

STATES OF JERSEY

Education and Home Affairs Scrutiny Panel

FRIDAY, 24th JULY 2009

Panel:

Deputy R.G. Le Hérissier of St. Saviour (Chairman)

Deputy T.M. Pitman of St. Helier (Vice Chairman)

Connétable G.F. Butcher of St. John

Deputy M. Tadier of St. Brelade

Witnesses:

Senator B.I. Le Marquand (The Minister for Home Affairs)

Mr. S. Austin-Vautier (Chief Officer, Ministry of Home Affairs)

Present:

Ms. S. Power, Scrutiny Officer

Deputy R.G. Le Hérissier of St. Saviour (Chairman):

I would like, Mr. Minister and Mr. Chief Officer, to welcome you to this session, which is to examine the material you have kindly sent us on the Business Plan and obviously ask some general questions about the Business Plan as it applies to your department. So at the table we will introduce ourselves. My name is Roy Le Hérissier, Chairman of the panel, Deputy of St. Saviour.

Deputy M. Tadier of St. Brelade:

I am Deputy Montfort Tadier from St. Brelade.

Connétable G.F. Butcher of St. John:

Constable Graeme Butcher from St. John.

Deputy T.M. Pitman of St. Helier:

Deputy Trevor Pitman, St. Helier No. 1, Vice Chair.

Ms. S. Power, Scrutiny Officer:

Sam Power, Scrutiny Officer.

Senator B.I. Le Marquand (The Minister for Home Affairs):

I am Ian Le Marquand and I am still currently the Home Affairs Minister.

Mr. S. Austin-Vautier (Chief Officer, Ministry of Home Affairs):

Steven Austin-Vautier, Chief Officer Home Affairs.

Deputy R.G. Le Hérissier:

Okay. Thank you very much. As I have said, I would like to thank you for your submission and we are going to refer to it but I am not going in order; we can sort of ask the more general questions at the start. When you took part in this Business Planning process, can you tell us what items you put forward for

extra funding and can you tell us what items you put forward for the cost-cutting measures?

Senator B.I. Le Marquand:

Yes, the extra funding measures are on the second page of the document dated 20th July and those were firstly paid meal breaks, £560,000 for the prison. This was as a result of negotiations which had taken place the previous year, by virtue of which staff were given paid meal breaks; it reduced their working hours when they were working, if one does not take into account the meal breaks. It meant, of course, they stayed on the premises in case there was any particular difficulty that arose which would oblige them to return. But this did have a big financial effect and so we had to go for additional monies, which we got, at £560,000. The second item of extra funding was for the sex offenders' legislation. Unfortunately, as I think I explained last time I was here, we did not have accurate information from either Probation or from the Children's Service and so one of my esteemed chief officers made up a figure of £70,000 which has subsequently proved to be much, much too low. I think the true figure is about £240,000.

Mr. S. Austin-Vautier:

That is about another £170,000 on top.

Senator B.I. Le Marquand:

Another £170,000 on top, so my arithmetic is roughly right.

Deputy R.G. Le Hérissier:

What resources was this £170,000 expected to cover which has not previously been covered?

Senator B.I. Le Marquand:

What we did not realise was that the estimation of both Probation and the Children's Service was that they would need 2 additional members of staff each. There may have been some other element; I do not know if my colleague can help me, but that is what I remember.

Mr. S. Austin-Vautier:

There is also a need for a M.A.P.P.A. co-ordination person, that is the Multi-Agency Public Protection Arrangements co-ordination, and it is felt that that is a full-time job to co-ordinate the inputs and the co-ordination of all the risk assessing that takes place between all the services.

Deputy R.G. Le Hérissier:

As you know, there has been some debate both in the House and press about the numbers that you see as falling within the supervision of this law. What was the assumption made about numbers by your good selves?

Senator B.I. Le Marquand:

The total number that the police estimate, which are people who have an offence against them in Jersey, are 250. It was felt that about 120 of those are current and, of those, about 28 were very serious offenders who would be the first people to attract the attention of this law once it is implemented.

Deputy R.G. Le Hérissier:

Is there any provision made for people who might be visiting or living on the Island from the U.K., because if they were to be in the U.K. (United Kingdom) they would be supervised?

Senator B.I. Le Marquand:

Yes. Anybody who comes to Jersey becomes subject to notification requirements if they are subject to notification requirements elsewhere.

Deputy R.G. Le Hérissier:

Okay. We will go back to the list.

Senator B.I. Le Marquand:

So we have not got enough, I am afraid, in relation to that but because we estimate that next year ... the timing of things is that we are likely to be debating in the States the law at the first sitting October which I think might be 6th October. On the assumption that the Members pass the law, the 33rd draft; I now have had to make some further amendments to the one that you have had, but nothing major. Allowing 6 months for Royal Consent, I am assuming it would not be coming back much before the end of April, so we can just about manage with the funding we have got for 2010 for 8 months. But there will be a necessity for 2011 for additional monies. In addition to that, we have now received some estimated figures from the Judicial Greffe as to the expected costs from a court point of view, case costs, and those are surprisingly considerable because of the possibilities of appeals during the catch-up period. If my memory is right, off the top of my head, it is an estimation of about £90,000 a year but for the first 2 years about 5 times that amount. So we have got to find that money.

