

# STATES OF JERSEY

## Education and Home Affairs Scrutiny Panel Succession Planning within the States of Jersey Police Sub-Panel

**FRIDAY, 15th OCTOBER 2010**

**Panel:**

Deputy R.G. Le Hérisssier of St. Saviour (Chairman)  
Deputy T.M. Pitman of St. Helier (Vice-Chairman)  
Deputy J.M. Maçon of St. Saviour

**Witness:**

The Minister for Home Affairs

**Also present:**

Ms. S. Power (Scrutiny Officer)

[14:20]

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

I would like to welcome you all, the public and the media, to this meeting. We will introduce ourselves for the tape. I am Roy Le Hérisssier, Chairman, Education Scrutiny, St. Saviour.

**Deputy J.M. Maçon of St. Saviour:**

Deputy Jeremy Maçon of St. Saviour.

**Deputy T.M. Pitman of St. Helier:**

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

**The Minister for Home Affairs:**

Senator Ian Le Marquand, the Minister for Home Affairs.

**Ms. S. Power (Scrutiny Officer):**

Sam Power, Scrutiny Officer.

**Deputy R.G. Le Hérissier:**

Thank you, Mr. Minister for attending. You have received the questions. As I said, we received a most interesting paper, which also obviously contained within it the 2002 policy, which was the one that was quite controversial at the time in the Island as I recall. Issued after the days of the Defence ... no, still in the days of the old Defence Committee, obviously.

**The Minister for Home Affairs:**

I was quite interested by that paper because it did produce things which I did not know existed at all. I was quite surprised by it.

**Deputy R.G. Le Hérissier:**

Absolutely. I think we can maybe talk about that paper in reference to question 1. What succession planning policies are in place? Do you think there are some in place and is it all moving ahead?

**The Minister for Home Affairs:**

Well, I was going to come along and say that I did not think we had formal succession planning policies until I discovered that there had been previous policies of committees. So presumably, because the Defence Committee went into the Home

Affairs Committee, which then went into the Minister for Home Affairs, presumably I now have policies. Albeit ones that I probably do not agree with. My own view in relation to the matter, I think, is not dissimilar to that of Mr. Taylor, insofar as you can be ascertain. I take a much more flexible view of this. My view is that, firstly, we should be seeking to train our senior people locally. We should be seeking to develop our own people as far as we can and to give people the opportunity to develop to the highest ranks. I have been working on a, as you know ... in relation to the outline of the police authority and the roles of different people in it. Deputy Pitman has been helping, although unfortunately I think he clashed at our last meeting, with a meeting of this group. So he will not know that in fact one of the things that came out of our last meeting was an intention to put something into the role of the Chief Officer of Police for the future in relation to development of his officers; training with a view to succession planning and so on. So that is quite interesting.

**Deputy R.G. Le Hérisier:**

Has that been made an important part of the current recruitment process? Did you manage to do it with this process that is going on?

**The Minister for Home Affairs:**

Sorry?

**Deputy R.G. Le Hérisier:**

The recruitment process for the new chief officer, which we understand is now essentially complete ...

**The Minister for Home Affairs:**

Apart from the States. No, because we had no luck with candidates obviously. As people have seen from Mr. Taylor's report, unfortunately there have been some failings in recent years in this area. My information from this report, and also from personnel officers, is effectively the concentration of training in recent years has been very much on technical training to do with the job and not on training to be better managers or developmental training. Now, I fully support the change which has taken place within the current acting leadership, which has started to move in the opposite direction. I think we should be giving managerial and developmental training to our senior officers. I take a fairly flexible view. I do not like roles which are written in stone, unless they are necessary. All judges would say the same thing to you, at the end of the day people should be able to express discretion and make the right decision. So, the concept of a 5-year role, of experience outside, to me I find very strange and quite unnecessary. What we should be doing, as I say, is developing our people in terms of training and so on. But also we should be looking at times to second them to other forces for shorter periods, so they can shadow other people, so that they can gain experience and so on and so forth. Obviously what I want to achieve as soon as possible is the situation where we can have some of our local home grown officers trained to a level and experienced to a level where they are credible candidates; where they have a serious chance of being appointed to the ranks. At the moment, because of the lack of that taking place, that is quite difficult. On the other hand I do support them going on some of the formal training. I cannot think what it is called ... the Strategic Command Course. Yes, I think they should be doing the equipment training to the U.K. (United Kingdom). But that is not a massively long

thing these days. I am waffling. But what I am trying to give you the impression of is I want to see us develop our people. I also think that due weight should be given in a selection process to knowledge and I think sometimes that is undervalued. In fact if you look back at my election campaign material you will see that I am slightly precious about what is happening in Jersey, because I suspect there is not sufficient weight being given to local knowledge. But, of course, if people have not been encouraged and given the opportunities to be trained up as well, that does create a difficulty. On the other hand, the flip side of that is that people have got to be willing. They are willing to spend these periods of time off-Island or seconded or whatever to gain the necessary experience.

**Deputy T.M. Pitman:**

Unless I am incorrect, the previous police chief had recommended just 2 years experience not 5.

**The Minister for Home Affairs:**

Yes.

