



OFFICIAL REPORT

OF THE

STATES OF GUERNSEY

SCRUTINY MANAGEMENT

COMMITTEE

Committee *for* Home Affairs –
HMIC Report, Governance Review and
Justice Review

Public Hearing

HANSARD

Guernsey, Thursday, 13th February 2020

No. 2/2020

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Members Present:

Panel Chair: Deputy Christopher Green – President
Deputy Laurie Queripel – Vice-President
Advocate Peter Harwood – Non-States Member

Mr Mark Huntington – Principal Scrutiny Officer

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Scrutiny Management Committee

Committee *for* Home Affairs Public Hearing

*The Committee met at 10 a.m.
in the Castel Douzaine Room*

[DEPUTY GREEN *in the Chair*]

Procedural – Remit of the Committee

The Chairman (Deputy Green): Okay, good morning. I would like to welcome everybody this morning, elected representatives, senior public servants and members of the public. Our session this morning is with the Committee *for* Home Affairs and the focus is on the follow-up work being undertaken to implement the recommendations made in the Report produced in 2018 by HMIC.

5 After the break, we will also consider progress made regarding the findings of the 2019 governance report, produced by Professor Catherine Staite, the Staite Report, and the current status of the Justice Review.

10 Our Panel today comprises myself, Deputy Green, President of the Committee, Deputy Laurie Queripel, Vice-President of the Committee, and Advocate Peter Harwood. Unfortunately Deputy Merrett is not able to be here due to illness. Following this event my Committee will decide whether any further review activity will be commissioned on these areas.

15 Turning to the arrangements for today I can confirm a *Hansard* transcript from these proceedings will be published in due course. Please can I ask anybody with mobile devices to put them to silent, as it is essential during our session that the Committee is able to hear from our witnesses from the public gallery.

EVIDENCE OF

**Deputy Mary Lowe, President, Committee *for* Home Affairs;
Mr Adrian Lewis, Chief Secretary, Committee *for* Home Affairs;
Mr Ruari Hardy, Head of Law Enforcement;
Mr Colin Vaudin, Chief Information Officer, States of Guernsey**

The Chairman: So, now, I will turn to our witnesses. If you could introduce yourself, starting at this end, Mr Lewis.

20 **Mr Lewis:** Adrian Lewis, Chief Secretary, Committee *for* Home Affairs.

The Chairman: Thank you very much.

Deputy Lowe: Mary Lowe, President of Home Affairs.

25 **The Chairman:** Thank you, welcome.

Mr Hardy: Ruari Hardy, Head of Bailiwick Law Enforcement.

30 **The Chairman:** Thank you.

Mr Vaudin: Colin Vaudin, the Chief Information Officer.

The Chairman: Thank you very much.

35 We have also got Members of the Committee on the side-lines here, Deputy Leadbeater, Deputy Oliver, Deputy Le Pelley.

Right, so we are going to start with some questions on HMIC, the HMIC Report. Deputy Lowe, as I understand it, HMIC were going to do a follow-up inspection on Guernsey Law Enforcement. When can we expect the follow-up Report on that to be made public?

40 **Deputy Lowe:** Well, we were hoping to have it quite soon but it was explained to us that there is a bit of a backlog and it has to go through Matt Parr, for him to actually sign off and we have not been able to have that, as yes, but we can give you a verbal feedback on the information we were given at that time.

45 **The Chairman:** When did they do their follow-up inspection?

Deputy Lowe: They did it in ...

50 **Mr Hardy:** The week commencing 9th December.

Deputy Lowe: December, yes December, that is right.

55 **The Chairman:** The 9th December 2019, presumably? (**Deputy Lowe:** Yes, indeed.) And are they finished with the inspection side?

60 **Deputy Lowe:** Yes. They have got everything that they asked for and I would say that it was a pleasant experience. They were very pleased with what they had actually seen and they recognised that the new Head of Law Enforcement had made some changes and there was a good feeling around the establishment.

The Chairman: So when can we expect the finished report?

65 **Deputy Lowe:** We asked for, we did try to pin them down for a date and he said, 'I just cannot give you a date.' He said, 'All I can say is, with it being a review ...' they are a lot quicker to get through the system than if it was a full-blown report, as they did originally. But I cannot give you a date, because it is out of our hands, it is with the HMIC.

70 **The Chairman:** Okay you are not in a position to ... well, you may or may not be, but are you in a position this morning to discuss what they are likely to say in that report, today, verbally?

Deputy Lowe: We met with him at the beginning and indeed at the end, before he went back, and, as I have just said really, he was pleased with the changes that have taken place. He is very pleased with the areas for improvement that have been worked on and, indeed, the

75 recommendations, and he had met with many, as he did previously, and felt that there was very much a different atmosphere amongst the staff.

The Chairman: Is this, Matt Parr, did you say? Who did the follow-up?

80 **Deputy Lowe:** It was Paul Holewell who did it the last time.

The Chairman: Paul?

Deputy Lowe: Holewell.

85 **The Chairman:** Holewell.

Deputy Lowe: Yes, he works for the HMIC. Whereas Matt Parr is HMIC. If you remember, he did point that out last time and so everything has to go through Matt Parr, but Paul Holewell did it originally, and he came this time, which is important, as well, because if you have somebody who makes a criticism, it is important that it is the same person that can come and review and see if he feels there have been changes or not, if he is satisfied with the changes that have taken place. Of course he could ask the questions in the full knowledge that he had had all the documentation in the first place. But I think Head of Law Enforcement will be able to give you more information on that because, you know, he was with him a lot more than I was.

95

The Chairman: Mr Hardy, how was that experience? What is likely to come out in the follow-up report?

100 **Mr Hardy:** Okay, well the follow-up report was focussed on the recommendations and the areas for improvement. In advance of their visit on 9th December, the HMIC were given a portfolio of evidence as to the work that was undertaken since we received the first report and then, upon their visit to Guernsey, they chose what areas they wanted to delve, in more detail, into, following the evidence they were given.

105 It would be fair to say that, in a number of the areas, they were very pleased with the progress. However, Law Enforcement were very honest and up front that not all the areas had been completed. The other really important, critical aspect is a lot of the areas in which they made recommendations or asked for improvement to be made are areas of ongoing practice that will always be under development and we will always be seeking to ensure that we are providing the best service to the public. For example, witness care, how we integrate with the criminal justice system, processes and procedures around managing complex cases and, for example, investigation of sexual offences. They are all areas that continually evolve.

110 But, in essence, the evidence we provided them I think assured them that the organisation had put a lot of energy and effort into meeting the areas that they had addressed.

115 Across the board there were one or two areas that they suggested they wanted to see more progress in. For example, there was some concern about an area of work that we worked collaboratively with the Probation Service, around the management of high risk offenders and they wanted some more information and clarity on our plan and staffing strategy because we were, at the time of the re-inspection, a number of staff down in that department. Although we were going through a process of trying to recruit, they were concerned that we needed to get those people into post as soon as possible, because it was potentially leaving an area of vulnerability.

120 Other than that, the demand management piece was an area that HMIC are waiting for some analysis that we undertook following their December visit. We have recently introduced a process of assessing risk in more detail against demand management, because we have a certain amount of resource and it is ensuring that resource is deployed towards areas of risk first.

125

The Chairman: When you say demand management, what specifically are you talking about?

130 **Mr Hardy:** Through command and control. So, demand placed on the organisation could be prioritised and deal with risk-based scenarios. So what we have done is an additional piece of work since December and the report went last week up to Paul Holewell to brief him on that additional information that he asked for.

The Chairman: Deputy Queripel.

135 **Deputy Queripel:** Could I just ask Mr Hardy, in regard to the areas that have not been progressed as much as you would like them to have been, is that purely a resource issue or is there more to it than that? Is it just down to resources?

140 **Mr Hardy:** No, it is not purely a resource issue.

Deputy Queripel: Okay, could you explain a bit more?

145 **Mr Hardy:** There are some areas, for example the current police complaints law, there is a piece of work in the UK around police complaints that it is prudent for us to see how that law is implemented in the UK and what guidance they give and we will probably follow suit. So there are some other national policing concepts linked to some of this work that we are seeing what is happening in the UK, for best practice. And also being a small force without those economies of scale, when it comes to professional practice, we do tend to follow, for example, the College of Policing guidelines. So, if there is a piece of work going on with the College, we tend to wait for the
150 College to do that piece of work.

The Chairman: I neglected to say, I probably should have declared an interest at the start in terms that I am a practising advocate in the criminal justice system. Advocate Harwood.

155 **Advocate Harwood:** Can I just pick up Mr Hardy on one point you made, just talking about risk analysis? Is that something that you are sharing with the political Committee or is that something purely operational?

160 **Mr Hardy:** Absolutely not. There are areas of risk that call for service for Law Enforcement that have changed over the years. One specific area, I will give you an example, is basic mental health. Law Enforcement is working far more in that area than it had done, say, five, 10, 15 years ago and, at a political level, both within the Committee for Home Affairs and Health & Social Care, there is very much an awareness that the operational delivery in that area has to evolve and change and I think we have support from both political sectors that the operational frontline services are going
165 to be changing and evolving to meet that demand. So there is an awareness in those really high areas of risk.

Advocate Harwood: Of course, when you talk about demand, what the demand is, we have seen over the last five or 10 years, the use of social media and the problems associated with that, is that featuring into your demand assessment and how you deal with social media crimes or related
170 issues?

The Chairman: Mobile phone data analysis and all that?

175 **Mr Hardy:** Most of our investigations these days will involve a degree of high-tech crime input so, for example, individuals arrested on suspicion of offences, very often mobile phones will feature in those inquiries, as will computers.

180 **Deputy Queripel:** Sorry, do you have the capability to deal with that or do you need more capability in that area to deal with the issues, technology issues, mobile phones and things?

Mr Hardy: At Law Enforcement, we here in Guernsey have a high-tech crime unit and that has grown significantly over the past four-five years. We have upskilled staff in that area. Those staff are not all police officers, some are police support staff, but they are individuals who have got a real interest and skills in those specific areas of high-tech crime.

185 We have also gone into a collaboration with Jersey, with respect to high-tech crime, and they have a slightly bigger team. But what we tend to do is, when certain pieces of software or equipment are needed for certain kinds of high-tech crime investigations, we are sharing the acquisition of that equipment with our colleagues in Jersey and that is cost-effective. Also, there may be a sort of delay in getting a device to Jersey or from Jersey over to here, but because we need certain skills over
190 certain devices, that works very well. Also there is a knowledge base share that, if we have a particular problem, we have got another unit that we can discuss it with.

Any chief officers would say probably not got quite enough. It is a gradual process. You have to balance that against other areas, which are as important, for example safeguarding and public protection, domestic abuse. All those areas, you have got a finite amount of resource and you have
195 to share them between those areas.

Deputy Queripel: Nonetheless, do you anticipate a growth in high-tech crime as the years go on and is that something you are aware of and something you are working to deal with?

200 **Mr Hardy:** Yes, growth not only in the devices but also in criminality. We see fraud is accounting for the vast amount of national criminality and the residents and public of Guernsey are no less vulnerable than anywhere else. So we are working collaboratively, not only within Law Enforcement, also our colleagues in the Trading Standards as well, to address that.

205 **Deputy Queripel:** Thank you.

The Chairman: Advocate Harwood?

