Social Affairs Scrutiny Panel

Date: 30th May 2006 Location: Le Capelain Room, States Building

Present	Deputy F.J. Hill, B.E.M., Chairman Deputy J.A. Martin, Vice Chairman Deputy D.W. Mezbourian Deputy A.E. Pryke Deputy S. Pitman
Apologies	
Absent	
In attendance	Mr. C. Ahier, Scrutiny Officer Mr. W. Millow, Scrutiny Officer

Ref Back	Agenda matter	Action
	1. Minutes of Previous Meetings	
	a) Minutes of 18th April 2006	
[02/05/06, Item 2]	The Panel was advised that Mrs S. Costigan had confirmed that the minutes provided an accurate record of her meeting with the Panel. The Officers were requested to forward her confirmation to the Panel. The Panel was further advised that Senator M. E. Vibert, Minister for Education, Sport and Culture, had suggested one amendment to Item 9b for the final sentence of the fifth paragraph to read as follows:	CA/WM
	The Panel was advised that there would be consultation in regard to the new plan but that no decision had been taken on how this would occur.	
	The Panel approved the minutes as amended.	
	b) Minutes of 2nd May 2006	
į	The Panel approved the minutes.	
	c) Minutes of 15th May 2006	
	The Panel approved the minutes with one amendment to Item 7 that 'Asset' would be changed to 'ACET' to reflect the correct name of the organisation.	
	2. Matters Arising and Action Updates	·
	a) Matters Arising	•
	The Panel considered how its minutes would record the attendance of people who came to discuss particular issues at its meetings. The Officers were requested to seek clarification on this matter.	CA/WM
	The Panel was advised of a recent news report on the Channel Television website that had mistakenly intimated the Panel's budget would be used solely for the employment of external advisors.	,
	b) Action Updates	
9.0	The Panel noted the updates on actions requested at its previous meeting. Specific consideration was given to the following Action Updates:	

[15/05/06, Item 2a]	AU 2. The Panel was advised that Senator M.E. Vibert, Minister for Education, Sport and Culture, had asked to be forwarded all outstanding requests that had been made to his Department. AU 5. The Panel noted it had not received information from the Department of Health and Social Services on the provision of Longer-Term Care. It agreed to make a further request to the Department.	CA/WM
	c) Update from Chairmen's Committee The Panel noted the report received from the Chairmen's Committee of the Committee's meeting on 19th May 2006.	
[02/05/06, Item 7]	Further to the Committee's report, the Panel was advised that Deputy J.A. Martin would attend the Centre for Public Scrutiny Conference on 28th June 2006.	
	The Panel noted that the Committee had agreed to establish a group that would consider the issues of consultation with the Public and the Media. It further noted that Deputy J. Gallichan had expressed an interest in undertaking work in this area but was not a member of this group.	
	3. HMP La Moye	
	a) Funding	
[15/05/06, Item 6]	The Panel noted that the Department of Treasury and Resources had been requested to provide information on the claims made by the Department of Home Affairs for funding for HMP La Moye. The Panel requested the Officers to ensure that each Panel member received the relevant information. The Panel further noted that the Department of Home Affairs had been requested to provide similar information.	CA/WM
	to provide similar information. It requested the Officers to confirm that a response had been received from the Department.	CA/WM
	b) Public Hearing	
[15/05/06, Item 6]	The Panel was advised that copies of the transcript of its Public Hearing on 12th May 2006 had been sent to the witnesses who had attended. It was further advised that Mr. S. Austin-Vautier, Chief Executive Officer, Department of Home Affairs, had contacted the Scrutiny Office regarding possible corrections to the transcript.	
	c) Board of Visitors	
	The Panel met Jurat J.C. Tibbo, Chairman, and Jurats G.C. Allo and J.M. Clapham of the Board of Visitors to discuss the Board's role in relation to HMP La Moye. Mrs C. Coleman, Secretary to the Board of Visitors, was also in attendance.	
	i) Constitution	4
	The Panel was advised that the Board of Visitors comprised seven members and was appointed by the Royal Court. It was informed that the members of the Board not present at the meeting were as follows:	
	Jurat S.C.A Le Brocq	
	Invest D M. Dullers	

Jurat R.M. Bullen

- Jurat J.L. Le Breton
- Jurat L.J. King

Jurat Tibbo informed the Panel that he had become Chairman of the Board of Visitors in 2004.

ii) Responsibilities

The Panel was advised that the Board's responsibilities were set out in *Prison (Board of Visitors) (Jersey) Regulations 1957.* It was further advised that the Board had unrestricted access to HMP La Moye but was obliged under Regulations to visit the Prison kitchen on each visit.

