

THE COMMITTEE FOR HOME AFFAIRS
COMMITTEE POLICY PLAN

1. Introduction

1.1 This document comprises the Committee *for* Home Affairs' response to Phase One of the Policy & Resource Plan agreed by the States in November 2016. It sets out, at a high level, the policy priorities of the Committee *for* Home Affairs, together with an outline of the anticipated benefits and the work needed to realise those benefits, plus an estimate of the resources required to deliver those pieces of policy work.

2. Our responsibilities

2.1 The primary purpose of the Committee *for* Home Affairs is to support a high standard of living and quality of life by maintaining and promoting a safe, stable and equitable society which values public protection and justice and respects the rights, responsibilities and potential of every person. The Committee considers that, to achieve this, there is a particular emphasis on maintaining a safe and secure community.

2.2 The Committee also seeks to achieve this through the delivery of key areas of policy including Justice Policy, the strategic policy underpinning the operational delivery of front line services, population management, data protection and consumer protection and to be tough on crime and the causes of crime.

2.3 The work of the Committee *for* Home Affairs has clear and direct links with the themes of Future Guernsey and their related outcomes, in particular

- Our quality of life- Safe and secure place to live;
- Our community- inclusive and equal;
- Our place in the world- centre of excellence and innovation.

2.4 As set out within Phase 1 of the Policy & Resources Plan, Guernsey is a safe place where crime rates are low. We want to ensure that this remains the case by continuing to deliver high quality operational Services. Guernsey Police, Guernsey Border Agency, Financial Investigation Unit, Guernsey Fire & Rescue Service, Guernsey Probation Service, Guernsey Prison and the Joint Emergency Control Centre, together with partner agencies, collectively seek to keep the Bailiwick safe and secure by delivering services focussed on maintaining and enhancing public safety, tackling crime and ensuring secure borders. To successfully deliver these services, we need to be accessible and

responsive to the public. We need to deliver visible and tangible benefits in a manner which the public can have confidence, and which adopts a culture of continuous learning and development.

- 2.5 Within criminal justice, Law Enforcement's principal duty is to uphold the law and keep people safe. Combatting and preventing crime, including identifying and confiscating the proceeds of crime are key elements of Law Enforcement. We need to identify those islanders who break the law, using professional expertise and technology to tackle crime, which is ever increasing in its sophistication. We will give appropriate prioritisation to supporting and developing our prevention of terrorism legislation and our anti-terrorism systems, in partnership with HM Government, the UK police and Security Services and our Jersey counterparts. To ensure that Law Enforcement is delivering the high quality services meeting the public's expectations, we have commissioned an independent review of Law Enforcement by Her Majesty's Inspectorate of Constabulary during 2017.
- 2.6 We will continue to provide high immigration and customs control standards, ensuring that our borders are secure and we have appropriate control over who may enter our community. We will be mindful of our international obligations to support global efforts to tackle people trafficking, drug syndicates and money laundering.
- 2.7 We will ensure that operational services are readily accessible to the public, most importantly in times of crisis and need. A key part of this is effective and efficient call handling and Emergency Services dispatch through the Joint Emergency Services Control Centre.
- 2.8 We need to bring law breakers to account and to commit to supporting the rehabilitation of offenders so that reoffending is reduced. Probation support the courts by providing high quality, evidence based reports and offender management programmes. Through Guernsey Prison, individuals committed by the courts to custody are kept safely and securely. However Prison is not simply about the housing of individuals for public protection. We must continue to commit to working with offenders, addressing the causes of their offending behaviour and providing them with the values, skills, education and experience so that upon release, they may contribute positively to our community. We must have a Prison based on personal development, where offenders have access to meaningful work and education opportunities so to best reintegrate into the community on release. In so doing, we must continue working with outside agencies and businesses to support prisoners. As a core part of the Prison regime, we also focus on prisoners' wellbeing and mental health.

