

# STATES OF JERSEY



## DRAFT STATES OF JERSEY POLICE FORCE (AMENDMENT NO. 3) LAW 202-

### (P.10/2021): COMMENTS

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Presented to the States on 7th May 2021  
by the Children, Education and Home Affairs Scrutiny Panel

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STATES GREFFE

## COMMENTS

### Introduction

1. The Children, Education and Home Affairs Panel (hereafter “the Panel”) has undertaken a review of [P.10/2021 Re - issue](#) – the Draft States of Jersey Police Force (Amendment no. 3) Law 202- (hereafter the “draft Law”) that has been lodged au Greffe on 17th February 2021 by the Minister for Home Affairs. The draft Law, if adopted by the States Assembly, would amend the [States of Jersey Police Force Law 2012](#) and thereby change arrangements between the States of Jersey Police (SoJP) force and the Jersey Police Authority (JPA) in relation to governance of the SoJP force.
2. The SoJP, headed by the Chief Officer, is responsible for providing policing services to Jersey. Subsequent to the enactment of the States of Jersey Police Force Law 2012 on 24th July 2013, the SoJP has been subject to oversight by the JPA which provides a safeguard between the SoJP and the Government of Jersey to reinforce operational independence and accountability of the SoJP. The various functions of the SoJP are, in the main, divided between the Chief Officer, the JPA, the Minister for Home Affairs and the States Employment Board (SEB).
3. The JPA comprises a board including a chairperson, who is appointed by the Minister for Home Affairs, four independent members, who are appointed by the chairperson and the Minister for Home Affairs, as well as two States Members, who are appointed by the States Assembly.
4. The Comptroller and Auditor General (C&AG) undertook a review to evaluate the effectiveness of the design and operation of the current governance arrangements for the SoJP. The C&AG proposed that the independence and accountability of the SoJP should be balanced by making amendments to the functions including the allocation of powers and duties for the roles of the Chief Officer, the JPA, the Minister for Home Affairs and the SEB. The C&AG’s [report](#) was presented on 22nd March 2018. In the report, the C&AG identified 14 recommendations to improve governance and accountability within the SoJP. The Minister for Home Affairs duly accepted all of the recommendations with a view to bringing forward changes in order to address them. The draft Law reflects upon the commitments made to act on the recommendations of the C&AG.
5. The draft Law, if adopted, would amend the States of Jersey Police Force Law 2012 (the “principal Law”) to –
  - realign the governance powers and duties of the Minister, the Police Authority and the Chief Officer;
  - change the membership of the Police Authority;
  - require regular inspection of the States Police Force; and
  - require the Annual Policing Plan to cover 4 years, rather than one.
6. The Panel received a briefing on the draft Law on Friday 5th February 2021. Subsequent to the briefing the Panel agreed to review the proposals further. The Panel launched its review of the draft Law on 16th February 2021 and invited comments and views from key stakeholders including the C&AG, JPA, Jersey Police Association, Children’s Commissioner for Jersey and the Chief officer of the

SoJP in order to inform its work further. The Panel received responses from all targeted stakeholders which included detailed submissions from the C&AG and the JPA. On 12th April 2021, the Panel met with Deputy Scott Wickenden to discuss his [amendment](#) to the draft Law and to further understand the role of the elected States Members on the board of the JPA.

7. The Panel identified several areas of concern in relation to the proposed changes within the draft Law and agreed that its review of the draft Law would seek to identify the following five key areas of concern:
  - I. Clarity was required regarding the proposed changes within the draft Law that had been resultant of the C&AG review and any further changes that were not as a result of the C&AG review but had been proposed, nonetheless.
  - II. As the draft Law intends to advance the independence and accountability of the SoJP through amending the functions for the roles of the Chief Officer, the JPA, the Minister for Home Affairs and the SEB, consideration of the impact of the proposed changes to these relationships, roles and functions on governance, accountability, and operational independence was required.
  - III. Further clarity was required regarding how the proposed changes brought by the draft Law would impact upon and fit into the broader Target Operating Model (TOM) of the States of Jersey.
  - IV. Further clarity was required on the function of the JPA and its membership and structure.
  - V. Concern existed regarding the consultation process of the draft Law and the absence of involvement from the Children's Commissioner.

