



OFFICIAL REPORT

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SCRUTINY MANAGEMENT

COMMITTEE

Home Affairs
Public Hearing

HANSARD

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Members Present:

Panel Chair: Deputy Chris Green
Deputy Laurie Queripel
Advocate Peter Harwood – Non-States Member

Mr Mark Huntington – Principal Scrutiny Officer
Mr Alistair Doherty - Advisor
Miss Suzanne Randle – Scrutiny Officer
Ms Lisa Wonnacott – Scrutiny Officer
Mr Keith Russell – Executive Officer

Business transacted

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Scrutiny Management Committee

Home Affairs Public Hearing

*The Committee met at 10.00 a.m.
in the Jerbourg & Icart Rooms, St Martins Community Centre*

[DEPUTY GREEN *in the Chair*]

Procedural – Remit of the Committee

The Chairman (Deputy Green): I would like to welcome everybody here today: elected representatives, senior public servants and member of the public.

Our session today focuses on the Committee for Home Affairs, with the President for the Committee Deputy Mary Lowe and the Chief Secretary Mr Mark Lempriere. The Panel today
5 comprises myself, Deputy Chris Green, Deputy Laurie Queripel and a Non-States Member, Advocate Peter Harwood. This hearing is part of a sequence of question and answer sessions where the Committee will question Government Committees on their progress to date.

The hearing today will look at the management of capital projects; the use of resources; the recommendations of the Marshall Review and Justice Policy.

10 Can I ask anybody who has any mobile devices to please put them on silent whilst the hearing is in progress. It is essential during our session that the Committee is able to hear from our witnesses without any interruption from the Public Gallery. I should also make it clear that this is a Parliamentary Committee proceeding and members of the public are not permitted to speak during the hearing.

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EVIDENCE OF Deputy Mary Lowe, President; Mr Mark Lempriere, Chief Secretary, Committee for Home Affairs

The Chairman: So if I could turn first of all to our witnesses, if you could just introduce both yourselves for the record please. Starting with Deputy Lowe.

20 **Deputy Lowe:** Deputy Mary Lowe, President for Home Affairs.

Mr Lempriere: Mark Lempriere, Chief Secretary for Home Affairs

The Chairman: Thank you. Thank you for attending.

25 Can we start straight away on the Joint Emergency Services Control Centre issue. I have heard it said that the Joint Emergency Services Control Centre or JESCC, is the first of its kind in the world.

Deputy Lowe is it a good idea for Guernsey to be a trail blazer in an untested organisational innovation, do you think?

30 **Deputy Lowe:** Yes, I think it is.

Certainly we had a look at this because we needed to spend an extortionate amount on IT, that had to be replaced across Law Enforcement, and it was the appropriate time to work together, and of course, it was also part of The Lightfoot Report for the Ambulance Service, who said that they also needed to change the way they were operating answering emergency calls. So it made sense to actually do it and combine the lot.

I think the downside of it all is perhaps it went live a little bit too quickly. There was a huge amount of training needed to happen, and as we know the staffing, we were not able to keep the same staff all of the time. Now that could have happened even if we had actually started once all the training had been nearly completed which it had been, but they were more confident using it, but it is one of those things where you cannot pull the plug on it. If it was left to me I would have pulled the plug on it and said let's stop it. Let's get everything in place, get more staff involved, get more training in place. But you cannot do that, those phones have to be answered, and still have to be answered.

45 **The Chairman:** We know from recent information that has been made public that there was, and there will be, an overspend on the budget for JESCCC, and you recently announced an internal audit review for the JESSC overspend. Can I ask Deputy Lowe are the findings of that internal audit report likely to be made public?

50 **Deputy Lowe:** Unfortunately not. We as a Committee would love it to be made public. We wanted to make it public, but the advice that we had both legal, and indeed, from the internal audit that this was not possible, that is not the way they operate an internal audit. What we have said, as Home Affairs members that we will ensure that we put out a very comprehensive summary, because we are not really prepared, or happy, to have a report that actually is behind closed doors. So we will see virtually what is in that report and we will be producing that.

The Chairman: A very comprehensive summary.

60 **Deputy Lowe:** Yes, indeed.

We had an internal review at staff level a few months ago. So this internal audit is looking to see how the internal review happened. How, it is going, how we are recruiting members of staff, and is that going forward in the right direction.

65 **The Chairman:** Thank you.

Could we just clarify something, because I think certainly amongst our Committee there is a bit of confusion, or lack of clarity, about whether there has been, or whether there is a post implementation review going on for the programme generally. Is that what you were talking about in terms of the prior review? Was that a post implementation review, and can that be made public?

70 **Deputy Lowe:** If we had a post implementation review and go ahead with that, obviously, we would still like that to be published. But, it will depend on the internal audit. I mean there is no point in spending money unnecessarily if the internal audit comes through and it is satisfactory, why would we actually go ahead and do a post implementation review. This is in the day and age where we have to be very careful on expenditure, and just to spend another £50 odd thousand

proposed implementation review may not be appropriate, but we have not ruled it out, but at the moment it is not on the cards until we see the internal audit report back to us. I do not want to know if Mark wants to add...

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Mr Lempriere: Can I just add for the Committee's benefit that the review that has been undertaken by the internal audit will be provided in full to the Scrutiny Committee so that you can actually, I have been assured of that.

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Deputy Lowe: Yes.

The Chairman: Thank you.

Can I just be very clear though, you seem to refer to a previous report or review in relation to JESCC, what is the status of that previous review? I am not sure we are entirely clear on that.

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Mr Lempriere: Would you like me to answer that?

Deputy Lowe: You can do if you want to.

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The Chairman: Mr Lempriere.

Deputy Lowe: Mark did it, so...

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Mr Lempriere: The situation in JESCC is well known and documented and been in the public domain for quite some time. What we decided to do was an internal improvement plan review, effectively, to put in place improvements. The improvements we could as soon as we could, and that is what the internal review has done. We are now getting the internal audit that Deputy Lowe has referred to sense check that we have done the right things to start with and that we have put things in place for the future.

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The Chairman: Okay. So what we are not talking about, just so we are absolutely clear, what we are not talking about is a kind of standard post-implementation review that would commonly be done after a big capital project. We are talking about a re-active review and now we are going to have an internal audit review.

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Mr Lempriere: Yes.

The Chairman: Thank you. I think we have clarified that. Anything else?
Advocate Harwood.

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Advocate Harwood: In the press report I have just looked at, I do not know if it is an accurate summary of your comments, but the suggestion is that there is no particular performance indicators that were going to be used to measure the success of JESCC. Is the conclusion therefore the sole measure of success is the ability to drive down costs?

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Mr Lempriere: No, not at all. It was always intended that there will be performance indicators for JESCC, because there has to be. All of the services themselves have got performance indicators that they work to, and JESCC is just a part of the communication process between the emergency services. There are very few specific JESCC performance indicators that you can actually put in place. They are really performance indicators that, for instance, the ambulance service I think is mentioned in the press report. They have got performance indicators, for instance, on response times. Now that really is how JESCC deploy the ambulances in relation to those response times. So that already exists. So, there are some already existing KPI's. We are developing some more KPI's,

130 and the relationship between what JESCC provides to the emergency services, is set out in service level agreements individually between each emergency service and JESCC, and some of the standards that you are talking about are actually set out in that document, rather than as actual KPI's on a separate piece of paper.

135 **Advocate Harwood:** So you do not really have any measure to assess whether or not the introduction of JESCC has improved the services?

140 **Mr Lempriere:** Well we do, in the fact that all four emergency services heads have supported JESCC from the start, they believe it is the right thing to do, and are still supportive of it, and there is a regular governance group including all of those service heads and the JESCC Manager and the Head of Operations from Home Affairs that regularly meet and look at the performance of JESCC against what the services actually require, that is put in place from the very start.

145 **Advocate Harwood:** In budgetary terms, do you have any means of recovering any part of the costs of JESCC from other departments within the States?

Deputy Lowe/Mr Lempriere: Yes.

Deputy Lowe: Yes, we do

150 **Advocate Harwood:** So therefore, were part of the additional costs that would have been highlighted and passed on to those departments?

155 **Deputy Lowe:** We actually, as part of JESCC we now have the Coastguards, which was not actually anticipated at the beginning, so there has been a cost to that, and also we have a charge for Housing because we answer the phones out of hours for Housing. So there are areas of JESCC which we already charge for, get revenue for. There is more with JESCC, there is more that can actually happen for it. We see it as a good way forward for being able to expand and answering the phones for out of hours services, including Health & Social Care, but it is too early. We really have to get this steady, this ship steady, and we have it on our agenda, virtually monthly, because of the concerns with it.

165 **The Chairman:** Isn't the broader question Deputy Lowe that the centralisation of these services into one single point of contact, one control centre, if the idea was, supposedly, to save money and to be more efficient wasn't it, rather than actually pushing up costs of expenditure, staff for example? Isn't what has happened the opposite of what was intended?

170 **Deputy Lowe:** I mean it was certainly to make things more efficient. I am not sure if savings were part of it. Certainly in the early days, because it was going to take a time for this to actually happen and to materialise how it would pan out, and also to be allowed to extend those services to others. So long term we should be able to see more revenue coming in for that. But as I said the difficulty we have had is the staffing issues there, and people have left for all different reasons, and it has put an awful lot of pressure on the staff that have left, hence we have had a large overtime bill for that, last term and this term. Once we have got that ship steady, that overtime is obviously going to diminish. But that is where we are now, and that is where we want to make sure as part of this internal audit, that we are going down the right route with the services that we are actually operating.

180 **The Chairman:** Would you have to accept therefore that there have not been any savings to general revenue because of this project, so far?

Deputy Lowe: No, there have not.

185 **The Chairman:** In terms of whether there has been any improvement to the services or not, is there any evidence that you can actually point to which establishes, proves that the quality of the services has actually improved? Is there anything to that effect?

190 **Deputy Lowe:** Yes. We have had feedback from that, both from the operators and indeed from the users of the system, as well. Because of the training that has taken part, it is not just a case of training to be able to answer the phone, they are also trained in the first aid part of it, and help people that have had a heart attack, so they are talking people through what to do and be able to assist them. Somebody in labour before the ambulance comes; they are helping them through that situation as well, of what to do and whatever.

195 **The Chairman:** This is specific feedback that has been received in a positive way?

Deputy Lowe: Yes. Yes, indeed.

The Chairman: Is that something that you could share with the public?

200 **Mr Lempriere:** We do share it with the public, I think the...

The Chairman: Has this been shared with the public already?

205 **Deputy Lowe:** Yes.

Mr Lempriere: I mean the Head of the Ambulance Service even has publicly stated that the service to the public, in his view, has improved by the advice that can be given by the use of the medical software that we employ in JESCC, which actually provides people with a better service than they had in the past.

210 **The Chairman:** What about the Coastguards, because there is certainly some feedback that some politicians and others have received suggesting that maybe the Coastguards is not a good fit, not a best fit, perhaps. Is that something that your Committee is looking at, or is mindful of?

215 **Deputy Lowe:** We are very mindful of it, because we also receive the concerns from political Members and indeed from the public, and so, as I say, that was not part of the original, it ended up coming to JESCC, and it is a separate body on its own, so the JESCC operators have had to at one time or another almost substitute their time to be able to assist with the Coastguard. That is an area where it has to be dedicated, Coastguard operators have to be just Coastguard. We cannot have others actually going across on to the Coastguard area.

The Chairman: Deputy Queripel.

225 **Deputy Queripel:** With regard to the relocation of the Coastguard, they are going to the Town Arsenal is that correct?

Deputy Lowe: No, no.

230 **Mr Lempriere:** Can I?

Deputy Queripel: Please.

Mr Lempriere: Can I explain the coastguard situation to you in a little more detail?

235 **Deputy Queripel:** Yes, please, if you could. Get some clarity on that.

Mr Lempriere: Okay. I do not know if it is in the press report this week, but the Head of Coastguard is the Harbour Master. The responsibility for Coastguard operations remains with the Harbour Authority through the Harbour Master and JESCC provide a communication centre for Coastguard that is what they do. They do the communications, they do not take Coastguard decisions. That is still, as it is with the other services, the responsibility of the managers in those services to make the operational decisions. JESCC provides a communication centre, effectively. It is in the main JESCC control centre, at the Police Station. The Town Arsenal is the disaster recovery set up for JESCC.

