



Children, Education and Home Affairs Scrutiny

Panel

Quarterly Hearing

Witness: The Minister for Home Affairs

Monday, 25th January 2021

Panel:

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

Deputy L.M.C. Doublet of St. Saviour (Vice-Chair)

Deputy M.R. Higgins of St. Helier

Senator T.A. Vallois

Witnesses:

Connétable L. Norman of St. Clement, The Minister for Home Affairs

Deputy G.C. Guida of St. Lawrence, Assistant Minister for Home Affairs

Mr. J. Blazeby, Director General, Justice and Home Affairs

Mr. R. Smith, Chief of Police

Mr. N. Fox, Head of Policy, Justice and Home Affairs

Mr. M. Cockerham, Head of Service, Jersey Customs and Immigration Service

[10:30]

Deputy R.J. Ward of St. Helier (Chair):

Good morning, everyone, and welcome to the quarterly hearing of the Minister for Home Affairs. We will start off with some introductions. My name is Deputy Rob Ward and I chair the Children, Education and Home Affairs Scrutiny Panel. Perhaps if we introduce the panel first and then go to the Minister.

Deputy L.M.C. Doublet of St. Saviour (Vice-Chair):

Deputy Louise Doublet of St. Saviour, vice-chair of the panel.

Deputy M.R. Higgins of St. Helier:

Mike Higgins, member of the panel.

Senator T.A. Vallois:

Senator Tracey Vallois, member of the panel.

The Minister for Home Affairs:

Constable Len Norman, Minister for Home Affairs.

Assistant Minister for Home Affairs:

Deputy Gregory Guida, Assistant Minister for Home Affairs.

Director General, Justice and Home Affairs:

Julian Blazeby, director general, Justice and Home Affairs.

Deputy R.J. Ward:

I am conscious we have quite a few members who are here. Is there anyone in particular, Minister, you think should introduce themselves at the beginning or shall we get people to introduce themselves if they add to the hearing?

The Minister for Home Affairs:

Yes, I think as we go along probably will be sensible.

Deputy R.J. Ward:

Minister, to start with, a general question over what will your priorities be for this year?

The Minister for Home Affairs:

What I want to do is to get business as usual back on track because a lot of legislation that the Assistant Minister and I are very keen to ensure is in place before the end of this States session, before May 2022, is very important to us. The prejudice law, which I know we are going to talk about later, the domestic abuse law, which I know we are going to talk about later, and even the firework regulations, which have been ongoing for quite some time. It is mainly on the legislative side, which I want to get these things done and right at the top of that is the domestic abuse legislation, which is so important to me and I want that to be a bit of flash legislation like the Sexual Offences Law, which other jurisdictions will look at and say: "Yes, they have done the right thing there. We want to follow that." The way things are going I think that is where we are going to get to. But they are

certainly the priorities for the next year. Also, on a more practical level, one of the things I really want to see sorted is the new headquarters for the fire service and the ambulance station at the combined centre. Also, of course, new headquarters for the Sexual Assault Referral Centre, which is well on its way. Site identification is currently going on. These are the sort of things that Deputy Guida and I will be concentrating on over the next few months.

Deputy R.J. Ward:

Do you have a timescale for all of these events? One of the things that we try and do in Scrutiny is put together a work programme to separate out what we will be looking at and it always obviously helps us if we know the timescale for your legislation. Could you say that you have a handle on what those timescales for those different pieces of work will be?

The Minister for Home Affairs:

Virtually all work was delayed last year because of the COVID situation. We have to work closely with the people who are writing the policy papers for us and law drafting. I have had a couple of meetings in recent times, and things have been delayed, but I am putting my foot down. I want the domestic abuse law in particular debated this year. I want the prejudice law debated this year. If I could have given you a timeline a couple of months ago it would have fallen behind again. So I am not going to make the mistake of giving you a timeline, which I am not absolutely confident of being able to meet because it will come back and haunt me.

Deputy R.J. Ward:

To some extent we understand but obviously as much time as possible in advance is useful for us. If we move into some of the questions. On P.97, the deployment of Tasers was presented on 13th January, in response to the ministerial response. We are pleased to see that you agreed the majority of the panel's findings and accepted the majority of recommendations. But we have some questions on areas where perhaps there was not that acceptance or there was not a response that we would consider addressed them. We found in our review that the proposals on use of Tasers may alter the way in which policing is deployed itself, or if you like the policing model. You said in your response it is not anticipated that this will be the case and that you are confident of the States of Jersey Police's ability to adapt accordingly. Can you elaborate on how you expect this to be achieved given the change to the deployment of Tasers?

The Minister for Home Affairs:

That is an overall question. There is not going to be any change because a few more police officers can carry additional personal protection equipment. What we have seen in recent weeks, in particular, is a planned greater engagement between the police and the public through the community police team, which is so important. The relationship, which is very good between the

police and the public, every survey you see the police are always very highly regarded and there is no reason to think that would change. The public, in the main, will be comforted by the fact that the police have the appropriate equipment to deal with any and all situations that they have to face. So we had this debate last year. We had it in Scrutiny. I must say I was very grateful for the way that your panel scrutinised this proposition. It was extremely robust and we were able to improve the proposition because of your inputs, and I am very grateful for that. But I have no reason to think that there should be any change in the relationship between the police and the public. Robin Smith, from the police should be on the meeting.

Deputy R.J. Ward:

If I can just add a little to that before you move to ... I think we are talking more about the practical day-to-day policing model in terms of perhaps will there be more officers alone on the beat, so to speak, or alone responding to calls due to the deployment of Tasers? Or is that a model that will develop, which is not just about the relationship with the general public. It is about the day-to-day activities that we are asking you about. And any potential situations where there may be a necessary change or there may be a change in those terms?

The Minister for Home Affairs:

You are talking now about operational matters which obviously I, as a politician, I do not get involved in. I see the chief of police has now joined us. I see no reason why there should be a change in the way police officers are deployed. There has been improvement in the way police officers are deployed. Because of the community situation you are going to see more officers on the beat, as it were, in the Parishes and in town.

Deputy R.J. Ward:

Let me elaborate on that before we go to Robin. You did not provide a comment in relation to the panel's finding that further clarity was needed about police officers attending incidents on their own and that changes could lead to increased instances of that happening. Is that, from some extent of what you have just said, the reason why you did not provide a comment or why did you not provide a comment on that part from the panel?

The Minister for Home Affairs:

Because that is totally and clearly an operational matter and I cannot, and even if I could I would not, instruct the police and the chief of police how best to use his resources. The police have to be operationally independent and it is not for me to tell them how many officers they have on duty at any one time, how those officers are deployed, and in what areas they are deployed. That would totally negate the independence of the police and it would be the police becoming politicalised. That

would be totally inappropriate, totally improper, and something which I do not think the Island would accept.

Deputy R.J. Ward:

Therefore if there was a change to policing in terms of number of instances on their own, and that had a subtle change to the relationship with Islanders, which perhaps is the Minister's remit, do you not have a concern on that or how would you know about that as Minister in your relationship with the police force? Obviously that is what you will be accountable for in a general term.

The Minister for Home Affairs:

Absolutely. It does not mean that I negate any part of my responsibility. I have regular meetings with the police chief and his senior officers. I have regular meetings with the Police Authority who have a legal responsibility for the good policing of the Island. These sort of issues, if they arise, are discussed and resolved. There is no Ministerial Order coming down to tell the police how they operate, and that must never be allowed to happen.

Deputy R.J. Ward:

I think it is just the impact of a policy decision on the final process of policing. There is a filter down, if you like. I suppose what the panel wants to know is how that will filter back up so that future policy decisions can be made. Perhaps Robin can answer something about the day-to-day operational side that we asked there.

