

SCRUTINY PANEL REVIEW OF THE BDO ALTO REPORT ON THE FINANCIAL

MANAGEMENT OF OPERATION RECTANGLE.

SUBMISSION BY GRAHAM POWER QPM.

RETIRED CHIEF OFFICER OF THE STATES OF JERSEY POLICE.

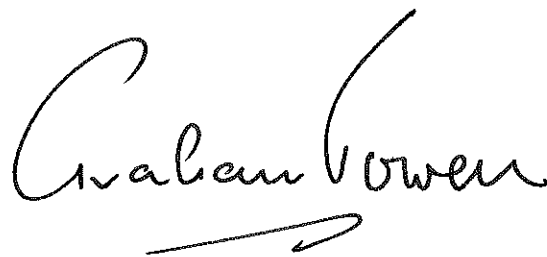
1. On 29th June 2011 I received an invitation from the Education and Home Affairs Scrutiny Panel to contribute to their review of the BDO Alto report on "Operation Rectangle" (the Jersey Historic Child Abuse Enquiry.) The BDO Alto report is concerned mainly with matters of financial management. I responded to the Panel on 29th June 2011 indicating that I would provide further information within two weeks. This document constitutes my submission to the panel. It was completed and posted on 5th July 2011.
2. In accordance with the wishes of the Panel I have not engaged in debate on the detailed substance of the BDO Alto report but have sought to restrict my comments to issues which could be considered to be more strategic, and relevant to any assessment of the fairness, integrity and professionalism of the report as a review of the financial management of the Abuse Enquiry. I also have in mind the fact that I have already placed on record substantial comment relating to the Financial Management of Operation Rectangle and that this may be available to the Panel. I will refer to this in more detail in paragraph 4 of this submission. A consequence of this approach is that my submission may appear to be brief. It is however intended to be read alongside the material which I have already provided.
3. I can confirm that as Chief Officer of the Force during the period covered in the report I have never been approached by BDO Alto, or asked to contribute to their review or subsequent report. To the best of my recollection I had never heard of BDO Alto or their report until they were drawn to my attention a few weeks ago by an entry on an internet blog. The Panel may wish to come to its own view as to whether this approach by BDO Alto is consistent with recognised standards of fairness, and a desire on the part of the report's authors to seek the unbiased truth.
4. Nevertheless, I have already made significant comment on many of the issues referred to within the report. These comments were made in my 62,000 word written statement to Wiltshire Police as part of their investigation under the Disciplinary Code for the Chief Officer of Police. The Wiltshire investigation commenced in December 2008 and concluded in mid-2010. No disciplinary charges were brought as a result of the Wiltshire investigation. In particular, paragraphs 265 to 284 of my statement deal specifically with issues of financial management in response to questions put to me by Wiltshire. The Minister for Home Affairs is in possession of a copy of my full statement. I have also retained copies. I am not

closely familiar with the powers and protocols which govern the work of the Scrutiny Panel. It may be however that the Panel may wish to view all or part of my statement to Wiltshire Police, and in particular those parts which offer responses to the issues which Wiltshire raised with me concerning the financial management of the Abuse Enquiry. If that is the case I assume the appropriate means by which the panel should seek a copy of the statement would be to make a request to the Minister. I can however confirm that at no time has the Minister, Wiltshire Police or any other party asked for my agreement to share any part of my statement with BDO Alto.

5. I note that the BDO Alto report makes reference to some expenses allegedly claimed by the former Deputy Chief Officer. In this context the Panel may see value in examining the rules governing the authorisation of expense payments which were drawn up by myself in consultation with the States Auditors following an audit review and report which were completed some time prior to the Abuse Enquiry. The report by the States Auditors along with its recommendations should be available to the panel. The Panel will see that under the rules governing the payment of expenses, no payment can be made on any expense claim by the Deputy Chief Officer unless the claim is countersigned by the Chief Officer of the Force. To date nobody, including Wiltshire Police, have alleged that I countersigned any of the allegedly contentious claims, and I have no recollection of doing so. On the information available to me the only conclusion I can draw is that, irrespective of the merits or otherwise of the expense claims, it appears some person has made payments to the Deputy Chief Officer in breach of the rules governing such payments, and in particular it appears that payments were made without any prior authority from the Chief Officer and without the knowledge of the Chief Officer. It is hard to see how the person making the payment could have been anyone other than a member of the Finance Section of the Home Affairs Department. The panel may wish to examine the extent to which this apparent breach of the financial rules has been investigated.
6. The BDO Alto report and other published documents, make reference to the role of the Accounting Officer for the police budget. The person identified by law as fulfilling this role is the Chief Officer of the Home Affairs Department, who is supported by senior and well qualified financial staff. At the relevant time there were no financial staff working under the direction of the Chief Officer of Police. The powers and responsibilities of the Accounting Officer are not matters for debate. They are enshrined in law. With the relevant legislation in mind the Panel may wish to consider whether the balance of investigative effort and critical comment has been correctly struck between the actions of operational Police Officers, with no financial training or qualifications, and the trained accountants of the Home Affairs Department who share a legal responsibility for the financial management of the Police Service. In my view a fair balance has not been achieved. It appears to me

that the actions of Police Officers have been subjected to intense scrutiny and critical comment, whereas by comparison the actions of those with the training, qualifications and statutory responsibility have been relatively immune from critical examination. The Panel may wish to consider whether this apparent disparity in critical attention may be driven by any wider motive.

7. I note that the panel has an interest in the apparent leak of some of the views of BDO Alto to a journalist known to be hostile to the Abuse Enquiry. This leak occurred long before I even knew of the existence of the BDO Alto report, and I can offer nothing specific in relation to that matter. However, on the wider issue of “spin” and its relationship to the report I have some brief observations to make. Earlier this year I followed from a distance the debate in the States and elsewhere relating to how Jersey could reconcile itself with such a difficult period of its past and the best means of seeking closure. At some stage in these discussions, prominence was given to aspects of the financial management of the abuse enquiry, and attention shifted away from the systematic abuse of vulnerable children in States establishments, and towards detailed examination of bills in a London restaurant. This agenda-shift appeared to be well supported by Jersey Government representatives and significant sections of the Jersey media. I do not know if this development was a consequence of deliberate “spin” on behalf of the Jersey Authorities and their media allies, but such an action would be entirely consistent with the earlier leak of aspects of the BDO Alto report to the media which the Panel is now examining. Whatever the motive, the consequence of the agenda-shift was once again to encourage public debate to focus on the abuse enquiry, and away from the actual abuse.
8. I hope that these comments are of value to the Panel.

A handwritten signature in black ink that reads "Graham Power". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Graham Power.

5th July 2011.

North Yorkshire.