210 **Advocate Harwood:** Let us go back to the HMIC Report. Mr Hardy, first, and then perhaps I will ask Mr Lewis later, in your own assessment, if you were doing a RAG status report, of the recommendations, do you have any that are on red? Would you have any that are on red, particularly those that related to where you needed input?

215 **Mr Hardy:** I do not think any are red at all. For example, the domestic violence recommendation, the work is being done to have the appropriate legislation put in place, but it is waiting in the queue to go through St James' Chambers and the processes that need to be done there and, of course, the orders that we are seeking are in place in the UK and work very effectively, so that is an area that we would require but we, within Home Affairs and Law Enforcement, cannot do any more, we are waiting for that to be addressed.

220

The Chairman: You have done everything that is in your control, it is now with the Law Officers?

Mr Hardy: Correct.

225 **Advocate Harwood:** And in relation to the areas for improvement, again if you were doing a RAG status, how many of those are still red?

230 **Mr Hardy:** The one that stands out for me, where this force does not have a great deal of experience is the area of counter-corruption. Part of dealing with that area for improvement is we have linked in with a UK force and we are getting some special advice as to what this particular constabulary does around internal combatting of corruption. It is a very specialist and niche area and organisations such as ours, unfortunately, have to have processes to identify that. That is one that is probably the furthest away from being completed but we have a plan to address it.

235 **Advocate Harwood:** And how frequently are you reporting, monitoring against that RAG status report to Mr Lewis or to the political Committee?

240 **Mr Hardy:** We have an evolving document around the entire HMIC recommendations and areas for improvement. In that document goes all the evidence and all the briefings, when it is shared, and every version is then updated with any relevant material that needs to be included and that document is made available to Mr Lewis and the Committee and I have been before the Committee on a number of occasions, to be asked questions about the document.

245 **Advocate Harwood:** Mr Lewis, can I ask the same question of you: in terms of a RAG status report, do you have your own separate assessment?

250 **Mr Lewis:** We work with the common reporting form we have and, as Mr Hardy has said, in the recommendations, victim care, Deputy Lowe knows of areas which we currently rank as amber as opposed to in a green category. These reports do come to Committee. In fact the last one came three or four weeks ago and was considered by the Committee. It is a regular review process and from my perspective I am comfortable that we are near there but I do not think we will ever get 100% because the nature of the activity is such that it is always evolving. I can honestly say we are in a much better place than we were 18 months ago.

255 **The Chairman:** One of the most startling observations in the HMIC Report last time was the ICT provision, among the worst they had seen. We have Mr Vaudin here, I do not know who will be the best to answer the question we have. In December 2018, we were told there was a recovery action plan in relation to IT, which had been initiated at that stage. Perhaps, Mr Vaudin, can you comment on how successful that recovery action plan has been since December 2018?

260 **Mr Vaudin:** The first observation I would make, which I have discussed at length with Mr Hardy is, although it was an area for improvement, it was not actually a recommendation. We have treated it as if it was a recommendation because it gives that level of gravitas to the challenge we have.

265 Really there were four areas for improvement: the JESCC system; access to Police National Database for intelligence purposes; THEMIS system, which provides intelligence systems; and then a sort of general thing about the totality of ICT provision to the force.

270 So as briefed at the time, we have been including a recovery and stabilisation plan over the last two years. One of the areas that I and I know Mr Hardy find frustrating is we are building this from the ground up. We are rebuilding foundations, so a lot of work we have done, I think Mr Hardy agrees with me, the frontline Law Enforcement – not just the police officers – are probably not seeing a lot of the improvements in these back-end systems.

The Chairman: Where have the improvements been?

275 **Mr Vaudin:** In a number of areas. Firstly, our access onto the police national network is now accredited, it has not been before. At a strategic level, that is important for the Island for the

280 continuation of cross-boundary working with the UK for all the reasons you can imagine. In order
to do that, we effectively replaced the entirety of the ICT infrastructure across the majority of Law
Enforcement servers and various other bits of equipment. The Joint Emergency Control Centre area
was signed off yesterday and, going forward, the business case for the replacement of the THEMIS
system has been approved by both Home Affairs and P&R and that is in the final stages of
procurement.

285 We are now in a position that we can actually move forward with systems and services that
actually benefit frontline police officers, rather than fixing all the back-end systems, which we have
had to do for the last two years.

The Chairman: Deputy Queripel and then Advocate Harwood.

290 **Deputy Queripel:** Now that we have heard from Mr Vaudin, can I ask Mr Hardy and Deputy
Lowe, do you tally with that explanation or are you still feeling frustrations that things are not
moving quickly enough? Are there areas that you are particularly worried about in regard to ICT?
Can I ask both of you from the Committee point of view and Mr Hardy's view?

295 **The Chairman:** Mr Hardy first, then Deputy Lowe?

Mr Hardy: I speak first of all for frontline officers. I agree entirely with what Mr Vaudin is saying.
We have had to take, first, the infrastructure issue and there has been not a lot of benefit to the day
of the frontline officer in terms of effective and efficient IT that really supports them in the role that
they do.

300 That plan is there. It would be fair to say that there have been some difficult conversations
between me, as Head of Law Enforcement, and my IT colleagues. But at the same time that
relationship about trying to achieve the best outcomes is positive – i.e. we are on the same page in
terms of we want to get results.

305 There are a number of areas for operational officers that need to be addressed in a timely way
and that is particularly around things like body-worn CCTV, which we have a lot of evidence this has
been extremely successful but the systems we initially invested in are coming to the end of their
working lives and everything now is digital. As Mr Vaudin said, we are building up from the bottom
up, we are dealing with very old systems that did not really work in a digital age but they allowed
computer networks.

310 The issues we are now facing are how we manage the data we create as part of our work. For
example, body-worn CCTV, digital interviews, CCTV from external factors, data from mobile phones,
from defendants, from witnesses. All that kind of digital evidence creates storage issues, it creates
management issues and that is one of the key priorities that we are looking at.

315 **The Chairman:** Can I just push you – I do not know who in particular, maybe Mr Vaudin; we will
come to you Deputy Lowe in a moment – into when updated systems will be in place. Are we able
to say when they will be in place?

320 **Mr Vaudin:** As an individual system the replacement of the THEMIS system, which is one of the
intelligence networks, will occur this year. The replacement for the TETRA radio system, which goes
wider than Law Enforcement, will be installed at the end of this year. So those systems are now
coming online.

325 I think Mr Hardy was correct, recognition that doing stuff in the background is strategically
necessary, but therefore with Mr Hardy, and additional teams have been put together jointly, there
is what we are calling a frontline improvement programme to really focus on those systems and
services, frontline. It is not just officers, it is obviously colleagues in the Border Agency and other
elements of Law Enforcement that is what we really need.

The Chairman: When will that be rolled out?

330

Mr Vaudin: We are just waiting for the finalisation of requirements from Law Enforcement. We are working jointly with that and will move forward. But the criticality there, from an IT point of view, and it is a limitation I find incredibly frustrating, there is little point in having a body-worn camera if we cannot get the data off it and then cannot check data on the network, store it safely and things like that. That is the back-end systems and services we have been working on for the last couple of years. So we can actually now deploy these systems in their area of work.

335

There are still some limitations. One for example is the physical fabric of the headquarters of Law Enforcement. It is a very old building. That does have limitations when you are trying to install digital networks, whilst a multi-entity force in multiple different locations, some of them exist in very old buildings.

340

The Chairman: I suppose the question, Mr Hardy, is when will frontline officers actually notice the difference and see a difference, in practical, day-to-day working? That is presumably what your officers would say?

345

Mr Hardy: The procurement process for the new body-worn CCTV is well under way and we hope that will be within the next few months. Specialist body-worn CCTV is also needed. We have a firearms team, as all police forces have to have, and there is a requirement that our firearms team have the same and it is about the capacity to store, download and transfer that material.

350

I will just pick on the THEMIS system that was mentioned. THEMIS is the interface between Law Enforcement and business and it is the reporting tool for business around money laundering and that kind of work. So there is a benefit to Law Enforcement within that system but it is also a massive benefit to our engagement with the business community, allowing that interaction, allowing them to more effectively and efficiently pass what they need to pass under their requirements to Law Enforcement. Systems like that are not just for the benefit of us; it is for the benefit of the wider economy.

355

The Chairman: Business community. Advocate Harwood, are you trying to get in?

360

Advocate Harwood: Just a couple of points. Firstly, were HMIC themselves interested in following up on IT issues when they did their review?

Mr Vaudin: I met with HMIC inspectors and so did the wider team ...

365

Advocate Harwood: Do you know what their view is likely to be?

Mr Vaudin: They probably share the frustrations that I know Mr Hardy shares and I share, recognising some of the limitations we are working under, which is replacing the back-end systems first, they are quite rightly focused on the delivery of front end solutions to frontline officers and that is a frustration I think we all share.

370

Advocate Harwood: Can I just ask Mr Hardy: when we interrogated your predecessor, he mentioned IT issues were creating some morale problems within the Force. To what extent has that improved, if at all?

375

Mr Hardy: I think systems crashing and people having to spend time at work, unable to do their jobs because systems are offline, has greatly improved. Some of the network work and the server capacities have been addressed. So, on that front, some the departments who predominantly – for example intelligence-facing departments and things like that – do a lot of work within the buildings, using IT, that experience is greatly improved.

380

385 Frontline officers, there are frustrations and again I go back to the body-worn CCTV that we have
an ageing set of stock and the number of sets available is rapidly reducing, hence why the real
pressure on the procurement of the new systems. Officers value IT such as that because it protects
them, going out and doing a very difficult, challenging job, and to have that ability to protect
themselves by recording those incidents is a superb piece of technology.

390 So there is a degree of frustration that there appears to be a delay in getting those systems in
and there are staff working very hard within the organisation to try and move things along, but we
have to not only cope with some of the IT bottlenecks but also some of the procurement issues and
constrained speed at which we can move these items forward.

The Chairman: Deputy Queripel.

395 **Deputy Queripel:** Can I ask Deputy Lowe, presumably Mr Hardy keeps you well updated, your
Committee, in regard to all these issues? Bearing in mind these issues are really for the centre to
deal with, how much pressure can you apply, as a political Committee, to P&R, to try and push these
things forward.

400 **Deputy Lowe:** We have the Oversight Board meetings, which are monthly, with P&R, which is
the President and Vice-President of P&R and President and Vice-President of Home Affairs, and it
is a regular thing on the agenda, to make sure that we push all the time to see what we can do
about it, so they are informed as well. But I have to say I give credit to the team here on my right,
because both Colin and Ruari come in regularly to our meetings, with documentation so we have
got it written down, all that has happened on the IT system. Sometimes it looks like it is written in
Chinese because there are so many notes written in it, but it is a very good document and we thank
405 them for that. And we have that in advance, so we can actually question, as well, what this actually
means and what is happening.

410 Of course we meet with the Head of Law Enforcement as well, who attends our meetings
regularly. IT is too important, IT is very important to the service and, unlike a lot of business they
can close down in the evening to work on it, you cannot close down the system on Law Enforcement,
it is a 24-hour service and that is where the expertise comes in with Colin and with Agilisys, working
with the Head of Law Enforcement and indeed with ourselves. They have met with us, Agilisys. They
are fully aware of the difficulties we have got and they have got it at the top of their list to deal with.