Chief of Police:

Sorry for the slight delay. We had a few technical glitches, which is some of the ways of the world these days. I think the question was around officers attending maybe on their own in the event of an incident. First, I am grateful and continue to be grateful to Scrutiny, particularly around something around the use of force. I think you should, and indeed Islanders, should retain a very sceptical watch over the use of force and keep a constant eye on the way it is used, in the same way as I do as chief. I keep a constant watch on the way force is used, particularly in the use of Taser and of course obviously firearms. There will be examples and there will be times when officers will deploy, as you have described on their own, but my view is that will be few and far between, largely because they will often know what they are going to. But if they are patrolling on their own, for example as the Minister has referenced, we have increased, as you know, our community policing team to 16 officers. In time, one of them could be provided with a Taser - I hope that is the case - and they will be deployed on their own. It is not ideal but only very recently the Minister and I gave a number of awards at the States of Jersey Police Awards ceremony just before Christmas and one of those involved an officer who had deployed on his own because it was an emergency. I think what we should do is make sure we keep a record of where there are deployments from single officers and I

will happily, as indeed I will do around use of the deployment of Taser, come back to Scrutiny in the same way that I brief the Minister and the Deputy Minister on the stats and will happily come back to Scrutiny in future, just to keep you reassured and advised.

Deputy R.J. Ward:

Thank you for that, and there are a couple of things here. One is the relationship of our policy from Government filters down and then we see the impacts of that. The notion that we are not involved in day-to-day operational affairs I understand but we just do need to have a feedback on how they are working, particularly in this area. Just to say the second part that you mentioned there regards the number of instances where Taser is with a lone officer and so on, you partially accepted the panel's recommendation that data should be published to show instances where Taser is not used but would have provided a better tactical option and that would be included in the Jersey Police Authority's annual report. Would the number of times a lone officer with Taser has been deployed be also a pertinent thing to do as well?

[10:45]

And the number of times which Taser is deployed in all of the different ways, and we know a lot more about that now after our Scrutiny report, I have got to say. So this data is very open and I think it is that openness that helps Government.

Chief of Police:

I entirely agree. Everything in policing, as far as I am concerned, is about transparency. I will happily provide you with data around deployments. It sometimes might be tricky to gather data on when we think we could have deployed Taser but we did not. That may be trickier to try and get our heads round. Certainly I am interested in those deployments where officers have attended an incident and if they had had Taser whether that incident could have been resolved quicker, more safely and otherwise. I dare say we will gather that over time. But in the interests of transparency, particularly with regards to Taser, I will be happy to gather that information and brief the Police Authority, as I do, and indeed brief Ministers and Deputy Ministers, and of course you. We can get a whole suite of measures to ... bearing in mind of course they are very few and far between, which is probably the most important point. It will not be too onerous for us to gather that data that you require.

Deputy R.J. Ward:

I was going to make the actual point, that there is not a huge amount of data so it is not particularly onerous; that is a good word. Just moving on from that and there are some other areas we will come back to quickly. A number of submissions received by the panel suggested that Taser use on children and young people should be prohibited. We understand the reasons for and against this,

which we made clear in our report, but you did not provide comment in your response to that finding. Can you explain why there was no response to that finding?

The Minister for Home Affairs:

At that time we had had the debate and the decisions had been made. But again - I am sure that the police chief will comment in a moment - it is not for me to set the operational policy of the police. But Rob will tell you in a moment, I am sure, that any discharge that involves a young person will be totally reviewed, will be referred to the Professional Standards Department, and a referral will be made to the Police Complaints Authority. Also of course the Children's Commissioner will be notified, and the Children's Commissioner has amazing powers under her law to investigate such situations. I think the situation that you would like to see in place exists but, as a politician, as a Minister, I am not going to tell the police what they have to do but the police have - I am sure Robin will confirm - that will be their policy.

Deputy R.J. Ward:

I think what comes from that is the fact that both you as a Minister and the States of Jersey Police have signed up to putting children first. You would be bound by international obligations surely in making that commitment so therefore where would the public response come from if Tasers were used on children? Does that come from the chief of police or, Minister, would you want to step in and make some sort of statement on that?

The Minister for Home Affairs:

It is very difficult to talk about hypothetical situations. I mean the police do not want to use Tasers on young people. They do not want to use Tasers on anybody at all. Any time that a Taser is used there is a procedure that has to be gone through, and the police and the officers who use the equipment ... it is not just Tasers of course; there is the PAVA spray, their baton, their handcuffs, they have to justify the use of the personal protection equipment that they use.

Deputy R.J. Ward:

I absolutely understand that but we are going to increase the provision of Taser across the police force. So it is likely there may be an increase in its use. Is it not the time right at the beginning of that change to have really clear processes in order, particularly in the use on children, given the States commitment to put children first and the possible incorporation of U.N.C.R.C. (United Nations Convention on the Rights of the Child), et cetera, that we have a really clear response and we know where that response will come from? I think it is a subtle interaction between the operational day-to-day matters, which of course have to be for the chief of police, and we fully accept that, but the ministerial role in overseeing the principles that the Government has enshrined in our commitment to children.

The Minister for Home Affairs:

You are absolutely right. I think we need to be careful here. Talk about children as such can be emotive and we are talking here about under-18 year-olds who could be in a dangerous situation for themselves or putting other people in a dangerous situation. But the policy for dealing with that situation, if it occurs, exists. It is the States of Jersey Police policies rather than the Minister's policies. Perhaps this would be a time for Robin to ...

Deputy R.J. Ward:

We are trying to obviously get the clarity on where we go to as a Scrutiny Panel as well, and the ministerial accountability as much as the police force's accountability. I note that we will be looking at police complaints law and so on. I think it is very important to understand it from the development of that law as well and how these things fit together. That is why I am asking the questions. But sorry, Robin, I will let you carry on.

Chief of Police:

I think it is an entirely legitimate question. Again, as the Minister has alluded to, I as chief and as the leader of the States of Jersey Police, we absolutely do not want to be using Taser on young people. Who would? There needs to be the appropriate checks and balances, which is the sort of catchall phrase that I think we are all aspiring to. Again, we are using that transparency word. What are the checks and balances if Taser is used on a young person? As the Minister has said, all of those Taser deployments were ... in fact the discharge of a Taser immediately would be sent to our Professional Standards Department for a review. That will also go to the Jersey Police Complaints Authority and to have independence, which I think is vital in this, particularly through the eyes of Islanders and the public, is we will also refer it to the Children's Commissioner so that there is additional scrutiny. That should give confidence. Going back to the point about ... we talked at previous meetings about not using Taser on children and my professional judgment is, as has been agreed, we should not say that because when we talk about putting children first, of course what we want to do is put all children first. Of course we talk about human rights quite rightly and justifiably but also the right to life and we could come up with all kinds of scenarios where a young person of 17 years ... to stretch the example furthest, 17 years 364 days but a juvenile, who may be violently attacking another 17 year-old or indeed may be looking to hurt themselves or whatever, so my judgment is that we should say, as we did do, it is never desirable. We do not want to use it, but there will be ... there could be operational examples where we might be able to better protect Islanders, particularly young people, in the deployment of Taser.

Deputy R.J. Ward:

I think what you have said there is exactly the reason why the clarity of accountability needs to be there and those processes because that is the only way, I think, that Islanders will remain having faith in our policing and we will not change that relationship. So I welcome that. Just to move on a little. There was another question I was going to ask you. Minister, you rejected the panel's recommendations regards body-worn cameras being activated by all police attending, and we accept that the amendment by the panel was not accepted by the Assembly so it will be done whenever practically possible is the amendment that you brought yourself. Can you provide further details in relation to the policing surrounding the use of body-worn cameras both in general and with incidents regards Taser given that there are initially few with Taser and so would it not be easy to ensure that they have their body-worn cameras activated as good practice?