#### **Amendments to the Draft Law**

8. On 24 March 2021, Deputy Scott Wickenden lodged an [amendment](#) to the draft Law. If adopted, the Deputy's amendment would delete Article 4 of the draft Law which proposes to remove the elected States Members from the board of the JPA and therefore would retain the current composition of the JPA board.
9. On 27th April 2021, the Panel lodged two amendments to the draft Law, namely Amendment (No.2) and Amendment (No.3). Regarding the [second amendment](#), if adopted, it would retain the current composition of the JPA board subject to a review of the role of the States Members on the JPA board to be undertaken every three years and prior to the 30<sup>th</sup> June 2024. Should a review identify that retaining States Members on the board of the JPA was inappropriate, Regulations to remove States Members from the board membership would be possible. In addition, the second amendment proposes a minimum timescale of every four years for the inspection of the SoJP force. This is in contrast to the draft Law where no timescale is stipulated. If adopted, the proposed change would ensure that the onus was placed on the Minister to ensure that funding for inspections is readily available and planned within existing budgets, thereby potential slippage in regular inspection processes could be safeguarded against.

10. The Panel had also lodged a third amendment to the draft Law which, upon further consideration, it agreed to withdraw. The amendment arose originally from the response of the C&AG who noted that the requirement for Ministerial approval for a police officer to serve with another police force (and by extension also the requirement for Ministerial approval for an officer from another jurisdiction to be able to serve in Jersey) still existed in the draft Law. Whilst the Panel now agrees that the amendment is not the correct course of action at this time, it stills holds concern that what is proposed in the legislation in respect of this matter is not as clear as it could be. The Panel would caution that further consideration on how to address the C&AG's recommendation in full should be given by the Minister.

#### **Areas Examined by the Panel**

11. As stated in the introduction to these comments, the Panel identified several areas of concern for further examination.

**The Panel sought to identify the recommendations made by the C&AG that have been incorporated in the draft Law and the changes that have been made outside of the recommendations made by the C&AG.**

#### **Submission: Comptroller and Auditor General**

12. The [C&AG](#) observed that the proposed changes outlined in the draft Law addressed the recommendations they had made in respect of:
- amending the principal duties to oversight and promoting continuous improvement, rather than ensuring delivery;
  - establishing an independent inspection regime;
  - independent membership through removal of two members elected by the States Assembly; and
  - certain human resources responsibilities to be allocated to the Chief Officer rather than the Minister.
13. It was the C&AG's view that the changes proposed in the draft Law flowed from the recommendations and were in keeping with the overall emphasis of their report. The C&AG noted that not all the recommendations had been addressed within the draft Law, however, understood that several of them would not require addressing within legislation.
14. Notwithstanding, the C&AG made the following observations:
- an explicit reference for the JPA to routinely advise Ministers on the budget for the SoJP is not referenced in the draft Law;
  - the frequency of the independent inspection regime of the SoJP is not indicated in the draft Law; and
  - the opportunity to include other services within the role of the JPA is not reflected in the proposal
15. It was the view of the C&AG that there may be merit in specifying a maximum interval that is proportionate for the independent inspection regime of the SoJP within the draft Law.

16. It was the C&AG's understanding that the evaluation of whether the role of the JPA could be extended to cover other services where operational independence is important remained under active consideration as part of the development of the Target Operating Model.
17. The Panel agreed to consider these areas further and requested a response to written questions from the Minister for Home Affairs. In a response to the Panels [written questions](#)<sup>1</sup> regarding why no explicit reference for the JPA to routinely advise Ministers on the budget for the SoJP is referenced in the draft Law, it received the following response:

*The proposed amendment will insert a new Article 19 (1A) that will require that "in preparing an Annual Policing Plan, the Police Authority must consider ... the resources available to the States Police Force". This report must be passed to the Minister for consideration. The Annual Policing Plan thus acts as a statutory requirement that the Minister receives advice from the JPA as to the resources required by the SoJP to meet its functions.*