415 **Advocate Harwood:** There is a link between the IT issues which we have just been discussing
and the first recommendation in the HMICFRS Report, which talked about defining a strategic vision
for Bailiwick Law Enforcement's (BLE's) future. This is really to what extent you actually are going to
run one organisation rather than two separate organisations and I think it was suggested, when we
first spoke, back in 2018, that this would potentially also impact on the development of IT. Has there
been any progress actually in defining that strategic vision, perhaps this is a question for Deputy
420 Lowe, for that strategic vision for BLE's future, which was the first recommendation?

425 **Deputy Lowe:** Yes indeed. There was a plan in place, which we explained to you previously,
although it had been denied. There was a plan in place, it was not a case that there was not one.
There was one, which took us up to 2021, working with the new Head of Law Enforcement. That is
one of the recommendations as well, which I believe is recommendation 5, is 100%. The plan has
now been replaced and it is on the Government website for people to be able to see and, again, we
work very closely with the Head of Law Enforcement because it is a team effort. We have to take on
board what it is they are looking for as well, for us to be able to see what vision we want to put in
place for a strategy.

430 **Advocate Harwood:** The question really was more about has a decision been taken as to
whether you operate in one operational unit or you just go ahead with two separate operating

units? That was, I think, the nub of their first recommendation. You needed to come to a firm view as to the extent to which you were actually merging the two services completely.

435

Deputy Lowe: It was never meant to merge the two services. That was not actually what was on the radar at all. It was always the Head of Law Enforcement would have the police on one side and the Border Agency on the other. We are to bring the efficiencies at the higher level that you can actually do that but they do have different skills and it is not a case of they were ever meant to merge.

440

They work closely together, there is different pay and conditions as well, which does not make it ideal any way, but there is more working together than what there has been before, but it will never be a complete merger.

445

The Chairman: Deputy Queripel.

Deputy Queripel: But the Report did mention the idea of a single command structure. Has there been any progress in that area? I know, in your update statement you gave to the Assembly some time ago, you spoke about Mr Hardy needing to settle in before he looked at that. How is that progressing, that single command structure in regard to the two different forces?

450

Mr Hardy: We use the phrase Bailiwick Law Enforcement because the command structure is a command team that is made up of me, as Head of Law Enforcement, and the most senior officers from the Guernsey Border Agency and the police. The clear vision I have set for that command team is that we have, as a command team, collective responsibility for Law Enforcement.

455

Within that Law Enforcement operation, there are shared functions. Intelligence is a function that is shared, business support is a function that is shared. Finance is a function that is shared. The procurement and delivery of things like transport, vehicles, are shared functions. That allows us to achieve some economies of scale. The area of intelligence, for example, we live within 24 square miles and the Border Agency staff, from a criminal perspective, as well as the police, from a criminal perspective, are dealing with the same clients.

460

Therefore, it makes sense that we have a single asset that deals with that area of work and that is very much where Bailiwick Law Enforcement is going. Where we can and continue to look for opportunities to share skills and experience and capacity we do that. When it comes down to frontline capability and what those individuals working in operational frontline posts do, there are very different areas.

465

For example, to be a fully competent immigration officer takes many years of training and you have a specific role within Law Enforcement about Immigration Law and about dealing with aspects of immigration. Same with Customs, dealing with for example the excise element of Customs and we have seen that in the Brexit sphere. These are very specialist individuals with skills that ... you cannot be a Customs officer, dealing with that expertise and detail and then do other highly professional duties in other areas, you are a specialist in that field.

470

Then, policing, to be a police officer, dealing with the work that police officers do, that is a specialism, a profession in its own right. So Bailiwick Law Enforcement is the capture of those different specialist areas, under one command team, sharing where possible as much as we can, but delivering those very detailed and specialist services to the public.

475

The Chairman: Thank you.

480

Advocate Harwood: Just a quick question.

The Chairman: Yes and then we will move on.

485 **Advocate Harwood:** Do you feel that you have actually gone as far as you can, really, to create the full BLE organisation structure?

490 **Mr Hardy:** I had some engagement with the staff last year, where I did a number of meetings with staff across Law Enforcement and the picture I clearly painted to staff was that model that I have just described. The command and the central structures, that is Bailiwick Law Enforcement, but we fully respect the professional areas in which individuals work in and yes, in answer to your question, I think we have made a significant amount of progress. I cannot see many other specialist areas that can be pushed together.

495 **Advocate Harwood:** One of the issues that I find strange is whether the States, in its silos, has difficulty exchanging information because of data protection issues. Are you able to exchange information fully within your BLE organisation, between the various arms?

Mr Hardy: Yes.

500 **Advocate Harwood:** Okay, so that has been resolved.

505 **The Chairman:** Deputy Lowe, Mr Lewis, one of the HMIC observations or recommendations was about the desirability of a protocol governing the relationship between the political Committee Members and the Head of Law Enforcement. I think, then, the Governance Review, did then refer to the possibility of extending that protocol to the other service heads. Can you just update us on what is happening with that protocol, Deputy Lowe or Mr Lewis, in terms of is that now in force, is it being applied practically in your day-to-day dealings? Deputy Lowe first.

510 **Deputy Lowe:** Yes, indeed, we worked on the protocol and it has been signed by the Head of Law Enforcement and by myself and yes, everything is now in place. I think I actually said it in my update statement in the States but obviously you want it here for Scrutiny. We have worked on that very quickly.

515 **The Chairman:** I see. So that is in place specifically with the Head of Law Enforcement. Is there any plan to extend the scope of that as per what Professor Staite said, which is that you could have a protocol with the head of the prison, the head of probation, etc.? Is that something that is under consideration or has that been ruled out?

520 **Deputy Lowe:** I think it is something that could be a work in progress. We are looking at restructuring as well that is going on across Home Affairs at this moment in time and so, I am not saying we would not do it, it was the Head of Law Enforcement and the HMIC that needed this to be in place.

525 **Deputy Queripel:** Can I?

The Chairman: Yes, Deputy Queripel.

530 **Deputy Queripel:** In regard to the protocol, I would like to get the Committee's view or your view on this, bearing in mind it talks about the need for clarity in regard to the boundaries between your role, strategically, and the operational role, is there any frustration for the Committee in that? Has it created any sort of tension in regard to that you are careful that you have not crossed the line? Is there anything along those lines that you could tell us?

535 **Deputy Lowe:** No, there is not any problem. We work very well with the Head of Law Enforcement, it is not for us to get involved in operational, which we have always said in that, but

equally it is our role as politicians, as we have said previously, that if somebody contacts us, we send it down the line to the Head of Law Enforcement and then it is over to the Head of Law Enforcement, to either get in touch with the person concerned and deal with it. It is not for us to say, 'You need to speak to that person. You need to be doing this and you need to be doing that.'

540

Deputy Queripel: So it is more the way that you do it rather than just give ...

Deputy Lowe: Absolutely, yes. Obviously the Head of Law Enforcement would be able to tell you how he feels he works with us or not but I would say, from our point of view as the Committee and I think I can say that is 100%, we have a very good working relationship with the Head of Law Enforcement who wants to engage with us and we want to engage with him.

545

The Chairman: Is that protocol likely to be made public?

Deputy Lowe: I do not see any reason why it cannot be made public.

550

The Chairman: I am right in thinking that at the moment it is not in the public domain?

Deputy Lowe: I would have to get advice on that. Is there any reason?

555

Mr Lewis: We would look at the detail of it but I do not think it contains much that would be of a confidential nature.

The Chairman: Okay. Can I at least encourage you to consider, as a Committee, making that public? We would certainly like to see it.

560

Deputy Lowe: Yes and if not we would be happy to share it with you on a confidential basis if it was the case we could not actually disclose it.

Advocate Harwood: It would be good if it could be, because I suspect it could be used as a template for other Committees actually and how they interact with their officers.

565

Mr Lewis: The only comment I would make on that, because I think the Committee did consider, as per the Professor Staite's recommendation, that it be applied both to the Head of Law Enforcement and to other such leads. As the Committee looked at it, the issue was, what are we trying to achieve here? Because the protocol very clearly sets boundaries. When you look at the other service areas, it is highly unlikely that the Committee would be seeking to interfere, or probably had interfered, for example, in Fire and Rescue or the Prison, because they operate in a different way, whereas public interest is much broader on policing and Law Enforcement. As the Committee pondered it, it said, 'Actually we can see the need, perception if for nothing else, to make sure with Law Enforcement there are clear boundaries.'

570

575

I think in terms of the protocol in other areas we all, in various ways, manage people, and you start to say, 'Do I need a contract in place with every person I manage unless they have got some issues?' Particularly like the context of Law Enforcement, where you have got the Police Complaints Commission, you have got lots of issues there, where you very clearly need to mark the boundaries.

580

So at the moment, as Deputy Lowe said, it can be introduced, it certainly has merit in there being understanding between departments, but my observation would be the Committee see no evidence of it straying into any other areas. Also, one comment would be I would say that the HMIC Report was in fact a useful, not wake-up call, but it raised it again.

585

The Chairman: A useful reminder, maybe.

590 **Mr Lewis:** If I can comment on the Committee's actions, there probably was not interference prior to when we had this discussion after the first review, but I think the Committee has become very conscious as to the need to be almost ultra-careful that that is where the lines are drawn.

The Chairman: That is helpful. Advocate Harwood?

595 **Advocate Harwood:** Can I just pick up, I mean, Deputy Lowe I think in your statement to the States of Deliberation on 16th October last year, you said a new approach had been put in place and it was working well. Was that really because you had now the protocol in place or is it because of change of personnel, because you have had change of personnel, both at political level and obviously officer level.

600 **Deputy Lowe:** I think there is an element of both, to be honest. The appointment of the new Head of Law Enforcement, he very much wanted to engage with the Committee. He wanted to attend Committee meetings, which we did not necessarily see before, and to take the service forward by working together as a team – without crossing that line and giving interference, but to make sure that we look at the vision and the strategies together and see what is best for our community and it has been extremely helpful.

605 There has been a good atmosphere at the meetings where the Head of Law Enforcement attends and indeed our other heads of services as well. It is enlightening and certainly, as the Committee, we visit Law Enforcement right across the services, and the other services of Home Affairs but as we are talking about Law Enforcement ... and the feedback when we actually go around as a Committee and the atmosphere is actually hugely improved. And they are very keen to tell us about how things have changed within there and we are working really well with the Head of Law Enforcement and the changes that have taken place.

610 **Advocate Harwood:** Perhaps we could invite some of the Members of the Committee to make comment?

The Chairman: Deputy Leadbeater, you are Vice-President on the Committee?

620 **Deputy Leadbeater:** Yes, I completely endorse the words of Deputy Lowe. It has been an interesting learning curve going through this process and it is something that I think Adrian mooted before, it has been a little bit of a wake-up call because I think, pretty much across the board at the States, governance has been a bit of a grey area, so it was nice to examine it, to have the opportunity with a fresh pair of hands coming in, new Head of Law Enforcement.

625 We previously had a good relationship with the Committee and Mr Hardy and that has extended further. I think this agreement we have got in place has contributed to that relationship.

The Chairman: Deputy Oliver?

630 **Deputy Oliver:** I feel a little bit differently, I think, than the rest of the Committee. I think the protocol, I do not know if it was actually needed, if I am truly honest, but I think that the Head of Law Enforcement, Ruari Hardy, has done wonders to Law Enforcement and the relationship we have now is much happier than I would say the one before was.

The Chairman: Deputy Le Pelley, you are a relative newcomer to the Committee.