- 2.9 Through the Family Proceedings Advisory Service, we ensure that there are independent trained professionals to represent the interests of children and young people at the direction of the courts in public and private legal proceedings. Where appropriate, we provide mediation between parents where the care of children is an issue. In line with the recommendations from the Marshall Report (2015), we are committed to ensuring the transparency of the Service, and have commissioned an independent review by Ofsted.
- 2.10 Through the Fire & Rescue Service, we promote public safety through all aspects of firefighting and fire prevention. We recognise the value and importance of education and awareness programmes, emphasising prevention. We support community engagement; visiting schools, inspecting licensed premises and tourist attractions as well as working with professionals in industry. Through the Emergency Planning function we must support emergency preparedness, ensuring that as a Bailiwick we have appropriate plans to respond to possible threats, using the skills and expertise of trained emergency services and partners in the third sector.
- 2.11 Like many other jurisdictions, the profile of Guernsey's population is changing. The States have taken a pro-active approach to this issue, recognising the importance of making sure Guernsey has the right number of people, recognising the challenges associated with aging demographic and the pressures on our public sector infrastructure. But more than that, they also recognise the need to ensure that the population is made up of the right people to help the States meet their economic, social and environmental objectives. This establishes the high level Population Objective set by the States. The more detailed policies relating to the management of the Island's population are set by the Committee *for* Home Affairs. These set out the types of people, often by looking at their employment skills and experience, who will be able to come to live and work in Guernsey. Working in conjunction with the Population Employment Advisory Panel, Skills Guernsey and relevant Committees, the policies are continuously monitored to be adapted with the Islands' needs and in accordance with the States' strategic aims as they change over time.
- 2.12 Through Trading Standards, we work to protect consumers from illegal trading practices and support businesses to comply with consumer protection legislation. We recognise that when islanders buy products and services, they must be safe, of an adequate quality and function as described. By ensuring that consumers have rights and businesses have clear responsibilities to their customers, we are facilitating a fair and competitive market, which in turn promotes positive economic growth.

2.13 Centrally, we administer mandated functions such as the liquor licensing process, the Electoral Roll and gambling applications. Additionally, we support independent panels, facilitating community engagement and recognising the benefits of working with partners outside of the States of Guernsey. We develop and support initiatives falling under the Criminal Justice Strategy and Domestic Abuse Strategy.

2.14 Across the Committee *for* Home Affairs, we need to identify on behalf of the Bailiwick opportunities for the development of different working practices so as to optimise resources across our services and recognise our Islands' respective needs. This means that we have to identify core functions, champion best practice, and support and encourage innovation and collaboration so as to ensure sustainable and affordable future service-provision with the flexibility to respond to evolving needs, and we will therefore continue to work closely with colleagues in Jersey.

3. Policy Priorities for the Committee *for* Home Affairs

3.1 In response to Phase one of the Policy and Resources Plan the Committee *for* Home Affairs has identified its policy priorities as:

- We need to work with the UK Government and the Policy & Resources Committee to secure and protect the Islands' interests as the UK works to leave the European Union, identifying opportunities for the future.
- We need to develop an inclusive Justice Policy, building on the work of the Criminal Justice Strategy, recognising and supporting the role of all partners who administer justice in its various forms. This includes:-
 - Tackling crime and its causes,
 - Identifying and recovering the proceeds of crime,
 - Securing the borders and managing the impact of Brexit,
 - Ensuring appropriate statutory frameworks for dealing with corruption, extradition and fraud,
 - Transforming the way we tackle domestic violence, alcohol related harms and hate crimes,
 - Playing our part in global efforts in defeating modern slavery, people trafficking and violence against children
 - Ensuring a modern legislative framework in respect of sexual offences, violence against women, inciting terrorism and hate crime and other matters of major public concern.
- We need to develop good practice surrounding information assurance, both in terms of new data protection legislation to ensure that the Islands retain adequacy with the European Union, and in the promotion of cyber security and data security management.

4. Managing the Implications and Identifying Opportunities as a result of Brexit

4.1 The formal relationship between the Channel Islands and the EU is enshrined in Protocol 3 of the UK's 1972 Accession Treaty. Currently, under Protocol 3, the Islands are part of the Customs Union and are essentially within the Single Market for the purposes of trade in goods, but are third countries in all other respects. With the UK's withdrawal from the EU, Protocol 3 will fall away and we will need to implement new customs and immigration regimes. In line with the Policy & Resources Plan, we need to work in conjunction with Policy & Resources Committee and the Committee *for* Economic Development to understand the impact upon the Islands of the UK's decision to leave the European Union, both in terms of the free movement of goods and the free movement of people.

