



# Education and Home Affairs Scrutiny Panel

## Quarterly Hearing

### Witness: The Minister for Home Affairs

Friday, 1st February 2019

**Panel:**

Deputy R.J. Ward of St. Helier (Chairman)

Deputy R.E. Huelin of St. Peter

Deputy T. Pointon of St. John

Connétable A.S. Crowcroft of St. Helier

**Witnesses:**

The Minister for Home Affairs

Assistant Minister for Home Affairs

Director General, Justice and Home Affairs

Acting Director, Customs and Immigration

Head of Crimes, States of Jersey Police

[10:00]

**Deputy R.J. Ward of St. Helier (Chairman):**

Welcome everybody, members of the public and anyone who is watching online, to the public hearing with the Minister for Home Affairs. If we start off by just briefly introducing ourselves, I am Deputy Robert Ward, Chairman of the Panel.

**Deputy R.E. Huelin of St. Peter:**

Rowland Huelin, Deputy of St. Peter.

**Deputy T. Pointon of St. John:**

Trevor Pointon, Deputy of St. John.

**Connétable A.S. Crowcroft of St. Helier:**

Simon Crowcroft, Constable of St. Helier.

**The Minister for Home Affairs:**

Len Norman, Constable of St. Clement and Minister for Home Affairs.

**Assistant Minister for Home Affairs:**

Gregory Guida, Deputy of St. Lawrence and Assistant Minister for Home Affairs.

**Deputy R.J. Ward:**

We have set this up simply because it is an opportunity for the Minister and the Assistant Minister to give their views more than anything. If you want information from the officer there is a chair there and that helps with the webcast, otherwise the webcast can be quite difficult audibly and the transcript is quite difficult so I think there is a practicality to it that we need to abide by and which really will help us work. So if we set off, I just want to mention as well that the webcast is downloadable so you can get a full transcription and the webcast itself for those who want to do that. We will start off talking about the target operating model, if we can. The transition report sets out departmental objectives and budget for 2019. Would the Minister describe the process through which he is informed of the advances his officers are making with agreed policy and legislation; how do you go about that?

**The Minister for Home Affairs:**

Well, no legislation as yet but I have regular meetings with all of the officers including the Director General who keeps us informed. We have the organisation business case and we have the brief on the target operating model, which is now going to be going out for consultation with all the staff and all senior management within the Justice and Home Affairs Department. So it is regular briefings from the Director General.

**Deputy R.J. Ward:**

Are they weekly?

**The Minister for Home Affairs:**

Yes, weekly. We meet weekly, yes.

**Deputy R.J. Ward:**

Okay. Would you describe the process of accountability through which agreed ministerial policy is developed? So, when you develop ministerial policy what is the line of accountability in terms of its implementation and development with your officers?

**The Minister for Home Affairs:**

Well, we are still working obviously with some legacy issues, which we are developing some of them as policies or legislation plan. We have made some changes with the prejudice crime and so on which will all be coming through. But at the end of the day I always make the point that for all the political decisions, the Minister and Assistant Minister have to take responsibility for the administration of those decisions, then the Director General and his staff have to take responsibility. That creates demarcation lines there and that is how it should be throughout the relationship between the civil service and the States and the politicians and the Government within the States. I did make a statement to the press a few weeks ago on this because I know there were some Ministers who were getting a bit wobbly about the relationship but I think the relationship needs to be pretty clear. As far as I am concerned it is and I hope that my officers agree with that.

**Deputy R.J. Ward:**

Thank you. There is obviously a time of change within the target operating model. What is in place to protect frontline services during the restructure and the development of the target operating model?

**The Minister for Home Affairs:**

Frontline services. I have made it clear since day one, in fact day minus one before I became the Minister that if I became Minister it is vitally important that the frontline services are protected; that the Island gets the services it wants, deserves and needs. Any changes that happen within the department that involve the frontline services have got to improve the services or at least maintain them at the same level they are now, the services provided and, where possible, improve them even further. We have got first class police, customs, fire and ambulance services. There are ways they can be improved. We have seen how the police are improving their performance with the Project Horizon and the different ways of working and going from there. But I have to say this, as from a political perspective, from my perspective, and I am sure Gregory would agree with me, I do not see that there is much or any room for any reduction in the numbers on the frontline services.

**Deputy R.J. Ward:**

There has not been any reduction in those numbers?

**The Minister for Home Affairs:**

Not as far as I am concerned, no. No. There have been over the years, we know that and we spoke about that last time. There are different workings that have been introduced by successive police chiefs or acting police chiefs or acting deputy chief of police and doing very well. We are going through a time of change and we know throughout the public sector morale is low; no question about that because of the changes, because of the pay disputes and so on. But we have got to work through that and show all of our services how much they are valued and give them all the support we possibly can.

**The Connétable of St. Helier:**

Sorry, can I come in? You have sort of drawn a line in the sand about possible reductions in frontline services. Do you think there may be a case for increasing the numbers in the frontline given the kind of changes that we may be facing as a jurisdiction, particularly post-Brexit or if things change in terms of the terrorism situation in the U.K. (United Kingdom); would you be arguing for more police officers, for example?

**The Minister for Home Affairs:**

Yes. I think you have got to look at each of the services separately. You cannot say that all of them need more or all of them can manage with less. As far as the police are concerned, which I know you are particularly interested in and you mentioned it in your question there, it is up to the Jersey Police Authority, it is up to my Director General, it is up to the management team of the Jersey Police to convince me if they need further resources. If they are able to do that then they will find that I am their champion and I will support them. But in fairness I have got to be convinced that it is necessary and appropriate, and it is up to them, as I said, to convince me. If they are able to do that they will get my support.

**The Deputy of St. Peter:**

What will you be looking for in the Director General's argument; what would be his angle of persuasion that means you would respond to the change and an increase in resources?

**The Minister for Home Affairs:**

I am not going to make the argument for the officers who have got to make their case to me; it is up to them to make their case to me I am not going to make it for them. I probably could make one but it is not for me to do that. They have a responsibility to do that. I have a responsibility for the political direction of the department and the services. They have a responsibility for the operational side of the services and the department and if their operational needs are different from what they are now and they need additional resource, they have got to convince the ministerial team and the ministerial team then have to convince the Council of Ministers and then we have to convince the States of any increase in budget, for example, that we might need.

**The Deputy of St. Peter:**

You must have at the back ... no, I will move on.

**The Minister for Home Affairs:**

I have a lot of things at the back of my mind.

**Deputy R.J. Ward:**

Just to be clear, from this point onwards, if you picked a moment in time, you do not see any reduction in frontline services in terms of staffing and if there is a need for an increase you would be looking for your officers to drive that need?

**The Minister for Home Affairs:**

From what I have seen so far, and I have now been, what, just over 6 months ... I have been into various departments, I have had discussions with the senior officers, I have had discussions with people on the frontline at all levels. I have yet to see any evidence that a case can be made for any further reduction in the numbers on the frontline. I am not saying that a case could not be made but I have not yet seen it. Before we make any decisions one way or the other, and we have got to see what the target operating model looks like in a couple of months' time, we have got to have all the facts in front of us before making decisions on the hoof, as it were. I think we need to have all the information available.

**Deputy R.J. Ward:**

Okay, so not necessarily out of the question. You would need to look to the future. On that topic then, do you see any job losses as a result of any target operating model further up the hierarchy?

**The Minister for Home Affairs:**

The target operating model which has been created by the senior management team at Home Affairs, indicates that there could be some savings. There has got to be increased efficiencies otherwise what is the point of doing it. I can see that there could be savings in administrative roles if you have combined H.R. (Human Resources) facilities, combined I.T. (Information Technology) facilities; the administration which keeps the frontline services going, if you like. So, I can see potential for savings there. What level that will be at the moment I do not know.

**Deputy R.J. Ward:**

What about specific leadership roles with the combination of services, for example, with fire, police and ambulance? There could be quite high level roles that could be lost there if they are amalgamated.

**The Minister for Home Affairs:**

It is quite possible that at the top of the organisation, the top of each organisation, you might not have a single chief for each of the services. You might have a chief for 2 of the services, it might be police and customs or customs and immigration and the police, fire and ambulance, which have got many similarities. The whole object is about working closer together.

