

States of Jersey
States Assembly



États de Jersey
Assemblée des États

Education and Home Affairs Scrutiny Panel



Legacy Report 2014 – 2018

Presented to the States on 23rd April 2018

S.R.12/2018

Education and Home Affairs Scrutiny Panel

Legacy Report for session 2014 to 2018

Introduction

1. The Education and Home Affairs Scrutiny Panel has reviewed the work it has undertaken since its establishment by the States in November 2014, and has agreed to provide a legacy report to its successor Panel. The report will set out the following information:
 - The work undertaken by the Panel during the session 2014 - 2018
 - Methods of working used by the Panel
 - Suggestions for issues that a successor Panel may wish to consider in developing its work programme
2. The Panel met 138 times between 24th November 2014 and 16th May 2018. Details of minutes can be found on the Scrutiny Website under [Panel minutes](#). Further information about the Panel can be found [here](#).

Remit

The Panel's remit covers the Departments of the Minister for Education and the Minister for Home Affairs (Code of Practice 4.2)

Membership

Deputy J.M. Maçon, Chairman, 30th January 2018 – Election 2018
 Deputy S.Y. Mézec, 30th January 2018 – Election 2018
 Deputy T.A. Vallois, 30th January 2018 – Election 2018

Deputy L.M.C. Doublet, Chairman, November 2014 – 12th January 2018

Note: The Chairman resigned due to the workload she was experiencing with other commitments. At this point the Panel was dissolved.

Deputy J.M. Maçon, Vice-Chairman, November 2014 – 12th January 2018
 Deputy S.Y. Mézec, November 2014 – 12th January 2018
 Deputy T.A. Vallois, 2nd February 2016 – 12th January 2018
 Deputy S.M. Wickendon, November 2014 – 4th December 2014

Work undertaken

3. The Panel conducted the following reviews and published the [following documents](#) in the period 2014 to 2018. Further information about the reviews and associated reports can be found on the scrutiny website [here](#):

Review	Reference Number	Publication Date
2015		
Special Education Needs	S.R.3/2015	14th July 2015
Prison Board of Visitors	S.R.9/2015	26th November 2015

2016		
Nursery Education Fund	S.R.2/2016	14th June 2016
Draft Medium Term Financial Plan Addition for 2017-2019 (P.68/2016) – Comments	P.68/2016 Com (4).	27th September 2016
2017		
Tertiary Education: Student Finance	S.R.2/2017	15th March 2017
School Starting Age	S.R.5/2017	2nd May 2017
Draft Medium Term Financial Plan 2017 – 2019: Amendment to funding for fee-paying schools (P.41/2017) – Comments	P.41/2017 Com.	30th June 2017
Draft Criminal Procedure (Bail) Law 201- (P.52/2017): Comments	P.52/2017 Com.	17th July 2017
Draft States of Jersey Police Force (Amendment No.2) Law 201- (P.30/2017): Comments	P.30/2017 Com.	17th July 2017
Draft Education (Amendment No.3) (Jersey) Law 201- (P.56/2017): Comments	P.56/2017 Com.	25th September 2017
2018		
Draft Criminal Procedure (Jersey) Law 201- (P.118/2017) – Comments	P.118/2017Com	15th January 2018
Draft Criminal Procedure (Jersey) Law 201- (P.118/2017) – Amendment	P.118/2017Amd	6th March 2018
Draft Sexual Offences (Jersey) Law 201- (P.18/2018) – Amendment	P.18/2018Amd	6th March 2018
Draft Sexual Offences (Jersey) Law 201- (P.18/2018) – Second Amendment	P.18/2018Amd2	6th March 2018
Draft Sexual Offences (Jersey) Law 201- (P.18/2018) – Third Amendment	P.18/2018Amd3	6th March 2018
Draft Sexual Offences (Jersey) Law 201- (P.18/2018) – Comments	P.18/2018 Com.	16th March 2018
Draft Criminal Procedure (Jersey) Law 201- (P.118/2017) – Further Comments	P.118/2017 Com(2)	16th March 2018
Tertiary Education: Student Finance Proposals	S.R.5/2018	29th March 2018

Draft Armed Forces (Vehicles and Roads – Amendments) (Jersey) Regulations 201- (P.40/2018) – Comments	P.40/2018 Com	5th April 2018
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Other matters

4. The Panel has fulfilled the four main roles of scrutiny (Code of Practice 7.9) by undertaking work on:
 - (a) **Policy**
 - (b) **Legislation**
 - (c) **Annual Business Plan and Budget**
 - (d) **Matters of public interest**

Methods of working

5. **Quarterly Public Hearings with the Minister for Education (formerly ESC) and the Minister for Home Affairs-** Throughout its term of office the Panel invited the Ministers under its remit to a public hearing to discuss topical issues arising in the respective departments. Transcripts of all quarterly public hearings can be found [here](#).
6. **Advisors** - The Panel appointed expert advisors to assist with its reviews where necessary. In addition to providing briefing notes on evidence received and assisting with question plans, advisors have been able to meet with departmental officers on a number of occasions to discuss the background to the reviews being undertaken.
7. **Briefings** – The Panel has invited Ministers and senior staff members to provide private briefings on subjects of interest to afford the Panel background information. This assisted in deciding whether a review was necessary or provided direct information from the Department at the start of a review.
8. **Public Engagement** – The Panel used various elements of public engagement in all reviews, from advertising in the media for a general response from the public, to targeted requests aimed at specific groups of stakeholders and surveys. The Panel has also held public meetings to discuss issues of public importance, for example, the public meeting to discuss changes to the Nursery Education Fund. This was attended by 200 people and was of great value to the scrutiny process.
9. **Visits** – The Panel undertook visits only where value could be added to reviews to gather information or for consideration of a review.
10. **Documentation** – Documentation is the main source of information and provides the basis for questioning at hearings, references for inclusion in reports and evidence upon which the recommendations of the Panel are based.
11. **Public Hearings** – Hearings where the public and media are invited have been a regular method of obtaining or challenging evidence with Ministers and other stakeholders.
12. **Sub-Panels** – The Panel found that the creation of a Sub-Panel was very effective especially when a topic benefitted from the expertise of other States Members.