245 **The Chairman:** Just to come back to the internal audit review that we talked about some moments ago. Are you able to indicate what the time lines for that will be, when it will commence, when it might be finished, when Scrutiny might be able to get view of it?

250 **Deputy Lowe:** As soon as we have got the report you will have it straight away, because we are keen –

The Chairman: It is being done, now, is it?

255 **Deputy Lowe:** Yes, indeed, yes it is being done now.

The Chairman: Is there any particular timeframe, any deadline –

260 **Deputy Lowe:** It was not going to be taking particularly long if I remember rightly it was going to be in the end of June.

Mr Lempriere: It is nearing completion now. We expect to get it by the end of June.

265 **They Chairman:** Thank you.

Deputy Lowe: But we are certainly very keen for you to have it, the whole report, because of the restriction that we have had on us, we obviously are aware that the public are concerned about it, States' Members are concerned about it, and it is only right and proper that we share that with you, rather than us –

270 **The Chairman:** Thank you for that indication.
Advocate Harwood.

275 **Advocate Harwood:** Can I just raise one point. We will come on to budget issues later generally, but the additional funding that you need now for JESCC to carry forward, are you having to make cost savings elsewhere within you overall mandate, or are you able to persuade Policy & Resources to allow additional funding for this particular problem.

280 **Deputy Lowe:** Yes, we are working with P&R over the JESCC situation because it is something that we found ourselves in. We have to keep that service going, as I explained before, and it is important that P&R are fully aware. We have kept P&R in the loop as we have gone along, and we will do our utmost to try and get as much money as we can in our own budget to be able to address that, and also P&R are very mindful of the situation that we have been put in.

285 **The Chairman:** I think the question that Advocate Harwood was asking was, is the implication of the overspend at JESCC going to have a squeeze on other aspects of your mandate? Is that your concern?

290 **Deputy Lowe:** Yes, absolutely. That is what I was trying to say. We are going to try and cover as much as we can within Home Affairs, but we are already squeezed, but the little bit we can get we will get from Home Affairs and the rest we are going to have to speak to P&R.

Deputy Queripel: Can I just ask one more about the staffing situation?

295 **Deputy Lowe:** Yes, sure.

Deputy Queripel: When JESCC started operation, what happened to the existing control room staff from the four emergency services? Did they all transfer to JESCC? Or did some retire, were some relocated to other positions or departments, were some given or offered severance or voluntary or otherwise.

Mr Lempriere: Okay. I can answer that one for you.

When JESCC was set up all of the staff in the existing emergency services control rooms were offered jobs in JESCC to start with. Some of them took that up, some did not, which left some recruitment to take place externally and that is how we started with the recruitment in JESCC. So we have got a mixture.

Deputy Queripel: Was there a cost, an extra cost to that.

310 **Mr Lempriere:** No, the ones that did not do it either went and got – (**Deputy Queripel:** Elsewhere.) elsewhere, I assume. There were no additional costs to actually employing the JESCC staff, in fact some of the costs were actually slightly lower than they were paid in their individual control centre, others were about the same.

315 **Deputy Lowe:** Not all the operators across the services were paid the same amount, so there was that disparity there, which some were happy to come and work for JESCC and others felt no they did not want to go for that reason.

The Chairman: In terms of the overall revenue costs before JESCC – the separate control centres in the separate services in the last full year that they were operational, that figure, or those figures, for each individual service added up, was that less, was that more, was that about the same than what we have got at the moment? Or is that information that is already available in the public domain?

325 **Mr Lempriere:** Okay, there are two bits to this if you like. Firstly, as Deputy Lowe stated earlier in the hearing, there was going to have to be investment, particularly in St John's control room immediately, as a result of the Lightfoot Report, with the recommendations in that, which would up the cost for them anyway and thereby the costs to the States. The cost of the other control centres and what we cost now is about the same. It is very difficult to be exact, but it is about the same. Effectively we have also now taken Coastguard in, so it is, I would say around cost neutral.

The Chairman: A breakdown of those figures – is that something that you could provide to us?

335 **Mr Lempriere:** No, we can provide you with effectively a figure yes, the other thing I would like –

The Chairman: Are they down on those figures, in terms of disaggregation of each individual of the old services if you like?

Mr Lempriere: Yes, effectively, we could do that for you in the future.

The other thing I would just like to say I mentioned investment in St John. Of course, with modern technology as we use in JESCC now, with modern software to aid deployment of emergency services etc. eventually over a period of years all of the old control rooms would have needed that as well. Now we only have to do it for one.

The Chairman: Deputy Queripel.

Deputy Queripel: Just to get something absolutely clear, especially for the public. Was JESCC ever part of the FTP the Financial Transformation Programme?

Mr Lempriere: Initially the consultants that came in asked for a list of opportunities, I think they called it. (**Deputy Queripel:** Right.) At that time it was listed as an opportunity, a very ball park item with a figure against it we do not know. As soon as the project started it was evident that it was not going to be a cost saver, it is an enhancer of services to the public i.e. through the emergency services deployment, but it was always going to be at least a cost neutral not a big saver.

Deputy Queripel: So Capita did not get their percentage (*Laughter*)

Mr Lempriere: No, Capita did not get their percentage

Deputy Queripel: Thank you very much.

The Chairman: At what stage did that happen? At what particular stage did it become clearly determined as a cost neutral thing, can you be specific about when that changed?

Mr Lempriere: I cannot give you an exact date but I can –

The Chairman: We are talking about the last political term?

Deputy Lowe: Yes.

Mr Lempriere: Yes, we are talking about 2013ish end of '13 I think, '14. I can remember the first report we said this is going to be a cost neutral rather than a cost saver.

The Chairman: Anything else of JESSC gentlemen? No.

We will turn to the second topic which is the Prison fence issue. The second Prison fence issue.

Deputy Lowe as a matter of principle do you think it is right that capital money that was allocated for a second fence was then used for something else entirely? As a matter of principle.

Deputy Lowe: Well it was not used for something else entirely at all. The fence has actually been taken out, whereas the actual main project included a higher amount. So that was why it was actually taken out. We still have a fence, so we want to get away from the fact that we have not got a fence. We still have a fence.

The Chairman: A second fence.

390 **Deputy Lowe:** We still have the original fence. What we have done, through technology, we have enhanced that fence and made it much more secure than the current fence that was *in situ*. So part of the technology that we were putting in to the Prison enabled this fence to be a better fence, you cannot touch it, it will set every alarm off. You cannot try and climb it or anything else. If you walk past it, it is noise activated. It is a very sophisticated piece of kit that we have actually put in at the Prison.

395 **The Chairman:** I think the question I was asking really was that as I understand it the original pot of money, £1.7 million or so, was allocated for a specific project including a second fence in order to ensure that the Prison was compatible with category B prisoners. What then seems to have happened was that, in effect, a sum of money was then allocated for certain security measures including CCTV and anti-drone technology, for want of a better phrase. As a matter of principle is that right, when the money had been allocated fairly specifically for a second fence in the first place?

Deputy Lowe: I fully understand.

405 At the time, and of course, I was on the Committee at the time, or the department then. The costings that we had were an awful lot lower than the final costings that came through this term. So it had virtually doubled. So what we actually said then, because things had moved on as well, and we were looking at the technology, and we were being told as Committees to actually see where we can have cutbacks were they necessary, without taking any risks, an awful lot of consideration was taken into that, do we still need to go down the route of having the fence. Now we have got new technology since the original one has actually been pointed out to us, and we have before us, is it right and proper that we spend money on a fence that is not necessarily necessary, when we have actually got a new system technology which is far better than a fence. So, it would be wrong to spend... If we had an overspend of £1.3 million, I could understand people saying why have you spent all that extra money. We had a saving of £1.3 million on this project. That has to be commended, in this day and age when we are trying to have cut-backs. The drone, we are talking about the anti-drone that has not cost us. That has been put in by that company as a world leader to be able to show us how that works. (**The Chairman:** Yes.) So there is not any extra cost to that.

420 **The Chairman:** Yes, I think we accept that the end result is a cheaper option for the tax payer, but I will come back to that in a moment. The first question I was trying to get at was the process question. (**Deputy Lowe:** Yes, sure.) A Deputy Fallaize kind of process question. Not unimportant, when the nature of the project was clearly going to change would it have not been better to perhaps go back to Policy & Resources at that time and say to them look, we are going to have to divert from the original intention. Would that have been a better process to have followed?

Deputy Lowe: It was the process we followed.

430 **The Chairman:** You did that?

Deputy Lowe: Policy & Resources were fully informed. We discussed it with Policy & Resources. We met with Policy & Resources. Our whole Committee went along to Policy & Resources, so they have been fully involved all the way through, of what we were trying to do.

435 **The Chairman:** Just on the nuts and bolts. Do we know what the original estimate for the second prison fence originally was?

Deputy Lowe: I think, if I remember rightly, it was between £800 and £900.

The Chairman: How much, sorry?

Deputy Lowe: I think it was between £800 and £900 thousand –

445 **The Chairman:** Thousand. In terms of what then became the likely actual costs, what was that?

Deputy Lowe: For the fence? (**The Chairman:** Yes.) £1.3 million.

The Chairman: £1.3 million.
450 The obvious question really is why was your original estimate so wayward?

Deputy Lowe: It was not mine. It was produced for us, and I mean, it is like all things really, it was on the radar, they went out and got an initial costing for it, it was part of the business case. And yet when it came forward further down the line it had gone up and up a considerable amount
455 of money, and alongside that, parallel with that, was actually then about the technology. So it was important that we actually said hang on a minute, and that is when we met P&R and discussed it with P&R.

The Chairman: At what stage did you speak to P&R?
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Deputy Lowe: We spoke to P&R when we were talking about the fence and changing the technology down there. We are happy again as we said before to share that with you. There are certain things in here, which I am unable to expand on today for obvious reasons, the security and sensitivity (**The Chairman:** Security reasons...) and so on. We did discuss this before today's
465 meeting to say to you look I am more than happy to answer some questions on the prison fence, but really there are some things that I cannot expand on, which will be self-explanatory when you see the report.

Deputy Queripel: I just want to explore the UK guidelines issue. You have inspections carried out by HM Inspectorate of Prisons. In regard to – how free are you to either agree or disagree with the recommendations taking some on board and dismissing others, because when they recommended that you add another area for young offenders that was put in place, when it came to the second fence that was disregarded. How free are you to comply with their recommendations, or are you free to interpret as you see fit?
475

Deputy Lowe: They only look at the safety of the prisoners inside the Prison. They do not actually cover that area outside the Prison. So when they come and inspect it is to make sure that the prisoners are being well looked after, they have got the right amenities inside the Prison, but the security of the Prison is outside of that.
480

Deputy Queripel: But the second fence was that not at their recommendation?

Mr Lempriere: Can I just, I will clarify that (**Deputy Queripel:** Yes, please.) There are standards for the UK prisons. UK prisons are different from Guernsey Prison anyway, because they are
485 prisons for certain categories or types of prisoner, ours is a mixed prison that caters for everything. HMIP inspect Guernsey Prison and they are invited to inspect it. They do inspect it now in a slightly different way, in that they accept that there are differences in Guernsey that are necessary differences because we have got a mixed prison, and we are on an Island, surrounded by water, etc. So some of the things that they would inspect at a UK prison against and maybe we have done slightly differently, they accept that now. Actually you will find, I think, it is the public
490 domain, the last Prison Report actually was excellent. It was one of the best reports that any prison has had anywhere in the UK.

495 **The Chairman:** Just on that point, my understanding was that the original allocation of the money was so that the second fence would be put into position on the basis that that it would save revenue by allowing your Prison, in effect, to house Category B prisoners. Are you saying, that the UK Authorities would regard your Prison, still as a category B compliant prison with the kind of alternative solution that you have pursued? Is that something you can clarify?

500 **Deputy Lowe:** Guernsey, again going back to that report, and they understand and accept that Guernsey is different, but we are not a fully compliant category B prison. But we are able to take category B prisoners in Guernsey. However, if we do have any problems, is the best way to put it, with a category B prisoner, they are sent to the UK (**The Chairman:** Right.) to continue their sentence in the UK. That again, is one of the areas where we have difficulty with our budgeting, 505 because previously if a prisoner was sent to the UK that was ring-fenced. It is no longer ring-fenced, or formula led, so we have to find that money out of our own budget, and there is no knowing, because there are an awful lot of people who are in Prison who are category B, I think at the moment we have got, at the moment we have got, I can tell you, we have got nine in the Prison on remand and 26 convicted of category B.

