

# Education & Home Affairs Scrutiny Panel

## PUBLIC MEETING

### Record of Meeting

Date: 19th February 2007  
Meeting 11

Present	Deputy F.J. Hill ,BEM, Chairman Deputy D.W. Mezbourian, Vice-Chairman Deputy S. Pitman Deputy J. Gallichan
Apologies	
Absent	
In attendance	Senator W. Kinnard, Minister for Home Affairs [Item 14] Deputy A.D. Lewis, Assistant Minister for Home Affairs [Item 14] Mr. S. Austin-Vautier, Chief Executive Officer, Home Affairs [Item 14] Mr. S. Guy-Gibbens, Governor, HMP La Moye [Item 14]  Mr W. Millow, Scrutiny Officer Mr T. Oldham, Scrutiny Officer

Ref Back	Agenda matter	Action
	<p><b>1. Records of Previous Meetings</b> The Panel approved the records of its meetings of 9th January, 17th January, 22nd January and 23rd January 2007.</p> <p>The Panel received the records of the meeting held by the Chairman and Deputy J. Gallichan on 5th February 2007 as well as of the meeting held on the same date with Senator M.E. Vibert, Minister for Education, Sport and Culture.</p>	
	<p><b>2. Action Updates and Matters Arising</b> The Panel noted the actions undertaken on requests that it had made at its previous meetings.</p> <p>The Panel noted receipt of the briefing notes of the Chairmen's Committee meeting held on 9th February 2007.</p> <p>It was requested that Panel Members check e-mails twice daily, once in the morning and once in the evening.</p>	
[22/01/07, Item 2]	<p><b>3. Panel Training</b> The Panel noted that enquiries were ongoing into the organisation of a visit by the Panel to Westminster to observe a Parliamentary Select Committee. It agreed that consideration would be given to undertaking a visit during the week beginning 19th March 2007. The Panel considered what it would wish to do during the visit and noted that it would be beneficial to witness a Hearing relating to a topic that fell under the Panel's remit. It requested the Scrutiny Officers to make the appropriate enquiries.</p>	<b>WM/TO</b>
[22/01/07, Item 4]	<p><b>4. Centeniers in the Magistrate's Court</b> The Panel noted that the Chairman and Deputy D.W. Mezbourian would meet on 20th February 2007 to consider the draft report.</p>	

<p><b>[22/01/07, Item 6]</b></p>	<p><b>5. Higher Education Funding</b>  The Panel noted that the following document had been received:</p> <ul style="list-style-type: none"> <li>• Written answers from the Minister for Education, Sport and Culture to Higher Education Funding questions</li> </ul> <p>The Panel recalled that, during the meeting with the Minister for Education, Sport and Culture, an undertaking had been made to provide the Panel with an indication of those areas (in relation to Higher Education Funding) where work remained to be done. The Panel was advised that this information had not yet been forwarded by the Department.</p> <p>The Panel noted that, if it agreed not to undertake a Scrutiny Review of this topic, it would be possible to produce a brief report or statement that would outline the preliminary work undertaken in relation to this topic and explain why the Panel had chosen not to undertake a Review. The Panel received a draft version of a report prepared by Deputy J. Gallichan. The Panel agreed that Deputy Gallichan, along with Deputy S. Pitman would liaise with the Scrutiny Officers and undertake preliminary work on the report/statement.</p>	<p><b>SP/JG/WM/TO</b></p>
<p><b>[22/01/07, Item 10]</b></p>	<p><b>6. Annual Report</b>  The Panel noted that Deputy S. Pitman had suggested amendments to the Panel's draft contribution to the Scrutiny Annual Report. It was agreed that Deputy Pitman would liaise with the Scrutiny Officers in order that a draft (with the suggested amendments incorporated) would be subsequently distributed to the Panel.</p>	<p><b>SP/WM/TO</b></p>
<p><b>[13/11/06, Item 2b]</b></p>	<p><b>7. Early Years Education and Care</b>  The Panel was advised that a report relating to this topic would be produced by the Comptroller and Auditor General, Mr. C. Swinson, at the end of February 2007.</p>	
<p><b>[22/01/07, Item 8]</b></p>	<p><b>8. Youth Service</b>  The Panel noted that the following documents had been received:</p> <ul style="list-style-type: none"> <li>• <i>Jersey Youth Service – Strategic Plan 2007 – 2011</i></li> <li>• <i>Jersey Youth Service Action Plan for 2007</i></li> </ul>	
	<p><b>9. Forthcoming Propositions</b>  The Panel agreed that it would not seek to undertake a Scrutiny Review in relation to the following propositions:</p> <ul style="list-style-type: none"> <li>• <i>Draft F.B. Playing Fields (Sports Hall) (Jersey) Law 200- (P.9/2007)</i></li> <li>• <i>Draft Corruption (Jersey) Law 2006 (Appointed Day) Act 200- (P.16/2007)</i></li> <li>• <i>Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) (No.4) Act 200- (P.17/2007)</i></li> <li>• <i>Draft Prison (Amendment No. 6) (Jersey) Law 200- (P.18/2007)</i></li> <li>• <i>Draft Regulation of Investigatory Powers (Amendment) (Jersey) Law 200- (P.19/2007)</i></li> <li>• <i>Draft Centeniers (Terms of Office) (Jersey) Law 200- (P.20/2007)</i></li> </ul>	
	<p><b>10. Review of Ministerial Government</b>  The Panel noted receipt of correspondence (dated 24th January 2007) from Connétable D.F. Gray, President of the Privileges and Procedures Committee, inviting the Panel to submit comments for the twelve-month review of Ministerial</p>	



imminently.

