



Scrutiny Office

Education and Home Affairs Scrutiny Panel Quarterly Hearing with the Minister for Home Affairs

THURSDAY, 9th JUNE 2016

Panel:

Deputy L.M.C. Doublet of St. Saviour (Chairman)

Deputy S.Y. Mézec of St. Helier

Deputy J.M. Maçon of St. Saviour

Deputy T.A. Vallois of St. John

Witnesses:

The Minister for Home Affairs

Assistant Minister for Home Affairs

Chief Officer

[11:04]

Deputy L.M.C. Doublet of St. Saviour (Chairman):

Thank you, welcome everybody. Welcome to members of the public and media in the gallery. It is nice to see you here today. Welcome to the Minister. We are the Education and Home Affairs Scrutiny Panel and today is a quarterly public hearing with the Minister for Home Affairs. I am Deputy Louise Doublet. I am the Chair of the panel.

Deputy L.M.C. Doublet:

So it is just after 11.00 now and we have got until 12.30. We might finish before then. We will see. It depends how much you want to tell us. Before we started the panel wish to express their thanks for the communication that happened with the changes to the Young Offenders Law and the frequent briefings in keeping in touch with us and informing us. We felt that process went really well. We felt very well informed, so thank you for that, and long may it continue.

The Minister for Home Affairs:

Thank you for that. It is really good to hear.

Deputy L.M.C. Doublet:

Have you read and understood the statement in front of you, Minister?

The Minister for Home Affairs:

We have, yes.

Deputy L.M.C. Doublet:

The first question is Deputy Vallois.

The Deputy of St. John:

Good morning. The first question is in regards to immigration under your remit, in particular there is the Immigration (Work Permits) Law. We are just wondering how that sits with the work of H.A.W.A.G. (Housing And Work Advisory Group) to the Housing and Work Law that is in place and what collaboration is in place in terms of considering permissions.

The Minister for Home Affairs:

The Assistant Minister has delegated responsibility for customs and immigration so I will ask her to answer that.

Assistant Minister for Home Affairs:

That is all dealt with through Customs and Immigration. I do not know how much collaboration there is between them and H.A.W.A.G.

Chief Officer:

It essentially can be 2 processes which can overlap, so the visa regime applies for non-E.E.A. (European Economic Area) nationals coming to Jersey. So that is about permission to enter. But that does not involve permission to work because obviously the Control of Housing and Work

issues licences to companies to employ people. So there are 2 processes which can overlap if you get a non-E.E.A. national who is coming to Jersey to work in a particular company who might

have licences to employ people, but generally they are dealing with slightly separate things, so the visa process is about permission to enter the British Isles whereas, of course, the Control of Housing and Work is permission to work once you are here.

The Minister for Home Affairs:

Interestingly, as Home Affairs we do not sit on H.A.W.A.G. so there is that separation between what is happening with the visa permits and the Control of Housing and Work.

The Deputy of St. John:

It is just trying to understand the process in terms of ... because the ultimate in terms of the Council of Ministers is the population policy, so trying to understand how it all works in collaboration to meet those targets. So just from your department's point of view, Customs in particular, how they deal with those particular controls and work in conjunction to meet those targets.

Chief Officer:

Control of Housing and Work is the primary vehicle in relation to the population. So if you take someone coming from Hong Kong to come and work in a financial institution in Jersey, well, they can only come and work here if that financial institution has got licences sufficient to employ them. But if they do, and they wish to come and work here, then they need to get into the British Isles and that means that they need to apply for a visa. So what they would do is they would apply for a visa in, say, Hong Kong by the usual route, by the British Consulate. Part of that process would be the Embassy in Hong Kong asking them whether they had a job, why they wished to travel, what the purpose of their travel was, so the usual British visa application would apply. If they say that they are going to come and work in Jersey then that comes through to the Jersey Customs and Immigration Service from the British Consulate to verify that that is correct. So Customs and Immigration then check that that is the case and that is where they tie together. So, has this person who wishes to travel from Hong Kong really got a job with that Jersey financial institution: yes or no? They would then confirm it back to the Consulate and then the visa would be issued and they would travel.

Assistant Minister for Home Affairs:

So H.A.W.A.G. comes first and then we follow on. So that is why we are not really involved with that. So it is just the issuing of the visa to allow them to come and work here.

The Deputy of St. John:

Just to understand and make it clear how and where it works.

Deputy L.M.C. Doublet:

Do you find all those procedures as sufficient or is there anything, Minister, that you feel needs to be changed or added?

The Minister for Home Affairs:

We are happy with the procedures as they take place at the moment. We see occasionally decisions coming through to us when it is necessary and they are dealt with in a very good way.

Assistant Minister for Home Affairs:

What I would say is if we need to approve a visa the M.D. (Ministerial Decision) has to be thoroughly ... it has to explain why it needs to be approved. Questions are asked if we are not satisfied with the detail.

Deputy J.M. Maçon:

Just to double check the record: the visa process also carries out a common law check or is it dependent on the country? I am getting a bit ahead of myself.

Chief Officer:

I would have to check the details. I have got a feeling that when you apply for a visa to come to the U.K. (United Kingdom) there is a declaration around certain forms of criminality. I will have to check but it is the same visa process that applies to anyone trying to get to the British Isles. It is not specific to Jersey. It is the British visa application process.

Assistant Minister for Home Affairs:

But we can get that to you, just to confirm it.

Chief Officer:

I can check that detail.

Deputy L.M.C. Doublet:

Thank you for those answers. I wanted to ask about the fire service. I think we talked about some changes that were happening, was it around in the M.T.F.P. (Medium Term Financial Plan) hearing? We have talked a little bit, you said there might be some changes. Is there an Emergency Planning Officer role? Have there been some changes to that?