510 **The Chairman:** Yes, my understanding is that it is only men who are actually on remand rather than sentenced prisoners who are classed as category B prisoners, as well as sentenced people for more serious offences. Okay.

Advocate Harwood.

515 **Advocate Harwood:** Can I just follow up on that. Unless I misunderstood, the justification for the second fence was in order to enhance security of category B prisoners. Clearly there would have been a saving because you would not necessarily have to send as many prisoners off Island as happened in the past. The decision to send prisoners off Island, who actually takes that 520 decision? Is that something that HMIP advises or is it an internal decision.

Mr Lempriere: I will answer that, I am not the Prison Governor, I am not the expert, but I can answer that for you. The decision to send prisoners off Island is the responsibility of the Prison Governor in Law, and the Prison Governor, because of the things that we have done within our 525 prison in Guernsey, security measures and the way the Prison is run in itself, the amount of prisoners that the Prison Governor chooses to send to the UK are minimal now.

The Chairman: How many?

530 **Deputy Lowe/Mr Lempriere:** Minimal.

Mr Lempriere: At the moment there is one. In the past, a lot more prisoners were sent, and that cost a lot more money.

535 **Advocate Harwood:** But it is an operational decision?

Mr Lempriere: It is an operational decision, yes.

Deputy Lowe: Yes, absolutely.

540 **Advocate Harwood:** It is the Governor's call?

Deputy Lowe: Yes, it is completely independent.

545 **The Chairman:** Can I rewind slightly. Where did the idea of the drone defence system come from? Were you approached by the suppliers or was it something the Committee decided?

550 **Deputy Lowe:** It had been raised in the Committee last term about the concerns of drones, because it is very much an issue in the UK with drones going in to prisons and dropping drugs or
555 guns and all sorts of problems, and of course, you can get right up to the grid, and we had film of how you can actually get a gun into the prison on a drone. What we actually had as part of this new technology was that we wanted a drone detector in there, and so this Committee actually approved that. So part of the package of the new technology was going to be for a drone facility, but not as good as the one that we have now got. The drone facility that we were having installed
560 under the new technology, which was approved, was one that a drone could still get into the Prison. What the technology showed, it would show you a line on the screen of its route, it would show you where it dropped something, it was shadow related and everything else. So instead of staff having to go out and have a look where it had dropped they would be able to see exactly where the drone came in and where it dropped it. The new technology, which is the same company have said we have a new system here, which has been tried and tested in their own testing within the company and they would like Guernsey to try this on a trial basis, but no extra cost to ourselves whatsoever. So we have still got the old system there if we want to, because that was part of it, so it is still in there, I say the old system, this is the new system, but the enhanced one of the drone system with having the bubble over the Prison was from the drone company themselves and is leading technology.

The Chairman: So, they approached you (**Deputy Lowe:** Yes.) in terms of the upgraded or enhanced system? (**Deputy Lowe:** Yes.) Okay.

570 **Deputy Lowe:** I mean it is a really impressive piece of kit. We have had a demo, and been down to the Prison, and it has been well publicised in the media, but it is certainly world-wide, that we have had coverage of it as well.

575 **Mr Lempriere:** Can I add to that slightly? (**Deputy Lowe:** Yes, you can.) It has been in national media an awful lot, drone technology, prisons and the amount of things that are smuggled into prisons by drones (**The Chairman:** Yes.) it is quite new. This technology is very new, and the UK and UK prisons will be coming to Guernsey because Guernsey is a test bed and they are actively looking at employing the same sort of thing in all the UK prisons and in fact European prisons.

580 **Deputy Lowe:** Yes. And beyond. It was even covered in South Africa on their television. So we have reports back to us. So it has been right across the world that this has been broadcast about our drone down at the Prison. We have had newspapers as well, and television companies asking from the UK if they can come across and see it once it is *in situ*. But it is very impressive, you see the drone coming at 60 miles an hour and then suddenly it stops, because as soon it gets within
585 the perimeter of I think it is 500 metre radius, it sets the fence straight into action in two seconds, so before it can get anywhere near the fence it is already on the radar and the fence goes live, it sends up sort of an angle like that of beams all the way round the prison and stops it in its tracks.

The Chairman: Advocate Harwood.

590 **Advocate Harwood:** Could we wind back to the start of this particular session of questioning, which was the second fence, you had an initial estimate which was put in as part of your original business plan and then it went to formal tender, did it actually go to formal tender or was it just a revised estimate which came to the figure of £1.3 million. Was there a formal tender at that stage
595 when you identified the additional cost and it was going to be over and above your original guesstimate?

Deputy Lowe: Not if I remember rightly.

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Mr Lempriere: I mean, prison fences are very specific and there are only a certain number of people that are allowed to actual put prison fences up, and there was a tender waiver document for the prison fence, because it is had to be a single supplier, a company called Binns that supply and do prison fences around the UK prisons.

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The Chairman: Who made that decision? Who waived the tender?

Mr Lempriere: That would have been through Procurement, in P&R, so it is not our decision entirely, we put forward a case and it is either signed off or it is not.

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Advocate Harwood: Your original guesstimate was that based on information from Binns? I am trying to understand why there was such a discrepancy between the original guesstimate and the final figure they came in with.

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Mr Lempriere: The original estimate would have been probably... This is going back a number of years. This is another thing that happened with this particular project. It has taken a number of years now, unfortunately, to get to where we have got to, and in that time costs have risen significantly, but the original estimate would have been from somebody like Binns. Yes, ball park what does it cost to put up a prison fence as a second fence. That is what you put in your original strategic case that goes to the States for in principle approval which is what happened.

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Advocate Harwood: Can I just focus on that, because I have an area of concern. I think shared by other members of the Committee that actually initial figures that are often put to the States on which a policy decision is taken then differ significantly when you come back with – the Waste Strategy is an example. I just wonder what testing you do when actually putting forward those initial figures. Your Committee is not alone on that, other Committees have suffered from this as well. But, what process can be put in place in order to get a more realistic assessment, estimate at that initial stage, because it can influence a policy decision. I would just be interested in hearing your views on that because I think it falls outside the formal SKIP process as I understand it.

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Deputy Lowe: It does indeed, but they do work closely with procurement and we know certainly over the years in the States if you go to the States with a report the other way round as well where you say it is going to cost £30 million the odds are you have sent a message out to people that want to tender it is going to cost £30 million and you will have a tender come in for £29,500,000. It is a difficulty, it is something that has been the States' problem ever since I have been in the States. Years ago the States' reports used to have the three tenders actually published in the Billet and it was the States that decided which one they wanted to actually pick. That was probably a more open process, but it also meant that... and you could see where different companies varied quite a lot, so it had gone through all the process but the States would actually have the hard and fact figures before them, which in one respect was probably better than what we have got now because we are going with almost a sort of almost a finger in the air job really.

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The Chairman: You say you did go to P&R, I just want to explore that a bit more. Are you saying that P&R, effectively, agreed to the change of plan? They had understood what the original plan was. You went to them, quite rightly, to explain actually (**Deputy Lowe:** Yes.) we want to do something else, which will be presumably more cost effective, and therefore no second fence. Did P&R actually agree with your decision?

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650 **Deputy Lowe:** P&R came back to us, because as I say you will see more when you actually have the paperwork for this. What I can say is P&R said if that is the Committee's decision that is obviously the Committee to make that decision. (**The Chairman:** Right.) Bearing in mind the rest of the information that they had at that time, which you will see in the file when you get it.

655 **The Chairman:** I seem to recall Deputy St Pier, I think it was him, certainly a member of P&R, express some concern about the longer term value for money. Is there any risk that your Committee may end up going back for more money for a second fence? Is there any risk of that?

660 **Deputy Lowe:** Not during our term. I cannot say what will happen during another term, because things change. But, no the Committee are united on that, we were trying to be responsible here, making one of these tough decisions, being told enough times make tough decisions, here is a tough decision, would it put the Prison at risk? No it would not, in our opinion.

665 **The Chairman:** And that was the nature of the professional advice that you had received at the time?

Deputy Lowe: We worked very closely with the Governor.

The Chairman: Okay. Any other questions?
I think we will touch upon some budgetary issues, which is a topic that is never very far away in these public hearings at the moment.

670 In terms of the savings, Deputy Lowe what is your understanding of what the Home Committee is supposed to save in 2018, and indeed in 2019? What is your understanding? The figure, or the percentage or how do you see it?

675 **Deputy Lowe:** Well the States have been asked to have 3, 5 and 5 as we know, and we have been able to comply with the requirement for 2017. It has been difficult but we have been able to apply it. The difficulty Home Affairs have is we have very much service led operations within Home Affairs, and therefore we have saved at the present time around £3 million. We saved £1 million before we actually got on to that.

680 **The Chairman:** This is 2017 was it?

Deputy Lowe: Yes. So we have saved over the period of time £3 million, near enough £3 million.

685 **The Chairman:** Over which period of time, sorry.

Deputy Lowe: Over period of 2015/2016.

690 **Mr Lempriere:** Yes, the FTP savings 2012 up to the end of 2016. Was £2.6 million. And 2017, sorry 2016 (**Deputy Lowe:** 2016.) is a further 1% efficiency target that we met, and 2017 there was a 3% target set for it for all committees and we met, in fact, we are a few thousand short of meeting our 3%.

695 **The Chairman:** How much is that in financial terms?

Mr Lempriere: Roughly £1 million.

Deputy Lowe: Yes.

The Chairman: Okay. So can you explain about 2018 now.

Deputy Lowe: Yes, that is where we are at the moment. What we have actually said, and I have asked several times in the States, and indeed to P&R, is that can we assurances from P&R that we are not doing a *carte blanche* right across the committees, because if we are, and we are going down that route, there is no doubt our next tranche is going to have to be to cut front line services, because we have nowhere else to go. We have to make sure that we make the borders safe, the Islanders safe, the community safe, we have a reputation here in Guernsey, reputational damage limitation that we have to make sure, as well, that we can do whatever we can for that. So we are very mindful of, we are not saying oh leave us alone we are okay, because we are not. We scrutinise the accounts monthly at the Committee, we also meet all of the service chiefs regularly, as a Committee. (**The Chairman:** How often?) As a Committee we have, and it has changed during this term, I have a great committee which I am very proud of who give so much time, because what we have done this term is we will visit all the services, we actually go to them, and we will meet the services from whoever, down the bottom going right to the top to the senior management. We have half a day with each service. We go and speak to as many staff as we can across all levels, to hear what is good about the service, what they could see as potential, so it is not just we are hearing at the top, we are hearing from right across all members of staff.

The Chairman: Right, so it is an ongoing process at all levels.

Deputy Lowe: It is an ongoing process. We did that last year. We also meet them quarterly as well. That is the service chiefs we meet quarterly, we have business monitoring meetings, quarterly. Then we have got the next tranche of going across to the services, which will be coming up in the next couple of months and we will do that again. It takes a considerable amount of time because we have got so much, whether it is probation or customs or you name it.

The Chairman: It is probably my fault because I asked you a supplementary question, but let me take you back to the original question, which is what is your understanding of what Home has to save in 2018, to begin with, in terms of a figure or a percentage? I know that there has been some relaxation of the 3, 5, 5 scheme, in the sense that now it is going to cover four years rather than three, and it is also going to be not specific targets for specific Committees, it is going to be more generalised and generic than that, but what is your understanding of what you have got to save in 2018?

Deputy Lowe: Well, my understanding is that there will be discussions with P&R, because again the report is not that clear, it ranges in the report from ½% upwards, and we, as Home Affairs, have to meet with P&R and say, look where are we going with this please, we need some guidelines on this, because they would be the first to jump on us, as would the rest of the other 35 Members of the States, if we put the Island at risk because we have said well we were just doing as we were told, we did not have negotiations with P&R we just went out and we did a cut right across the services. That would be totally irresponsible. So, I think it is really important that we are working with P&R, and we do work with P&R, both at staff level and political level. But at the present moment in time for 2018, to get back to your questions, there will have to be discussions with P&R as to where we are going to go, and they will obviously see our accounts and see where we are going with that. See the savings that we have done so far...

The Chairman: We have also, or rather you have, I know that Education, Sport & Culture and Home are both undergoing the PWC benchmarking exercise at the moment. How is progress going with that in Home?