**Deputy T.M. Pitman:**

So to get ... because we heard this from the previous interviewee, the fact that we seem to have got a ... we have noted those very heavily trained sergeants, but then afterwards there is quite a gap. The fact that this progression has not happened in recent years, do you think that is a mixture of difference things, are people in their comfort zone, have there been failings of the police chief or perhaps on the previous Minister or even back when it was a committee? Is it a combination of all things?

**The Minister for Home Affairs:**

I honestly do not know. I honestly do not know what caused this. I can see that if people on this committee were talking about a 5 year thing and so on then that may have had a rather depressing effect on people. One of the structural difficulties with police officers as compared with my own profession, I do not mean the current one, I mean the old one as a lawyer. Lawyers do their training right at the start. You do your professional training right at the start when you are young, you do not have family commitments, et cetera. It is much easier to do it at the start of a profession, in that sort of way. Then you may well get refreshment training or whatever later on. But in relation to police officers, if you are talking about developing particular people who have reached the rank of Inspector they will probably be at the age where they have young families. They are then less willing to go away and so on and so forth. That is why I think we have to develop a process where people are sent away for shorter periods of time rather than looking for lengthy secondments. In an ideal world you would get people who would leave the Jersey force and go and work for a couple of years in another force and gain some experience and then come back again. But I am not sure how realistic that is.

**Deputy T.M. Pitman:**

As we discussed earlier, you obviously cannot build that into contracts that someone needs to go away, but how then can we assist good quality local candidates? How can we motivate them to go and be willing to take that 18 month, 2 years, away?

**The Minister for Home Affairs:**

I think in general terms you would get to feed through the understanding to officers that there was going to be developmental training and they would have expectations of that. Alongside that, you have to also identify those who have the motivation and the potential ability to go further and particularly try to foster those. The difficulty is, and again I wanted to avoid talking about individuals and personalities, sometimes you have officers who may show potential at a particular time, but it is not realised. Something goes wrong, for whatever reason, or they lose their motivation. Also, of course, the problem we have had in certain areas are for them to be poached, being offered much more money to go and work in the finance industry or whatever, therefore, not wanting to continue their career. It is difficult. I cannot come to you and say that I can promise you that in 10 years' time, we will definitely have a police chief or deputy police chief who is home-grown. I would like to achieve that. I would like to achieve that earlier than that but it is dependent upon us getting the right programme in place and it is dependent upon having the right people with the right potential, and it is also dependent on the way they do develop, whether they do develop in the right sort of way.

[14:30]

**Deputy R.G. Le Hérisier:**

Okay, we will move to Deputy Maçon.

**Deputy J.M. Maçon:**

Does succession planning rely upon identifying the fast-tracked candidates and, if it does, could you comment, or do you believe perhaps there needs to be a more flexible

way in which - perhaps I should proceed - when there will be times when you will need to fast-track candidates and sometimes when perhaps you will not.

**The Minister for Home Affairs:**

I think it is both. I think you want to see a general improvement in the level of training and managerial type, like sergeant, and so on, so you are generally improving the skills base and that gives you a better chance that people are going to come forward from that wider group of the people. But at the same time, I think you probably do have to identify some people who have the potential. So I think it is both. I do not know what the view of Barry Taylor was but that would tend to be my view in relation to that.

**Deputy R.G. Le Hérisier:**

The problem in a small organisation, as was outlined by the States H.R. (Human Resources) Director, is you cannot develop a big pool so if you identify people, they are very identifiable.

**The Minister for Home Affairs:**

Yes.

**Deputy R.G. Le Hérisier:**

And if they stumble in their development or if they change their mind, or indeed if they carry on, envy and so forth can sometimes arise. It is a difficult process to handle.



**The Minister for Home Affairs:**

And, of course, you get the situation where people do not develop and then they are left kind of blocking. When I say “blocking”, they may be doing a perfectly adequate job at that level but they are blocking perhaps the possibility of somebody else from a more junior rank to come up to that rank and so on. But some of the things like the ... I forget the name, you came up with a name straight away, the special training course for senior officers.

**Deputy R.G. Le Hérisier:**

Strategic Command Course.

**The Minister for Home Affairs:**

Yes; so that is not merely down to the level of superintendent. In Jersey, up until very recently, we only had one superintendent, so one of the changes that I have made on advice recently has been to increase the size of the upper ranks. I think I may have mentioned this before, but we now will have 2 superintendents and we will have 4 chief inspectors rather than 3. Now, there are reasons for that because we need specialists in terms of investigative skills and so on, but that in itself creates a larger potential pool of people. It was not the main reason for it but it does have that effect. So you can have 2 different superintendents who might aspire to go to that level whereas if you have only got one, and that one, for whatever reason is not going to move on, does not want to move on or whatever, that blocks everybody else from going on the Strategic Command Course.

**Deputy T.M. Pitman:**

What sort of main training and development policies underpin succession planning from your view of the police?

**The Minister for Home Affairs:**

Well, what they have started doing now essentially which, as I say, is to broaden out the range of training, so it is not just focused on doing the current job at which you are technically very good. That is important as well, and we have problems at times with having people with all the necessary technical skills in relation to that. But the broad approach we are trying to take, which I have discussed already I think, probably is the same answer essentially, unless I have missed something in the answer to the question. I think I have covered it essentially already, this broad spread of improvement of specific targeting.

