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COMMITTEE

HMIC Report
Scrutiny Panel Hearing

HANSARD

Guernsey, Wednesday, 5th December 2018

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Members Present:

Panel Chair: Deputy Chris Green – President
Deputy Laurie Queripel – Vice President
Advocate Peter Harwood – Non-States’ Member
Mr Mark Huntington – Principal Scrutiny Officer
Mr Alistair Doherty - Advisor

Business transacted

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Scrutiny Management Committee

HMIC Report Scrutiny Panel Hearing

*The Committee met at 11 a.m.
in the Cambridge Room, Beau Sejour Leisure Centre*

[DEPUTY GREEN *in the Chair*]

Procedural – Remit of the Committee

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

Our session today is a panel hearing examining aspects of the inspection report carried out on Bailiwick Law Enforcement by Her Majesty's Inspectorate of Constabulary.

5 Whilst elements of the Report are positive, it does identify some serious weaknesses, principally around governance and information technology provision. This Report has generated significant media commentary on the issue of potentially inappropriate political involvement in Bailiwick Law Enforcement matters.

10 We intend to start by hearing evidence from Mr Matt Parr, as representative of Her Majesty's Inspectorate of Constabulary, who we hope can further clarify certain aspects of the Report. This will be followed by evidence from the Head of Law Enforcement, Mr Patrick Rice.

15 The first half of the hearing will then conclude with questions relating to the Report's commentary on the information technology systems within the Committee *for* Home Affairs, which will be addressed to the Chief Information Officer, Mr Colin Vaudin. After a short break we will then put the points raised in the Report from our witnesses to the political Members of the Committee *for* Home Affairs.

I can confirm that I intend to publish my reflections on the findings of this panel hearing later this week, probably Friday.

20 Our panel today comprises myself, Deputy Chris Green, as Chair of the Scrutiny panel, Deputy Laurie Queripel and Advocate Peter Harwood.

I can confirm that a *Hansard* transcript of this proceeding will be published in due course and can I just remind everybody who has any mobile phone devices to put those on silent? It is essential during our session that the Committee is able to hear from the witnesses without any interruption from the Public Gallery.

25 I should say, just as a matter of good housekeeping and formally for the record, I declare an interest in that I am, as most people know, a practising advocate in the Courts of Guernsey, including criminal litigation.

EVIDENCE OF

Mr Matthew Parr, Her Majesty's Inspectorate of Constabulary

The Chairman: So without further ado, can I turn to you, Mr Parr? Can you just formally introduce yourself for the record, please?

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Mr Parr: Yes, I am Matthew Parr. I am not a representative of Her Majesty's Inspectorate; I am Her Majesty's Inspector of Constabulary. There are four of us. I cover the London forces, the national forces and all those outside mainland England and Wales.

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The Chairman: Thank you for your correspondence to the Panel dated 30th November, which we found very helpful.

To begin with, if we can, we want to focus wholly on the concerns identified about governance, if we may. Broadly, the Report suggests that the Committee *for* Home Affairs has perhaps not been as focused sufficiently as it could be on strategic matters, and has been spending too much time perhaps on more low level matters. But one area where we were struck by the comment in the report was on page 94 of the Report and the penultimate paragraph on that page, page 94.

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Can I just remind you of that quote?

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Mr Parr: I will try to catch up with you and I will try to get it.

The Chairman: Yes. You are operating digitally I see. That makes one of us!

Mr Parr: Go on. Do not wait.

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The Chairman: The quote in particular is this and I quote:

'Senior BLE officers and staff felt similarly frustrated. They thought that deputies attempted to direct operational activity. Some provided examples of where they had been asked to take enforcement action in cases that had been brought to the attention of deputies by members of the public'.

Mr Parr, in your helpful correspondence to us I think you refer to that in paragraph 10 of your letter. This morning, Mr Parr, would you want to say anything about the nature of the political interference that HMIC found and referred to in your Report? What would you like to say about that?

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Mr Parr: Yes, you have jumped straight to a phrase which is 'political interference', which I think is at the root of some of the tensions about this. Political interference in policing matters is a really loaded phrase because it implies interference verging on corruption which is, 'You are about to investigate that. Do not do that. I have strong connection. I do not want you to investigate this case, I want you to investigate that one for non-*bona-fide* reasons.'

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We did not see that. I think the point – and I think the Report is reasonably clear – it is making is the criticism we make of the Committee is that it is neglecting, or in the past it has neglected, the strategic responsibilities it should have because it is too focused on small details.

There is nothing fundamentally wrong. In fact, there is much to be admired in a committee that is wholly connected to its community and understands what is troubling its constituents. That is completely natural. I do not see anything wrong with discussions between senior police officers and Committee Members about priorities etc. Indeed that is a Committee's job.

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The Chairman: In your correspondence to us you touch upon exactly what you did find. Can I ask you to perhaps address the particular point that is raised in paragraph 10 of your correspondence?

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75 **Mr Parr:** Yes, I think what we have got is I have got a file here of evidence from the team that did the inspection, which is emails, meeting minutes, interview records, which speaks of I think seeing the leadership of BLE being frustrated by Members bothering them about things that they might consider to be their unique preserve.

