automatic release at half-way point and on conditions imposed up to the three-fourths point of the original sentence. Prisoners serving a term of four years or more are eligible for conditional release half-way through their term or later, always subject to a yearly revision of every case by the Parole Board. Prisoners who

either do not apply for Parole or are refused conditional release, are automatically discharged once they have served two-thirds of their sentence.

More than anything else, the success of the system will depend on the responsible way in which the Parole Secretary would make the necessary arrangements to compile and subsequently submit to the Parole Board the Parole Dossier of the prisoner concerned. This has to be done within a reasonable timeframe before the prisoner becomes eligible for parole. The Parole Dossier would have to include the prisoner's application, offence and sentence details, other relevant Court records, Probation/Parole Officer report, Prison Medical Officer Report, OAB Preliminary Report and Second Assessment Report, and other relevant information. The complete Dossier would have to reach the Parole Board at least twelve weeks before the Parole eligibility date. A decision would be taken on examination of the documents and the prisoner could be interviewed by one member of the Board, if necessary. The prisoner would be notified of the result of his Parole application by not later than two weeks before the Parole eligibility date. Refusal of Parole would not necessarily prejudice the award of Parole at a later stage.

Therefore, Parole would not be granted automatically. In fact, the prisoner must be certified as reformed, based mainly on adherence to the Reintegration Plan conditions, devised by the OAB, and the unlikelihood of re-offending. Moreover, the Parole Board would impose certain conditions on the prisoner's release. Typical conditions would include limitations on freedom of movement such as daytime restrictions, residing within a certain town or village and not leaving without explicit Court permission, electronic tagging, be in employment,

rehabilitation from any dependency, and any other conditions that the Board may deem fit on a case by case basis. It would be advisable for the Board to observe Rules 23 and 55 of the European Rules on Community Sanctions and Measures⁶.

In all cases, the Board can also impose Parole conditions suggested by the victim, such as: no contact with the victim or his family, travel restrictions, other restrictions, and compensation to the victim. Such conditions may also be imposed at the request of other competent authorities, such as the Police or Governmental or Non-Governmental Organizations.

The Parole Board would also be able to refuse any request for Parole, even repeated ones from the same prisoner. Moreover, the Parole Board would definitely have the power to order anyone defaulting Parole conditions to return to prison. Every case has to be considered on its own merits without discrimination.

Irrespective of the type of sentence handed down to a particular person the Court may prescribe a non-parole period. In these cases the prisoner concerned would be eligible for Parole on the date established by the Court irrespective of the term that would apply under the general parole eligibility framework.

2.7 Infringement of the conditions of a Parole Licence

If a Parolee breaks a condition of his Parole Licence, the Parole Board may take action depending on the specific situation. Sanctions may include a formal warning from the Head of

⁶ [http://www.coe.int/t/e/legal_affairs/legal_cooperation/prisons_and_alternatives/legal_instruments/Rec.R\(2000\)22.asp](http://www.coe.int/t/e/legal_affairs/legal_cooperation/prisons_and_alternatives/legal_instruments/Rec.R(2000)22.asp) (Date accessed: 12.06.08)

Parole on the recommendation of the Probation Services, a meeting with the Director of CCF or a fine, depending on the nature of the infringement. However, in more serious cases a Parolee might be sent back to prison for a number of days, weeks or weekends, or have his Parole Licence suspended.

When parole is revoked the offender would be required to serve his or her remaining part of the sentence in prison.

If the Parolee is returned to prison for having violated the conditions imposed by the Parole Board, or has committed a further imprisonable offence before the expiry of the sentence, he will be returned to prison to serve the remaining part of the original sentence and subsequently the new prison term.

The prisoner would be once more subject to the provisions of Parole after 12 months from the date of readmission to prison solely on grounds of breaking Parole conditions. However, if the prisoner has also committed a second imprisonable offence he would be eligible for parole once more on serving the term of his subsequent sentence.

2.8 Satisfactory behaviour under Parole

It is being recommended that a person who behaves satisfactorily under Parole for the duration of his sentence, or for a period of five years, or as established by the Board, whichever is less, is considered to have paid his debt to society.

2.9 Persons not eligible for Parole

Further to the recommendation that Parole should not be applicable to those sentenced to less than 12 months in prison,

it is being suggested that the following categories should not qualify for a Parole Licence:

- detainees under the provisions of the Immigration Act (Cap. 217);
- prisoners subject to extradition proceedings;
- foreign nationals who are to be deported at the end of their sentence;
- prisoners incarcerated for subverting, attempting to subvert or conspiring to subvert the Government of Malta as stipulated in the Criminal Code (Cap. 9, art. 56(1) and (2), art.57(1) and (2));
- prisoners sentenced for acts of terrorism, funding terrorism, and ancillary offences as stipulated in the Criminal Code (Cap. 9, art. 328A-328M);
- prisoners whom the Court declares to be violent and/or determined to be dangerous;
- prisoners on life sentences. However in exceptional circumstances, after a petition to the President of the Republic, an application may be considered.

2.10 Remand time

Time spent on remand in custody could serve towards the calculation of the Parole eligibility date. Hence, if a prisoner has been in remand for a long period, he may be eligible to be considered for parole immediately or soon after sentencing. Remand time will not be considered in the reduction of the period of compulsory supervision after release.

2.11 Additional days awarded and time spent unlawfully at large

As it is intended to be established by policy, the procedure for a decision on a particular application would commence twenty-six weeks before the Parole eligibility date. When a prisoner either absconds or spends days unlawfully at large and if any other additional days are automatically imposed, the Parole eligibility date is pushed back accordingly.

2.12 Negative decisions

It is obvious that there shall be cases where the assessment by the OAB will refer to instances of misbehaviour. This shall be taken into consideration by the Parole Board when deciding on the specific case; however not to the exclusion of other evidence deemed relevant.

If the application for Parole is refused, the notification by the Parole Board would have to include, in brief, reasons for refusal. The Head of the Parole Board shall make the necessary arrangements with the Director, CCF so that the prisoner is given an explanation regarding the refusal. A decision to withhold Parole would not be appealed, but the prisoner shall have the option to re-apply after a fixed period, or an earlier date stipulated by the Board. The notification of refusal shall also include the day of the next review.

2.13 Specific procedures

2.13.1 Failure to pay fines

The current fine conversion system, whereby a person failing to pay a fine is sentenced to imprisonment, may require re-

consideration. Currently an €11.65 fine owed to the State is converted into a one day imprisonment or detention. This is a waste of human resources and an excessive financial burden on the State with no positive return. It is hereby being proposed that the rate of €11.65 may be revised.

The OAB would need to be alerted of cases involving persons who have not paid a fine that could be commuted to a prison sentence, with a view to conduct a risk and needs assessment exercise. The OAB would issue a conversion order after which, the Probation Services would be informed of the relevant recommendations and would on their part, if it so results that the person does not present any significant risk to society, serve the person concerned with a Community Service Order, instead of imprisonment or detention.

2.13.2 Juvenile offenders

With a view to making special Restorative Justice provisions for juveniles, the Juvenile Court Act (Cap. 287) could be revised so that in those few cases where juveniles are sent to prison, they could be paroled by the Parole Board at an earlier stage than other offenders. The actual release of juveniles on parole would otherwise be subject to the same procedures and conditions applicable to other prisoners. A system of weekend imprisonment is also being recommended in relation to certain non-violent cases, subject to the approval of the Parole Board.

