

**Minister for Home Affairs
Department for Justice and
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Deputy Rob Ward
Chairman
Education and Home Affairs Scrutiny Panel
Scrutiny Office
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11 March 2019



Dear Chairman

Justice and Home Affairs Target Operating Model

Thank you for your letter of 22nd February 2019. I am grateful to you for informing me of the concerns raised by the Jersey Police Authority (JPA) regarding the proposed Target Operating Model (TOM).

As I know the Panel would expect, I regularly meet with the Chair of the JPA and, accordingly, I am cognisant of the Authority's concerns in this respect. I also note that I will soon be making the views of the Authority available to all States Members in accordance with the commitment I gave in response to written question 109/2019 (enclosed).

As the Panel are aware, the consultation period on this aspect of the TOM closed on 6th March. The response from staff has been strong and my officers are not aware of any requirement or desire to extend the consultation period.

Officers in the Justice and Home Affairs Department are currently in the process of reviewing the consultation responses received. I can also confirm that all the responses will be sent to me and the Assistant Minister for our review.

Whilst I hope the Panel will appreciate that we still require time to go through all the responses in full, I am aware that the concerns raised by the JPA have also been highlighted by other groups and individuals. I am therefore content to say,

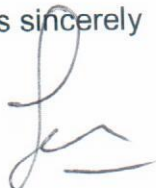
even after the consultation has just closed, that I expect the concerns that you have helpfully relayed to be addressed before the Operating Model is finalised.

In particular, I can confirm that any legislative changes required will be brought before the Assembly prior to these being implemented in practice. I would hope that this was always clear and obvious. Any other approach would be disrespectful to the States Assembly and would not have my support. It follows, as I have already stated publically, that I will be supporting part (a) of P.24/2019.

I am also pleased to re-affirm my intention to implement in full the recommendations of the C&AG's report on the Governance of the States of Jersey Police. This include enhancing the independence of the Police.

I would be pleased to provide a further update before the end of March, once I have had time to review all the consultation responses and agree with Officers how we are to respond in full to the key points raised.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Len Norman', written in a cursive style.

Connétable Len Norman
Minister for Home Affairs



Scrutiny Office: States Greffé

Connétable Len Norman
Minister for Home Affairs,
19-21 Broad St,
St. Helier,
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22nd February 2019

Dear Minister,

Justice and Home Affairs Target Operating Model

I am writing to you in order to raise concerns about the proposed target operating model (TOM) that is currently under consultation for the Department for Justice and Home Affairs.

The Education and Home Affairs Panel invited the Jersey Police Authority (JPA) to meet with it on Monday 18th February in order to discuss the proposed TOM and the future of the States of Jersey Police Force (SoJP). Given the statutory duty of the JPA to ensure the SoJP is effective and efficient, I feel I must express my disappointment to learn from them that they were not included in the initial consultation of the TOM, and that they were only formally briefed on it on 20th December 2018. It is important to stress that they are not opposed to the direction of travel, however, the JPA has expressed concern over the lack of evidence to suggest the proposed model would improve the governance and resourcing of the SoJP.

I shall set out the concerns discussed in our meeting in turn.

Role of the Chief Officer of the States of Jersey Police

Under the proposed TOM, it is the Panels understanding that the role of the Chief Officer of the SoJP would be combined with the Head of Customs and Immigration, who in turn would be line managed by the Group Director for Public Protection and Law Enforcement. The Panel notes that under the TOM this would effectively place the Chief Officer of the SoJP at a tier 3 position. Whilst not wishing to denigrate other posts at this tier, the Panel is concerned that this is inappropriate for a post which at present is a corporation sole and accountable officer to the Minister.

The JPA has raised concern that the amalgamation of these roles could ultimately lead to the deskilling of the new role, which in turn could have far reaching consequences in relation to the future recruitment of skilled and experienced individuals to the post. Furthermore, it could affect Jersey's reputation on an international scale.

Legislative changes

The Panel has been made aware of the great number of references within a wide range of laws to the role of the Chief Officer of the SoJP. If the TOM is to be taken forward, significant legislative changes and amendments will be required in order for it to be compatible with Jersey Law. It is our understanding that the changes will be implemented once the consultation process ends and any legislative changes will then be brought forward to the States Assembly in order to give effect to them.

At this stage, the Panel is concerned that the States Assembly is being viewed as an afterthought in this process. Given the integral role played by the SoJP in protecting and enforcing the Law of the Island, we are of the opinion that the Island's democratically elected representatives should approve any legislative changes to the structure of its police force prior to any departmental changes being implemented.

C&AG's report on Governance of the States of Jersey Police

The Minister recently gave a commitment to implementing the recommendations of the Comptroller and Auditor General's (C&AG) report on Governance of the States of Jersey Police in full. Whilst the Panel is supportive of this, it is concerned that aspects of the TOM are not fully compliant with the recommendations in the C&AG's report.

One particular recommendation is recommendation six which states the current arrangement whereby the Chief of Police is line managed by the Chief Executive of the States should end, and the JPA should be given an enhanced responsibility. Under the TOM, the combined role of the Chief of Police and Head of Customs and Immigration would be line managed by the Group Director for Public Protection and Law Enforcement, who in turn sits under the Director General for Justice and Home Affairs and then the Chief Executive of the States. Whilst this does end the current arrangement, the Panel is concerned that this proposed change is not in keeping with the spirit of the C&AG's recommendation. There is also no information to suggest that the role of the JPA will be enhanced within this model. The Panel has written separately to the C&AG in order to clarify her position on this matter further.

Operational Independence of the SoJP

As I am sure you are aware, the States of Jersey Police Force is the only emergency service within the Island that has the ability to plan at a strategic level due to the resource currently available within its corporate services directorate and which is integral to the operational independence it currently has. Under the TOM, it is the Panel's understanding that the combined services will allow for better allocation of resources between services. Whilst in principle the Panel understands how this will be of benefit to JHA, it is concerned that the TOM will greatly undermine the operational independence of the SoJP.

If the reporting line as set out in the TOM is to be followed, the Department will be in a position whereby it controls the entire budget of the SoJP, limiting its ability to act independently. If the Chief Officer is also removed as a corporation sole and accountable officer, the Panel is especially concerned that the direct accountability of the Minister for Home Affairs in respect of the SoJP could be lost.

HMICFRS Report

The Panel understands that Her Majesty's Inspectorate of Constabulary's and Fire and Rescue Services (HMICFRS) has recently conducted a review of the States of Jersey Police Force and is due to report in due course. As this report may contain significant recommendations in respect of the workings and structure of the SoJP, the Panel would recommend waiting until the final report is published before any changes are finalised under the TOM in order that any recommendations could be reflected in the final structure.

Finally, the Panel would suggest that ongoing consultation is required on this matter and at this stage it would recommend that the consultation is extended beyond the 4th March deadline.

I would be grateful of your response to the issues raised above in writing in the first instance, however, should you wish to speak with the Panel please let us know and our Officer will make the necessary arrangements.

Yours sincerely,



Deputy Rob Ward
Chairman
Education and Home Affairs Scrutiny Panel