**The Connétable of St. Helier:**

That could help you pay for more Indians if you had fewer chiefs. So, if you do, for example, need more people on the border, in terms of post-Brexit, you would be able to afford more officers.

**The Minister for Home Affairs:**

Well, yes. I mean savings will be made but there is not necessarily a direct correlation. If we still have a certain number of chief officers but we need more Indians, as you put it, then I am still prepared to argue for those Indians. The 2 are not mutually incompatible.

**Deputy R.J. Ward:**

Can I just ask; I have a slight concern that those who have had those significant roles that may not exist anymore, will there be a process by which they get some sort of protection if they are moved out or will it just be an end? Because it could be quite a significant change for quite a few people really if you make these significant changes at the top. What protections are in place for them?

**The Minister for Home Affairs:**

It would be a relatively small number at the highest level. But I think we have got to remember that the roles that are currently carried out by the senior officers in the department in all the frontline services are still going to have to be carried out. It is how they are going to be carried out is the important bit. But these are discussions which are going to be taking place over the next couple of months, or weeks and months, between the senior management at Home Affairs and those people who are going to be most directly affected; and I would not want to speculate on how that is going to pan out.

**Deputy R.J. Ward:**

Is the risk - just a final thing on this if the panel do not mind - that those roles will still have to be carried out but, to some extent, if people are downgraded they will be paid less for doing the same sort of thing?

**The Minister for Home Affairs:**

That is not something I have had discussions about. If you have a look at our department, most of them are acting roles at the present time, like the Acting Deputy Chief of Police, Acting Fire Chief, Acting Head of Customs and Immigration. So, that situation is there at the moment ready for the examination of how we are going to run those services in the future.

**Deputy R.J. Ward:**

So it will be more in those acting roles that could be lost rather than perhaps ...

**The Minister for Home Affairs:**

It is difficult because discussions and consultations are going on or will be starting next week and I do not want to pre-empt anything.

**Deputy R.J. Ward:**

I understand. It is just getting a picture of the final model will be so significant for what is left afterwards so that is why we asked the question.

**The Minister for Home Affairs:**

Yes. But everybody will have an important role to play in the administration of the services under Home Affairs, no question about that.

**Deputy R.J. Ward:**

Okay. Thank you. Trevor, you have the next question.

**The Deputy of St. John:**

Yes. I want to talk specifically about the relationship between yourself and the States of Jersey Police and the responsibility for the States of Jersey Police. Currently, the law insists that the Chief Officer of the States of Jersey Police reports to the Minister but under the T.O.M. (Target Operating Model) it is suggested that the Chief Officer will report to Mr Blazeby.

**The Minister for Home Affairs:**

The Director General, whoever it might be, yes.

**The Deputy of St. John:**

I could not remember the term for the role.

[10:15]

In the recent report from the Auditor General about the line of responsibility, she suggests or makes it very clear that she feels that the intervention of the Chief Executive in the process, as has been, is detrimental to the independence of the police. She suggests perhaps this role of supervision should come more directly to you as the Minister. How do you feel about that?

**The Minister for Home Affairs:**

What I am absolutely certain and clear about, and I have always been very clear and I know the Director General is very clear as well, is the operational independence of the States of Jersey Police is absolutely sacrosanct. The Comptroller and Auditor General made a number of recommendations, was it last year or the year before, I am not 100 per cent sure.

**The Deputy of St. John:**

It was late last year.

**The Minister for Home Affairs:**

Probably 2017 but whenever. We have been through those, the Assistant Minister and I. We are 100 per cent supportive of the recommendations and will bring forward legislation hopefully by the end of the year to put those all into effect. But I make it absolutely clear there must be no political or administrative interference in the operational independence of the States of Jersey Police that is for sure.

**The Deputy of St. John:**

I have the current policing law here: "The functions of the Minister. The Minister has overall and ultimate responsibility for the functioning of the States Police force." It is quite clear. Why the need for new legislation?

**The Minister for Home Affairs:**

I do not think that the Minister should have any involvement in the operational side of policing. Clearly, the Minister can have views and he can discuss them with the Police Chief but at the end of the day it is the Police Chief and his management team who have got to decide on the operational priorities, supported of course by the Police Authority. I think it is dangerous in many ways to have political interference in the operational side.

**The Deputy of St. John:**

What you are talking about in terms of new legislation would be to take the responsibility away from the Minister and to give it to officers?

**The Minister for Home Affairs:**

It could be the Police Authority it could be the Chief of Police.

**Deputy R.J. Ward:**

The recommendation is ...

**The Minister for Home Affairs:**

I have not got it in front of me.

**Deputy R.J. Ward:**

The report in March 2018, recommendation 6 does say: "Ending the current arrangement of the Chief Executive serving as the line manager for the Chief of Police; and enhancing the role of the Police Authority."

**The Minister for Home Affairs:**

Yes, we are 100 per cent ...

**Deputy R.J. Ward:**

That was the question you were going to ask next but I just thought it was relevant now.

**The Minister for Home Affairs:**

I have not got the paper in front of me but that is ... we have accepted all of the recommendations from the Comptroller and Auditor General and we will be bringing the legislation necessary to effect that.

**Deputy R.J. Ward:**

So it is these recommendations, okay. Sorry to have interrupted.

**The Deputy of St. John:**

That is fine. I think we have gone through that and it would seem that you are suggesting then that the law as it stands will change to contradict the advice of the C. & A.G. (Comptroller and Auditor General) in relation to control.

**The Minister for Home Affairs:**

No, certainly not. We are not going to contradict or go against the recommendations of the Comptroller and Auditor General we are going to support those recommendations.

**Deputy R.J. Ward:**

So the law will change to, for example, enhancing the role of the Police Authority or changing that so the Chief Executive is serving as manager to the Chief of Police; that is what you are saying?

**The Minister for Home Affairs:**

Sorry, I missed the last bit.

**Deputy R.J. Ward:**

So, changing the Chief Executive serving as the line manager for the Chief of Police?

**The Minister for Home Affairs:**

Yes.

**Deputy R.J. Ward:**

So that role will change and that is what the law will address.

**The Minister for Home Affairs:**

That is exactly right.

**Deputy R.J. Ward:**

Just for clarity because it is a quite convoluted little piece of ...

**The Minister for Home Affairs:**

Yes, most of our laws are like that.

**Deputy R.J. Ward:**

I do not think "convoluted" is the right word there.

**The Minister for Home Affairs:**

The thing that you have to look at is also the make-up of the Police Authority because there are 2 politicians on there and, again, that could be argued as being political interference in the police so we would have to look at how we make that up.

**Deputy R.J. Ward:**

It could also be argued that is a democratic sort of check on it.

**The Minister for Home Affairs:**

Yes. There is a debate to be had.

**Deputy R.J. Ward:**

There is a debate. That is the phrase currently. Yes, there is certainly a debate to be had. Is there anything else you want to say?

**The Deputy of St. John:**

No, it is fine.

**The Deputy of St. Peter:**

Can I just pick up on, if we go back 3 or 4 questions, we were talking about resourcing and you would listen to an argument for increased resourcing from the Director General. But then on the other side it seems to me that you are alleviating yourself in a capacity of any of the operational running of the States of Jersey Police. There seems to be a conflict there. Where do you see the trade-off between the operational running and your involvement?

**The Minister for Home Affairs:**

Clearly at the end of the day the Minister has got responsibility to provide adequate emergency services, be it the police, fire or whatever, and the Minister has responsibility for the budget. So, I do not see any conflict at all. The Chief of Police or the Police Authority will tell us what they see as their requirements to police the Island adequately and properly, and it is up to us to be convinced of that and then to provide the necessary budget and argue for the necessary budget. If the States have not given us the appropriate budget then obviously we are ...

**The Deputy of St. Peter:**

But the budget is only given to ensure that the money is well spent to support the police delivering a good service. So I would suggest your involvement should be greater than is being mentioned. I am just picking up a grey area.

**The Minister for Home Affairs:**

Well, yes. You have got to make your mind up whether you want an independent police force which has not been influenced in its operational capacity by politicians, in other words becoming an arm of the State; that they are independent to serve the public in the best way that the public requires. The States of Jersey Police must not be an arm of politicians.