**Deputy J.M. Maçon:**

If I can ask, Minister, we found ourselves in a situation which was explained to us by your officer in the previous session, how there was perhaps a 7-year period of stagnation, shall we say, and there have been new systems that have been put in place. Are you happy with the systems that have been put in place and what will you do or how will you make sure that those systems will carry on?

**The Minister for Home Affairs:**

Well, I am happy that something has been done. I have not sat down with any my senior officer and discussed exactly what they have done because they just got on and did it. It was not that they came to me and said: "Oh, we have got a problem with training. This is what we are going to do. Will you approve it?" They just got on and

did it. They identified the problem and they got on and did it. They did not tell me. So I found out through this process what they are doing, and I am delighted to say that they acted on initiative and done that which good leaders should do.

**Deputy T.M. Pitman:**

Something we have touched on in the previous interview is obviously there are lots of training being put in place but as we discussed, in Jersey, politics is that much closer to the police.

**The Minister for Home Affairs:**

Yes.

**Deputy T.M. Pitman:**

How is that considered in the department of a police chief because it is going to be ... certainly if you are coming from the U.K. it is going to be very different, the politics is almost there in your pocket everyday.

**The Minister for Home Affairs:**

You are not really talking about development here. You are talking about criteria for choosing a new police chief and the way we choose; I am quite happy to talk about that but it is a different issue.

**Deputy R.G. Le Hérissier:**

It is an issue ... well it does relate - if I may jump in, Mr. Minister - it does relate to this issue in the sense that if you determine you are going to appoint an outsider, how

are you going to assess their political savvy in this kind of situation? Or if you are deciding who to appoint, would you go with a local person or do you think they are too close to the politics? There are various issues that arise.

**The Minister for Home Affairs:**

I do not know. I can answer the second question but I would be lying about the first. Forget the first question. We are focusing on the second one. It is a very tricky point. That is part of what is in the paper here produced by Mr. Power back in 2002, which is a very interesting paper. I think it is going to depend upon the individual. There are some individuals who might along the way build up friendships and people who they did get on with and so on, and they might build up a certain amount of baggage, et cetera, in different directions, but I think what would become fairly apparent along the process ... I mean I have worked in the public sector since 1990. I have no doubt made some enemies at times. I have made some friends at times. The ability to somehow work your way through the ups and downs, the times when you agree, the times when you disagree and still to maintain working relationships is a very important issue, and it seems to me that somebody who comes through locally would have to have demonstrated that ability. If there was just a "line of corpses" metaphorically in terms of arguments and unresolved issues behind them, you would really have to question whether they could have the right personality to be able to cope with the job. So I do not see that as a problem. I think the local knowledge, the understanding of the system is very important. I very often said to the incoming chief officers for the first ... after 3 years, they think that they will understand how the system works in Jersey then spend the rest of their career finding out they did not, because nothing is quite as it appears. In relation to the first question, which is

Deputy Pitman's question about the political thing, to me that is an important issue and certainly one of the important criteria to be looked at by the section board on the process which has just been completed, while trying to assess the ability of an individual to cope with and to deal with the political aspect of things. It is unusual in Jersey because everything is so much closer in the same way as people feel they can ring up the Minister or write to the Minister, or what have you, and expect an answer. So we have that sort of proximity of things opening to become somewhat more ... I was going to say "heated". That is not necessarily the right word "heated", but ...

**Deputy R.G. Le Hérissier:**

Intense?

**The Minister for Home Affairs:**

Intense, yes, that is a good word, intense. I think that an incoming chief officer has ultimately got to be able to cope with that, but I made sure all the candidates were properly warned both before and at interview.

**Deputy R.G. Le Hérissier:**

Yes; speaking on that issue because it is not ... I mean we know the Jersey Police Service has gone through a terrible time of late and there are certain people at both ends of the issue, like Messrs. Warcup and how they feel very bruised by what has happened, and so forth.

**The Minister for Home Affairs:**

Yes.

**Deputy R.G. Le Hérissier:**

But, of course, there have been divisions in the Jersey Police before. This is not necessarily totally new. How do you assess their ability to come in and handle the situation?

**The Minister for Home Affairs:**

Well, you started to ask me about the new person, are you not? **[Laughter]**

**Deputy R.G. Le Hérissier:**

Well, we do not want to know about them per se, but when you are recruiting at that level, albeit an internal candidate or an external candidate, how do you assess their ability to handle the kind of situation they are going to be faced with?

**The Minister for Home Affairs:**

I think you look at their past experience. You look at the sort of challenges they faced in the past, the sort of level they have operated at, how they have developed ties and links with their own police authority, whatever the structure was, or so on, and obviously part of the interview process is to try and assess. We had everything, we had bells and whistles and the lot here. We had psychometric assessments and the candidate was seen by various different groups of worthies at different stages, who have all had their opinions. But to me it is an important issue. Not everybody can handle the presentational side and the political side and, ideally, we want somebody who is very good at presenting themselves and presenting the force, very personable, very amiable and very adaptable as well. I think we got one. **[Laughter]**

**Deputy R.G. Le Hérissier:**

The questions do overlap and I was going to ask Deputy Maçon if he ...