The Judge and/or Magistrate at Court should however be given the discretion of recommending a non-parole period in relation to any individual offender.

In the case of offenders between 14 and 17 years of age, closer association can be made with the BUDz Programme⁷ so that they can benefit from Restorative Justice interventions tailored for persons of their age.

2.13.3 Avoiding imprisonment after a person is reformed

It is known that drug abuse leads to the commission of other offences, such as theft and fraud. In fact many have multiple cases of petty theft. In such case/s the prosecution should be placed in a better position so as to have all cases heard before the same Court. It is proposed that a declaration be made before every case concerning other pending cases or other possible charges. It is being put forward for consideration that a person who has successfully followed with success any drug rehabilitation programme and who is still facing pending subsequent charges should be handed a Community Service Order (CSO) as punishment for such subsequent offence/s, rather than a sentence of imprisonment. This will prevent sending such person back to an environment which will compromise the success achieved.

2.14 Reports

The Parole Board would be required to submit a written report to the responsible Minister by not later than the end of each financial year which would include:

- (a) the number of prisoners released on parole during that financial year and the number of prisoners returned to prison due to the revocation of their Parole Licence; and

⁷ Programme for young people under 18 with behaviour and drug problems run by *Sedqa* Agency

- (b) the general activities of the OAB under the relevant legislation during that financial year and any matters affecting the operation of the Board in the fulfillment of its role, and any other matter which is deemed appropriate for inclusion in the report.

The Minister would lay a copy of the Report before the House of Representatives and the Parliamentary Social Affairs Committee. The relevant Boards, whenever so required by the Minister, would also submit a report on any matter in connection with the administration of the relevant legislation.

2.15 Conclusion

The manner of sanctioning described in this Chapter shall clearly create a shift in the criminal justice policy. The intention is to continue fostering public confidence in the country's Criminal Justice system, whilst further promoting reform, and taking steps against recidivism.

Chapter 3 : Remission Procedure

3.1 Existing provisions

So far, Remission is the only formal system catering for the early release of prisoners on the grounds of good conduct and industry. Its role at the Corradino Correctional Facility (CCF) has therefore been central; however Government is confident that better results may be obtained by means of a Parole procedure.

The basic principles and procedures for the award of Remission are laid down in the Prisons Regulations (S.L. 260.03) under the Prisons Act (Cap. 260). Regulation 14(1) specifies that: *“Prisoners serving a sentence of imprisonment for a term of more than one month may, on the ground of industry and good conduct, earn a Remission in accordance with the provisions of this regulation, provided that this regulation shall not permit the reduction of the term of imprisonment to less than thirty-one days.”*

Regulation 14(3) further sets out that: *“For the purposes of establishing the amount of Remission that may be earned by prisoners... the Director... shall take into account, amongst other things, a prisoner’s performance at work, at training, during educational and rehabilitation programmes, and the prisoner’s general overall good conduct”*.

Moreover, the Prisons Regulations provide for the forfeiture of Remission in the event of offences against discipline in regulation 78(1)(g). However, regulation 80(1)(b) grants prisoners the right to an appeal in the event of the forfeiture of more than twenty-eight days of Remission. The appeal is heard

by an Appeals Tribunal established in accordance with regulation 79.

Government is open to the introduction of changes to the Remission of Sentence procedure. On these lines, Restorative Justice measures as proposed in this White Paper relating to victim reparation and the fulfillment of mandatory conditions for release, would have to be included in the Remission system.

Provisions relating to procedures and principles on the implementation of (1) Appeals and (2) the crediting of forfeited Remission in accordance with regulation 83(2)(b), specifically the procedure by means of which Remission lost may be won back by a prisoner as a result of subsequent meritorious conduct have recently been drafted and are hereby being proposed.

With respect to appeals, the following procedure, based on the principles set out in the current legislation, is being proposed for adoption in the following manner:

- (i) the prisoner shall file an appeal to the Appeals Tribunal. Other reports should be submitted by the Director, Corradino Correctional Facility (CCF) and also by the Prison's Disciplinary Board. The prisoner has five days from notice of punishment to file an appeal to the Tribunal;
- (ii) as a matter of course the Tribunal shall not interview the prisoner, but shall take into consideration the documents referred to in point (i). The Director and other members of the prison administration, including the Disciplinary Board, shall only be involved in exceptional cases, such

as when clarifications are required in relation to the reports mentioned in point (i), or where the testimony of the prisons' administration is necessary in dubious or difficult cases;

- (iii) the Tribunal shall be bound to deliver a judgment in relation to each appeal within one month from the filing of an appeal at the latest;
- (iv) notwithstanding, points (i) and (ii) the Tribunal shall have the power to dismiss any appeal without an interview of the prisoner if the appeal is deemed manifestly unfounded e.g.: drug abuse in the Corradino Correctional Facility subject to a toxicological report);
- (v) the prisoner, the Director of the Corradino Correctional Facility and the Prison Disciplinary Board should be immediately notified in writing of each decision taken, as per regulation 80(5) of the Prisons Regulations. The report handed to the Director of the Corradino Correctional and the Prisons Disciplinary Board shall state reasons substantiating the decision taken in cases where Remission has been awarded, even though during his stay in prison the appellant has committed infringements of prison regulations.

As regards to the crediting of forfeited Remission, this is *de facto* based on the prisoner having met the following objective criteria which are built on the principle as established by regulation 14(3) which states: "*It shall be the responsibility of the Director to establish a system whereby Remission is awarded according to objective criteria*":

- promptness and conscientiousness in the performance of regular duties;
- compliance with all instructions given by prison staff;
- respect of the rights and dignity of fellow prisoners;
- voluntarily seeking help to address reform and/or rehabilitation from crimes committed;
- fulfillment of any other duties or actions which the Director may deem fit for this purpose;
- a negative narcotics test reading.

3.2 Conclusion

It is foreseeable that Remission would continue to play an important role in this context. It is to be declared clearly that Remission should not be considered an automatic right and that the days of Remission, prescribed in the relevant legislation, would have to be earned by the prisoner concerned. The conditions applicable to earning Remission by the prisoner, as well as to be credited with forfeited Remission, could remain those obtaining in the present legislation, along with the Restorative Justice principles being proposed in this document.

Chapter 4 : Petition Procedure

4.1 Establishment of a Petition Procedure

The introduction of the reforms envisaged in this White Paper, following a process of due consultation with stakeholders, is expected to result in two systems providing for early release from prison in accordance with stipulated criteria and conditions, namely Parole and Remission, which have been discussed in the preceding Chapters.

The combination of these two systems, together with other reforms, should give the majority of prison inmates the opportunity for early release. However, one cannot ignore the presence of the Presidential Pardon that is granted in exceptional circumstances.

The Constitution of Malta provides for the Prerogative of Mercy by the President, by virtue of Article 93(1). It is not intended to change in any way this Prerogative, however it is being proposed that an additional procedure would be set up with a view to ensuring that adequate reporting and information is provided prior to a decision being taken in relation to any individual offender.

4.2 Procedures

The Petition filed in accordance with the normal procedure would also be communicated to the Offender Assessment Board (OAB) and Parole Board. The assessment prepared in respect of prisoners who have been refused parole would focus in particular on the reform efforts of the inmate in question since the last refusal of parole.