Deputy R.G. Le Hérissier:

Is this extrapolated from British experience?

Senator B.I. Le Marquand:

I do not know. The Deputy Greffier seems to have done his own calculations based upon numbers of cases that he might think would go to appeal and legal aid and other costs that could be incurred.

Deputy R.G. Le Hérissier:

Sorry, slightly off the point but a public interest matter: appeals will be in open court, will they, or will they not?

Senator B.I. Le Marquand:

The court has a power to decide that certain cases would not be in open court if they were too sensitive but that will be dealt with under rules of court, if my memory is correct. In addition to that, obviously there are safeguards in relation to the identity of children in the normal way. But you are starting to go into the details of a complicated law.

Deputy R.G. Le Hérissier:

I am sorry, that was my fault. We will revert to the list of projects.

Senator B.I. Le Marquand:

I am not quite sure how we would tackle this, there was also a funding problem relating to the £534,000 of the Building a Safer Society which was historically paid for out of the Drugs Confiscation Fund, the Drugs Confiscation Fund being in a situation of almost running out. There is one more large amount that might come in shortly but it is subject to appeal and therefore could not be relied upon. It was necessary for funding to be found for more central funds as an extra for that item. In fact, something went wrong with the arithmetic and whereas I thought we had got all the money, we got £500,000 not £534,000; so there has been an accidental, as far as I am concerned, cut of £34,000 in relation to that. That is not really additional funding. The only item of additional funding that I have budgeted for that I am aware of, other than general things, is an item of £10,000 to enable a new youth organisation, new army youth organisation.

Deputy R.G. Le Hérissier:

What is the name of the organisation?

Senator B.I. Le Marquand:

Army Cadet Force to be set up and by committing £10,000 from Home Affairs to that, it releases sums of money from the U.K. which will help set this up. It seems to me to be a very valuable addition to the 3 other organisations that we currently finance in that area. That is the one area of growth other than general projects and things.

Deputy R.G. Le Hérissier:

Going to the cuts. You have said you will not cut frontline services but can you give us a résumé of the cuts that you have offered up, so to speak?

Senator B.I. Le Marquand:

Yes. This is the figure that we have ended up with: £25,000, communications data. That always confuses me and I might have to ask my colleague because initially we thought we could cut £75,000 but that was wrong. Can you just remind me how we can cut £25,000 on that?

Mr. S. Austin-Vautier:

Yes. There is a provision made for communications data that the police and Customs and Immigration use; intelligence data. The feeling is that we could forego £25,000 of that based on the experience in the last couple of years. So that has been taken from that area.

Deputy T.M. Pitman:

That is not since Operation Blast finished though.

Mr. S. Austin-Vautier:

It is nothing to do with that.

Senator B.I. Le Marquand:

There we are. Police staff budget £110,200. That approximates to 2 police officers. It is a non-signed cut. It would be up to the police to organise themselves.

Deputy R.G. Le Hérissier:

So you are assuming that cut will be made in the back rooms, so to speak?

Senator B.I. Le Marquand:

It is up to the police to find their own more efficient ways of operating. One hopes also that, of course, we will not have the sort of pressures in 2010 of exceptional operations as we had in 2008 and 2009 with the historical abuse inquiry because in addition to cost of officers brought in from away and so on, there was considerable pressure on existing officers. There is always that element of uncertainty in police operations as to exactly how busy you are going to be and so on. There is an additional £40,000 non-staff budget in the police account. I cannot remember the details of that.

Mr. S. Austin-Vautier:

That is simply the running cost reduction.

Senator B.I. Le Marquand:

Okay, so that is an arbitrary figure in order to achieve a perceived target.

Deputy R.G. Le Hérissier:

Okay. Obviously the one that has drawn a lot of attention is the discrimination legislation which, as you know, has been an awful long time in the offing.

Senator B.I. Le Marquand:

Yes.

Deputy R.G. Le Hérissier:

This does not sound good either, but there was no way of introducing it partially to keep the momentum, a very slow momentum, it has to be said, going?

Senator B.I. Le Marquand:

Do not despair, Chairman, do not despair. I am very hopeful, as I have made immense progress in the last week on the Sex Offenders' Law in my own notes and understanding of that. I think the discrimination legislation is the fourth priority on my own working list which I gave you, I think, last time, and will be the next most active. So I am going to, I hope, unless there are further disasters that I cannot predict in the areas of my operations, start work seriously on the law next month.

Deputy R.G. Le Hérissier:

But the point remains that by having sort of forsaken the funding, its introduction is going to be delayed.

