

# Education & Home Affairs Scrutiny Panel

## PUBLIC MEETING

### Record of Meeting

Date: 30th June 2008  
Meeting 78

Present	Deputy D.W. Mezbourian, Chairman Deputy J. Gallichan, Vice-Chairman Connétable G.F. Butcher Deputy S. Pitman
Apologies	
Absent	
In attendance	Mr. W. Millow, Scrutiny Officer

Ref Back	Agenda matter	Action
	<p><b>1. Records of Meetings</b> The Panel agreed one minor typographical amendment to the record of its meeting on 16th June 2008 and approved the record as amended.</p>	
[16/06/08, Item 2]	<p><b>2. Customs and Immigration</b> The Panel considered the current status of the Customs and Immigration Review, noting that no public submissions had been made and that information remained to be received in response to some of the Panel's requests. The Panel recalled its previous agreement that Members would consider the evidence received and submit comments. It was subsequently agreed that the Chairman would meet the Lead Scrutiny Officer for the review to consider the next stages. It was noted that the Panel might need to meet specifically to consider the review.</p>	DM/TO
[16/06/08, Item 3]	<p><b>3. Social Inclusion – Mont-à-l'Abbé</b> The Panel considered its subsequent course of action for the Social Inclusion – Mont-à-l'Abbé Review following its Public Hearing with the Minister for Education, Sport and Culture (ESC) on 24th June 2008.</p> <p>The Panel recalled from the Public Hearing the advice received that the spending pressure of £370,000 facing Mont-à-l'Abbé School had been addressed; it had been unclear from whence the funding had been provided although the Panel had been informed that the funding had come from outside the cash limits of the Department of ESC. It was noted that correspondence had been despatched to the Minister for Treasury and Resources with questions on this matter.</p> <p>The Panel also recalled the advice that a broad, all-encompassing review of Social Inclusion was due to be undertaken by the Department of ESC in 2009. Noting the Minister's comment that he would welcome Scrutiny's involvement, consideration was given to what involvement, if any, the subsequent Education and Home Affairs Panel might have in the review. It was noted that, on the basis of the work it had undertaken, the Panel could potentially recommend areas that should be included within the review.</p> <p>It was agreed that correspondence would be despatched to the Minister for Health and Social Services regarding the liaison that occurred</p>	WM

	<p>between his Department and the Department of ESC.</p> <p>The Panel agreed that, beyond those actions which had already been agreed, it would not continue to gather evidence for this review. It was further agreed that the Panel would produce a brief report on the work that had been undertaken.</p> <p>The Panel noted that Deputy S. Pitman had other questions regarding provision for children with special educational needs. It was agreed that it would be most appropriate at this juncture for the Deputy to put these questions to the Minister for ESC in the States Assembly.</p>	WM
<b>[16/06/08, Item 4]</b>	<p><b>4. Annual Business Plan</b></p> <p>The Panel considered its subsequent course of action in relation to the 2009 Annual Business Plan (ABP). The Panel noted the comments of the Vice-Chairman that a disproportionate amount of time could be spent working on the 2009 ABP and that this could divert the Panel's attention from other more significant topics. It was further noted that scrutiny of the ABP was contained in the Terms of Reference for Scrutiny Panels but that Panels maintained control over their own work programmes.</p> <p>The Panel recalled the work it had undertaken in April 2008 on the draft proposals and provisional cash limits. It was agreed that correspondence would be despatched to the two relevant Ministers as a follow-up to the Panel's report that had been submitted to the Council of Ministers in May 2008. It was noted that questions regarding the cost of students who fail to complete higher education courses in the United Kingdom would be included within the correspondence to the Minister for ESC.</p> <p>The Panel considered the draft capital programme for the 2009 ABP and agreed that questions on the programme would be despatched to the relevant Ministers.</p> <p>It was recalled that the Panel had set aside specific areas within the two relevant Departments to be covered within its work on the 2009 ABP, namely culture for ESC and the Fire and Rescue Service for Home Affairs. It was noted that Deputy F.J. Hill BEM was due to ask questions regarding the maintenance of St. James at the States sitting of 1st July 2008. Consideration was given to the Panel's previous agreement that the Public Hearings be held on 25th July 2008. Subsequent to its consideration of the work programme for the remainder of 2008, the Panel agreed that it would not proceed with these Public Hearings and noted that questions regarding culture and the Fire and Rescue Service could potentially be put in writing. It was also agreed not to seek a site visit to Fire and Rescue Headquarters. It was agreed to inform the relevant Ministers of the cancellation of the Hearings.</p> <p>The Panel noted that briefings on the 2009 ABP would be held at 9:30am on 14th July 2008 and in the afternoon of 24th July 2008.</p>	WM WM WM WM
<b>[04/06/08, Item 2]</b>	<p><b>5. Work Programme</b></p> <p>The Panel considered its work programme for the remainder of 2008, taking into account work that was ongoing and other topics that had recently come to light. It was noted that account would need to be made for the potential impact of the summer recess and the elections due to be held later in 2008.</p>	

