

STATES OF JERSEY

Education and Home Affairs Scrutiny Panel Comprehensive Spending Review Hearing with Minister for Home Affairs

MONDAY, 28th June 2010

Panel:

Deputy R.G. Le Hérissier of St. Saviour (Chairman)
Deputy T.M. Pitman of St. Helier (Vice-Chairman)
Deputy M. Tadier of St. Brelade

Witnesses:

The Minister for Home Affairs
Chief Officer for Home Affairs

Also present:

Ms. S. Power (Scrutiny Officer)
Mrs. E. Liddiard (Scrutiny Officer)

[10:32]

Deputy R.G. Le Hérissier of St. Saviour (Chairman):

I would like to formally open this session. Obviously the witness requirements, I hope, are well known to the Minister and his Chief. If not, we can pass a copy. We will introduce ourselves for the tape. I am Roy Le Hérissier, Chairman, Deputy of St. Saviour.

Deputy M. Tadier of St. Brelade:

Deputy Montfort Tadier of St. Brelade.

Deputy T.M. Pitman of St. Helier (Vice-Chairman):

Deputy Trevor Pitman, St. Helier No. 1, Vice-Chairman.

The Minister for Home Affairs:

I am the Minister for Home Affairs.

Chief Officer for Home Affairs:

Chief Officer, Home Affairs.

Ms. S. Power (Scrutiny Officer):

Sam Power, Scrutiny Officer.

Mrs. E. Liddiard (Scrutiny Officer):

Elizabeth Liddiard, Scrutiny Officer.

Deputy R.G. Le Hérissier:

I should also say that Deputy Maçon sends his apologies. He has got Economic Affairs this morning, so he will be with us this afternoon. I would like to welcome you here, Mr. Minister, and your Chief Officer. The intention is to look at the comprehensive spending review proposals which your department has put forward.

Member of the public:

Just before we go on, we made a request that we could video this morning and I think it was agreed that we could video it.

Deputy R.G. Le Hérissier:

Yes.

The Minister for Home Affairs:

Yes, that is what I mentioned before.

Deputy R.G. Le Hérissier:

Sorry, we just did not see the video man.

The Minister for Home Affairs:

I am happy with that, yes.

Deputy R.G. Le Hérissier:

We have got some fairly broad questions so we will open up with these broad questions but clearly we might have to jump in and narrow them as the proceedings move along. First of all, I wonder if we can ask you, Mr. Minister, how has the department set about prioritising the various areas that account for its expenditure?

The Minister for Home Affairs:

What happened was that in response to the aim of a 2 per cent cut the civil servants and others in the department basically set out on the basis of asking departments right across the board what would be the effect of a 5 per cent cut and they then came back with ideas in relation to that. That was then subsequently looked at internally in Home Affairs and it was then put to me in terms of various different options to achieve the 2 per cent, and I, in consultation with my Assistant Minister, made decisions as to which of those I would put forward. There were various stages on this because there were some items we were putting forward early on which we understood would be acceptable within the C.S.R. (Comprehensive Spending Review) process but were subsequently told were not. This led to a situation which we had to go back and we think what we were putting forward, and that led to the situation in which we were late in coming up with the initial proposals for the 2 per cent simply because we had been knocked back at a very late stage on some of the items.

Deputy R.G. Le Hérissier:

Can you give an indication on what kind of items you were knocked back on?

The Minister for Home Affairs:

Yes, they were actual reductions of rental. We contend that we are paying rental both for the police and also for Customs and Immigration at the harbour and also at the airport for areas for which we should not be charged rental. Certainly the equivalent situation elsewhere in the British Isles would be that rent would not be charged for those areas. Somehow historically rental has been charged and we wanted to rectify this. Now, the view was taken that this was merely an internal accounting thing because if we paid less rent then the amount of profits or loss in relation to the Harbours and Airports, which are

trading organisations, their position would go down and the 2 would balance each other out. We still contend that we should not be paying this much rent as we are paying for these areas and this both distorts the costs of running the police force and the Customs and Immigration, and also distorts the financial position on both the Harbours and Airports in a way that is not reasonable. But that is what happened, and that is why I had to go back. I first of all had to check with my colleagues on the Council of Ministers that they supported the view that these were not acceptable before I could look again. So that is the process. What happened as a result of the process was that we came up with a number of different options. It was not clear at first whether I was going to be able to support all of these options and there was a thinking process going on, which I will explain to you later in relation to detailed matters. The question actually is the rationale behind current proposals. Did you want me to go into the wider rationale behind the aim of achieving cuts of £50 million? Is that within your remit?

Deputy R.G. Le Hérisssier:

I suppose it would be useful though, Mr. Minister, if you could relate it to the department. When you were presented with this, how did you react? Because you often argue that you are a very labour intensive ministry so inevitably the cuts will fall a lot of the time on staff. Did you, for example, think it was fair to say 2 per cent or did you say: "Look, I really need to see where this 2 per cent is leading to when it reaches 10 per cent"?

The Minister for Home Affairs:

I have to say that my position was that whether or not we could achieve the 2 per cent figure was dependent upon the results of the response to our growth bids, and in particular to the growth bids in relation to what is called something like preservation of central services and also the growth bid in relation to additional staff for the Financial Crimes Unit, which was really a requirement of the last I.M.F. (International Monetary Fund) report. The point is this, that although you are looking at cuts, savings, whatever, I had made some corresponding gains in other areas and the 2 were, clearly in my own mind, interlocked. I had to make sufficient gains in relation to the preservation of the position on increments and also in relation to the staffing requirements in relation to the Financial Crimes Unit to make the overall thing acceptable. I made that clear to my colleagues.

Deputy M. Tadier:

Can I ask about something; I think it follows on from what you have just said. Also earlier you mentioned that it is possible for a department to make cuts, you mention the rentals, and that would have a knock-on effect to another department. That would enable you to possibly get your 2 per cent but then it becomes a nonsense if other departments are losing income and therefore they have to find even more revenue for savings.

The Minister for Home Affairs:

Yes, except that we are talking about a trading department which has the ability in turn to change its charges to users and thereby to recover that. This is why it was put forward. My staff had initially understood that this would be acceptable and then subsequently we were told it was not acceptable. That is why we had to go through this process. We are still pursuing the issue for the reasons I explained about the distortion of the overall costs of running things and distortion of the true picture I relation to profit and loss have with various different agencies.

Deputy T.M. Pitman:

Just to pick up on Deputy Le Hérisssier's question: there has been lots of criticism that really the Council of Ministers have had no true idea about where we are going to with the 10 per cent, so when you were coming up with these original proposals how strongly did the ultimate 10 per cent feature in the back of your mind?

The Minister for Home Affairs:

It particularly features in relation to the issue of discrimination legislation, which I know is an area that you want to ask me about, because my own personal view if I had purely been looking at a 2 per cent situation, with no prospects of further ongoing pressures, my personal view is I probably would have wanted to keep the funding in that. The difficulty that I had was the prospect of keeping something in there for here, bearing in mind we are talking about setting up a new tribunal or standing the work of the existing tribunal effectively. But if I was going to then find that I had to lose it the next year or the year after that, that was very difficult. Understand that one of the problems that I have in relation to this whole area is that although the Council of Ministers may have a particular view as to what the aim is that we are aiming for, namely £50 million, when we set out on that road we did not know what the shape of that would look like. How acceptable that would be or how unacceptable that would be. This process and the next stages will start to indicate that more clearly. But we also did not know what view the majority in the States Assembly would take in relation to this. In a sense, the role of the Council of Ministers is to try to provide leadership by coming up with plans and proposals, laying those before the Assembly and if the Assembly does not like them then they get rejected. If the Assembly does like them ... and when we started out on this process you must understand that the size of the hole that we thought we were looking at, taking into account the need to finance things like maintenance of buildings, which have been underfinanced for years, the need to make provision for things which have been financed out of one-off funds like the Drugs Confiscation Fund or the criminal ... I cannot think what it is called.