Senator B.I. Le Marquand:

Yes, but if you remember, I think I have explained this twice already but in case the details are escaping your good selves - it is much easier for me to remember them - can I remind you that of course the problem does not lie with the law or with drafting of the law. The problem lies with lack of law drafting time set aside for regulations. Until we have the first set of regulations, it is not going to start to function effectively, and we have no law drafting time in 2010, therefore there is no point in taking monies to enhance the existing Employment Tribunal, which is what we want to do because we think we can thereby create the necessary service at a cost of £100,000 and not at the cost of £250,000 which had previously been estimated, a considerable efficiency saving if we can achieve it, of course. There is no point in having money in budget in 2010 when we know we cannot do anything until 2011. The delay is not as long as may appear because if we assume for the moment, this timescale, I am going to start working on it hopefully next month in terms of grappling with the law-drafting and the structure and so on. There is work that needs to be done in terms of working out the ways in which the enhanced tribunal will operate; in relation to this sort of case is different from the way in which it operates in relation to employment cases. So there are different criteria. There are different, almost, procedures that need to be looked at and worked at. We are going to have to work with the law-drafting people in relation to that. Getting that right is going to, in my opinion, take some time with the best will in the world. My personal estimate is that if I manage to get this to the States before the end of the year, I will be doing very well. It is more likely to be early in 2010. If I am correct in that and then we allow for a period of about 6 months for it to go off for Royal Assent, we would not have assent, in any event, before, should we say, the start of the second half of 2010. So the gap to 2011, if we can get the law-drafting people to start on the regulations early in that year, is not as great as might appear.

Deputy R.G. Le Hérissier:

Okay. Thank you, Minister.

The Connétable of St. John:

What would the Chief Officer do with an additional budget of 5 per cent of the planned budget?

Senator B.I. Le Marquand:

We found this concept of largesse difficult to grapple with seriously. What we have done is simply put in the obvious items and then say we also seek to make improvements in the following areas, although we really do not know what we would do. Clearly we have Customs and Immigration where we know

we are operating with 3 fewer staff than we really would like to do, and we also know that we will have a budgetary shortfall in 2010 in that area, the latter being caused by the fact that we have so many officers on higher grades. It is a problem that the system does not really grapple with when it just gives you a flat rate of wage increase each year, but if everybody is becoming more senior and you are not getting resignations and bringing in people at junior grades, your costs are going to go up, in any event. So we would correct that, as it were, and we would do the same with the fire service when we know that ideally we should have one shift member per shift more than we have. We have an independent outside report in relation to that. We also know that the fire service equipment budget has been very tight and you cannot carry on delaying replacing items indefinitely. They have a lot of specialist equipment in addition to fire attenders which needs to be replaced from time to time, and they have been tending to get behind on that, so we would want to catch up with that more than we will be able to do in the existing budget.

Deputy R.G. Le Hérisier:

Sorry, back to Customs and Immigration. I remember when H.D. Ferries was operating, there was a feeling that you were being subject to a lot of pressure in terms of staffing the Customs and Immigration and so on. Have you found that things have slowed down, relaxed, so to speak, since that?

Senator B.I. Le Marquand:

Yes. This year is obviously much easier with only one major ferry company operating. We have a curious situation where the ferry company which is operating is now finding it needs to put on more ferries and has asked us to provide facilities for some early morning arrivals, which we have difficulty in doing but we have now reached an arrangement with them and with staff members by virtue of which we will be able to do that. There is an ongoing difficulty which I have brought to the attention of this panel before in relation to onboard checks, and I had given notice that this was the last year that we would do onboard checks. So if we are no longer doing that, there will be some easing of that, but of course we can never tell what level of services might exist from year to year. Same with flights, of course, at the moment. I suspect there has been a reduction.

The Connétable of St. John:

Can I just go back to an answer you gave just now when you were talking about the staff salaries and grades?

Senator B.I. Le Marquand:

Yes.

The Connétable of St. John:

You said you were going to address that. How would you plan to address that?

Senator B.I. Le Marquand:

Sorry, the ...

The Connétable of St. John:

You were talking about staff and ending up with a lot of staff on higher grades where there is not a lot you can do about it.

Senator B.I. Le Marquand:

No, sorry, I cannot do anything ...

The Connétable of St. John:

How could you rectify the problem?

Senator B.I. Le Marquand:

I cannot do anything about that.

The Connétable of St. John:

No, but you did say you were going to address it.

Senator B.I. Le Marquand:

Not consciously.

The Connétable of St. John:

I might have misheard you, but it was something that you said you were going to address ...

Senator B.I. Le Marquand:

Not consciously.

The Connétable of St. John:

But I fail to see how you could address it.

Senator B.I. Le Marquand:

No, I mean, that is part of the negotiated system. We have the same problem with the fire service where again we now have lots of people at the upper grades. I cannot do anything within current contractual arrangements.

The Connétable of St. John:

Okay.

Deputy M. Tadier:

Just so our guests know, it happened earlier today, while Channel Television are here, I will be leaving because the Minister may know that I believe that there is a discriminatory, uneven playing field with regard to Internet bloggers and non-accredited media who are not being allowed to film here. So I will be leaving on a matter of principle and coming back when the cameras have left.

Senator B.I. Le Marquand:

Okay, that is fine.