4.2 In conjunction with States' colleagues, we need to recognise that withdrawal of a Member State from the EU is unprecedented, and we need to be proactive in our engagement with the UK to ensure that the implications on the Bailiwick are appropriately taken account of. We need to:-

- consider the impact of possible changes to the free movement of people, the continued status of the extended Immigration Acts and the Common Travel Area;
- ensure that wherever possible, local businesses that will be affected by changes to regulation, are provided with certainty and clarity;
- in accordance with the Policy & Resources Plan, seek to ensure conditions that encourage and foster enterprise;
- protect our strong and historic ties with the UK, and ensure that post-Brexit solutions are practical and best meet the needs of our community;
- ensure that Guernsey is best able to protect and promote its interests in international trade and retains market access;
- retain flexibility and commitment to respond proactively to developments as they emerge;
- recognise that the withdrawal of the UK from the European Union will impact upon the Bailiwick's domestic legislation and we need to ensure that EU measures which are currently applicable in the Bailiwick through Protocol 3 are preserved as appropriate.

4.3 The successful management of the implications and opportunities as a result of Brexit is fundamental to sustainable public finances. We need to create the appropriate environment to sustain successful local industry and encourage growth and new opportunity. We cannot allow local businesses, and in turn our economy, to be detrimentally affected by these changes.

5. Justice Policy

- 5.1 Justice Policy is a newly defined addition to the Committee's mandate from 2016, and there is much work to be completed in order to explore and scope the breadth of this mandated responsibility. The Committee is mindful that in order to best discharge this area of work, we must interpret justice policy in its widest form, incorporating the full mandate of policing and border security including crime prevention, intelligence gathering and the protection of life and vulnerable persons.
- 5.2 Justice must be tangible and accessible; we cannot allow justice to simply be an abstract concept- it must be seen to be fair and conducted in a professional manner. We must recognise the impact that crime has both on individuals and the collective life of the community and be proactive in our stance on crime and its causes, whilst providing support and care for victims. In line with the Policy & Resources Plan, successful Justice Policy is about maintaining a community that is safe and secure but which is also inclusive and committed to social justice. We need to protect what makes Guernsey a safe, secure and attractive place to live and do business and ensure that our efforts are focused on sustainable solutions.
- 5.3 We must have a justice system that proactively pursues the guilty, striving to identify the perpetrators of crime. All islanders and local business have a right to go about their business without fear of being the victim of a crime. We have a duty to bring those who commit crimes to justice and ensure that individuals do not benefit from the proceeds of crime.
- 5.4 We have a community of people who genuinely see themselves as global citizens, attuned to the use of modern technology, and we need to embrace and foster the benefits which this brings. However, as criminals also seek to use technology, and criminality increases in sophistication, we must be appropriately prepared to respond to this. This is particularly relevant in respect of financial crime, asset recovery and our "high tech" crime capabilities, where the Bailiwick's continued international reputation is largely dependent upon external inspection.
- 5.5 We need to be mindful that, as with all prosperous and peaceful societies across the world, there are individuals who wish to threaten and harm the values upon which our community is based. Terrorists and violent extremists pose a direct and indirect security challenge the world over, and Guernsey cannot be complacent to this. Continuing to secure our borders efficiently and effectively in light of this global threat, whilst enabling the seamless legitimate movement of people and goods, is essential to ensuring Guernsey remains a successful society.