However, in each case, the report submitted by the OAB shall also thoroughly assess the potential risks posed to the public as a result of the release of such prisoner.

The OAB would submit the Assessment Report to the Parole Secretary for inclusion in the Petition Dossier, which would be brought to the attention of the Parole Board. The Parole Board, taking into consideration all reports in the Petition Dossier, would submit its recommendation on the release or otherwise of the prisoner in question to the Minister responsible for Justice. The Minister would subsequently send his recommendation to the President of Malta in accordance with the Constitution. The President decides whether the reasons should be made public.

4.3 Conditions

In order for the Parole Board to submit a positive recommendation to release a particular prisoner, he would have to fulfil all the conditions applicable to Parole. Moreover, the prisoner in question would have to demonstrate that particular efforts towards reform have been made, over and above the requirements of parole.

In cases where the Parole Board recommends the release of a particular prisoner, it would also suggest conditions for release, e.g. conditions applicable to Parole and other conditions relating to the Restorative Justice system, including terms relating to supervision upon release.

4.4 Conclusion

The proposed procedure for the Petition for Release would in the first place ensure that decisions on Petitions for Release are

taken on the basis of comprehensive information relating to the prisoner concerned. Moreover, the procedure would clearly offer an incentive to all prisoners to improve their behaviour and make efforts to reinsert themselves into the community.

Part Three

Supporting Restorative Justice

Chapter 5 : Educational and Vocational Programmes

5.1 Review of present programmes

Work-training and education are two main programmes which are pursuable at the Corradino Correctional Facility (CCF). All prisoners committed to custody are entitled to take part in the existing programmes and are encouraged to participate, considering that training and education in prison are important vehicles to facilitate the return of the prisoner to the community⁸.

The Ministry for Justice and Home Affairs, as indicated in the Introduction to this White Paper, is engaging in reforms to set up as much as possible the best educational and training centre at the CCF. Such action is deemed necessary for a Restorative Justice approach. Adequate educational and vocational programmes give offenders a better chance to find employment and to become law-abiding citizens upon release.

The aim of the Ministry for Justice and Home Affairs is to work in partnership with a range of educational and training agencies to provide a broad educational programme. Prisoners would therefore be able to take classes ranging from basic literacy skills to tertiary level, including technical education.

The objectives of the enhanced educational programme would be to:

- help prepare prisoners for life after release;

⁸ Council of Europe - Recommendation No. R(89)12 of the Committee of Ministers to Member States on Education in Prison.
<http://www.ttip.info/default.asp?id=18&mnu=18> (Date accessed: 27.06.08).

- give special attention to offenders with basic educational needs;
- achieve personal development;
- encourage the capacity for further education following release;
- help prisoners cope with their sentences;
- ensure harmony and teamwork between the various educational agencies and groups; also,
- cooperate fully with other services in the prison system to promote “positive sentence management”.

5.2 Reform of the educational and vocational programmes

Realising in particular that a high proportion of prisoners have had little successful educational experience, they are deemed to have substantial educational needs⁹. This document considers reorganizing the current prisoner educational programme at the CCF to target interested inmates, thus addressing illiteracy and low educational skills that would eventually lead them to acquire a “School Leaving Certificate”.

Moreover, resources available to local educational institutions, such as MCAST, may be utilized with a view to provide the same Foundation Course offered within such institutions to prisoners as part of the CCF’s educational programme. This would place the prisoners in question in a better position to

⁹ The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe
http://www.epea.org/index.php?option=com_content&task=view&id=53&Itemid=66 (Date accessed: 22.05.08).

pursue their education upon release. The existing Employment and Training Corporation (ETC) training programmes could also be enhanced to cover new areas of education and training, such as the IT course leading to an ECDL certificate, again with a view to increase the possibilities of employment.

However, education in prison is not limited only to the possibility of finding employment. Clearly, one of the challenges to be met by such a system is to successfully address motivation, self-control, life skills, self-perception, and attitude in a multi layered curriculum.

The present programme could be enhanced to provide for the non-formal education segment so as to ensure further development of the psychological, cognitive, and social development of prisoners, especially the younger ones. Being in possession of such skills is considered positive for better integration in the community. Moreover, the Parole Board would be required to supervise and set up programmes which a particular person should follow. Education and participation are positive in themselves, but in the CCF they can be inserted into the running of the system for better cooperation.

5.3 Conclusion

Educational and vocational training is clearly an essential component in any Restorative Justice system, as they are considered the tools that enable prisoners to adapt to life outside the Corradino Correctional Facility and re-integrate in society. In this regard the employability of inmates is clearly a major concern.

Chapter 6 : Mediation and Support to Victims of Crime

6.1 Introduction

With the introduction of the Parole system in Malta, it is hoped that the reformatory aspect of criminal justice will be further enhanced. In this system greater emphasis is laid on the reparation of the damage caused to the victim and society by the offender.

The Restorative Justice approach is adopted in a wide range of criminal behaviour from minor anti-social activity to major crime.

Victim participation in Restorative Justice procedures should always be on a voluntary basis and offenders would need to have admitted responsibility for the harm caused. This approach brings victims, offenders and communities together. The parties would become aware of the social and financial effects of the particular crime committed. The primary aim is to put at the centre of the Criminal Justice system the needs of the victim as arising from the damage caused by the crime. In this way a positive reply would be found to criminal activity as offenders would be encouraged to assume responsibility for their actions through a special programme.

6.2 Present legal framework

Until a few years ago, the involvement of victims of crime in Malta's Criminal Justice system consisted mainly in being witnesses for the Prosecution. However, in the last few years and rightly so, legislative instruments advocating consideration of the interests of the victims of crime have been adopted. In

fact, the Criminal Code (Cap. 9), the Police Act (Cap. 164), the Probation Act (Cap. 446), the Commissioner for Children Act (Cap. 462) and the Domestic Violence Act (Cap. 481) cater for victim involvement, control and reparation of damages.

More significantly the amendments effected to the Probation Act (Cap. 446, art. 24(1) and (2)) are also considered as favourable inroads towards victim reparation. Furthermore, the Criminal Injuries Compensation Regulations (S.L. 9.12) issued under art. 698 of the Criminal Code provide for indemnity to victims for injuries, damages and losses. These regulations implement the provisions of Council Directive 2004/80/EC relating to compensation of crime victims.

6.3 Primary considerations

Compensation for harm caused to victims, both if it is the result of a voluntary act by the offender or if it is ordered in the Court judgment, should be one of the conditions that the Parole Board should be considering before granting Parole. Importantly, the prisoner whilst in prison has to start: “... *by providing for reparation for the harm caused to victims...*”¹⁰ This has to be done through special programmes.

The Parole Board should consider failure to comply with this procedure on the part of the offender as a determining factor in considering whether Parole should be granted or not.

¹⁰ Recommendation no. r (92) 16 of the Committee of Ministers to Member States on the European rules on community sanctions and measures, [http://www.coe.int/t/e/legal_affairs/legal_cooperation/prisons_and_alternatives/legal_instruments/Rec.R\(92\)16.asp](http://www.coe.int/t/e/legal_affairs/legal_cooperation/prisons_and_alternatives/legal_instruments/Rec.R(92)16.asp) (Date accessed: 02.05.08).