The Minister for Home Affairs:

That is right. As you know, the M.T.F.P. is going to be published at the end of this month so we cannot talk specifically about the details that would be within that ...

Deputy L.M.C. Doublet:

I think the last one we ...

The Minister for Home Affairs:

Yes, I appreciate that. But again the fire service is a delegated function as well and so I think the Assistant Minister is best placed to answer that.

Assistant Minister for Home Affairs:

Yes, so what has happened is the Chief Fire Officer, Mark James, was appointed to fulfil the legal duties of the Emergency Planning Officer following the resignation of the previous ...

Deputy L.M.C. Doublet:

So it was a separate post?

Assistant Minister for Home Affairs:

Yes.

Deputy L.M.C. Doublet:

Was it within a different department as well?

Assistant Minister for Home Affairs:

Tom is line manager so he will explain.

Chief Officer:

There were 2 changes. One came before the other. So the Emergency Planning Officer before last, Mr. Long, he was employed within the Chief Minister's Department and then in the transition from him to the previous Emergency Planning Officer a change was made in that it was decided that the Emergency Planning Office would be a responsibility of the Chief Fire Officer. So that transferred from the Chief Minister's Department to what was then the Home Affairs Department. So that was the first change. That happened quite a while ago now. The second change that then happened was that the Emergency Planning Officer presented his resignation because himself and his family were relocating to the Caribbean and had been offered an alternative opportunity there. So at that stage we had a fresh think about the emergency planning function and whether we needed the structure that we had. It was considered by the Emergencies Council and the

decision in the end was that the Chief Fire Officer, the current holder of the post of Chief Fire Officer, should also be designated as the Island's Emergency Planning Officer, which is a post that exists in law. Rather than making a straight replacement what we would then do is replace the post that had been separate Emergency Planning Officer post with an Emergency Planning Assistant's post to assist the Chief Fire Officer in that function. That is the second change.

Deputy L.M.C. Doublet:

So was there a saving there?

Assistant Minister for Home Affairs:

The saving is roundabout £60,000 so it is all part of the review to reduce costs and increase efficiencies.

[11:15]

Deputy L.M.C. Doublet:

Okay, so rather than this Emergency Planning Officer being under the Chief Minister's and being a distinct role it is now coming under ... the Chief Fire Officer has the ultimate responsibility for it but the Chief Fire Officer has an assistant.

Assistant Minister for Home Affairs:

Assistant Emergency Planning Officer.

Deputy L.M.C. Doublet:

Is there the same level of service that there was before to the public?

Assistant Minister for Home Affairs:

In both roles, yes. There is the same level now for the emergency planning because the Chief Fire Officer has a wealth of experience in emergency planning and he is qualified in that area. He is ably supported at the fire service by a very strong team of fire officers. But having the Assistant Emergency Planning Officer is the real crux that makes the real difference.

Deputy L.M.C. Doublet:

So how will you monitor that this set up is as good as the previous one in terms of ... it is obviously an important role which hopefully will not be needed by the Island but emergency planning, it is obviously important so how are you going to monitor that service?

Assistant Minister for Home Affairs:

Well he is continuing the role of the previous Emergency Planning Officer and we are looking to agree an M.O.U. (memorandum of understanding) with Guernsey that will allow us to co-ordinate emergency planning activities in order to share the resources between Jersey and Guernsey, and to save money of course and provide inter-Island cover as necessary. So we are monitoring that. Of course the proof of the pudding is in the eating and we have no doubt that what the Chief Fire Officer is doing, and has done in his role as the Emergency Planning Officer so far, has been a lot of use. He has led the successful implementation of the joint emergency services interoperability

programme as Chief Fire Officer. Of course that is crucial to the role of the Emergency Planning Officer and what would need to be delivered in the event of any major emergency.

The Minister for Home Affairs:

Can I just add a point there too? We also based it on the Emergencies Council. The Assistant Minister due to her role within the Comité des Connétables ...

Assistant Minister for Home Affairs:

So I represent the Comité des Connétables.

The Minister for Home Affairs:

... and myself in this role so there is a level of oversight and interaction on a regular basis. Also I just wanted to make it clear that the role of the Emergency Planning Officer is not just about dealing with the actual crisis. The planning part of the role is very important. We are aware of a considerable amount of work that has been going on, putting various plans into place, so that we can deal ably when there is a crisis.

Deputy L.M.C. Doublet:

So have there been any changes recently in terms of risks that you have identified that have either increased or decreased or new risks to the Island potentially?

Assistant Minister for Home Affairs:

I do not think there have been any new risks particularly that have been identified. Obviously when the Securities Council sits the Emergency Planning Officer attends the meeting and gives a briefing to the Council. I believe that is all confidential.

Chief Officer:

The Emergencies Council is really the key grouping here to determine what the key risks are and how we are responding. So they receive briefings from the Emergency Planning Officer, the Chief

Fire Officer, in terms of the civil risks, and they also receiving briefings from the Chief of Police in terms of the security risk. So that naturally goes up and down, as you can imagine. So when the Emergencies Council met after the Paris attacks then clearly the security risk was heightened for a while.

Deputy L.M.C. Doublet:

Is that still in place because I am aware in France there is still ... they are still on alert, do they not?

Chief Officer:

Yes. That has remained in place since the Paris attacks. So obviously that then heightens because the briefing comes in from the Chief of Police, the Emergencies Council considers the risks and what they think would be an appropriate response. So it does respond to events but they tend to be the events that you would expect them to respond to. The events that are significant enough to change the risk or perceived risk to the Island are generally well reported and well understood.