The Minister advised the Panel that she would be happy to receive questions relating to the Department's Business Plan if any arose subsequent to the meeting.

[08/01/07,  
Item 4]

**b) Police Authority**

The Panel was advised that this body was due to be introduced in 2008 and that draft legislation was currently being prepared that would allow the body to combine the functions of a Police Complaints Authority with that of a Police Authority. The Police Authority would be based on the Gibraltar model; this model had been identified following discussions with HM Inspectorate of Constabulary.

It was noted that the draft legislation would be ready in one month, at which point the Minister would be happy to share the draft with the Panel. It was noted that the draft legislation would be distributed in confidence.

The Panel was advised that the Honorary Police would not fall within the remit of that part of the new body which entailed a Police Authority although it would fall within the remit of the part which amounted to a Police Complaints Authority.

**c) Criminal Justice Policy**

The Panel was advised that its report on the Centenier's role in the Magistrate's Court would be used by the Minister in relation to Pillar 7 of the Criminal Justice Policy. The Panel advised the Minister that it hoped to be able to present its report as soon as possible.

The Panel was advised that the draft Criminal Justice Policy would be presented to the Council of Ministers in March 2007. It was noted that, as a result of consultation undertaken, the draft would differ to the draft Policy that had previously been distributed to the Panel: amendments had primarily been made to the final chapter relating to Pillar 9 and addressed such issues as sentencing policy and discretionary release. It was agreed that a copy of the final chapter would be forwarded to the Panel for its consideration.

SAV

[22/01/07,  
Item 8]

**d) HMP La Moye**

The Panel received a written update on progress in relation to the Performance Improvement Plan (PIP). In addition, the Panel received a document detailing the highlights of progress achieved at HMP La Moye.

From the highlights, it was specifically noted that a new wing (comprising 62 places) that met international standards had been opened. It was also noted that a Chaplaincy team had been put in place that comprised three Ministers with regular input from an Imam. The Panel was advised that women prisoners had been transferred to a more suitable wing than that which they had previously occupied.

The Panel was advised that the Head of Learning and Skills

at HMP La Moye would be in post in April 2007. It was further advised that the incumbent would drive forward the education programme at the prison that would be delivered, in part, by skilled craftsmen who were already in place. Additional funds to provide for the Head of Learning and Skills had come through PIP as had funding for the drug awareness programme.

It was noted that *Prison (Jersey) Rules 2007* had been tabled as a subordinate enactment (R&O3/2007). The Panel was advised that the revised rules were human rights compliant.

The Panel was advised of the ongoing work that was being undertaken in relation to preventing suicides at the prison. It was further advised that the Prisons and Probation Ombudsman from the United Kingdom was undertaking investigations into two suicides that had occurred at HMP La Moye in recent months.

The Panel was advised that responsibility for health matters at HMP La Moye was due to be transferred to the Minister for Health and Social Services but that the transfer had not yet occurred.

Consideration was given to *Draft Prison (Amendment No. 6) (Jersey) Law 200-* (P.18/2007) and the insertion of Article 13C that would enable a person employed within the prison, who is not a prison officer but who is authorized by the Governor for the purpose, to search a person detained in the prison for property that the person is not authorized to have in his or her possession. The Panel was advised that such employees would receive the same training to undertake searches as was provided to prison officers.

#### **e) Crime Prevention**

The Panel was advised of the difference between 'early intervention' and 'crime prevention': 'crime prevention' was reactive and involved immediate action taken to address matters whereas 'early intervention' involved taking proactive measures that, in the longer term, would address the potential risks that offending and criminological behaviour would occur. The Panel received written information that provided an overview of the crime prevention activity from the 2007 Policing Plan.

The Panel was advised that the *Building a Safer Society* annual report would soon be published.

The Panel was advised that the Department's involvement in expanding the work of the Youth Action Team was bound by the resources available.

The Panel was advised that workshops would be held on 20th February 2007 in relation to the Safer St. Helier strategy.

#### **f) Draft Disorderly Conduct and Harassment Legislation**

The Panel was advised that advice was awaited by the Minister from the Attorney General and that, subsequent to this, consultation would be undertaken. It was agreed that a

[13/11/06,  
Item 2b]

copy of the draft legislation could be forwarded to the Panel once this had been completed.

**g) Register of Sexual Offenders**

It was noted that statistics cited in a recent article in the *Jersey Evening Post* may not have accurately reflected the current situation. The Panel was advised that the Minister had signed off the draft legislation in June 2005 and that the law drafting brief was currently with the Attorney General.

**h) Policing of Events**

The Panel was advised that a revised proposition relating to the policing of events was not yet ready to be lodged *au Greffe* for debate by the States.

**i) Training of Honorary Police**

The Panel was advised that training was provided to the Honorary Police by the States of Jersey Police for, at most, a negligible cost.

Signed

Date:

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Chairman  
Education & Home Affairs Panel