**Deputy R.J. Ward:**

No. Can I just chip in a bit because there was a moment of clarity there for me? I absolutely understand what you are saying and I do not think that is necessarily what we are getting at here. I would totally agree; it should not be a political arm of the State nobody wants that. But there is a ... you do have a political accountability as the Minister for Home Affairs for, in the end, the public's

view of the quality and the delivery of that policing. Would you not therefore have a driver to perhaps have the extra funds that might be necessary coming from you because of that political accountability, not just from the delivery? By just leaving the delivery without any ... to run itself, there must be some sort of accountability framework for yourself and the States Assembly about the quality of our policing. It does not mean that we control policing it means that there is an accountability for it, the quality of it.

**The Deputy of St. John:**

Could I ask - because I am really ruminating on accountability - if the Chief Officer is to be taken out of the picture as the C. & A.G. suggests and that the Police Authority has a prime role, would you be delegating the responsibility for accountability to the Police Authority and would the Police Chief report to the Police Authority rather than to an officer?

**The Minister for Home Affairs:**

The Police Chief does report to the Police Authority currently as I understand it.

**The Deputy of St. John:**

But is he accountable to it?

**The Minister for Home Affairs:**

He would be. Well, we are going to beef up the role of the Police Authority so he would become more accountable to them and the Police Authority would be accountable to me. So there would be a line there. There has got to be a line, there has got to be communication.

**The Deputy of St. John:**

So you would be taking over direct responsibility, through the Police Authority, for the Police Service?

**The Minister for Home Affairs:**

Go on, Gregory.

**Assistant Minister for Home Affairs:**

Yes, sorry. I can see the difficulty here. We have tried to encapsulate the States of Jersey Police so we do have this extremely interesting situation where the ministry is responsible but has very little or no input into the day-to-day activities. So the J.P.A. (Jersey Police Authority) controls what the police does, checks that they have enough officers and then complain if they do not have enough or need other things. In the end if the service is not delivered it is the fault of the ministry but,

interestingly, because it has to be encapsulated and made independent from the States, we have very, very little, if any, input on the running of the police.

**Deputy R.J. Ward:**

Yes, I think that is it. But, therefore, that is a different argument from the police being an arm of the States.

**Assistant Minister for Home Affairs:**

It is the same argument, that it is not, and it has been hard to encapsulate it and make it like that. It is quite interesting that the result is that we are responsible but do not have much influence.

**The Deputy of St. Peter:**

The Minister is ultimately responsible and you carry the can in the public eye ...

**The Minister for Home Affairs:**

Of course. Yes, absolutely.

**The Deputy of St. Peter:**

... and also then it is up to you to assess any requests from the Director General for resources or any finance or budget that enables him to do the job - or her, sorry - properly because if he or she does not do the job properly the can comes back to you. So I am seeing this trade-off with your involvement in the operational area because you have to be involved because you have to assess the situation as to where the budget is required in order to support the police.

**The Minister for Home Affairs:**

Yes, I think that is absolutely true at the end of the day.

**The Deputy of St. Peter:**

I am seeing a gap there somewhere.

**Assistant Minister for Home Affairs:**

No, that is like supervision in the sense that we are informed all the time by the Jersey Police Authority, by the police themselves, by the Director General so that the information flows and certainly we would know if there were any problems. We do not have much authority about this point.

**The Minister for Home Affairs:**

We meet regularly with the authority, certainly with the chairman of the authority and with the Police Chief and separately with the Police Chief as well. So communication is very, very strong from that perspective. There are no gaps as far as I am concerned.

**Assistant Minister for Home Affairs:**

Yes. I am not conscious of there being any ...

**The Deputy of St. Peter:**

Can I understand the sort of day-to-day working relationship with this? What are the issues that are discussed and regularly tabled at your meetings that need to be flagged and monitored on a regular basis?

**The Minister for Home Affairs:**

Well, with the Police Chief we get briefed as to what is happening, what their priorities are. As I say we meet on a regular basis, so what is likely to hit the press and what is not, so we are well advised. With the Police Authority it is more on the administration side from their perspective and to be honest with you we are really developing a relationship with them at the present time. But we have spoken about resourcing and they know that they have our ear for any support that they might need.

**Deputy R.J. Ward:**

Can I give a practical example of that? Which leads us on to the next question or segues us into the next question beautifully, which is how will you, for example, monitor the success of the new combined control room because perhaps this is an example of where operational things are going on which you want to just leave to get on but you need to know that it is working successfully. So how would you, as a Minister, monitor the success of the combined control room?

**The Minister for Home Affairs:**

I find that a slightly difficult question because I could almost take it as a given ...

**The Deputy of St. Peter:**

We are doing our job.

**The Minister for Home Affairs:**

Yes. Because I have always taken the view that, whatever department of the States or even in private business, people talking together and working together is bound to bring an improvement in the service that is provided. I take that as a given. Now, if I see for some reason that response times are getting worse or that wrong resources are being sent to events which occur, then I would say something would be very seriously wrong. But what I am hoping for is exactly the opposite

would happen. I would anticipate, because people are talking together and deciding what resources are needed to look at, you will find quicker response times rather than, you know, you have got ambulance and fire down at Rouge Bouillon control room and you have got the police at La Route du Fort. Picking up the phone and talking to somebody has got to take time.

**Deputy R.J. Ward:**

Something to be discussed in weekly meetings as that new process happens.

**The Minister for Home Affairs:**

Yes, but I would expect a regular report. You know, let it bed down but a regular report from the Police Chief.

**The Deputy of St. Peter:**

My question is what are those subjects that you are getting regular updates on that are concerning you as we move towards this new particular model, how are you monitoring them and what plans are you putting in place to ensure that you are in control of them?

**The Minister for Home Affairs:**

I have got to say that I do not have any big concerns. I think that is because we are kept informed, we know what is going on.

[10:30]

What I am looking forward to over the next couple of months is seeing the report, because we have just had an inspection, from Her Majesty's Inspectorate of Constabulary for the States of Jersey Police. So I am looking forward to seeing that and their recommendations, which also might help us in the development of the legislation changes for the Comptroller and Auditor General, because Greg and I had a good chat with the inspectors when we came over. Hopefully - I do not know if they will because we do not tell them what to do - they might make some comments on the numbers of the States of Jersey Police, and hopefully they will make some comments on the organisation; and I hope they will make some positive comments on the work that is being done by the de facto Chief of Police at the moment, the work he is doing in introducing Project to Rise and the smarter ways of working, the community policing aspect. I think it was no secret that the Assistant Minister and I went out with the States of Jersey Police on a Friday night just before Christmas and that was an enlightening and a great experience.

**The Deputy of St. Peter:**

It was not their Christmas party, I assume?

**The Minister for Home Affairs:**

No, it was a lot of other people's Christmas parties, which we were on the fringes of, but not the States of Jersey Police. It was interesting to meet a number of the officers who were out that night who were: "I am usually in the financial crimes unit. I am normally in P.P.U. (Public Protection Unit)" What I was seeing there ... silence is probably the wrong word but police officers who perhaps were inside before now doing community policing as well, which is broadening their experience and knowledge and understanding of what is going on in other parts of the force. I think that is valuable. We have got to bear in mind of course while they are out on the beat doing those sort of things they are not doing their work in the financial crimes unit and they are not doing the work in P.P.U. But I would suspect, and I do not think the Police Chief would do it if he did not think that, they are broadening and making them rounded police officers.

**Deputy R.J. Ward:**

We are going to move on because we are conscious ...

**The Connétable of St. Helier:**

Could I just ask one quick question? The combined controlling was not only about increasing efficiency but about saving space and co-locating, and I am just curious to know what has happened with the space that has been freed up, particularly around the former police headquarters that has now been rebadged as the fire headquarters. Because we did talk a year or 2 ago about freeing up space, for example, for the needs of the Rouge Bouillon School, possible amenity space and so on. I know it is not your bag, it is D.F.E. (Department for Education) that is in control, but I am just concerned that we are not seeing a sort of spreading out into that site that clearly could offer up space for other usage.

**The Minister for Home Affairs:**

Yes, well certainly the fire and rescue service are a bit more comfortable and less cramped than they were, and that is not a bad thing. But the control room for the fire and ambulance was at the ambulance station across the road, so what is going to happen there in the longer term quite honestly I do not know. But in fairness their control room is very, very cramped as well, very little room there, so that by itself is not going to achieve very much on that perspective. I mean, it would be nice to find a site for fire and ambulance to work together on the same site.