The Minister for Home Affairs:

Absolutely, and this was made clear during the States debate. The body-worn cameras are a valuable asset for the States of Jersey Police and indeed the Honorary Police. The police like them and they use them. I think we made it clear during the debate that every incident where Taser had been used in recent years had been caught on body-worn cameras. The problem with your amendment, if you will recall, that it gave no discretion. An officer had to be using a body-worn camera when a Taser was deployed and there can be all sorts of reasons why that would not be practical. If the battery had run out, if the thing had broken for some reason and fallen off, or if the police officer himself was a plainclothes officer working undercover it would be quite ridiculous to think he would have to be wearing a body-worn camera, which would totally destroy what he was there to do in the first place. That was a simple reason but the police do want to wear the body-worn cameras, they do use the body-worn cameras. The "if practical" bit was just to safeguard so no officer would be in a disciplinary situation if his battery had run out or the thing had dropped off or if he had, because things had happened so quickly, forgotten to switch it on. A most unlikely situation but it could happen and the States agreed we could not put the police in that position.

Deputy R.J. Ward:

Is the policy to equip all police with body-worn cameras, particularly those who are deployed with Taser?

The Minister for Home Affairs:

That is my understanding but I am sure that ... the chief of police is nodding. Yes, all officers carry body-worn cameras.

Chief of Police:

Yes, that is the case. As you have alluded to, the body-worn cameras are probably the best piece of kit that has been introduced to the police service over the last 5 years because what it does is it

modifies behaviour as well. When people know that they are being recorded it can bring temperatures down really quite quickly. Police officers, as one said to me a number of years ago: "The first bit of kit that I want to wear as part of my P.P.E. (personal protective equipment) is my body-worn camera" because it provides protection to the police officer. It also provides greater transparency as well. So, yes, all of them have body-worn video cameras. The issue that the Minister describes is a technical reason why I think the wording is appropriate and accurate, is because sometimes stuff happens like you may be on your own and the example that we gave, Chair, and somebody turns around and he or she is finding that situation in front of them the last thing they are going to think about is pressing a button on a camera. I think they are "what ifs". They have not happened up until now. I do think it is right that officers do not find themselves on the wrong side of the law or policy in an emergency situation, but my expectation as the police chief is that that body-worn video will be on and recording every single time that we deploy Taser. I will be the first to ask the question why was that not and will seek an explanation.

Deputy R.J. Ward:

Is that a formal policy of the police? How often will you review that that is happening?

Chief of Police:

I have said, so you can call that policy, we can turn it into a policy, that my expectations are body-worn video is used on every deployment for Taser. As you have already identified, we have very few and the examples that we have had since we last spoke - we have had 2 or 3 others - every one has involved body-worn video in every single case. In fact I have viewed some of it myself. I think it should be an absolute exception and we would report back through the usual channels if indeed it was not working or the other examples that the Minister gave.

Deputy R.J. Ward:

Given the arguments that we have heard from the Minister about policy and operational matters being separate and, Minister, you do not want to step into operational matters, would it be a good idea for the police to have these sort of policies available on a website so that they are clear, in the name of transparency?

[11:00]

We can be seen clearly as to what the expectation of operational process is for reassurance of the public, particularly as we introduce something like Tasers into a wider context.

Chief of Police:

If I just jump in very quickly. I am very keen that Islanders understand how we might operate. Of course, and I know this is not what you are suggesting, that we would put anything on websites that might be of use to those people we are seeking to catch and whatever but in terms of the transparency of, I am very happy to say we will write or have something on the website in the deployment of body-worn video these certain things will happen because I am saying it in Scrutiny, which people can look at. In terms of wider policies, I would have to give some consideration to that. Not only because of the workload and checking all of those policies to make sure they are appropriate so that is probably a bigger ask. In this example, I am happy to make clear what my expectations are.

Deputy R.J. Ward:

Another example, I was pleased to hear you say that you would want the Children's Commissioner involved in any use on children. But the Minister rejected the panel's recommendation that a policy should be brought forward that require any use of Taser on a person under the age of 18 to be investigated by the Children's Commissioner. What is the difference there? Because we had recommended that and it was rejected by the Minister to have that extra level of check and balance put in.

Chief of Police:

I think to me the word "investigated" is probably the most pertinent word, as you just described. We should not be investigating police officers unless we believe there has been any form of misconduct. In the examples I have given there is no misconduct whatsoever. I do think though that it is appropriate, as we still do and indeed did do before requesting this change in policy, that we review and debrief every single deployment. Not just discharge but every single deployment and that happens now. I think to have the Children's Commissioner involved in that provides that sort of independence.

Deputy R.J. Ward:

Perhaps it is the word "investigation" that is the problem there.

Chief of Police:

Yes.

Deputy R.J. Ward:

There will be an involvement from the Children's Commissioner, that is good to see. Is that taking account of any U.N.C.R.C. ongoing policy development, which may well impact in those areas?

Chief of Police:

The Children's Commissioner and I meet regularly. She has kept me - I am pleased to say - very well-informed on some of those developments and S.O.J.P. (States of Jersey Police) are keen to contribute to that as things progress. Indeed it can include things like the deployment of Taser. Going back to my earlier comments, is that we need to ensure that we protect all children, some of which may be the victims of crime as well as the perpetrators of crime and I am keen that we do that. I am confident that the Minister for Children and Housing feels the same way.

Deputy R.J. Ward:

Final question in this area: the Minister agreed to collect data on the use of Taser on under-18s. In other jurisdictions there is an increasing number of those uses. What plans do you have in place to identify any trends that may appear in that? At what point, for example, Minister, would there be a trigger point where you may have a concern over the nature of policing?

The Minister for Home Affairs:

That is a difficult question.

Deputy R.J. Ward:

That is good.

The Minister for Home Affairs:

It is somewhat hypothetical. As I mentioned earlier, I meet regularly with the chief of police, I meet regularly with the Police Authority. We have an openness if there are any issues, any difficulties, any trends emerging, which need addressing, we do it in a joint manner. Operationally it is down to the chief of police, with the Police Authority, with the obligation to ensure that policing is effective and efficient. You do it in a joined-up way between the 3; between the politicians, between the Authority and the police themselves. That is the only way it is going to be effective. You have the Police Authority, the Ministers and the chief of police working together. That should bring about the desired results.

Deputy R.J. Ward:

I have gone on for some time on this. I will pass on to Deputy Doublet to talk about the Prejudice and Public Order Law.

Deputy L.M.C. Doublet:

The Crime Law consultation, which I believe was underway before the pandemic hit, so I understand there has been some delay but could you outline what is the timescale for this legislation; the consultation and for bringing the actual legislation forwards please?

The Minister for Home Affairs:

We were hoping to finalise that by the end of the year. Nathan Fox is with us, I think, this morning because it should have come to myself and the Assistant Minister before the end of last year, it has not done so. We are looking forward to it coming very quickly. That is why when answering the chairman's first question I think this morning to give him a timeline, I did not want to do that because if I had done it 2 months ago I would have told you this was coming by the end of November and I would have been wrong, and you would have quite rightly criticised me. So I am not going to give you a date but I am advised it is pretty imminent to come to me and to the Assistant Minister.

Deputy L.M.C. Doublet:

Can you just clarify what you mean by the legislation is coming to you? Do you mean the results of the consultation or the actual draft law? What are you expecting to receive from whom?

The Minister for Home Affairs:

I think we are now expecting the draft legislation for further consultation, which is a much more satisfactory ... we have had the major consultation. This will be the draft legislation for further consultation and consideration before being lodged and coming to the States. Obviously it comes to you as well, first and foremost.

Deputy L.M.C. Doublet:

So the public consultation prior to the law drafting has concluded, am I correct?

The Minister for Home Affairs:

Yes, that is my understanding.

Deputy L.M.C. Doublet:

Can you just outline what level of engagement that consultation had please?

The Minister for Home Affairs:

You have to forgive me, this was now over about 18 months ago and everything has been held up but I am wondering, if Nathan Fox is on the line, Deputy, would you mind if he answers that question?