Audience:

I will film anyway. It is okay. I am sure nobody has got any objections to that, have they?

Deputy R.G. Le Hérissier:

Sorry, you know the position, Mr. Audience Member. No, it is not possible.

Audience:

I thought it was if the witnesses object.

Deputy R.G. Le Hérissier:

They have to be given 3 days' notice. Then once they give that notice, it is up to them.

Audience:

Surely if they do not object now ...

Deputy R.G. Le Hérissier:

No, I do not think we can introduce that at the moment. The broader picture which I outlined earlier ... I am sorry to interrupt the meeting ...

Senator B.I. Le Marquand:

No, that is fine.

Deputy R.G. Le Hérissier:

I will tell Mr. MacMurray because he has been told this before but it is worth re-emphasising. The Chairmen's Committee is very concerned about this issue. It is proposing to P.P.C. (Privileges and Procedures Committee) that there be a total review of how the States handle this issue in order that, if necessary, there can be a level playing field introduced.

Audience:

So there is not a level playing field.

Deputy R.G. Le Hérissier:

At the moment, there is a status quo, and that is where, as I have told you numerous times ... numerous times ... that is where the situation rests.

Audience:

So there is no objection from the witnesses right now?

Deputy R.G. Le Hérissier:

I do not think it is fair on them because the protocol was ...

Senator B.I. Le Marquand:

Just to be open, I would object.

Audience:

You would object?

Senator B.I. Le Marquand:

Just so everybody knows where we stand.

Audience:

Under what grounds would you object?

Deputy R.G. Le Hérissier:

Yes, I am sorry, Mr. MacMurray, this is an interesting issue. You have raised it. You have raised some very valid points which we have pursued at the policy level, and there is going to be, hopefully, a proper inquiry into the whole matter where you will be able to put your views forward.

Audience:

Until then, we are discriminated against. Is that right?

Deputy R.G. Le Hérissier:

No, until then, the status quo prevails.

Audience:

Which is discriminatory that you are allowing the mainstream media to come in here and film and you

are not allowing members of the public to do the same.

Deputy R.G. Le Hérissier:

At the moment, the status quo prevails because, as you well know, there have been objections from participants, but I thank you for your intervention and we will resume the sitting. Thank you.

Audience:

It is not a public hearing if the public cannot film it. It is not a public hearing. It is an absolute disgrace.

Deputy R.G. Le Hérissier:

Okay. Anyway, we appreciate your views, but that is the situation at the moment. Thank you. Okay, if you would carry on. I forget what point we were at.

Senator B.I. Le Marquand:

I was just drinking my cup of tea in the break. One never misses these opportunities.

Deputy R.G. Le Hérissier:

Good.

Deputy T. M. Pitman:

Can we move on to 5?

Deputy R.G. Le Hérissier:

Yes.

Deputy T.M. Pitman:

In your documents which you kindly furnished us with, you highlighted that staff costs were the real drivers for the department. Could you just tell us what impact suspended staff have had on that, and is it going to be a major problem as you progress into the future? It is an area of public concern, most definitely.

Senator B.I. Le Marquand:

The costs of suspension of the Chief Officer of Police are, we hope, going to be met from the historical abuse inquiry. So that would not have a direct effect. The costs of other suspensions, I assume that other officers who have been acting up, not in the way of misbehaving but assuming a more senior role where a replacement was necessary, other than that, I think the costs have just been absorbed. In other words, there just are fewer officers. I can only think of 2 people. I may be wrong. We are only aware of 2 people who are suspended currently in the police force. I am not aware of anybody who is suspended in the ...

Deputy T.M. Pitman:

There has been talk, of course, of a possible one with Operation Blast, so is there potential there for an increased problem?

Senator B.I. Le Marquand:

Only if additional people are suspended.

The Connétable of St. John:

Can I just ask you, Minister, I think you just stated that the Chief Officer's suspension, the funding that that had incurred has gone into the Haut de la Garenne or the child abuse inquiry; why is that?

Senator B.I. Le Marquand:

Because the initial complaints in relation to him related to management of that. I thought that was well known, sorry.

Deputy R.G. Le Hérissier:

When you say that the costs have been absorbed, I mean, these are massive costs apparently. How much has been absorbed?

Senator B.I. Le Marquand:

Sorry, which costs?

Deputy R.G. Le Hérissier:

When you say that the cost of covering the suspension has been absorbed, these are massive costs. Where did the money come from to absorb these costs?

Senator B.I. Le Marquand:

You just have fewer police officers, effectively. It is quite a difficult job deciding how many police officers you can afford to recruit in a given year. Last year we started with a trainee group of 17, 15 of whom completed training. I went to the curiously named passing-out parade for them, but it is quite difficult. We are obviously going to be looking again for next year at how many new officers we seek to train and how many officers we can deal with. I know in general terms that the acting management of the police force is looking at ways of making efficiencies in terms of employing additional numbers of civilian officers to do tasks which are currently done by full police officers. In general terms, the approximate cost for civilian officers is the order of £35,000 a year whereas the cost of a fully trained police officer is the order of £55,000. So there are areas there that are being looked at.

