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Deputy R. Ward
Chairman, Education and Home Affairs Scrutiny Panel
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By Email to: a.harris5@gov.je

28th March 2021

Dear Deputy Ward,

Thank you for your letter dated 26th February 2021, in which you advised me that your Panel has agreed to conduct a review in relation to a proposition lodged by the Minister for Home Affairs P.10/2021 – Draft States of Jersey Police Force (Amendment No 3) Law 202-

You have invited the Jersey Police Authority (JPA) to provide your Panel with comments and views in respect of the Panels Terms of Reference regarding the Proposition P.10/2021 as well as comments and views on specific matters which I have addressed below.

- *The changes that this would have in relation to the operation of the Jersey Police Authority, its relationship with the States of Jersey Police Force, Minister for Home Affairs and Directorate of Justice and Home Affairs.*

If passed, the proposed amendments have the potential to lay a new foundation for the JPA. There have been times when the JPA has undoubtedly been the weakest part of the oversight function of the police, purely because it did not have the resources necessary to do the job and also, because it did not have a loud and recognised voice in policy. This is changing, and the JPA is now well established in terms of its remit and value. The question of resources, however, is yet to be settled and while the proposed amendments create a new and specific route for requesting those resources, it cannot of necessity guarantee their delivery. It is somewhat disappointing that the report accompanying the proposed amendments only references the need for resources in terms of inspections of the States Police and does not include specific reference to the resources required by the Authority to deliver its remit.

The JPA believes the intention of the Minister is to provide these resources and will shortly provide a business case to him to justify that investment. Increasing the resources available to the JPA will strengthen its operational abilities and this will inevitably change the nature of the relationship with the police and the Directorate of Justice and Home Affairs. The Authority views this as extremely positive, as it believes that a stronger Authority, recognised as part of the planning process for police funding, will lead to a stronger relationship with civil servants and the Minister and consequently enhance existing relationships between the States of Jersey Police, Minister for Home Affairs and the JPA.



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- *The changes that this would have in relation to the Minister for Home Affairs and their responsibility in relation to the States of Jersey Police Force and its operation.*

The proposed amendments remove the power of the Minister to make operational decisions in terms of establishment and transfer these to the Chief Officer. This will allow the Minister to concentrate on his core strategic responsibilities in relation to the States of Jersey Police.

- *The changes that this would have in relation to the relationship between the Justice and Home Affairs Directorate and the Chief Officer of the States of Jersey Police Force.*

The proposed amendments should not impact the relationship between the Chief Officer and the Justice and Home Affairs Directorate. The Chief Officer will have his operational independence strengthened through the amendments, and the JPA should have greater contact with Justice and Home Affairs as a consequence of its new financial planning role. Although not part of these proposals, there remains a recommendation (R7 Evaluate whether the role of the JPA could be extended to cover other services where operational independence is important) that other parts of the JHA directorate might benefit from oversight by the JPA and this is something that can be explored in the future.

- *Whether the recommendations made by the C&AG have been adequately incorporated and where other changes outside of the C&AG report have been made, whether these are proportionate and in keeping with the spirit of the C&AG recommendations.*

The Comptroller and Auditor General made 14 recommendations as part of the report dated 22nd March 2018 (R.32/2018). However, not all of the recommendations required legislative amendments. The Authority believes that the proposed amendments would give effect to the main recommendations, which were designed to enhance the accountability and operational independence of the States of Jersey Police by strengthening the resources of the Police Authority and to develop the skills and capacity of its members.

The new Article 3 of the draft law replaces Article 4 of the existing law which specifies the main duties of the JPA. The new Article 4 requires the JPA to seek from the Minister, any additional resources needed to enable it to perform its duties. I have already noted that there is no duty on the Minister to accede to these requests, but that is not a reflection on the quality of the drafting, as resource allocation across government is governed by separate statute.

The proposed Article 28AA requires the Police Authority to arrange for the States Police to be inspected by a suitably qualified independent body at regular intervals. The most recent inspection took place in 2018 at a cost of almost £75,000. UK Home Office funded police forces are subjected to annual inspections by HMICFRS, which can cost upwards of £100,000. This does not always include specialist areas of inspection. The Authority believes that 'regular' should be interpreted as at least once every four to five years, with specialist, or thematic inspections taking place in intervening years. These of course are subject to the provision that the Minister makes the funding available to do so.



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- *Whether the changes being suggested outside of the C&AG recommendations are in keeping with best practice arrangements for governance and accountability.*

The JPA notes that there is also provision for itself to be subject to review by an external body. This is to be welcomed, but clarity over the scope and remit of such inspections would be useful.

The make-up of the Authority was also subject to consideration by the Comptroller and Auditor-General, noting that government should *review whether it remains appropriate for the States Assembly to elect two members of the Police Authority*. In terms of operational independence of the police, the Authority does not believe that removing States Members from the JPA will have an impact, as indeed it has not during the period of their membership of the Authority. The JPA has taken the view that this is a matter for the Assembly itself to determine, but there is no doubt that the Authority has benefitted from the political links offered by its serving States Members and would seek an alternate route should they be removed.

I trust that this is sufficient response in terms of the Panel's Terms of Reference and the JPA is grateful to have had the opportunity to make them. I would be very happy to discuss any of the matters addressed in more detail should you or the Panel think it would be of benefit.

Yours sincerely

Dr Jason Lane
Chair
Jersey Police Authority