Deputy L.M.C. Doublet:

That is fine.

The Minister for Home Affairs:

Is he there? No, he is not. Forgive me I am not going to be able to answer that question with any degree of certainty.

Deputy L.M.C. Doublet:

Just any information you do have on the consultation. Are you aware of any of the main messages that came from the public and do you know any detail about what stakeholders were involved in that consultation?

The Minister for Home Affairs:

I am trying to recall. It was quite a long time ago. If you will forgive me, Deputy, I would rather get this absolutely right and let you have all that information.

Deputy L.M.C. Doublet:

We can come back to it.

The Minister for Home Affairs:

If you do not mind, I would be very grateful. Rather than totally rely on memory I will get that information for you.

Deputy L.M.C. Doublet:

Are you expecting Nathan back in the meeting soon so that we could ...

The Minister for Home Affairs:

In fact I think he is back now.

Deputy R.J. Ward:

Yes, we have tried to get him back. So perhaps we are there. Are you there, Nathan?

Head of Policy, Justice and Home Affairs:

I am. I am terribly sorry about that. The device I was on for some reason would not let me contribute so I had to go out and in again. Apologies.

Deputy L.M.C. Doublet:

So I was just asking the Minister, Nathan ... sorry I am not aware of your role, if you could just remind of what your role is.

Head of Policy, Justice and Home Affairs:

Sorry, I am head of policy for Justice.

Deputy L.M.C. Doublet:

I just questioned the Minister on timescale for the Crime Law and then I moved on to the consultation and I asked what level of engagement the consultation had and also what the main messages were that came from the public and stakeholders as part of that consultation.

Head of Policy, Justice and Home Affairs:

Just to recap where we are with the legislation. We consulted in late 2019, the intention had been to go with consultation response in Q1 2020. There were a couple of minor delays in getting that response out, which unfortunately led us straight into COVID. Now the Minister has suffered particularly from the necessity to devote resources to COVID. He has had 80 per cent of his resources diverted away during the period for the last 9 months of last year. Coming back to it now, there are 3 areas that we are progressing as quickly as possible: there is police governance changes, the domestic abuse law and the Crime (Prejudice and Public Disorder) legislation, which is this piece. So the consultation response is pretty much completed. There are a few outstanding questions. It did not get a tremendous response. It was disappointing. We had thought it would be an area of sufficient interest to people that they would want to contribute. Some people did. I think we had something like - forgive me if this is wrong - 6 individuals and 4 organisations. I do not think we got anything from Liberate, we got something from the States of Jersey Police, which is quite expected, and a couple of other entities representing certain groups. The areas that we were concerned about, the public - and this is probably the first time they have considered a piece of legislation like this - were very unhappy, some individuals, that we had not, from their perspective, properly defined certain things like what is prejudice I think was the big question. "You do not say what it is and therefore you will make up what it is and therefore you will over police it." That was the concern. As we say, prejudice has a meaning, it has a dictionary meaning, it has a legal meaning, you can see what prejudice is by cases that talk about prejudice. Ultimately, as we say in the consultation response in the part that we have completed, the difficulty with trying to define prejudice, for instance, is that you end up defining words with words. Then someone will tell you that those words you have used are not properly defined, so you will define them and it is rabbit hole that literally never ends. Prejudice has a natural meaning and we explained that. That is not unusual in legislation. We have done our best in the consultation to not just palm off the criticism but to really try and help people get to grips with concepts in that area. The other issue, and I think this is something the panel has picked up on separately is why is gender not included? In the consultation we said "sex", which, looking back on it, we should probably have said "gender" but people understood what we were talking about fortunately. One of the other questions is: how can you not have gender in it? There is exactly the same consideration going on in the U.K. (United Kingdom). Our legislation is approximate to the U.K. legislation. So there has been a consultation by the Law Commission in the U.K. They are coming back in late 2021, probably, with their response to that. If legislative change happens in the U.K. that will be in 2022, we expect. But asking the same question: what about gender, what about age and should you give religion more protection because

currently religion is less protected than race, for instance? To an extent we are awaiting that position from the U.K. because that is going to be a good guide. We had a couple of people say gender should be included but then again if you had asked specifically a couple of people would say gender should not be included. It is an open question at the moment but it is not currently in the draft.

Deputy L.M.C. Doublet:

Thank you that was a great level of detail. I have some follow-up questions. The entities, you named I think one that did not contribute. Do you have a list of which entities did contribute and also are there any you would have liked or expected to contribute that did not and what do you think the reasons are for that?

Head of Policy, Justice and Home Affairs:

I was talking around the fact that I cannot remember off the top of my head those entities that contributed. Obviously I did not do it very well. But I will get you a list. I had hoped more advocacy groups. I think we had all expected that more groups that advocate for those groups of people who might find themselves on the wrong side of a prejudice crime would have contributed. I am thinking of groups representing people of various religious groups, representing people of various ethnicities or sexual orientation. I think all those things. We kind of expected we would be getting the majority of responses from those groups.

[11:15]

Not only would that have been good effectively for it to have some support from legislation articulated but also that is properly refining it because if someone says: "This is nearly perfect for us but you could do this", that is an extremely useful tweak, especially where it does not cause harm in any other areas. The majority of responses we got were principle pieces rather than: "Look at Article 15 I think you should tweak this piece." But I will provide you with a list of consultees.

Deputy L.M.C. Doublet:

Thank you. We look forward to receiving that. I am just wondering about the consultation and the Minister mentioned that there would be further consultation once the draft law is available. I just wonder if you had a view on how accessible and engaging the consultation was and whether some work perhaps needs to be done in that sense, so that people know that the consultation is happening and that it is easy to engage with.

Head of Policy, Justice and Home Affairs:

That is an extremely good point. There was a bit of self-reflection after this. The consultation went out online, it was available on paper, if people wanted it, from various locations. We had a social

media blitz. We did another social media blitz and extended the consultation period, because we had not got very many responses and we did not feel that people had necessarily engaged, so we repeated the whole exercise. What we did not do, we did not make it available in other languages. The cost would have been very significant, and this is the problem, translating law is nightmarish and would be exceptional, because you cannot be sure you have got the nuance right and you cannot be sure it is communicated right, the same thing, and the legal meaning of words will be different in the legal frameworks people are used to coming from different jurisdictions. It just did not seem like it was going to work. We did some self-reflection around that. It was available in accessible ways in terms of big print and other things, but there was not a braille copy, but then again that would be exceptional. I think we did what the States normally do to make it as accessible as possible, but I would agree that there is probably some wider thinking about whether or not the States in general makes these things quite as accessible as they should be, but I am advised that the Communications Unit is not blind to that and does give that quite a lot of thought.

Deputy L.M.C. Doublet:

I just wonder, given the importance of this law and the low engagement with the consultation - I am not sure if this is for you or for the Minister - but perhaps would focus groups be considered as a rigorous way to get a representative view of the population on this, given the importance of the law?

The Minister for Home Affairs:

That is not something which I thought about. As I say, because of the lack of response, it might be a way of encouraging more people to contribute, hopefully in a very short confined timeframe because, as I said earlier, this is one of the things which we want to get on to the statute book, but of course we want to make sure it is right before it goes on to the statute book and has the support of the public.

Deputy L.M.C. Doublet:

Thank you, Minister. Would you still welcome any views from people who perhaps see that this is being discussed at the hearing and want to share a view with you on it?

The Minister for Home Affairs:

Yes, absolutely, of course, because the consultation has not yet finished and a response to the consultation has not been done yet, so it has not been completed yet. Yes, we always welcome more contributions.

Deputy L.M.C. Doublet:

Could you share, Minister, your view that your officer just mentioned about possibly waiting to see what protected characteristics the U.K. include in this law? I think Nathan mentioned gender, age

and religion, and what your view is possibly on including those things on their own merits, but should we wait and see whether the U.K. include them?