635 **Deputy Le Pelley:** I am a very new boy. I do not know what the trouble was before, if that is the right word. I was not part of it, had not been part of it. When I walked into the Committee I was impressed with the relationships that everybody had. I spoke to all of the various heads of sector and was quite amused, to be honest, as to where all the rhetoric had come from in the past.

640 **The Chairman:** We are not going to rake over old coals but I suppose one of the observations in the original HMIC Report was that it was quite critical of alleged too much focus on minutiae rather than on strategic matters. Deputy Lowe, or Mr Hardy, if there was a matter like that, perhaps you can comment on how something like that would now be handled? Is there a clearer sense of if a political Committee Member was to bring something to your attention, there is a better way of handling it now?
645

Mr Hardy: In a practical example, Deputy Lowe will, for example, email me with a constituent-type issue. Mr Lewis is cc'd on every email. So there is a governance over that. There is almost a third party and if it comes through me, fine, I just delegate it to a member of my team who is appropriate to deal with it. There are no favours, there are no special treatments for Members of the Committee and they know that is how the organisation operates.
650

Just to go briefly to the protocol, the protocol is similar to the legislation in the UK for work between the police and crime commissioner and a chief constable and some of the principles behind it. That is where the genus of the document came from. It is very useful because it is setting out those areas of responsibility upon which the President has responsibility for, I have responsibility.
655

A very good example, in a practical sense, I made a very clear business case for the 2020 Budget around an uplift in training, because we had some gaps that HMIC clearly identified. There needed to be some additional training in areas and our current training budget just was not enough to meet those needs. So we could report to the Committee and I am very grateful to the Committee, who took that to a States' debate and managed to achieve, on behalf of Law Enforcement, an uplift in our training budget.
660

So that very much showed that I had an operational need to deliver a service to my staff in the training area. The Committee then took that strategically on board and progressed it to the point where they managed to achieve the funding, for which I am very grateful.
665

The Chairman: Deputy Queripel.

Deputy Queripel: That uplift, Mr Hardy, was £100,000, I believe, is that correct? (**Mr Hardy:** Yes.)
670 Can you tell us how that has been deployed? Can you give us any detail around that or can you not say how that has been used?

Mr Hardy: It is for the 2020 training budget. We will give a detailed breakdown of how that additional expenditure is used but I know there are certain projects that we are looking to instigate so, for example, one of our long-serving dog handlers retired at the end of 2019. We did not have the money to bring on the new dog handler so the impact of that single asset within the organisation is huge. We now have sufficient funding this year to send an officer away for that course. So that £100,000 will be reflected in training that really helps deliver and support the front line.
675

Deputy Queripel: Okay, thank you.
680

Deputy Lowe: If I could just ask if you do not mind?

685 **The Chairman:** Deputy Lowe, of course, yes.

690 **Deputy Lowe:** It is important, bearing in mind you know, much was made before about political interference and we said there was not, Matt Parr made quite a bit of it after the Scrutiny interview when he attended here and the transcript from that is he actually said he felt it was quite appropriate, there was no political interference and he felt it was quite appropriate what the Committee was doing as they were doing their job. I think to get that from the very head of HMIC endorsed that we had not actually done that as such and it depends on the personalities and the approach, whether it was seen as political interference or not. As I say, we have got the protocol now and it is working very well.

695 **The Chairman:** What witnesses seem to be describing is a much better atmosphere and a much better working relationship so I think we can take comfort from that certainly. Have we got any more questions specifically on the HMIC angle?

700 **Advocate Harwood:** It links to HMIC but whilst we have Mr Vaudin here I think perhaps can we just stray into the Staite Report for a moment, because one of the issues Professor Staite raised was that the Committee should work with heads of service to identify cross-cutting issues where benefits ... sorry, engagement with the wider community, which was item 6:

The Committee should take advice on how to improve its own community engagement and enter into discussions with the P&RC on the development of a coherent, consistent and inclusive States-wide community engagement strategy.

705 That really falls to you because I think you head up the communications team and I just wonder actually how you have reacted to that particular point, whether it is something you have yet considered. Is the States actually trying to develop a co-ordinated, consistent and inclusive States-wide community engagement strategy?

710 **Mr Vaudin:** Very much so. It probably is a resourcing issue. We have scaled up the size of the communications team, which I know some Members at the beginning of this term did not like the idea, in terms of 'spin doctors' and thing like that. But I think with the professionalism, I know some of them are in the room, we have a delegated officer now supporting Bailiwick Law Enforcement, we have invested in media relations officers and we are now building up a wider community engagement strategy.

715 We are, of course, looking at how we engage across the entire piece. Our engagement across all the Committees, on things like social media, we are now the second-most followed Facebook page in Guernsey, after Guernsey People Have Your Say. In the same way on Twitter and various means, so those things are coming out. What we are trying to do, of course, is take the views of the various Committees of what they wish to communicate in public, through the entirety, from media releases through to engagement strategies, consultations and, in a lot of cases, we would push back – I do not mean that in a pejorative sense – against a Committee because actually the community in some areas can only take a certain amount of consultations at the same time.

720 So that wider strategy is being put together. We have upgraded all of our systems of engagement with the public. There is this thing of how much you engage. Some Members probably want lots of engagement, some might less. But I would hope, from a political standpoint, they do feel better supported in that engagement than they did some time ago.

725 **The Chairman:** Are you able to give some specific examples of that kind of improved community engagement plan?

730 **Mr Hardy:** I could probably help, For example, HMIC were clear that Law Enforcement needed to do more in that space. We have instigated what we call public consultative groups in Alderney and Guernsey. So I attend every meeting here in Guernsey and we have a cross-section of people,

735 the third sector, voluntary, young people, youth groups, they come and we have an evening where
we may share a particular topic and give them some information about how we try to address or
deal with that, then the rest of the evening is open to them to speak directly to myself and my
senior colleagues about issues that affect them.

740 So the Guernsey ones are held at the Cotils and we use the States' buildings in Alderney for the
Alderney meetings. So there is a real mix, cross-section of individuals from across our community
who have an opportunity to speak to us directly and, unfortunately, that was not happening and
has clearly been addressed.

745 We have also made a point of getting out and speaking to individual groups and societies. Some
of them have been fairly social in their visit but at least, for example, we have done a number of
visits to pensioner groups and things like that, and that just allows us to have a bit of a face-to-face
but also allows them to raise any concerns or issues. We are really trying to get that public-facing
work out there.

750 **The Chairman:** Advocate Harwood.

Advocate Harwood: Engagement is a two-way motion. Do you feel there is enough interest in
getting engagement from the public? You are going out, clearly, and you have taken the initiative.
Are you getting much traction, if you like, from the public? Are they welcoming this engagement?

755 **Mr Hardy:** Yes, I think the main area where this is of huge benefit is some of our third sector
organisations that we engage with, whether it is mental health, whether it is child protection,
safeguarding, those kinds of areas, they have been very supportive. In fact, I attended the first
engagement meeting in Alderney and most of the evening was on the topic of child safeguarding
and there was some very high level mature conversations about some of the issues, for example,
760 education faced, the youth groups faced and the police, as well as health. So yes, I was really
impressed. There was some very positive discussion.

Advocate Harwood: Deputy Lowe, from your point of view, are you embracing engagement?

765 **Deputy Lowe:** Yes. I mean it has been a priority for this Committee. Back in 2016 we said we
wanted to actually be more proactive than reactive and we asked all the service heads if they could
sort out a programme between them so that we could put out good news stories and we could say
some of the things we do, because the amount of people that would go around a police station, for
example, and a lot of people just think of police on the street and then they see all the types of
770 work that actually happens in the police station and the specialities and they come away and say,
'We never even thought about that.'

Whether it is the financial crime section, as well, there is just so much, and the same with the
Customs and Border Agency. So we try to get out, whether it is the Fire and Rescue, we try to get
out stories as much as we can, within the resources that we have got. But it has been a priority for
775 this Committee and this Committee have pushed and you will find minutes where we have sort of
said it is not happening enough.

But we have to take a ... because we are sort of selling what we do, whereas if there is something
happening in the news, obviously those resources have to be taken up to deal with what is
happening in the news, rather than us putting out good news stories or informing people of what
780 is actually happening behind the scenes.

The Chairman: Okay. Any further questions on the HMIC Report? I think we are probably done
with that. Now we are going to take a 10 minute break before we resume. Let us say 10 minutes
and we will come back and ask questions about the Governance Review and then the Justice Review.

785 **Advocate Harwood:** Can we release Mr Hardy and Mr Vaudin?

The Chairman: Yes, thank you, and Mr Vaudin. Thank you very much,

*The Committee adjourned at 10.51 a.m.
and resumed at 11 a.m.*

**EVIDENCE OF
Deputy Mary Lowe, President;
Deputy Marc Leadbeater, Vice-President;
Deputies Victoria Oliver and Paul Le Pelley, Members;
Mr Adrian Lewis, Chief Secretary,
Committee for Home Affairs**

790 **The Chairman:** We turn now specifically to the Governance report from Professor Staite. Deputy
Lowe, I seem to recall you saying, clearly you had some reservations about the way in which that
report was put together and produced, but nonetheless your Committee was quite committed –
not quite committed, very committed – to actively working on implementing those
recommendations. Can you give us a flavour of how you have progressed the recommendations
from the Professor Staite review, as a Committee?

795 **Deputy Lowe:** Yes, thank you very much. You have summed that up right. We have said all along
that we will go with the recommendations and do what we can to put the recommendations in
place and that we have done. We met and we went through the various recommendations to see
what we needed to do.

800 Of course some of it is replicated from the HMIC Report (**The Chairman:** Yes, that is true, there
was overlap.) so it will be a repeat of what I have actually just said to you because the protocol was
put in place with the Head of Law Enforcement and working with the others. There is definitely an
improvement in the relationship between all the service chiefs across the Home Affairs who attend
the meetings.

805 **The Chairman:** Deputy Queripel.

Deputy Queripel: Can I ask you, also, about relationships? I get the sense that the relationship
between yourselves and P&R has improved. Is that the case, because they commissioned the
810 Governance Review and there was quite a bit of tension between the two Committees for a while.
Has that improved and can you tell us how?

Deputy Lowe: It has improved in certain places but not necessarily in others.

815 **The Chairman:** Where has it improved then? Let us try and keep positive!

Deputy Lowe: We have oversight board meetings, another one today, so we have those
monthly. I understood the oversight board meetings were where we had to get things done a lot
quicker for us so I have been a bit disappointed with that. We have not seen as much action as I
820 was hoping, that was the point of it as far as I felt.

The Chairman: On what front, specifically, action on what?

825 **Deputy Lowe:** We could take property, for a start. Last term when I was on Home Affairs, we
were looking to see about getting out of where we have got the financial crime unit and that did

not happen and this term it has not really happened either. It is being pushed back all the time. We will hear they want to do an overview of all the States and all the property right across the States and see what individual Committees want, rather than a Committee saying, 'I would like that property.'

830 But I have heard that too many times, so that is where I find that a little bit frustrating. Now property has moved across to P&R, only a few weeks ago, from the States, I am hoping now that actually it will happen, because it is costing us a lot of money in rent. So there is that tension but some of it is not necessarily P&R, but P&R were going to deal with it and they have not dealt with it. Now they have not got an excuse, they are going to have to deal with it.

835

The Chairman: Fair enough. So that is a good example.