Issues for consideration by the next Panel.

13. Throughout its work the Panel has identified several issues that should be further examined by the next Panel.

Nursery Education

14. The Panel undertook a review of the Nursery Education Fund (NEF) proposals in 2016 after the Minister for Education announced the funding would be means tested. This followed on from the States agreement to the Medium Term Financial Plan (MTFP). The review found that the proposals were not fit for purpose and would have caused significant hardship to many families that required childcare. The Panel's solitary recommendation was accepted by the Minister (that he should withdraw the proposals entirely until full consultation had taken place), and a review of the Early Years provision by Dr. Cathy Hamer was commissioned by the Department. The review was presented to the States Assembly at the end of November 2017. During questions in the States Assembly, the Minister for Education confirmed that the means testing of nursery education was to be withdrawn. Further to this announcement it was planned that a proposition would be brought to rescind the decision made by the States during the MTFP debate. However, after questioning the Department further, the Panel was informed that the decision could be rescinded by Ministerial Order. Although a 2% increase to providers has been agreed in 2018, no further details have been provided to the Panel as what plans will be brought forward to secure and support the fund into the future.
15. There is a great deal of uncertainty over the future plans for the NEF (which has been a major concern of both the Jersey Early Years Association and members of the public). It is the opinion of the Panel that this issue is of fundamental importance, and should be reviewed further by the next Panel as a matter of priority.

Higher Education Funding

16. The Panel undertook two reviews on higher education funding during its term of office. The first prompted the Council of Ministers to address the issue that many families faced in relation to the costs of higher education. The second review examined the proposals that were brought forward to the States Assembly in 2018 to solve this problem. The Panel recommended that the proposals should be seen as an interim solution until the end of the current MTFP, and further work was required by the Minister for Treasury and Resources and Minister for Education to identify a long-term scheme. An amendment to the proposal was submitted by Senator P.F.C. Ozouf which stipulated that the scheme would need to be reviewed after three years, but also that it covered the full course fees of all students who started University from 2018 to 2021. During the debate on 9th April 2018 the proposals were adopted as amended by the States Assembly. An appropriate solution to the issue of higher education funding must be considered by the next Council of Ministers when agreeing the next MTFP. The Panel therefore recommends that the next Panel continues to apply pressure to the relevant Ministers in respect of this issue and follow up the recommendations that have been made to date.

Hate Crime and Public Order Legislation

17. The Panel notes that legislation is due to be brought forward by the Minister for Home Affairs in relation to Hate Crime and various public order offences (affray, riots etc.). The consultation on this law was due to begin prior to the election, however, after further consideration, the Community and Constitutional Affairs Department has

agreed to postpone this until after the election. The Panel recommends that a full review of the legislation is undertaken as soon as it has been lodged 'au Greffé'.

Domestic Violence

18. One of the areas that has been of great importance to the Panel is the support and legislation in place to tackle instances of domestic violence. Throughout its term the Panel sought to understand how various pieces of legislation would help to tackle this problem. It is the understanding of the Panel that although it is covered in various pieces of legislation, Domestic Violence does not have a standalone statute to aid in the protection of victims and the prosecution of offenders. The Panel therefore recommends that a review of the current support and legislation is undertaken by the next Panel. It also recommends that this issue is revisited regularly with the Minister for Home Affairs.

Digital Skills

19. The Panel followed up a report (S.R.9/2014) that had been undertaken by a previous Sub-Panel attached to the Economic Affairs Panel. The Panel received written updates from the Education Department as to the progress made in relation to the recommendations within the report. However, due to a heavy work load it was unable to pursue this further. The Panel recommends that this area is investigated further in order to identify whether or not the Island is following the recommendations, and whether the current digital skills strategy is working for the Island. The Panel also recommends that the new Skills Strategy (2017 – 2022) should be reviewed in tandem with this review.

Vocational Training and Further Education

20. The Panel intended to undertake a review of the current vocational training paths that are offered in the Island as part of a wider review of further education. The student finance report (S.R.2/2017) acted as the first part of an overarching review into Tertiary Education. However, due to the work load experienced by the Panel towards the end of 2017 and early 2018, it was not able to continue this review. The issue of further education is just as important to the Island as the funding of higher education and therefore the Panel recommends that a full review of further education provision is conducted by the next Panel.

Jersey Premium

21. The Jersey Premium was established in January 2017 to provide additional funding to support children in both fee paying and non-fee paying schools, specifically 'looked after children' and those from families that had been claiming income support for over 12 months, over the last 5 years. Children from 'registered' households that would qualify for income support if they had been resident for 5 years are also eligible for the scheme. Currently there are approximately 3,500 pupils aged 3 to 18 that are eligible for such support in the Island. The Panel recommends that a review of the current arrangements is conducted to ensure that the scheme is correctly targeted and consistently administered in the same way across the schools.

Departmental Budgets

22. During its term of office the Panel has had concerns about the cuts and efficiencies that Departments under its remit have had to make. During the MTFP2: Addition review, the Panel raised concerns that both the Education Department and Home

Affairs Department (specifically the States of Jersey Police) would be unable to make further efficiencies or savings unless their headcount was decreased. This is an issue which should be monitored closely as the current MTFP comes to its conclusion as the Panel considers that neither Department is in a position to lose front line staff.