**The Connétable of St. Helier:**

But given that the police were on the same side as the fire service, do you not think there must be some possibilities to find some space in that? We do not want the fire and rescue service to take over the whole site and not give anything back to ...

**The Minister for Home Affairs:**

I am sure that is something which must be looked at because there are some empty buildings there now so, as you say, it is not my bag but it is something I am interested in, making sure that the resources are used properly. I have heard locally there is a lot of discussion going on about the future of those buildings where the old police headquarters were as opposed to the police station, which is where the fire service are now.

**Deputy R.J. Ward:**

Just moving on to talk about the probation service. I wrote to you on behalf of the panel in October in relation to concerns raised by the now retired Chief Probation Officer. I must say - and I am choosing the right words - we are slightly disappointed that we received the letter this morning just before the hearing.

**The Minister for Home Affairs:**

Yes, sorry about that.

**Deputy R.J. Ward:**

It does not give us much time to look at it so I just wonder if I can ask you to summarise the response briefly for us. We have literally picked it up at the beginning of this meeting.

**The Minister for Home Affairs:**

Yes, I apologise for that, that was a bit of inefficiency on my part and I do apologise for that. But since we last met I have met with the Bailiff and the Chairman of the Probation Board, Jurat Nicolle, and we have had a constructive dialogues which I really hope is going to continue. There are some good things and some bad things as far as I am concerned. During our discussions - which included the Assistant Chief Minister, Constable Buchanan who attends the Probation Board meetings with me - the Bailiff did agree that we should become full members of the Probation Board and not just be in attendance. My note here says this has not been confirmed but I think it is stronger than that. Their offer, I think if my reading of the letter I had was confirmed, has been withdrawn after discussions with the Probation Board, which worries me because one of the things which I think it is very important is democratic accountability and political oversight of all of the services provided by the States. That does not seem to be welcomed by the Probation Board as they are at the moment; but hopefully we are going to work on that. But we have also agreed that we should work on a memorandum of understanding between the department and the Probation Service, where there are areas of working together. But I think most importantly is that we have agreed that we should commission jointly a review of the Probation Service and asking whoever is doing the review - which we would agree between the 2 parties - that they have to look at an integrated offender management

system; and that is basically where we are. My officers are working on the terms of reference, which would have to be agreed with the Probation Board, and then deciding who should do such a review which is quite important because there are many areas where ...

**Deputy R.J. Ward:**

Do you know a sort of timescale?

**The Minister for Home Affairs:**

Well, it is not going to be quick because I think it is going to take a bit of time to agree the terms of reference and agree who should do it. But I would like to see something starting this year. I would hope it could have been quicker but I have got to be realistic.

**Deputy R.J. Ward:**

I might be jumping on your question here but it will not create any further delay on the appointment of a new Chief Probation Officer?

**The Minister for Home Affairs:**

Well, that is not in my gift.

**Director General, Justice and Home Affairs:**

Good morning, Julian Blazeby, Director General, Justice and Home Affairs. Just in relation to that question, sort of 2 parts, the terms of reference are being written at the moment, I am currently writing them. We will share those with the Probation Board and the Minister to try and get some agreeance in relation to those terms of reference. So we anticipate to try and commence the review within the next couple of months because we recognise that if we do not get on with that review then that leaves uncertainty and no clarity so we are keen to push on with that once we get agreement. The second question, sorry ...

**Deputy R.J. Ward:**

Sorry, can I ask you a question on that? You are writing the terms of reference and you said you will be giving them to the ... and this sounds wrong, I know, but you have got 2 parties here if we can put it that way ...

**Director General, Justice and Home Affairs:**

The Probation Board and the Minister, yes.

**Deputy R.J. Ward:**

Yes, you will be passing that across for their agreement?

**Director General, Justice and Home Affairs:**

Correct.

**Deputy R.J. Ward:**

So the process of agreement is clear if they say: "I do not like these terms of reference" they have full say in that, so it is a ...

**Director General, Justice and Home Affairs:**

Somebody has to write them so I am going to write them and then we will seek some agreement and there may be some consultation on that.

**Deputy R.J. Ward:**

Just for some clarity for the future, yes, that is important.

**Director General, Justice and Home Affairs:**

In terms of the Chief Probation Officer appointment, I believe the interviews are within the next 4 or 5 working days.

**Deputy R.J. Ward:**

Yes, I think it is next Thursday.

**The Connétable of St. Helier:**

Who is on the panel for that interview?

**Director General, Justice and Home Affairs:**

Nobody from the executive at all, although I did ask if I could be on the panel and that was rejected, so I think the Jersey Appointments Commission are involved and the Probation Board and others.

**The Deputy of St. John:**

Just a point of clarification, you said that something you thought had been agreed was not agreed?

**The Minister for Home Affairs:**

Correct.

**The Deputy of St. John:**

Can you take us back to that because I did not see any particular dissent in the letter?

**Deputy R.J. Ward:**

See that is the problem with us receiving it quite later, we are not au fait with the details.

**The Minister for Home Affairs:**

I think it is mentioned in the letter but the point is quite simply that the Assistant Chief Minister, Constable Buchanan and myself as Minister for Home Affairs, they have agreed that we should become full members of the Probation Board, or that is the impression I got. Subsequently he had discussions with the Probation Board and that offer was withdrawn. That is my understanding of the situation.

**Male Speaker:**

Who withdrew it, the Probation Board?

**The Minister for Home Affairs:**

That is my understanding.

**Deputy R.J. Ward:**

The letter was sent on 31st January so it could only have happened very, very recently then because that is not in the letter.

**The Minister for Home Affairs:**

Sorry, I thought I had mentioned that.

**Deputy R.J. Ward:**

It says: "I regret that the confirmation has not yet been received."

**The Minister for Home Affairs:**

Yes, that was being circumspect, gentle.

**Deputy R.J. Ward:**

Okay, so you can confirm that you ...

**The Minister for Home Affairs:**

As far as I understand it confirmation will not be coming.

**Deputy R.J. Ward:**

That is slightly different from the letter. Can we move on to some questions on staffing and Brexit, of course it is all about Brexit otherwise we have obviously not done anything. Simon?

**The Connétable of St. Helier:**

Back to the police station, when is the front desk of the police station physically staffed? When will people find people there if they turn up?

**The Minister for Home Affairs:**

Interesting question. The situation has been employed for some considerable time; it is between 8.00 a.m. and 8.00 p.m. It opens at 8.00 a.m. and closes at 8.00 p.m. 7 days a week. Of course the public still have access to the police station through an intercom system because you know the police station is manned 24/7 so the public do have access, but it is just that they have to ring the intercom rather than walk into the reception area.

**The Connétable of St. Helier:**

What policies and procedures are in place to ensure contact can be made at the front desk when it is not staffed? So if it is an emergency and somebody comes in at 7.00 a.m. or earlier, for example.

**The Minister for Home Affairs:**

Push a button, get immediate communication with the control room.

**The Connétable of St. Helier:**

Someone will come to the front desk and ...

**The Minister for Home Affairs:**

Whatever the situation is it will be dealt with appropriately, yes.

**Deputy R.J. Ward:**

The control room is staffed well enough that that can happen? It would not take somebody away from the control room and create a problem?

**The Minister for Home Affairs:**

No, there is always a team in the control room and of course now with this joint control room, it is a bigger team than it has been.

**Deputy R.J. Ward:**

You would not get to a situation where you would have to call a police officer on the beat, so to speak, to come and speak to them?

**The Minister for Home Affairs:**

I cannot envisage a situation like that. I mean, you cannot say something will never happen, there would not be a situation where that would happen, but I cannot visualise it.

**The Deputy of St. Peter:**

29th March.

**The Minister for Home Affairs:**

I do not know the answer, who knows.

**The Deputy of St. Peter:**

Who does? The scenarios that play out are changing by the day, are they not, but I think the ultimate challenge for you will be a no deal scenario? Can you give us an update on the difficulties you are envisaging and contingencies you are putting in place?