The Minister for Home Affairs:

No, we should not wait, Deputy. It is a grown-up jurisdiction. We can make our own mind up what is appropriate for Jersey and that is what I would expect the States to do. If I decide not to bring in a certain characteristic because that is my view, it is up to either a Scrutiny Panel or any States Member to bring an amendment to it and we have a debate on it and the States will decide. I think we have enough maturity to be able to do that and to listen to each other's views and make a decision based on the democratic process of the majority rules.

Deputy L.M.C. Doublet:

Yes, I heartily agree with you. Finally, I would just like to ask, in your own view, Minister, what protected characteristics would you like to see included in this legislation?

The Minister for Home Affairs:

I am inclined more towards religion. I am not so convinced about gender and I am not so convinced about age, but open to be convinced, but certainly religion is one which is important, particularly in view of the impact of religion over the last number of years has become I think more prevalent and more concerning, if you like.

Deputy L.M.C. Doublet:

Given the importance that you place in that area, what are your thoughts on - perhaps slightly this is a bit of a tangent, but related - making religion and belief a protected characteristic under our anti-discrimination law, because that is not currently included?

The Minister for Home Affairs:

On the face it, that would seem a reasonable suggestion, but obviously we are going on a bit of tangent there, but it is something which is right that it should be considered, but I would not want to give a definitive view off the top of my head without giving it proper consideration and of the implications which might run from it.

Deputy L.M.C. Doublet:

Indeed. That is the end of my questions on there. I do not know if the rest of the panel have anything to follow up.

Deputy R.J. Ward:

I think we are okay. Yes, we have got quite a few questions. Thank you, Deputy, for that.

Deputy L.M.C. Doublet:

Thank you, Minister, and officers for that.

Deputy R.J. Ward:

That is great. Some questions now from myself. Minister, the States of Jersey Police have recently reintroduced the drug squad. Can you explain the rationale for the reintroduction of this squad?

The Minister for Home Affairs:

Yes. Again, this is an operational matter, which would be the responsibility for the police chief, but I can say this: the police are committed to reducing crime and protecting vulnerable individuals. The drug scene is one of those things where people need protecting and the laws of the Island need enforcing. I think you will remember last year, just before COVID struck, Operation Shark was launched, which was a great success, following the tragic death of a young male linked to drug consumption, so it is very, very important. What the drug squad will do, the introduction or the re-establishment of the drug squad, it will enable more proactive work, focusing on those drug-related investigations that have a serious impact on our community. What is very important is the drug squad will work very closely, as the police have done for many years now, with the Customs and Immigration Service, who also have a big role to play in protection of the Island in enforcing the drug laws. But I think, as I say, it is an operational matter, so I am sure you will wish to hear from the police chief on this issue.

Deputy R.J. Ward:

Yes. I have got a follow-up question. Perhaps I should put that now. At a previous hearing, Minister, we discussed the move towards a health-based approach to drug reoffending rather than a criminal one. How does this fit in with the re-establishment of the drug squad, or vice versa, how does the drug squad fit in with that establishment of a health-based approach?

The Minister for Home Affairs:

They are not mutually exclusive, are they? One of the problems the Island has at the moment, and I believe I have identified, there is a vacuum in our drugs strategy Island-wide. That is one of the things which we are now developing, a drug and alcohol strategy for the Island. We have got an officer who is starting work on that - that will be under the political auspices of myself and the Minister for Health and Social Services - who will be looking at harm reduction, but at same time, as I say, they are not mutually exclusive. Criminal activity must be tackled and tackled very hard, but as I say, the 2 are not mutually exclusive. The Minister for Health and Social Services and I will be working on a drug and alcohol strategy to reduce harm.

Deputy R.J. Ward:

I think what you have said there sort of sums up the concern that we have in terms of where is the B.a.S.S. (Building a Safer Society) strategy at the moment and where are we going with it, because I note, from memory, that it was being funded on a yearly basis and reviewed as we went along. How will that integrate into the increased, if you like, level of policing around drugs and their import into the Island and so on?

The Minister for Home Affairs:

As I say, we are going to be working on a drug and alcohol strategy, which will serve the whole Island and inform the whole Island, including the States of Jersey Police. Until that strategy is in place or until policies are changed ... and there are many things that have got to be looked at. One of the things which is relatively simple, and it came from Deputy Tadier and I have taken it on board, I want to see drug testing at music festivals and so on when they are allowed to happen again. We might be looking at personal use, it might be less stringent legislation, but that is the sort of thing which I think we have got to take the Island with us, and before saying: "This is what we are going to do" we need to do the work, do the research, do the consultation and produce a strategy for the Island, which there is a bit of vacuum at the moment. The B.a.S.S. budget is still there and it going to be used for this purpose. That is very, very important to me.

Deputy R.J. Ward:

Minister, can we be right in thinking that your vision is still to have something that is more health-based as opposed to a criminal-based approach to drug use?

The Minister for Home Affairs:

I think it is both, Chairman. I think it is both. We do need to protect the Island. We do have to have a health-based approach, absolutely right, and I would not argue with that at all. But also we have to ensure that the laws regarding the use and importation of illegal substances are enforced for the protection of the public.

Deputy R.J. Ward:

I do not know if somebody on the panel has a question there. Did somebody want to ask a question on that?

Senator T.A. Vallois:

Minister, you mentioned that the 2 are compatible in terms of health and the policing of the drugs and looking at enforcing the legislation, which is absolutely right. Can I ask how that works then in terms of early intervention or feedback that is required to try to ensure that later on in the years it does not get worse for particularly families or create some form of gangs in terms of crime that may

come out of a more forceful approach to enforcing the law and how we amend our policies for early intervention to prevent it from becoming a bigger issue in the future?

The Minister for Home Affairs:

Would you mind if I asked the police chief to comment on being more forceful? Because I do think that is what the intention is. Then perhaps Mr. Blazeby, the director general of Justice and Home Affairs, would also like to comment on the strategy for health-based considerations. I think that might be helpful.

Chief of Police:

Thank you, Minister. First of all, I entirely agree, and this may come as unusual from a police chief who first went into a drug squad in the late 1980s. What have we achieved? Well, we have locked up a lot of people, a lot of dangerous people, and we have probably saved an awful lot of lives. The Minister mentioned a 19 year-old young man, James Le Bourgeois, earlier in February. We set up Shark largely as a result of health concerns because we thought we had a dangerous batch, as it is often described, in the Island and we felt we needed to tackle that very, very quickly, hence the reason why there is reference to Op Shark. The warrants that we conducted on that first night were driven by health concerns more than anything else because we did not want other young Islanders in particular suffering the same tragic fate as James. To get back to the drug squad, we have not stopped tackling drugs issues in the Island, far from it, but this is a reinvigoration of the drug squad, supported by the increase in 30 additional officers that we have recruited over 2020 and of course the introduction of the community policing team as well.

[11:30]

It has given us the extra capacity to focus, which will be 8 officers. We have probably never seen so little drugs coming into the Island as we have over 2020 for all the reasons that the panel will be aware of, but of course, as I have said previously - and I will say to the panel today - criminals are clever, cunning and they will be looking for opportunities. I think it is right that the States of Jersey Police not only look after today but also have considerations for the future. As I have said, there will be criminals that are looking at opportunities to come to the Island. You may have seen only in the last couple of days in the *J.E.P. (Jersey Evening Post)* there were 2 people convicted, both for 4½ years each, for bringing drugs into the Island. So if you like, what I have described is a refocus and a reboot so that we can tackle the enforcement issues, but as the police chief - and this is where I think the panel are absolutely right - the long-term sustainable solutions to this are health and education. I will give over to Julian, who I know is working on that and various other things, which will receive S.O.J.P.'s full support.

Director General, Justice and Home Affairs:

Chair, can I just build upon what the chief of police ...

Deputy R.J. Ward:

Yes, please do. Briefly, if possible. We have got quite a bit to get through, but I understand the importance of this.