Deputy Lowe: Well since you say that one, because we had the report on Friday, because the political members have not been involved at all, we were not involved at the beginning we were not involved at the end. We hoped to be involved and we are to meet them to discuss with them how it was going and what we would like to see as a Committee, but we were excluded from that because it was P&R's report and not ours.

The Chairman: P&R's report.

Deputy Lowe: It was P&R took on the benchmarking. So P&R invited us in Monday, yes, this week.

The Chairman: I think it was a bank holiday on Monday

Deputy Lowe: Oh, Tuesday. Tuesday (*Laughter*) it was the beginning of the week, Tuesday, we went in, and they gave us a half hour slot to meet with the team that actually had met with Home Affairs and their overview of it, and we had 10 minutes of question time. We have not met as a Committee to discuss that report yet, because we only had it right at the end of the day on Friday. The comfort that I had from it, and we have to look at that closer is very much, I believe, that we are going along on the right route, there is virtually everything in that report that Home Affairs were already doing, which was on our radar, either we are currently doing or we are looking to do. So there were no surprises at all to us as a Committee, and as I say we do have to discuss it, but obviously we have discussed it informally just before we went in to P&R, and I do not think there was anything that jumped out that gave us serious concerns of we have mega money here that we can still find areas that we can respond to and save money on.

The Chairman: Advocate Harwood.

Advocate Harwood: Can I ask, is the intention then that PWC benchmark will be used as part of your budgetary process for 2018, you must be at a stage almost of beginning to put together your budget for 2018. (**Deputy Lowe:** Yes, indeed.) So is the intention then that the PWC report should be used as part of your budgetary process for 2018?

Deputy Lowe: It is an element of it. It is definitely an element of it, and I think that is what P&R wanted. P&R wanted to see were we running a good ship, and that there was not too much fat on the bone. To say now we have had somebody look at it outside, you at Home Affairs have not been spinning us a tale we can see £10 million savings here, they have not got that from the report that has been published.

Advocate Harwood: Your feeling is that there is no great pot of money that they can claim back?

Deputy Lowe: Absolutely right, absolutely right. So, we were very comforted in the report, and we need, obviously, to still have discussions as a Committee, and we need to go back to P&R, because, I think it is important we go back to P&R we had that 10 minute slot, but we need further discussions with them now, because it is sort of where are we left. So we will be writing to P&R after we have had our discussion at Committee and ask where they are going with it and can we have these meetings to see where we are going with it.

Advocate Harwood: Is your concern that P&R will use it as a sort of whip to crack over you. (*Laughter*)

Deputy Lowe: That is okay. But if they do, it will be quite a nice whip really, because as I say there is nothing in there that I am too concerned about. Because as I say they could have saved however much money they wanted to because, and I do not know how much it cost P&R, but quite a considerable amount of money I would have thought, that is good, because if you have got somebody coming in who is independent and who has had a look at it, same as meeting with yourselves, I have no problem with that at all. Question us, because it is right that people will actually come and have a look at us and say you need to be looking at this. It is something you have missed on the radar that you could have a good saving on here, or you could do things differently. I mean part of the HOST programme, of course this is an area which is part of what we see as savings for the future –

The Chairman: Yes, could we ask you exactly what the HOST programme is, please?

Deputy Lowe: Okay, yes, it is a transformation of services of we could save £½ million where we are spending money on rent outside of the States (**The Chairman:** Right.) So by being organised different, putting different services together, working differently, you know the usual jargon, but it is true, we will be able to save, doing things differently, completely differently. I mean if it was down to Home Affairs and we were able to actually get on with it we would have done it a lot quicker. We have to go through the process of waiting for all the other States' Committees to have a look overview of the properties that the States have got and say actually we could slot in there, but we are paying an extortionate amount of rent in two places in particular, (**The Chairman:** Which two?) St Barnabas, and we have to keep the Financial Intelligence Unit up there, it is a large unit. Indeed the offices where we operate from at La Vardes House.

Mr Lempriere: Can I add something.

We have already... at this very moment we are doing something actually in property area to actually save money, we are moving our Probation Service from the Market Building, to the Information Centre at the Old States' Office at the Front. Now what that is going to enable P&R to do is to re-let the Market Building commercially. So, that was all part of this transformation and using things to the best advantage, particularly States' property.

The Chairman: Advocate Harwood.

Advocate Harwood: Given your experience with JESCC are you still confident that actually this will provide the benefit that you hope for?

Deputy Lowe: Yes. Yes, I mean it is a given really. If we are paying all that money on private rent and we are moving –

Advocate Harwood: So it is purely the rent saving

Deputy Lowe: It is the rent saving, it is definitely the rent saving. There may be a small element of saving on admin, with working differently and having other members of staff being able to have operations across different services. So, I am not saying it will be a case of we will move everybody and that is it you can all see it is looking as well at positions, especially as well as they become vacant. Every position where somebody resigns now is re-looked at re-evaluated, can we take somebody on who will not actually cost as much money.

The Chairman: Deputy Queripel.

Deputy Queripel: You do not feel there is any risk operationally or financially in that?

855 **Deputy Lowe:** In the HOST (**Deputy Queripel:** Yes.) No. No.

Deputy Queripel: You have not identified any.

860 **Deputy Lowe:** No, the risk is that we are spending too much money in the private sector for rent. That is our biggest risk to our budget.

Deputy Queripel: So there are no unknowns for you in regard to operational concerns or financial –

865 **Mr Lempriere:** The risk is actually not doing it, and not doing it will actually increase our risks.

Deputy Queripel: It has been thoroughly assessed and you have not found any areas.

870 **Mr Lempriere:** Yes, it has got a proper programme board sat above HOST. There are regular meetings, there are regular evaluations, it has come to the Committee recently and will come again, and assuming that there is some money voted to us by the States in June, we will get on and deliver some of the projects as soon as we can.

Deputy Queripel: Thank you.

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Deputy Lowe: There is the frustration across the services as well, because they can see where they could operate better as well if they can be more combined, because we are quite sporadic with some of our services.

880 **Deputy Queripel:** So you have got the buy-in of all the services? They are on board with this?

Deputy Lowe: Absolutely right, yes.

Deputy Queripel: Thank you.

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890 **The Chairman:** Can I just rewind again. You used the phrase, you did not want to put the Island at risk with some unnecessary savings. Is it always that clear, I mean do you think there is a specific level at which cuts to your budget, savings to your budget, could put the safety of the Island at risk, I suppose the question really is how do you balance that? How do you balance the need that every committee has got which is to be as efficient as possible with the overriding necessity for your Committee, certainly, with the mandate you have got, to keep our borders safe, to keep the Island safe? I mean that is a very tricky balance to achieve isn't it?

895 **Deputy Lowe:** It is a tricky one, and because we are service led, virtually right across our Committee, and because part of the P&R Plan, which we all approved, right at the very beginning, right at the very top was to make this Island safe and secure. It is a different world out there now, and if anything we should be spending more money on Home Affairs with putting more resources in, and that may come in the future, who knows. But, currently we are really down to the bone to ensuring that we have the amount of staff that we have to ensure that we have got a safe and secure Island. Changing with HOST may give us a little bit of saving, or may be able to operate differently, but we have a duty at Home Affairs to make sure that we actually do that, so do P&R. P&R are pivotal in this, because they cannot go out saying one thing and spending a fortune going outside of the Island, selling Guernsey to the world, if we have not got a safe and secure Island, people are not going to want to come here to live, they are not going to want to come here to do business. Now that is all good news for people to be able to come here and do that

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because it is safe and secure, but we also have a duty to look after our community, those who actually live here and the businesses that operate here.

We have a big finance industry, a massive finance industry, cyber-crime is absolutely again right at the very top. We are looking to have a national security policy in place as well. Deputy Prow went to a big conference in London and there were 34 different countries there. It was a big conference on security, cyber security, and I am very proud that he actually chaired one of those and promoted Guernsey, as well, for that. We saw not that long ago where there was a big problem with the cyber. Where there was a breach, and that is the world we are living in now.

The Chairman: The EU have been very clear in identifying the first duty of government is to keep its people safe, and that must be something that most of us can all agree on. Do you think though your message has been fully understood by P&R?

Deputy Lowe: I hope it will be, and will continue to be, because we are already now where people will actually say they phoned up and let's bring in Mrs Le Page from Torteval again, shall we, let's put a name to it. Mrs Le Page from Torteval, who we always use, bless her, she does not exist. She will phone up and say that she wants somebody to come along because there is a disturbance outside and she would like somebody to come and have a look. We have not always got the resources any more. So we get a complaint to say why didn't they come, I had to wait three hours, why didn't they come? Because gone are the days where we could actually send somebody at the click of a finger because we had more people around at that time that we could do that. We have cut down on staff considerably, including Law Enforcement. I think the total staff we had cut down on as part of the efficiency was around 34 staff across the services, most from Law Enforcement at that time. So, again, that was a huge saving, but it has made us efficient, (**The Chairman:** It has cost us.) and there is a cost again to the community, because the community are saying, we want action now, we want you to come, we have just phoned you, it is important to us, because it is very important to that lady who has a disturbance outside her house and is very concerned, but if they are doing something that is obviously a lot more major to the Police and to this Island, they have to act on that that is happening at that time.

Advocate Harwood: Can I just pick up, the number of staff that you have saved, you mentioned in Law Enforcement, to what extent has that been attributable to the merger of the Police and the Border Agency, because that happened three or four years ago. Again apart from that are there any measures that you can identify to judge the success or otherwise of that merger?

Deputy Lowe: Mark wants to interrupt, not interrupt but you want to say something?

Mr Lempriere: Yes, I will cover it in the answer to this question if that is okay.

So, when it was decided by the previous Board to have a single Head of Law Enforcement to bring the two organisations closer together, effectively, part of HOST started, if you want to call it that, i.e. the rationalisation of our Law Enforcement services. Now in that, I think the question you asked was it bringing them together that saved staff or not, it is everything, actually, it is the way they actually operate now, it is different in certain areas, and they can operate more efficiently with fewer people, and it is also things like layering certain parts of management has saved money, so they have been brought together and actually looked at as a whole and there has been a reduction in numbers of people, effectively.

Now, what I wanted to say before was that in relation to reduction of people, particularly in areas like Law Enforcement, you get to a level where, in Guernsey for instance, whilst we do not respond to all crime straight away maybe, you will get a response as an individual member of the public to all crime. In other jurisdictions the UK is a natural example you do not get a response to

anything sometimes at all. Now it really depends on what the public want as to how far you go with reducing those types of services, and what they will accept.

960 **Deputy Queripel:** Just on the security theme again, bearing in mind the developments in the UK, it seems you have had to up the ante here in regard to security. For example, I think I am right in saying there is going to be armed Police along the Sea Front on Sunday, for Sea Front Sunday events. (**Deputy Lowe:** This Sunday.) That is clearly coming at an extra cost to us. How are you going to balance that with the budget constraints and your need to save money? I am talking about the extra security, the cost of extra security, how is that going to factor into your budget.

965 **Deputy Lowe:** It is deploying staff where you actually need them. So, if they are at Sea Front Sunday, or some other event they are not going to be at the Station to carry out other work. It is making best use of the services that we have got at that time.

970 **Deputy Queripel:** Is that coming at an extra cost though?

Deputy Lowe: Well that is an operational matter for the Chief of Police themselves, or Law Enforcement to decide where they think it is appropriate those officers are on a particular day in a particular circumstance. I mean we have seen before armed Police in Guernsey we have seen armed Police before up at the Airport and at the Ports, and I know I had some concerns from a couple of people that they saw armed Police at the Rock to Rocque last week. My answer to that was if there had been an incident, bearing in mind what is going on in the world at the moment we would have been the first to have been criticised for actually not sending out a clear message and there is a certain duty where I think to parents and to their children, it is great to see Police around, because they are sending out a message to these people that you are not welcome in Guernsey, we are here to protect the community that we have here. So I do not think there is anything to be frightened about by seeing Police on the street, it should be welcomed to see Police on the street. Often Sea Front Sunday and other events there are Police there, some in uniform but there are many in non-uniform that you would not actually recognise, because they are among their own people. That is how it operates, that is how the security operates on the Island.

985 **Deputy Queripel:** Just to be clear will that create an extra cost for you?

990 **Mr Lempriere:** The costs of the heightened security is for a very short period of time, we hope, and if it is a short period of time then obviously it will be dealt with from within our budget. If it was an extended period of time, if it went on for a year say, then obviously it would incur costs that maybe we could not meet from within our cash limit and we would have to discuss with P&R.

