

# Education and Home Affairs Scrutiny Panel

## Record of Meeting

Date: 29th June 2011

Meeting Number: 77

Present	Deputy R. G. Le Hérisssier, Chairman Deputy T. M. Pitman, Vice-Chairman Deputy M. Tadier Deputy J. M. Macon
Apologies	
In attendance	Deputy D. Wimberley, Sub Panel member Mr M. Haden, Scrutiny Officer

Ref Back	Agenda matter	Action
516/29(5) 14.06.11 Item 1	<p><b>BDO Alto Report: Operation Rectangle: Review of Efficient and Effective Use of Resources</b></p> <p>The Panel, with Deputy D. Wimberley in attendance as a member of the review Sub Panel, met to consider their response to the issues raised by BDO Alto and the Minister for Home Affairs in connection with the above review. Members noted that a meeting of the Chairmen's Committee had been convened for 30th June 2011 to consider these matters and it was agreed to prepare a detailed response.</p> <p>Members considered briefing notes from the Scrutiny Officer and comments already circulated to members by the Chairman.</p> <p>Members considered the questions raised about the ability of Deputies Pitman and Tadier to participate in the Panel proceedings in an impartial manner because of the remarks published by the Deputies respectively in P.116/2011 and a blog posting concerning the use of unpublished material from the BDO Alto review in a national newspaper. Members rejected this suggestion. They maintained that members approach issues in Scrutiny with a range of views gathered from various sources, whether from the media, personal contacts or their own research. It would be impossible to find members without previous knowledge and views on issues under review. In participating in Scrutiny Reviews members routinely commit to laying aside preconceptions and looking at evidence in an objective fashion. The process of gathering evidence through public enquiries and submissions is transparent. In addition Panel membership imposes its own checks and balances and conclusions can be tested and challenged.</p> <p>In response to the particular instances raised by BDO Alto it was pointed out that the two Deputies had not commented on how the information came to be used in the national press but made in the remarks in the context of (i) criticism of the Chief Minister and the Minister of Home Affairs' overall handling of the suspension of the former Chief Officer of Police (ii) criticism of the accredited media for not taking up the matter.</p>	

	<p>Deputy Pitman informed the Panel that he had now reconsidered the offer made in his letter to the Minister dated 22nd June 2011 to withdraw the relevant paragraph in P.116/2011 in which he had referred to the revelations about the premature release of the material from the BDO Alto review.</p> <p>Members agreed that the issue of the leaking of material to the Mail on Sunday was a discrete matter which will be considered on its merits and accepted that the Deputies were committed to considering the evidence which will be presented in the course of the review before reaching a conclusion about the implications.</p> <p>Members also rejected the suggestion that their terms of reference for the review had been unduly influenced by the authors of the blogs which had initially raised the concerns whether the BDO Alto report was fair, accurate and independent. They were confident that the terms of reference were phrased objectively. Nevertheless, it was agreed that a preliminary meeting should be offered to BDO Alto to discuss their concerns prior to proceeding with the review and consider whether any revision was necessary.</p> <p>Members accepted the points raised by BDO Alto in connexion with the title of the review and agreed to change this to 'Issues surrounding the BDO Alto Review of Financial Management of Operation Rectangle'.</p> <p>Members noted that BDO Alto had provided information which addressed the concerns outlined in the Sub Panel's letter of invitation to BDO Alto to attend a public hearing. Nevertheless, this explanation did not pre-empt further enquiries through a face to face meeting with BDO Alto.</p> <p>Members noted that BDO Alto had requested that their evidence should be heard 'in camera' and their written submission provided under a confidentiality agreement because their evidence would necessarily involve discussion of matters of a highly confidential nature regarding the a child abuse investigation and the names of persons involved in the investigation. Members however were mindful that 'in camera' hearings were used only sparingly in Scrutiny where it could be shown that there was a need to preserve identities or confidential information. Members did not believe that a blanket agreement for confidentiality should apply to all the evidence provided by BDO Alto but agreed to consider receiving specific information on a confidential basis if necessary. Members would then be in a position to consider whether any confidential matters might require to be followed up in an 'in camera' session.</p> <p>Finally members noted that BDO Alto had requested that the date for a hearing be deferred until the end of July. Members however recalled the very heavy States programme over the next few weeks and leave commitments which they had already made following the final States session in the week commencing 18th July. Members were very reluctant therefore to accede to BDO Alto's request to defer hearings until the end of the month.</p> <p>The Scrutiny Officer was requested to prepare a draft letter to the</p>	MH
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	President of the Chairmen's Committee based on the briefing notes and the above discussion.	
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Signed

Date:

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Chairman  
Education and Home Affairs Scrutiny Panel