Director General, Justice and Home Affairs:

Thank you. Just to build on the Minister's comments, the strategy, as the Minister said, will be a combined strategy, but it will be predominantly health-based and health-led. Picking up on the Senator's question, quite rightly a thread of that strategy will be based on young people, on families, parents and carers. That will be around on the focus on early intervention and prevention, so we know from a lot of the education and research - and you will know as well - that the earlier we intervene and the earlier we prevent, the more effective it will be further upstream. We are recruiting for a lead person to develop the strategy and the intention, as the Minister said - and indeed, he has charged us with delivering it - is to get the strategy in place for 2021, which can drive a whole range of activity around early intervention and prevention with young people around harm reduction over the next 3 to 5 years. Of course there is always an element of enforcement in any drug strategy. If you look across any jurisdiction across the globe, it will have enforcement, but it has to be health-based, based on younger people, the younger generation, families, carers, education to start to change the whole approach to both drug and alcohol abuse as well. It is not exclusively drugs, so I hope that helps in terms of answering the Senator's question.

Deputy R.J. Ward:

In part. You say this strategy is to be in place in 2021 and obviously we are in 2021 in January. How would you characterise what is happening at the moment? Who in Health is working with you and how quickly will we see a strategy that is clear and can be effectively reviewed, for example, in place this year?

Director General, Justice and Home Affairs:

As I say, we are recruiting at the moment. I think the closing date finishes in the next week to get a policy officer in place to enable us to carry out the research, the consultation, because we all want to consult across a number of different stakeholders, including the Scrutiny Panel and others, and then we are going to build a governance framework that will include probably something like a political oversight group with the Minister for Home Affairs and the Minister for Health and Social Services and then a steering group of senior officers who can then work with the policy lead to, as I say, consult, get the research, get the analysis and then develop a strategy that will hopefully come to fruition later in 2021. That was my reference to this year. We are starting from scratch, in effect.

Deputy R.J. Ward:

We have a B.a.S.S. strategy at the moment. Do you consider that that will be, if you like, thrown away and we start from scratch? When you say “during this year” are you referring to the second quarter, third quarter? As I have mentioned before, it is very important for us, as a Scrutiny Panel, to have some time so we can organise our workload.

Director General, Justice and Home Affairs:

Indeed, yes. There are 2 questions. Certainly the B.a.S.S. strategy was, as you know, from 2016 and 2019. We believe - and the Minister believes - the B.a.S.S. has probably served its purpose. It is still funding certain organisations, but like any strategy, it only is relevant in its time and that was obviously devised prior to 2016 and things have changed quite a lot since then. We are on a transition year as far as the B.a.S.S. strategy is concerned. It still is supporting a number of organisations around the broad drug and alcohol agenda, which is good, really good, but we are reviewing that as part of this work. What I intend to do with the new policy officer is to provide you with a timeline once we can get that person in post and get the political oversight group and steering group in post. We will absolutely provide the panel with a timeline in terms of delivery, but we are intending to get it done as quickly as possible.

Deputy R.J. Ward:

A final question on this is will you provide those organisations that rely on B.a.S.S. funding with that timing so they will know well in advance as to the possible impacts on them? Because I know that would perhaps concern them if they are listening to this at the moment.

Director General, Justice and Home Affairs:

Indeed. Thankfully, this will not be new to them. We have engaged with them all through last year. We have written to them and they understand. Those who are getting funding for 2021 know the funding is coming and they know that we are in a transition period as well, but absolutely, when the clarity becomes clearer, then we will be still continuing to communicate with them.

Deputy R.J. Ward:

Just another question, which will lead on to some questions on the borders from Deputy Higgins, so I will give him a chance to get ready. In terms of the effects on Customs and Immigration of perhaps more enforcement in terms of drugs and looking at their importation, particularly with Brexit and other pressures, do you believe that there is the resourcing available there at the borders in order to carry on with this sort of approach?

Director General, Justice and Home Affairs:

That is probably one for the head of the Customs and Immigration Service. I believe, having worked obviously with them, that we do have the right resources and they work, as the Minister mentioned, very closely with the S.O.J.P., but that is probably more appropriate for Mark Cockerham to answer.

Deputy R.J. Ward:

Perhaps we will get Deputy Higgins to ask a couple of questions on borders, because he may well come in there anyway. Deputy Higgins, are you ready for that? No, he lost his connection for a second.

Deputy M.R. Higgins of St. Helier:

No, I am back on board. Thank you.

Deputy R.J. Ward:

Brilliant, thank you.

Deputy M.R. Higgins:

A question then for the Minister. I will just put my camera on so you can see me. As a result of the Brexit deal agreed between the U.K. and the E.U. (European Union), can you tell us whether there has been any increase in resourcing for border security as a result?

The Minister for Home Affairs:

Deputy, in my understanding, there is no increase in security risks as a result of Brexit which requires particular action at the border, but there is an immigration risk possibly because, as you know, all the E.U. nationals now require some sort of immigration permission to be here. It is going to take perhaps a little longer for some passengers to pass through immigration control, but I am assured by the chief of the Jersey Customs and Immigration Services that as things are currently that he has sufficient resources to deal with that. Because this is a quiet time of year, there might be some issues with folk getting used to importing or exporting goods to the E.U., dealing with the declarations which need to be done, which can all be done online. He will be able to speak for himself because he was in the meeting, but the chief of Customs and Immigration feels that the resources are sufficient.

Deputy M.R. Higgins:

We believe that one result of the deal is that access has been lost to various E.U. criminal record checks and other databases. Could you explain what effect this has on policing in Jersey?

The Minister for Home Affairs:

Can I ask Mr. Cockerham on that, the chief of Customs and Immigration?

Head of Service, Jersey Customs and Immigration Service:

Thank you, Minister. Prior to Brexit, the Island did not have access to what is referred to as the Schengen Information System, whereas the U.K. did. Now with the advent of Brexit, Jersey still does not have access, so in that respect is in no worse a position. What has also happened as a result of Brexit is the U.K. do not have access, but obviously that is an ongoing conversation between the U.K. and the E.U. Certainly the Jersey Customs and Immigration Service has regular contact with the Home Office, generally over immigration matters. What we would be looking to do was if the U.K. was able to secure access for Jersey to be included in that and obviously with our police colleagues as well. We are hoping for an improved position. We can get access through Interpol, so there is not complete non-access. Maybe just to emphasise that as a requirement for E.U. nationals coming into the Island to work, there is a requirement to obtain criminal history. The obligation is upon the applicant to obtain that from whichever country they are coming from and provide that information. In terms of border security, we do not see any increased risk.

Deputy M.R. Higgins:

Are there any gaps compared to what you had previously? If I could ask the police chief to come in and answer the same question, whether there are any gaps in the data that they used to receive that they are not receiving now.

Head of Service, Jersey Customs and Immigration Service:

Just before I hand over to the police chief, the answer is no, there are no current gaps. As I said, the work that we are looking to do now is to improve the access that we had prior to Brexit, so we are confident, particularly with the requirement for E.U. nationals coming and the need to provide that information, that there are no current gaps.

Chief of Police:

Just to add to that, Deputy Higgins, we are not aware of any current gaps. Members may have seen in the news last week there was an issue with deletion of the Police National Computer as well.

Deputy M.R. Higgins:

That was my next question.

Chief of Police:

I have learnt one thing, Deputy, to pre-empt one of your questions. We are monitoring that carefully. You will have seen some of the reassurances that came out of the Home Office. Again, we do not believe that that has any impact on us that we know of yet.

Deputy M.R. Higgins:

Just finally, are there any resourcing implications arising from the changes with Europe?

Chief of Police:

Again, we do not envisage any resourcing challenges from the S.O.J.P.

Deputy M.R. Higgins:

Chair, I have no further questions. I do not know if any other Member does, otherwise it will be to Rob for track and contact tracing.