Deputy T.M. Pitman:

Is that initiative though borne out of ... I do not want to say “desperation”, but is there a risk of - and I do not mean this disrespectfully - dumbing down by having civilians then doing police officers’ tasks? How is this being driven?

Senator B.I. Le Marquand:

It is going to depend upon what the tasks are, but in principle you are seeking to do tasks which can be done by someone who does not have the full training and experience where you can.

Deputy R.G. Le Hérissier:

In terms of cutting costs, you produced these things for the Council of Ministers; you put a list of cost-cutting measures. Did you feel at any time in this process that you were being leaned on unfairly to bring about cost cutting?

Senator B.I. Le Marquand:

I have just taken advice whether I can talk openly about the process or whether that is confidential. You must understand the process which has taken place this year which is firstly that the Council of Ministers made a decision in principle, back as early as January, that because we have had ever-increasing growth in budget, that we should seek not to increase the overall size of the budget, but if we were going to do additional things - there are clearly additional things that we are going to want to do - that we should seek to find compensatory savings. That, in a sense, then created a framework in which it would be necessary to find some level of savings. Whether that decision was right or wrong is obviously a political judgment, but that was the position we started with. Now, having done that, the exercise which then occurred is that departments that came up with items which were going to be necessary increases expenditure. Hence why I highlighted the prison officers and I have highlighted the

£70,000. We also came up with items which we thought we could cut back on for 2010 relatively easily, and I immediately highlighted the £250,000 because I was aware by the time we went through the first round of this process that we did not have law drafting time and so on. Thereafter, we endeavoured to make additional cuts and got to a point where they just did not arrive, whereupon a decision was made by the majority of the Counsel of Ministers that we should have pro rata cuts to make up the rest, and we were given a variety of different targets depending upon how much we eventually need to do. At one stage, what we were being asked to do was slightly tighter than what we ended up with and so we had produced some slightly tighter calculations. I had made my position known to my colleagues early on that I was not prepared to see - am trying to phrase this accurately - service cuts that were going to really affect the level of service delivery, particularly in the areas of the fire service where we already think we are 3 down, staff-wise, and Customs and Immigration where we think we are 3 down, and in the area of the prison where we have only just, if I can come up with a colourful phrase, climbed out of the primeval slime in terms of getting to the levels of staffing that we should have been many years before. I just was not prepared to see us go back down again from that. So then we went out, we had a look and we discovered that in fact we could make cuts without it having a major effect or a very serious effect. So I was willing to make these cuts upon that basis, but I would not have gone very much further.

Deputy R.G. Le Hérisier:

Were you informed of where the other cuts might be likely to end up? Because one of the things we discovered in looking at another ministry was that if you cut one service, it has quite an impact on that other ministry, so did you as Ministers all sit down and look ...

Senator B.I. Le Marquand:

Individual Ministers came up with their own proposals. One Minister, as you know, was not happy with the system and not happy to offer cuts. There were other Ministers who were not entirely happy with the system, and I would count myself among those because I think that you ought to have a fundamental spending review approach whereby you make sure that one department is not being cut to the bone while another one is still doing nice to have.

Deputy T.M. Pitman:

Is it fair to say there is a split within the Council of Ministers then?

Senator B.I. Le Marquand:

There are differing views, but there often are. It is fair to say that one Minister clearly dissents from the approach, and you know that because you have already questioned him this morning. No doubt he has given you his reasons. I think our intention is next year to do a fundamental spending review. There are interesting philosophical issues, or perhaps not philosophical. There are some interesting political issues, I think, which will no doubt be much debated in years to come as to the whole approach towards budget. There are different ways you could approach this. One of the ways, of course, is the way we have done historically, which is to see how much we have in the kitty and therefore how can we best spend that, but at times when there has been a lot in the kitty, that may have caused monies to be spent which did not strictly need to be spent, of course. Broadly speaking, that is the approach which has been adopted on this occasion, but there is an entirely different philosophical approach which I suppose I tend towards, which is that we should be working out the things that we ought to be doing and, having worked out the things which we ought to be doing, then perhaps we should work out how we can persuade the public that it is appropriate to finance those things. These differences are always going to occur.

Deputy T.M. Pitman:

Is this what you have put to the Chief Minister? Can I ask that?

Senator B.I. Le Marquand:

I am sorry?

Deputy T.M. Pitman:

Is that the approach you have put to the Chief Minister?

Senator B.I. Le Marquand:

No, I do not think I have even discussed this with my colleagues, in fact. I am just sharing some of my own thinking.

Deputy T.M. Pitman:

But you would like them to take it on board?

Senator B.I. Le Marquand:

Because, as I say, in January we agreed for this year that we would take, in a sense, the first approach, i.e. how much we have. So that was the approach that we agreed to take this year, but in a longer future, I think that is an approach which might be explored. That is highly political.

Deputy R.G. Le Hérissier:

Did you initiate, Mr. Minister, a debate within your department or the different sections of your department and, for example, ask the police: "What are you in the business of doing? And once you have decided what you are in the business of doing, what resources do you need to do it?"