Deputy L.M.C. Doublet:

Just while we are on the fire service, there were some talk in the previous hearing because of the savings that needed to be made that the fire service were becoming less proactive in terms of helping prevention work and having to be a bit more reactive. Can you update us on that at all?

Assistant Minister for Home Affairs:

I think that is part of the J.F.R.S. (Jersey Fire and Rescue Service) 20 planning that they are putting in place. I do not think they are becoming less ...

Chief Officer:

That is the Jersey Fire and Rescue 2020 plan. They have a long-term plan to transform the service.

Assistant Minister for Home Affairs:

I do not think they are becoming less reactive. I think they are all multi-skilled at the fire service and they are moving into different areas of operation, so they are able to cover each other.

Deputy L.M.C. Doublet:

How is that monitored by yourselves, as Ministers, that there is a service to the Island informing people about fire safety, et cetera?

Assistant Minister for Home Affairs:

How is it monitored by us? I am not sure that we monitor it. We have regular briefings with the Chief Fire Officer at which we question potentially what they are planning to do. We have gone through the 2020 report with them. We are satisfied with that. We know that they are responding to every callout. I think you will see on Twitter that they are now more involved as first responders helping with ... often they arrive on a scene before the paramedics so the officers themselves are now more highly trained in first aid as first responders.

Deputy L.M.C. Doublet:

Is that something that perhaps you could connect; we are just looking into how that is monitored? In terms of public interest that is something I feel the public would feel is important.

Chief Officer:

Ultimately we publish every year the fire plan, and so publish updated statistics every year. So if we start to go off track on fire prevention then I think that would come through pretty quickly, in the number of incidents that we would see. So I think it is kind of inputs and outputs. The discussion that the Assistant Minister and I have with the Chief Fire Officer and his team every quarter about what they are doing, whether we think that is adequate ...

Deputy L.M.C. Doublet:

In schools as well, is that still ...?

Chief Officer:

... and then there is the data and the statistics.

Assistant Minister for Home Affairs:

They are very much involved with the training in schools, fire prevention. So I do not monitor by looking at every callout but I monitor by meeting regularly and being aware of what is happening, what has happened and what their procedures are for dealing with incidents.

Deputy L.M.C. Doublet:

Okay, so in terms of like one concrete measurement, the input into schools, has that decreased in any way?

Assistant Minister for Home Affairs:

Not as far as I am aware. That is the fire prevention training.

Deputy L.M.C. Doublet:

Yes.

Assistant Minister for Home Affairs:

What I will do is I will contact Martin Maguire, who leads on that, and I will ask him to update me on it and pass that information on. I am aware that we are still trying to arrange a visit for you.

Deputy L.M.C. Doublet:

I know. You have perhaps been very busy.

Assistant Minister for Home Affairs:

I think it is good to hear from the horse's mouth how all these things are ...

Deputy L.M.C. Doublet:

We would appreciate that.

Assistant Minister for Home Affairs:

... managed and operate.

Deputy L.M.C. Doublet:

We do appreciate that.

Assistant Minister for Home Affairs:

Maybe Mick can look again into arranging that meeting. I know it is difficult getting everybody together.

Deputy L.M.C. Doublet:

It might be next year before we get some free time. Thank you for that. Right, I am going to stop on that one. Deputy Mézec has got the next question.

Deputy S.Y. Mézec:

It is just to ask: have there been any prosecutions enforcing the law on smoking in cars with children since it was introduced?

The Minister for Home Affairs:

There have not yet been any prosecutions in relation to that law, which was enacted in September last year.

Deputy S.Y. Mézec:

When that law came into force did anything have to change in how the police would look at enforcing this law, given that one of the issues that was raised when it was proposed is that it is ... by the look of it it is a very difficult thing to enforce, so what changes or processes did they have to bear in mind?

The Minister for Home Affairs:

It is a shame that we do not have a representative from the police here today because that obviously is a slightly operational aspect, so the question really does not fall within my remit. But I can draw you to the fact that they have body worn cameras, which I am sure will assist in capturing any evidence that might be needed.

Deputy L.M.C. Doublet:

We are trying to establish, where legislation has been passed, whether it is ... just to check, is it being enforced and what the purpose of it, is it effective legislation that we have passed as a States Assembly.

The Minister for Home Affairs:

I think the legislation is similar in the U.K. and there has equally been a low level of prosecution in that jurisdiction also. But it is something that people are very aware of and consider to be a serious health hazard, which is why we took the view as an Assembly to bring forward the legislation and to adopt it. So it is something that is considered to be serious and I am sure the police would deal as best they can with any case that was brought to their attention.

Assistant Minister for Home Affairs:

I think it is one of those difficult ones you actually have to see this being committed. You have to see somebody smoking in the car. The police have wanted really to adopt a light touch with it with words of advice, which is what they do with many incidents that they see. So I understand that they have given words of advice to a number of people but it has not felt necessary to prosecute. The law is there obviously to allow that in the instance that it is thought needed.

Deputy L.M.C. Doublet:

So, Minister, do you direct the Chief Officer of the police or in terms of how his officers are applying enforcement to these laws? How does that work?

The Minister for Home Affairs:

No, because that would be operational. My role is to maintain an effective and efficient police force, so in terms of the high level stuff and the budget.

The Deputy of St. John:

Can I ask in terms of how does the process work? For example, the States will pass a piece of legislation and things are never perfect, there are always things that may be better. How does the process work in terms of if the police identify issues with being able to enforce that particular piece of legislation, feeding it back to you as the Minister, to either change the legislation or the policy that is in place to enable them to do their jobs better?

The Minister for Home Affairs:

As the Assistant Minister described in her relationship with the fire service, I also meet regularly with the Chief Officer and the Deputy Chief Officer of the police force. We are able to discuss any issues that they feel might need to be raised with me in order for us to assist and direct any policy changes that might be necessary.