**The Minister for Home Affairs:**

Well it may be that, Luke Goddard, the Assistant Director of Customs and Immigration, who is responsible for this area; you might want to hear some comments from him. But Home Affairs - like all the other departments - have been working on Brexit readiness and contingency plans for a number of months, it seems like years but it certainly is months. There is a dedicated team comprised of police officers and customs officers led by Luke Goddard who are working on these plans.

[10:45]

We have a readiness plan which is a live document and is updated on a regular basis as more and more information comes through. We are in communication with colleagues in the United Kingdom; something called the cross-border law enforcement group, to co-ordinate with them on all of the issues. Fortnightly meetings are now held with representatives of all Home Affairs departments as appropriate, the Honorary Police, the emergency planning, to review and understand these arrangements which are in place and to understand what is happening in the U.K. That feeds into the External Relations Department to inform them of what is happening.

**The Deputy of St. Peter:**

The trouble with a question like this is, as you mentioned before, you do not want to reply to the police on how to ask you for budget in exactly the same way you do not want to alert potential people elsewhere in the world how they might be able to abuse Jersey as a system. So is there anything you feel comfortable to say in the public domain about the fears and the risks that you are assessing that you are hoping to close down in the event of a no-deal scenario?

**The Minister for Home Affairs:**

Well, I think if there is a no-deal scenario we are going to be no different from what is going to happen in the U.K. There are going to be some difficulties, there are going to be some situations which we are not used to, but they should be temporary situations. I think the U.K. Government has indicated not shortages in the shop but rather perhaps a lack of choice. There will be some delays in perhaps goods coming in. Probably no different than if we had 2 or 3 days of storms or that situation.

**The Deputy of St. Peter:**

I am more worried about us as the southernmost border of the U.K.

**Deputy R.J. Ward:**

Just before your officer steps in, the next question may be something we want to ask first because it is a very specific thing, if we do that.

**The Deputy of St. Peter:**

Yes, I will do that.

**The Minister for Home Affairs:**

Border security is non-negotiable. I mean, as full members of the common travel area, if that is what you are going to worry about, we have got to make sure that our borders are safe and maintained and protected. We are assured that the Customs and Immigration Service have the resources to make sure that that will be the case.

**The Deputy of St. Peter:**

People listening to this need to know this; this is why the question is here.

**Assistant Minister for Home Affairs:**

Sorry, I would like to add that is something in marginal terms because that applies to all the preparations of Government. It really seems that the U.K. have been looking at Brexit as something that it could fix politically, but because we are not involved in the decision or any of the negotiations, we have always and from years ago - and it is not several months preparation, it is 2 years ago - looked at it on the operational level. In other words, how is it directly going to affect us and how do we solve that, that is what we have been doing while the U.K. have been very, very busy negotiating and dealing ...

**Deputy R.J. Ward:**

I think there has been an operational level in the U.K. below the surface and it has just been more overt recently.

**Assistant Minister for Home Affairs:**

We are in complete communication with them but I think it is quite spectacular how well we have done this in Jersey, because we could concentrate on what is really ...

**Deputy R.J. Ward:**

The question that I think is a key one, number 17 that we have there.

**The Deputy of St. Peter:**

Yes, I will come back to that. One of the things that is of concern is the public sector disputes and we hear about "overtime" and "goodwill" et cetera. How are you going to ensure that necessary resources could be made available after that period of time for any unforeseen circumstances that may need to be deployed?

**The Minister for Home Affairs:**

Well, because the circumstances are unforeseen I cannot really foresee it.

**The Deputy of St. Peter:**

But you will need manpower.

**The Minister for Home Affairs:**

Yes, indeed, and I am assured by the Jersey Customs and Immigration Service that they have the resources to protect our borders during 29th March and after.

**Director General, Justice and Home Affairs:**

I am happy to help if you want.

**The Minister for Home Affairs:**

Are you happy for the Director General to ...

**The Deputy of St. Peter:**

But of course.

**Director General, Justice and Home Affairs:**

Thank you. As the Minister said, there has been a huge amount of planning and preparation in relation to Brexit, and it is all around day one no-deal too because that is the most difficult one for

us all. There is a ministerial working group and ministerial senior group chaired by Senator Gorst that the Minister and I both sit on, and I on behalf of the Minister chair a strategic co-ordinating group that we have just set up recently. That involves all departments across the States and other stakeholders, for example Jersey Water, Jersey Electric and others, to start to scenario plan for day one no-deal and the difficulties that may present. You may have seen in the media recently we had a table top exercise 2 weeks ago scenario planning the difficulties that may be envisaged. However, all plans and contingency plans are in place and, as the Minister said, are predicated around a bad weather event where we cannot get items on to Jersey. In relation to the borders and security, a huge amount of work in Customs and Immigration, we are creating one Brexit team that are looking at all those challenges, it has got really good links into the U.K. in relation to the National Police Chiefs Council and the local resilience forums in the U.K. who are preparing for their own response to Brexit. We are constantly over there having conversations as to Jersey being obviously, as you say, at the end of the southern route and the impacts, therefore, on that. Part of that scenario planning is around industrial relations and what will be the impact, if any, on that. A number of the critical services have essential service agreements in place that mean essential services will still be delivered. It is what it says on the tin, and that is quite critical. So we are scenario planning a variety of different problems and challenges around day one no-deal.

**The Deputy of St. Peter:**

It still does not take away from the fact that, as you said, there is the potential industrial action and my experience of life is you plan and you plan and you plan and you plan, the more preparation you do the better prepared you are by definition. However, it is always the law according to somebody that the one eventuality you have not planned for comes forward and, therefore, you need to be able to react to that and that invariably means resources and people. That is the concern that I am highlighting.

**Director General, Justice and Home Affairs:**

Yes, and all the planning at the moment is around contingency and, as I said, there will be - hopefully there will not be if the U.K. manage to solve Brexit - a tipping point between contingency planning and then into emergency planning. If we tip over into emergency planning then, as you know, there is the Emergencies Council that can stand up and start to be more directive around activity including people, services, goods, and making sure the Island still is resilient and can manage either during or post-Brexit. So that is the approach to it but all the contingency planning is trying to avoid any emergency.

**The Deputy of St. Peter:**

I think the Island's history has handled worse, I am sure we will handle this. Moving on more tactically, after the United Kingdom withdraws from the E.U. (European Union) will Jersey need to

provide passport checks for flights coming direct from European countries? Again this has got staffing and resources implications.

**The Minister for Home Affairs:**

As yet of course we do not know but the United Kingdom has announced some sort of arrangement after 29th March for E.U. citizens able to come into the U.K. under the common travel area. But they will need passports as they do now.

**Deputy R.J. Ward:**

In terms of passport checks - we were talking about this earlier - so you will fly from Paris-Charles de Gaulle, your passport is checked then before you get on to the plane. Because we are in the common travel area you are going to arrive in Jersey, you have had your passport checked. When we leave the common travel area that passport check would not necessarily ... well it may have happened but would we not have to check again. Would there not be a border ... this is a question for clarity.

**Assistant Minister for Home Affairs:**

We did, when we flew from Paris we had our passports checked here, so it was already the case and it will be again.

**Deputy R.J. Ward:**

So there will be a border passport check at the airport for ...

**Director General, Justice and Home Affairs:**

In the common travel area it is not required, as you describe, so coming from the U.K., from the Isle of Man, from Guernsey, but the Paris example does now require a passport check, both through to St. Malo by boat and if there was a direct flight from Paris or anywhere in Europe.

**Deputy R.J. Ward:**

So there will not be any change after Brexit?

**Director General, Justice and Home Affairs:**

No.

**Deputy R.J. Ward:**

No, okay. It was just a point of clarity.

**The Deputy of St. Peter:**

This will be a nice easy one. The freight management system, CAESAR, the upgrades for preparation for 29th March in order to ensure that we can sort of bring goods in and charge tax on it; is the upgrade going to plan on schedule? Will it be delivered on time?

**The Minister for Home Affairs:**

My understanding is that the upgrade is complete, tested and working at full capacity, and I just get the nod.

**Acting Director, Customs and Immigration:**

The CAESAR scheme.

**The Minister for Home Affairs:**

Just confirming it from the horse's mouth.