6.4 The Court's powers

It is being proposed that, on delivering final judgment the Court may be empowered to:

- order the offender to serve a Community Service Order;
or
- order the payment of damages sustained by the victim or society; or
- solicit the participation in Victim-Offender Mediation; or
- establish a different system for parole.

If there are no direct victims or the victims opt out of the system, compensation could be rendered by the offender to society by means of community work. This can apply when the damage was borne by the State. Any proceeds derived from such work shall go towards funds under the Criminal Injuries Compensation Regulations (S.L. 9.12).

6.5 Victim-Offender Mediation (VOM)

Victim-Offender Mediation (VOM), also known as “restorative justice dialogue”, is usually a face-to-face meeting between the victim of a crime and the person who committed that crime, in the presence of a trained mediator.

This idea of bringing together a victim of a crime facing the person who committed that crime is based on age-old values of justice, accountability, and restitution. Through this method offenders have an opportunity to take the responsibility for their actions by becoming aware of the negative consequences inflicted on their victims. They also take an active role in

making things right, for example, through restoration, apology or community service. Research also shows that victims' participation in VOM has achieved a higher rate of reform. Moreover, VOM is considered to be a valid tool through which victims of crime have the opportunity to receive answers to the queries about the crime and the person who committed it. It is important that victims participate, always voluntarily, to satisfy their psychological and emotional needs.

6.6 Parole Board procedures relating to victims of crime

The Parole Board would have to consider any information regarding the victim that relates directly to the current risk posed by a prisoner and should be reflected in the parole decision. Although few victims would be in a position to offer assistance on whether or not a request for Parole should be met, there may in fact be situations where victims do hold information that could help the Board in determining questions of risk.

Once a decision is taken by the Parole Board on an application for Parole, the Parole Secretary concerned would notify in writing the Liaison Officer of the Probation Services Victim Support Unit. In the event that the prisoner would be released on Parole information communicated to the Liaison Officer for onward transmission to the victim or victims concerned shall consist of the month of discharge, the length of time subject to the Licence, and details about the general area of release as the case may be. No information such as address or exact date of release may be disclosed, although such and other relevant information may be communicated to the said Liaison Officer subject to it not being disclosed to any party except the Police Force.

The obligation to notify information to the victim depends upon the victim informing the Liaison Officer in writing of the name, address, and telephone number of the persons to whom the information should be provided, and of any changes in the relevant contact details.

6.7 Probation Services Victim Support Unit (PSVSU)

The establishment of a Victim Support Unit is deemed necessary with a view to ensuring that the interests of crime victims are adequately safeguarded throughout the Restorative Justice procedure. The Liaison Officer would be in charge of the Probation Services Victim Support Unit. The Liaison Officer would manage a Victims' Register held with the aim of identifying the possible victims of a crime committed by a prisoner applying for Parole. The contents of this Register would be treated confidentially and not disclosed to any third parties, save under a Court order. Personal data would be retained in accordance with the relevant Data Protection provisions.

It is therefore recommended that the Liaison Officer should establish direct contact with the victim so as to assist in matters concerning mediation and compensation.

6.8 Victims of Crime Charter

For these reasons the establishment of a Victims of Crime Charter is recommended to regulate the coordination of services to satisfy the needs of victims of crime. It would include the procedures to be followed so as to ensure the involvement of crime victims, as well as the measures

providing for their compensation. The provisions regulating Victim-Offender Mediation could also be annexed to this Charter.

6.9 Compensation, monetary or otherwise

It is recommended that victims of crime would have the right to receive the services required from a Victim Support Unit¹¹ as indicated in the previous Section. The Police shall refer victims to the Unit as necessary and as outlined by the relevant administrative procedures.

The Victim Support Unit would assist victims through Victim-Offender Mediation particularly so as to reach an agreement with regard to repayment by the offender, which may lead to a legally binding contract.

It is envisaged that the Victim Support Unit may also assist victims in finding redress in accordance with the provisions of the Criminal Code (Cap. 9) and the Civil Code (Cap. 16), for claiming compensation, as the case may be. Moreover the Victim Support Unit, whenever necessary, would assist victims in claiming compensation for injury or other damages sustained through crime in accordance with the Criminal Injuries Compensation Regulations (S.L. 9.12).

6.10 Community Service Order (CSO)

Another legal tool afforded by our legislation is the Community Service Order under the Probation Act (Cap. 446),

¹¹ Victim Support is presently offered by the voluntary organization *Mid -Dlam Ghad-Dawl*. A protocol amongst key stakeholders could be drafted to ensure better support to victims of crime.

which encourages change rather than mere punishment. The CSO is a community-based sentencing option whereby an offender is bound to perform free community service for a fixed number of hours. CSOs are important because they help the offender to repair the damage caused and develop a positive attitude towards society and improve his self-perception.

Article 11(3)(a) of the Probation Act (Cap. 446) provides that a CSO is issued only on condition that a pre-sentencing report is presented to the Judge or Magistrate presiding the case. This system may be holding back the more frequent use of this sentencing option. A CSO is normally imposed as a condition of the offender's probation order. With a view to ensuring that more regular use is made of CSO it is being suggested that in the case of a probable short-term prison sentence a "condensed" Pre-Sentencing Report (PSR) procedure would be adopted, bearing in mind that a Preliminary Assessment Report would eventually be prepared by the Offender Assessment Board.

It is being recommended that the Court is given discretion to hand down a Community Service Order in relation to certain offences even when this is not provided for by article 11 of the Probation Act.

Data of persons on CSOs and their progress or otherwise, in relation to Community Service Orders, would continue being kept by the Probation Services. Moreover, a "termination report" is filled out and sent to the Courts of Justice, the Parole Board, the Corradino Correctional Facility, and the Ministry for Justice upon completion or incomplete closure of a file.

Thus, more frequent use should be made of the CSO as part of the reform under consideration.

6.11 Conclusion

The proposed measures would contribute in no small measure towards ensuring that victims of crime are provided with a fair treatment and given the opportunity to participate in Restorative Justice procedures to obtain the required support. At the same time, with the establishment of the Parole system, the perpetrator will be given the chance to make amends for the unlawful deeds so that the law-breaking experience will be turned into an opportunity for transformation and for more sustained social reintegration for the offender.

Conclusion

The measures set out in this White Paper are built on the presupposition that a system of Criminal Justice is based on three principles, namely the need to punish behaviour detrimental to society, the need to protect the interests of victims of crime, as well as the need to reform offenders. Of course, these principles are already present within the system in place in Malta, and in this sense the White Paper strengthens them.

Therefore, in conformity with the above mentioned principles, the proposals featured in the White Paper fully respect the trends shown by the judgements of the Courts of Justice, whilst providing improved means to ensure that such sentences are adequately availed of by sentenced persons with a view to their reform. At the same time, the measures proposed would ensure that sentenced persons offer due compensation for the damages caused by their criminal acts.

Any Criminal Justice system stands to be continuously kept under review so as to respond better to the new realities. One of the challenges to be faced is that of recidivism. Whilst undoubtedly we should continue to deem the individual fully responsible for his actions, a Restorative Justice system can also keep in mind the particular difficulties faced by the offender that may have contributed to the commission of an offence. In this regard, the provision of adequate supplementary education and vocational training would have a central role to play in a Restorative Justice system.