Chief Officer for Home Affairs:

Criminal Offences Confiscation Fund.

The Minister for Home Affairs:

Yes, Criminal Offences Confiscation Fund, thank you, which appear to have dried up. Things like court and case costs have been financed out of that for a number of years. It is also apparent in the process that there have been other things which have been happening within budgets of departments which there has not been a clear provision for financing, particularly in Home Affairs. The best example of that is the Criminal Injuries Compensation Scheme which used to be financed out of Home Affairs and it got removed from that because of the difficulties of working out how much there would be in a particular year, and which there would be no particular provision. But when we started out on this road, bearing in mind all these provisions, also the need to make provision for some sort of reserves because every year there have been 11(8) requests. There are no reserves held within individual departments, et cetera. When we set out we thought we were looking at a hole of £110 million. The latest estimate is somewhere between £90 million and £100 million. Now I had no doubt right from the start of the process that there would have to be tough political decisions made at the end of day. Firstly, as to how large the hole was. Secondly, as to what percentage of the hole would be filled by increased taxation and what percentage of the hole would be filled by savings and by ceasing to do things. That was the issue. I mean, broadly speaking in rough arithmetical terms, the £110 million figure with a £50 million cut would lead to a £60 million increase in taxes.

Deputy M. Tadier:

Can I interrupt on that point, while I still remember, is that an issue that we effectively have gone into this comprehensive spending review with the presupposition that there have to be cuts? So rather than simply looking at each budget and each department and saying: "Well, yes, we could save money here or we may need additional funding here" that by being told from the very beginning there has to be a 2 per cent cut, that puts one in a straightjacket. Do you feel an element of that in your department?

[10:45]

The Minister for Home Affairs:

Yes and no, because within the total figures which initially were £110 million short and which are now £95 million to £100 million, is the assumption of some degree of growth. Hence why Home Affairs, in fact, by virtue of the protection against the effects of increments for one year, which I will explain to you in more detail later, and by virtue of the growth bid of 8 additional people to strengthen the Financial Crimes Unit, of course if you net off all our things we are not taking 2 per cent cuts. That is the whole point. You will recall no doubt previous meetings like this when I indicated I was not going to accept pro rata cuts, and the reason was because I was aware of those pressures among other pressures and, in fact, the package had come up because of the extent of the growth bids, £365,000 was set off against the increment to ensure we maintain the central services and £550, I think it is off the top of my head ...

Deputy M. Tadier:

Is 2 per cent pro rata flawed in its inception?

The Minister for Home Affairs:

It never was 2 per cent pro rata cuts, in my opinion, because there was obviously acceptance there was going to be an element of growth and it just so happens that Home Affairs had a very strong case.

Deputy M. Tadier:

I am talking about unilaterally across all departments saying we want 2 per cent irrespective of whether the department is efficient or inefficient. If you were Minister for Treasury and Resources is that the way you would have gone about it?

The Minister for Home Affairs:

I think we have to start a process, just as we did at Home Affairs, where we asked people to identify right across the board the effects of 5 per cent cuts. We have to start a process in which people are going to have to come up with the effects of cuts and savings and so on and so forth, and then you have to start looking in some way to prioritise. If I personally have a criticism of the process it would be that I do not think we have spent enough time because, frankly, timescales ... we were rushed of necessity by the timescales particularly by the sort of business I am talking about where Home Affairs put up things in good faith and then found that some of them were turned down. I do not think that perhaps we spent enough time comparing the value of cuts in this area or cuts in that area, which are the more important priorities across the board. That is what Ministers were hoping to do internally. There was a degree of safeguarding built in because each Minister had another Minister who looked at their proposals to see if they thought those proposals were reasonable. So, it happens because things went wrong with the system, it was meant to go round in a circle. I ended up having my stuff looked at by the Chief Minister and I ended up looking at the Chief Minister's Department, but in most other cases people had a different person looking at them.

Deputy R.G. Le Hérissier:

In the U.K. (United Kingdom) they have adopted this Canadian model, it appears, where Ministers have to go before a council called Star Chamber, a council of other Ministers and they have to justify the activities of their department almost from the bottom up. They have to say: "Why do we need to keep doing this activity?" or: "Have we got a totally overpriced service?" for example. "Is this over managed?" In other words they have to ask the very fundamental questions and they cannot fiddle around the margins as appears to be the case we are doing. Would you have said that that might have worked in the Jersey context?

The Minister for Home Affairs:

It would take much longer. I mean I think that that sort of process or some sort of process of assessment

of the value of what has been done by one organisation against another would, in my view, have to be a part of later issues, particularly if we are moving towards a final figure of 10 per cent, in relation to which the cuts would be extraordinarily painful in some areas. The difficulty is that all the different organisations are different, all the different ministries are different. Some of them have quite large discretionary spends and that does not mean that those are not important. If we look at E.D.D. (Economic Development Department), no one is going to say the money they spend on agriculture or tourism or whatever is not important. But it is discretionary. Whereas other departments, particularly Home Affairs, have far less discretionary spending which makes it more difficult and a much higher ratio of staff.

Deputy M. Tadier:

Can you tell us more about the fact that the process has been rushed, in your opinion? What do you think the negative impact might be?

The Minister for Home Affairs:

It is inevitable. The process is always rushed, I am afraid. The cycle of the Business Plan and so on is such that in a sense it is always going to be rushed, to a degree. Particularly because we have to be putting things out in some sort of format to Scrutiny in advance ...

Deputy M. Tadier:

You cannot say it is always going to be rushed because that means if everything is rushed then it is just, in relative terms, the normal pace, is it not?

The Minister for Home Affairs:

It should be less rushed for 2012, in a sense that departments are now actively looking at the effects. I mean, in the Home Affairs Department we are looking at the effects of a total of 7 per cent from the baseline, and it was 2 per cent above 5, and if there were 12 per cent across each section and having a look at what that looks like so that we have got some sort of meaningful figures. This is not without its problems because if you start doing that sort of process, which we have to do, and then items start getting leaked to the press, et cetera, suddenly these become sort of built in stone or concrete or whatever, definite ideas, rather than actually we are just trying to give an idea of the shape of things. I mean my opinion is that there has to be a debate in the Assembly at some stage in relation to the issue as to how large is the gap and how much of that is going to be filled by tax increases and how much of that is going to be filled by savings. You have to have that debate at some stage. I mean, I as a Minister am not prepared to take the flak on my own. Nor do I think the Council of Ministers should take the flak on their own for this. I think we should share the pain with our colleagues.

Deputy T.M. Pitman:

It probably follows on from Deputy Tadier's question, just going back to the wider issue, we are obviously interested in how the current proposals were chosen but particularly could I ask you about the impact of this on the police, because I think many members of the public would be alarmed at any cut that had an impact on the police. Yet if I can also put it to you, we also hear, and maybe you can correct me if I am wrong, that we have the highest paid police force in Europe. Do you see any tension between those?

The Minister for Home Affairs:

Can I talk about pay in the police? Pay in terms of service of course is one of the issues, not just with the police, but for all the Home Affairs groups which is being looked at as part of a review process. But even if hypothetically a decision came out that a particular group within Home Affairs was being paid 10 per cent or 15 per cent, or whatever, more than perhaps was justified, even if that happened as part of the review there would then have to be negotiations with the particular ... I will call it union for want of

a better word, association is the correct word. Even if it was agreed that there was going to be this change there would need to be protected status for a number of years for existing post holders. So the trouble is that, although that process should and must take place, in terms of 2011 or 2012 or 2013 the amount of actual effect that it has would be minimal. I can see particularly in Home Affairs hypothetically a situation arising where we were able to identify that there could be changes to the structures of salaries, pensions, et cetera, which might reduce the costs over a period of time, but then how soon can those be realised? That I think is very realistic.

Deputy T.M. Pitman:

Is the feeling within the department that the police are 10 to 15 per cent overpaid? I think those are the figures you referred to?

The Minister for Home Affairs:

I think the feeling in the department is that the police may be overpaid but we need to wait and see the results of that.