**Acting Director, Customs and Immigration:**

Luke Goddard, I am the Acting Director for Customs and Immigration at the moment with mostly responsibilities for Brexit at the moment. Firstly, in response to the previous question and to further clarify, we already have passport control on any person, whether they are British, Irish or another European nationality on their arrival into the C.T.A. (common travel area) whether it is Gatwick, Heathrow, Jersey, Guernsey or anywhere else, and that will continue as it does now. Following on to the other question, the CAESAR system, we were talking previously, Minister, about the settlement scheme process which has been completely tested and is ready to launch straight away, we are just waiting for the legal tick in the box before we open Monday week on the 11th. But the CAESAR system is still in its final parts of delivery, but we have complete assurance by the end of this month it will be ongoing so it will be in place well before ...

**The Deputy of St. Peter:**

End of February?

**Acting Director, Customs and Immigration:**

Yes.

**The Deputy of St. Peter:**

What are the implications if you do not deliver it on time?

**Acting Director, Customs and Immigration:**

Complex. We already know that even with the system that we have at the moment we would have the failsafe to be able to use that and have manual intervention to maintain the differences that are

going to be brought in. We have seen the critical parts that we need to be in place in order to maintain the best part of the control, and those are already in place so I am comfortable that is not going to be an issue anyway, but we would have a failsafe to deal with issues on a manual basis.

**Deputy R.J. Ward:**

You may want to stay for the next section, where we talk about the E.U. settlements scheme, we have talked a lot about it. So you are quite pleased that the fees have all dropped and we talked about that at length before so we can move on from that. We do have some questions about the actual scheme. Can I ask the Minister if there is any consideration being given to adapting existing qualification requirement such as housing and residency requirements to satisfy the settlement scheme as opposed to it being a separate scheme? We do have very specific requirements here for residency, housing, qualifications and so on which are not in the U.K.

**Assistant Minister for Home Affairs:**

Those are completely separate. It is 2 completely independent issues.

**Deputy R.J. Ward:**

In what way?

**The Minister for Home Affairs:**

We must not confuse the 2 issues. You can have a right to work, a right to reside, but you also have to have a right to be in the country we are talking about, and it might be the United Kingdom or one of the other Crown dependencies, and they are totally separate. The information that you are talking about, social security records and so on, will help the customs officers or the case officers working on the settled status scheme, that will provide them evidence of the residency for the 5 year period that is required. That can be used as evidence for the settled status scheme.

**Deputy R.J. Ward:**

Right, so leading on from that, if E.U. nationals do not apply for this scheme will they lose their housing qualifications?

**The Minister for Home Affairs:**

No.

**Deputy R.J. Ward:**

Would they lose their right to stay?

**The Minister for Home Affairs:**

Yes.

**Deputy R.J. Ward:**

So you could have a situation where somebody has their residency and housing qualifications but cannot stay because of the settlement scheme?

**Acting Director, Customs and Immigration:**

As an example, which may not be the most comfortable one, but you could have someone today who has lived here for a number of years, has received their full qualifications, yet is subject to deportation and has to leave the Island. They maintain their local residency qualifications but they obviously cannot exercise them because they cannot remain here. That would be the parallel.

**Deputy R.J. Ward:**

I want to make clear, I should have said at the start, that these questions are directly from members of the public and I have got a few that I would like to ask because I think that is really important for us as scrutiny to do that because there are genuine concerns out there. One is, let me get this clear, so if somebody has lived here for 30 years - this is a separate one - and does not apply for the scheme or is refused for any reason what happens to their accrued States pension, for example? They could theoretically be deported and be getting their States pension from Jersey.

**The Minister for Home Affairs:**

Absolutely. Anybody who lives here for 30 years or works here for 30 years and has a States pension ... well, I mean, if I left the Island now and went to live in the U.K. or Spain or anywhere else I would still get my States of Jersey pension.

**Deputy R.J. Ward:**

So there is no threat to that pension?

**The Minister for Home Affairs:**

No, absolutely not.

**Deputy R.J. Ward:**

I know we are talking about scenarios here but I have been asked about them.

**The Minister for Home Affairs:**

No, it is fair enough.

**Deputy R.J. Ward:**

Another one if I may, so also the decision might have any implications under the requirements and settled status applications for E.U. citizens in Jersey where criminal convictions are to be declared and fingerprints taken.

[11:00]

I think that means if there is a criminal conviction from some years ago which, you know, if somebody was 16 and living abroad for ... I cannot think of a scenario now, and that is found later ...

**The Deputy of St. Peter:**

I think it is fair to put the background. That is the U.K. Supreme Court on 30th January found in favour of 3 people that claimed their lives were blighted by past minor criminal convictions. So it is reference to a recent U.K. Supreme Court judgment.

**Assistant Minister for Home Affairs:**

Our threshold is one year in jail and that is not exactly a minor offence.

**The Minister for Home Affairs:**

Exactly right, one year in jail.

**Deputy R.J. Ward:**

So criminal convictions are one year in prison? Okay.

**Acting Director, Customs and Immigration:**

Yes, the rule we are following is that of deportation, which follows that threshold.

**The Deputy of St. Peter:**

One year sentence or one year served?

**The Minister for Home Affairs:**

One year sentence.

**Deputy R.J. Ward:**

That is a very good distinction, a very important distinction. There are questions regards the information, the accuracy of residency information. We have had some anecdotal situations which people have raised and what to keep private about the lack of accuracy in their residency qualifications. For example, somebody who is told their parent was not here at a particular time when she was actually giving birth to this person in the hospital. So there is obviously something

wrong with our information there. This is becoming really important information kept back over many years, how are we going to guarantee that our decision has been based upon accurate information? I could be something that could leave us liable in the long term in terms of status, even beyond the 5 years I would say.

**Acting Director, Customs and Immigration:**

This has been referred to a number of times as an enabling Act. We are here to assist people to regularise immigration status and we will fall in favour of the applicant on the majority of occasions. If someone can only prove they have been here 2 months, they are still going to receive pre-settled status. Pre-settled status allows them to stay 5 years and within that 5 years they will attain 5 years and be able to make further claim for settled status. So even if there is difficulty in being able to provide how long it will be, as long as they are able to get the first step they will be able to stay to get their full status. Whether they are born or not here may affect things, for example, access to gain nationality if they were born here, however as soon as they received full settled status they are automatically in a position to be able to apply for British nationality as well.

**Deputy R.J. Ward:**

Okay, that is good. I will be absolutely frank, I think the removal of the charge does help with the fact that it is more of an enabling scheme. I think that does help in that situation.

**The Connétable of St. Helier:**

Could I just come in? The numbers have recently been publicised and it is quite huge the number of people who are going to be applying for this settled status in a couple of weeks. Do you feel you have all the resources you need to cope with that when it happens? A further question is, inevitably, because we all know what we are like about applying for things - dog licences just got more expensive today, for example, and I have to pay double - there is clearly going to be a large number of people who do not do what they need to do. What steps are in place to get the rest of that 20,000 signed up?

**The Minister for Home Affairs:**

As you say, it is an enabling situation. We are putting out a lot of publicity, posters, social media, advertising at schools and so on - the posters are in several languages - and we are working very closely with the Constables throughout the ... who represent different nations, and they are the ones who helped us get the estimate in for numbers, although it is an estimate. We will be working closely with them. But we want to stress, it is in the individual's interests to make sure they do have a settled status because otherwise, technically, they will be illegal immigrants. So if they leave the Island they might find it difficult to come back, if they do not have the settled status scheme, or will be stopped

by customs going into the U.K., they might even have difficulty getting into the U.K. because they do not have immigration status.

**Deputy R.J. Ward:**

Can I ask a question that is linked? Again it is a question that came from a member of the public. Trying to think of reasons why people may not apply, apart from not just simply understanding, one of the issues is what happens to the information that they give and who has access to it? We do live in a society where people are concerned about who they are giving their information to. I will say that the U.K. system ... I know we are not using the U.K. system, which I think is the right thing ... when it was piloted, for example, I know their app crashed and it was a bit of a disaster which we do not want here, but where is the information being kept and who does have access to it?

**Acting Director, Customs and Immigration:**

The information ostensibly is going to be initially only held by the customs and immigration service. The first page now, I think, on all government forms that go out is a privacy notice and who the information may be shared with. There is a clear reference in there that it may be shared with other jurisdictions within the C.T.A. for the purposes of enabling travel, even though it does not go into this detail, in the future. Because we are a member of the C.T.A. it is inappropriate for us to grant a status to someone here who is not then recognised with that status if they were then to travel through the U.K. to us at a later date. It is appropriate that the information as to who has received this status is passed on to our colleagues in the U.K.