**Deputy J.M. Maçon:**

Certainly. Is it unrealistic to expect all senior positions to be filled by local applicants?

**The Minister for Home Affairs:**

Yes, that is unrealistic, particularly in the short term for the reasons we have already discussed.

**Deputy J.M. Maçon:**

Ergo, is it desirable?

**The Minister for Home Affairs:**

Well, different organisations have different structures. In Home Affairs, we have a police force where the top 3 officers for some time have been from away. I think that is undesirable. We had a period of that. Sorry, that changed, the last superintendent had worked here for a long time. On the other hand, I have got within Home Affairs organisations like Customs and Immigration, which is virtually entirely 100 per cent home-grown. People develop up through the organisation. There is continuity and so on. My own personal experience is that home knowledge is valuable and outside experience is valuable as well, and you need that combination of 2 as part of the team. So I suppose if I was going to say what I am looking for ideally, I probably would

want to have one of the top 2 who was locally and one of the top 2 who had lots of experience away. But I would want the one who was from Jersey also to have had experience away. But things develop, you see. Police work particularly develops at quite a speed and the approach to things develop, so I think the links into the U.K. (United Kingdom) national system through the A.C.P.O. (Association of Chief Police Officers) groups and so on is very, very important. I think it is tremendously important that our people are keeping up to standard and up to current standards in those terms, not that they should operate ineffectively but that the principles, which I have noted, why we should be aware of it and so on. So developmental training and keeping up to speed is equally important in relation to senior officers. They are going to be here for a long time.

**Deputy R.G. Le Hérisier:**

It has been alleged that the 2002 report, not only did it require a 5-year placement in the U.K. but, of course, it required having to pass the Strategic Command Course.

**The Minister for Home Affairs:**

Yes.

**Deputy R.G. Le Hérisier:**

It has been alleged that these 2 requirements were such that no local candidate essentially would possess them.

**The Minister for Home Affairs:**



That is why I do not agree with that. I agree with the second, but I certainly do not agree with the first. I am not even sure that we should set a time period because it is a question of experience gained. One of the difficulties, I think, for the local officers yet is whereas if you are a fairly senior officer in the U.K., say you have got to the level of superintendent or the next level up, which is assistant chief constable, effectively, another 3 in a force, you would undoubtedly be starting to be drawn in to the sort of A.C.P.O. groups situation.

[14:45]

You would find yourself developing a specialisation and working with other people in that and with all the advantages that then come from regularly meeting with your colleagues from other organisations. Now, one of the difficulties, that does not seem to be open in the same way to our local people. They do not seem to be accepted on quite the same footing and that is something that we perhaps need to look at because it would be very good if some of our superintendents were involved in that sort of way because of the experience and so on. There is a danger of the Jersey Police being a bit out on a limb on their own.

**Deputy R.G. Le Hérisier:**

Yes, very much so.

**Deputy T.M. Pitman:**

Completely different point really. We touched on we are in the process of setting up an independent police authority, which we would probably all agree is something that

is essential and should have happened a long time ago. So that has been described as a buffer between the Chief of Police and the Minister, whoever he is, happens to be you at the moment. How difficult is it for any candidate to maintain that distance between the Minister and pressure? We asked Mr. Taylor. He said obviously there has been a lot of criticism in recent years. He felt it was part of the job. Some people would say that policing has been politicised. Do you think it has become politicised, and my question is really is that going to be a negative impact on employing local candidates?

**The Minister for Home Affairs:**

Can I put aside entirely the Graham Power stuff, and so on, because obviously that is a very special situation. Just talk more generally in relation to that. It is this hothouse effect, I think. It is that a States Member is going to be rung up by a constituent who is going to complain to them about the police acted brutally or unfairly or whatever, and so what does he do with it then? Naturally he may then want to ask a question in the Assembly in relation to it, or whatever. The moment that happens, then we are into a political arena, the political world. I hope that the police authority will work as a buffer in this sense, that the States Member will then feel: "Well, I will talk to somebody in the police authority about it" and they will go and find out what happened, and so on. So it can be done, as it were, without being splattered all over the front page of the paper, or whatever. I think that will help. I think that will help because some of these issues that arise are not political issues at all. It is just how a particular police officer is functioning on a particular occasion. It is not political in that sense. There is no policy issue. It is an individual thing. I am realistic, pessimistic perhaps at times, but I am realistic. I think in Jersey it will always, even

with the police authority, be more difficult because of the sheer proximity of issues, and States Members are that much closer to their constituents and so on and so forth. But it is a question of balance as well. There are quite interesting questions that were put to the Attorney General a few sessions ago. I think it was by the Deputy of St. Mary, Daniel Wimberley, about what was proper or what was not proper in terms of seeking to influence events that might have occurred.

**Deputy R.G. Le Hérisier:**

Prosecutions.