The Panel was advised that the Board met twelve times a year. It was advised that one member of the Board would visit HMP La Moye between these regular visits.

The Panel was advised that, during its visits, the Board undertook adjudications on potential breaches of *Prison (Jersey) Rules 1957*. It was informed that prisoners had access to legal representation and that most adjudications made by the Board were not challenged. It was noted that *Prison (Jersey) Rules 1957* were undergoing revision.

The Panel was informed of the pastoral work undertaken by the Board in which the Board would hear the grievances of prisoners and make enquiries to resolve the issues. The Panel was advised that visits by Board members to the Prison were announced and that prisoners would inform an Officer if they wished to speak to a Board member during a visit. It was informed that the Governor was not present during meetings with prisoners but that an Officer would normally be present.

The Panel was advised of the types of grievances that Board members heard during their visits. It was informed that many prisoners raised the issue of a lack of drug-counselling but that no complaints had been heard regarding racist bullying. It was advised that bullying could be misconstrued as being racist in nature if the prisoner being bullied (for a separate reason) were of a minority culture or nationality.

The Panel was advised that the Board corresponded with prisoners' legal representatives when trying to address prisoners' concerns.

It was noted that a potential conflict had been identified in the event that a Jurat, in his/her role as a member of the Board, met a prisoner that he/she had previously encountered in court. The Panel was advised that a Board member involved in the sentencing of a prisoner would not normally subsequently meet that prisoner during a visit to the Prison. The Panel was informed that the Board had met Mr. M.J. Birt, Deputy Bailiff, to consider this issue and had been advised that the current status was satisfactory with regard to human rights.

iii) Visit to the UK

The Panel was informed that the Board of Visitors had

undertaken a visit to the United Kingdom to see examples of the work done by Independent Monitoring Boards. It was noted that Independent Monitoring Boards in the UK did not undertake adjudications and that the Prison Fellowship that existed in Jersey did not equate to the UK's Independent Monitoring Boards.

iv) Annual Reports

The Panel noted the Board's assertion in *Annual Report to the States of the Prison Board of Visitors for the Year 2002* that 114 of the 147 recommendations made in the 2001 HMI Report had been addressed by the time of the report. It was informed that this statement had been made following advice from the Governor of HMP La Moye. The Panel was advised that the Board's 2005 Report would be presented to the States.

The Panel was advised that the Board's annual reports would not address issues if the Board knew, following correspondence, that the Department of Home Affairs was aware of such issues.

v) Chaplaincy

The Panel was advised that the Board would meet to consider the matter of the Prison Chaplaincy. It was further advised that whilst provisions had been made regarding Methodism and Catholicism, there was a lack of provision regarding Anglicanism.

vi) Relationship with the Department of Home Affairs

The Panel noted that Article 10 of *Prison (Board of Visitors)* (Jersey) Regulations 1957 prescribed that co-operation occur between the Board and the Department of Home Affairs. It was advised that regular meetings between the Board and Department had been mooted following the 2001 HMI Report but that this had not occurred. It was further advised that the Board had met Senator W. Kinnard, Minister for Home Affairs, and would next meet the Minister on 26th June 2006. The Panel was advised that quarterly meetings between the Board and Minister would subsequently follow.

The Panel was informed that the Department of Home Affairs did not have access to the minutes of the Board's meetings.

It was noted that the Department would produce a Performance Improvement Plan. The Panel was advised that the Board would take into account and respond to the content of the Plan.

4. Income Support

The Panel was informed that the Income Support Sub-Panel had met Senator P.F. Routier, Minister for Social Security on 19th May 2006 to discuss the latest draft of the Income Support law. The Panel was advised that the precise figures involved in the operation of the Income Support scheme would not be present in primary legislation but would appear in regulations.