18. Therefore, the Panel understands that a statutory routine for the JPA to advise on the budget for the SoJP would exist, should the draft Law be adopted.
19. In written questions the Panel asked why the frequency of the inspection regime of the SoJP was not indicated in the draft Law and received the following response:

*The JPA, SoJP and Minister did not consider that it was wise to bind the discretion of the JPA as to then frequency of inspections. Currently, the outline plan is for a rolling inspection plan to align with the Government Plan cycle.*

20. Regarding the consideration for including other services within the role of the JPA as part of the development of the Target Operating Model, the Panel questioned whether consideration was ongoing in that regard. In a response to the Panel's written questions<sup>2</sup> it was explained that consideration had been given to expanding the remit of the JPA, rather than to the detail of services to be included. It was noted that the JPA was concerned that expansion of its role could dilute its capacity to focus on the specifics of policing. Moreover, no compelling case had been made by any party that the remit should be expanded. It was emphasised that such expansion had not been dismissed, but were, currently, not deemed necessary.
21. Within the JPA's [submission](#), it referenced the C&AG's recommendation in relation to the evaluation of whether the role of the JPA could be extended to cover other services, and noted that other parts of the Justice and Home Affairs Directorate might benefit from oversight by the JPA and that could be explored in the future.

### **Submission: Jersey Police Authority**

22. It was the view of the [JPA](#) that the draft Law would give effect to the main recommendations made by the C&AG, which were designed to enhance the accountability and operational independence of the States of Jersey Police by

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<sup>1</sup> [Written Questions – Minister for Home Affairs](#)

<sup>2</sup> [Written Questions – Minister for Home Affairs](#)

strengthening the resources of the JPA and to develop the skills and capacity of its members. In line with the C&AG, the JPA noted that not all of the recommendations required legislative amendments.

23. Regarding Article 4 of the draft Law which required the JPA to seek from the Minister any additional resources needed to enable it to perform its duties, the JPA noted that there is no duty on the Minister to accede to these requests. The JPA clarified that was the case as resource allocation across government is governed by separate statute.
24. Noting that Article 28AA of the draft Law requires the Police Authority to arrange for the States Police to be inspected by a suitably qualified independent body at regular intervals, the JPA noted that the most recent inspection took place in 2018 at a cost of almost £75,000. It was the JPA's view that 'regular' should be interpreted as at least once every four to five years, with specialist, or thematic inspections taking place in intervening years. The JPA noted that these would be subject to the provision that the Minister makes the funding available to do so.
25. Although outside of the scope of the C&AG's recommendations, the JPA welcomed the provision for itself to be subject to review by an external body. However, emphasised that clarity over the scope and remit of such inspections would be useful.
26. Noting that subsequent to its briefing on the draft Law, the Panel had raised concern in relation to ensuring the JPA would be able to obtain the necessary funding and resources to perform its function under the draft Law, it agreed to examine this area further. In written questions to the Minister for Home Affairs, the Panel questioned how the appropriate level of resources required by the JPA would be ensured and asked why the duty to provide adequate resources to the JPA by the Minister for Home Affairs was not explicitly addressed in the draft Law, the following response was received:

*The duty to provide adequate resources to the Police Authority is a function of the relationship between the SoJP, the JPA, The Minister and the Assembly. The policing plan must establish what resources are necessary for the functioning of the police, and this is approved by the Minister with the resource requirements as a core element. If the Assembly considers that the Minister is at risk of providing insufficient resources to the JPA then any member has the right to address this.*
27. The Panel understands that, in the main, the proposed changes within the draft Law are reflective of the recommendations made by the C&AG. The Panel notes that where recommendations have not been addressed in the draft Law, this would be expected as not all of the recommendations would need to be addressed within legislation. Where recommendations have only been partially addressed, the Panel highlights that careful consideration should be given to safeguarding these areas, including: to ensure inspections are undertaken at regular intervals, to ensure the JPA receives the adequate resourcing it requires to undertake its functions and to ensure the JPA has an active role in advising on the SoJP budget.
28. To that end, in respect of Article 28AA(2)(b) which requires the Police Authority to arrange for the SoJP to be inspected by a suitably qualified independent body at