Deputy T.M. Pitman:

As for the cuts and the impact on the police, as we stand today?

The Minister for Home Affairs:

Yes, can I just say that 2 of the members here of course went through the senatorial hustings with me in 2008 and they were [*inaudible*] among other things ...

Deputy M. Tadier:

It should have been 3.

The Minister for Home Affairs:

I am sorry you had to put up with me then. They will know that one of the things I think that I was saying was that when I got in to Home Affairs, if I got in to Home Affairs, is I would seek to look at budgets and the way things were operating to make efficiencies. I think that is the role of any Minister to do that. Now, frankly we would have been doing that in any eventuality and that process has started within the police force, in particular, and it is ongoing. It is one of the major reviews that has taken place. There must be ways of making ourselves more efficient in our operations, et cetera. Now, if I could put it slightly cynically, if I had come forward ... if there had been no C.S.R. and I had come forward and said: "Look, I think we can operate the police with 3 or 4 lads than last year", people would say: "Oh, good old Ian Le Marquand, what a good job he is doing in Home Affairs" but because it is part of the C.S.R. process people may say: "Ooh, not sure we can bear this. This is just politically motivated." I think we could. I would not have put forward these items if I was not satisfied that we could function. Particularly key, as I have said to you already, is the effect of the increments where effectively for 2011, as opposed to 2010, we have safeguarded the cost of 2 posts, effectively, for the incremental thing but then on top of that we are going to receive these 8 additional posts. I think there is only one or 2 policemen among those, there are accountants and data collectors and this kind of thing. But the reality of the situation is that if we had not received those posts we would have had to have put more resources into this area in any eventuality because that is the way the police force works. It responds to pressure in particular areas and diverts resources, et cetera.

Deputy R.G. Le Hérissier:

Are you satisfied on the ... I mean you have made much play of that, Mr. Minister, the need to grow the Financial Crimes Unit. But we do have a big element in the Jersey Financial Services Commission of course staffed, it has to be said, by some ex-police officers and we do have a lot of people working on these cases in the Crown Officers area. Can we be assured that as an overall organisation that there is

proper integration in that area? Everyone seems to be growing a very big department to deal with this.

The Minister for Home Affairs:

I cannot comment on the efficiency of the Financial Services Commission but I would note they have massively grown. I could not remember the correct word for what they do when I was here on Friday before a different Scrutiny Panel ... it is regulation type of staffing. It is another word for it which I could not remember then, cannot remember now. But they have had the ability to raise additional charges to cover costs and have grown and there is an issue, I have to say, there must be an issue, in relation to organisations like this which are funded in different ways as to whether they are going through similar efficiency processes, but there is a difference. They are there to check if the systems are operating properly but if there is evidence of clear failure which may be of a criminal nature then the matter gets handed over to the prosecution function. That is so there is a separation, as it were, of the 2 functions. Obviously then there is also a need to work closely, as you rightly said, with the Law Officers' Department in terms of advice and so on, as to which cases are going to be pursued and to what degree they are going to be pursued in terms of investigations and so on. I am satisfied we need the additional numbers. This was a recommendation. Without it I am afraid we just build up increasing backlogs of major cases in this area. I mean you will be aware of a particular case which has now been going on for more than 2 years which involves a particular former colleague of mine who has effectively been self-suspended for 2 years. If you do not have the resources to investigate these matters speedily then they will drag on. They are complex by their nature. They need skills of forensic accountants and all sorts of people and this is important reputationally to the Island.

Deputy R.G. Le Hérissier:

We may come back to that, but when you look at the cuts, particularly in the prison and the police again, Mr. Minister, there are a lot of cuts in overtime. It has always been the argument in the prison that when they were after staff the matter of overtime bill would start reducing and I think that was expected before this actually, let alone as part of this. Can you indicate to us where the cuts in overtime will impact both in the police and the prison?

The Minister for Home Affairs:

I cannot in the prison. My colleague will have a better knowledge of that.

Chief Officer for Home Affairs:

It is mainly to do with control of segregation and taking ... management taking a view on when that triggers, basically, and whether they can cope with less segregation because that is very expensive in overtime. So in 2 per cent that enables you to make quite a saving.

[11:00]

Deputy R.G. Le Hérissier:

It was argued time and time again by yourself and the people in Home Affairs previously that because there were fewer staff there had to be overtime. That was aggravated by the fact staff were under stress so there was more sick leave and therefore more overtime. Therefore a lot of new staff, both support staff and frontline officers, were put into the prison. Has that worked? Has that worked and reduced the overtime bill?

Chief Officer for Home Affairs:

Yes, I mean leaving the C.S.R. aside, I think there are 2 main factors why we have been able to get a grip on overtime and it has improved markedly. The first one is we have taken on 30 plus staff and we have brought in the new grade of operational support grade, which frees up prison officers to do more of the actual prisoner interfacing. That has enabled the shift patterns now to be changed so that overtime is

minimised. The other big factor of course has been the capital bills. We have now got the old adult wings mothballed because the new K and L wings are open. So clearly if you have got larger wings now with most of the adult male prisoners in them, then you can organise your shifts so that you have got a more optimum number of people looking after them. So those 2 things together.

Deputy R.G. Le Hérissier:

Can you put a percentage on what the reduction in overtime has been as a result of these moves?

Chief Officer for Home Affairs:

I could quantify it for you and come back to you on it, yes.

Deputy R.G. Le Hérissier:

Is the Governor working under a target? Has he been told: "Now you have got the resources it has to be reduced" blah blah blah?

Chief Officer for Home Affairs:

When these 2 factors came into play we revised the split of the budget and reduced the overtime budget considerably to levels that we wanted the prison to adhere to. So that has been a main contributory factor to be able to manage the prison budget better. The other one is, of course, the reduction in the number of prisoners in the U.K. for whom we pay, which 4 or 5 years ago was running at over 30, is now 6.

Deputy R.G. Le Hérissier:

Why has that been reduced?

Chief Officer for Home Affairs:

Just better liaison, better agreement with Prison H.Q. (headquarters) in the U.K. whereby if somebody does have the ability to be visited in the U.K. and they have strong ties, then the England and Wales authorities will accept that they are a charge to their regime and not ours.

Deputy R.G. Le Hérissier:

Can you explain where the cuts are going to occur in police overtime under your proposals?

The Minister for Home Affairs:

No, I cannot. I do not know the answer to that. It is effectively a budgetary allocation and like all budgetary allocations it is not in concrete, so it means they have a less figure. There are certain anomalies in relation to the financing of the police force which are inherent, and which I repeatedly pointed out to my colleagues on the Council of Ministers, and I think sometimes I have pointed out to my colleagues in the Assembly, and that is this: that if there is a particular pressure of particularly large cases, and we have had in recent years the historical abuse inquiry as an example of that. We have had the Warren inquiry, as an example of that. We have got this year a particular case, which I will not mention because it is currently going through the courts, plus 3 or 4 major financial crimes type of issues. What happens is when there is particular pressure of this sort of nature is that when the matter proceeds to charging and to a trial the additional costs of the budget get taken up in terms of overtime through court and case costs, so there is a pressure valve. There is this pressure valve if there is suddenly something major and unexpected. We are trying to achieve much better control of that because the budgetary process for those particular items has not been as good in the past as it should have been, and appears to have completely failed in relation to the historical abuse inquiry and the details of that will become apparent shortly.

Deputy R.G. Le Hérissier:

Are those the details of managing overtime in the historic abuse inquiry or managing costs overall?

The Minister for Home Affairs:

Overall. But, as I said, improvements have been made to systems since then and we are seeking to continue to make improvements in terms of proper budgeting for these particular items. I mean, you will have seen in the 11(8) request this year, an element for court and case costs, for the police and for Customs and those have been based upon a serious estimation of what these investigations were going to cost in this particular year of 2011. What I am saying is that, yes, we have a reduction in terms of the overtime allocation and obviously an intention to reduce use of overtime but we also have, if necessary, because of large cases, a pressure valve situation which enables us to obtain additional resources.