Deputy Lowe: Then funding, as well. We had a prime example, which Deputy Queripel and Deputy Green will be fully aware, because you were in the States, where for the HMIC Report, where 840 it was saying about the training that had to be done. Now the training budget previously was over £700,000 and it had been cut down to over £400,000. It was not enough and we were having the ramifications of that from Law Enforcement, who was feeding this back to us. It was very restricted and we needed to take it up, more than what actually we were looking for.

845 So we put in for the Budget and P&R did not give us that money and it was reflecting HMIC and we actually put, 'This is to fulfil what HMIC are asking us to do.' So we put the amendment in, which you know, and we won that. P&R then came with a second amendment, to try and stop that and, thankfully, the States still supported us. Then, when it came to the third vote, they tried again to try and urge Members to vote against the amendment that we had succeeded with.

850 So those sorts of things I find frustrating and unnecessary because I do not like the lip service, where 'we will support you' – statements came out, 'We will support you, whatever you can do, for resources, to get the HMIC Report and the governance report done.' Yet when the chips are down there have been those blocks in the way.

The Chairman: You think that was inconsistent with what they had said previously?

855

Deputy Lowe: They have got to be consistent and they have not been.

The Chairman: I am conscious of the fact I interrupted you, but you were going to talk about the way it has improved, your relationship with P&R. What specifically has been improved? Sorry, 860 Peter, you were trying to speak? No.

Deputy Lowe: I think having those oversight board meetings does help because at least you can sort of vent, if you are not particularly happy about something and you want some action, rather than just going backwards and forwards with letters. So I think being able to have those open 865 discussions and then for us, but it seems it is very much one way, we do not actually get much back from them, it is always more one way. That is replicated with others that have got oversight board meetings because they have actually raised it with me, how ours work.

The Chairman: Other Committees, you mean?

870

Deputy Lowe: So I think they are consistent but it is one way to a certain extent. Equally, it is always good to talk and I think these sorts of meetings, whoever you meet, if you can actually get around the table and express the concerns you have got, and see if there is some way we can actually get some of these areas going forward, and give that support ... Now they have been 875 supportive to us in the past, I am not saying that they have never helped us. They helped us when we had the population management problem, they gave us the resources to go in there when that

was first launched and we were very grateful. We acknowledged that in the States, we acknowledged it publicly.

880 So there are other times, as well, when they have given us resources to help us, if there has been a particular period where, for the public, as well, to be able to see that things are happening a lot quicker, they have been able to help us.

Deputy Queripel: So there is still some tension but it is less tension, perhaps, than it was?

885 **Deputy Lowe:** Yes, I think there is bound to be tension. I think that is healthy. They have got the public purse there and we want part of that, so that is healthy that we are fighting the corner for Home Affairs and I will fight the corner for Home Affairs and they do not want to part with their pot of money because they have to look at the whole of the States. We do, as well, along with everything, but as I always remind Policy & Resources on regular occasions, to keep this Island safe and secure has got to be at the top. It is in the P&R Plan.

890 Unless it is actually taken seriously, people are not going to want to come here to do business. They are not going to want to come here to be on holiday and they are not going to be wanting to come here to relocate. Because if the Island is not safe and secure all those fall by the wayside.

895 **The Chairman:** Advocate Peter Harwood.

Advocate Harwood: Can I just pick up, the oversight board, is it just the one board and, if so, are there any specific terms of reference or is it just a general getting together?

900 **Deputy Lowe:** Now there was a terms of reference. We have agendas. It is a proper meeting. Notes are made, rather than minuted meetings, but they are fair notes. It is not a case of just bullet points, they are fair. We have the agenda and, as I say, most of it is from the meeting before, where we have followed through. As an example, it will have on there the Justice Review, how we are getting on with the Justice Review.

905 **Advocate Harwood:** So it spans all the mandate, really, of the Committee for Home Affairs?

Deputy Lowe: All our mandate, all areas that are of interest or of a concern or what is happening within our mandate, so they know what we are actually attempting.

910 **Advocate Harwood:** So is it really more of a monitoring approach? Is that the concept of the oversight board?

915 **Deputy Lowe:** I think it is so that they are aware of what is actually happening within each of the Committees. Obviously, we do not go through absolutely everything but where there are areas of interest and where it crosses over, as well, with P&R, whether it is Brexit, obviously that is heavily for Home Affairs but, equally, it crosses over to P&R for external relations. So that is always on the agenda.

The Justice Review, as well, because it is part of the P&R Plan, that is on the agenda.

920 **The Chairman:** We will come onto that in a moment.

Deputy Lowe: You have got data protection of the Office of Data Protection and the funding of that, because it is a States' Resolution that will be on the agenda. So we go through those sort of items.

925 **Advocate Harwood:** And how often do you meet as an oversight board?

Deputy Lowe: Monthly.

930 **Advocate Harwood:** And who actually sets the agenda, because you mention it tends to be rather one way? Is it really P&R dictating the agenda or are you able to add agenda items yourselves?

935 **Deputy Lowe:** I would say we do but if anybody wants to put anything on I guess, I do not know, Adrian would be able to answer that one for you, if there is consultation beforehand. It is mostly the areas of concern, or of interest across both of those Committees, or something that is with Home Affairs but it is out in the public domain, so we can let them know what we are doing or what is happening, if it is something that is out there, controversial or not controversial, or if it is a security thing.

940

The Chairman: Mr Lewis, do you have something to add?

945 **Mr Lewis:** Yes, I can confirm the agenda is basically by agreement between the parties and there will be some standing items on it, for example like corporate services, finance, (**The Chairman:** Budget matters, presumably.) now property is becoming a recurring thing. So it is regular thing and then as we go through phases, so for example funding data protection services, that would be on for a number of months and then, once it is dealt with, it would come off. So it is almost a bit like the States' meeting, when they decide what they are going to have on the agenda for the next meeting.

950

Advocate Harwood: And is there consistent attendance? One fault of the old days of boards of government, was you never knew who actually was going to be appearing, attending from one committee. Do you actually have the benefit of having fairly consistent attendance?

955 **Mr Lewis:** It is the President and the Vice-Presidents of the two Committees, unless they are off-Island, or something, but it will always be those parties and it will be the same officers, generally, as well. So yes, complete consistency.

960 **The Chairman:** Deputy Leadbeater, do you have a view on the oversight meetings? Obviously, you are Vice-President so presumably you attend. Do you think they have worked well?

965 **Deputy Leadbeater:** I think so, yes. I think they are positive. There is a focus on finance and efficiencies. Obviously, working with P&R, they like to hear our ideas. We have looked at areas across our mandate to try and find some more efficiencies, some remodelling here and there and stuff and we have discussed that and that has been well-received by P&R. Deputy Trott actually highlighted our strategic thinking on my first day on the board, which was quite a surprise. They have been very positive and it gives the opportunity for the President to vent over property!

970 **The Chairman:** Deputy Queripel.

Deputy Queripel: You speak about the crossover work between yourselves and P&R. Now I noticed in your delivery plan report, on page 3, you had moved staff out of the Les Vardes House recently, is that correct? (**Deputy Lowe:** Yes.) And you have spoken about some frustration in regard to the estate, in regard to the way you are dealing with P&R. Has that move been a good one? Has that resulted in efficiencies and will that move result in ongoing efficiencies?

Deputy Lowe: It is only a temporary move because we did not own the property and it was to save rent. So we are now based at Upland Road and we have been looking to move out to the fire

980 station. The plans for that should have been finished about a year ago, we should have been moved
in there last September.

Deputy Queripel: Is that some of the frustration with P&R, then, in regard to ...?

985 **Deputy Lowe:** They have not even started it yet, really.

Deputy Queripel: Okay. That is interesting.

990 **Deputy Lowe:** So there has been a bit of pushback on that. There is potential for more
efficiencies, with being based up at the fire station. But the property unit at that time, which we met
and at political level as well, Peter Ferbrache attended, Adrian attended, myself, the Chief Fire Officer
attended, so there were a few in the room and we were given assurances that that should be finished
by last September.

995 It would not have cost anything like we were being told originally, because it had been front-
loaded and they thought that it would be a good move. Come to September, we have not actually
finished the plans yet, even though the plans have been put forward and those plans have been
dealt with by the Chief Fire Officer, and it has not happened.

1000 So there have been letters going backwards and forwards, 'Well, why not?' So it is continually
bringing up matters like that. It will be said, 'We need to look at the whole estate.' Well, the whole
estate will never stand still. But equally you really do not want to be moving staff every year or two
years, because it is disruptive for the staff as well.

1005 They need to make sure that they can be based somewhere, without all the turmoil of moving
it, because it is not actually just to put in a cardboard box in the car and moving up the road, you
have got all the infrastructure as well, which again, that is where Colin and his team are heavily
involved in making sure that you have got all the right capacity for the IT, which can be very
expensive. So you cannot be moving that every two days.

Deputy Queripel: That is interesting.

1010 **The Chairman:** Sorry, Deputy Oliver are you coming in?

Deputy Oliver: Yes, I will just talk about property. It just comes down to the whole fact that I do
not think the States actually have a real handle on the property matters, because property is my
background and when you talk about property, we are not making use of what we have got. The
fire station, there is a whole floor empty upstairs, where it would just make sense if the staff from
Les Vardes could move up there and utilise that property but they just do not have a whole handle
on what are actually the whole property services issues we have got.

Advocate Harwood: I was going to try and wind back to the Staite Report.

1020 **The Chairman:** Yes, if we could just wind back to the Staite Report itself, I know it is very much
a question for the politicians, Deputy Lowe and the others, who were on the Committee at the time,
I know that you did not necessarily recognise some of the comments, some of the observations,
some of the claims that were made by Professor Staite in that review. But looking back on it now,
Deputy Lowe, Deputy Leadbeater, Deputy Oliver, you were not there at the time I do not think,
1025 Deputy Le Pelley, what would be your kind of number one take-away in terms of the lessons learned
from that experience?

1030 **Deputy Lowe:** The lessons learned, we did not pay for it but if we had been paying for it, we
would not have done, because I think with any review you should be able to meet the reviewer and
talk through and see the evidence. She declined to do that and she sent an email to us to say, 'Do

not bother to email me because I will not be opening of your emails and they will be going straight into the delete box.' That is not very professional, for me, and for my team, to actually go forward to be able to discuss and seek the evidence that she was referring to.

1035 So there was a frustration for us, for the way it was dealt with and handled. We raised it with P&R and P&R said it was not for them to interfere. So, again, what we wanted to do, because we saw that as a huge distraction as well, we said, we are okay, we can go with the recommendations, we will move on from it.

1040 But, certainly, if it was us taking somebody on for a good governance report, I would make sure that they actually complied with good governance themselves and indeed that they supported and worked with the team to be able to have that two-way conversation.

The Chairman: Again, I do not want to extend this unnecessarily, but there were some pretty strong allegations made against you, in particular, Deputy Lowe. (**Deputy Lowe:** Indeed.) I just wondered, I think what you are saying is your Committee has had a very positive view of trying to implement the recommendations, irrespective of those kinds of comments. Would that sum up where you are and what you have been trying to do? You have tried to put that to one side, as it were, in terms of those allegations, those matters that were raised?

1050 **Deputy Lowe:** We had to. It cost me two very experienced Members on Home Affairs who had background in Law Enforcement, which was really helpful.

The Chairman: Deputy Prow and Deputy Graham.