regular intervals, the Panel agreed that a timescale for inspections should be placed in statute so that the onus is placed on the Minister to ensure that funding for inspections is readily available and planned within existing budgets. The Panel notes that the wording of the Article within the draft Law states that inspections shall take place subject to the JPA having adequate resources to commission an inspection. Whilst the Panel understands that it is not possible to direct funding through legislation, it is concerned that the wording as stated in the draft Law is too open and could provide for potential slippage in regular inspection processes with lack of funding being used as the reason. The Panel, therefore, has suggested within its [second amendment](#) that the JPA must arrange for inspections of the SoJP to be undertaken at regular intervals determined by the Police Authority, which must be at least once every 4 years in line with the requirements around the policing plan as per the draft Law. The Panel believes that by stipulating the minimum timescale for inspections this places greater emphasis on the JPA undertaking its role to commission an inspection as well as provide further governance of the SoJP force.

29. It is the Panel's understanding that some changes have been proposed outside of the recommendations made by the C&AG including the instituting of inspection regimes for the JPA and the SoJP which were based on international best practice and were discussed with the former C&AG<sup>3</sup>.

**The Panel sought to examine and define operational independence in context of the draft Law and to assess the impact of the changes to roles and functions on governance, accountability and operational independence.**

30. In a response to written questions, operational independence in context of the draft Law was defined as follows:

*Operational independence is understood to mean that the Government (in particular the Minister) will articulate the high-level goals for the police force, but not interfere in the process of achieving the objectives set. This is distinct from complete independence from government.<sup>4</sup>*

31. The Panel raised concern regarding how the proposed changes in the draft Law may impact the inter-relationships of the various stakeholders concerned with the governance of the SoJP and, as it was not clear, and sought to consider this aspect further.

#### **Submission: Comptroller and Auditor General**

32. It was the C&AG's [view](#)<sup>5</sup> that it would be premature and difficult to comment on how future changes would impact on the operation of the various stakeholders and inter-relationships. The C&AG explained that delivering improvement would be dependent on the successful implementation of necessary revisions to the operational framework of the JPA once the legislation was enacted.

33. It is the Panel's understanding that the JPA is preparing a business case to indicate how it would meet its enhanced role for the Minister's consideration. It is

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<sup>3</sup> [Written Questions – Minister for Home Affairs](#)

<sup>4</sup> [Written Questions – Minister for Home Affairs](#)

<sup>5</sup> [Submission – Comptroller and Auditor General](#)

anticipated that this would ensure the changes proposed in the draft Law are successfully implemented.<sup>6</sup>

34. Regarding whether the outcomes sought would be achievable, it was the C&AG's view that the following aspects would impact upon that, including:
- ensuring the appropriate level of resources was available to the JPA;
  - how the JPA delivered its objectives in respect of oversight and continuous improvement;
  - achieving the correct balance of skills and experience on the JPA board; and
  - the establishment of an effective routine for advising the Minister for Home Affairs on the budget; and
  - the establishment of an effective inspection regime to provide scrutiny challenge and monitoring of recommendations would all impact upon the achievable outcomes.
35. The Panel raised concern regarding how these areas would be safeguarded to ensure the improvement sought in relation to the governance of the SoJP was achievable, should the draft Law be adopted. The Panel posed questions to the Minister for Home Affairs to further inform its understanding.<sup>7</sup>
36. Regarding the aspect of resourcing for the JPA, it is the Panel's understanding that the JPA will continue its ongoing dialogue with the Minister for Home Affairs in respect of the resources required to conduct its functions. Moreover, it is the Panel's understanding that the Annual Policing Plan would act as a statutory requirement that the Minister receives advice from the JPA as to the resources required by the SoJP to meet its functions.
37. It is anticipated that the inspections proposed in the draft Law would provide for an inspection regime for both the operation of the SoJP and the JPA and that would serve to identify whether the recommendations have been met. In addition, it is intended that the Jersey Audit Office's Audit Plan would consider this area in due course.<sup>8</sup> Within their submission, the C&AG has confirmed their intention to include a specific follow up review of the implementations of the 2018 C&AG report later in 2021.<sup>9</sup>