Deputy T.M. Pitman:

A question, I am sorry if this seems to come out of left field, but we are looking at costs and savings, you would hope that everyone takes a long-term view. I know you cannot do this on your own, but in your opinion, if there was a different approach to sentencing for, say, drug related crimes because that does account for a great deal of what we see in prison, would that have not been a better way to approach savings in the long term?

The Minister for Home Affairs:

That is simply not a matter for me. The ultimate decision in relation to sentencing policy lies with the courts. Obviously you will know that periodically the Minister and Assistant Minister will meet with the senior judges. We have conversations, we may express views, but the matter remains with the judges. You are right in terms of overall prison population, perhaps the single largest factor to that is the numbers of people serving long sentences which are drugs related.

Deputy T.M. Pitman:

Which are hugely costly for the taxpayer.

The Minister for Home Affairs:

One of the particular problems, if I can explain, there are in terms of talking about costs within the prison and that is that your costs are not linear in the sense, so they are not proportionate to the number of prisoners that you have. If the number of prisoners goes down then you do not go down by that proportion because you have still got the same number of units to run, et cetera. It is only when you can start shutting units or shutting floors of units that you start to make serious savings or only when the number of people goes lower so you do not need so many people delivering education or drugs counselling or whatever. We are reasonably confident that the effect of the transfer of prisoners proposals which we are working on currently, which would put us in line effectively with the rest of Europe in terms of giving the right to prisoners to return to their home country to serve their sentence, in which case they are not at our expense. In other words, an extension of what we have already been talking about in terms of prisoners who are returning to the U.K. and are not at our expense, just more of those of foreign nationality. We are confident we are going to see a reduction in terms of numbers over the next ... I guess it is going to take 2 or 3 years to put this in place from that, and I have asked the Governor to come up with proposals on the assumption of a reducing prison population as to how he would shut things down and the costs that we made and so on. What you are saying in terms of overall sentencing policy is similar. It is not linear but there will be some savings.

Deputy T.M. Pitman:

I hoped you were going to go there, so thanks for that.

Deputy M. Tadier:

I just wanted to ask about the proportion of the department's budget that would be spent on

prosecutions, roughly, if you know.

The Minister for Home Affairs:

You would have to define better exactly what you meant because in a sense there is work going on in terms of investigation leading to prosecutions all the time.

Deputy M. Tadier:

I was thinking more so about the court, litigation within the national court process, and legal fees, advocates and things like that, and if any savings could be made there. Clearly we have an expensive legal ...

The Minister for Home Affairs:

One of the things that is being reviewed, not just across Home Affairs, but also across the Law Officers' Department and the Judicial Greffe Department is the issue of court and case costs. It is quite a complicated issue because you are dealing with all sorts of different things. You are dealing, for instance, with things where a person is acquitted and gets an order for costs in their favour, and that is statutory, and the Judicial Greffe has the responsibility for setting what is the appropriate amount that should be paid out. So you have got things like that which are just part of the justice system. You have other things which are part of this overflow system for complex criminal cases. What I would say is that the Criminal Justice System is very expensive. I think that my colleagues in the States have at times been quite astonished when they have asked questions about how much it costs ... the Warren investigation, how much that cost. It is very, very expensive. It is not just for disciplinary reports from outside police forces which cost a lot of money. Investigations cost a lot of money.

Deputy R.G. Le Hérissier:

In a way we were not going to get on to that because it is not on your list but you have now invited us ...

The Minister for Home Affairs:

They are expensive.

Deputy R.G. Le Hérissier:

You have gone through these extensive disciplinary inquiries which do seem interminable. Can you tell us what lessons you think you have learnt from them in terms of efficiency savings for the future? I know that is a narrow approach to them and obviously my colleagues have broader issues but ...

The Minister for Home Affairs:

I have to say there are issues in relation to terms and conditions of senior police officers. There are issues in relation to the press aspect. I have repeatedly criticised the existing disciplinary process. There is an issue here I think which is quite difficult to talk about but which pragmatically has got to be grappled with, and it is not just in relation to senior police officers, surgeons or whatever. It is general across the board. This is a difficult one. There are issues where perhaps there are questions of performance in relation to particular officers. If you are going to pursue those issues, whether or not they are suspended by obtaining reports and so on and so forth into what are complex matters. There are significant costs which are run up in relation to that and that is unavoidable. So when you start out on such a process you know that you are committing yourself to significant costs. I do not think anybody realised how great those costs can be in relation to outside investigations. Can I just say that, of course, any investigation in relation to a senior police officer, that is anybody above the rank of inspector, requires investigation from a force outside the Island and therefore there are considerable costs involved.

It is my view, in relation to certain officers, that the pragmatic way of avoiding that for the future is by building into contracts, particularly fixed term contracts, the ability for someone to say: "Look, there has been a breakdown here and we are now going to trigger the termination clause effectively in the

contract.” So without there actually having to be a decision in relation to default or not, the termination clause takes place, the person gets paid some compensation in relation to that, and that is it.

Deputy T.M. Pitman:

Could that not be abused terribly? Would that not be a very convenient way to get rid of people?

The Minister for Home Affairs:

Yes, but this is exactly the dilemma as you know, Deputy Pitman. You have often heard crying in the States ... not crying in the sense of weeping but ...

Deputy T.M. Pitman:

I do after some of your ... **[Laughter]**

The Minister for Home Affairs:

Asserting perhaps is a better word ... in the States no one is ever held responsible. This is the dilemma because on the one hand a system I am talking about could lead to people who are being seriously at fault never being held responsible. On the other hand the cost of actually holding them responsible may be so great that it is not in the public interest. This is the pragmatic dilemma with which I think we are going to need to grapple with.

Deputy M. Tadier:

There is also the issue of a right to appeal even if that was triggered and somebody said: “We would prefer you did not work for us anymore, it is not working” there presumably would still have to be an appeal mechanism.

[11:15]

The Minister for Home Affairs:

Not if you had a termination clause built in on a no fault basis. That is the sort of idea, frankly, that has to be looked at pragmatically because there is no doubt we have been running into a situation where pragmatically the costs of an investigative process, et cetera, are so great, it is a no win situation whatever the outcome.

Deputy T.M. Pitman:

Can I say, just for the record, I find you suggesting that quite frightening because if there is no appeal, as Deputy Tadier said, with the best will in the world that is just a licence to remove anyone who ... the relationship may have broken down because they are doing a very good job and they are perhaps asking questions that some would rather they did not ask.

The Minister for Home Affairs:

That is the potential downside but, with respect, thou canst not have thy cake and eat it. You know, you are pointing out the problem in one direction and Deputy Le Hérisier is pointing out the problem in the other.

Deputy M. Tadier:

But the ingredients in the cake must be human rights compliant before they get put into the mixing bowl.

The Minister for Home Affairs:

That is the dilemma.

Deputy M. Tadier:

Of course the underlying issue, and it is not just your department, is that how to recruit and ensure the quality of staff before they come to Jersey and it is a very difficult issue because we cannot always rely on references.

Deputy R.G. Le Hérissier:

This is all very interesting but I will have to ... unless it relates to cost cutting, sorry, I broke the golden rule and introduced a topic which we said we would not introduce.

The Minister for Home Affairs:

I think that may be a giant red fish there perhaps.

Deputy R.G. Le Hérissier:

We are going to come back to general issues but we do have some specific issues, vetting and barring, discrimination and rather improbably the Draft Explosives (Jersey) Law, which obviously could be dynamite. I wonder in terms of vetting and barring, which of course was going to lead to more police officers, as I recall; are the proposals still on target, particularly given the attitude now taken by the new U.K. Government?