- 5.6 We must support and assist those who are the victims of crime, and we must similarly support and assist those who offend to understand the consequences of their actions and to prevent reoffending.
- 5.7 We must reflect upon the current Criminal Justice Strategy, spanning the years 2013-2020, and ensure that government and public services are focused on providing coordinated and effective criminal justice services. We must consider amendments to Committee mandates from May 2016, in particular the reference in the Committee *for Home Affairs'* mandate to Justice Policy as opposed to the Criminal Justice Policy. We must seek to identify what a successful justice system looks like, ensuring that it contributes positively to the development of a responsible, tolerant and inclusive society, where everyone is safe and secure and the rights of victims are protected. We need to develop and evolve current processes so that they are better, faster, simpler and cheaper and we need to be proactive in considering new initiatives.
- 5.8 In building upon the solid foundation of the Criminal Justice Strategy in partnership with key Committees and agencies, Justice Policy can provide the platform upon which a safe and inclusive community can be built. We need to work towards clear outcomes such as:-
- Identifying and tackling the causes of crime
 - A reduction in the levels of crime and fear of crime
 - Ensuring value for money services within the Justice System
 - An increase in confidence in justice institutions and processes
 - The promotion and delivery of the correct interventions at the right time
 - A reduction in reoffending
 - Identifying and confiscating the proceeds of crime
 - Ensuring the association between justice policy and social policy
- 5.9 A primary focus of this term, in conjunction with those outlined in 3.1, will be ensuring we continue to meet international standards and obligations, both in terms of financial crime and criminal justice legislation. Particular initiatives to help progress and develop Justice Policy during the course of 2017 include:-
- We will continue to tackle crime and its causes, identify and recover the proceeds of crime and to secure the borders;
 - Continue to develop new primary legislation so as to ensure that Guernsey Law Enforcement and the Guernsey Probation Service are working within a framework appropriate for the twenty-first century;

- The introduction of new sexual offences legislation to modernise existing definition of sexual offences;
- Implementation of new Parole legislation;
- External independent inspections of Law Enforcement;
- External independent inspection of the Family Proceedings Advisory Service;
- A commissioned review of the Joint Emergency Services Control Centre;
- A review of the Police Complaints legislation;
- The 2017 Crime and Justice Survey- a public engagement piece to ensure that the services are reflective of the public's expectations;
- Continued implementation of the Domestic Abuse Strategy and its underlying action plan.

5.10 In respect of justice initiatives, we need to ensure that Guernsey can demonstrate its commitment to international standards by considering the extension of relevant conventions. We need to recognise international good practice and reflect this locally in our legislation and working practices.

5.11 Successful Justice Policy will enable us to deliver the right interventions at the right time to the right people. This will both support and divert those individuals from criminality, but importantly will save money in the long term. By creating an environment that is just, safe and secure, we will assist in ensuring that Guernsey is an attractive place to work and live.

6. Information Assurance

6.1 As was set out within Phase 1 of the Policy & Resources Plan, our success lies in our ability to move quickly, be flexible and take advantage of opportunities as they arise. Guernsey already has a respected international identity, and has had recognised adequacy status for data protection purposes with the European Union since 2003.

6.2 It is however, a rapidly evolving world and the implementation of new EU legislation with effect from May 2018, represents the biggest global change in data protection in well over a decade and is relevant to every individual and organisation, irrespective of size or sector. The legislation consists of two legal instruments, the General Data Protection Regulation ("GDPR") and a separate Directive relating to the processing of personal data for the purposes of the prevention of crime ("the Law Enforcement Directive").

6.3 The GDPR has the principle of extraterritoriality and represents an international standard that we must comply with in order to retain the Bailiwick's adequacy status. We must do so in order to enable the local finance and digital sectors to continue to access EU markets. We must also

use this opportunity to award all Islanders with the same level of privacy rights as EU citizens through the approval of new data protection legislation.

- 6.4 Proactive consideration of how best to develop our cyber security as a jurisdiction is essential for our continued success as an international financial services and digital centre. We need to ensure that Guernsey continues to be seen as a stable, secure and attractive place to live and do business, in both the physical and digital worlds. As noted within Phase 1 of the Policy & Resources Plan, to maintain our success in a rapidly evolving world of increased digitisation, connectivity and unprecedented advances in the availability and use of technology, we need to have the correct infrastructure. We need to ensure that existing legislation is fit for purpose, and has appropriate flexibility to respond to evolving threats to optimum effect. We need to ensure that we have the correct expertise and capability across the public sector so to best respond to evolving opportunities. We need to raise and promote cyber awareness across businesses and individuals. In order to maximise this, and in recognising the pan island nature of many businesses, we will continue working with colleagues in Jersey to develop efficiencies and share knowledge.
- 6.5 We must successfully adopt and embrace new opportunities as they arise. In adopting new data protection legislation and cyber security strategy and information security management, we will be supporting successful local industries and encouraging growth and new opportunity. We must protect individuals, local businesses and in turn our economy and not allow them to be detrimentally affected by external changes.