Senator B.I. Le Marquand:

No, I have not done that. I have not done that. That is correct. You must understand I still have this very awkward situation of a suspended Chief Officer, and I have felt myself, to a degree, constrained from engaging on a major level until that situation is resolved.

Deputy T.M. Pitman:

Which will be?

Senator B.I. Le Marquand:

I am hoping to get the reports as soon as possible, but certainly not later than the end of September, and if I do not determine there need to be disciplinary hearings, then those will take place November probably. There are appeal procedures which could take further time, but I cannot predict the outcome of these matters.

Deputy R.G. Le Hérissier:

There is no doubt; you only have to look at the incredible pressure that the suspension is placing on the health service. We are reaching to 750,000. You are obviously also dealing with big sums, and one of the things we are always told is that one of the sacred, untouchable parts of this process, for valid reasons in a sense, is that when a police investigation goes on, it goes on at its own speed and it goes on without any interference from politics, but have you sat down and said: "Are there other ways we can manage these situations so that we can speed them up and so that the system does not just go on and on and on?"

Senator B.I. Le Marquand:

It is very difficult with investigations of senior police officers, and this would apply from the rank of chief inspector upwards; anybody of that seniority upwards, we have to bring in an outside force to deal with the matter and are reliant upon them in terms of speed and thoroughness and so on. It is very

difficult for me to start to intervene in that process because the moment there would be intervention and process, it would be taking away from its independence and objectivity. Can I say in that context that of course I did give notice in the House in the States recently of the fact that the £4.25 million which had been allocated for the historical abuse inquiry after the monies being voted then was not going to be sufficient to cover the costs of the first stage of the Wiltshire investigation, nor indeed of the Operation Blast investigation, and that we would need to be coming back, hopefully via the Treasurer, to the House for additional funds in relation to that if it is not going to have a real effect on our ability to operate. This year, thus far, it has not.

Deputy R.G. Le Hérissier:

I know, so there is another crisis. Just back to a more general question, when you go and argue the case, for example, for building a better society or these programmes, how do you assure yourself that that money is getting value for money and have you set objectives to make sure that we get what we think we are getting?

Senator B.I. Le Marquand:

I think that is probably a better-controlled area than almost anything else that we do because in fact one of the ladies, Gillian Hutchinson, that is one of her functions: to evaluate what is happening. We have just produced the 2008 annual report. Has that gone out?

Mr. S. Austin-Vautier:

It went to the council yesterday, but it has not been lodged with the States. That is the next step.

Senator B.I. Le Marquand:

Very shortly it will be going out as information to the States, the Building a Safer Society Annual Report 2008. The Council of Ministers, in fact, approved the new strategy for Building a Safer Society at its meeting this week. But that is part of her function, to evaluate how well things are ...

Deputy R.G. Le Hérissier:

But she is one of the officers who work for that programme, so how do you satisfy yourself that the programme is working as it should?

Senator B.I. Le Marquand:

Only by reading the reports that are provided for me, but that is no different from anything else. Ministers do not normally go out and knock on doors and find out how children are responding to things. We have to rely upon advice.

Deputy R.G. Le Hérissier:

Okay. We have covered several of the issues, so it is really a question of whether ...

Deputy T.M. Pitman:

I think prisons are an issue and whether funding was considered for a facility for mentally disordered offenders in the Business Plan.

Senator B.I. Le Marquand:

I somehow stopped in the middle of explaining to you the cuts. Do you want me to carry on? The next item is the prison. I think that was accidental. We went into the questions about the police. We discovered that one of the things that we have been doing, at a cost of £138,000, is the tagging system. This is the second stage of the early release process. The first stage of the early release process is that up to 12 months before the normal release date, i.e. the two-thirds of sentence release date, prisoners are eligible for being able to go out on work placements. This is part of a process of trying to ensure that

when people complete their sentence, particularly long sentences, that they have been prepared to go back into society, thus reducing the likelihood of further offending et cetera, et cetera. So, for the first 6 months of the 12 last year, provided they are assessed as not representing any risk to the public or individual members of the public, they go out to work, they come back to the prison at night time. Then we have a second 6 months, the final 6 months, by which they have already been tested in the daytime for 6 months, in which they go out tagging. Now, the tagging programme generally has an average of about 6 people on it and it costs £138,000 a year and we do not think this is a good use of public resources. So what we are proposing to do is effectively change the system to enforce curfews, and we are still not certain how we are going to enforce the curfew system but we want to enforce the curfew system, hopefully, possibly using the assistance of the Honorary Police. We have not worked out the entire details on this yet, but that is what that is about. We just do not think £138,000 in this way, for 6 people, at any given time, who have already been tested for 6 months during the daytime, represented good expenditure of money. But I do not want people to misunderstand and think we are going to not be releasing people who meet the criteria. Just the method of checking on them will be less expensive. So that is that one. The field squadron, we discovered that in fact they did not need quite as much money last year. In fact, last year they came in with quite a major under-spend, for which we are very grateful to them, operating so efficiently. So this year we have already asked them to work at £70,000 less than was allocated in the 2009 budget. So what we have done is simply ask them to do the same in 2010. So it is not actually going to represent any service cut, provided they can operate as efficiently.