This White Paper also recognises that for the success of all efforts in this field, the active participation by all the

stakeholders and society in general would be necessary. This is why the proposals contained in this White Paper have been put forward for consultation, and should therefore be viewed as points of departure towards reform of the present system. Government is also confident that this approach will lead to wider ownership of the Policy to be adopted following consultations, with the result that society, including in particular NGOs and employers, would be willing to participate in the implementation of Restorative Justice initiatives.

Finally, the White Paper envisages the involvement of crime victims by giving more attention to their being indemnified. The fact that compensation occurs is not only important from the victim's point of view, but also from that of the offender, who would thus realize the adverse impact his actions had on someone else. Ultimately, Restorative Justice is also based on the all-important principle that Justice is done when order is restored, the victim is compensated, and the offender returns to the state of a reintegrated, law-abiding citizen.

Consultation Process

The Ministry for Justice and Home Affairs considers that the measures contemplated in the White Paper on Restorative Justice require extensive consultation. For this reason, a four-month consultation process will be initiated by the Ministry. Any comments or recommendations by public or private stakeholders, social partners, professionals or civil society should be submitted by 30th June 2009.

Comments or recommendations should be addressed to the Restorative Justice Task Force and can be sent:

- electronically at: restorativejustice@gov.mt
- in writing, or by requesting a meeting on:

White Paper on Restorative Justice Consultation Process
Department of Information
3A, Castille Place
Valletta

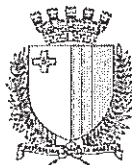
All feedback received (which will be kept confidential) will be assessed upon termination of the consultation process. A report outlining those recommendations considered feasible by the Task Force will be published.

Electronic copies of the White Paper may be downloaded from www.mjha.gov.mt and the Department of Information's website www.doi.gov.mt

Annex 7a

MINISTERU GHALL-ĠUSTIZZJA

U L-INTERN



MALTA

MINISTRY FOR JUSTICE AND

HOME AFFAIRS

Uffiċċju tas-Segretarju Permanenti

Office of the Permanent Secretary

Rif. JHA/160/2008

26 t'Awissu 2008

Is-Sur Emanuel Cassar
"Arcadia"
63 Triq it-Trincetta
Mosta

Sur Cassar,

Qed nahtrek bhala Chairman ta' Bord Indipendenti li qed jiġi mwaqqaf minn dan il-Ministeru biex jinvestiga rapporti, li daħlu mill-pubbliku fl-aħhar jiem, dwar nuqqasijiet li allegatament sehhew fil-Faċilita` Korrettiva ta' Kordin. Il-Bord huwa mitlub ukoll li jressaq dawk ir-rakkomandazzjonijiet meqjusa neċessarji biex jindirizza dawk in-nuqqasijiet identifikati fl-investigazzjoni tiegħu.

Il-membri l-oħra tal-Bord huma s-Sur Martin Scicluna u s-Sinjorina Maryanne Agius.

Inselli ghalik,

A handwritten signature in black ink, appearing to be 'Charles Deguara'.

Charles Deguara
Segretarju Permanenti

Annex 7b

**DOKUMENT TAL-MINISTERU TAL-GUSTIZZJA U L-INTERN BIR-
RAKKOMANDEZZJONIJIET AMMINISTRATTIVI TAL-BORD TAL-
INKJESTA DWAR L-OPERAT TAL-FACILITA KORRETTIVA TA' KORDIN
– 31 TA' MARZU 2009**

1. Wara li fis-26 ta' Awissu 2008, il-Ministeru tal-Ġustizzja u l-Intern kien inkariga Bord indipendenti magħmul mis-Sur Emanuel Cassar, is-Sinjorina Mary Anne Agius u s-Sur Martin Scicluna sabiex jinvestiga numru ta' allegazzjonijiet li dehru fil-mezzi tax-xandir dwar l-operat tal-Facilità Korrettiva ta' Kordin, nhar is-6 ta' Marzu 2009 l-istess Bord ipprezenta r-rapport tiegħu. Dan ir-rapport irrakkomanda li qabel kull proċedura oħra, l-istess rapport kellu jiġi mibgħut lill-Avukat Ġenerali u lill-Kummissarju tal-Pulizija għall-kunsiderazzjoni tagħhom.
2. Il-Ministeru tal-Ġustizzja u l-Intern huwa nfurmat li l-passi f'din id-direzzjoni diġà bdew fuq il-linji li sija l-Avukat Ġenerali kif ukoll il-Kummissarju tal-Pulizija qed iħossu opportuni.
3. Il-Bord imsemmi, fir-rapport tiegħu elenka wkoll numru ta' rakkomandazzjonijiet ta' natura amministrattiva. Però qabel dan, fil-bidu, huwa kkunsidra l-organizzazzjoni interna tal-Facilità Korrettiva ta' Kordin u l-komponenti tagħha, is-sistema tar-rappreżentant tal-ħabsin, il-proċedura tal-*prison leave*, inkluż dawk marbuta ma' okkażjonijiet speċjali, ma' *leave* mogħti mingħajr ma jittieħdu l-proċeduri neċessarji u l-viżiti estiżi (*extended leave*). Dahal ukoll fid-dettal dwar aspetti ta' kontroll finanzjarju, transazzjonijiet magħmula bejn id-detenuti, il-ħlas tax-xogħol minn kumpannija privata għax-xogħol li jagħmlu l-primunieri, it-telefonati tad-detenuti, l-preżenza tat-telefons ċellulari fil-Facilità, is-smiġħ ta' proċeduri dixxiplinari, ir-riabilitazzjoni fil-Facilità Korrettiva ta' Kordin, is-sezzjoni tal-YOURS, kif il-problema tad-droga fil-Facilità Korrettiva ta' Kordin tiġi ndirizzata aħjar u l-edukazzjoni.
4. Il-Ministeru tal-Ġustizzja u l-Intern, tenut kont tal-fatt li l-pubblikazzjoni ta' dawn ir-rakkomandazzjonijiet amministrattivi mhux se tostakola il-proċeduri hawn fuq imsemmija, jhoss:
 - i) li għandu jrendi pubbliċi dawn ir-rakkomandazzjonijiet;
 - ii) li jgħaddir li qed iwaqqaf struttura fi hdan il-Ministeru biex isservi bħala *Compliance Unit* sabiex jassigura li, fejn japplika, dawn ir-rakkomandazzjonijiet jitqiegħdu fis-seħħ mill-aktar fis possibli;
 - iii) li dan il-*Unit* għandu jressaq ukoll dawk l-punti ta' amministrazzjoni tajba u proċedura li jhoss li għandhom jiġu mplimentati;
 - iv) li jissahhu l-istrutturi interni fi hdan il-Facilità Korrettiva ta' Kordin sabiex ikun assigurat li l-livell ta' dak li huwa mistenni fit-tħaddim tar-regoli u proċeduri nterni jinżamm;
 - v) li fl-aħhar ta' Ġunju 2009, fl-egħluq tal-proċess tal-konsultazzjoni pubblika dwar il-White Paper dwar il-Ġustizzja Riparatriċi, jingħaqdu fil-proċess neċessarju tal-implimentazzjoni futura ta' dawk ir-rakkomandazzjonijiet.