**Deputy R.J. Ward:**

But it would ... sorry, I think that is the key thing. The only information you would give is that they have status, not all the information ...

**Acting Director, Customs and Immigration:**

Absolutely. It is personal details enough to be able to identify that person and the status they have.

**Deputy R.J. Ward:**

All right.

**Acting Director, Customs and Immigration:**

In these days of G.D.P.R. (General Data Protection Regulation) there is no reason to have anything further passed on to them

**Deputy R.J. Ward:**

There are always concerns about ... we have had this conversation, I think, about biometric information. They will not be increasing their ... it is just simply residency, a photograph?

**The Minister for Home Affairs:**

Yes, the regulations under the ... the order has been extended now to Jersey. The regulations were lodged last week about the requirement and it is simply for a photograph as I promised in the States when I took the lodgement of the order.

**The Deputy of St. John:**

Chairman, can I get on to a safeguarding matter. In any situation in which you are asking people to establish their freedoms, if you like, there might be situations in which people within our society live within controlling relationships. I am wondering whether or not you have flagged up the idea that if there is such a controlling relationship, the controlling partner might want to restrict an individual to not taking up settled status in order to keep them tied to the jurisdiction. Has that been taken care of in the thinking?

**The Minister for Home Affairs:**

Yes, we are talking about criminal offences, are we not?

**The Deputy of St. John:**

We are not actually at this stage. We raised this at the last meeting. There is no domestic abuse law in the Island. Domestic violence is taken care of by the common law or the customary law but no domestic abuse law. This is clearly an area in which a controlling partner may wish to prevent somebody becoming a settled status.

**Acting Director, Customs and Immigration:**

I can give some response to that. That specific circumstance is not one on its own that we have considered but overall our concerns are for those vulnerable people, not just in that environment but those people that are in care, in prison, how we are going to reach these people to ensure that they all equally have the opportunity to regularise their immigration status. We have been working with Social Security and a number of other agencies to try to identify these people who may have difficulty in getting access to it. Initially obviously cost was one of the issues but even so now may have trouble of being aware that they need to apply. In that specific circumstances that you are giving, in effect it will not necessarily tie the person to being here, what it will mean is there may be difficulties of that person travelling in the future if they do not apply for the appropriate status. It will be other way around, if there is a circumstance where someone has a controlling relationship with someone and travels with them, the other person may have difficulty in travelling and that is when it will come

to light. If we are satisfied that this is as a result of such a circumstance we would not hold that as a prejudice against that person and offer that person the opportunity to gain the appropriate status.

**Deputy R.J. Ward:**

You could trap somebody here because they know they cannot go to the U.K., that is, I think, the point we are getting at. That is a concern and we just believe there should be some sort of recognition that unfortunately those relationships do exist and often they are hidden but we need to be very aware. I know it is a difficult situation but it is something perhaps some of the groups on the Island that deal with such areas could be consulted.

**The Minister for Home Affairs:**

The Customs Department would need to be aware of these people and then find a way of getting them status.

**Deputy R.J. Ward:**

What I am saying is if we know people in a household where only one person has taken settlement status and there are other who have not, how are we going to deal with it that may flag up this situation?

**The Minister for Home Affairs:**

I am sure that there will be situations which are flagged up. As Luke was saying, there are the elderly, the vulnerable and so on, but in those sort of circumstances the right way to go ahead would be to liaise with the consul of that particular national and see how that can be helped without causing them additional grief, which we would not want to do.

**The Deputy of St. John:**

Would you have a relationship with, say, the P.P.U. in understanding where the vulnerabilities are in society?

**Acting Director, Customs and Immigration:**

We are trying to reach out to as many as we can. We have not yet made direct contact with the P.P.U. but I will take that advice and go forward with it.

**Assistant Minister for Home Affairs:**

This is extremely novel for us because many were born in a completely open Europe but this is an exceptional circumstance. There are 300 other countries where none of this exists. If you are Canadian and want to go to America, you need prepare a very nice file to be let in, if they let you in and vice versa. So these things have been the norm in the world for ever until this extraordinary

exception happened in Europe. We are just going back to normal. The principles have been tried and tested all around the world.

**The Deputy of St. John:**

Do not tell me, I want to go to China later in the year.

**Deputy R.J. Ward:**

I am conscious of time and I want to get on to the next topic of sexual offences. I wonder if we should invite Superintendent Gull to come in. It will be convenient because then there will be a seat. Again, I have to say we received the response to the petition only this morning so we have not had time to digest its contents. With time in mind, if you can give your brief summary on any of the key points from it, because we know this is a growing issue and we want to make sure it is addressed. Minister, could you give us a brief overview of your response?

**The Minister for Home Affairs:**

I need to apologise for this being late, because obviously this was not prepared as a response to the issue at the time. We had to do quite a bit of consulting obviously before we were able to release it. What we made absolutely clear at the very beginning that we all deplore the actions of paedophiles and that is a given but it needs to be stated right at the top and the harm that they can cause. We have a relatively new, or very new, Sexual Offences Law which came into effect and I am very pleased we were able to bring that into effect last November. There are now extensive penalties, more defined crimes, makes it easier for the police to investigate and deal with offenders and be more certain of their position. The main thing that the petitioner was asking was about the minimum sentence. That goes against all policy of the States where the States legislate for maximum sentences and maximum sentences now under the new Sexual Offences Law could be as much as life imprisonment. We think that it is appropriate for the courts, on the recommendation of the prosecuting counsel, which is normally the Attorney General, to make the decision to what the sentence in any particular case should be, having considered all of the evidence, all the facts, rather than politicians putting themselves in that position.

[11:15]

I think that really is a matter for the court. That is what we are saying in this response to the petition.

**Deputy R.J. Ward:**

The first thing I was going to ask is what has been done to communicate the changes that were brought forward in the sexual offences law. I have read it and it is very detailed. It is quite pleasant, if I am honest, the level of detail to be quite frank. I wonder whether there is a gap between that

information going out and what the public are understanding here. What has been done to communicate that?

**Assistant Minister for Home Affairs:**

There was a very big campaign to try to introduce the law and we started by talking to all the involved parties, especially the lawyers because it is a very different approach to sexual offences than what was done in the past. So the public was also consulted and there was a campaign, and there still is a campaign, to educate the public on the sexual offences law. Yes, I was interviewed on the day that it was started and a very, very difficult thing to discuss in public before the watershed. It goes in detail and I think it covers almost anything that we would consider a sexual offence. It is a very, very good law.

**Deputy R.J. Ward:**

Do you believe that it has enabled you?

**Head of Crime Services, States of Jersey Police:**

It has, Chair, yes. We really welcome the new Sexual Offences Law, long overdue, has brought the legislation up to date with other parts of Western Europe. In addition to the much broader awareness campaign run by our States policy officers, as you may have noted in the pre-feed, States of Jersey Police ran a bespoke campaign prior to the new Sexual Offences Law and that was very deliberate, focusing on rape and the issue of consent because that is often the key issue and the key challenge that we face. We produced 5 bespoke videos with different genders, different relationships and I have put some hard copies on the table that you may wish to take away and have a look at later. We also recorded some bespoke videos with professionals, for example, including our force medical examiners, and we had a total reach during that week of just under 250,000 people. I think that demonstrates the effectiveness and the reach that we have had. We anticipated a spike in reports and we saw that through Dewberry House and our sexual assault referral centre that, again with ministerial support, we were able to introduce in May 2017 and that facility goes from strength to strength and success to success. We had 120 reports of rape last year, which is as many as we have had in any previous year. Interestingly, 55 of those victims were self-reporting. So they self-reported to Dewberry House and the sexual assault referral centre. Now, if we had not have had that facility in the Island we would not have known about those victims and we would not have been able to support them. We would have been blind to them so I think that demonstrates the success of the law, the success of the different campaigns and the awareness that continues to go on across the Island.

**Deputy R.J. Ward:**

Do you anticipate changes in specific sentences being handed out as a result of the law? For example, online grooming of children which the law deals with very specifically. Do you anticipate changes in sentencing from previously, because I think that is where the driver is coming from?