Deputy R.G. Le Hérissier:

Do you see any cuts in the future or are you just trying to hold the fort, so to speak, on that one?

Senator B.I. Le Marquand:

I think this year I have no great ambitions. As long as we could hold together the co-activities and continue to go ahead with the planned statutory programmes, they are quite happy with that. The crunch time, as you know, is 2012 because if our figures are correct, we are going to be facing deficits of the order of £60 million a year from 2012, if our figures are correct in relation to the effects of the recession. We are going to be into a completely different world from a budgetary point of view. It is not going to be possible to make cuts to cover that sort of level. So 2010, 2011, I think there is going to be a holding process. Then we are into uncharted waters. That is where I think the debate that I hinted at before may become a very live issue.

Deputy R.G. Le Hérissier:

One of the issues that strikes me, you run a service like the prison which you could describe as demand-driven, but basically it is subject to some judicial decisions, for example, about long sentences for drug traffickers and so forth. Again, without interfering with the independence of the judiciary, is there anyone talking about these matters and as to whether, for example, long sentences are effective; whether they get the desired result?

Senator B.I. Le Marquand:

There are 2 separate areas here. I have almost signed off a letter to the Bailiff in relation to issues in relation to the proposed new law, which I think was the parole law. I think I have mentioned before that I was surprised to find that the drafting of the law had been based upon a different basis from that which I thought was happening and I am not happy with the basis that the law has been drafted thus far. I understand the change of policy was made to representations made by the courts in this area. I am going to now seek to engage with the courts and seek to persuade them that my approach is better, if I can put it that way, and we shall see what happens from that. The area of sentencing policy is a matter that would require a reference of the whole area to the Court of Appeal. It is the Court of Appeal that has set the guideline sentences, particularly in relation to drug sentencing, and if there is to be a review of that, that would have to happen at the Court of Appeal level and, at some stage, will require me to be talking

to the senior judges with a view to persuading them that that might be appropriate, but I am biding my time on that one. In a sense, I feel that the right time to make that approach will be once the new Deputy Bailiff is proposed.

Deputy R.G. Le Hérissier:

What about the extension of repatriation policy? We have the option on a voluntary basis of U.K. prisoners applying to serve their sentences in U.K. jails. Why do we not offer that to other nationals?

Senator B.I. Le Marquand:

We have just, in fact, had advice within the last few weeks from the Solicitor General in relation to how we would proceed with that. There are 2 options, broadly speaking, one of which is to extend the existing U.K. statute to Jersey, but that would require that the decisions be made by the U.K. Home Secretary, and it is questionable as to whether, in the present political framework, that is the right approach because we are increasingly operating in relation to such areas dealing with them ourselves, which would be the second option which would require us to have our own law in relation to that. There is an international convention in relation to ... I will not call it exchange of prisoners because that sounds a bit odd, but repatriation of prisoners, and there is an issue as to how we would become a contracting party to that in order to gain the benefits from this. I have had complex reports on this in the last fortnight and I am looking at them. My own view at the moment tends towards us having our own law. It is consistent with the approach we have in relation to things like extradition in recent years where, for years, extradition took place at Bow Street in London but was eventually transferred to Jersey by the Magistrate when the first extradition matters were dealt with in Jersey. I think I dealt with the first case, in practice, and it does seem that is the right approach. Otherwise, we would have a peculiar situation of having to go to the Home Office for the Home Secretary to make decisions about someone being sent away to Poland, Madeira, wherever. That does seem a little strange in modern times.

Deputy T.M. Pitman:

But if we are talking about introducing our own law, realistically, that is going to be some years down the road from what you are outlining to us.

Senator B.I. Le Marquand:

It will be slower, yes. It will be slower.

Deputy T.M. Pitman:

Two years, 3 years?

Senator B.I. Le Marquand:

It will depend upon law drafting programme and priority for that. Too late for 2011?

Mr. S. Austin-Vautier:

No, that will be the next opportunity, 2011.

Senator B.I. Le Marquand:

2011 would be the next opportunity, yes.

Deputy R.G. Le Hérissier:

To you it is a fairly high priority, is it?

Senator B.I. Le Marquand:

Yes. There are gains because we think that the number of people who would be going would be higher than the number of people who would be coming. Obviously, you understand, with such a system there

could be Jersey-resident people who have been convicted elsewhere who could be opting to spend their time here. So it is not all going in terms of numbers.

Deputy T.M. Pitman:

We did touch on the mentally disordered prisoners. I do not think we had a response to that.