5. Ir-rakkomandazzjonijiet li għamel il-Board huma riprodotti fil-verżjoni originali tagħhom hawn taħt:

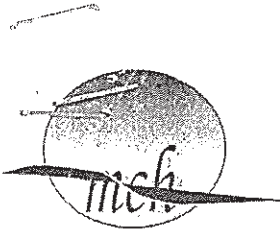
- There is a crucial need to establish a specific directorate or division within the Ministry for Justice and Home Affairs with the policy over-sight of the Correctional Facility and to act as the focal point for all prison matters, leaving the Permanent Secretary to be brought in only if the problems raised are so serious as to require his attention;
- A clear chain of command should be put in place which ensures that all managers at every level work together, are clear about what their terms of reference are, and are given annual performance targets to meet to reflect their job descriptions;
- Regular meetings by the Director with his management team should be instituted;
- Responsibility and accountability at every level should be clearly laid down;
- The aims of the “Statement of Purpose” are central to the CCF’s business and should be fully implemented;
- The quality, selection and training of the overwhelming majority of staff should be improved;
- A properly structured programme of continuous training for all prison staff should be developed and implemented;
- In order to prevent staff burn-out, permanent staff should be given psychological support;
- The long-term objective should be to remove Police Officers from involvement in the prison and to prepare Senior Correctional Officers to fill all posts, including the Director’s post;
- Division 6 should not be used as a punishment wing;
- A system of proper controls in Division 6 should be introduced;
- A proper system for allocating prisoners to Divisions on entry to prison within clearly laid down criteria should be introduced;
- A full Operational Review of the organisation and manpower establishment of the CCF should be conducted urgently by the Management Efficiency Unit to propose improvements on the lines indicated above and to establish the right number of personnel needed to fulfilling the CCF’s present roles;
- Once completed, recruitment of the necessary additional personnel should be immediately put in hand;

- There is an important need for more social workers and psychologists;
- Determined steps to end the current drug culture must urgently be taken;
- There should be a policy of zero tolerance to drugs;
- The policy of zero tolerance should be underpinned by organisational improvements to the way the battle against drugs is conducted;
- A well-manned entry point led by somebody with absolute authority to search for and stop drugs from entering the prison should be established;
- Proper searches should be conducted on anybody returning from prison leave and extended visits or work parties;
- Special vigilance should be exercised over food deliveries and the transportation of prisoners to court;
- Security measures in vulnerable areas such as the bakery, chapel, education rooms and the gym should be stepped up;
- Tight controls should be established in visiting areas;
- Staff should be trained to be more vigilant especially during family visits and prison leave;
- Modern drug detection equipment should be purchased as soon as possible;
- Random drug-testing should be stepped up with a sample of 5% to 10% of prisoners being tested each month;
- Those prisoners who refuse a test should be assumed, by their refusal, to be ineligible for any privileges;
- Random testing should also apply to the permanent staff at the CCF;
- The “Comprehensive Drug Policy” drawn up by the former Director in 2008 should be implemented forthwith;
- Strict monetary controls to prevent prisoners from purchasing drugs should be established;
- Prisoners who test positive on entry to prison should be given all the help necessary for rehabilitation;
- Special education and information campaigns should be run to ensure all prisoners are aware of treatment options;
- A treatment programme should be introduced within the Correctional Facility;

- A qualified coordinator should be placed in charge of treatment and made accountable for the rehabilitation of prisoners in his/her care;
- Females should have the same opportunities as males to follow treatment programmes;
- The current system of “Prisoner Representatives” should be comprehensively reviewed and clear terms laid down by the Director, and adhered to, for Prison Representatives’ future behaviour within more limited responsibilities;
- The rules for granting all forms of Prison Leave should be strictly adhered to, including the need to ensure prisoners undergo a urine test before consideration of a request for leave;
- The rules for granting Extended Visits should be strictly adhered to;
- Preferential treatment to some prisoners for Prison Leave and Extended Visits should cease;
- A comprehensive system for exercising proper financial control should be put in place and strictly observed;
- Cheques for expenditure from the Thrift Shop account should invariably be counter-signed by the Director or his nominated Deputy not, as now, by the account holder on the basis of verbal instruction;
- The state of the supporting financial records should be improved to avoid abuse;
- No person should be permitted to deposit money into the personal account of a prisoner unless the person depositing the money is a relative of the prisoner;
- The rule that no prisoner should work in the service of another prisoner should be enforced in-so-far as the assembling of Playmobil toys or other such work is concerned;
- The current system of prison work should be reviewed, clear terms of reference laid down and proper control maintained by the Prison Authorities in order to ensure that no abuses occur;
- The purchase of telephone cards by prisoners should be strictly controlled;
- The number of telephone calls made by prisoners should be controlled and the current system revised so that restrictions are introduced to control the number of telephone calls that a prisoner may be allowed to make;
- Equipment should be installed to block cellular communications from mobile phones inside the prison;
- Meetings of the Disciplinary Board should be re-instated and the back-log of cases should be urgently reduced;

- The arbitrary administration of discipline must cease;
- Steps should be taken to remove the Young Offenders Wing and the Female Wing from Corradino and to establish them in separate facilities in a new location elsewhere;
- The severe lack of teachers, funds for education and facilities should be reversed;
- The whole programme of rehabilitation and preparation for resettlement of prisoners in society should be markedly improved and properly funded;
- Education should be incorporated as part of the regular time-table with similar privileges and arrangements as now obtained for those who spend their time working at the CCF;
- The education coordinator should focus on “outreach” so that more prisoners may benefit from the educational opportunities offered;
- An Education Board should be set up to monitor and propose new initiatives in education and solve any difficulties that may arise;
- In the light of the maladministration and mismanagement identified in this enquiry, it is for consideration that, on grounds of accountability the authorities should be invited to consider taking administrative or disciplinary action, as deemed fit, against those responsible;
- The forthcoming White Paper on the Prison should address the key issues raised by this enquiry.

Annex 10



MOUNT CARMEL HOSPITAL
Notabile Road
Attard ATD 9033
Malta
Tel. (00356) 21415183

MCH Circular No. 31/2008

21th August 2008

To: All Doctors
Nursing Staff

REVISED

SECURE UNIT ADMISSION & DISCHARGE PROTOCOL

MALE ACUTE SECURE UNIT

This is a **four bedded locked unit** with high staffing levels and with its own integral living facilities. There are **four seclusion rooms** which may be kept open or locked as required and as regulated by the **seclusion policy**. The Unit is situated adjacent to the Dual Diagnosis Unit as part of MW1 which is the **Male Medium Term Unit** and caters for:

- acutely disturbed patients hospitalised for over eight weeks (ex-Mixed Admission Ward patients) but under one year
- acute relapse of chronic patients elsewhere within the hospital
- severely disturbed patients (including those hospitalised less than eight weeks) needing ready access to secure and seclusion facilities

Because of the very sensitive, potentially volatile nature of this Unit and the small number of 'precious' beds, all policy changes and the enforcement of these policies will be under the direct supervision of the Director of Psychiatry.

Patients likely to need repeated use of seclusion in the near future should be kept in the Secure Unit until reasonably well controlled, however **not for any longer than necessary**. The decision whether to retain the patient in the **Secure Unit must be reviewed daily by the patient's consultant**. The Director of Psychiatry must be promptly involved by the Departmental Nurse Manager in cases where it appears that a patient is being retained in the Unit longer than necessary.