**The Minister for Home Affairs:**

This is quite difficult as well. If I can take an example. You might have a situation where the front ... not the front page but certainly a newspaper which will remain unnamed. We all know which one it is. We might have an issue in relation to the handling of the case or whatever. I do not know how a politician might feel to read, what does he do about that? Is it then proper for them to pick up the phone and start to lobby, shall we say, the Attorney General to use his powers to appeal or whatever. That is quite a difficult issue. I think probably it is not but most ... but many Members would not feel that that was wrong to approach the Attorney General in that way necessarily. So it is the same sort of issue and I think ... and so I do not see it as necessarily a political issue, but I think that the new Members will need to have clearer guidance. I suggested that to the Attorney General in relation to these sorts of areas, so they understand what is proper and what is not proper in any particular situation. In a sense, the potential new police chief very helpfully summarised, in a way I had never heard summarised before, the issue of operational freedom and why

it was important. He said very simply - I find this extraordinarily easy to understand - it was a matter of maintaining the integrity of the investigation. That is why there should not be political interference in relation to individual investigations. It was a matter of maintaining the integrity. So the integrity was not damaged by political influence in any way or whatever, and that is important.

**Deputy T.M. Pitman:**

Would you accept that that would, in fact ... I mean to me I think questions have to be asked if you feel that you have to ask questions, but then I guess another concern might be if there is pressure from above that the police chiefs act in a certain way. So I assume you are saying that there should be that distance in all areas.

**The Minister for Home Affairs:**

Yes, I am, but this is why, because, as you know, in relation to the draft amendments to the law, one of the areas we looked at and I produced a paper on was this whole area of operational independence. What I will be taking to the Assembly will include proposals in relation to the statements of operational independence, but then qualified by a statement in relation to the ability of the Minister or the police authority to ask appropriate questions. But even that becomes very sensitive as to the exact boundary because it would not be right to ask certain questions and yet other more managerial questions, it would be right, and again I have to go back to Haut de la Garenne, regrettable, because it does provide an example. If there were concerns in relation to the way in which the press coverage was being handled right from the start, what were the powers of the Minister or the police authority to intervene in that situation in order to start asking questions? Was that part of the operation or not? As I say, at the end

of the day, the proposition is almost drafted, and I have one or 2 more things to do to double-check. I need to bounce it off the new potential chief officer - I still call him that because I am very aware that the States makes the decision - to make sure he is happy with the thinking that we are doing in that area, and then the States will have an opportunity to look at that because I am going to take the principles, as you know, first so that there can be a debate on the key principles. But getting that balance right, you are quite right. It is just making sure there is not operational interference from the Minister or from other senior politicians, or whatever, on the one hand but also making sure that there is not coming in, as it were, from the side either. It is quite a difficult balance to ensure. It is quite important but it is quite difficult.

**Deputy R.G. Le Hérisier:**

Focusing on Haut de la Garenne, in a positive way in the sense that crisis can lead to change, Mr. Minister, one of the issues we discussed with Mr. Taylor was in the redacted version of the Wiltshire report there was quite a lot of talk about Officer X did not possess the requisite skills and so forth.

**The Minister for Home Affairs:**

Oh, yes.

**Deputy R.G. Le Hérisier:**

Now, what have you learned from that and are there any areas of the force where you feel you are going to have to develop officers? Of course it was also said, contrary to that, there were the skills within the force but they were not called upon.

**The Minister for Home Affairs:**

I am caught in the middle between existing acting leadership and our new police chief, so I do not want to commit myself either way. Part of the thinking behind expanding the senior ranks was so that we would bring in, as one of the 2 superintendents, a person who was a specialist senior investigating officer, and it was somebody who could step in and handle a really, really major investigation. If I can use a name to illustrate this, although that may be controversial as well, but in terms of skill-base, Mick Gradwell. Mick Gradwell was brought over, a very experienced officer in investigations, to take over the investigation from Mr. Warcup to temporarily run with it. That was the thinking and that was one of the reasons again for having the 2 superintendents so you could have somebody implanted in the force permanently there, in case any major investigation came up because the role of senior investigating officer, as you all now realise, is a specialist role and there were specialist skills. It is a different role to that of chief officer of police or deputy chief, or whatever, and you should not ... I am going to get controversial here, but in theory you should not be getting the senior officers taking that role because it is taking them out of shop, and so on and so forth. Now, having said that, of course, inevitably we are going to be in an interview process in terms of superintendents because we currently have vacancies and the new chief officer, assuming he is approved, will be involved with that. He will need to make his own assessment as to whether he thinks we do need to have the specialist type role or whether or not he can develop people who are already here to fulfil that role, but certainly we need to have people who can fulfil that role.

**Deputy J.M. Maçon:**

If I can go back to one of my previous questions where we were talking about the new mechanisms that were being introduced, and I asked how will you be able to maintain them because if ... and the response was the police quite wisely took their initiative and got on with it.

**The Minister for Home Affairs:**

Yes.

**Deputy J.M. Maçon:**

But my question is if then we have this tap effect and now it has been turned on, if it is left to initiative, how do we stop it from being turned off again, if that makes any sense.

**The Minister for Home Affairs:**

Well, obviously I would be wanting to talk to the new police chief in relation to this area, once he is appointed, and I believe that the individual involved will be very keen for this to continue. Certainly that came over from his interview process.

**Deputy J.M. Maçon:**

So would you be looking to formalise the process?