995 **The Chairman:** I believe the security level has now been lowered and is back to where it was previously

1000 **Advocate Harwood:** We talked earlier about JESCC and the overspend and particularly the problems of overtime, do you have a similar issue within Law Enforcement, do you have a significant vacancy factor that you cannot fill and therefore is there a pressure on overtime rates within Law Enforcement?

1005 **Deputy Lowe:** We have a huge overtime bill at the Law Enforcement, and it is something the Committee has serious concerns about and have raised, and we wish to see that reduced. I think currently we have got about £600,000 in overtime, which we want to see...

Advocate Harwood: Do you think you can reduce that effectively by actually recruiting more...

1010 **Deputy Lowe:** Yes, some of it will be reduced...

Mr Lempriere: Can I add to that, you mentioned recruitment, and one of the issues in relation to the overtime bill, the last overtime bill, if you like, last years, was the fact that actually we were finding it very difficult to recruit and in fact we have still found it quite difficult to recruit, although
1015 we have recruited now some people more people from off-Island. So, as we recruit more people the overtime will reduce anyway, but we are also looking at overtime overall as can we reduce overtime in some way.

Deputy Lowe: It is a difficult...

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The Chairman: That figure of £600,000 that you just referred to, was that the overtime bill for 2016?

Deputy Lowe: Yes.

1025 I think it goes back to the more you have cutbacks to make sure that you can reduce the numbers of staff and try and be more efficient, the more the States as a whole, as well as Home Affairs, put more on the staff that you have actually got *in situ*, there is a certain amount of pressure on staff, wrongly, that they need to cover shifts or they need to work the extra hours, because there are not the spare bodies any more. And you end up losing good staff because they
1030 feel well hang on a minute you have cut the numbers down I cannot keep working like this, they have got family life and a private life which they wish to enjoy. So it is getting that balance right, that there are not too many cutbacks. You see right across the States, not just Home Affairs, will be fully aware of it across committees, and indeed at Frossard House.

1035 **Deputy Queripel:** Can I just ask about the relationship between the Committee and the Police. Bearing in mind there is a sort of arm's length relationship, how confident are you that they are running a tight ship and running efficient, and if you felt there was some concern about their overspending or spending inappropriately, what could you do about that?

1040 **Deputy Lowe:** If you sat in on one of our meetings you would soon find out, it is very much raised at our meetings. As I say we get the accounts monthly and the service chiefs we see, as I mentioned before, they will come in as well and go through those accounts, and it is one of those situations where it is very difficult. They have got the message from us we have to try and get that down, that overtime bill down, but also they have to try and get the recruitment in. So it is that
1045 balance again of we cannot... I mean I could give a situation, I do not want to bring in a situation that might upset a family, but you can have a situation where there is some major incident that has happened around the Island, resources have to be pulled in to deal with that, therefore the staff will put in overtime, and should put in overtime. When you have got a human life at risk you have to have people that are prepared to go and do. That is there job and they are happy to be
1050 spending that extra time to be able to do that.

Deputy Queripel: In regard to the purchasing of equipment and kit on behalf of the Police, how confident are you that is an appropriate spend? Can you have any influence on that at all?

1055 **Deputy Lowe:** Oh very much so, all of that comes to the Committee, and the Committee will decide all the expenditure for capital expenditure, whether it is a small item that is on the list. We have the whole list there, whether it is for a vehicle, or whether it is for anything else that they actually need, all of that comes to the Committee and we go through that, and we say well actually is that a need or a want (**Deputy Queripel:** Good.) and we have to have justification
1060 before we will approve it.

Deputy Queripel: Thank you

Mr Lempriere: Can I add something to this?

Deputy Queripel: Yes, of course.

Mr Lempriere: To what Deputy Lowe has just said, but there is a couple of other things about holding anybody to account and the Committee do it politically and obviously for expenditure and what the actual service is delivering in general terms. More specifically part of my role, not actually my role now, but the Head of Operations role in Home Affairs is actually to hold the Police and Law Enforcement services, and all the other services, to account, so they have regular monthly meetings, where performance in inverted commas is assessed without interfering in operational decision making, because they cannot do that. So that is another process that is in place. Also things like the upcoming inspection by HM Inspectorate of Constabulary is another sense check on whether the services are delivering what they should be delivering for the money they get.

The Chairman: I am glad you raised that, because obviously, I think it was the last States, decided to rescind the Resolution about having a Law Enforcement Commission (**Deputy Lowe:** Yes.) and there is this issue about is there a clear enough distinction between the operational activity of Law Enforcement and the political process. You are saying, Mr. Lempriere, that in effect there is a process in place. It is not only the political Committee for Home Affairs that holds to account the operational heads, if you like, but it also done at Civil Service level in effect.

Mr Lempriere: Yes, that is correct, and in addition you will be aware that one of the things that we are working on is new Law Enforcement Legislation. Now it is intended that in the legislation there are clear roles defined. Political roles, operational roles and the holding to account and governance roles, are included in that new piece of legislation which is being worked up during this year.

The Chairman: So you still think it is the right thing to rescind the idea of having a Law Enforcement Commission?

Mr Lempriere: I am not going to comment on that, that is for Deputy Lowe...

Deputy Lowe: I can comment on that. Yes, because it did change. When we were looking for a Law Enforcement Commission, we did not have a Head of Law Enforcement, so we now have another level, (**The Chairman:** Yes.) which is away from the political level. I mean when it went to the States for a Commission I did not vote for it in the first place, but that is a separate matter. Because I felt you should not have politicians interfering anyway, with regarding the operation of the Police that is for them to make that decision. Of course, we are responsible for the expenditure, and to make sure it is being operated as efficiently as possible. All that is at political level. But, no certainly because it had changed so much there was now the new look of having a Law Enforcement Officer, it changes, and so the last States, actually decide to rescind that. (**The Chairman:** Yes.) We have now got the HMIC report the inspection will be taking place or about to take place. Now, I am sure that that will be looked at by him.

The Chairman: I was going to ask that.

Deputy Lowe: Yes, absolutely.

The Chairman: The issue of oversight of Law Enforcement will be covered by that review?

1115 **Deputy Lowe:** Yes, yes. It is all part of terms of reference of looking at the whole thing across the Law Enforcement.

The Chairman: Do we know when that review will start?

1120 **Deputy Lowe:** Yes, it should be starting in the next few weeks.

The Chairman: And do we know when it will conclude?

1125 **Deputy Lowe:** Well, the gentleman is coming over on Monday, so we are meeting him on Monday, he has got his scoping exercise on Monday and will be concluded by, I think it was September.

Mr Lempriere: The visit. The actual inspection visit will be sometime in September, we would expect the report to be provided by HM Inspectorate by the end of the year.

1130 **Deputy Lowe:** By the end of the year.

The Chairman: Is that going to be a publicly disclosed document, or not?

1135 **Deputy Lowe:** Yes.

The Chairman: Okay. Thank you.
Advocate Harwood.

1140 **Advocate Harwood:** Just a couple of points.

Firstly going back to recruitment. I picked up on the fact that you said you were having to recruit off-Island. What proportion of your recruits currently in post were recruited off-Island as opposed to on-Island. Do you know roughly?

1145 **Mr Lempriere:** I have not got the information on that at the moment. Obviously we can provide it to you. What I can say is we have had, over the last couple of years, particularly in the Police not in the Border side of Law Enforcement we have had difficulty recruiting local people. It is difficult with small communities anyway where you know everybody. Not everybody wants to work in the Police. There has always been a proportion of Police officers with certain expertise for
1150 instance that we have had from outside the Island and at this time last year we found it very difficult to recruit locally. So we have had to now look again off-Island to bring in more officers from there.

Advocate Harwood: Do you find it easy to recruit from off-Island, or are there particular
1155 problems because of the nature of our integrated Law Enforcement.

Mr Lempriere: It is not so much that... the issue actually with recruiting off-Island now is the differences in pension arrangements. I am not an expert on pensions, but I understand that has been one of the reasons that it has been even more difficult actually to recruit people from off-
1160 Island in the last couple of years. But we are recruiting; I understand from Head of Law Enforcement, we are managing to recruit from... I believe they are recruiting this week officers from the UK.

1165 **Deputy Lowe:** Just added to that as well, over the last, probably, six weeks, there have been another two big recruitment campaigns and they had two events down at St Sampson's School of services right across the Police force, so you could look at the bomb disposal it was an open invite to the public. It was well attended, so you had bomb disposal you had C.I.D., it was right across the services, so you could actually go and physically speak to somebody, see some of the exhibits there of the way that they operate and what they use to operate to make the service...

1170 **The Chairman:** And was that a success?

1175 **Deputy Lowe:** It was a success. What was good was there were many young people who attended that who were keen to be actually getting into the Police force as a career. So although they might be too young some of those they can actually come and work and be cadets and work their way through and be supported. Get them in there, get them into the Police.

1180 I just want to add as well when we are talking about the HMIC Report. Because it is 10 years since we had one, and so it was important for us as a Committee, we saw that as a priority, that we needed to have this HMIC Report, because it has changed. We no longer have just the Police, which they would come and have a look at the Police. We have the Police and the Border Agency and HMIC also now can inspect Border Agencies. So they will look at both while they are here.

The Chairman: We had a question about that.

1185 **Deputy Lowe:** Beat you to it.

The Chairman: Same issue

1190 Something Mr Lempriere said just a moment ago, which made me think of this, which was about the priorities for policing in a jurisdiction like Guernsey, you referred to the fact that it is what the public want. In terms of setting those priorities for the Police, is it wholly an operational matter for the Chief Officer of Law Enforcement, or to what extent does your political Committee have a say in the direction of policing priorities? Is that something you discussed?

1195 **Deputy Lowe:** I mean we cannot actually get involved in the operational of how the Police operate and how the numbers are distributed. (**The Chairman:** No) Really that has to be down to the Police to organise that.

1200 **The Chairman:** My question was to what extent do you see it as your role to set any kind of political direction in terms of particular crimes? For example if there was a real need for greater policing of white collar crime, fraud, that kind of thing, for arguments sake, would you set that direction. How does it relate to the operational? It is a tricky area.

1205 **Deputy Lowe:** Yes, it is. It would in reverse really. It would be them coming to us to say look we need more people to be dealing with the white collar crime (**The Chairman:** Right.) so therefore we have x amount of staff already on that, we can show you that we need more because x amount have been involved with it, have been reported to it, and therefore we are failing Guernsey by not actually dealing with that.

1210 **The Chairman:** I suppose the question; sorry I am pointing at you Mr Lempriere.

Mr Lempriere: I am sorry I said it now.

The Chairman: It was the fact that you said that it is what the public want. What I am trying to drive at is to what extent are the public's priorities on dealing with crime and disorder in Guernsey

1215 reflected in the operational activity. Presumably it is the politically elected members who are supposed to be the voice of the public?

Mr Lempriere: Can I sort of help you with this one. I think I can.

1220 There are a number of elements to it aren't there. There is what the public want and expect. There is you have to deliver what they expect, and then there is the political direction, strategic direction in a certain area, and it is basically what I am saying to you I think is it is more of a partnership in that all parties contribute to what is best for the Island i.e. do we want Police on the streets like neighbourhood policing, or do we not want that and we just want a massive cybercrime unit? **(The Chairman: Yes.)** It is a balance isn't it? In a small community like this with
1225 limited resources a balance right across all the things that Law Enforcement need to deliver.

The Chairman: Okay.
Advocate Harwood.

1230 **Advocate Harwood:** Can I pick up on that because it touches on another aspect of your mandate, which I noted in your policy report, your Justice Policy, I am trying to understand exactly what is meant by Justice Policy, because following on from Deputy Green's question, is it a reflection of what the public are expecting from crime enforcement or Law Enforcement, and to what extent are you as a political body expecting to be able to influence the direction of Law
1235 Enforcement, and linked with that is it also part of your responsibility for Justice Policy, you cannot dictate to the force obviously their approach, but perhaps to indicate through sentencing guide lines or something similar.

Deputy Lowe: Okay, well we have got a few things with the Justice Policy in the Strategy as well, which we are hoping to come forward quite soon in 2017. The implementation of the new Parole Legislation is a key one for us as well. Again this is all working with the Service Chiefs of their wishes for us to consider, and if the political board are happy with that we take it to the States, we have got a report coming to the States that is moving sentence from one third to 50%
1240 for those that are going to prison.