The Minister for Home Affairs:

Can I say that vetting and barring is an example of where the need to improve the system has meant that we have already been putting additional resources in. I am trying to remember the figure. I think the size of the Public Protection Unit has grown from 5 to, I think, 14 or 15, thereabouts, in the last 3 years or so. That is partly caused by a massive increase in the numbers of referrals in terms of child protection issues, which incidentally I have now got the figures here somewhere for 2009 which indicate the increased level of referrals continued. It was not just a 2008 thing. We have already been putting more resources in relation to this area and doing more on a less formal basis. The difficulty we have run into, which is difficult from my point of view, because vetting and barring is a flagship programme of Home Affairs. The difficulty is that the final shape of it has now been put on hold in the U.K. to review it. I think something is going to come out of it anyway because frankly there were aspects of that, of putting better information together, which had to happen in any eventuality so that if the result you got was not dependent upon which police forces you went to and if the person lied about where they had been living, you did not write to a police force where they had been, et cetera. That has got to happen. But I think where the changes may take place may be in the shape of when people are required to register, in other words, what functions in relation to children or vulnerable adults do they have to be doing in order to do that. They certainly have a strong counter pressure coming for voluntary agencies in relation to the amount of time they have to spend on the vetting process and so on, although the improved system should have reduced that by creating a sort of one-off status which is updated. So it is all very disappointing because we have had one member of staff not exactly working full-time but practically working full-time on this for a 12-month period, we brought someone else to cover for their general work. Now we come towards the end of the year and we find we do not know where we are going. That is very disappointing. We shall have to wait I think.

Deputy R.G. Le Hérissier:

But in terms of resources, you believe you are on target and you have already committed, assuming nothing fantastically different happens, when the final U.K. version emerges, you have committed sufficient resources to this area?

Chief Officer for Home Affairs:

Yes, I think it is important to say that what we have achieved was vital because of course the barring lists, which are a vital ingredient of this, have been transferred to the Independent Safeguarding Authority. They now maintain them. The only way that you can get access to them is via the Criminal

Records Bureau to which the Island never had access. So the work we have done for the last 18 months has been making sure that we link up to the C.R.B. (Criminal Records Bureau) and we have achieved that. The staff who are involved in this now are in the process of training the public sector in doing all the formalities required for the C.R.B. so that we can make these applications. The I.S.A. (Independent Safeguarding Authority) are making the barring decisions. As the Minister says, what we are now uncertain about is whether we can get signed up to the full U.K. vetting and barring scheme because the U.K. itself does not know what that will look like, so we are going to come to a little bit of a hiatus on it.

The Minister for Home Affairs:

I should have said that. We have been able to make improvements but we cannot completely.

Deputy M. Tadier:

It is relevant, but slightly different, but to do with current practices for the criminal background checks, we have been told by one lady and others who have come in to talk to us that there is a lot of duplication at the moment within the system so somebody goes for one job, has a background check, a year later they have to have another one in a different area. Is that something which can be made more efficient?

The Minister for Home Affairs:

That is why the new system was designed, to make it more efficient by people having a one-off status.

Chief Officer for Home Affairs:

The term is continuous monitoring. What the vetting and barring scheme will eventually create is a system whereby everybody is continuously monitored and therefore once you have got your registration number that is portable. A bit like your phone number. Once you are cleared, provided you do not score an own goal and your name is in lights, then you are cleared and you are being monitored continuously. The big fault before was that you could be checked to the nth degree on Monday and you could commit something heinous on Wednesday and by Friday, your Monday check would be worthless.

Deputy T.M. Pitman:

Can you just enlarge on monitoring? That is for me being a cynic.

Chief Officer for Home Affairs:

Yes, there is now a duty in the U.K. for people to report anything suspicious, perhaps somebody who is dismissed, for example, for dubious reasons, it is now a duty in law to report that through to the I.S.A. There would then be a review of somebody's status to work with children and vulnerable adults. That is continuous monitoring. Therefore that would trigger a review and it might mean the removal of somebody's ticket, if you like.

Deputy R.G. Le Hérissier:

This includes residential and nursing homes?

Chief Officer for Home Affairs:

Yes.

Deputy R.G. Le Hérissier:

Because that is an area ... are you receiving information in the Island that is applicable to the staffing of those particular organisations?

Chief Officer for Home Affairs:

Are we receiving information?

Deputy R.G. Le Hérissier:

Sorry, not you personally. I should rephrase that. Are the people operating those institutions or homes on the Island, are they receiving information now as a result of the I.S.A.?

Chief Officer for Home Affairs:

Because we are halfway along a system it does require people to go through the vetting process through the C.R.B. when they are being recruited or retrospectively in the fullness of time.

The Minister for Home Affairs:

Can I just raise something else? It is not exactly on point but I would like to raise it if I may, which is a very close area. That is the area of the Sex Offenders Law. During the recent senatorial campaign the candidates seemed to be amusing themselves, as is the wont of senatorial campaigns, by saying all sorts of interesting things and many of them without any substance in fact. One of the things they were doing was criticising the Minister for Home Affairs because of where is the Sex Offenders Law? So I would like to tell you where it is. There are a number of people interested in that. It is stuck in terms of the process with the lawyers who look at things on behalf of the Privy Council, who have not yet come back and said whether it is okay or not. We are trying, as far as we are able, to chase this up because if my recollection is correct the law was passed by the States in September last year. Here we are in June, it is now 9 months since then, obviously there will have been some delay in terms of paperwork being put together and sent off by the law officers. We are very soon going to be at 12 months bearing in mind we need to have an Appointed Day Act to put this into place. We have meanwhile been chasing up things like rules of court and what is being done on ... I will call it protocols for information exchange and that kind of thing, so that when the law is approved and comes back for registration we can move fairly quickly. But it is very disappointing.

Deputy M. Tadier:

What do you think the hold up might be?

The Minister for Home Affairs:

I think the hold up may well be a backlog of work. I think that the U.K., particularly with costs cutting, is going to become increasingly unwilling to be doing legal work on behalf of Crown Dependencies without starting to charge us, although they have not yet.

Deputy M. Tadier:

There is no flaw or anything that you can think of in the law itself?

The Minister for Home Affairs:

Well, it is different, if you recall. I made it clear to the Assembly that it was different inasmuch as whereas in the U.K. when they brought it in it only dealt with ongoing offences. To achieve a much better level of protection we were seeking to enable application to be made in relation to past offences, going back in time. That is different and therefore they will have needed to think about that, double check human rights compliance because obviously I had to take advice from a source, which I cannot possibly reveal.

Deputy R.G. Le Hérissier:

We will go to discrimination.

Deputy M. Tadier:

You have already told us that you were slightly reluctant putting forward cuts for the discrimination legislation, so could you tell us a bit more about what the implications of the removing of that funding

would be?

The Minister for Home Affairs:

I was reluctant, yes. Initially it was probably I would not support that as a cut for 2011. The problem I face was 2012 and 2013. I went into this long preamble before in relation to the Assembly having to make a decision in relation to this. If the view of the Assembly is the Council of Ministers must find £50 million then obviously life is going to be very difficult. If the Assembly is: "No, it is not possible, you can only find £35 million" or whatever, things will be a little easier. But the fact is that my expectation is that the view of the majority of the Assembly will be more than 2 per cent. Therefore I did not want to bring in a piece of legislation, set up a tribunal for one year and then find it went out the year after. It did not make sense. What we can do and are intending to do, and I am shortly, once I find the time to write a covering note, or get someone to write a covering note to explain to you exactly where we are, I will be sending on to you, and I hope you will want to do some work on this because it is a very interesting area, the current draft law and the current draft regulations in relation to race. We have done quite a lot of work on it, it is apparent that the current drafts are not entirely the same. There are some exemptions, if we may call them that, in existence there, which are not currently exemptions in the U.K. but which we believe used to be exemptions in the U.K., and I want to try and flag up which ones are current and which ones are not to you, so that you can see. But to speed the process up on that I am proposing to send them to you so you can start whatever date you want to do in relation to that rather than my continue to wrestle with the issues to why they changed or not changed. We can put the law into place, except the Appointed Day Act in relation to bringing it into effect will be dependent upon the existence of the funding.