1055 **Deputy Lowe:** And Deputy Graham, who had the constitution and all the other areas that he had covered as well. I am not decrying our new Members, who are really welcome, and I need to also place on record as well the apologies Deputy Smithies, because he was attending a States' Trading Board meeting today.

1060 **The Chairman:** That is perfectly fine.

Deputy Lowe: So it was not a case of he did not want to come, it did actually clash. (**The Chairman:** No problem.) So yes I have definitely got two great new Members but, equally, I have lost a lot of experience because of that, and they felt strongly enough, they did not want to fight it from inside, they felt it was probably better to be outside.

1065 But we are moving forward and our two new Members actually support our recommendations and how we are getting on and you heard earlier that they feel this is a good Committee, there is a good atmosphere. It is nice with Deputy Le Pelley to be here today to say that he has actually spoken to the heads, he has met with them, and he cannot see where all these problems were coming from, because he has not witnessed it.

1070 **The Chairman:** Deputy Leadbeater, Deputy Oliver, do you have anything to add in terms of your number one take-away from the process of the Staite Review, because strong allegations were made, strong claims were made, but your Committee is very much trying to implement the recommendations irrespective of those.

1075 **Deputy Leadbeater:** Certainly. You cannot argue with the recommendations. They are common sense recommendations. But you can categorically say that the assumptions were pretty wild. So we need to separate that. We need to look at the recommendations and look at us as a Committee and say, right, can we improve in these areas and forget all the negative stuff that is going around, these unproven allegations, which is what they actually were, and focus on the recommendations. Exactly the same as we have done with the HMIC Report, worked with the staff, helped build really good relationships.

1085 Our Committee meetings are thoroughly enjoyable. We are not saying they were not in the past, but we have got a very good team of service leads at Home Affairs a very good team. We have got some fresh faces in there that want to do way and they build good teams around them as well. It is a really good feeling. I am feeling really positive that the Committee is in a far better place when we are leaving it than it was when we took over.

1090 **The Chairman:** Deputy Oliver, anything to add?

Deputy Oliver: I would say that the only thing that I would say, apart from the recommendations, that had any sort of meaning was that the heads of the services were not getting the Committee minutes, for some reason, and that is one of the improvements. Whether the heads actually read the minutes is a different thing – **(The Chairman:** The heads of service?) – the heads of service. That I have only taken from the report that has been a benefit.

Mr Lewis: That was actually not a Committee decision. The Committee was unaware that the service chiefs were not getting the minutes. It was complete news to us when we saw it in the report.

1100 **Deputy Oliver:** It was done in the term before. It was decided to save time. I would say that is the only benefit from the whole report.

The Chairman: Advocate Harwood?

1105 **Advocate Harwood:** Can I just pick up, looking at the list of recommendations and I acknowledge the sense of just focusing on recommendations to get the background to it all, it seems to me you address numbers one, two and three of those recommendations, plus we have heard from Mr Vaudin, addressing six, just on four, one of the issues there which is raised was clarity of purpose. I am talking about the small number of deliverable strategic priorities. I think somewhere in the Report, one of the witnesses has apparently said that if you have too many priorities, nothing is a priority.

1110 I think in fairness that is a criticism you could probably address across the States, generally. We have got too many priorities. Have you been able to address that? Are you trying to get a clearer idea of the more manageable and deliverable strategic priorities, rather than having a whole raft of priorities?

1120 **Deputy Lowe:** You are right. There will always be a whole raft and each section, right across our mandate, they believe theirs is the most important and should up there, although some recognise they could be further down. We, as a Committee, have to make that decision of what we actually believe will be a priority.

1125 Now we review that on occasions, probably at least once a year, possibly every six months thinking about it. We spend a day going through it with all the current ones that we have got there, what we think we could move up, what we think we can drop down. Again, in consultation with the staff, it is not us saying we think that that should come away. We hear from the staff that they think this is a good one that we can keep up there; have they been able to manage through a different route and we can now move that further down or is something near the bottom actually more important to that particular area that we should be moving up? So it is a moveable feast and it should be. It should be. That is good planning, is it not, to be able to review?

1130 **Advocate Harwood:** I was looking for an example. We have got a copy of your delivery plan for 2019-2022 and there is a heading 'Committee Priorities' but there are about 29 different workstreams.

The Chairman: I thought there were 30 when I counted.

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Advocate Harwood: Well, 29 or 30. Quite frankly, the chance of being able to achieve all those, I just wonder whether within those workstreams whether you have actually identified which of those is the most important to achieve?

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Deputy Lowe: Again, it is not 29 just for Law Enforcement, it is 29 across and we have a huge mandate so, when you actually strip it down of how many Law Enforcement, how many population, how many for Fire, you break it all down, actually, they are getting on with it in their various sections across Home Affairs. It is not just one person or a small team dealing with the whole 29.

1145

Advocate Harwood: These are workstreams, I am just wondering whether you, as a Committee, have actually identified, out of all these workstreams and directions you are taking, if there are perhaps no more than six or eight actual things that are absolute priority and keep ranking those priorities?

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Deputy Lowe: Sure. They are priorities right across Home Affairs. I think there was around 80 at one time, but you have to break it down into the various areas of Home Affairs.

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Advocate Harwood: Having said that, accepting you have got a very wide mandate, within that mandate and across all the services that you are responsible for, can you narrow the list, if you like, to eight key matters, which you think should be addressed, particularly in terms of passing onto your successor Committee in June of this year?

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Deputy Lowe: Again, if you strip it down into the various areas across Home Affairs, you will find there are not that many in each area, so if you are looking at Police, there will be priorities there for Police; if you are looking at Fire, you will see a priority. If you look at the States' Trading, which is under our mandate, they have got their priority, which might be one. It might be three or four for family proceedings. It might be five or six for probation. So you look across the whole remit of Home Affairs and it is different officers that are dealing with all of those.

1165

So, if we were to say, right, okay, we are only going to have five for Home Affairs, actually we might exclude Law Enforcement, Customs, you might exclude probation. It is not a case of it is just one little team that are dealing with all of these, so we are comfortable with that. It is working with the staff. Are these achievable or not because they go right across the remit? I do not know, did you want to add anything to that?

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The Chairman: Mr Lewis?

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Mr Lewis: We probably could actually help. They are a long list and it was a challenge for the Committee to reduce it down from 80 to 29. I think it is one function that Government really struggles with, they have got so many demands. If I had to summarise what Home Affairs' main priorities we are working on, I would say probably about four. It is justice – justice policy and the Justice Review; it is population-related matters – population management, the length that people stay, where they stay, population justice; security and probably the third one, which I would bracket, is domestic abuse, sexual offences, and family protection-type issues.

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I cannot quite bundle that together but those are probably four areas which the Committee spends most time on, has most focus on.

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The Chairman: I think this is a theme that we, as a Committee, have been particularly conscious of in this political term. We have seen it centrally, if you like, with the P&R Plan, this notion of too many priorities. I think we can observe some progress here because the Staite Report, some of the interviewees were talking about 60 priorities. You just mentioned 80. So you have kind of whittled down to 29 but I think we would probably want you to at least perhaps give some consideration to

whether some greater prioritisation can take place and this notion of ranking priorities you have got whether that might be helpful. Because it is true that if you have too many priorities, nothing is a priority. Deputy Leadbeater?

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Deputy Leadbeater: I would just like to add that one of our priorities that was thrust onto us right from the start was Brexit. We have had so much work to align with Law Enforcement right the way across. We have had a team working on it right away from the beginning and we are constantly getting feedback fed back to the Committee, obviously not so much now. But it has been a main focus for our officers and it has been really resource-intensive and we have not always got the support for the resources we have needed.

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The Chairman: Fair enough, okay. Advocate Harwood?

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Advocate Harwood: Just going back to the recommendations, I think there was one recommendation by Professor Staite, which I think you rebutted, which was the template for minutes that you adopt a cabinet style of minute and I just wondered why you feel so strongly you wanted to stick with your existing style of minutes, rather than accepting that recommendation?

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Deputy Lowe: We are comfortable with the minutes. They are not pages and pages of minutes, they are succinct, they set out exactly what the Committee actually resolved with that decision, around the table, and I think it is important to do that. The Committee felt that this was suitable for us. It is replicated very much across the other States' Committees, to be honest, I do not see any difference to those meetings' minutes, that I see across the States and yet it was not picked up on some of the other good governance reports. I do not know why it was just picked up on hours.

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Nevertheless, I think you have to have minutes that are not verbatim. We do not have minutes that say this one said that, this one said this etc. We actually wrap it up into what it was and what we have decided. That is a good record. That is efficiency for us. We have never really had a problem with the minutes and so we discussed that and so, yes, we did kick back on that one and we have carried on doing the minutes how we think is appropriate.

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Advocate Harwood: Perhaps Mr Lewis would know, is there a standard template across the States for Committee minutes?

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Mr Lewis: Of sorts, yes. *(Laughter)* There is guidance as to, almost, formatting, But as regards the content of the minutes, in corporate terms of the Committee's decision, I have seen a lot of minutes across the States and I have to say the Home Affairs ones are as good as most of the others I have seen. You get those that resort to just bullet points of action notes. You get those that go for reams and reams, almost like a *Hansard*. Home Affairs has something that is probably close to bullet points. You might get two or three paragraphs for an item.

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Actually, my view is that the minutes, despite what Professor Staite said, actually serve their purpose quite well. Also, the Committee are quite rigorous in terms of, when they go through minutes, they will say. 'We do not like this. That was not a correct reflection of what was said.' So my view is that the minutes work.

1230

Advocate Harwood: And then they are shared with your heads or service?

Deputy Lowe: Yes. From that very day, because we were unaware that actually they were not so it was only when we had that meeting that we found they were not. Nobody had raised it with us. Not one of those service chiefs had raised it with us, so we said, 'If you had raised it with us we could have told you, you could have had them.' Because it was not our decision.

1235

The Chairman: Deputy Le Pelley?

1240 **Deputy Le Pelley:** I was just going to say that in my former States years, of States service, I have served on Home and Housing and Culture and Leisure, on Education, (**The Chairman:** Scrutiny!) and I find these minutes absolutely adequate.

1245 **The Chairman:** That is helpful, thank you. Can we turn, now, to the Justice Review and I think, where are we, we have seen your letter, Deputy Lowe, to States' Members, dated 10th February 2020, about the Justice Review and it seems that the matter is going to be delayed somewhat. The policy letter, in relation to the Justice Review, will probably be debated some point in the next political term. Could you just give us an indication as to why the actual Justice Review is being delayed? What is the hold-up, basically?

1250 **Deputy Lowe:** The hold-up is, as you know, when we had the draft that came forward for Home Affairs, there were still some gaps, because the reviewer had not had time to finish some certain areas, with data, mostly. But, nevertheless, we took the decision to circulate it to the Committees, that had been involved with it, for points of accuracy.

1255 Now, the feedback that we have got from the Committees, including P&R, was, 'Hang on a minute, the information in there is not correct.' When we spoke to the reviewer and the reviewer was reflecting on the feedback that she had, it put a completely different stance in some areas to her review, so she needed to go back and reflect on that, because of the accuracy that had come out and the different data that had been provided.

1260 I think there was frustration from the reviewer that she was asking for particular data and was not getting it on time for her to stick to the timeline that we had actually agreed with. Equally, there was frustration from us saying, why have we not got this report? We had given assurances to the States that we would have this report.