7. Context

- 7.1 We have identified the work streams above as priorities for the Committee *for* Home Affairs given their alignment with the Policy & Resources Plan and the potential that they have to benefit the Bailiwick. We have carefully considered the outcomes from the workshops and public drop-ins arranged by the Policy & Resources Committee in January 2017. Whilst titled the Committee's plan, we are clear that this plan must be a plan formed with, and for, the community, reflecting our collective priorities. We are conscious that there is a clear desire for the States to prioritise and implement social policy initiatives and the evolution of the criminal justice strategy to justice policy in its wider context, as set out above, will seek to support this. Importantly, we are keen to ensure that embedded within our service delivery is a clear commitment to inclusion and accessibility, ensuring that all members of the community are appropriately considered.

- 7.2 We support the Children and Young People's Plan (CYPP) and its six key commitments which set out how the States will add value to children's lives. We will work collaboratively with other Committees and the third sector to support the delivery of the identified priority outcomes in the CYPP. In particular through our work in Justice Policy, we will work to protect children and young people from abuse, neglect or harm both at home and in the community.
- 7.3 Aside from our core operational purpose of keeping Guernsey safe and secure, we are mindful that a primary concern for the community is our economy and ensuring that we create conditions that encourage and foster businesses to start-up, grow and operate. Our priorities reflect this and our commitment to ensure Guernsey's international identity and reputation
- 7.4 We believe that the development of justice policy goes to the very core of Home Affairs' mandated responsibility to maintain and promote a safe, secure, stable and equitable society which values public protection and justice. Successful delivery of justice policy will result in a community where crime rates are low and where the money that is invested in the criminal justice system truly is invested in securing better outcomes for the victims and the rehabilitation of offenders.
- 7.5 We believe that the requirement to respond proactively to Brexit and to implement a cyber security strategy and information security management and new Data Protection legislation is inescapable given the external factors impacting on both of these work streams. In wishing to be a mature international jurisdiction, Guernsey must accept and embrace opportunity to sustain and grow our economy in line with evolving requirements, ensuring wherever possible that the Bailiwick's interests are best represented. We must commit to ensuring the Bailiwick's continued respected international identity, leading by example by investing in training across the States.
- 7.6 In focusing on these areas of priority, it is inevitable that the progression of other workstreams will have to slow given the limited resources available. These will be internally prioritised, assessing the origins of the workstream, its maturity and the implications of not proceeding. This detailed information will be included in our Delivery Plan.

8. Achievability of delivering objectives

- 8.1 We acknowledge that one of the key barriers to the delivery of the policies prioritised is the availability of the necessary resources. While Home Affairs has a large mandate, the majority of our resources are directed to front line services. In our commitment to achieving significant financial savings, we have

in the last few years saved almost £3 million through major reorganisations and reductions in staff numbers. We have, conscious of our primary duty to the community, sought to ensure that front line services were not negatively impacted.

- 8.2 As a result we are fully committed to a transformation programme, Home Operational Services Transformation ("HOST") which will achieve a new operating model, ensuring sustainable and affordable future service-provision. This will enable us to continue to provide excellent public safety and customer services to the community, best supported by appropriate multi-disciplinary working, joined-up business and support functions, modernised ways of working and the co-location of appropriate services. Better joint working will strengthen our service delivery, deliver significant savings to the taxpayer and – most importantly – enable us to better protect the public. It will also importantly assist in assuring that we are better placed to progress our policy objectives.
- 8.3 Whilst the programme is designed to achieve long term sustainable financial savings, there is significant capital investment initially required to develop the required physical infrastructure to support the introduction of new working practices and co-location.
- 8.4 In respect of Brexit, we are mindful that the withdrawal of a Member State from the EU is unprecedented and accordingly the scope of work necessary is constantly developing. We are also mindful that we are working to a timescale that is being predominantly set by the UK's negotiations, which may mean that expedient legislative changes will be needed so to ensure that Guernsey's position is not unduly affected. We are grateful for Policy & Resources' assurances that dedicated resources will be provided.
- 8.5 The transition to Justice Policy from the Criminal Justice Strategy represents a significant change and scoping will be required to explore the practical implications of this, and importantly how this translates into tangible projects, the benefits of which will be felt by the public. We need to build upon, scope and develop the working relationships within the Criminal Justice Strategy by seeking out further opportunities for collaboration and strategic alliances both within statutory bodies and the third sector. Whilst there is not currently dedicated resources to this work stream, either financial or personnel, we are confident that we can utilise existing resources to progress the scoping phase and will be seeking to ensure that appropriate resources are allocated to support this work stream in the future.