Deputy M. Tadier:

Presumably though if you went ahead now, made a political decision that we will go with this law, then that is something which would not be involved in cuts in the next round? You would almost be saying: "Right, this is something we have decided we want to do as a States Assembly, so effectively we will not touch that in future when looking for savings."

[11:30]

The Minister for Home Affairs:

That is fine but then the States will need to understand that that means that Home Affairs will be £100,000 down in other areas, depending on what the total shape of the thing is.

Deputy M. Tadier:

Is this a recurring cost then?

The Minister for Home Affairs:

Yes, it is. This is a recurring cost, yes.

Deputy R.G. Le Hérissier:

What is it going to be spent on or was it going to be spent on?

The Minister for Home Affairs:

It is supposed to be spent on a specialist adviser who ... the expert in this area because the tribunal will need to have someone with expertise in this area to advise them. Once that person was in place it was envisaged that person would also be actively involved in the later stages of regulations. If you recall what happens here with discrimination law is you create a law which creates the overall umbrella to setting up the tribunal and widening the powers of the tribunal. Then you have to work on an individual set of regulations to do with attributes. We would be producing as part of the original law the attribute

of race which includes ethnic origin.

Deputy M. Tadier:

Presumably the initial cost is going to be more than the running cost for subsequent years. It must be more expensive to set up the law initially with all the drafting that has to be done.

The Minister for Home Affairs:

No, it is the other way round, in fact, I think. As you have more attributes coming into play so you would have more workload.

Deputy M. Tadier:

We have touched on it before, but your prioritisation of discrimination to do with race, that does not seem to reflect what the marketplace and what other players like J.A.C.S. (Jersey Advisory and Conciliatory Service), for example, would prioritise. They have said consistently that the gender discrimination needs to be prioritised because that is where the main contention is. Can that not be put in place first?

The Minister for Home Affairs:

That may be right, but that is ... one of the complications with this legislation, as I understand it, is in addition to the costs to the States in terms of putting in place the tribunal, and so on, there will be 2 other areas of cost. There will be a potential cost to the States again in terms of adjustment of H.R. (human rights) principles because there may need, particularly in relation to gender, to be changes to the H.R. package. That I know probably exists, I do not know the details around it. But in addition, there will be a cost to business in relation to adjustments to ... the cost of business in terms of race should be relatively minimal, frankly. There will be some changes required but they will be more cosmetic in terms of ensuring your advertisements are the right format. In other words that you are advertising for, shall we say, a person who is expert in Indian cuisine or Bangladeshi cuisine rather than for a Bangladeshi national or whatever.

Deputy M. Tadier:

It is slightly ironic that you are saying that the bits you want to put through are the ones which will be least used, because the best people are being discriminated on grounds of race, therefore, let us get that in first. Whereas one might think it would be best to do it the other way round.

The Minister for Home Affairs:

There is going to be a major debate, I think, on some of these issues because business, I anticipate, is going to be saying loudly and clearly, if you bring in this it is going to cost us a great deal. That is a separate issue. It is a separate debate. But I suppose that I prefer to deal with the easier targets first.

Deputy T.M. Pitman:

Can I just follow on from Deputy Tadier's question because the criticism of the C.S.R. is all too often it is taking an accountant's eye view, just cut, it is 2 per cent, it is 5 per cent, whatever. Does it not concern you that cutting this funding for discrimination legislation, whether it is race or gender, can Jersey as a modern democracy afford that because the message that it sends out is almost as if it is not important. What I am getting at, it is almost some things are more important than money. Perhaps that is an unfair question to put to you.

The Minister for Home Affairs:

The difficulty I face in a prioritisation process is that at the end of the day £100,000 is about 2 policemen. Now, you may say this is also going to be more valuable than 2 policemen but there will come a point in the cutting process where the reduction in numbers of policemen or whatever, actually

start to have a real effect in terms of the life of the Island, and these are the sort of tough decisions that people have to make. People want to have the numbers of policemen and they want the discrimination law.

Deputy M. Tadier:

Of course, in the long term, a less discriminatory society and a more equal society will lead to a reduction in the need for police, one could argue, because we have a more harmonious society. These are difficult things to measure though, of course.

The Minister for Home Affairs:

That is a very optimistic view of humanity, I have to say.

Deputy M. Tadier:

It is in the Strategic Plan we have ...

The Minister for Home Affairs:

I would have thought in the immediate term that the request would be for legislation in terms of harassment, which is based upon race or whatever because the structure of legislation, as I understand it, is you have 2 separate things. You have the tribunal which basically gives civil rights to people who have been mistreated by virtue of being discriminated against unfairly by virtue of race. Then separately from that you have got the criminal statute which has come into place in the U.K., which means that in addition to general harassment principles you would have specific ones based upon whatever. Now, obviously my predecessors decided, and I was happy to go with this, that a priority was the civil approach, but I think it will inevitably follow, as day follows night, that once those are in place that there will then be demands for additional criminal things, and that will lead to additional work.

Deputy M. Tadier:

I think the underlying point is though ... equality is one of the underlying themes in the Strategic Plan. There is a commitment to make a more equal society, and I think this is consistent with the discrimination legislation. But obviously that is something that we need to decide.

The Minister for Home Affairs:

You can understand why I found this a difficult decision to make. Can I also say this, that I talked about the need for colleagues in the Assembly to share the pain with the Ministers of making the tough decisions which are now required. But I think that equally applies to situations like this. I mean it is my intention if people put in amendments into the Business Plan to add back in things, which I may not have in there, like discrimination, then I will then put in an amendment to the amendment to take out something else, because in reality I think we have to establish some discipline in the Assembly, that people understand that this is about making choices. It is either this or it is that. It has been far too easy, with respect to Back-Benchers or Assistant Ministers, whoever, to put in amendments, adding in nice extra things.

Deputy M. Tadier:

Is this not the issue? We have had these cuts imposed on us but we have not ... we have the word "efficiency" and "cuts" used synonymously. It could well be that in order to make our system more efficient that we need to increase spending, not decrease it, so in that sense we have been forced into a situation where it may not be the right way forward.

The Minister for Home Affairs:

The whole States Assembly has been forced into the situation by the fact that we have, on the face of it, a £90 million to £100 million hole. I mean it is no good pretending it does not exist or we can wish it

away or whatever. That is going to lead to us having to make hard decisions. I believe that the whole States should be involved in that process of making these hard decisions.

Deputy M. Tadier:

But you could also put an amendment in saying: “I do not want to cut this, and I propose bringing in an increased level of taxation to people over a certain threshold to meet the funding.” That is another option which it does not seem to be forthcoming from any of the Ministers.

The Minister for Home Affairs:

You could do except unfortunately our whole process seems to be flawed because we make the decisions on expenditure first, and that may be upon assumptions of certain taxings, and then the Assembly can decide: “Oh no, we do not want to have these nasty taxes to pay for the things we have already voted for.” We have to start achieving a situation of more discipline within the Assembly, that Members actually understand the consequences of their actions. Just as we do in our own lives. We cannot have our cake and eat it.

Deputy R.G. Le Hérissier:

Just back to general issues, Mr. Minister, you said it is 2 police officers versus the backup to the anti-discrimination law.

The Minister for Home Affairs:

Yes, it is.

Deputy R.G. Le Hérissier:

But of course it could be a range of other things you can put as opposites. Obviously it is very emotive if you phrase it in that way, but you have, for example, mentioned under HA-S4 closure of police facility/reduction in non staff costs, £167,000. What does that mean in terms of a reduction in police service?

The Minister for Home Affairs:

You just quoted me a figure of £167,000, that is the £98,000 plus the £69,000. The £98,000 of that is closing the police canteen.

Deputy R.G. Le Hérissier:

Closing the police canteen, yes.

The Minister for Home Affairs:

Yes. That was something that was always planned to happen in terms of new police facilities and building, and we were not planning for a canteen in the new structures so that is merely bringing that forward. It will affect staff numbers; I sincerely hope they can be redeployed into catering elsewhere in the public sector. That should be possible. The other £69,000 of that is reduction of non staff costs. Non staff costs covers just about everything you can image, maintenance costs no doubt, all sorts of things.

