



Scrutiny Management Committee

MEDIA RELEASE

CHAIRMAN'S REFLECTIONS FROM THE SCRUTINY PANEL HEARING ON THE HMIC REPORT

The panel hearing examined key aspects of the inspection report carried out on Bailiwick Law Enforcement by Her Majesty's Inspectorate of Constabulary (HMIC).

The inspection report does identify some serious weaknesses in Bailiwick Law Enforcement, principally around governance and information technology provision.

On governance, HMIC were critical of the Committee *for* Home Affairs for insufficient focus on strategic matters and too much attention being paid on minutiae and operational matters. HMIC had also said the ICT provision at Bailiwick Law Enforcement was among the worst they had seen.

The Panel heard evidence from Mr Matt Parr, Her Majesty's Inspectorate of Constabulary; from the Head of Law Enforcement, Mr Patrick Rice; and from the Chief Information Officer, Mr Colin Vaudin. The hearing concluded with the points raised in the Report and from our witnesses being addressed to the political members of the Committee *for* Home Affairs.

My main observations would be as follows:

1. I was unimpressed and disappointed by the level of disclosure of documents and information provided to the Panel to support this hearing, specifically the heavily redacted minutes of committee meetings and a lack of supporting material relating to the governance concerns. This clearly hampered the Panel's work when trying to establish the facts. Whilst we cannot comment on material that we have not seen, clearly, Scrutiny needs to be able to have access to any and all relevant documentation to do its job fully. A policy letter seeking extra powers to compel parties to produce relevant papers for the scrutiny function will be expedited for debate next year. This case has shown how essential that power really is.
2. Although Mr Parr was unable or unwilling to share with the Panel specific examples from the inspection of where political members were said to have attempted to direct officers to take enforcement action, he did confirm this was indeed a finding in the Report. He insisted that the main findings in the Report concentrated on the Committee *for* Home Affairs not concentrating sufficiently on the strategic aspects of their roles, together with an emphasis on low level matters. Mr Rice, on the other hand, clearly felt that some members of the Committee overreached themselves too often into day to day operational matters. He

believed that this would have a knock-on impact on the workforce (with potential changes to operational priorities) which was unnecessary.

3. Whilst I note that the Committee *for* Home Affairs accepts all the recommendations in the Report, the comments made by Committee members under questioning before the Panel led me to question whether all members of the Committee fully understand the rationale behind the critical comments made by HMIC on governance. These comments in the Report had clearly led to recommendation 6 - on the need for a policing protocol - to delineate clearly between the operational side of law enforcement and the political oversight. It would appear that a number of members of the Committee remain somewhat unclear as to why their behaviour may have led to frustration and concern from senior officers within Bailiwick Law Enforcement, as referred to at page 94 of the Report, and amplified by Mr Rice in evidence to the Panel. The Panel was left with the impression that certain political members of the Committee *for* Home Affairs had a lack of understanding of the specific governance concerns that apply particularly in matters of law enforcement.
4. The lack of decisive action that resulted from the receipt of the draft report by the Committee *for* Home Affairs in May 2018 until the present time is also a matter of concern. It seems obvious that action could have been initiated on the issues and recommendations raised in the Report at the earlier draft stage rather than wait until its final publication some 6 months later.
5. The absence of an agreed protocol covering the respective responsibilities of the political committee and the senior staff within Bailiwick Law Enforcement is a matter highlighted in the Report. I believe the creation of an agreed protocol along similar lines to the UK policing protocols should be implemented as a matter of urgency. Bailiwick Law Enforcement in particular requires effective delineation of roles and responsibilities between politicians and senior staff; the political and operational cultures need to respect those lines. Although sometimes there can be difficult grey areas between pure operational matters and policy / strategic areas, a decent protocol in place may help to mitigate those risks. Moreover, attempts at micro-management that may well occur sometimes in other areas of the public sector by politicians over operational activity in a small community must be particularly avoided within the domain of law enforcement given the obvious implications of political overreach on human rights. Separation of powers here needs to be more than just a theory. It must be part of the culture, notwithstanding that appropriate political oversight of operational functions is a key part of democracy and will always be needed.
6. The serious failings identified in terms of the provision of information technology must be addressed effectively. Whilst I drew comfort from the commitments given that recovery action is now being taken, it does seem astonishing that the position could be allowed to get so dire before any effective action has been taken. Clearly, this is an area that will be monitored closely moving forward.

7. I would urge the Committee to implement all of the recommendations of the HMIC Report as soon as practicable; or, at the least, set out a clear timetable for the implementation programme sooner rather than later. I would also urge the Committee to consider the advantages of a follow up inspection by HMIC to check up on implementation and progress by July 2019. I would further urge them to consider the case for the introduction of a statutory requirement for HMIC to inspect Bailiwick Law Enforcement on a regular, recurring basis. The Panel will continue to monitor this situation carefully.

8. Standing back from all of the detail, it is clear that the external report by HMIC has been very useful in raising positive and negative points about Bailiwick Law Enforcement. The Committee *for* Home Affairs voluntarily agreed to be inspected. They deserve credit for that.

C J Green

Chairman, Scrutiny Panel Hearing on the HMIC Report (2018)

-ENDS-

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