

HISTORIC CHILD ABUSE ENQUIRY

PUBLIC FINANCES (JERSEY) LAW 2005

JULY 2010

Introduction

1. This paper is published in accordance with my duties under Article 46 of the Public Finances (Jersey) Law 2005.

Article 46

2. Article 46 reads as follows:

- “(1) It is the duty of the Comptroller & Auditor General to provide the States with independent assurance that the public finances of Jersey are being regulated, controlled and supervised and accounted for in accordance with this Law and that the provisions of this Law otherwise are being duly complied with. That duty shall be taken to include, in particular, assuring the States
- (a) that money withdrawn from the Consolidated Fund, the Strategic Reserve Fund and the Stabilisation Fund or the Currency Fund was used for the purpose for which it was authorised to be withdrawn; and
 - (b) that all income due to the States has been collected or otherwise duly accounted for.”

Historic Child Abuse Enquiry

3. During 2008, concerns arose in respect of control of monies being expended on the Historic Child Abuse Enquiry.
4. Since that time, under various auspices, a number of investigations have been carried out into the management of the Historic Child Abuse Enquiry and in particular the adequacy of financial control over expenditure incurred by that enquiry. Those reports will only enter the public domain as the proceedings for which they were required are concluded. In view of the investigations that have been under way I have not commissioned my own investigation which would necessarily have duplicated work without producing material benefit.

5. The reports of the various enquiries provide evidence that the appropriate financial controls were not being operated and that in consequence, to this extent, the public finances of Jersey were not being regulated, controlled and supervised and accounted for in accordance with the Public Finances Law. Accordingly I make this report for the purposes of Article 46.

Financial control

6. These events highlight a difficulty faced by the Chief Officer of the Home Affairs Department.
7. As Accounting Officer for the Department and thus, in effect, for the services for which the Department is responsible, he is personally accountable for those services' expenditure. He is thus personally accountable for expenditure by the States of Jersey Police.
8. However, the Department's Chief Officer is constrained from issuing instructions to the Chief of Police on operational matters in the interest of preserving the operational independence of the States of Jersey Police. Indeed, the Chief of Police reports directly to the Minister for Home Affairs and not to the Chief Officer.
9. The effect is that the Department's Chief Officer is denied the means which he might satisfy himself that appropriate financial controls have been instituted within the States of Jersey Police as one would normally expect an Accounting Officer to do.
10. I accept that the Chief Officer of the Home Affairs Department was throughout mindful of his personal responsibilities and took reasonable steps to discharge his responsibilities within the constraints that I have described.

Corrective measures

11. I am aware that since the events which have led to this report, the Chief Officer of the Home Affairs Department and the Acting Chief of Police have taken steps which offer some assurance of avoiding a repetition of the unsatisfactory features of financial control

over the Historic child Abuse Enquiry. These steps have included agreement of a Memorandum of Understanding, re-emphasis of essential controls, involvement of the Home Affairs Department staff in management meetings within the States of Jersey Police and reviews under the auspices of the States' Internal Audit Department.

12. Although these steps are welcome because they serve to minimise the risk that problems will recur, they do not remove the fundamental problem caused by the conflict between the Accounting Officer's personal responsibilities created by the Public Finances Law and the importance of safeguarding the operational independence of the Police.

Alternative approaches

13. In England, such conflicts would be avoided by the existence of police authorities. Each police force is responsible not to a local authority but to an independent police authority which is responsible for oversight of the force and in particular for checking that the force complies with the highest standards of management and governance. If shortcomings are identified in this respect, the police authority can instruct that they be made good.
14. The creation of an independent police authority for the States of Jersey Police with powers similar to those exercised by police authorities in England would appear to offer a means by which the existing conflict between competing priorities could be eliminated.
15. In the interest of securing good financial order and discipline, the creation of such an authority would appear desirable.