### **Submission: Jersey Police Authority**

38. Regarding the impact of the draft Law on the JPA, it was the [view](#) of the JPA that, if adopted, the draft Law had the potential to lay a new foundation for it. The JPA explained that at times it had been the weakest part of the oversight function of the police, due to insufficient resources to undertake its role, and also, because it did not have a loud and recognised voice in policy. It emphasised that was changing, and that the JPA was now well established in terms of its remit and value.
39. However, the JPA raised concern regarding the aspect of resourcing. It explained that while the draft Law creates a new and specific route for requesting resources,

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<sup>6</sup> [Written Questions – Minister for Home Affairs](#)

<sup>7</sup> [Written Questions – Minister for Home Affairs](#)

<sup>8</sup> [Written Questions – Minister for Home Affairs](#)

<sup>9</sup> [Submission – Comptroller and Auditor General](#)



it cannot of necessity guarantee their delivery. The JPA noted its disappointment that the report accompanying the proposed amendments only references the need for resources in terms of inspections of the SoJP and does not include specific reference to the resources required by the JPA to deliver its remit. The JPA believes it is the intention of the Minister to provide the resources and noted that it would be providing a business case to the Minister to justify that investment.

40. The JPA highlighted that increasing the resources available would strengthen its operational abilities and would inevitably change the nature of the relationship with the SoJP and the Directorate of Justice and Home Affairs. The JPA views this as extremely positive, as it believes that a stronger Authority, recognised as part of the planning process for police funding, will lead to a stronger relationship with civil servants and the Minister and consequently enhance existing relationships between the SoJP, Minister for Home Affairs and the JPA.
41. It is the JPA's view that the proposed change within the draft Law to remove power of the Minister to make operational decisions in terms of establishment and transfer these to the Chief Officer, would allow the Minister for Home Affairs to concentrate on his core strategic responsibilities in relation to the SoJP.
42. Regarding the impact of the proposed changes in relation to the relationship between the Justice and Home Affairs Directorate and the Chief Officer of the States of Jersey Police Force, it is the view of the JPA that the relationship between the Chief Officer and the Justice and Home Affairs Directorate would not be impacted, should the draft Law be adopted. It was explained that the Chief Officer will have their operational independence strengthened through the amendments, and the JPA should have greater contact with Justice and Home Affairs as a consequence of its new financial planning role.
43. The Panel understands the concern raised in relation to the adequate resourcing of the JPA as this would be fundamental to the ability of the JPA to undertake its role effectively. The Panel is satisfied to identify that the line of communication regarding resources for the JPA is being maintained between the Minister for Home Affairs and that the JPA has commenced the development of its business case to justify its resourcing requirements to the Minister for Home Affairs.
44. It is the Panel's understanding that the draft Law concerns the governance of the States of Jersey Police and will principally affect the responsibilities and powers of the Chief Officer, the Minister for Home Affairs and the JPA. The Panel recognises that the SoJP is operationally independent, with the Chief Officer having control and direction of the force. This includes being independent of the Government of Jersey, including the Justice of Home Affairs Department. Therefore, no line management or other reporting line should exist between the Chief Officer of the SoJP and the Directorate of Justice and Home Affairs. Consequently, the Chief Officer, in the running of the SoJP, should not be directed or influenced by those functions. It was noted that, should the draft Law be adopted, the current position in that regard would be maintained.
45. The Panel highlights that it may be too premature to identify whether the changes proposed in the draft Law will impact the operation of the various stakeholders and inter-relationships. It notes that whether the desired outcomes in relation to improving the independent governance of the SoJP were to be achievable, would

depend upon the successful implementation of necessary revisions to the operational framework of the JPA once the legislation was enacted. Therefore, should the draft Law be adopted, a review of the position, post implementation, would be advisable to confirm any degree of impact as a result of the proposed changes being brought by the draft Law. The Panel welcomes the intended review of the implementation of the recommendations by the C&AG later this year as this would endeavour to highlight any gaps in implementation and areas where improvement could be made.