The Panel was advised that the Sub-Panel had discussed with the Minister the issue of adult children residing with their parents and the impact this would have on the administration of Income Support in certain cases. It was noted that the Sub-Panel would undertake further work on this matter. The Panel was advised that the Income Support Sub-Panel had contacted a number of potential expert advisors.

The Panel was informed that Deputy G. P. Southern had met Professor B. Stafford, University of Nottingham, to discuss the issues of Long-Term Incapacity Allowance and Income Support.

in his capacity as a member of the Income Support Sub-Panel

the

The Panel noted that it would be possible to lodge amendments to the draft Income Support law, if it wished to do so.

[15/05/06, Item 2biii]

5. Strategic Plan

a) Department of Home Affairs

The Panel noted that arrangements had been made for a meeting with Senator W. Kinnard, Minister for Home Affairs, to occur at 10:00am on 2nd June 2006. The Officers were requested to confirm the arrangements.

CA/WM

b) Department of Health and Social Services

The Panel noted advice received from Senator S. Syvret, Minister for Health and Social Services, during its meeting on 26th May 2006, that the support provided for older people to remain in their own homes would depend upon the individual circumstances of each case.

c) Department of Social Security

The Panel was informed of advice received from the Department of Social Security following the Panel's suggestion that Action 3.6.4 of *Strategic Plan 2006 to 2010* (P.40/2006) be amended to refer to 'five-yearly' surveys rather than 'regular' surveys. It noted the advice that amending the Action in this way would potentially deny the Statistics Unit flexibility in its future work. The Panel agreed it would not seek to pursue this amendment and requested that the Department be informed accordingly.

CA/WM

d) Department of Housing

The Panel met Senator F.H. Walker, Chief Minister, and Deputy J.A. Hilton to consider its suggested amendments of *Strategic Plan 2006 to 2010* (P.40/2006) relevant to the Department of Housing.

Senator Walker advised the Panel that Senator T.J. Le Main was disappointed not to be able to meet the Panel himself to consider the issues.

i) Sheltered Housing

It was agreed that the following amendment would be accepted by the Council of Ministers:

"For 3.8, under 'Indicated by', insert the following bullet point:

Increase in provision of Island-wide sheltered housing"

The Panel was informed that the Department of Housing would present a Property Plan to the Council of Ministers in July 2006 and that the Plan would subsequently be put before the States.

ii) Interest-free Loans

A report on the potential benefits of introducing an interest-free loan scheme for first-time buyer deposits was distributed. It was agreed that the Department of Housing would consider the report and the suggested amendment before providing its response to the Panel.

DoH

It was noted that there was agreement on the principle of the proposed amendment that the amount of home ownership in the Island be increased. The Chief Minister advised the Panel, however, that it would be difficult to reach agreement on using the mechanism of interest-free loans to achieve this principle due to the potential harmful impact on the supply and price of housing.

The Panel advised Senator Walker and Deputy Hilton that an interest-free loan scheme would not have to apply merely to tenants of the Department of Housing.

iii) Security of Tenure

The Panel was advised that a residential tenancy law had been sent to Mr W.J. Bailhache QC, HM Attorney-General, in June 2005 for his consideration and that progress on the law therefore awaited the work he would undertake.

It was agreed that the amendment listed below would be accepted by the Council of Ministers but that the precise numbering of the amendment would depend upon the Department of Housing's response to the Panel's amendment regarding an interest-free loan scheme:

"For 3.8, insert the following action:

Introduce security of tenure legislation"

iv) Dégrèvement

The Panel was advised that a maximum of seventeen households would potentially be affected by the dégrèvement loophole but that the loophole would be addressed in the Migration Law. The Panel agreed it would not pursue its proposed amendment relating to the closing of the loophole.

v) Provision for older people to remain in their own homes

The Chief Minister advised the Panel that a budget of £100,000 was available to the Department of Housing to assist older people to remain in their own homes. It was noted that this budget would need to increase if more people were to be assisted. The Panel was advised that the level of financial support given was means-tested. The Department of Housing undertook to inform the Panel of the precise workings of the means-test.