**The Minister for Home Affairs:**

What we have got to do is make sure we put the money in the right place because there will be a cost involved in this. If we are going to second officers away, they are not going to be with us. If we are going to send them on training courses that costs.

We have got to build this into the overall costings of the States of Jersey Police at a time when we are trying to make considerable savings, but I think it is important. I think it is important. You could be asking me do I need to make a formal policy on that, but how do you make a formal policy in relation to that? But the difficulty with formal policies, I have to say, you find in here. The previous committee came up with a very, very ... a formal policy but it tied everything up in knots. I like to work to general principles but to leave the actual operational issues, the managerial issues, the housework, down to the key leadership staff. I think it has worked better that way. But if Ministers, politicians, start to say: "Oh, you have got to do it exactly this, this and this way." I do not think that works.

**Deputy T.M. Pitman:**

Totally different question and I will give 2 examples so you do not think I am just focusing on Mr. Power. But you have seen Mr. Warcup refuse the job. He has decided or rather publicised that he did not follow that succession. It has had big coverage in the media. We have now seen, and we might disagree on this, but the findings of the Napier report, which clearly said that there was not sufficient evidence at the time to suspend Mr. Power. What is the danger of both of those things in a knock-on effect that will say to me perhaps as a local police officer: "Well, I do not want to put myself there. It is just not worth it." What can we do to minimise that negative impact on people who will want to progress to the very top, which is what we all want to get to. Is there anything we can do? In terms of morale alone, it must be ...

[15:00]



**The Minister for Home Affairs:**

Yes, well, we are working on the ... I am not going to comment on the Napier report. No doubt they will ask me questions next Tuesday and I can comment then, but I do have some comments to make on it. I think that obviously we are working on trying to get a sensible disciplinary process because one of the major problems was that we had a disciplinary document that did not make much sense and, frankly, everybody struggled to try to work out what it meant. Mr. Napier came up with an interpretation which was different to everybody else. I am not saying that meant it was wrong but that just does indicate how difficult it was to work within it. We have got to get a proper disciplinary process document, and this is not just for the chief officer of police, because what he had was a document not dissimilar to other senior officers but with some variations. We have got to do better than this. It was very poor stuff. I have just had to correct the contractual stuff, because again we have been working on draft contractual ... although the chief officer of police is a public officeholder, in the same way as I was when I was Magistrate or a Judicial Greffier. Not a civil servant, not a States employee. He is a public officeholder. He has a special status. There is contractual stuff. Now, I was absolutely astonished when I discovered that with the previous chief officer, the agreement was between the Minister for Home Affairs and the chief officer. It was the Home Affairs Committee. This was just wrong in law. It was contrary to the law, so again the H.R. stuff was wrong. It was simply wrong. So we have got to get that right and we also are working on that, and so on and so forth. I do not know how widespread the problems are in that because obviously to have the contractual stuff wrongly drafted in terms of parties, and to have a disciplinary code

that everybody had a different interpretation of, and still does have a different interpretation on, is not good. We have to get that sort of stuff right.

**Deputy T.M. Pitman:**

You have to ask how such a situation could ever come about, which I know was not your responsibility at the time.

**The Minister for Home Affairs:**

I do not know, I just do not know. I was a chief officer from 1990 to 1997 as the Judicial Greffier, small department, and I came across contractual documentation, standard contractual documentation there in terms of agreements and so on, and changed it myself because it was badly drafted. I do not know what has happened. I may have mentioned this ... I do not know if I have mentioned this issue before. I think I have done. But I do think there is a serious need for a review of contractual documentation right across the board of States employee and officeholders, because I think a lot of the stuff has been drawn up at the H.R. level and there is a need for these contracts to be reviewed by lawyers.

**Deputy T.M. Pitman:**

Has that been reviewed in time for the appointment of this ... sorry, were you going to ask that?

**Deputy J.M. Maçon:**

I was just about to ask that question.

**The Minister for Home Affairs:**

Yes and no. We are still working on it because, for instance, yes, the contractual stuff has because I have been working on that. The correct position in law, just to explain the position, is that the chief officer of police is appointed by the States on terms and conditions which are determined from time to time by the States Employment Board. Now, the wording of the article of the law is ambiguous and led some of the people involved to misunderstand what it said, but the correct interpretation, as far as I am concerned, the only one that produces a sensible result, is the States appoint - full stop - on terms and conditions determined from time to time by the States Employment Board, so that the contractual stuff is then done with the States Employment Board; effectively, the terms of pensions, salary and salary review and disciplinary code and a grievance policy, or whatever it is - it is not the right word "grievance", whatever it is - how he complains, if he is unhappy, is all dealt with. Now, we have completed some of that but obviously the new disciplinary code is still a work in progress. It is being worked on by the Law Officers.

**Deputy J.M. Maçon:**

I was going to pose that question, so thank you for that. But has there then been a clause within the new contract, because I know it was a problem in the disciplinary code, because it had to change the law, would take time before the next appointment could occur. Has there been a clause left in to allow the provision that a new disciplinary code will be adopted?