	<p>Notwithstanding its work on the Customs and Immigration and Social Inclusion – Mont-à-l'Abbé Reviews (for which work was ongoing), the Panel agreed the following list of priorities for the remainder of 2008:</p> <ol style="list-style-type: none"> <li>1. Draft Police Force (States) (Jersey) Law 200-</li> <li>2. Draft Firearms (Amendment No.2) (Jersey) Law 200-</li> <li>3. Prison Board of Visitors</li> <li>4. Annual Business Plan</li> </ol>	
<b>[31/03/08, Item 7]</b>	<p><b>6. Prison Board of Visitors</b></p> <p>Recalling its earlier decision not to proceed with further evidence-gathering for the Social Inclusion – Mont-à-l'Abbé Review, the Panel noted that work on the Prison Board of Visitors could effectively be brought forward. The Panel considered the benefits of a visit to the United Kingdom in order to gather information on Independent Monitoring Boards. The Scrutiny Officer was requested to undertake preliminary enquiries with a view to identifying potential locations for a visit.</p> <p>The Panel recalled that the Chairman and Deputy S. Pitman, as Members of the former Social Affairs Scrutiny Panel, had previously undertaken work on the Prison Board of Visitors. The Officer was requested to collate the information that had been gathered by the former Social Affairs Panel.</p>	<p><b>WM</b></p> <p><b>WM</b></p>
	<p><b>7. Firearms Law</b></p> <p>The Panel noted receipt of <i>Draft Firearms (Amendment No.2) (Jersey) Law 200-</i> and recalled that reference had been made to the amendment during question time at the States sitting of 17th June 2008. The Panel was advised that a copy had also been sent by the Department of Home Affairs to the Department of ESC for comment. It was noted that the draft law made provision for police searches on school premises.</p> <p>The Panel considered what action it should take with regard to the draft law. It was agreed that the Panel would most likely despatch written questions to the Minister for Home Affairs with a view to presenting comments on the draft law, once lodged. To assist the Panel's consideration, the Scrutiny Officer was requested to circulate copies of the principal law, <i>Firearms (Jersey) Law 2000</i>, to Members. The Panel also agreed it would be beneficial to ascertain what legislation was in force in other jurisdictions and the Officer was therefore requested to obtain a copy of the relevant legislation that applied in Guernsey.</p>	<p><b>WM</b></p> <p><b>WM</b></p>
<b>[23/07/07, Item 6]</b>	<p><b>8. Draft Police Force Law</b></p> <p>The Panel noted that <i>Draft Police Force (States) (Jersey) Law 200-</i> had been circulated to States Members for comment and that the Minister for Home Affairs intended to lodge the draft law in time for the debate to occur on 9th September 2008.</p> <p>The Panel was advised that the Chairman had been contacted by Deputy J.G. Reed regarding the draft law and the apparent need for it to be debated on 9th September 2008. The Panel recalled the provisions of Standing Order 72 and questioned what impact the imminent election period would have on the application of that Standing Order. The Officer was requested to seek clarification regarding this matter.</p> <p>The Panel considered its approach to the draft law and, considering it to be a high priority, agreed to review it. It was agreed that, in the first instance, Panel Members would consider the draft law and identify</p>	<p><b>WM</b></p> <p><b>Panel</b></p>