Chief Officer:

We get a very clear view very quickly, either from the police or from the prosecution if they feel that the legal framework is not fully adequate. So they will either write to us, or they will come and meet with us, and explain where they think that the Legislature needs to think again in terms of enhancing the framework. But we get input from both police and prosecution where they feel a law change is required or a policy change is required.

Deputy L.M.C. Doublet:

It has just occurred to me, while we are talking about how laws are enforced, and I know there is a lot of public interest in the dogs law at the moment, having dogs on leads is a bit of an aside from the topic, but there has never been any prosecutions with that law, has there?

The Minister for Home Affairs:

I am not aware of them but I think that is something the Comité des Connétable have particularly been consulting on.

Assistant Minister for Home Affairs:

Prosecutions for what?

Deputy L.M.C. Doublet:

Because there is a time of day, is there not, where dogs must be on a lead and in fact there was a letter in the *J.E.P. (Jersey Evening Post)* a couple of weeks ago of a lady saying: "Somebody shouted at me and told me to put my dog on a lead and I did not." That person's name and address is there. Are the police following up things like that and enforcing it?

Assistant Minister for Home Affairs:

That is something that is dealt with very much by the Honorary Police because what would tend to happen is as Constable I have had letters sent to me from people who have maybe had an incident on a beach such as that.

[11:30]

Or maybe when a dog off a lead has attacked a dog on a lead. That gets referred to the Honorary Police in the first instance. They then contact because of dog licences. Sometimes it is difficult to identify the other dog owner but they would then contact both parties. Often again it is words of advice. People can be invited up to the Parish Hall to a Parish Hall Inquiry just to have a general discussion about what has happened. More often than not my understanding is that the resolution occurs at that Parish Hall Inquiry rather than an incident, certainly in my Parish, needing to go on

to the Magistrate's Court. So if a prosecution was deemed necessary then it would be taken to the Magistrate's Court.

Deputy L.M.C. Doublet:

I know there is going to be a zero tolerance approach to picking up dog mess, should there be a similar approach to enforcing that law about dogs being on the leads, do you think?

Assistant Minister for Home Affairs:

I think that is a difficult one because again it is seeing someone ... if a member of the public, as you have just referred to, sees someone with a dog that is not on a lead and it is at a restricted time when it should be on a lead what they can do is they can call the States of Jersey Police, they can call the Duty Centenier if they have got that ...

Deputy L.M.C. Doublet:

Is that something you would encourage the public to do, if that law is there to help it to be enforced?

Assistant Minister for Home Affairs:

It is our responsibility to ensure that all laws are enforced so I personally would encourage any members of the public to do that. Again, you do not want to be heavy handed and I think words of advice in many instances work very well because people sometimes are ignorant of the laws. I have not read the letter that you referred to but maybe the dog owner was not aware.

Deputy L.M.C. Doublet:

No, she was aware and: “I am not putting my dog on a lead”, it seems like there is almost ...

Deputy J.M. Maçon:

Flouting of the law.

Deputy L.M.C. Doublet:

Yes, and it is ...

Assistant Minister for Home Affairs:

Of course we would not encourage that and I am sure neither would any of you.

The Minister for Home Affairs:

In fairness to that correspondent, I believe the point she was making was that it was a foggy day and there was not another soul on the beach, and she could barely see the end of the lead.

Deputy L.M.C. Doublet:

Do you think the law needs to change or do you think the law is appropriate?

The Minister for Home Affairs:

I think as the Assistant Minister just spoke to, there needs to be common sense applied in certain situations, which is why we tend as a society to use the Parish Hall system and the police use words of advice when they feel it is reasonable and the right thing to do.

Deputy L.M.C. Doublet:

Okay, so to balance that then, I know - and it is the final question on this one - again public interest there has been some calls for a dog beach. So to perhaps balance out the rights of people without dogs and the rights of people with dogs, could that perhaps be a compromise to ... it would be enforcing that law on the beaches and have another beach where dogs could run free?

The Minister for Home Affairs:

Again, the Comité des Connétables held a consultation on the policing of beaches ...

Deputy L.M.C. Doublet:

Was this part of the ...

Assistant Minister for Home Affairs:

That certainly did not come out as a favoured approach. I think what the public want is with regard to dog mess. I was interested to see the question about whether there had been a prosecution about smoking in cars because I remember taking part in that debate and so many of us felt that we should not pass legislation that is difficult to police. Obviously the view on the day was that we should have it because it is there if necessary. Again, coming back to the dog mess situation, the Comité des Connétables meet regularly and it is something that is raised at our Comité meetings because members of the public raise it with us. The problem is catching someone whose dog is messing or you see it has just been done and then you have to call an Honorary Police Officer or the States Police Officer and it is very difficult. But we are determined to manage it. I know there have been articles in the paper about how it can be managed here and not here. I have not read any of them but it is zero tolerance. If any member of the public sees this happening the idea is that they call someone immediately.

Deputy J.M. Maçon:

I remember doing a review quite a while ago about policing of parks and beaches. We looked at this particular issue because it is one of those issues where the public will vent very strongly about it strangely enough. So I presume therefore that the Comité des Connétables will not be going down the German route of introducing a register with D.N.A. (Deoxyribonucleic acid) testing for these types of things?

Assistant Minister for Home Affairs:

We had considered that and that is off the agenda in the first instance.

Deputy J.M. Maçon:

Because the burden of proof when it comes to these particular types of crimes is very difficult to prove, even though I remember in the time that there are some Constables that are very keen on prosecuting individuals if they have the evidence to back it up.