1265 I know, at the end of the day, for us, it is important the report is right. It is so important, it is so broad. So, reluctantly, and it was a huge reluctance, because we did not really want to do it, it was a case of, well, we have got to pause it. When we are hearing from the likes of Health and other Committees, that are saying, 'No, this is so wrong, because it is not reflecting what we actually said, and here is the data to back up what is actually happening in Health ...' So it was a case of, okay, we are going to have to pause this.

1270 So we discussed it with P&R at one of the oversight board meetings, and said we want to go ahead but actually it is quite dangerous putting out a report that is so inaccurate, had so much missing in it.

1275 **Deputy Queripel:** Could you explain why there was such a discrepancy? I presume you went out to other States' Committees quite early, they provided input and feedback. Why was there such a discrepancy between that and what they were saying later on? Is there any reason for that?

1280 **Deputy Lowe:** I cannot answer that because it was an independent review. It is not us carrying it out. If it was us carrying out I could answer that for you. But the feedback that we had from the Committees and indeed from the reviewer, who felt frustrated because she was asking for data from the Committees and they were not responding quick enough for her to be able to keep that timeline, so I think she sort of produced a report on what she knew so far but, actually, when some of that data came through, some of the answers to the questions that she had been asking for, put a different stance on it.

1285 For us, it is a priority. It is a priority of the States as well and some people think that justice is a bit like Law Enforcement, it is just to do with the Police and such. But it is not, it is massive. It is right across our Committees, it is across our community, and it is important that we have got a good report for this phase, because obviously this is phase two and the Committee decided that the way to do this one as well, because certain Committees were involved with it, with part of the review, it

1290 was not all of the States, so for us to be able to go onto the next stage, it seemed wrong to just listen to those Committees that actually have been involved with it.

So we thought that the answer to that was to put it as a discussion document, as a green paper. So those that are not on those key Committees would also be able to have an input on it, rather than actually come up with a final document and then Deputy A or Deputy B is saying, 'What about this, what about that?' Which was not in it or could be in it or should be changed in it.

So we will be in listening mode when that report goes to the States. It is literally to listen, to hear what people think about justice.

The Chairman: Could we just be specific about what areas? You talk about data, but what data was missing in it, can you say?

Deputy Lowe: There was various data, some of it was statistics.

The Chairman: On what, exactly?

Deputy Lowe: On what? There was some from Health that was not there. There was some from within Home Affairs, as well, that she was waiting for.

Deputy Queripel: Just to be clear, all those things had been asked for at an early stage?

The Chairman: And not provided?

Deputy Queripel: They were slow in coming forward?

Deputy Lowe: Yes and now they have got a timeline that they have to comply with.

Deputy Oliver: Some of the data was difficult to extract, because the States do not have a good data collection and so trying to pull all that information was quite difficult.

The Chairman: Right, okay. Deputy Leadbeater, then Mr Lewis?

Deputy Leadbeater: I just want to say that the Committee for Home Affairs, when we first saw the draft and discussed it amongst our Committee, and then it went out for factual accuracies, to other stakeholders, we were quite prepared to submit the report as it was at that point. It was only because we had resistance from other stakeholders, who said, 'Hang on a minute, you cannot do this because we are not happy with the factual accuracy of this.' Then we had to reflect on it. We had advice from P&R and from St James' Chambers that the best thing to do was the course of action that we are taking now.

Deputy Queripel: Was the problem more with the reviewer's interpretation, then, of the data and the information? Can you pin that down?

Deputy Leadbeater: That could be the case. I cannot really put my finger on that. As I say, it went out to consultation, to Health & Social Care, as one of the stakeholders. Given the timeframe that we had, because we are steaming towards the end of the term and obviously we want to get this laid and discussed because we have realised that justice is the responsibility of the States as a whole, not just our Committee. We were just concerned about how long this process was going to take, so we have done everything we can to ensure that the document is completely accurate and it can get to the States in a timely manner so it can be debated this term, not to hold up the next phase, going into the next term.

The Chairman: Yes. Mr Lewis?

1345 **Mr Lewis:** Just to clarify, there are only small pockets where the data is not complete. We are not talking about 30% of it is not right, we are talking about 10%. What prompted it was, I think, that the reviewer had done the best she could, even though having no team, to draw data out of people or ask people for resources.

1350 When it went for people to check the factual accuracy, some Committees or other services, agencies, said, 'Hang on, if only you knew about this, you would not have reached that conclusion.' So they provided additional information, which as the President said, changed the slant of it.

1355 But I think, to put it into perspective, it is not going to change radically the whole report, but the Committee's view is we want to take people on the journey with us and we do not want people crying out saying, 'You have made some comment about mental health, which is not possibly reflective, because if you had known this ...'

1355 But it is always that balance. In any projects you have got time, quality and cost, the three corners of the triangle. If you want to get quality absolutely right then it is probably going to cost you more in terms of financial and money. If you want to get time, then you have to compromise a bit on quality.

1360 So we are in that discussion with the reviewer to say, look, we have got to find a place. We are not going to satisfy every contributor to this report but we have got to try and move it forwards. So that is the path the Committee is on and committed to that.

The Chairman: So, is the additional work going to cost more in terms of the cost of the report, ultimately?

1365 **Mr Lewis:** No, not of significance. No.

The Chairman: Are you able to specify which stakeholders wanted the matter ...?

1370 **Mr Lewis:** It is more than one.

The Chairman: Are you able to say which ones?

1375 **Mr Lewis:** I think it is more on the social and health side of things. Not Health & Social Care, there is a number of agencies involved in it. On that side, as opposed to the strict criminal justice side of things.

The Chairman: Advocate Harwood.

1380 **Advocate Harwood:** I think we, as a Committee, the Scrutiny Committee, started raising this back in 2017. We were questioning the development of the Justice Strategy. Professor Staite has also been slightly critical of your Committee that it was left too late in the term to actually start the ball rolling. Should you have started it earlier? Would you have been able to start the process earlier?

1385 **Deputy Lowe:** No. I cannot remember what they called themselves, there was a group before this current Justice Review that we are doing, and they actually carried out some work on it, and we were advised by the staff at the time that this needed to go on pause now and we needed to take on the people that we have actually got. So it was in different stages, which held us up, but for the right reasons at the time, which we believe is right, and so it is not a case of we have not done anything about it, it was a case of a certain amount of work had to happen first. Do you remember what they were called?

1390 **Deputy Oliver:** Was it the justice review party?

1395 **Deputy Leadbeater:** It was the justice policy working party.

Deputy Lowe: It was some title. I think they were criminal justice.

1400 **Deputy Queripel:** In regard to the Justice Review and justice policy, I want to ask a very straight question here. I hope you can answer it frankly. Does this Committee and the previous Committee, are you convinced that it is an area that demands or requires attention and that this talk about alternative sentencing and things like that, do you really believe that those are things that should be looked at and there should be reform and modernisation in regard to justice policy?

1405 **Deputy Lowe:** Totally.

Deputy Oliver: Yes.

Deputy Queripel: You do.

1410 **Deputy Lowe:** It is something that we have been waiting for, because we do think it is right. As I say, it is across the States *per se*, it is not just in Law Enforcement. We are waiting for it. We want it. That is why we have been pushing to review it, to get it done. Because there are key areas in there as well.

1415 That will not hold us up. If we want to be able to get on with other things, we should still do it, and have been doing it. But, equally, you need to have this review and somebody looking from the outside.

The Chairman: Advocate Harwood.

1420 **Advocate Harwood:** When you say a 'green paper' that is going to be open for discussion, are you going to be putting forward any suggestions or recommendations or is it purely a consultation document again? How do you envisage this green paper?

1425 **Deputy Lowe:** It will be the report in full, which will have her recommendations in it, and that is it. We are not putting forward any recommendations because we want to hear from the States. If those recommendations are accepted, if they think that is the way Guernsey should be going, or not going, or if they think that is appropriate and equally it is not for us to force something onto another Committee. If Committee A thinks, actually, 'looking at her recommendations, we do not think that actually fits and will fit in nicely with ...'

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Advocate Harwood: So, clearly it is going to span the political term?

Deputy Lowe: Oh yes, because there is phase three to go after this.

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Advocate Harwood: In terms of, if you are producing a hand-over document, which I gather most Committees are required to do, what is your recommendation in terms of timescale for bringing this? You will have published a green paper, the assumption is this Committee will publish a green paper, what is your recommendation as to timescale, within which your successor Committee could then come back to the States, having heard the response, and produce a formal report and recommendation?

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Deputy Lowe: We are very keen to make sure we try and get it this term. That message has gone very clear.

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Advocate Harwood: That is the green paper?

1450 **Deputy Lowe:** The green paper for the States to be able to have that debate. Equally, through discussions with P&R and others, if we have not got all that information, it is going to have to go to the next States. We wanted this States. We wanted it in February and we have not been able to do that. So it is not a case of us holding that back, we need to do that.

1455 The Justice Review was actually in three stages. We completed stage one. This is stage two. So once stage two is finished and we hear back from the other Committees and from the States, we then move onto phase three and that sets out, then, the timelines, depending what the fallout it is from this green paper, of how long it would take to take that forward.

Deputy Oliver: The recommendations will not just affect Home Affairs.

1460 **The Chairman:** No, I think we all appreciate that. What is the best estimate as to when the States might see the final Justice Review?

Deputy Lowe: Do you mean the final Justice Review or this one?

1465 **The Chairman:** I mean the final one.

Deputy Lowe: So after the States' debate?

The Chairman: Right.

1470 **Deputy Oliver:** It will be down to the individual Committees.

Deputy Lowe: I am not going to put a time on that. I have no idea.

1475 **The Chairman:** In terms of the next piece of work that the team is working on, when can the States expect to see that?

1480 **Deputy Lowe:** Let us make sure I get this clear. The review that we are actually looking at now, which is going to go to the States, hopefully this term, and then once that is done, I cannot give you a time of how long it will be, because it will be the reviewer as well, and those that are involved with it have to do a timeline to see the other Committees, as well. We cannot affix a timeline on one or other Committees, of the work, because it goes right across.

The Chairman: I think I am getting a bit confused now in terms of what is happening.

1485 **Deputy Oliver:** If the States decide that none of the recommendations are to be followed on, then it is done straight away. But it will be dependent on the States, on what recommendations they choose, how big these recommendations are. Some of them, I am sure, are really quick fixes. Others are going to span, probably, a few years.

1490 **Advocate Harwood:** Could I be clear, then, because are you suggesting the States, there will be a formal debate on the green paper or is it just that you are looking for feedback?

Deputy Lowe: We are in listening mode, so they will be able to discuss and debate whatever they like there.

1495 **Advocate Harwood:** Are you proposing that, actually, a green paper should be submitted for debate?

Deputy Lowe: Yes.

1500 **Advocate Harwood:** I was not clear whether it was just another discussion document.

The Chairman: I think we were unclear on that.

Deputy Lowe: Sorry, no, it is a States' debate.

1505

Deputy Queripel: And the outcome of that will inform the next phase?

1510 **Deputy Lowe:** Yes. We will be in listening mode, so it will go back to the Committee, the Committee will take on board what has been said in the States' debate and, whether we agree with that or do not agree with that, what we can actually do, look at the recommendations and then we take it forward.

Advocate Harwood: But that debate, you are envisaging it will be next term?

1515 **Deputy Lowe:** No, we are hoping for it this term.

The Chairman: Right, I am getting confused here.