	<p>questions but that further, more detailed work would be necessary for this review. It was agreed that an expert advisor would be required and the Officer was therefore requested to make preliminary enquiries with a view to identifying potential candidates. It was also agreed to advise the Minister for Home Affairs that the Panel intended to review the legislation and to ask for clarification of the implications of not debating the draft law on 9th September 2008.</p>	<p>WM</p> <p>WM</p>
[16/06/08, Item 11]	<p><b>9. Ministerial Orders</b></p> <p>The Panel noted a paper outlining the procedures relating to Ministerial Decisions and Ministerial Orders. It was further noted that, during the States sitting of 17th June 2008, the Minister for Home Affairs had reported that procedures appeared to have broken down in relation to R&amp;O 69/2008, <i>Police Procedures and Criminal Evidence (Codes of Practice) (Amendment) (Jersey) Order 2008</i>, and that she would therefore review the procedures involved. The Panel agreed to write to the Minister to ask when the results of this review would become available.</p> <p>The Panel recalled the statements that had been made on R&amp;O 69/2008, both by the Minister and H.M. Attorney General, and the questions that had consequently arisen. It was noted that Part 5 of <i>Police Procedures and Criminal Evidence (Jersey) Law 2003</i> was of potential significance to the issues that had surrounded R&amp;O 69/2008 and that Part 5 of the Law had not yet come into force. It was agreed to ask the Minister for an update on Part 5 of the Law.</p>	<p>WM</p> <p>WM</p>
[16/06/08, Item 7]	<p><b>10. Matters Arising and Action Updates</b></p> <p>The Panel noted the updates on actions requested at previous Panel meetings.</p> <p>The Panel noted that the briefing notes of the Chairmen's Committee meeting of 20th June 2008 had been circulated by e-mail on 25th June 2008. It was noted that, in relation to the proposed Scrutiny Away Day, the Committee had identified five matters for discussion, including the Internal Review into Working Practices. It had also agreed that all Panels should consider these matters and add any other items for discussion to the list. The Panel noted that its concerns regarding situations in which Panels might be hurried to produce reports was potentially covered in the matters already identified. It further noted that 26th September 2008 had been proposed as the date for the Away Day.</p>	
[16/06/08, Item 9]	<p><b>11. Early Years</b></p> <p>The Panel noted that, following the presentation of the Panel's report, <i>Early Years</i> (SR5/2008), the Jersey Child Care Trust was due to hold a consultation evening on 3rd July 2008.</p> <p>The Panel was advised that the Chairman had recently heard mention that a course in relation to early years was offered at Highlands College. It was agreed to request details of this course.</p> <p>The Panel considered the Ministerial Response to SR5/2008 that had been received. It was noted that advice had subsequently been received that the Minister and Department would appreciate the Panel's comments on the Response. It was agreed to advise the Minister of a potential misinterpretation of one of the Panel's recommendations.</p>	<p>WM</p> <p>WM</p>
[28/04/08, Item 8]	<p><b>12. GP Out-of-Hours</b></p> <p>The Panel noted that the Health, Social Security and Housing (HSSH) Scrutiny Panel had requested comments from the Panel on the 2007</p>	

	annual report for the GP Co-Operative Out-of-Hours Service. It was advised that the Chairman had submitted some comments and that the HSSH Panel would pursue the matter through written questions to the Minister for Health and Social Services.	
<b>[16/06/08, Item 8]</b>	<p><b>13. Forthcoming Propositions</b></p> <p>The Panel was advised that the Minister for Home Affairs had presented comments on <i>Draft Marriage and Civil Status (Amendment No. 2) (Jersey) Law 200- (P.61/2008); amendments (P.61Amd/2008)</i>.</p>	
	<p><b>14. Ministerial Decisions</b></p> <p>The Panel noted that the Minister for Education, Sport and Culture had made the following Ministerial Decision:</p> <ol style="list-style-type: none"> <li>1. Lord Portsea Gift Fund - revised rules and conditions (MD-ESC-2008-0013)</li> </ol> <p>The Panel noted that the Minister for Home Affairs had made the following Ministerial Decisions:</p> <ol style="list-style-type: none"> <li>1. Minister - Delegation of Functions (MD-HA-2008-0030)</li> <li>2. Police Procedures and Criminal Evidence (Codes of Practice) (Amendment) (Jersey) Order 2008 (MD-HA-2008-0037)</li> <li>3. Repeal - Police Procedures and Criminal Evidence (Codes of Practice) (Amendment) (Jersey) Order 2008 (MD-HA-2008-0038)</li> </ol>	
	<p><b>15. Questions to Ministers</b></p> <p>The Panel noted that the Minister for Planning and Environment and the Minister for Education, Sport and Culture would answer questions without notice at the States sitting of 1st July 2008.</p>	
	<p><b>16. Future Meetings</b></p> <p>The Panel noted that its next scheduled meeting would take place after the briefing on the 2009 Annual Business Plan on 14th July 2008. It was noted that the meeting would most likely begin at approximately 11:30am.</p>	

Signed

Date:

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Chairman  
Education & Home Affairs Panel