Assistant Minister for Home Affairs:

I think sometimes it is almost a case of name and shame. If I see someone ... I have not seen it, but if I did see that happening I would clearly point out to the owner that they are obliged to clear that. Obviously I would know who to phone because I could phone my Duty Centenier. But I think very often being caught in the act almost and having something said to you can be enough to make sure that it does not happen again. But there are so many dog owners that maybe every single one of them would need to be remonstrated with in that way to stop it ...

Deputy L.M.C. Doublet:

Does not make for a very relaxing walk along the beach, does it? Okay, I think we have gone on a bit of a tangent there, so let us move on and thank you for entertaining that tangent. So the Mental Health Strategy was published, I think it was end of last year, and going through that there were several things that might be covered by your department. So just to follow up on those. The first one it said: "A joint Mental Health and Criminal Justice Forum will be established." Is work underway for that?

The Minister for Home Affairs:

They have been established. They have already met. I read the minutes last week, I think, which were very interesting.

Deputy L.M.C. Doublet:

Any outcomes from that?

The Minister for Home Affairs:

I think there are a number of action points and they seem to have highlighted some issues that were of interest and work for each member to address, so I think it is a very positive thing that these professionals and policy officers are meeting at that level to discuss and join up thinking in this area.

Deputy L.M.C. Doublet:

Okay, so any detail on what is on the action plan for that?

Chief Officer:

I suspect that the things that are on the action plan are the other things in the strategy. So I suspect when you ask your questions about what we are doing on the other things the answer might be that the Criminal Justice Forum is focusing on them. So it depends which way round you would like to address it.

Deputy L.M.C. Doublet:

The other 2 things I wanted to ask about was a joint programme of training and development between the mental health services and criminal justice services and a mentoring programme for prison staff, police and probation colleagues. Could you maybe talk about those and any other relevant action points?

The Minister for Home Affairs:

Those items are being taken up and progressed with. It is amazing to think that November is 6 months away.

Chief Officer:

I think in terms of the training and mentoring, I think the training is in place and has already been undertaken with some members of the police and some members of probation. I think the next phase is now to undertake some additional training for prison officers in order to take that forward so that we have got that across all 3 parts of the criminal justice system. So that is progressing quite well and is kind of three-quarters implemented at its initial stages. So once we have completed the extension to the prisoner officers that will be well underway.

Deputy L.M.C. Doublet:

Is it possible for us to see the action plan and maybe like a timeline for any actions so that we can follow what is going on with that?

Chief Officer:

Yes, we can ask the chair of the forum, but I am sure that they will be happy to share the minutes. I think there have been 2 meetings so far. So we will perhaps send those across to Mick and he can share those with you in confidence.

Deputy L.M.C. Doublet:

Yes, I think we would like to be kept informed about that because again that is high level of public interest. We are aware that the change in policing in terms of being more like social workers, I suppose, in having to deal with mental health issues and things like that; teenagers going missing, et cetera. Is that still the case that the police are dealing with a high volume of those kind of things?

The Minister for Home Affairs:

Yes, I think the figures remain that the most recent figures were published a little while ago but they showed a slight increase, did they not? They were up to about 77 per cent rather than sticking around the 70 per cent ...

Deputy L.M.C. Doublet:

77 per cent of ...?

The Minister for Home Affairs:

Cases related to welfare issues rather than actual criminal activity.

Deputy L.M.C. Doublet:

It is huge, is it not?

The Minister for Home Affairs:

It is, it is a very large percentage. But also you have to take that into account of the fact that we are a very low crime area fortunately and we all benefit and appreciate that part of our society. But dealing with mental health issues is something that is very much in our awareness and there is a great desire to improve what we are able to do. Obviously the work is continuing on the actual law, the Mental Health and Capacity Laws are both entering their final stages.

Deputy L.M.C. Doublet:

When is that expected to be completed?

The Minister for Home Affairs:

I knew you were going to ask me that. As I said it I thought that was a mistake. Tom might know.

Chief Officer:

There is not a firm date but the law is almost complete and ...

Deputy L.M.C. Doublet:

I expect it is a very big piece of work.

Chief Officer:

It is not our department, but I would expect it to be lodged this year.

Deputy L.M.C. Doublet:

You are saying it is not your department but obviously mental health, reading through the strategy it straddles so many different departments. Is that oversight there in terms of from your department and do you feel like you have enough input in saying what your department needs?

The Minister for Home Affairs:

Yes, very much so. We have met with colleagues across all areas and of course the Mental Health and Criminal Justice Forum do exactly that because they bring together all those people who have an interest in the area.

Deputy J.M. Maçon:

Can I just ask: as part of this strategy, when looking at these issues particularly in regard to the prison, there was always that problem between somewhere like Clinique Pinel, which is quite a

low-level security institution to help people with mental illness where you had some prisoners who ended up in the prison who perhaps should not be in a secure setting like that. But because there was not a facility kind of in between that it was causing difficulties for both the health practitioners and for the prison officers. I am just wondering in the strategy has the Health Department made a bid to have that other facility coming forward.

The Minister for Home Affairs:

You mentioned Clinique Pinel but there is also Orchard House, which has a higher level of security but we do not have a secure mental health facility. It is something that is questionable whether there is a need for such a facility in the Island given the low population. So we use facilities in the U.K. as and when they are necessary.

Chief Officer:

Perhaps “a place of safety” as well.

The Minister for Home Affairs:

A place of safety is something that is being progressed. That is very much the lower level but there is very much an understanding and agreement that it is at the moment the only appropriate place that we can take people if they are experiencing a mental health issue. It is not necessarily criminal but if they need 24-hour supervision, that tends to be in police custody and there will be improved facilities in the new police headquarters, which we will move on to discussing later.

Deputy L.M.C. Doublet:

Yes, I think we have covered that in a previous hearing.