**The Minister for Home Affairs:**

Yes, that is exactly what we sought to do, to indicate that this is a work in progress. Because the disciplinary code cannot now be changed because it is partly written into law, and one of the papers that Deputy Pitman will have seen that we did not discuss at the last meeting, which you missed, was excellent ideas in relation to how appointments for the future should work, how the disciplinary process should work, et cetera. No doubt we are going to have a further interesting meeting to discuss that because different people have different views in relation to how that should work and how we build in the right safeguards. I have certain views on that but some of my colleagues advising me do not agree with me on that.

**Deputy T.M. Pitman:**

Could I just ask a question following on from Deputy Maçon. A couple of months ago, you came up with something, which I personally found very scary, when you suggested a no blame termination sort of clause, and now I find that really worrying but could you tell us if that is something that you are ...

**The Minister for Home Affairs:**

It is not going to be in the terms, no.

**Deputy T.M. Pitman:**

What made you change your mind, if we could ask? I can see where you are coming from but I just thought there were too many negatives.

**The Minister for Home Affairs:**

It is too difficult a complex to work through at such a short period, and it does raise issues, you are quite right. The difficulty ... I think, in fact, the good Deputy Chairman himself has been known in the Assembly to express concerns about how well right across the board disciplinary matters were working, and there are issues in the public sector in relation to that, which are going to need to be looked at. The good Deputy Pitman is often crying ... not tears, that no one is ever held responsible for anything and getting the right balance. So getting the right balance in relation to that or fairness to individuals but also effective accountability. Not sure we have got that at the moment, radical support. Going back to your initial question, which was really how is a new person going to be satisfied that they will be dealt with fairly, et cetera? Well, obviously, we are doing our best to produce comprehensible codes and so on and so forth and a fair system.

**Deputy R.G. Le Hérisier:**

Coming back more narrowly to succession planning, Mr. Minister, one of the things that has come up from the other witnesses is that good succession planning is a very long-term endeavour but, of course, another side to this is that bad succession planning is also long-term in the sense that you bring in a succession of outsiders, they block positions, and not only do they block positions but at some time ... it has not been alleged here but it has been alleged to me elsewhere, they bring in people they are comfortable with who sort of surround them, which blocks further positions, and it gets very hard to show the people trying to move up the system that there is a genuine willingness to sort of move them up and develop them because things basically get blocked. So that means, in a sense, you have to take quite an interest in the process so that these things do not occur to any damaging extent.

**The Minister for Home Affairs:**

Yes, I will come back to this little extra clause that we are suggesting goes into the law, into the obligations of the chief officer, because normally he would just have an obligation for the training, but what somebody suggested and what we would be putting before the Assembly is that it is specifically training with a view to effective succession planning so that by statute this will be clearly written in. That was not my thinking. I cannot remember who it came from, but I think that is very good thinking. So then that concentrates everybody's mind that this is an issue, it is an important issue. I have to be very careful what I say because I do not want to be writing off any officers or their abilities to proceed beyond a certain level, because obviously we are going to be going through a process of appointment shortly of ... well, assuming the States approve the candidate, and we do not find ourselves going round again, another round of appointments. But assuming that, then obviously the next thing that happens after that would be the appointment of a permanent deputy chief officer because once Mr. Warcup goes, we do not have a permanent ... we have the excellent Mr. Taylor, but he is here just temporarily. So I do not want to say anything that might in any way be unfair to any of the other senior officers who might be candidates in relation to that post. So with that very long caveat and understanding, my understanding is that we have a number of excellent more junior officers who have major, major potential for the future. I am not writing off those more senior to them, but I am making a positive statement in relation to ... particularly at the inspector level, I understand that there are a lot of very, very capable people. We really have got to make sure if that is so that we are developing them upwards through chief inspector, superintendent, to then be candidates. But you are probably looking something like

10 years ahead in reality if that process is going to happen. That is realistic. It is very sad to see ... as an outside observer, a Magistrate, I was frustrated to arrive at a situation of having the 3 most senior posts all with people from away. I fundamentally believe that could lead to a situation with loss of contact, with understanding of Jersey life and so on.

**Deputy R.G. Le Hérissier:**

Just to press my point again, and in a way I am going with what is called anecdotal evidence, as named by my dear friend here, there is this feeling that the local candidates have to work that much harder because a new chief comes in with a very impressive C.V. (curriculum vitae), bells and whistles, has a vision of people with vast experience because they have worked in that kind of organisation, and they might subtly or not so subtly downgrade the kind of experience that the local candidate has to offer or they might not even ... they might overlook the fact that, as we heard in great detail and very well put by Mr. Taylor, if there were one or 2 development experiences this person could be exposed to, they would really get up to speed and it is up to us to offer them that.

**The Minister for Home Affairs:**

Yes, absolutely. I accept that is part of the responsibility of the Minister to ensure that that is going to happen. I think that is important that the Minister maintain that before his senior officers left in entirety. I accept that.

**Deputy R.G. Le Hérissier:**

Good.

**The Minister for Home Affairs:**

I have not thanked you, when you said you were going to look at this area, for looking at it because it had not been looked at by me and it has improved my system.