With skilled nursing care and medication, it should usually be possible to contain behavioural problems on other wards, if necessary, using on-site

time-out/seclusion facilities. Transfer of in-patients, from elsewhere in the hospital, to the Secure Unit should be avoided, since it:

- overloads the acute unit with chronic patients' problems
- is detrimentally time consuming to reverse for both patients and staff
- gives a message that the referring team/unit cannot handle its own patients
- is potentially rejecting and emarginating to the patient

Naturally, if there is a significant and lasting deterioration in the patient's mental state, the consultant has the prerogative, after personally assessing the patient, to transfer MW1. However, transfer to the Secure Unit should rarely be necessary, and only, after involving the consultant in charge/on call.

CRITERIA FOR TRANSFER TO SECURE UNIT

Wherever possible psychiatric patients should be nursed and treated in the least restrictive environment possible. However, the acutely disturbed patient may require transfer to the Secure Unit for safer and closer supervision, especially if periods of seclusion are likely to be needed. **Time spent in the Secure Unit or in seclusion will be kept as brief as possible.**

The following are **reasons for transfer to the Secure Unit**, but only if the patient cannot be managed by higher levels of nursing supervision in the main Medium Term Unit:

- **severe** danger to self or others
- **very** destructive behaviour
- **very high** suicide risk
- **severe** distress or disturbance to other patients
- **severely** testing and provocative behaviour
- patient becoming **severely** disturbed as a result of the general level of disturbance on the main Medium Term Unit (MW1)

The following are **NOT** reasons for transfer to the Secure Unit and such patients will be managed on the main Medium Term Unit (MW1), with appropriate levels of nursing supervision:

- high risk of abscondment
- mild/moderate danger to self or others
- isolated incidents of destructive or acting out behaviour
- mild/moderate death wishes or suicide risk
- mere inconvenience to other patients or staff
- isolated incidents of testing and provocative behaviour
- patient merely reacting to general level of activity on the acute ward

DURATION OF TRANSFER TO SECURE UNIT

Patients on the Secure Unit will only be kept there for the **minimum period necessary**, especially if transfer was for a brief period of seclusion. This **will rarely exceed seven days** and should usually be much less. The patient may be transferred back again if necessary.

If the patient is **very likely to need repeated seclusion**, he can be nursed on the Secure Unit, but out of seclusion long enough to assess stabilisation. As soon as he has lasted without seclusion for 48 hours he will be transferred back to the Medium Term Unit (MW1). He may be transferred back again if further seclusion is necessary.

Whilst on the Secure Unit the patient must be assessed by:

- firm/covering consultant within the **first 48 hours (72 hours on week ends)**
- firm/duty doctor **daily**, and discussed with the patient's consultant on a **daily basis**
- firm/covering consultant **before transfer back**

SECLUSION

Seclusion is only to be used according to the established **Seclusion Policy** and as specified in the **Seclusion Book**. There must be an **individualized, seclusion contingency plan for each patient in the Unit**, which must be written in the Seclusion Book. Patients must be allowed out of the single room according to their improved behavior and level of co-operation. This is at the discretion of the nursing staff on duty in the unit.

Seclusion Policy:

- **Between 7.00 am and 7.00 pm** patients will only be secluded as specified in the seclusion book.
- **In case of emergency**, any patient can be secluded without prior reference to the firm/duty doctor, but the **latter must be promptly informed** of this so as to visit and assess the situation as soon as other hospital emergencies permit
- **Between 7.00 pm and 10.00 pm**, since the hospital will be on skeleton staff, no more than one patient at a time will be out of the (unlocked) seclusion rooms. Any patient refusing to cooperate will be secluded (door locked) automatically as a matter of policy and the duty doctor and night superintendent informed
- **Between 10.00 pm and 7.00 am** all patients will be secluded (door locked) and only allowed out (one at a time) for use of toilet or urgent personal reasons within the permits of the patient's individualized, seclusion contingency plan.

Seclusion Book:

Seclusion will otherwise be reserved for situations as specified in the **individualized seclusion contingency plan**, where even close nursing supervision would not suffice, such as:

- **persistently overactive dangerous behaviour** which has not yet responded to appropriate medication and **cannot be safely contained with skilled nursing care**
- **persistently overactive behaviour** which has not yet responded to medication and nursing care and which is **harmfully exhausting the patient**
- **persistent and repeated provocative, dangerous or defiant behaviour** which requires **limit setting behavioural intervention** to modify the patient's maladaptive behaviour

PRIVILEGES, POSSESSIONS & SAFETY

Both in the best interests of the patient and to maximize bed availability, it is not desirable for any patient to remain in the Secure Unit any longer than necessary. With this objective in mind and for safety reasons, **no patient will have any personal possessions** other than his immediate requirements of personal clothing.

Smoking will only be permitted whilst the patient is under direct nursing supervision. Patients will not have personal possession of cigarette supplies, matches or lighters whilst in the Secure Unit.

Patients would almost invariably remain totally within the Secure Unit throughout their stay there. Subject to medical and nursing considerations (patient's mental state including health and safety of self and others), the patient will have **permission to use the internal yard under close supervision**. This would be for periods not exceeding one hour per day and only when the yard is not in use by other patients.

Patients on the Secure Unit will not be granted any other permissions within the hospital (eg main garden, social centre, canteen etc) and **will not be allowed to go out of hospital on leave**.



Joseph R Saliba
Director of Psychiatry



John Degiorgio
Manager Nursing Services

MCH Circular 20/2005

18th March 2005

To: All Medical and Nursing staff

RE: PROTOCOL FOR NURSING SUPERVISION OF HIGH-RISK PATIENTS

The above protocol, originally circulated on the 25th March 2002 (MCH Circular No 19/2002) and amended version circulated on the 20th September 2002 (MCH Circular No 55/2002, has been revised because of the possibility of closely monitoring patients continuously or frequently through the use of CCTV. This possibility is already available in the recently opened Forensic Unit and could potentially become available elsewhere in the hospital in due course.

The two important changes are:

1. specifying that level 1 (constant) and level 2 (frequent) **observation can take place through indirect means such as convex mirrors and CCTV** so long as the patient is being visualized with the specified frequency (constant/frequent)
2. dropping the term "at arms length" which although only a metaphor (thus in quotes) to indicate very prompt availability, has been interpreted literally by some. Nevertheless, it remains a requirement of level 1 supervision, that **the person carrying out supervision must be in a position to respond very promptly in emergency if necessary.**

Thus, as in the past, the **following provisions must be strictly adhered to** and high-level nurse supervision will only be provided and maintained, subject to nurse availability *, if these conditions are fulfilled:

1. The risk/supervision level and defined reasons, must be specified using the **prescribed form**

2. **Level 1 (very high-risk) supervision** can only be authorized personally and in writing by the more senior of the firm/duty doctors for the first 48 hours and only in consultation with the relevant consultant or senior registrar (SR). This consultation must be recorded in the patient's case file.
3. Level 1 supervision will **automatically lapse every 48 hours (except weekends – 72 hours)** unless renewed by the firm/duty consultant or SR who must personally review the patient and sign the prescribed authorization form.

To assist consultants and promote smooth, safe running of the system, the nursing management will alert the respective consultant within the first 24 hours (weekends: 48 hours), in case the level 1 needs renewal. This should mitigate the risk of Level 1 supervision lapsing without the consultant being aware.