DoH

It was questioned whether this policy would impact upon the demand for places in residential homes. It was advised that even if there were an impact, this would possibly be counterbalanced by the effect of an ageing population.

vi) Social Housing

The Panel was informed that the Department of Housing was working on a new strategy for social housing that would be completed before the end of 2006. It was advised that this work would include consultation with the Department of Social Security.

vii) Other Matters

The Panel was advised of the stated aim to reduce the period for obtaining housing qualifications to ten years.

e) Chief Minister's Department

i) Procedures for Amendments

It was noted that the Panel would need to indicate the cost and manpower implications of any amendment it would wish to bring to the Strategic Plan. The Panel was advised that Standing Orders prescribed that Ministers would assist Scrutiny Panels to undertake costing and manpower estimates for proposed amendments to propositions relevant to the Minister(s).

The Panel was advised that amendments to the Strategic Plan needed to be lodged by Tuesday 6th June 2006.

ii) Priority of Commitments

It was agreed that the Strategic Plan would be amended to indicate that the six commitments it contained were not presented in order of priority. The Panel was advised that the numbering of the commitments on page 13 of the Strategic Plan would be removed.

iii)) Island Identity

The Chief Minister informed the Panel that he had met Church leaders in the Island to help establish the needs of the Island's different communities.

The Panel and Chief Minister considered the provision of Citizenship education and Skills education in the Island's schools. The Chief Minister acknowledged that there was currently insufficient time in the school curriculum for these subjects to be covered comprehensively.

iv) Surveys

The Chief Minister advised the Panel that the Statistics Unit intended to undertake the Household Expenditure Survey every five years and that the Jersey Annual Social Survey would occur every year. He asked that the Panel contact him if it had any concerns or queries regarding the frequency of surveys conducted by the Unit.

v) High Income

Following the Panel's question regarding how 'higher income' would be defined, the Chief Minister advised that the Minister for Treasury and Resources would shortly produce a report which would provide a clear definition.

vi) Focus on Young People

The Chief Minister informed the Panel that approximately eighteen and twelve young people respectively had attended the two events involved in Imagine Jersey. The Panel was advised that the inspiration for a Youth Forum had come from these events. It was further advised that a small number of young people had attended the workshops on the development of the Waterfront. The Chief Minister indicated that the Council of Ministers was committed in its focus on young people.

The Panel asked what would be done to ensure that there would be a greater range of job opportunities in the Island. The Chief Minister advised the Panel that there had been a modest increase in opportunities in the tourism sector and a similar increase in the finance sector.

vii) Crime Prevention

The Chief Minister acknowledged and agreed with the Panel's comment that it would be preferable to concentrate on the prevention of crime rather than the detection of crime.

viii) Other Matters

The Panel was informed that the Chief Minister would meet the Corporate Services Scrutiny Panel at least once a quarter.

[15/05/06, Item 2a]

The Chief Minister advised the Panel of the Social Policy Sub-Group that had been established by the Council of Ministers and which received dedicated officer support. He further advised the Panel that the Sub-Group would meet on 12th June 2006 and that the Panel would receive the relevant papers relating to this meeting. The Panel was informed that this meeting would not be open to the Public.

[15/05/06, Item 7]

6. Sexual Offences

Whilst he was in attendance, the Panel advised the Chief Minister of the work it had undertaken on this subject. It advised the Chief Minister of its understanding that ACET and the Brook Advisory Clinic had not been consulted by the Department of Home Affairs. The Chief Minister informed the Panel that his understanding of this issue was different and agreed to follow up the matter for clarification. He also advised the Panel of his understanding that consultation between the Departments of Home Affairs and Health and Social Services had been intensive.

The Chief Minister advised the Panel that the States of Jersey had little choice but to pass *Draft Sexual Offences (Jersey) Law 200*- (P.63/2006) due to human rights obligations and that any decision by the Panel to review the topic would constitute a waste of time.

Subsequent to its discussions with the Chief Minister, the Panel agreed to suspend consideration of this issue to a later meeting.

[15/05/06, Item 4]

7. GP Out-of-Hours

a) General Matters

A paper that outlined a potential structure for the final report of the GP Out-of-Hours review was distributed to the Panel for its consideration.

The Panel noted that its Public Hearings for this review had been delayed following notification from the Jersey Competition Regulatory Authority (JCRA) that the JCRA report would not be ready for the end of May 2006.