Deputy R.J. Ward:

I think Deputy Doublet is going to start the questions on track and trace.

Deputy L.M.C. Doublet:

Thank you. Minister, can you please provide an update on spend to date for the test and trace programme, please?

The Minister for Home Affairs:

I am afraid that there seems to be a misunderstanding here. I do not have political responsibility for the track and trace system. That comes under the Minister for Health and Social Services, but the budget and the operational side is conducted by Mr. Blazeby, the director general of Justice and Home Affairs. The budget does come under the Justice and Home Affairs budget, but Mr. Blazeby has indicated he would be quite happy to answer any questions on the subject, although I just confirm it is not my ministerial responsibility.

Deputy L.M.C. Doublet:

I wonder if the chair could decide what he would like to do then, please.

Deputy R.J. Ward:

I think it would be useful to have the questions answered, seeing as we did review this in the Government Plan with this panel and the £30 million that was put aside. I think it will be important to know how that is allocated. There are some things that do cross panels and we will deal with them as we can. Thank you.

Deputy L.M.C. Doublet:

Okay. I will go ahead with the questions. I am just noting the time as well, so if the answers could be as brief as possible, please. So the same question then to Mr. Blazeby.

Director General, Justice and Home Affairs:

Thank you, Deputy. The budget at the moment was initially for the last 6 months of 2020 and then a budget allocated for the first 6 months of 2021. The budget for the last 6 months of 2020 was in the region of £24 million and up until the end of 31st December, the spend across a whole range of activity amounted to just under £19 million. That budget is split, as has just been referenced by the Minister - and indeed the chair of the panel - across a number of departments. I am the senior responsible officer overseeing it, so that includes Justice and Home Affairs, Infrastructure, Housing and Environment, Health and Community Services and the Chief Operating Officer. I have got the detail that I could send to you in terms of the breakdown just in terms of time, unless you come back to me and ask about it during this meeting. The activity of spend is obviously quite significant across contact tracing, monitoring and enforcement, across testing, both travel and on-Island testing and then a significant number of back office functions as well.

[11:45]

Deputy L.M.C. Doublet:

Thank you. At what point would the funding be expected to be reviewed for this programme?

Director General, Justice and Home Affairs:

We are in the process of reviewing the business cases at the moment because a number of things have changed. Obviously the business cases were predicated on things like the numbers of travel and that has significantly altered and changed, but of course other things have moved forward in relation to, for example, testing in schools and the workforce testing programme that was not originally envisaged when the business case for this current year of £30 million was set aside. We are currently reviewing that at the moment. We expect to complete the review in February, which is obviously only 7 days away now. It will enable us to have greater clarity on whether the £30 million will sustain the programme going forward.

Deputy L.M.C. Doublet:

Yes. Deputy Ward wants to ask a question, I think.

Deputy R.J. Ward:

Yes, I am wondering if you could give us the cost of the testing in schools that happened in early January and if there was money left over from 2020, that was not used? I would have thought that those tests would have been bought, so to speak, in 2020 out of that budget, so where is that costing coming from?

Director General, Justice and Home Affairs:

I do not have the breakdown in terms of the costs incurred for the testing in schools over the last 3 or 4 weeks. Obviously the P.C.R. (polymerase chain reaction) testing would have been part of our overall programme and that already is obviously funded. The lateral flow devices obviously were provided from the U.K. and of course that does involve some costs as well. We are looking to build up - in fact, I know there are meetings this week - to look at the overall cost implication of the change of profile of testing as we move forward over the coming months and schools will be one of those.

Deputy R.J. Ward:

So we do not have a cost yet?

Director General, Justice and Home Affairs:

No, but as I say, the costs that have been incurred are part of the current programme that is being funded under the £30 million, or indeed, as you have mentioned, the underspend from the budget from last year.

Deputy L.M.C. Doublet:

I just want to follow up in the change in profile of testing over the coming months that you mentioned, Mr. Blazeby. Could you give some more details on what that is expected to look like, please?

Director General, Justice and Home Affairs:

At the moment, when the business case for last year was devised and put together, that was based on a significant amount of travel. Now that travel obviously has tailed right off and the current border restrictions are very strict, so our travelling numbers are much reduced, so that has changed the profile of testing through the airport and through the port. The workforce testing screening programme was quite light in the early days of the original business case last year. We have identified between 40,000 and 50,000 individuals on the Island who work and are able to join that scheme, so that obviously has changed as well. You just touched on schools and that will continue. Indeed, the profile may change again as we move forward. As we have found out from the whole COVID experience, it is not a set-in-stone piece and it could well change again, which is partly why we are reviewing the business case.

Deputy L.M.C. Doublet:

Thank you. In terms of workforce screening, are you sensing any reluctance from the workforce to be tested or has there been a good uptake?

Director General, Justice and Home Affairs:

The uptake for workforce screening has ebbed and flowed. We had initially good uptake in the latter part of last year, then it tailed off as we got towards Christmas. I suspect that is because people were nervous of being tested positive or contact traced and therefore it could have disrupted their activities over the holiday period. We are currently this week pushing on the comms again, not just within Government, but across the wider workforce on the Island to say: "Please come forward and test." We have capacity in the system to increase the testing and that is an important part of our strategy. We are hoping that employers, particularly as we open up the non-essential retail this week, will take part in the screening and we should see numbers increase.

Deputy L.M.C. Doublet:

Just to clarify, the workforce screening, that includes government employees as well as private sector, is that correct?

Director General, Justice and Home Affairs:

Yes. It is split into 3 categories, so category C is the largest category, which covers most of the government employees, but also covers people who work in shops, who drive buses and do other roles across the Island, because obviously the greater coverage we get of people coming into work or working from home and then socialising elsewhere gives us greater knowledge of the virus and of course an opportunity to suppress it.

Deputy L.M.C. Doublet:

Do you have any figures on the percentage uptake on those 3 sections?

Director General, Justice and Home Affairs:

We do have the figures for those. They are part of the stats that we publish through our statistical data, so I can certainly make them available. I do not have them with me today.

Deputy L.M.C. Doublet:

Thank you. You mentioned schools. Can I just have some detail on how the test and trace programme, the wider programme, links with contact tracing specifically in schools?

Director General, Justice and Home Affairs:

Yes. The holiday period provided an opportunity to work with C.Y.P.E.S. (Children, Young People, Education and Skills) colleagues and head teachers with the contact tracing team to review the experience in December, which we all know was difficult, and then with the schools opening up the second week in January, an opportunity, as I say, to review the whole process. So new measures have been put in place, working with schools, which we have already seen has reduced quite significantly the number of people who have been contact traced, therefore the school day disrupted both for the staff and pupils, so that is good. The contact tracing premise still remains and that is the job of the contact tracing team, but now when pupils come into school there is, as I say, greater clarity of which rooms are which, where people are, the markings in the schools and indeed head teachers and staff understanding. If a pupil is tested positive, either through the lateral flow tests or through the traditional P.C.R. route, then the contact tracing system will take place. Head teachers still have the responsibility to engage with parents and pupils more broadly. Pupils will go home and then contact tracing will take place.

Deputy L.M.C. Doublet:

Thank you. Going back to the spike in cases that we had before Christmas, can you explain what impact that spike had on the programme in terms of resourcing and K.P.I. (key performance indicators)?

Director General, Justice and Home Affairs:

The stats have been publicly available, as you know, and it was significant when we had over 5,000 people in isolation through direct contact, not all obviously schools, but a good chunk of that was from schools, and we had getting toward - if not just over - 1,000 positive cases, so the impact on the team was quite significant. They had to work longer hours. We continued our increasing of recruitment and that has got us to a position where we have got over 130 staff now in contact tracing. We have set up a new team in a new office space and of course the numbers and the strategy are proving to be working and the numbers have reduced significantly, which is clearly taking the pressure off them, but there is no denying the fact that the month of December was a difficult time for all. I have to pay huge credit to the staff and the teams for behaving in a very professional way, managing it in a very difficult scenario and getting through it, which helped us get to the position where we are today.