1520 **Advocate Harwood:** I am getting confused because I thought that it was. So, you are not parking it into the next political body to determine their own view on the recommendations?

The Chairman: Are you saying, then, that in this term of the States there will be this green paper debate and, in the next term, that is when you will see the detailed Propositions, which draw on the review itself?

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Deputy Lowe: Yes, correct.

The Chairman: Right. I think I understand it now. Mr Lewis, Deputy Leadbeater?

1530 **Deputy Leadbeater:** I just want to say that is correct. The way I had envisaged it, we would have the debate on the green paper, which will inform the policy letter that will eventually go to the States and, also, as part of stage three of the Justice Review, it opens out to more social areas, as well. So there will probably be a succession of one or two policy letters that come in through the next term with that Committee.

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Deputy Queripel: So, in your handover report, then, will you put a great emphasis on this area of work? Will it be one of the top priorities you would advise the next Committee, whoever sits on it, to progress?

1540 **Deputy Lowe:** Yes.

Deputy Leadbeater: Certainly, for me, this is the more important priority the Committee has.

Deputy Queripel: Thank you.

1545

Advocate Harwood: By definition, it has rather impacted upon your list of priorities, themselves. You have got the review of parole legislation, sexual offences legislation, domestic proceedings law, police law. All of these, really, are tied up very much, I would have thought, within your justice strategy, are they not?

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Deputy Lowe: Some are bits of legislation, which are sitting at St James' Chambers, so some of it has been done.

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Advocate Harwood: Yes, but I mean that some of the legislation may be impacted by your decision on the justice strategy?

The Chairman: Mr Lewis?

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Mr Lewis: First of all, I will come back to the actual submission, the green paper. In terms of would it impact on sexual offences legislation etc., I think not. I think a lot of the stuff, the parole review, will all run through. It is not run of the mill stuff but it is regular stuff we need to do. The Justice Review is talking about a significant, substantial change to the way we deliver justice in Guernsey, which would take years, I think, to roll through.

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In terms of clarity on the policy letter submission for the green paper, for want of a better phrase, which I think is sitting under Rule 17(9), the intention is, with a following wind, that actually the policy letter will, as you say, go in for this term, including the independent report, and it may have a recommendation with it, which is both to note it 17(9), but also propose the formation of a cross-committee panel, which would comprise representatives of the main Committees, which would be involved in justice, which is probably Education, Sport & Culture, Health & Social Care and others, so you start to get at cross-States' view to progress the Justice Review.

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Home Affairs will still be the lead Committee on it, but when you come back to the States, which maybe, in however months or a year and a half, or whatever it is, later, it will hopefully be with firmed-up proposals, this is ... however many recommendations the original report had, whittle it down to 'we are going to focus on these areas'. But I am afraid I cannot give you a dateline of when that will ...

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Deputy Lowe: But I can say we have already written to the other Committees to ask them if they will nominate somebody to be part of this, so we are already ahead of the debate, because we want to get that group formed and it to happen.

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The Chairman: Right. Okay. Anything else on the Justice Strategy, gentlemen? Right, okay. I think, just to wrap things up, we can probably finish hopefully early, Deputy Lowe what do you think is likely to be the legacy of your Committee since 2016? Quite a lot has happened and I am conscious of the fact, I think this is the fourth time you have appeared before us this political term – once every year, although it has not worked out like that. What would be the one thing that you think has been the most significant political event involving your Committee?

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Deputy Lowe: I think we have got the record with Scrutiny as the Committee that is sat in front of you. **(The Chairman:** So far, anyway!) And that is fine, I have always said to you, we have no problem with coming in and meeting with you but equally, our door is open. If ever you want to come and speak to us, you are welcome to do so. We think that is good.

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For our Committee, there have been so many major things that we have had to deal with and Brexit has been mentioned, population management, and so much of that work has now ... population management is settled, that is working extremely well. We have had to take that in this term. There is also the data protection, that was another big role, which we had to take, and took a

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huge amount of time as well. And getting people to understand, as well, the data protection, because it is not a particularly interesting subject and yet it affects everyone of us on the Island. Getting people to understand, of course you will know about that.

1600 **The Chairman:** It is quite topical, is it not?

1605 **Deputy Lowe:** I just realised what I said, to be honest. I think I will move on from that one! We have left, and I would hope, one of my Members said it before, I think we are leaving the Committee in a much better place than when we actually took it on, both in a good working relationship with the staff, both in the way that the Committee have actually operated, because since I was appointed I said the Committee Members must have their papers on a Tuesday, for a Monday meeting. No more of this coming late on a Friday for the Committee to have to read it over the weekend, while our staff are enjoying themselves. They need time to actually digest what it is and prepare themselves for a meeting on a Monday.

1610 So now all the paperwork has arrived for all the Committees. We do not have verbal reports. Everything has to have a paper with it. To me, that is all the good governance which I asked the Committee to support and put in place, which was not actually recognised. I think that is good. The Chief Executive has praised us in that and says he wants all the rest of the Committees to operate how we do, regarding the efficiencies of making sure that we have the right paperwork for Members to be able to do that.

1615 Obviously, if it is something really urgent, and I think we have probably only had two in the last four years, something can be tabled. Otherwise there is nothing tabled. That is not good practice. Members need to have time to read it, if you are making decisions.

1620 So, yes, I think from the operation of it all, it is a lot more efficient, it is a lot more ticking the box for good governance for us. It is working with the staff. It is for us, who have gone out to ask for reviews, because I think again that is so important. It was us that asked for the HMIC Report. It was us that said we wanted good governance. It was us that said we wanted a plan in place that we have got Probation and Prison coming up this year. Next year we have got Fire. It is important that reviews are taking place across the sector to see the efficiencies and see what changes.

1625 Too often, we inherited something where there had not been any of these reviews taking place and that is not good practice.

1630 **The Chairman:** Can I ask this question, while I have just remembered it? I think on the previous Scrutiny public hearing occasion, about the HMIC Report, we asked whether your Committee might consider putting into Law the obligation to inspect Bailiwick Law Enforcement on a regular basis. Is that something your Committee has come to a final view on?

1635 **Deputy Lowe:** We have not said we would put anything in Law, but we have a programme where, you know, reviews will take place. Now, hopefully, the next Committee will actually follow that through, because it is good practice. I am not sure if we have enough bureaucracy, without going across the States saying ... because again, we are the Committee doing that. I am not sure that is happening with other Committees. But we feel it is important. So if you put it in Law, it should be in Law for the States *per se*, across all of the services.

1640 **The Chairman:** I think this was, in essence, a recommendation that the Panel at the time considered quite appropriate because, whilst we accept that you have been very keen to get this follow-up report done, who is to say who is going to be on the Committee in July? So are you saying that you have rejected the idea of kind of putting it into Law, to make sure whoever is sat around the Committee will always be under that obligation?

1645 **Deputy Lowe:** I think that goes back down to Advocate Harwood. He has actually pointed out, we have got too many priorities. You cannot have your cake and eat it, really. We have to make

those tough decisions. Do we want to have the legislation in place to say reviews every five years, ahead of Brexit, ahead of the Justice Review, ahead of all the things we have got listed on there?
1650 You have to be realistic. I think providing you operate like that, without the legislation in place, that is good. When things drop off that list and we feel maybe it should be across the States, actually, for different reviews, I would say yes, maybe.

The Chairman: I think the Panel at the time thought that might be a good solution because there had been quite a gap in time since the last HMIC Report. I cannot remember when the review was. (**Deputy Lowe:** Ten years.) Yes, 10 years. But anyway, you have answered that. Advocate Harwood.

Advocate Harwood: One of the points made by Professor Staite and it did not carry through to recommendation was a concern over the understanding of your mandate and you have had now 1660 four years working with your ... the mandates were changed, I think, at the beginning of 2016. In reflection, would you be recommending to your successor and/or to the States that perhaps they reconsider the mandates or the wording of the mandates? She felt there had been some misunderstanding because of the wording that had suggested, if you like, that you were responsible for delivery or services, rather than overseeing delivery of services.
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I just wondered whether you have given thought to any change or if you would recommend any change to your mandate, the wording of the mandate?

Deputy Lowe: I have seen various mandates over my years in the States and if there is anything, as well, that is under our mandate that I think should be with another Committee, for example, we just take a States' Report to do it. We do not have to wait for a review every four years to be able to do that, because that is how it used to happen.
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Unfortunately we are not seeing that now, we are just seeing Members actually say, 'Oh, that should be with another Committee.' We deal with it. Get a report done and send it across and that is not actually happening. We are comfortable with our mandate, we are comfortable with the understanding of our mandate as well.
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There is not anything in our mandate that gives me concern, to change the wording there. I think the crux for me on the mandate is that we are custodians of the public purse and we have a responsibility to question and challenge and that is right and proper and that was recognised by Matt Parr when he sat here in front of you all. That is our job to do that.
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Now it might be uncomfortable for some, but that is a healthy uncomfortable. We have only got so much money in the pot and we have to prioritise amongst Home Affairs as well, where that money is going to come from.

The Chairman: Deputy Queripel, your last question?
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Deputy Queripel: Since you mentioned the population management regime, I note on your delivery plan, on page 7, it talks about a strategic review that is taking place with P&R. Is there a meeting of the minds in regard to that work or is there any tension between the two Committees, saying it is liberal enough or perhaps somebody saying it should be more liberal? What is happening in that workstream?
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Deputy Lowe: I think with population it is a case of there will be some who want an open door policy and the others in the States who want to keep it as it is and some would actually like to reduce it. So the States made the decision to keep the population numbers as near enough as possible. That review had actually taken place and it is a P&R report, it is not actually Home Affairs.
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They keep saying, you know, it is a joint one. No it is not. We were part of the consultation and part of the working group, but it is P&R that have to take it to the States and we have been asking

1700 P&R when are you going to take it? Again, we will probably be asking them again later on today, because it is on the agenda. When are you going to take it? So it is their report.

Deputy Queripel: Okay, but you fed fully into that piece of work. Were there any areas where there was any clash?

1705 **Deputy Lowe:** For us, population management comes under our mandate. We administer it on behalf of the States. What the States actually decide is up to the States, but we will follow through the States' decision and that is what we actually do. So the review is to go out, which they have actually done, and we were on that group. I think Deputy Leadbeater was on it for a time, with Deputy Prow. But they have not met for a little while, I think. Again it is a case to P&R to be dealing with that.

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Deputy Queripel: Are you happy with the outcome of that review, as a Committee?

1715 **Deputy Lowe:** We have not seen the final report. But when it does come out it is their report and we will have our input, no doubt, when it does come out, if we do not see it before they publish it. And it is the States' decision on population management. We just look after it for the States.

Deputy Queripel: Thank you.

1720 **The Chairman:** Okay. Anything else? No? Thank you very much.

Deputy Lowe: Thank you very much.

1725 **The Chairman:** I just wish to thank all of our witnesses for attending here today and increasing the public awareness of the important work being done by the Committee *for* Home Affairs. My Committee intend that these public hearings do help to improve the level of public understanding on key areas of Government policy, thereby aiding openness and transparency. Thank you very much for attending and there will be a *Hansard* Report of this public hearing.

1730 **Deputy Lowe:** Okay, and if I could just say before closing, that invite is still there if there is anything from today that you have thought about us and you want to ask us questions, please do come and talk to us.

The Chairman: We will let you know. Thank you very much. Thank you for that. Appreciate it.

The Committee adjourned at 11.57 a.m.