The Panel was advised that the Department of Health and Social Services had indicated the Gwyneth Huelin Wing would be used during daytime hours for a separate service to the Co-Operative scheme.

b) Mrs R. Higgins

The Panel met Mrs R. Higgins to receive her views on the Co-Operative service. She advised the Panel of her belief that the system was a waste of public money and that the introduction of a new out-of-hours system had not been necessary. She questioned whether it was necessary for the Co-Operative to have access to a driver service and raised the issue of whether the Co-Operative would pay rent for using the Gwyneth Huelin Wing. She expressed concern that doctors on call who belonged to the Co-Operative system would not know the patients they visited.

Mrs Higgins informed the Panel that her own doctor had not joined the Co-Operative. She advised the Panel of her understanding that this doctor had been called out infrequently to provide out-of-hours services.

Mrs Higgins advised the Panel that she had been unaware of the consultation undertaken by the Department of Health and Social Services.

c) Public Views

The Panel invited a member of the Public in attendance at the meeting to comment on the new Co-Operative service. The Panel was advised of the following concerns:

- Would patients whose doctor had not joined the Co-Operative be able to access the Co-Operative service?
- Was it in right for any GP belonging to the Co-Operative to have access to the information of any patient served by the Co-Operative?
- Would there be problems for doctors with regard to the medicine taken by patients and the advice they would receive from the patient or the patient's family about this medicine?

[15/05/06, Item 5]

8. Centeniers in the Magistrate's Court

The Panel noted that the initial deadline for Public submissions to be received had been 30th May 2006.

The Chairman advised the Panel of correspondence he had received indicating that the Comité des Chefs de Police would undertake its own review of the Centeniers' role in the Magistrate's Court. He further advised the Panel of his understanding that the Comité would undertake a visit to Nottingham as part of its work.

	It was noted that the Panel would undertake a visit of the Magistrate's Court as part of this review.	
	The Panel noted that a request had been made for it to visit Guernsey's Magistrate's Court on 19th June 2006. The Panel was advised that the Bailiff of Guernsey had been informed of the Panel's intention to undertake a visit and asked to give his assent for the visit to occur. The Officers were requested to clarify that 19th June 2006 would be a convenient date. It was noted that Deputy J.A. Martin would not be present on this visit.	CA/WM
	9. Topic Proposals	
	a) Legitimacy Law	
[02/05/06, Item 4a]	The Panel noted that a proposal it had received relating to Legitimacy (Jersey) Law 1973 had been forwarded to the Legislation Advisory Panel for this Panel's consideration.	
:	b) Joint Financial Crimes Unit	
[02/05/06,	The Panel noted it had not received advice on concerns	
Item 4e]	expressed in a Topic Proposal received relating to the staffing of	
	the Joint Financial Crimes Unit (JFCU). It agreed that a	CA/WM
	subsequent request for advice would be sent if no response had been received after a further two weeks.	CA/VVIVI
	c) Early Years Care and Education	
[02/05/06, ltem 4d]	The Panel noted receipt of a Topic Proposal Form relating to funding for early years education. It agreed that the Proposer would be informed of the Panel's earlier decisions relating to this topic.	CA/WM
	10. Forthcoming Propositions	
	The Panel agreed it would not seek to review the following propositions:	
	 Draft Employers' Liability (Compulsory Insurance) (Amendment No.3) (Jersey) Law 200- (P.53/2006) 	
	 Draft Health and Safety (Work Experience) (Jersey) Regulations 200- (P.54/2006) 	
	 Draft Employment Relations (Amendment No.2) (Jersey) Law 200- (P.57/2006) 	
	11. Future Meetings	
	The Panel noted that its next regular meeting would occur at 9:30am on Monday 12th June 2006 to be held in Le Capelain Room, States Building.	1

Signed	Date
Mul	12-6-2006
Chairman Social Affair's Panel	***************************************

Suggested Additions and Amendments to the Minutes taken at the Scrutiny Panel Meeting with representatives of the Prison Board of Visitors on 30 May 2006

- 1) Add:- "under the Prison (Board of Visitors) (Jersey) Regulations 1957"
- 2) Add:- "In response to the Chairman's enquiry"
- 3) Under this paragraph, we feel that it should be noted that the Scrutiny Panel asked the Board to outline what they see as their role and the Chairman gave a very full explanation of the two main functions, that of adjudicators for breaches of Prison rules, and the pastoral role of trying to help inmates with their queries and concerns. It is not the function of the Board to interfere, but rather to help the Governor and the Minister with the efficient running of the Prison and under current arrangements for visiting, a member of the Board is at the Prison at least every two weeks. However, additional visits can be made if necessary and on any visit, the inmate will be seen without the presence of an Officer if so requested by the prisoner, or considered desirable by the member of the Board.