1245 **The Chairman:** In terms of early release?

Deputy Lowe: Yes.

1250 The review of the Police Complaints Legislation, I mean we are working with the Police Complaints Commission so again that is another area of work which is all coming under the Justice Policy. The implementation of the 2017 Crime and Justice Survey, we carry that out every two years. That is due to happen in September/October this year, again it is part of this Justice Policy that we are trying to ensure that we have got in place. The introduction of the new Sexual Offences Legislation to modernise existing definition for sexual offences. That again is part of the
1255 new Justice Policy which we hope to get in place. Obviously, we have got the external independent inspection of FPAS the Family Proceedings Advisory Service. That again is part of the Justice Policy, and the external independent inspection of Law Enforcement and then the development of the Domestic Abuse Strategy. So again it is going out to tender for re-tendering. So all of these elements are to make sure that wherever possible we are trying to get a fair and
1260 just system for the public of Guernsey.

The Chairman: The mandate also I think it is point 4, also talks about the association between Justice Policy and Social Policy. Is that something that the Committee has been able to consider
1265 **(Deputy Lowe: Yes.)** and are there any kind of policy implications there that you would bring forward?

Deputy Lowe: Yes. I mean we have discussed that and that is all part of our new Justice Social Policy, and again it is working with other agencies as well that are bringing all of that together, to make sure about equality and inclusion.

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The Chairman: Does your Committee have – this is something Advocate Harwood touched on – really have a view on if you should have any influence on the sentencing practices of the Courts of the Island, because certainly in the UK there is a very different approach where there is a Sentencing Council that issues guidelines, which is not entirely made up of judges, but do you see it as part of your role to do that, for example, I think one of your members talked about the lack of effectiveness of short term custodial sentences recently. Is that an area of concern for the Committee?

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Deputy Lowe: It is an area of concern for the Prison regarding if somebody is sent to the Prison for a week they can do very little with somebody in a week. We had somebody who was sent to Prison for half a day and I mean you cannot do anything, by the time you have checked him in it is time to go out again. So, I mean certainly, I will carry on with the Prison but I will come back to your point here – regarding the prisoners, obviously the prisoners that are in for a longer period of time the more that they can actually develop and help the prisoners with true education. With regarding sentences in the Court that is not for the politicians, any politicians whether it is Home Affairs or anywhere else to get involved with the sentencing. It is the Court. We set the Laws it is up to the Court to administer the Laws, and we should not be involved with criticising if somebody has been sentenced for three months and we felt actually it should have been a year, even though people contact us and say well what are the Courts doing, there is that divide, you cannot cross that line and interfere with Court cases.

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The Chairman: I understand that. It is a very clear view. It is a very different view to what some politicians, for example, in a rather bigger jurisdiction to our north, which does not always get it right, but they have almost an obsession with setting minimum starting point sentences for certain offences, like knife crime, I think, certainly in the 90's and early 2000's there was a real emphasis on that. But, you are very clear that is not what you see as your job. You are not interpreting Justice Policy as including that.

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Deputy Lowe: But we have a Justice Policy Group which meet with the legal teams and indeed with the Jurats and other people to make sure that we have got all the right laws in place, so if there is any need to change a law, or amend a law, or bring in a new law well that is certainly not crossing the boundary. It is making sure that we take a report to the States to see about a new law.

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Mark wants to add something here.

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Mr Lempriere: In Guernsey there has always been, I say always, since 2004, I believe, there has been a Criminal Justice Strategy and a Criminal Justice working Group, which also includes people from the judiciary, the Law Officers, third sector, all of Home Affairs, Public Safety Services, that is at staff level, and they work together to look at things to come back through the political Committee and/or maybe to the Bailiff etc. about what can we do to provide maybe a different alternative sentence. What could we do that would give the Courts another tool to use in the box. So whilst it would be wrong for any of us to influence sentencing, maybe, and that is not my decision. We can put forward proposals for alternative sentences, which is what we try to do.

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Deputy Lowe: And of course one of those was the Community Service, (**The Chairman:** Yes.) where people now have a shorter sentence, we are able to offer them community service, which is great, it means they keep their job, they can carry on supporting their family but they still have to make sure that they carry out that community service.

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1320 **The Chairman:** Advocate Harwood.

Advocate Harwood: Did that initiative come through this Justice Policy Group.

1325 **Mr Lempriere:** No, the Criminal Justice Strategy started back in 2004 it is a similar concept, but as you will be aware the responsibility politically for Justice Policy did not exist at all until this last term. So this was a predecessor if you like of Justice Policy, I suppose, in a way.

Deputy Lowe: It came through Home, it was Committee for Home Affairs at that time, because I remember it coming to the States for the community.

1330 Of course, we are also looking and we will have to look at it with the Prison Governor, but he would like to look at the idea of tagging as well. That is another alternative for the Courts that would have an option to use either tagging or community service.

We are doing a lot more to try and keep people out of the Prison if possible (**The Chairman:** Yes.) and certainly to keep families supported. But the Prison itself, we have currently 72, I think something similar (**Mr Lempriere:** 72.) Yes, we have 72. There are more than half of those that are first time people into the Prison, so we are hoping we are now seeing where the education, the investment in education, because they have to work now, gone are the days where you went into Prison and you were locked up in a cell all day. They have to work 8.00 a.m. to 6.00 p.m. every day. There is also all the training that goes on. There are the business partnerships we have for work that comes into the Prison, and I think it was around 150 different certificates and awards that are presented to the prisoners who have got qualifications, whether it is GCSE's, whether it is a certificate for something they have achieved as well, so that is working its way through and it is a great place to go down and see how much work is now carried on at the Prison.

1345 **The Chairman:** So rates of reoffending, recidivism, that is one of your KPI's is it when you assess the success.

Deputy Lowe: Yes, because it has been going now, we wanted to see was it working, and clearly the people that we have got in Prison now are longer term prisoners, but of course, some that have actually gone back out, we are not currently seeing them come back in. You cannot ever say that that will always be, because you will always have some, unfortunately, that will come back into Prison. (**The Chairman:** Right.) But the highest amount of prisoners in a particular category in the Prison at the moment are drug related, so it is for people that are drug suppliers.

1355 **The Chairman:** Could we just touch on the Guernsey Police Complaints Commission? Is that something that you have any concerns about Deputy Lowe, and is it something that will be touched upon in HM Inspector of Constabulary's Review?

Deputy Lowe: It was one of the priorities for us as soon as we were elected, because last term there was supposed to be a review of the Police Complaints Commission and it was one of those that was parked for a while because there were other things to do. The approach of myself and my Committee members was that we could be denying people justice, and it is important that, actually, we make sure that we have a complete review. As soon as we got elected we felt that there was a need to review this. So we have met with them. (**The Chairman:** Right.) We have got ongoing work with them.

The Chairman: Is the review ongoing?

1370 **Deputy Lowe:** Yes, it is. (**The Chairman:** Right.) Yes, it is, yes and we are due to meet with them again quite shortly, so no, it was a priority for us, it was not one we... I think they were the

first people we see probably within a month of us being elected, because we wanted them to know we are serious about this, we do want to work with you, we do want this review to take place, and that is what has actually been happening.

1375 **The Chairman:** Can we expect there to be a final report on this any time soon, and recommendations for reform?

1380 **Deputy Lowe:** I think we have got to... because we asked this again at the last Committee meeting where we were, and we had a paper on it, and we have got something coming forward in the next couple of... we are due to meet them in the next couple of months, less than that, actually, I think it is probably next month, that we have got them coming in and we are meeting with them to see where we are, because they carried out the work with the staff, and talked through what areas that they think could be improved. The staff have also spoken to others outside of the Police Complaints Commission to see areas that should be involved and could probably be changing within. So it has been quite a comprehensive coverage of what they can actually do to bring a report back to us, but we want to meet the Police Complaints Commission to say we are still here we are still doing that, but they are aware, because they are talking with the staff quite frequently, but we wanted at political level to give that assurance that we are still doing that.

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The Chairman: What specifically are your Committee's concerns about the Commission?

Deputy Lowe: It was raised by the Police Complaints Commission. It was them saying to us

1395 **The Chairman:** They raised it with you.

Deputy Lowe: They raised it. They said it needed to be looked at, there were areas that they could see could be improved, but they were very restricted on what they could do under their terms of reference.

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The Chairman: Do we know what those areas were?

1405 **Deputy Lowe:** Well, those are the areas that they are actually looking at, at staff level and will come back to us and say this is for us to consider at political level, because it is important. They were the ones that were dealing with it, they are ones that also hear from the public, and there was quite a frustration from the public as well, where if they were not able to go directly to the Police Complaints Commission, and they felt that they should have that opportunity to do that. It has to go to the Chief of Police and then it is filtered down. If it is less than a senior level it is dealt with in the Police, otherwise it comes back to us and it is dealt with under the...

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The Chairman: Advocate Harwood.

Advocate Harwood: Can I ask is the Police Complaints Committee kept very busy? In a small jurisdiction are there a lot of complaints?

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1420 **Deputy Lowe:** No. The complaints that go to the Police, the Police Complaints Commission can go anytime and look at the register, because if a complaint comes in about an officer, more often than not it is carried out internally, they can go in they can see the register, they can see all the paperwork, they can see how it was handled and how it was dealt with. They have got that opportunity to go in whenever they like and do that. They get involved when it is at a more senior level, and that is when they get involved, it is the Police Complaints Commission which also comes to the Home Affairs.

1425 **Mr Lempriere:** They can also oversee complaints at a lower level if they choose to do so. I mean I think the point that the review of the Police Complaints Commission work, if you want to call it that, is more... it was a new piece of legislation when it came in, it never existed before, it was bespoke legislation for Guernsey, it was not modelled specifically on anything else, but obviously to protect the public and protect Police officers, and a period of time of working has gone by whereby with every law you find there are some areas are more difficult to work with than others, I think there are some practical issues that need to put right, or improved, to allow the process to be more effective.

1435 **The Chairman:** Are you able to share with us what those practical issues are? I am just trying to get a bit more of a picture, in terms of what the problems are, or do we have to wait for the report?

1440 **Mr Lempriere:** I think it would be better to wait for the report. They are practical issues in terms of process and difficulty in using it, more than anything else. Not concerns about does it work and protect the public for instance. Yes it does, but it is quite difficult in places to work with, both from the Commission's perspective and from staff.

Deputy Lowe: It is the parameters, isn't it really, and the process.

1445 **The Chairman:** I think the phrase used before is that the process as it stands could be denying people justice. I mean that is quite a strong thing to say.

1450 **Deputy Lowe:** Well, because the people concerned, if a complaint goes in at a lower level. The people concerned feel they should be allowed to go the Police Complaints Commission direct, so that is where they feel they have not...justice has not been given to them, because they would like to go to an independent body rather than their complaint going straight in to the Police and the Police dealing with it at senior level for a more junior member of staff.

The Chairman: Will this report be made public, the review of the Complaints Commission?

1455 **Deputy Lowe:** Of how it will be taken forward, yes, yes.

The Chairman: Anything else on that gentlemen.

1460 **Deputy Lowe:** It may need to go back to the States, it may need changes.

1465 **The Chairman:** Can we turn now to the question of the Marshall Review and the recommendations that the former Scrutiny Committee under the last term did a report on. One of the recommendations, recommendation 4, was that the Safeguarder Service should be subject to regular external inspection. I gather that you have confirmed Deputy Lowe that the Family Proceedings Advisory Service, as it is now called, will be externally inspected by Ofsted, (**Deputy Lowe:** I did.) which I think we would give you credit for. Could you tell us when that will happen?

1470 **Deputy Lowe:** Yes, Ofsted came over last week, or the week before last, met with the Committee, and they are coming back, when are they coming back...

Mr Lempriere: Yes, they have gone away to look at the terms of reference, scope out their inspection requirements and they will then give us a date, an available date later in the year, which we have not got yet.

1475 **The Chairman:** Right. So at this stage we do not know what the scope of the review will be? That scoping exercise has not been done to date?

Mr Lempriere: The terms of reference have been set, and agreed with the Committee, but the scoping of how they are actually going to practically (**The Chairman:** Have an inspection.) do an inspection (**Deputy Lowe:** Yes.) That is what they are doing now.

The Chairman: I see. Deputy Queripel.

1485 **Deputy Queripel:** Could you tell us at this stage will the review look at individual case files, and will the service users be consulted?

Deputy Lowe: Yes, to both.