**Assistant Minister for Home Affairs:**

We cannot set a minimum sentence and have to leave that to the court, the courts look at the whole range of possibilities and if the offending goes up the range extends. So we are going to see stronger sentences on many of those cases.

**Deputy R.J. Ward:**

What has been a specific increase, for example?

**Assistant Minister for Home Affairs:**

Rape gets life so that is fairly reasonable increase.

**The Minister for Home Affairs:**

I agree with Greg really. The courts respond not just to the law but also social pressures as well. What might be considered a relatively minor crime in the past is now considered a major crime and their sentencing policy will reflect that. There was an article by the Attorney General in the *Jersey Evening Post* a couple of weeks ago, I think, which showed that and how the courts responded to it.

**Deputy R.J. Ward:**

We have only had a couple of cases that have gone through the new law and I do not think they were particularly an increase in sentence.

**The Minister for Home Affairs:**

We must be careful about judging that because we were not in court, we did not hear the evidence, we do not know what the ... I think that is fair. We have to rely on the courts to take into consideration all of the evidence.

**Head of Crime Services, States of Jersey Police:**

I think, Chair, as I recall, the A.G. (Attorney General) indicated in a written response really quite punitive sentences here imposed by the courts are higher than many other jurisdictions. For my part, what I was able to include was the effectiveness here of our multi-agency public protection arrangements, which are incredibly effective. We are managing something in the region of 140 registered sex offenders in the Island now, following the introduction of the Sex Offenders Law in 2010, and year on year the number of offenders that are managed through the multi-agency

arrangement that reoffend are very low. On average about 6 of those offenders we see reoffending. I hesitate in saying low offending because clearly any offending is unfortunate, but we do not see any serious reoffending. It is for lower level offences, perhaps involving alcohol or public order. I think that demonstrates the real effectiveness of the partnership arrangements here in managing those individuals, many of whom ... two-thirds of those are living in the community.

**Deputy R.J. Ward:**

We had a question about the role of the Offender Management Unit and what role it plays when convicted sex offenders are integrated back into the community. You have sort of answered it there. Do you see that role as increasing given this law or ... if you see what I mean, will there more interventions because of the law?

**Head of Crime Services, States of Jersey Police:**

Clearly the new legislation has only been in for a couple of months so perhaps in the fullness of time we will be in a better position to evaluate that but I do not see any significant deviation from the current arrangements of sex and violent offenders in the Island which as I inferred, for my part as currently chair of the senior management board of M.A.P.P.A. (Multi-Agency Public Protection Arrangements), is very effective.

**Deputy R.J. Ward:**

Could I just ask, Minister, we have literally just received this so we have not been through it in detail, your response may be here, of your opinion with regards the notion of a lifetime inclusion on the sex offenders' register? The petition talked about your opinion on whether that is something that is the right thing to do. The word "right" is always a difficult word to use in these circumstances.

**The Minister for Home Affairs:**

Yes, we do address that towards the end of our response.

**Deputy R.J. Ward:**

As I say, we have not seen it.

**The Minister for Home Affairs:**

No, no. If a registered offender wants to be removed he actually has to apply, it does not automatic come off, they have to apply to the court for removal from that.

**Head of Crime Services, States of Jersey Police:**

Unlike England and Wales, where individuals at the end of their registration just simply fall off the scheme, individuals proactively have to go back to court here and that provides for commentary by

the police and probation service about the level of risk that that individual may or may not still present in the community. Then the court would take cognisance of that in terms of ...

**Deputy R.J. Ward:**

So you could say, to be quite frank, it is a lifetime until they are approved to be removed from the register?

**The Minister for Home Affairs:**

You could make that argument. We do not in our response to the petition because they are on the register for a limited amount of time but that can be extended by the court if they apply to be removed from it. What we do say in response to the petition, in terms of the benefits of lifelong registration, further research would be needed to establish if resources should be diverted to monitor offenders for their whole life, keeping in mind there will likely be circumstances where an individual has not reoffended in decades and may no longer pose a threat to the public. So we are looking for some research on that.

**Deputy R.J. Ward:**

I need to ask something to clarify before I forget it, to be quite frank. Once an offender is sentenced they will be placed on the register for a set amount of time?

**The Minister for Home Affairs:**

Correct.

**Deputy R.J. Ward:**

But at the end of that time they do or they do not immediately drop off the register?

**Head of Crime Services, States of Jersey Police:**

They do not. They become eligible to apply to the sentencing court ... sorry, to the Magistrate's or Royal Court to come off the notification scheme.

**Deputy R.J. Ward:**

I think that is a very important distinction that, to be honest, I was not aware of.

**Assistant Minister for Home Affairs:**

In this we are hitting human rights, people that are indefinitely labelled as something it is a basic infringement of their human rights as well so you have to balance it.

**Deputy R.J. Ward:**

Yes, absolutely understand that. I think it is Article 6 of the European Convention on Human Rights, is it not, in terms of ... no, that is about disclosure of criminal records. Yes, okay, that makes sense. I understand that now.

**The Deputy of St. John:**

We have talked about victims, we have talked about the public in this whole business, can we look at the people who are involved in policing matters because they are humans too. They are involved in what is a very difficult area with a great deal of unusual things coming their way. Stuff that they have not ordinarily been schooled to cope with. What support is offered for police officers and other people working with offenders?

**The Minister for Home Affairs:**

What I can tell you is that police officers and indeed other staff working at police headquarters that might be involved in these sorts of situations do have access to a professional dedicated welfare officer who, in turn, can access other services as might be necessary.

**Assistant Minister for Home Affairs:**

It is also something that is available in the Honorary Police, when you have to charge for one of those offences and you read the case authority in court that can be very distressing. But we do have access to the same amount of welfare.

**The Deputy of St. John:**

There are stories of people dealing with images, for example, becoming very depressed or very angry.

**Assistant Minister for Home Affairs:**

Interestingly, it is now mostly done through software so you have software going through the pictures and trying to find things because when it was people doing it physically they got really depressed. But, yes, support is provided. It is a very well-known issue.

**Head of Crime Services, States of Jersey Police:**

I guess it is perhaps important to state that individuals working in this field ... you are right, this might not include just investigators but members of our High Tech Crime Unit who deal with these images day in, day out. They have the same level of support, subject to regular screening. Of course, they are volunteers. We do not post or place individuals working within these units unless they want to. I think that is really quite important. So they understand the potential psychological challenges. Not infrequently we have officers or staff who put their hand up and say: "Okay, I have worked in here for 3 to 5 years now, I would like to go on and work elsewhere." I think that is a good example of

demonstrating the robustness and confidence that they have in the system. We will, we will move them and that is, of course, the right thing to do.

**The Deputy of St. John:**

Very briefly because we are getting close to 2 minutes of time left, support for victims.

**Head of Crime Services, States of Jersey Police:**

If I may, Minister? I have already spoken about Dewberry House sexual assault referral centre, but other services are available for victims. The panel would have heard of J.A.A.R. (Jersey Action Against Rape), I am sure.

[11:30]

A relatively new, very welcome charity to the Island. Victim's support, of course, provided by the probation service, but all anchored through Dewberry House, which is a facility, as I have already indicated, that is very welcome and we are fortunate enough to have her in Jersey. I think good support for victims. As I indicated early, the fact that we have 55 self-referrals through S.A.R.C. (Sexual Assault Referral Centre) speaks volumes, that is one a week. They are victims that hitherto we probably would have been blind to. Of course if we know about it then we can respond and provide the necessary support that they are looking for.

**Deputy R.J. Ward:**

I do not think we are out of place for the panel to thank the officers who undertake that really difficult work. It must be absolutely horrendous at times. If you could pass that on from all of us.

**Head of Crime Services, States of Jersey Police:**

Thank you, Chair.

**Deputy R.J. Ward:**

Is there anything else? Any miscellaneous questions you want to throw in in the final 30 seconds?

**The Deputy of St. Peter:**

We are a minute late, so from me, no, thank you very much.

**Deputy R.J. Ward:**

Any questions from yourself? Anything you want to say?

**The Minister for Home Affairs:**

No, thank you.

**Deputy R.J. Ward:**

Thank you very much for your time and the time of the officers. We will meet again.

**The Minister for Home Affairs:**

We will indeed, thank you very much.

[11:31]