Chief Officer for Home Affairs:

It is an improved way of dealing with interpretation because there is software available now which can substitute for bringing people in, something called the Big Word which is widely used now, which you can ring in. It is making less use of force medical examiners for things like fitness for interview and reviewing that. That would reduce the bill for doctors. There is a small reduction in a grant that the police make as well and some health and safety expenditure as well, which they are intending to make hopefully without any detriment to health and safety but just looking at that one a little bit more

circumspectly. Also some software which they think they can do without and revert to other methods because there are annual costs associated with software which all totals up to the £69,000.

Deputy R.G. Le Hérissier:

What about, to use that horrible word “civilianisation”. This has been rumbling on for years that the police duplicate positions. Have you absolutely pushed that as far as it can be done?

The Minister for Home Affairs:

Yes, and we hoped at one stage that we could include some items in here. I had in some of our earlier proposals some items for that but we just did not think it could deliver that for 2011. So that is part of the 2012 savings. I can tell you that we were hoping to replace 12 police officers with 12 civilian investigators as part of that process. We may go further than that but we just did not feel we could deliver that for 2011 because there were training issues and various other issues in terms of delivery.

Deputy T.M. Pitman:

To follow up Deputy Le Hérissier’s question, is there serious consideration given to the age at which police can retire. This must have a huge knock-on in costs where people can retire at such a young age. Now I am not suggesting that you should have a bobby on the beat at 65 but surely a career many, many years of experience could be better used than being allowed to retire at such an early age. That would have to have savings in terms of recruiting more staff while you are paying someone a very good pension. How far are you considering such issues?

The Minister for Home Affairs:

I am sure modern policemen would not be delighted to be described as “bobbies on beat” but I do understand what you are talking about. It is actually the reverse. I had not looked at the figures in detail until recently but astonishingly enough the difference for a police constable between a police constable on appointment and a police constable after 12 years’ experience, the increased cost is over 60 per cent more. There is a massive difference. Even if I take a police constable after a year, and a police constable after 12 years, the difference there is over 40 per cent more. So by keeping experienced police constables on beyond 55 will increase the costs. This is the increment problem. What is happening is our experienced people who could retire somewhere between 50 and 55 and who historically have tended to be happy to retire earlier, perhaps get a part-time job as security, et cetera, and also pick up the pension, so they are financially better off and working less hours sometimes.

Deputy M. Tadier:

Can you tell us about the incremental increase? Is it capped or does it carry on going all the time?

[11:45]

The Minister for Home Affairs:

No, I have got the scales in front of me for the police force and the fire rescue service. It is capped after 12 years and, as I say, that is 60.7 per cent higher than on appointments.

Deputy M. Tadier:

It seems fairly high to keep 12 levels of increment.

The Minister for Home Affairs:

It is on appointment, it is after 9 months, after one year, after 2 years, after 3 years, after 4 years, after 8 years, after 12 years. It jumps up. That is particularly for constables. Sergeant is on promotion or after 3 years. Inspector is on promotion or after 3 years. There are only 2. So it is not a big effect with the more senior ranks, but for constables. The issue is a loss of skills and that is where a cleverly run

civilianisation programme could allow some of your skilled officers to be retiring 50 to 55, we are employing them as civilians at a significantly lower cost and keeping their skills.

Deputy T.M. Pitman:

But to touch on Deputy Tadier's question, that length of time for increments can be available, that is quite out of sync with other departments, is it not, certainly with other professionals, education, I think health probably as well? Do you feel it is justified?

The Minister for Home Affairs:

I think it is a terrible system personally.

Deputy T.M. Pitman:

Good to get that on record.

The Minister for Home Affairs:

But here is the fire and rescue one. On commencement up to 10 years there are 8 different scales, so 7 times it moves up. After one year, after 2, after 3, after 4, after 6, upgraded up to 10. The total increase is less, it is 34.5 per cent for a fire fighter, but again I do not think it is a good system. This is part of the problem with the way the public sector pay systems have been set up. When I came into the public sector as Chief Officer in 1990 I was amazed to find a system in which people pretty well automatically moved up increments irrespective of whether they were actually doing a better job or not. I do not think people should be paid more simply because they have been there longer. I think they should be paid more because they are doing a better job.

Deputy M. Tadier:

I guess the presumption is if they have been there they must be doing a reasonable job, otherwise they would be sacked.

The Minister for Home Affairs:

That is the presumption, yes.

Deputy T.M. Pitman:

In education, if you go up an increment you have to be assessed and appraised to see if you are worthy of that. Surely that works the same way in the police.

The Minister for Home Affairs:

No, it is automatic. These are the sort of terms and conditions issues which need to be looked at. I do not have figures in front of me for the present but Steven, who is a fount of all knowledge on such matters, can tell me. I think they also have increases ... actually, he has the scales in front of him. They have a number of increases.

Chief Officer for Home Affairs:

It is a 10-year scale.

The Minister for Home Affairs:

There we are, what can one do? That one is the chief officer's. They have increases every year over 10 years and, just scanning them, about a 50 per cent differential between the start point and the 10-year point. So they have the same thing in relation to that. The only organisation that is different is Customs and Immigration. Some of the people are on particular individual grades and you understand the structure of that; they start on, say, 9/0 and then go at the end of the first year to 9/1 unless ...

Chief Officer for Home Affairs:

Civil service grades.

The Minister for Home Affairs:

Civil service grade 9/1, 9/2, 9/3 but you do not have a massive differential of that. The multi-purpose officers in relation to Customs and Immigration start on 7 as a training grade and then move to 8 after a year and then to 9 after 2 years and then move up to 10, ending on 10/3. So there is quite a difference there between the bottom of 7 and the top of 10, which is the bottom of 11.

Deputy R.G. Le Hérisier:

Okay, members of the audience, those are the civil service grades which are applied generically throughout the service. We thank the Minister for that explanation but we had better get back because we have to wind up at noon. I wonder if Deputy Pitman can take the Draft Explosives Law, the last question, and then we will revert to more general questions about the cutbacks.

Deputy M. Tadier:

We will go out with a bang.

Deputy T.M. Pitman:

I was just going to make that joke. [Laughter]

Deputy M. Tadier:

Sorry. Keep your powder dry.

Deputy T.M. Pitman:

Yes, the Draft Explosives (Jersey) Law. What are the financial implications of moving forward with the draft legislation?

The Minister for Home Affairs:

Well, at the moment I am told there are not any, although I am always suspicious of that. I am sure I can find some if I work hard on it, but I do not think we anticipate anything very substantial.

Chief Officer for Home Affairs:

The reason that that law has been taken forward is because the current law is a 1970 law so it was ripe for update, but that is what the new law is, an update. The law itself does not change anything radically because the old law stood the test of time in terms of its ability to regulate explosives. Where there will be the most change is in the regulations on fireworks, and the law, when you get the law to look at, it does explain what will be the subject matter of the regulations but not the detail. It will tell you what is going to be regulated about fireworks. So, coming to the point about financial implications, I think once we get those regs there will be financial implications possibly for people connected with fireworks in the way they have to be managed, but there is not any law drafting time for the regulations yet so they are going to be slower coming forward.

Deputy T.M. Pitman:

So what timescale are we looking at optimistically now?

Chief Officer for Home Affairs:

As we stand there is no law drafting time next year, so you are talking about 2012, but it is still legitimate to update the existing law because, of course, fireworks is a small part. We have the quarries and importation and people like the muzzle loaders and that sort of thing. All those things have been brought up to modern standards.

The Minister for Home Affairs:

Are we awaiting human rights compliance stuff? I know we have ...

Chief Officer for Home Affairs:

We have had that.

The Minister for Home Affairs:

... a limited consultation process. Are we ...?

Chief Officer for Home Affairs:

Yes, we have had the human rights compliance check but we put it out to limited consultation for those who actually use the law, and that includes the fireworks, the contractors.

Deputy M. Tadier:

Have you consulted Mr. McDonald?