1490 **Deputy Queripel:** They will.

Deputy Lowe: Absolutely. It is important, they cannot do their job unless they can actually look at the case files, (**The Chairman:** Okay.) but obviously the people concerned will be consulted first, on that as well. The full report will be published. (**The Chairman:** Oh good.) The Ofsted report, I am very keen for that to happen. I am working for that to happen as well to give comfort. But, obviously in the report you will not be able to identify individuals as well, but they will be looking at on a confidential basis of the actual files (**The Chairman:** Individual cases.) Individuals, but they will be looking at the process as well, was the process correct at the time? How did they achieve the outcome of that?

1500 **The Chairman:** I see. One issue that cropped up previously with the Marshall Review was whether, obviously, there is an interface with the Courts and the judiciary, to what extent could this review look at Court decisions?

1505 **Deputy Lowe:** Well, it is interesting really, because, again, I do not know if you have seen it, but the Family Planning Advisory – Family Planning (*Laughter*) Family Proceedings wrong one (*Laughter*) wrong one, they put their report on line, I think, and clearly there are issues with regarding the Magistrates Court the time is actually coming down for cases but there have been delays in the Royal Court, which actually causes them concerns over the Royal Court, and this is in the report which you will be able to see, if you have not already got it. It will be going on line.

1510 **Mr Lempriere:** The Ofsted Inspector has actually met with the Bailiff (**Deputy Lowe:** Yes.) on his most recent visit, so there is an interface between the two.

The Chairman: Right.

1515 **Deputy Lowe:** Just going back on that because we have got so many reviews going on at the moment, the same thing is happening with the HMIC report, they have been invited to meet with the Bailiff, meet with Sark, meet with Alderney, and meet with the Lieutenant Governor. All of those that have some connection with regarding Law Enforcement have been invited to meet with HMIC.

1520 **The Chairman:** Would Scrutiny be able to see the terms of reference for the FPAS review?

Deputy Lowe: Yes, certainly, we will let you have that.

1525 **The Chairman:** Deputy Queripel.

Deputy Queripel: I just wanted to ask, one of the recommendations of the Marshall Report was the idea of an independent complaints process or procedure, an ombudsman for example. Am I right in saying you are looking at your complaints procedure and you are putting something new together, or something different together, and if that is the case can you give us an idea of what it will entail, and how it will all come together?

Deputy Lowe: Yes, you can do I am just looking for the -

Mr Lempriere: I think one of the things that we probably will wait for before we consider, we have got a complaints process (**The Deputy Queripel:** Yes.) It is a Civil Service complaints process as exists for everybody else at the moment.

Deputy Queripel: Do you think that is good enough, bearing in mind the subject matter.

Mr Lempriere: I would not like to comment on that, what I think we can do is look at when the Ofsted Inspection is done, and take any recommendations that might come out of that (**Deputy Queripel:** Right.) and move forward with it.

Deputy Queripel: Okay. But you are mindful of the fact that you feel you need to up the ante in regard to the recommendation?

Mr Lempriere: Yes, we understand it's a recommendation of the review so we need to look at it.

Deputy Lowe: We supported all the recommendations, five are dealt with and others are ongoing.

Deputy Queripel: It is a good record, thank you.

Deputy Lowe: Of course, some of those things involve the Courts as well, so it is working all together.

The Chairman: Yes, just sticking with the Marshall Review for a moment, Professor Marshall's recommendation No. 5 was the Home Department as it then was, should review the staffing resources and expectations of the Safeguarder Services, as it then was, to ensure that it is equipped to fulfil its responsibilities and I note that is ongoing, it has not been fully actioned. Is that something you could comment on, either of you, about reviewing the staffing resources and expectations of the Safeguarders, which is now the Family Proceedings Advisory Services, to ensure it is fully equipped to fulfil its responsibilities, is that something that you have discussed as a committee?

Deputy Lowe: Very much so, and when we have met them as well. When we have actual on site visits and have met them and when they actually meet us at the Committee. Because and interestingly enough it has been picked up by PWC in their report, and if I remember rightly the recommendation was, or their comment was, that resources are probably going to have to be put in, more resources to try and keep up, because again there is no idea at the time how long a particular individual case is going to last, some will be a lot quicker than others. All the FPAS staff are qualified mediators, and so that is a huge advantage and we have spent a huge amount of money in that by training all the staff. Unfortunately, it is not taken up as much as what it could or should be, but we have tried working with the private sector as well to encourage that because it is so much better than going to Court if you can go through the mediation process. We have had

1580 interestingly enough, which is a good news story, 12 families have actually approach FPAS for mediation before they have actually gotten involved with FPAS themselves, so they have been able to offer that mediation and work with those families.

Deputy Queripel: Do you promote the idea of mediation?

1585 **Deputy Lowe:** Very much so. It is what is best for the children.

The Chairman: Advocate Harwood.

1590 **Advocate Harwood:** Just linked with that I think one of the other issues that Professor Marshall raised was the question about Legal Aid for mediation. Is there any progress being made on that do you know? We have mentioned the desire to encourage mediation and I think there was an issue as to whether or not people could actually have Legal Aid.

1595 **Mr Lempriere:** The Legal Aid issue is not a Home Affairs matter.

Deputy Lowe: No. that was the private sector.

1600 **Advocate Harwood:** That is outside your particular area. Is it something you would want to encourage, if as a department you are keen to encourage mediation?

Deputy Lowe: Indeed, I mean Legal Aid is there for that very purpose isn't it, again going back to a comment that I made before, Legal Aid is there to try and assist families or individuals, that they can get the services that are provided, and mediation is key in so many areas with regarding the children and the Courts, and the families concerned.

1605 There have been some families, or some individuals, one parent will come to see FPAS and see about mediation, talk it through, but when they get back the partner, for reasons best known to themselves, will not engage and will not be part of that mediation process, so they will try another route to try and make sure that they work with both parents, because, again, if they can do that and not class it as mediation, but work with those parents to be able to stop a Court process, that again in itself is worth the time.

1610 There seems to be as well, I think, and I am saying this from my own, not from the staff that I have heard, certainly with talking to people outside that have contacted me over the years, this is the mediation sort of puts the fear of... to lots of people, they think I have got to sit there and I have actually got to go through this mediation and do not necessarily fully understand what mediation is all about. It is almost a case of big brother is going to tell me what I can do and cannot do, and we have got to work together, and we all know in this room it is not like that. So, again, it is an educational thing as well, setting out really what mediation does mean, by working with you to try and help people.

1620 **The Chairman:** Something else that Kathleen Marshall, Professor Marshall had raised about the Safeguarder Service, as it was then called, was this issue of expectations that families and individuals have, and a particular barrier with the professional culture, and almost a kind of stand-off wasn't it in terms of the relationship between the Safeguarder and the families that they come into contact with. Is that something that you have addressed, or is that something that you are mindful of as a Committee?

1625 **Deputy Lowe:** I think Safeguarder, and you see the odd thing in the paper about a criticisms of Safeguarder, sometimes, not always, you are always going to have a parent who is going to be disgruntled with the outcome of the Court, or of the process, and that is human nature, because

1630 they obviously want to feel that they are right, and the other party feel that they are right and they should have the custody of the child or working with the child.

The Chairman: Not everyone can win in these situations.

1635 **Deputy Lowe:** Not everybody can win, and that is where the mediation comes to try and get a ground where you can go forward. I think certainly the Safeguarder or the Family Proceedings Advisory Service, I have the right title, has moved on quite considerably, and again, it is one of those I think the more that you are involved with it, and the more the staff through their mediation training are able to address those issues.

1640 We have also gone down the route as well of, and it was in the Marshall Report, where it was saying about social workers and having staff taken on that have not necessarily got a social worker qualification (**The Chairman:** That is right, yes.) and the Committee were very keen for that to happen as well, because not everybody needs to have a social background as far as we were concerned, we were happy to listen and get advice, but they have taken that on board and
1645 certainly try and get a cross section of staff involved at Safeguarder.

The Chairman: Just while I think of it I mean obviously, we do give you credit for the Ofsted Review of the Family Proceedings Advisory Service, but strictly speaking the recommendation was that the Safeguarder Service should be subject to regular external inspection. So, would your
1650 Committee's view be that this is going to be an external review and clearly that is great, but is it likely to be repeated on a regular basis?

Deputy Lowe: Yes. I mean that is something that we have seen with talking with the services. That was why we were very keen to make sure we had an HMIC. That should not have waited 10
1655 years before we had that. So we are very keen to make sure that we do have reviews. It is important that you have reviews from outside.

The Chairman: Why did that take 10 years? Was that something the previous board discussed?
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Deputy Lowe: I am just trying to think. I would say not.

Mr Lempriere: I don't think so.

1665 **Deputy Lowe:** No, it wasn't. It was something I felt, and my Committee that was raised...

The Chairman: This Committee that initiated it.

Deputy Lowe: Yes, we felt it was appropriate to do so.
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The Chairman: Deputy Queripel.

Deputy Queripel: Yes. Just going back to the recommendations from the Marshall Report. Recommendation 20, which is about Rule 58 communication and information relating to private
1675 Court proceedings. I noted in the minutes from the 19th May from the Family Proceedings Advisory Service meeting, it talked about the action regards recommendation 20 Rule 58, and it says

'...the Royal Court could be invited to consider a proportionality of Rule 58, meetings are taking place at the Court to discuss this recommendation, Family Proceedings Advisory Service is represented by the Head of the Service.'

1680 Can you give us any update in regard to your progress with the discussions on Rule 58?

Deputy Lowe: Yes. I mean the direction has been issued from the Royal Court on this one, so yes, that is where we are on that.

1685 **Deputy Queripel:** Yes. Okay.

Deputy Lowe: Again it is the Royal Court.

1690 **Deputy Queripel:** Yes, I just wondered... I know you were having negotiations with them, talking to them (**Deputy Lowe:** Yes, indeed.) I just wondered how that was going, so, yes, thank you.

1695 **The Chairman:** Are there any other questions on the Safeguarder Service, Family Proceedings Advisory Service? Advocate Harwood? Deputy Queripel?

Deputy Queripel: Can I just ask, are you happy with the Royal Court's, what they have issued, are you happy with that in regard to their recommendations in regard to Rule 58. Does it go far enough?

1700 **Deputy Lowe:** I am not sure, to be honest.

Deputy Queripel: Right, Okay.
Will you be looking at that as a Committee.

1705 **Deputy Lowe:** That is something that we will talk to the staff about

Deputy Queripel: Just to review what...

1710 **Deputy Lowe:** My concern with the Royal Court is the delays. When you look at the data that you have got here, I can actually tell you, the length of delays for the Services with the Royal Court, against the Magistrates Court, is quite considerable.

The Chairman: This is delays in dealing with children's cases?

1715 **Deputy Lowe:** Delays, yes. The Royal Court length of cases from referral to closure compared to the years, it is high. Very high.

The Chairman: Is that up to date information?

1720 **Deputy Lowe:** Yes, it is, that is for 2016.

The Chairman: Is it in the public domain?

1725 **Deputy Lowe:** It will be on the Government website. (**The Chairman:** Right.) If it is not, it should be. No. I know it was going to be published that is the latest one.

The Chairman: It is not always the easiest website.

1730 **Deputy Lowe:** No, it is like treacle.

The Chairman: I think we are almost at an end.

Advocate Harwood: Can I just ask one final question –

1735 **Advocate Harwood:** Sorry, one thing we have not picked up on which is Brexit, that clearly is an issue of importance for your Committee. Are you satisfied actually that the States of Guernsey as a whole, as opposed through P&R is dealing with Brexit in an appropriate manner and in particular are they welcoming input from your team.

1740 **Deputy Lowe:** Yes, it was a slow start for Home Affairs, we did keep saying, especially during debates, that we were not really included as we felt we should have been. I am delighted to say now that Deputy Prow, I think they meet, probably, weekly, he is on the P&R Working Group for Brexit, (**The Chairman:** Is this a sub-committee?) and extra meetings as well, it is not just the weekly one there is another sub-group as well beyond that. There is a huge amount of work. The Committee receive all the paper work that Deputy Prow has as part of that P&R Working Group, 1745 so we can see, because he is representing the Committee, so he comes back to the Committee, so it will not be a case of we will have any surprises because we are a committee and work as a committee, and I thank him for that, because he has put a huge amount of time in it, and I mean when you look at the people who are sitting around there, he has probably got the most experience of Customs and movement of people than anybody else in that room, so it is a huge 1750 asset having him in the States to be able to do that as a political Member, to report back to us.