**The Panel sought to examine how the proposed changes brought by the draft Law would impact upon and fit into the broader Target Operating Model (TOM) of the States of Jersey.**

46. The draft Law, if adopted, would primarily effect the roles and functions of the Chief Officer, the Minister for Home Affairs and the JPA. Therefore, in [written questions](#) the Panel sought to investigate the direct line management for the Chief Officer of the SoJP. The Panel understands that the Chief Officer is accountable to the Minister for Home Affairs carrying out their functions under the States of Jersey Police Force Law 2012, and to the JPA for the general administration of the SoJP force. Regarding the appointment of a Chief Officer, the Chief Officer is appointed by the Minister for Home Affairs after consultation with the JPA which is subject to parliamentary scrutiny. The Chief Officer can be suspended and dismissed by the Minister for Home Affairs. Complaints against the Chief Officer are handled by the Minister for Home Affairs in minor cases and by the Police Complaints Authority in serious cases.

**The Panel sought to investigate the function of the JPA, its membership and structure.**

47. The Panel raised concern in relation to the basis for the proposed change of the JPA membership and structure whereby the elected States Members would be removed, should the draft Law be adopted. Noting that the C&AG had made the recommendation for the membership of the JPA to be reviewed to determine whether the current structure remained appropriate, the Panel questioned whether any review of the membership had been undertaken to support the proposed change and sought to consider this area further. The Panel notes that Deputy Wickenden, in support of his [amendment](#)<sup>10</sup> to the draft Law, also highlights this concern.

48. The Panel met<sup>11</sup> with Deputy Wickenden on 12th April 2021 to obtain further clarity regarding the role of the elected States Members on the board of JPA and the impact of it on the independence of the governance of the SoJP. In addition, to understand the rationale for Deputy Wickenden's amendment.

49. It was Deputy Wickenden's view that the role of the elected States Members on the board of the JPA should remain, however, that he would be satisfied with a review being undertaken as any changes should be evidence based. Deputy Wickenden believed that the proposed removal of the elected States Members from the board had been proposed without any review and without any evidence to back the proposed change. He emphasised that he was not aware of any reference that had

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<sup>10</sup> [Amendment – Deputy Wickenden](#)

<sup>11</sup> [Minutes – Children, Education and Home Affairs Panel – 2021.04.12](#)

been made by the Minister for Home Affairs in relation to a review of the JPA board's structure.

50. Deputy Wickenden highlighted the importance of having elected States Members on the JPA board. It was his view, that without States Members on the board, any proposed actions brought by Ministers could not be adequately challenged when required. He explained that a benefit of having States Members on the board was it enabled the JPA to have a better understanding of the functioning of the States Assembly and the workings of the financial plan. He noted that having States Members on the board of the JPA functioned to facilitate the challenging of Ministers proposing changes to the policing budget.
51. The Panel asked Deputy Wickenden if the role of the elected States Members on the JPA board could impact the independence of the governance of the SoJP in any way. Deputy Wickenden explained that the JPA did not possess the powers to instruct the SoJP and that it only had the ability to challenge. Although, he highlighted that the JPA had the ability to impact the Minister for Home Affairs. He explained that being on the board allowed him to arrange meetings with Ministers and Officers when required and facilitated the JPA to challenge a Minister's proposed actions. He noted that the approach was beneficial as the Chief of Police would be able to communicate concerns with the JPA and this could then be relayed adequately via the JPA, facilitated by the elected States Members, to the Ministers. He explained that with the States Members on the board, the communication route to Ministers was more easily accessible for the JPA. It was Deputy Wickenden's view that it would be easier for the Chief of Police to communicate concerns with the JPA than directly with the Minister due to the hierarchical structure.
52. The Panel asked Deputy Wickenden whether he was aware of the JPA having undergone any form of review of its effectiveness. He confirmed that to his knowledge no review had been undertaken. He noted that the JPA, in his view, had only recently become established in its role and as a result had not been effective until more recently. He noted that since the establishment of the JPA that four States Members had been part of the board and that neither Ministers nor the C&AG had discussed any form of review with any of the States Members.
53. The Panel questioned what criticism a States Member on the board of the JPA could face and whether a valid means existed in which a States Member could misuse their position on the board. It was explained that States Members were elected which could transpire to demonstrating a level of authority. In addition, as a member of the JPA board, relationships were formed with the Chief of Police and that relationship could be considered inappropriate for a States Member. However, the relationship with the Chief of Police could be seen as beneficial as the States Assembly could remain up to date with regard to Jersey's policing.
54. The Panel considered whether the JPA board should be reviewed on a fixed basis. Deputy Wickenden explained that he had been on the board for six years and that perhaps a review was necessary, and a fixed term should be established for board members.