Senator B.I. Le Marquand:

Sorry, because I diverted you across to this because I thought we were going to overlook some areas that we ought to deal with. We have had a series of meetings, both at ministerial level and also now at the officer level between psychiatric services and the Prison Governor to discuss this. I am not sure I did not answer this the last time I was here, but perhaps I did not. The problem in relation to setting up a dedicated psychiatric unit in Jersey to meet the needs of prisoners with specialist psychiatric needs is twofold. Firstly, it is very expensive to do that and you would have fluctuating numbers, but secondly it would be impossible to create the range of units required because in the U.K., not only do you have units which are graded by virtue of the risk-represented people, so you have your Rampton and Broadmoor at the top level, but you would have almost semi-secure establishments at the lower level, but also you have a range of specialist units, depending upon the nature of the psychiatric problems the person has or associated problems like educational problems or personality disorder problems or whatever. So you could never achieve the same level of care, treatment and so on, locally. So I think the position that we are moving towards - when I say "we", I mean myself and the Minister for Health and Social Services - is a recognition that it is better where there are prisoners with acute issues that they be sent away to an appropriate unit in the U.K. which will be at the right level, et cetera, et cetera. We currently, I think, have one person away in that grouping and 2 currently in custody who we think, if convicted and sentenced, would be appropriate. Now, also, as you know from previous discussions, we have levels of access to psychiatric services now and we also have in-house psychologists and workers of that nature so that we are able to provide an enhanced service. It is possible to take people out of the prison for a short period and place them ... I am thinking of Orchard House, but there are other units which are semi-secure but with prison guards going with them and for a short period to receive psychiatric care and then to be brought back in again. There will always be the more difficult area of the people who are not acutely psychiatrically ill but have personality disorders or borderline personality disorders whereby they behave oddly and yet are not at this sort of acute level, and there you have to come up with a care plan which crosses different agencies, may involve Housing as well as Health and Social Services, probation or whatever. That will always be a difficult area.

Deputy T.M. Pitman:

I know you have spoken on the issue before, and I appreciate that, but my motivation for asking is, if sending people to the U.K. is the best we are ever going to get, effectively, because of the limitations, what about the long-term implications for all of those people who are likely to have family members, so costs involved, so those people are not totally isolated.

Senator B.I. Le Marquand:

That is always a downside of sending people away to specialist units. That is always the downside, but we always have this problem.

Deputy T.M. Pitman:

What is the answer?

Senator B.I. Le Marquand:

There is not one, I am afraid. We have the cost problem but you also have the fact you could end up with one person in a unit, which also is not desirable, and you have the problem if you send them away, of access of families and so on. It is always going to be a trade-off between those factors. In reality, I

cannot see that we would ever be in a position to provide our own Rampton and our own whatever at different levels.

Deputy R.G. Le Hérissier:

Yes, Mr. Minister, we had heard an explanation from you, but the purpose of the question was to find out whether it was, in terms of the Business Plan, a priority for you. That is really what we were trying to get hold of.

Senator B.I. Le Marquand:

No, because we have not really determined what was the right approach in relation to this.

Deputy R.G. Le Hérissier:

When will you determine that?

Senator B.I. Le Marquand:

It is an ongoing process. I think the view I have expressed is probably going to be the final view, in which case it has budgetary implications for Health and Social Services because they carry the bill if people get transferred over. What happens is they get transferred from prison to prison and then, once they have got to the U.K., they fall within the U.K. psychiatric system and therefore the prison can transfer them out into a specialist unit. The bill then does not come to us; it comes to them.

The Connétable of St. John:

Can I just ask you one last question? You are probably aware that I am looking at speed limits.

Senator B.I. Le Marquand:

Yes.

The Connétable of St. John:

One of the things that is coming back from the public quite strongly is the reintroduction of the police motorcycles that were seen as quite a good deterrent. If this were recommended, would it create great implications for you within your budget?

Senator B.I. Le Marquand:

It is a matter I have discussed with David Warcup. David Warcup's view is that it is dependent upon the levels of staffing which are achievable. It is something which, yes, if you had a full complement of staffing to the full approved level of full-time equivalent, then obviously he could be doing, but you must understand the current budget is not giving him that. None of our departments have that, as far as I am aware. None of our major departments have that. So it is not a particularly high priority. There is an issue, and I accept there is an issue as to how much time the police give to the policing of speeding matters and how much time is done by the honoraries. My understanding at the moment is that much of the speed detection work is currently being done within honorary level and the amount being done at police level is quite limited.

Mr. S. Austin-Vautier:

There was another factor as well because the Chief Officer created the Proactive Policing Unit from the savings he made from the motorcycle unit. So it was not the case that the saving from the loss of the motorcycle units went into the ether. They were diverted to create something modern. So if you reintroduced the motorcycle unit, you would have to then find some way of funding that.

Senator B.I. Le Marquand:

I am highly supportive of the proactive unit because it certainly was very successful in targeting

individuals who were repeat offending, using information to arrest them earlier. It is very much of a precinct.

Deputy R.G. Le Hérissier:

Okay. Good. We have finished on time, so I would like to thank you very much for attending. As I said earlier, the point of the meeting was more so to get your views on the Business Plan, why you chose one issue over another issue, how you reacted to the cuts and so forth, as opposed to sort of a run-through of policy issues, but nevertheless, I thank you for your information, thank you for attending, thank the public, and the meeting is finished.