Advocate Harwood: Is there a particular drain on your resources in terms of supporting Deputy Prow, and actually supporting the whole Brexit issue?

1755 **Deputy Lowe:** We have got a drain on our resources in two areas at the moment, because Brexit is key, and also the GDPR is key, because that comes in in May next year.

The Chairman: General Directive on Data Protection?

1760 **Deputy Lowe:** On Data Protection, yes, that is key for May 18, next year. The resources within Home Affairs, because it affects us considerably, and indeed across the States, so P&R are fully aware of that, and I have mentioned it in States' debates as well, it has ramifications right across the States, to understand really what this means now, this new Data Protection, because it affects everybody across the Island, and staff are going to have to be fully trained and aware of the 1765 implications of what they are doing with emails. Gone are the days, come next year, what you are doing with people's data, because it will affect everyone on this Island. So both of those are key for us, and it takes up senior management time, that is it. You are at the top level in here, so while they are attending those meetings, which they have to do, the rest is falling behind. It goes back to the resources really, there are only so many things you can do, and the Committee recognise 1770 that. I think the Committee can sometimes get a bit frustrated and we will say to the staff well why haven't we got this, we asked for it, but they cannot be in two places at one. (**The Chairman:** No.) Well they are in two places, they are in Brexit and they are in GDPR, but they cannot be back at the ranch trying to get on with what they need –

1775 **Advocate Harwood:** It is interesting, you are talking about having to respond to demand, but three of your key priorities as I understand from your plan actually are external influences (**Deputy Lowe:** Indeed.) which you really are not in a position to control (**Deputy Lowe:** No we can't.) I just wonder generally whether the States is actually adequately resourced to deal with those external influences, I know there was an external affairs team within the old Policy Council, and in terms of 1780 budgetary resource for that matter. Where is that resource, is it sitting with P&R are you having to make claims on P&R for that?

Deputy Lowe: We are working with P&R on that. P&R are fully aware of the financial implications for Home Affairs and again that goes back to the very first thing, right at the

1785 beginning where we were talking with P&R about our budget, because we have not got a
straightforward budget at the moment really, because of it, like you said the external matters that
are happening, which while we are doing that we cannot do other things. So, they have been
supportive of us, and are fully aware of the implications for us. I mean Customs Union and free
movement of people, it is key, it is absolutely key to this Island and our community.

1790 **Mr Lempriere:** GDPR has got a project budget if you want to call it that from P&R, but there is
still quite a bit of... for instance my time being taken up, so you would have to prioritise, but in
Brexit, I know there is a small team at P&R and we have not got any dedicated resource, again it is
prioritisation within existing staff in Home Affairs that is doing a lot of the work at the moment.

1795 **Advocate Harwood:** Just going back to Brexit for a moment, are you able to do any modelling
yet as to the likely cost implications post Brexit, once we cease to have freedom of movement
when Protocol Three goes away.

1800 **Deputy Lowe:** How long is a piece of string, I think, until the Government –

Advocate Harwood: You cannot do it at the moment

1805 **Deputy Lowe:** The UK Government do not actually know what they are doing themselves, yet.
So this is where it is important that the discussions take place and working very closely with the
UK. So it is not a case of us just in a little bubble trying to see what we can do, it is also working
with the UK Government.

1810 **Advocate Harwood:** The implementation could have a serious impact upon your budget
(**Deputy Lowe:** Very much.) for 2020ish going forward.

Deputy Lowe: Yes, very much.

1815 **Advocate Harwood:** I just wondered whether – nobody can really gauge that?

Deputy Lowe: No, no, we have no idea how much it will be.

The Chairman: Deputy Queripel.

1820 **Deputy Queripel:** Can I just quickly touch on data protection again, and the Data Protection
Commission. You made it quite clear in your report that there is going to be more resource
needed into that as time goes on; I just want to ask about their funding model, because they will
be moving away from their current funding model to something else. Have you got any idea yet
what is going to be put in place of the fees approach?

1825 **Mr Lempriere:** I can answer that I think for you. Yes, it moves away from the current funding
model, it is a completely different regulation, if you want to call it that, model, and the intention
will be a self-funding risk based funding model, and if you ask me for further details of that I
cannot give them to you, because that is what is being actually worked up in conjunction with
1830 Jersey working out what does that look like for the future, that is part of the process of the new
law.

Deputy Queripel: Is there sort of a conscious understanding of it might be onerous for
business and are you trying to work a way from –

1835 **Mr Lempriere:** Yes, absolutely.

Deputy Lowe: Yes.

1840 **Mr Lempriere:** There is always this fear that it will be onerous for business and part of the process that we are going through in the implementation of GDPR is that we are having regular public if you want to call them meetings, with different business groups and keeping them informed, asking their views and that is all feeding into the process at the moment.

1845 **Deputy Queripel:** It's that balance isn't it -

Deputy Lowe: We are working with Jersey on that as well and both Jersey and Guernsey, Mark has actually been down to Brussels, so there is very much a very close working relationship. I think Guernsey are quite in the lead a little bit.

1850 **Deputy Queripel:** Thank you, yes.

The Chairman: Just one final question.

1855 Deputy Lowe in the States recently you referred to your Committee's mandate as being quite far reaching. It has certainly been expanded from previous Home Departments' mandates. Do you believe that your Committee can effectively manage all of the responsibilities that are in your mandate, or do you express some concern about the width of those responsibilities in the mandate?

1860 **Deputy Lowe:** My own personal view is that I think the six Committees and the mandates that they have got are very large, which means you have to have more meetings, because previously you did not have to have as many Committee meetings, so if you want to keep -

The Chairman: How often do you meet?

1865 **Deputy Lowe:** Well, we are supposed to meet fortnightly, but we have had so many extra meetings, because there is such a back log. If we want to do the job properly, which our committee very much want to do, and we want to draw down to reports when we actually get them and understand them, rather than just nod them through, and to be able to cover right across our mandate, because we have now all these extra services, we have been meeting twice a week over a period of time, especially with Population Management Regime, that took up a huge amount of extra time for meetings. So we are on catch up at the moment, and again, if you have got the review it means you are also meeting the people that are coming over, there are all the other things that are going on, which we are still trying to run at the same time, right across the board, of all our mandate. But, it is a huge mandate, there is no doubt about that, they are very demand led. (The Chairman: Too big?) I think all the Committees at the moment are too big, if I am honest. If you want the due diligence, which we do, to give it time and to understand it, I think you have to go down the route of having extra meetings. Of course, if you are having extra meetings it then means that you are taking up more resource time for staff who are then have to do minutes and do paper work, but that is where we are. We are hoping it will plateau in a distance future. I think I promised my team that a few months ago, you want another meeting, yes, because we have got so much to do, and they want to do it, because we want to do the job properly.

1885 **The Chairman:** Some Committees of the States publish their minutes, some are heavily redacted, some less so, is your Committee one that publishes your minutes of meetings or not?

Deputy Lowe: No, we discussed it, and it was decided that it would not be appropriate to discuss ours, bearing in mind the type of areas that we cover under our mandate. **(The Chairman:** Right.) What we have done is, actually, we have done it on more than one occasion now, we have invited States' Members if they want to come and observe, they are welcome to do so. So we will take States' Members into confidence when they come and attend a meeting, which they are welcome to do.

The Chairman: Deputy Queripel.

Deputy Queripel: Just quickly, you mentioned the Population Management Regime. We have heard recently about the backlog in processing the applications. How confident are you that that can be dealt with effectively, and in a cost effective manner, as well as being, of any catch up taking place?

Deputy Lowe: The catch-up is a problem. I will be the first to say that. They are taking on extra staff resources, temporary staff, to try and clear that backlog. I think the problem that we have actually had with that, or some of the problems, is being that although we asked companies to engage, and many did, and many went to the workshops to be able to understand what it was all about, now it is *in situ* the companies that did not, they are ringing up all the time and the phone calls, and it is taking staff away from being able to process all of the backlog, which a lot of it is the paper form one, because so much of it now is on-line, that people are able to do that. It is actually cheaper for them to –

Deputy Queripel: Are you confident in the long term the process **(Deputy Lowe:** Long term.) will be managed operationally effectively, and also cost effectively?

Deputy Lowe: Yes, definitely. You have got the pain barrier first, and we expected that. We said there would be a pain barrier going through the transformation of it all, and the transfer of it all, while we have got the old system still in place, so they are trying to run two system, trying to answer phones, trying to help people, because they want to make sure they can help people as much as possible, make it smooth for them. Yes, it is disappointing, but not a surprise.

Deputy Queripel: How carefully are you listening to the concerns of particular business and employment sectors, in regard to the permits that they can or cannot get? I am thinking particularly of hospitality and tourism etc. Are you listening carefully to that, and is there going to be some sort of way, constructed or put together to help them?

Deputy Lowe: Yes, definitely. You will know we had an email yesterday, that has already been dealt with last night. If they want to get in touch with the Population Management, if there is a problem they have got, they will deal with it for them. What we have seen as well, there might be the one or two who do not want to engage, they just want to criticise, and say we have not engaged with them when we have, I have got paper trails where I have actually written a particular company but they have gone out saying we have not. That is not helpful. But also the Panel is there, and that is what the Panel the States elected the Panel for the industries to go through, and some are not prepared to do that, they just want to go out and say they are not listening to us. Go to the Panel, the States elected the Panel to do that.

The Chairman: How often does that Skills Panel meet, do you know?

Deputy Lowe: They meet monthly, or more if they need to. That is what they set up to do in the first six months. Because they are available whenever they need to be. Whenever anybody contacts them they will meet as the hospitality, if it is the hospitably person responsible, if it is the

1940 finance person that they are working with. We have had a lot of feedback from companies that are absolutely delighted with the new system.

The Chairman: A lot of play was made about the supposed flexibility of the new system and I think I remember yourself saying that (**Deputy Lowe:** Indeed.) in the States a few times. Equally
1945 there is quite a lot of scepticism about how flexible it is in practice. What do you say to those people in the businesses concerned who question the flexibility of the system? How would you seek to reassure them?

Deputy Lowe: I think we definitely have flexibility within that, but it might not suit a particular
1950 company. If you have got somebody in hospitality who is at the lower end, and therefore they can have their permit for that particular person, but they want it no ended, to stay for ever, they have to show to the Panel that they would be training that person to work up a grade, they are not prepared to do that, they want to have somebody live here for ever as perhaps a kitchen porter, as an example, that is not the States' direction. The States' direction was five years, otherwise we
1955 are adding to the demographic growth of the people that we have to pick up to look after in the latter life.

Deputy Queripel: If you get to the point where you actually feel that their grievances or concerns have some substance will you be coming back to the States with recommendations or
1960 proposals, to perhaps tweak the system?

The Chairman: There is a review isn't there?

Deputy Lowe: Yes, there is a review, and it is early days yet. I mean it has only been in
1965 situation a couple of months, April 3rd, I think it started, so it is very early days, and people have to appreciate that both politically and outside as well it is early days, give it time, but if anybody has any problems then just contact the Population Management, and they will give you the time to go through it and explain it to you all, of how it is working and where there are certain individuals who will not engage but want to actually be quite vocal, and that is difficult for the staff.

1970 **Deputy Queripel:** Yes, thank you.

The Chairman: Okay. Thank you very much.

1975 **Deputy Lowe:** Thank you, very much.

The Chairman: Drawing this to a close, just to conclude, there will be a *Hansard* transcript produced of this hearing this morning. I would like to just take this opportunity to thank Deputy
1980 Lowe and Mr Lempriere for attending and answering the questions in the way you did, and as I say there will be a *Hansard* transcript which will appear on the Government website in due course.
Thank you very much.

Deputy Lowe: Could I just thank you on behalf of Home Affairs we actually welcome this like
1985 we welcome the reviews, because unless you actually get feedback from somebody outside, it is a bit like we go out to eat in a restaurant and if I think the meal is not too great I will say politely to somebody, I do not think it is particularly great, because no news is good news. I think that is the same for us, if you got people that are actually looking at you and saying, would you like to have a look at this because you are perhaps not doing it right, and I think that is exactly the same, it should happen right across the States, so we welcome any reviews, or we welcome anybody
1990 talking to us and pointing out something that we might consider to do differently.

So thank you very much for your time.

The Chairman: Thank you.

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The hearing adjourned at 11.58 a.m.