With regard to adjudications, they do not necessarily take place at every visit of the Board, but as required and they may involve special sittings of the Board. The minutes note that "most adjudications" are not challenged but in fact, during the lifetime of this Board, no adjudication has been challenged, either by an inmate or his/her counsel. It should also be noted that inmates are increasingly demanding legal representation at these adjudication hearings.

4) Change the word "grievances" for "concerns" and add "which include the lack of support on release from Prison, missing laundry or other belongings, tagging, working out, visiting, etc".

Add:- it was "also" informed that

- 5) It is particularly important to note that the potential conflict of Board members only relates to adjudications; it does not otherwise arise. To counter any perceived conflicts, whenever possible a Jurat will not sit on the sentencing of a prisoner if he has previously been involved in an adjudication of that prisoner, or vice-versa. However, it should be remembered that a Jurat could well sit in the Royal Court on the sentencing of the same prisoner on more than one occasion in the event of repetitive offending.
- 6) Add:- "The Chairman of the Board referred to the contact established last year with Ms Jill Berliand who is a member of the National Council for Independent Monitoring Boards of England and Wales and confirmed this will be re-established once the way forward with the Performance Improvement Plan, which is currently being prepared by the Prison, has been agreed with the Minister".

- 7) Amend:- It is not the Board's responsibility to present their Annual Report to the States. That report for 2005 has been submitted to the Minister, as in previous years.
 - It should also be noted that in connection with the reference in the Board's Report for 2002 to 114 of the 147 recommendations made in the 2001 HMI Report having been addressed, the Chairman of the Board pointed out that similar statistics had been advised to the States Assembly by the appropriate Committee of the day.
- 8) The first sentence is not correct. Members of the Board have been consistently concerned at the lack of Chaplaincy services and whilst the Governor had been discussing the matter with the Dean, it is understood that currently the matter is unresolved because of budgetary constraints. The Minister is aware of the position.
- 9) The Prison Governor is to produce the Performance Improvement Plan and the Board has stated that it wishes to play its part in supporting the necessary improvements. This will be discussed at the next meeting with the Minister, scheduled for 26 June, although that meeting will not be restricted to that subject. The members of the Board have been concerned with the conditions at the Prison for some considerable time but have understood that budgetary constraints on capital as well as on revenue expenditure have prevented many reasonable improvements being carried out. However, the function of the Board is not that of an inspectorate; that function is undertaken by HMI Inspectors of Prisons who are far better qualified to make assessments against a broad range of benchmarks.
- 10) Delete "following correspondence"

Minutes taken from the Social Affairs Scrutiny Panel Meeting of 30th May 2006

The Panel met Jurat J.C. Tibbo, Chairman, and Jurats G.C. Allo and J.M. Clapham of the Board of Visitors to discuss the Board's role in relation to HMP La Moye. Mrs C. Coleman, Secretary to the Board of Visitors, was also in attendance.

i) Constitution

The Panel was advised that the Board of Visitors comprised seven members and was appointed by the Royal Court It was informed that the members of the Board not present at the meeting were as follows:

- -Jurat S.C.A Le Brocq
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- -Jurat L.J. King M3€

Jurat Tibbo informed the Panel that he had become Chairman of the Board of Visitors in 2004.

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The Panel was advised that the Board's responsibilities were set out in Prison (Board of Visitors) (Jersey) Regulations 1957. It was further advised that the Board had unrestricted access to HMP La Moye but was obliged under Regulations to visit the Prison kitchen on each visit.

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The Panel was informed that the Department of Home Affairs did not have access to the minutes of the Board's meetings.

It was noted that the Department would produce a Performance Improvement Plan. The Panel was advised that the Board would take into account and respond to the content of the Plan.