- 8.6 In respect of the introduction of new data protection legislation so to comply with EU standards, challenges include the tight timeframe and the complexity of this multifaceted project. In introducing new legislation of this type, we will need to work closely with local industry to communicate the new requirements on their businesses. This process is ongoing in conjunction with Jersey colleagues.
- 8.7 In developing an Information Management and Cyber Security Strategy, we need to be mindful of the importance of ensuring flexibility in our plans. This is an area which constantly evolves and adapts, there will be increasing demands to provide services of a greater sophistication. We need to ensure that we have appropriate technical expertise and infrastructure so to deliver this. We need to have a particular emphasis on prevention, communicating proactively with local individuals and businesses on the steps that they take to increase their personal cyber security. This is a significant work stream, and to ensure that we are best able to move forward, incorporating best practice and expertise, we are developing joint working opportunities with Jersey and the UK. We need to be clear in our resource and budget allocation and our future requirement for permanent resources.

9. Overview of policy delivery and outline of resources needed to develop and implement

- 9.1 In developing the above policy priorities, we will be working closely with our colleagues across the States. For both Brexit and Information Assurance, we are working closely with the Policy & Resources Committee and the Committee *for* Economic Development and will continue to do so. In respect of Justice Policy, as the scoping of this develops, we will seek to work collaboratively across the States and the third sector.
- 9.2 In relation to the resource requirements, we are acutely conscious of the need to deliver these projects successfully and efficiently whilst conducting business as usual priorities. We welcome P&R's assistance with providing appropriate resources to progress this. For Brexit, we are unaware of the longer term requirements, but in the short term dedicated resources are needed to assess the practical implications and assist in the negotiation process. Longer term, it is probable that Brexit will impact on how we are able to deliver immigration and customs services, including passport issuance, and this may require additional resources. Although with much certainty, it is difficult to be more specific.

- 9.3 In respect of the implementation of new data protection legislation to comply with EU requirements, we have resources secured for the project implementation. However, once the legislative changes are delivered, there will be a need for permanent roles across the States to manage this important area including the implementation of training in respect of new ways of working and to develop education and awareness for the public. This could be up to 5 full time members of staff with the likelihood of one dedicated role at Home Affairs.
- 9.4 In the long term, the new regulatory regime shall be self-funding, with the regulator able to generate its own income in place of the current general notification fees. However this will not be possible in the short term, anticipated to last from 2017 to 2019. In this period, investment will be required from both the States of Guernsey and the States of Jersey so as to enable the Regulator to appropriately establish itself upon implementation of new regime.
- 9.5 The additional funding required from Guernsey is estimated to be in the region of:- £400k in set up costs, to cover IT development and office relocation to another suitable States owned property. Up to £550k per annum for two years, a total of £1.1 million will be required for additional staffing and running costs. Further discussion will be required in relation to the question of whether or not the Commissioner's Office is to pay any, or all of this sum, back to the States of Guernsey
- 9.4 Under justice policy, we need to scope and develop the existing Criminal Justice Strategy into a wide ranging justice policy. Whilst there are not currently dedicated resources to this work stream, either financial or personnel, it is felt there are sufficient resources to undertake the initial scoping work but this will be a large piece of work potentially over a number of years and whilst it is hoped to continue the work within existing resource with the sheer scale unknown the possibility of requiring additional support cannot be discounted.
- 9.6 In order to best progress cyber security, we need appropriate resources to develop this policy in the first instance and moving to manage and support this moving forward. Whilst working collaboratively with Jersey and the UK will help share the burden, the development phase will likely bring the need for additional resources on top of the some of the existing resources that can be deployed from Home Affairs. There is likely to be a requirement for additional ongoing revenue, although at this time this cannot be quantified. In addition, it must be noted that there is likely to be a need for Capital Investment the costs

of which are difficult to estimate ahead of the initial work but indicatively this could in the region of £1 million.