Chief Officer for Home Affairs:

We are in regular dialogue with Mr. McDonald. [Laughter]

Deputy M. Tadier:

It is fair to say that a number of members of the public have got a short fuse when it comes to these issues.

Deputy R.G. Le Hérissier:

Yes. I think on that note we will move back. Thank you for that. If we can wrap up, I will ask my colleagues if they have, again, other specific issues or there are general issues that they wish to sort of reiterate or whatever.

Deputy M. Tadier:

Yes. I will put something to you, Mr. Minister. One of the candidates in the senatorial by-election said that in one sense the Ministers are in a win-win situation because it is possible for them to produce a whole raft of cuts which they know are unacceptable to the public and they can stand back and say: "This is simply what I have been asked to do. It is for the Assembly to decide if they like them or not." What do you think about that statement?

The Minister for Home Affairs:

Are you asking me whether these are real cuts?

Deputy M. Tadier:

You can interpret the question as you like, but is there a sense in which if it comes to the Assembly, on the one hand you are asked to be providing leadership to try and find efficiency savings, but it is not up to you to make them either reasonable or acceptable to the public?

The Minister for Home Affairs:

Well, these are real and there are real cuts in there. This is my best assessment of prioritisation, although with the caveat I have given on discrimination, that if it had been a one-off thing for one year only I would have kept it in, but the difficulty is the deeper levels. But these are absolutely real, genuine and bona fide. I mean, there was one additional area that I was asked to look at in terms of savings and have not included it in, and that is a particular area of the fire service which I just was not prepared to put forward at this stage. But apart from that, this is it. I have not set up any Aunt Sallys, or at least I

have not deliberately set up any Aunt Sallys. These are genuine. They are real cuts.

Deputy M. Tadier:

You mentioned earlier that maybe the whole process is flawed in the sense that we may have put the cart before the horse in the sense that we have had the Minister for Treasury and Resources saying: "This is what we need to do" and then it has to come back to the Assembly afterwards for approval. Would it not have made more sense for the Assembly to ...?

The Minister for Home Affairs:

No, that is not flawed. You have to come up with a process, but what I am saying is I believe that there has to be a mechanism by which the view of the whole Assembly will be taken on the size of the cuts for future years. We have to set up a debate on that, I believe, in some form.

Deputy T.M. Pitman:

I would just like to take it back to the police if I may because we have a couple of members of the public here and obviously the media. The public will be hearing that there is possibilities of tax increases as well, yet we are hearing from you in struggling to make your cuts that there is a feeling that the police may be 10-15 per cent overpaid. What assurances could you give ...

The Minister for Home Affairs:

I did not set a figure. That was a hypothetical figure.

Deputy T.M. Pitman:

It was a hypothetical?

The Minister for Home Affairs:

Well, yes, I have not set a figure.

Deputy T.M. Pitman:

Well, you did say 10-15 per cent.

The Minister for Home Affairs:

No, that was hypothetical.

Deputy T.M. Pitman:

You said it but you did not?

Deputy M. Tadier:

It was a hypothetical 10-15 per cent.

The Minister for Home Affairs:

It is entirely hypothetical because I have no idea what the outcome may be.

Deputy T.M. Pitman:

But there is a feeling the police are overpaid then, but we do not know a figure? Is there or is there not? That is what I am after.

The Minister for Home Affairs:

There is a feeling the police may be overpaid, yes. I think that is a fairly generally held among States Members ...

Deputy T.M. Pitman:

So I guess I would be asking how would that be ... how are you hoping to address that or investigate at the same time as you have to make these cuts?

The Minister for Home Affairs:

That is happening. It is part of the major review process. It is not just the police, it is all the Home Affairs groups on terms and conditions which is going to be looked at at the same time.

Deputy T.M. Pitman:

When would you hope that could be achieved, looking at them realistically?

Chief Officer for Home Affairs:

The first major reviews are due for completion by September so ... in fact, I beg your pardon, that particular one may take the rest of the year because it is quite a long review, that one. But that is the intention to fit in with the process.

The Minister for Home Affairs:

Can I just say that, strictly speaking, this is an S.E.B. (States Employment Board) issue. This is one of the stranger aspects of the public sector that I have these particular pay groups yet I am not involved in negotiations. So it is a States Employment Board issue.

Deputy R.G. Le Hérissier:

You said, Mr. Minister, that these are truly cuts and there are no Aunt Sallys. Do you think there is a distinction to be drawn between efficiency savings, which suggests that they can be made but the essence of the service continues, or cuts where you actually reduce service seems to always be the implication?

The Minister for Home Affairs:

Yes, absolutely.

Deputy R.G. Le Hérissier:

So are these a list of cuts or are these a list of efficiency savings or are they both, which I suspect?

The Minister for Home Affairs:

They are a mixture. Some of them it is difficult to categorise because if you look, for instance, at the loss of the canteen, you could categorise that as one or the other or both in reality. If you look at the reduction in police numbers at 3.8, it is not entirely clear how much of that is efficiency savings and how much of that is cuts. It is a mixture probably in reality, but there will be efficiency elements in there. So, it is not always that easy to categorise. If you look, shall we say, at one of the particular officers in relation to Customs and Immigration, that is probably an efficiency saving because we are taking out a senior rank there and believe that we can manage with reduced overall staffing in the management areas.

Deputy R.G. Le Hérissier:

Okay. Any final comments from my colleagues?

Deputy M. Tadier:

Just 2 very quickly. The U.K. are looking to make more use of community support officers, I have heard, in order to supplement policing levels. Is that something we could look at in Jersey, either the Honorary Police or ...?

The Minister for Home Affairs:

I thought they were called Honorary Police officers.

Deputy M. Tadier:

What, in the U.K.?

The Minister for Home Affairs:

No, in Jersey.

Deputy M. Tadier:

Yes, exactly. Is that something we could either ...

The Minister for Home Affairs:

Absolutely. If I can give you an example, in the last set of reductions we scrapped the tagging contract and we did that on the basis that the Honorary Police were going to perform curfew checks on people who had previously been tagged to ensure that they were at home when they should be, and this they have been doing. It is great. It has saved us a lot of money. It is a worthwhile role for the Honorary Police. I very much believe in utilising the resource of the Honorary Police in positive ways.

Deputy M. Tadier:

Of course, there is a tension in St. Helier in particular with the recruitment of Honorary Police.

The Minister for Home Affairs:

Indeed, although most of the people on tagging were living in St. Helier. [Laughter]

Deputy M. Tadier:

The last thing I was going to ask, are advocates ... would you welcome a reduction in fees of advocates to help with the pain that we all have to suffer?

[12:00]

The Minister for Home Affairs:

That is a court and case costs area and, of course, there are scales of hourly rates which are approved from time to time through the Judicial Greffe. When I was Greffier I was involved in that sort of process. Frankly, those scales were generally less than the actual cost if it had been someone in private practice, but if you are asking me a general question whether I would view it as being a desirable aim that the hourly rates of advocates be reduced, although that is not within my power, then I would say I would.

Deputy R.G. Le Hérissier:

Okay. We could even go to dental fees if you wish to continue. [Laughter]

The Minister for Home Affairs:

I mean, my hourly rates have been considerably reduced. [Laughter]

Deputy R.G. Le Hérissier:

I will ask Deputy Pitman if he has a final ...

Deputy T.M. Pitman:

No, I have nothing, just to advise the Minister I have another groundhog question for him next week so I am sure he will look forward to it. [Laughter]

The Minister for Home Affairs:

Okay.

Deputy R.G. Le Hérissier:

Okay. Any comments from either of you 2 gentlemen?

The Minister for Home Affairs:

No, thank you very much. It was a very interesting hearing. As I say, I enjoy these occasions.

Deputy R.G. Le Hérissier:

I am glad. Okay. Well, I would like to thank you both very much for attending, members of the audience and the media in all its manifestations for coming, and we will call an end to the session and reconvene at 2.30 p.m. with the Minister for Education, Sport and Culture in the other room across the corridor.

[12:01]