The Minister for Home Affairs:

Yes. Work is underway also as part of the new hospital work to ensure that that moves into more of a health-focused location rather than a police custody location.

Deputy L.M.C. Doublet:

I see, so it is like an interim facility in the police and then hopefully it will be more with the hospital.

The Minister for Home Affairs:

Indeed, yes.

Deputy L.M.C. Doublet:

Anyone else want to talk about ... no? Okay. Deputy Maçon.

Deputy J.M. Maçon:

Yes, so following some of the news from the previous years, we are looking at changes to the laws in prostitution and we would like to know, after your announcement in the States, what progression there has been on this matter.

The Minister for Home Affairs:

There was a report taken to C.A.V.A. (Child, Adults and Vulnerable Adults) in November of last year for discussion. But we have also become aware that the U.K. Home Affairs Committee is conducting an inquiry, a very in-depth inquiry. That began in January of this year.

[11:45]

So there are 2 phases really in this area. One is that we continue our work on sexual offences legislation, which is going well at the moment, and we are expecting to see this in a good state by the end of the year to progress. Secondly, focusing purely on the prostitution side, it is considered that it would be sensible given the amount of work that is being done in the U.K. by the Home Affairs Committee to look into this issue that it would be helpful to wait and see what conclusions that they reach. I think we have discussed it in the past and many different views for dealing with the issue in other nations.

Deputy J.M. Maçon:

Do you know when - I know it is not a Jersey report - that U.K. report deadline is?

Chief Officer:

No, the U.K. Home Affairs Select Committee ...

Deputy J.M. Maçon:

You would not want it to be sort of like the Chilcot Inquiry.

Chief Officer:

No, I do not expect that it will be that. I mean generally U.K. Select Committees do not set themselves a published date for when they are going to complete an inquiry, but they have definitely started work. They have started to take evidence. They have started to sift a huge amount of conflicting evidence that there is on different approaches and what might work. I would expect them to be in a position to report in the next 12 months. I would not expect this to be many years. I would expect it to be one of the Select Committee reports that takes months to complete.

Deputy L.M.C. Doublet:

Minister, you mentioned that you are working on sexual offences legislation. Can I just ask you what stakeholders are maybe helping you? Are you consulting at all?

The Minister for Home Affairs:

There is a great deal of work being done bringing officers together, consultation with law officers and police. Also we now have an active community voluntary sector in this area also. We are attending next month or at the end of this month a Violence Against Women and Girls Conference to enhance our learning and understanding in various areas. So it is quite broad.

Chief Officer:

We had a lot of input both from criminal justice agencies in the Island and from other people in the voluntary and community sector who have an interest.

Deputy L.M.C. Doublet:

That is charities, is it?

Chief Officer:

They have provided us unprompted with some input, because they know that we are working on this in terms of the process of law drafting and development, and we have had some initial advice in from the Attorney General. That is currently being analysed and evaluated alongside the advice and inputs that we have had from others. We are just at the moment formulating what we think an initial package of changes would look like.

Deputy L.M.C. Doublet:

Can you give any detail?

Chief Officer:

There are a few policy decisions that the Minister would need to take and her officers, along with the Law Officers' Department, are just formulating those policy choices. Then at that stage we will probably be considering recommending more formal consultation with the Island and more widely on what some of those choices are.

Deputy L.M.C. Doublet:

So there would be a chance for the public and States Members to contribute to any changes?

Chief Officer:

Yes.

Deputy L.M.C. Doublet:

Okay. I think that is obviously something that would be a high level of public interest that we would like to monitor so perhaps a briefing or ...

The Minister for Home Affairs:

Yes, absolutely. I think that would be a very good idea once it is at a reasonable point because, as the Chief Officer mentioned, I have yet to see those policies.

Deputy L.M.C. Doublet:

When do you think might be?

The Minister for Home Affairs:

I have not been given a timeline but, as I said ...

Chief Officer:

I saw the officer working away on it yesterday. Soon we hope.

Deputy L.M.C. Doublet:

Not that we are in any rush throughout the next month or so.

The Minister for Home Affairs:

It is a very big piece of legislation.

Deputy L.M.C. Doublet:

Yes, we appreciate being kept involved in that. Thank you.

Deputy J.M. Maçon:

Okay if we move on to the next one. Again, a very similar question about what is happening in relation to open air marriages.

Assistant Minister for Home Affairs:

Well, what we are looking to do is make changes to the Marriage and Civil Status Law 2001 and we are hoping that the open air marriage changes can be brought in alongside the changes to the 2001 law that are required to enable the same sex marriage. So the introduction of open air marriage is relatively complex. I know I spoke during the in principle debate on you have to consider public safety and I think ... I know the Members were laughing for some reason when I said, you know, it would be difficult to hold an open air marriage at the edge of a cliff. I did not

think it was that funny but everyone else did. But we have to consider the solemnity and dignity of marriage when we consider where an open air marriage can be held.

Deputy J.M. Maçon:

In the proposals then, are you not going down something like the Scottish model where you register a celebrant or is it keeping kind of the model that we have got at the moment? What model are you approaching with?

Assistant Minister for Home Affairs:

It has not been finalised. A lot of work has been done on this. The celebrant will be appointed by the superintendent registrar, as is the case at the moment.

Deputy J.M. Maçon:

Is it under the Scottish model whereby it is then kind of left for their common sense to judge what is appropriate and what is not?

Deputy L.M.C. Doublet:

I think the definition is “reasonable and safe”.

Chief Officer:

I think that is also the New Zealand model.

Deputy J.M. Maçon:

The New Zealand one, yes.

The Minister for Home Affairs:

There are a few different ones.