Kindly ensure strict compliance with these provisions.

Joseph R. Saliba
Director of Psychiatry

cc Mr E Borg, CEO
Mr J Degiorgio, a/MNS

* As you are aware, so as to ensure the safest and most cost effective use of limited nursing resources for the majority of high risk patients, first priority is given to nursing staff complements on acute wards (base line safety), followed by level 2 nursing supervision (safety for the majority of high risk patients) and finally level 1 nursing supervision (who are automatically nursed at level 2 if no level 1 nurse is available).

MCH Circular 20/2005
(supercedes MCH Circular No 55/2002)

PROTOCOL FOR NURSING SUPERVISION OF HIGH-RISK PATIENTS

The high-risk patient poses a special challenge to the multi-disciplinary team and successful management calls for a coordinated effort particularly between doctors and nursing staff, with the following key ingredients:

- Accurate **diagnosis** and assessment of **risk status**
- Appropriate use of **medication**, if indicated.
- Appropriate **ward selection**
- **Skilled nursing care**
- Appropriate **level of nursing supervision**
- Appropriate use of **seclusion and/or secure unit**

It follows that the **admission assessment** of any patient should include a clearly documented decision on all of these points. This **assessment must be reviewed** at ward rounds and more frequently, if necessary. Whereas diagnosis and medication are medical acts and skilled nursing care is a nursing act, the remainder, require joint intervention.

LEVEL OF NURSING SUPERVISION ON ACUTE WARDS

Once the patient is admitted at the hospital it is essential that:

1. required **level of nursing supervision is jointly decided** by the ward doctor and nurse in charge in consultation with the patient's consultant/consultant on call and DNM/Night Superintendent as necessary.
2. **consultant or senior registrar personally assess the patient** as soon as possible where the risk appears to be high and definitely within 48 hours (72 hours on weekends).
3. **differences in risk level between day and by night** are specified.
4. Medical officer in consultation with the relevant nurse in charge of the ward, specify **purpose of supervision and therapeutic activities** to be carried out by the assigned nurse.

<u>LEVEL</u>	<u>TYPE</u>	<u>RISK</u>
1	1:1 <u>or constant supervision</u> : direct or indirect (eg convex mirror/CCTV), with very prompt availability of observing nurse in emergency.	Very high : Sudden, impulsive, unpredictable violence/risk towards self/others.
2	1:3 <u>or very frequent checks</u> : direct or indirect, every few minutes with prompt availability of nurse in emergency)	High : Abscondment. Predictable danger to self/others. Persons under 16 yrs of age.

It is also important to note that:

1. Risk/supervision level and defined reasons, are specified using the **prescribed form**.
2. **Level 1 (very high-risk) supervision** can only be authorized personally and in writing by the more senior of the firm/duty doctors for the first **48 hours after consultation** with the relevant consultant or senior registrar (SR). This must be recorded in the patient's case file.
3. Level 1 supervision will **automatically lapse every 48 hours (weekends: 72 hours)** unless renewed by the firm/duty consultant or SR who must **personally review the patient and sign the prescribed authorization form**.

This will require that consultants and SRs, on call/duty, support each other to this effect (eg. by using their own ward round day review their colleagues' patients when requested by their colleague/s). A central register of patients on level 1 and 2 supervision (updated daily), will be kept by the nursing management to alert respective consultants regarding patients due for renewal.

To assist consultants and promote smooth, safe running of the system, the nursing management will alert the respective consultant within the first 24 hours (weekends: 48 hours), in case the level 1 needs renewal. This should mitigate the risk of Level 1 supervision lapsing without the consultant being aware.

Only in exceptional cases needing longer periods of high-level supervision, may the consultant personally apply in writing to the Director of Psychiatry outlining the circumstances justifying less frequent renewal.

High-level (1 & 2) supervision will not be provided on other wards except in the most exceptional circumstances after applying by letter to the Director of Psychiatry outlining the circumstances justifying such a measure. Patients on such wards who become acutely disturbed and need **urgent high-level supervision** can be transferred to the appropriate acute/medical ward.

In the case of **level 2 (high-risk) supervision**, the patient group should, so far as possible, remain together. Should a patient have legitimate reason to leave (eg toilet), the assigned nurse or another ward nurse should check frequently (every few minutes) on the patient until return. **Should a patient prove too disturbed to check frequently**, additional nursing help should be summoned and the supervision level of the patient reviewed and upgraded if necessary. In some cases, the problem may be remedied by assigning an additional nursing aide to the level 2, supervision group. **Level 2 supervision does not automatically require provision of any extra nursing staff.** Any such provision would be a DNM/night superintendent decision after request from the nurse in charge of the ward.

Although minimum staffing levels (nurses & N/As) are established, the actual **ward staffing levels** are a Nurse Management responsibility based on the numbers of patients in the above risk categories and the numbers of patients having high physical care/ADL dependency needs.

By day, nurses should, wherever possible, not be required to perform level 1 (very high-risk) and level 2 (high-risk) supervision duties for longer than six hours. **By night**, (unless the patient is very disturbed), supervision duties may be assigned for the whole shift. A **register** will be kept, for the purposes of recording the turnover of supervision nurses, by the nurse in charge of the ward.

SECLUSION

Seclusion should only be used according to the established **seclusion policy** and as specified in the **seclusion book**. It should be reserved for situations where even close nursing supervision would not suffice, because of persistently overactive:

- dangerous behaviour which has not yet responded to appropriate medication and **cannot be safely contained with skilled nursing care**
- behaviour which has not yet responded to medication and nursing care and which is **harmfully exhausting the patient**
- and repeated provocative, dangerous or defiant behaviour which requires **limit setting, behavioural intervention** to modify the patient's maladaptive behaviour

SECURE UNIT

Patients on the **Male Medium Term Acute Unit (MW1)** requiring seclusion will be transferred to the adjacent **secure unit**. **Patients likely to need repeated use or higher levels of seclusion** should be kept on either the male (MW1) or the female (FW1) secure unit for a number of days, but rarely more than that. They

must be reviewed every 48 hours, by the firm/on call/duty consultant or SR. A small number of patients may require longer periods of time on the Secure Unit. Their need to remain on the Unit may be renewed, by written application to the Director of Psychiatry, for repeated specified periods of time each not exceeding a fortnight. **Patients in continuous seclusion must, in any case, be medically reviewed at least every 48 hours.**

Because of the way in which patients are categorised on different wards and units **it should almost invariably be possible to contain behavioural problems by using the on-site time-out/seclusion facility** to support skilled nursing care and medication. Rarely, and only after involving the consultant in charge/on call, the patient may need transfer to the secure unit. This should be avoided, wherever possible, since it:

- overloads the acute unit with chronic patients' problems
- is detrimentally time consuming to reverse, for both patients and staff
- gives a message that the team/unit can no longer handle its own patient
- is potentially rejecting and emarginates the patient

Naturally, if there is a significant and lasting deterioration in the patient's mental state, the consultant has the prerogative, after personally assessing the patient, to transfer to MW1 or FW1 Secure Units.

In the case of patients nursed on the Secure Unit, level 1 needs will be absorbed by the normal staff complement in view of the very high level of staffing. ✓

Secure Unit patients are automatically nursed at a minimum of level 2.

Joseph R Saliba
Director of Psychiatry

John Degiorgio
a/Manager Nursing Services