Deputy L.M.C. Doublet:

Thank you. Just one final question, and I am not envisaging you being able to answer this right now, but perhaps the panel could be provided with some written information. You mentioned 130 additional staff. I would just like to know where those staff have come from so we can ascertain what other areas are perhaps suffering or may now be under-resourced as a result of this. If you could send that, we would be grateful.

Director General, Justice and Home Affairs:

I can, but I can just comment that most of those staff have been recruited, they are not moved from other government departments. They have been recruited on the Back to Work scheme and those who have suffered further challenges through the restricted measures we put in place, so therefore are not working in their traditional sectors. The majority of those people have been recruited outside of government.

Deputy L.M.C. Doublet:

Do you have a figure when you say the majority percentage?

Director General, Justice and Home Affairs:

I will be able to provide it. I have got a paper, but I just do not have it in front of me at the moment.

Deputy L.M.C. Doublet:

Okay, thank you. I need to leave for another meeting which I have to chair, so I am going to leave the meeting now. Apologies for having to leave early and thank you to the Minister and officers from me.

Deputy R.J. Ward:

Okay, thank you. I have just got a couple of questions regards the contact tracing before I move on. I am conscious of time. In terms of the spend of the £30 million this year and last year, can you provide us with the leftover allocation from last year and points at which you review the spend for this year? Because obviously they are significant amounts of money, so simply can you provide the panel with those? That would be very useful for us in our scrutiny process.

Director General, Justice and Home Affairs:

Yes, of course. Yes, I can do that.

Deputy R.J. Ward:

That is great, thank you. I am just going to ask a few questions on the settlement scheme before we move on to some general questions. We have got about 6 or 7 minutes left. Minister, what are the current number of applications that have been received for the scheme at this current time?

The Minister for Home Affairs:

As of last Monday, Chairman, 15,520 applications had been received and most of those are being processed and all of them have perhaps been processed successfully.

Deputy R.J. Ward:

What is your estimate of how many have not applied who should on the Island? I think there was an estimate of around 20,000 that would be necessary, so basically are you sticking by that estimate or do you think it might be different?

The Minister for Home Affairs:

I think it is probably different. It was an estimate made a few years ago based on best information, but of course the database for that number, it was based on a certain amount of research, but of course we do not know how many of the 20,000 have left the Island, we do not how many have got perhaps dual nationality and do not need it. The truth is we do not know and there is no way that we can know, but I suspect now that the vast majority have made an application.

Deputy R.J. Ward:

The arrangements for the grace period - there is a grace period - can you just quickly give a brief overview of that grace period and when that concludes?

The Minister for Home Affairs:

Any E.U. citizen from 1st January this year has to have an immigration permission to be here. There is a grace period for those who were in the Island up to 31st December 2020 to make an application under the settlement scheme until 30th June. They can apply for either settled status or pre-settled status, but they would have had to have been here by 31st December last year.

Deputy R.J. Ward:

So there is an extension of the time that they can apply up until June next year. If anyone arrived ...

The Minister for Home Affairs:

June this year.

Deputy R.J. Ward:

June this year, yes, and anyone arriving now would go for the pre-settled status scheme, as it would be into the future?

The Minister for Home Affairs:

No. Anyone arriving now would not get settled status or pre-settled status unless they were here last year.

Deputy R.J. Ward:

That change in their status, do you think that is going to have any effect on people arriving? They are arriving on different visas or different arrangements, are they not?

The Minister for Home Affairs:

People arriving now who are not entitled for settled status or pre-settled status will have permission to remain. They will be able to remain for up to 6 months as a visitor. If they want to live or work or stay for longer, if they are working, they will need a work permit, if they are staying, they will also need a visa, but of course I suspect the majority of people who are in the settlement scheme will continue to live and work here.

Deputy R.J. Ward:

Yes, forgive me, I think I may have confused my questions there. I think what I was trying to get to was any E.U. residents in Jersey after the grace period who have not signed up for the scheme, as much as anything to find out what their situation would be and to encourage people to sign up.

The Minister for Home Affairs:

Clearly the work on encouraging people is continuing through charities, through the Honorary Consul, through social media, through the main media. That will absolutely continue. If after the grace period we do find one or 2 who for genuine reasons have not applied, we will have some discretion. I suspect - and it is only a suspicion - that any that have not applied now or certainly within the next 2 or 3 months will be those who fear they might not qualify for settled status, perhaps because of a previous criminal record or something like that.

Deputy R.J. Ward:

I am conscious we have got about a minute or so left. There were a couple of questions I wanted to ask. You intend to raise the age of criminal intent to 14. What piece of legislation will that be demonstrated or be included in and when?

The Minister for Home Affairs:

I have no such intention. I do not know where this came from. I saw it on a *J.E.P.* Facebook post, but it is not something that I have said. The work is continuing and the Youth Justice Review will inform any decisions which the States might wish to make. There is no intention at this present time of changing the age of criminal responsibility.

[12:00]

I had questions in the States a week or so ago about this and somehow the *J.E.P.* totally misinterpreted what I said, but I have never said that. I have looked at the Hansard to check.

Deputy R.J. Ward:

Okay. In terms of the update of the status of legislation regarding the handling of complaints within the S.O.J.P., can you update us on the progress of that legislation, as much as anything for our work programme, but I know people will be interested to know when they can be involved in seeing that.

The Minister for Home Affairs:

Police governance is in the same position as the prejudice law and I am looking forward getting that imminently. Again, with the police governance, the surety of their independence, that is all, I am told, coming through fairly imminently.

Deputy R.J. Ward:

Sorry, is there a difference between the police governance law and the police complaints regulations?

The Minister for Home Affairs:

Yes, there is. They are both, I am informed, very close to completion and hopefully, after coming to you, will be lodged in the not-too-distant future, but I have not seen the final versions yet.

Deputy R.J. Ward:

We are at the time that we have allocated, I believe, 12 o'clock. Are there any other members of the panel who would like to ask some questions?

Deputy M.R. Higgins:

Perhaps one quick one, if I may. It is really for the chief of police. I would like to ask him about the role of the police dealing with mental health issues. Unfortunately, very often when people cannot obtain help from any health professionals, they often call the police for help, sometimes stating accurately that they have been assaulted by a person or sometimes inaccurately, because they are trying to get help, and the result is that some of the people are being charged with domestic assault or other offences. What does the chief of police think about this situation and does he think there is a better way of dealing with these things?

Chief of Police:

Thank you, Deputy. First of all, I will answer it in sort of the general. We are seeing increased incidents involving people in mental health crisis and indeed it is something that we need to collectively consider as we move into 2021, much of which I guess is predicted as a result of one of those impacts from COVID-19. In terms of your direct question around those related to domestic assaults, that is not something that I am aware of and it is not something that has sort of hit my radar, but I would very happily, given the time, talk to you in more detail, provide you with some more information, where we have it, so that we can share it and work towards it. I will say though that, as you may have seen, Her Majesty's Inspectorate of Constabulary has previously commented about the role of the police service in dealing with mental health incidents and has expressed its concern that it is diverting us away from what might be seen as the police's core mission. That will be something that we will try to avoid. My invitation, Deputy, is that perhaps maybe we could exchange emails and then I can provide you with greater information.

Deputy M.R. Higgins:

Yes, thank you very much. I would appreciate that.

Deputy R.J. Ward:

Okay, thank you. I do not think any other members of the panel have any questions. Minister, is there anything you want to add or any questions you have got for us?

The Minister for Home Affairs:

No, thank you, Chairman. Thank you for another excellent and challenging hearing.

Deputy R.J. Ward:

Yes, we always enjoy it. With that, I think I will call the hearing to an end and say thank you to everyone who was involved today and call that the end of the meeting. Thank you very much.

[12:04]