Chief Officer:

Where all of the liability rests with essentially the celebrant. So it is up to them to ensure that the place is a solemn and proper place, to ensure the safety of every single guest, to ensure the safety of the participants.

Deputy L.M.C. Doublet:

Common sense approach I think in New Zealand ...

Chief Officer:

Yes, but in terms of decision making and public liability it is a completely different model. It makes that role highly professionalised, highly trained, highly skilled because they need to effectively be an events licensor, a health and safety licensor. It very much changes the role from the one that we have in Jersey.

Assistant Minister for Home Affairs:

That is what we are not doing.

Chief Officer:

So at the moment the officers working on this are trying to find a way through using the existing structures that we have for licensing events and for the Parish role in verifying that places are appropriate to get married. So at the moment the policy development is going down the line of trying to work with what we have and to make that work for open air locations. I guess we will find out in the next month or 2 whether that is going to work or not, or whether something much more radical is required. But hopefully we can just extend what we have got to cover those different locations on either public or private land.

Deputy J.M. Maçon:

That is why it is very interesting to decide which model you go for does depend on what changes are needed so thank you for that clarity. Any other questions on this area?

Deputy L.M.C. Doublet:

Shall we go into ...?

Assistant Minister for Home Affairs:

Sorry ...

Deputy J.M. Maçon:

Shall we take a 5-minute break?

The Minister for Home Affairs:

We can deal with the police station matter if you want to carry on.

Deputy S.Y. Mézec:

And that is what the question is. The police station, tell us what is going on.

Deputy L.M.C. Doublet:

It is the only one left.

Deputy S.Y. Mézec:

Income to date and on budget?

The Minister for Home Affairs:

There you go.

Deputy S.Y. Mézec:

I had a question mark at the end.

The Minister for Home Affairs:

The answer is yes.

Deputy S.Y. Mézec:

Okay, excellent. So in terms of getting ready then to transfer operations from the current building to the new one, what changes in terms of staffing and things like that are being anticipated for when that move is made?

The Minister for Home Affairs:

It is a great opportunity for the police to be under one roof for starters. It seems like a very basic thing for an organisation that, as you are all aware, I think you visited the sites ...

Deputy L.M.C. Doublet:

It is split, is it not?

The Minister for Home Affairs:

... that they currently occupy and their working environment is certainly not very good. So during last year there was a considerable amount of work done to look at the model of policing that we currently have, there is a lot of analysis of the type of work that is done and how it is done in response to ... I think you had a briefing on this, have you not, the new model of policing?

Deputy L.M.C. Doublet:

Is that where they did the week where they monitored all the ...

The Minister for Home Affairs:

That is right, all the calls and ...

Deputy L.M.C. Doublet:

... yes, that was a really good briefing.

The Minister for Home Affairs:

... and how they responded. So that has formed the basis of a lot of thinking about how they can change the way they work in future to create a more efficient police force that adopts a slightly more modern approach. There has also, as you know, been a submission to the eGov for a business plan to finance the use of mobile data devices and so they will be going on to that, because at the moment a police officer has to laboriously handwrite any witness statements they take and then return to their headquarters to type them up and put them into the system. It is all very antiquated and time-consuming. So the expectation is that once we are able to implement the mobile data system then police officers will be able to work much more efficiently and effectively and they will remain out on duty for a much longer period of time during their shifts than they do currently. So there is going to be a great deal of change.

Deputy L.M.C. Doublet:

I think since we spoke about that last there have been some concerns highlighted about the security of data just generally on States of Jersey systems. How will you ensure ... because obviously police data should be of the utmost security and confidentiality. How will you ensure that that is maintained?

The Minister for Home Affairs:

They work on a separate server system which is more secure and particularly designed for the purpose of work within the criminal justice system. Also as part of the work and scoping the business case and deciding what equipment is going to be used great consideration has been given to security which is the best option in order to ensure that is a very secure system.

Deputy L.M.C. Doublet:

While we are talking about staffing, sorry, I am on another tangent here. I notice that the police are recruiting, how does that fit in with having to make savings and ... I suppose it is good news the police are saying they needed to recruit and obviously you have found some money somewhere, can you tell us about that?

The Minister for Home Affairs:

Yes, there is a turnover of staff within the police force. Also you will be aware that they have an exemplary succession planning model in terms of looking at training for Islanders and bringing people on from within. So the case has been put to me that it was necessary to maintain numbers and training in different areas. But it was necessary to go out and recruit a number of new people.

Deputy J.M. Maçon:

Again, it is looking at new people into the force. With the news that has been given about newly qualified teachers possibly entering the workforce starting at a lower salary, are you aware of any moves to do a similar proposal to new police officers?

The Minister for Home Affairs:

As part of the workforce modernisation, work is going to start to look at the uniform services and there has been some dealings with it at union level, I believe, to make a start to that work. I think that will be one of the things that we will certainly look at as part of that process.

Deputy J.M. Maçon:

Any further questions?

Deputy L.M.C. Doublet:

Okay, so while we are talking about staffing, the other thing which I think comes up in terms of public interest is that balance between frontline staff and management. There is this perception that the States of Jersey is a bit bloated with management. Can you just talk about that in the police, while we are on police staffing? Do you find that we have enough frontline staff and your budget is being effectively used for frontline staff that are servicing the public?

The Minister for Home Affairs:

If you look at the management structure or the structure at the top of ranks we miss a rank here in Jersey.

[12:00]

So the structure is very much a pyramid. The majority of people are police constable and sergeant level and then it narrows as you go up through the ranks. So I am very satisfied that the management team is working effectively and efficiently.

Deputy L.M.C. Doublet:

I am aware this is an extra one, which again I seem to be going on tangents today. Could you possibly provide maybe at a later date just an overview of how management levels have changed? How your staffing levels have changed over, say, maybe the last 5, 10 years. Is that something you can do easily?