**Deputy R.G. Le Hérisier:**

That is kind of you. Obviously the States H.R. Director was the first witness and there are big issues throughout the whole organisation, and there is no doubt if cuts really bite, if we get flatter organisations, which I do not think with 40 sergeants is an imminent threat in the police service, but if we do get flat organisations, the old incentives of promotion and all that, of course, are not necessarily going to apply. There is going to be a period of retrenchment.

**Deputy T.M. Pitman:**

I have just one question I have got we did not ask, although we did ask Mr. Taylor. Certainly in the present economic climate, what is the danger that what we have come to focus on for chief of police is the ability to be a good manager and to get more for less and cost-cutting, et cetera, as opposed to those specific serious skills that you talked about earlier, major crime incidents, et cetera.

**The Minister for Home Affairs:**

Well, I think that that always was going to be the role of the chief officer. The role of the chief officer in any organisation is quite different from the role of the senior officers who are managing departments or whatever.



[15:15]

It has got to be strategic. It has got to be thinking about the big picture and the overall picture and the overall direction and so on. So they are different roles. As I said before, my opinion is you should not have the chief officer of police or the deputy chief officer of police getting involved as senior investigating officers, or whatever. It should be a rank below with one of them acting as gold commander or whatever. But having said ... I am in danger now of losing my thread. I am going to have to go back to your original question. I think that the reality of the thing is that we are facing a cultural change, I think, right across the States and it will not be assessed by the simplicity, but in simplistic terms, I have always seen that the culture of the States and of the departments has been one of developing services, improving the laws, improving the services, and that fits in with the culture of politicians because politicians on the whole come into politics to do things that ... they measure their success by some new law, some new building or whatever. It is only people like myself that came in because they anticipated a storm coming, and I am a good man in a storm. I just did not realise how big the storm was going to be in terms of financial stuff and so on. So I came in with more modest ambitions in terms of growth and so on. Now I think we are in an entirely different world, and good economic theory in terms of has the Western world peaked, has the Jersey economy peaked, are we going to see further great spurts of growth? What is very interesting, I think, was the figures that came out recently on the financial stuff.

**Deputy J.M. Maçon:**

G.V.A. (gross value added).

**The Minister for Home Affairs:**

Yes, G.V.A., thank you. The G.V.A. figures were very interesting because if you looked over the whole spread, there was one particular graph that sort of started on the plus around about 2001-2002 and then went down. We were sort of into recession, although nobody told us, in 2002, 2003, 2004. Then it got flattened in 2005 and then up in 2006 and 2007 - we have been told we had 7 per cent growth for 2 years now, it is revalued at 5 per cent for some reason - and then 2 per cent in 2008. Now we think we are minus 6 in 2009. Now if you add up all the pluses and all the minuses, you come to a very small plus. I have calculated it. Now, what that means in real terms is that already for the last 10 years, we have had virtually no growth. We have had virtually no greater growth, and these are the pathway to inflation so already we have been into a cycle for quite a long period where we have had virtually no growth in the economy over the bar of inflation. Now we have had this recession, that is part of the cycle, and the question is are we going to return to growth or are we going to be in a flat situation, and so on and so forth. Sorry, this is a very long preamble. But the way I am leading is this. In a sense, I do not think we can any longer plan upon the assumption that we are going to return to substantial growth. I do not think we have had substantial growth for the last 10 years, and therefore I think we have to now re-gear all our planning and our thinking more realistically. One of the things I think has gone wrong, sorry, I am now straying away off it ...

**Deputy R.G. Le Hérisier:**

Yes, we will bring you back very soon.

**The Minister for Home Affairs:**

It is financial stuff. One of the things I think that went wrong is that some of our planning of growth and services took place on the back of years, which are particularly 2007, 2008 and now I think we would say those were not sustainable. Apart from the recession, they were not sustainable. They were temporary blips. The pattern is knocking it down. So what sounded very long-winded, I have come back to, is this, that I think the role of leadership of chief officers, and this includes chief officer of police, is now different. It is going to be more focused on trying to maintain the current level of services, make improvements if we can as part of the by-product, but essentially to maintain the current level of services but to do so more cheaply, and that is a major ethos change. One of the big challenges, which has been faced by the acting leadership in the last couple of years, has been starting to grapple with that and they have been quite successful in finding some areas of saving. But in terms of the police force, we have got to look at different ways of operating. We have got to look at the amount of paperwork we are generating and why we are generating it, and so on and so forth, what the actual policeman has to do in terms of his arrests and the whole process through via the Parish Inquiry possibly to the courts. You have got to look at that whole process, and we have got to find a more efficient way of doing it.

**Deputy R.G. Le Hérisier:**

Okay, well, on that very broad note ... we do not usually range as broadly as that.

**The Minister for Home Affairs:**

I am sorry about that.

**Deputy R.G. Le Hérisssier:**

No, no, not at all. It is good to put the thing in a broader context, so I would like to thank you very much, Mr. Minister, for those views and we look forward with great interest to ...

**The Minister for Home Affairs:**

And I look forward to your thoughts as well.

**Deputy R.G. Le Hérisssier:**

Yes, indeed.

**The Minister for Home Affairs:**

Because certainly it is for the highlighters.

**Deputy R.G. Le Hérisssier:**

Okay, thank you.

**The Minister for Home Affairs:**

Thank you.

[15:21]