55. It was the view of the JPA<sup>12</sup> in terms of operational independence of the police, that removing States Members from the JPA will not have an impact, as indeed it has not during the period of their membership of the JPA. The JPA has taken the view that it should be a matter for the States Assembly to determine. However, the JPA emphasised that there was no doubt that it had benefitted from the political links offered by its serving States Members and would seek an alternate route should they be removed.
56. In a response to written questions to the Minister for Home Affairs, where the Panel questioned whether a review of the appropriateness of the existing membership structure of the JPA had been undertaken to inform the changes proposed in the draft Law to remove States Members from the JPA membership, it was noted that the Minister for Home Affairs had made a decision on the constitution of the JPA following discussions with the JPA and SoJP.<sup>13</sup>
57. It is the Panel's view that the current composition of the JPA board should remain subject to a review of the role of the States Members on the JPA board to be undertaken every three years and prior to the 30th June 2024. Should a review identify that retaining States Members on the board of the JPA was inappropriate, Regulations to remove States Members from the board membership would be possible. The Panel's amendment, [Amendment \(No.2\)](#)<sup>14</sup> to the draft Law, if adopted, would enable this.

**Concern existed regarding the consultation process of the draft Law and the absence of involvement from the Children's Commissioner.**

58. In view of the Panel's concern regarding the lack of consultation with the Children's Commissioner on the draft Law, the Panel was satisfied to identify that it was the view of the Children's Commissioner that the draft Law would not directly concern children.

**Further Evidence Considered: Jersey Police Association and Chief Officer of the SoJP**

59. The Panel was pleased to identify that the Jersey Police Association and well as the Chief Officer for the States of Jersey Police were satisfied with the draft Law. On review of the draft Law, the Jersey Police Association articulated its view that the proposed changes brought by the draft Law would improve the current law by providing increased independence to the SoJP. The Chief Officer for the SoJP confirmed that the SoJP would not be suggesting any amendments to the draft Law.

**Conclusion**

60. The Panel is appreciative for the briefing arranged by the Minister for Home Affairs on the draft Law prior to its lodging and for the Minister's promise to delay the debate of the draft Law, at the Panel's request, until the 11th May 2021 States Assembly sitting. This has allowed the Panel the adequate time to undertake scrutiny of the draft Law.
61. The Panel is grateful for the time taken by the C&AG and JPA to provide their views and comments regarding the draft Law as this has helped to further inform its

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<sup>12</sup> [Submission – Jersey Police Authority](#)

<sup>13</sup> [Written Questions – Minister for Home Affairs](#)

<sup>14</sup> [Second Amendment – Children, Education and Home Affairs Panel](#)

review. The Panel is also appreciative of Deputy Wickenden's willingness to engage with it regarding his amendment and his role as a member of the JPA, this also has helped to inform the Panels review.

62. In conclusion, the Panel highlights the reliance of the successful implementation of the necessary revisions to the operational framework of the JPA on delivering the desired improvement regarding the governance and accountability of the SoJP. In addition, where key areas are not explicitly legislated, the importance of safeguarding their adequate provision including:
- to ensure inspections are undertaken at regular intervals;
  - to ensure the JPA receives the adequate resourcing it requires to undertake its functions; and
  - to ensure the JPA has an active role in advising on the SoJP budget.

The Panel notes that the above mentioned would be central to ascertain the desired outcomes of the C&AG's review and on which the draft Law aims to deliver. The Panel emphasises that, should the draft Law be adopted, a review of the position, post implementation, would be beneficial and notes that the intended review of the implementation of the recommendations by the C&AG later this year would be central to that.

63. The Panel has brought forward amendments based on the evidence it has received, which it believes provides further strength to the draft Law and would urge Members to support them.