The Minister for Home Affairs:

I should think that they would have that data, yes. Absolutely they would be able to give you a snapshot of what it was say a year ago and what it is today.

Deputy L.M.C. Doublet:

Maybe over a longer period.

The Minister for Home Affairs:

Over a longer period?

Deputy J.M. Maçon:

It is structure charts, is it not?

Deputy L.M.C. Doublet:

Yes, that kind of thing. That would be interesting to see.

The Minister for Home Affairs:

Yes, sure.

Deputy L.M.C. Doublet:

Now I have to ask, I know you said you do not want to go into too much detail about the M.T.F.P. Can you tell us anything at all about whether there will be any more cuts that are to be made or have you got any growth bids in?

Deputy S.Y. Mézec:

User pays?

Deputy L.M.C. Doublet:

Any detail at all?

The Minister for Home Affairs:

It is a very difficult one because I would love to tell you about the detail but of course we will be publishing it on 30th June and I really cannot go into detail then. But the general themes of the M.T.F.P. are widely known, that we are wanting to focus on the areas that we wish to invest. That is health, education, infrastructure, and also too we are focusing on improving the efficiency of the public sector. So we have outlined some of the work that the police are doing, which is line with that. But obviously a desire to drive the States of Jersey in a modern and effective way and that is what we are doing.

Deputy L.M.C. Doublet:

Okay, so we have requested a couple of briefings, I think, which may be further down the line, but obviously the M.T.F.P. is imminent and is there a possibility we could have a confidential briefing so that the panel could compare just a little bit earlier? Obviously with the confidentiality.

The Minister for Home Affairs:

Yes, I think that would be very helpful. I would be more than happy to do it.

Deputy L.M.C. Doublet:

Let us see if we can get a date maybe in the diary so that we can do our work as efficiently as possible.

The Minister for Home Affairs:

Yes, I appreciate it is a lot of work. It is quite a daunting task. I remember being on your side of the table.

Deputy L.M.C. Doublet:

We are certainly up to the task. We like to be on top of things.

Deputy S.Y. Mézec:

I was just going to ask about non-M.T.F.P. related work programme.

Deputy L.M.C. Doublet:

Assistant Minister, did you want to say something about M.T.F.P. before we moved on?

Assistant Minister for Home Affairs:

No, I think that is the confidential briefing.

Deputy L.M.C. Doublet:

Right, sorry.

Deputy S.Y. Mézec:

Just to ask: what is on the work programme in terms of other things you are looking at doing in the long run? I did ask a written question at one point about introducing a crime of inciting racial hatred. That sort of thing. Firstly, what is the programme for that specific thing and is there anything else like that that you are anticipating to bring up over the next year or so?

Chief Officer:

The question that you asked, I think we have committed to action that after we have done the Sexual Offences Law, and that is just to do with officer capacity. So it is a single officer doing that, and then he is going to move on and do the other afterwards. That is just about scheduling, so the quicker we get through the Sexual Offences Law, the quicker we will get to that piece of work. But that is just about capacity rather than willingness. Then in terms of the overall work, there is the policy work programme that we could share with the panel.

The Minister for Home Affairs:

We could share with you, yes. For example, we have touched on already today the sexual offences legislation. That is an enormous piece of work that is being carried out and then violence against women and girls, which we have discussed in the past. The Early Years taskforce and our commitment to 1,001 Days still continues to make good progress and this week I have been grateful for your interest in infant mental health week. Unfortunately because of this Scrutiny hearing we were not able to attend the conference that is going on in London as we speak.

Deputy L.M.C. Doublet:

Oh, sorry.

The Minister for Home Affairs:

Which is a great shame. I think you were invited as well, but that is life. But we are very pleased and grateful to you for your interest in this subject, which is something that we think will be of great benefit to Islanders. It is interesting that Tom mentioned the capacity issue because it came to mind when you raised the point about the M.T.F.P. There is sometimes an image that is unfortunate of our public sector and my experience of being within this department has been that officers are very diligent and stretched at the moment. There is a lot of policy on their tables and a lot of good work being done with a lot of commitment as well. They will often be there when I go at 7.00 or 6.00. I feel that we have to manage our capacity and there is only a certain amount of work that can realistically be progressed at any one time.

Deputy L.M.C. Doublet:

On the scheduling issue, honestly we appreciate that you take Scrutiny hearings so seriously but we are reasonable and we are flexible, so if there is something that you feel is really important to your work do ask. You can always ask the question that we might be able to reschedule.

The Minister for Home Affairs:

That is very kind.

Deputy L.M.C. Doublet:

We are reasonable in that respect.

The Minister for Home Affairs:

I would just like to say we were very mindful that we had delayed the previous Scrutiny hearing and I really would like to say how very grateful I am to all of you for your understanding about the reasons for doing that. It was extremely kind and much appreciated. So we really did not want to delay you again, particularly as we are aware that you are also very busy at the moment.

Deputy L.M.C. Doublet:

Yes. Okay, thank you for that. Is there anything further, Ministers, you would like to add?

The Minister for Home Affairs:

No, I think ...

Assistant Minister for Home Affairs:

Just to remind Mick to arrange those visits.

Deputy L.M.C. Doublet:

Well, it will not be for a while yet.

Assistant Minister for Home Affairs:

I think we have been talking about it for about 2 years now.

Scrutiny Officer:

I have got it on the list.

Deputy L.M.C. Doublet:

Our officer is extremely dedicated and hardworking and very busy as well. M.T.F.P. is obviously our imminent focus and the workload with the education issues, but we are very much looking forward to those briefings from you. Thank you everybody. We will bring the hearing to a close now.

[12:07]