80 That is not ideal, but it is a long way from what I would call political interference, which is why we have deliberately not used that phrase. In my letter to you last week I said we specifically did not accuse the Committee of 'political interference'. What I am saying is that there has been too much focus and too much time spent on sometimes the minutiae of policing at the expense of the bigger picture.

85 There are some big problems that we have referred to in the Report about the estate and ICT and a whole raft of things and I think our conclusion is things would be rather better if the Committee focussed more on those and less on some of the issues we have raised in there.

The Chairman: Advocate Harwood.

90 **Advocate Harwood:** Can I just pick up on that, because in recommendation 6 you are recommending the Committee *for* Home Affairs, in consultation with the Head of Law Enforcement, should design, publish and subsequently operate in accordance with a document that clarifies each party's responsibilities, and you go on to list one or two items there.

95 Previously in the Report there is a statement here that in practice the boundary between strategic governance and operational control may not always be crystal clear. You made reference to the protocol which I think is used in the UK, 2011; how effective in your experience is that protocol and how clearly does it operate?

Mr Parr: I think it is a really interesting question. There is not a perfect system. To pretend that the introduction of a protocol in the UK had resolved this kind of problem would be naive.

100 I think if you talk to a group of Chief Constables from across the UK you would get different perspectives on how much involvement, interest, micromanagement sometimes of what they rightly consider their preserve, they were getting from their Police and Crime Commissioners – some more than others.

105 There is never going to be an absolutely clear boundary because if you look at the responsibilities of the Police and Crime Commissioners in the UK it is setting objectives, it is control of money, it is recruitment of senior officers. Once you are into that, to draw a clear boundary and say that is operational control and that is not, when one person holds the purse strings is impossible.

110 So these are things that just have to be worked out and dealt with as grown-ups. What I think we are saying here is that you have not even attempted in Guernsey to define what that might look like and this is not going to be an absolute rule book that says, 'No, that is mine. That is yours. That is mine. That is yours.' It is more of a handrail to give guidance on the sorts of things that should be expected from each side.

115 **Advocate Harwood:** For the purposes of your Report do you equate the Committee *for* Home Affairs as being the equivalent of a PCC?

120 **Mr Parr:** No, I think it is a very different set up here, but the principle of political control, of political governance and oversight of operational policing which should be independent has got many similarities.

Advocate Harwood: But even under protocol with the PCC, is it not the situation that a commissioner will be approached by members of the public who have concerns about a particular policing issue? How then will they deal with that without becoming operationally involved? Because I think that is the problem and I think another problem we have –

125 **Mr Parr:** It is and it is not something that is easily solvable in one simple document or one fell
swoop. It is much more complicated. What you have just described is exactly the purpose of
having a Police and Crime Commissioner, in that they are accountable to the public, elected by
the public; they should be very much in contact with the public and they hold the Police Chief to
account for the service he or she provides to the public. They are responsible for producing a
130 police and crime plan, setting out what their priorities are.

But – this is where this gets complicated – regardless of what the police and crime plan says,
the Chief Constable has statutory responsibilities that go beyond that. So for example – this has
never happened but – if the Police and Crime Commissioner said, ‘I want you to concentrate on x
crime types and, frankly, ignore y crime types, that is not an authorisation for the Chief Constable
135 to do that; it is an indication of where the priorities lie, but the Chief Constable’s responsibilities
are all encompassing all of the time.

So you have got to have a bit of give and take and mature discussion –

140 **Advocate Harwood:** Okay, but you understand the tensions where you have elected
politicians that they will have concerns expressed to them by members of the public, they will
have issues. Those who are on the Committee for Home Affairs, how are they meant to deal with
it? How are they meant in practice to actually separate their role of being members of the
Committee that has overall responsibility as opposed to dealing with constituents’ interests?

145 **Mr Parr:** As I said earlier, I do not think there is anything wrong with members of the
Committee bringing to the Head of Law Enforcement’s attention what the public are telling them.
There is nothing wrong with that. I think the big criticism that we have said here is that you should
not be doing that at the expense of the other functions of political governance.

150 **Advocate Harwood:** So you are saying it is a question of balance?

Mr Parr: It is a question of balance, that is right.

155 **The Chairman:** Can I come back to your paragraph 10 because I think I was asking you about
the evidence that you have seen and the evidence that your inspectors have seen now? We were
not at liberty to see that material. (**Mr Parr:** No.) We did request it from you, as you know –

Mr Parr: Yes, and you understand why.

160 **The Chairman:** I do understand the reasons why you have not been able to provide us with
those specific examples.

But can I just bring you back to your paragraph 10, which I will quote to you, if you do not
mind, in your correspondence to us. Paragraph 10:

‘Importantly any interference we found by the Committee for Home Affairs or individual Deputies related only to
attempts they made to secure law enforcement action against those they suspected of committing offences’.

You then went on to say:

‘We did not find attempts made to secure law enforcement in action against suspects. Furthermore, it did not appear
to us that these attempts involved any particular groups or individuals being singled out unfairly’.

165 So what you confirmed in the first part of that paragraph was that you had seen evidence of
attempts to secure law enforcement action against suspects by the political Members of that
Committee. Is that what you would say?

Mr Parr: Yes, I think that reflects what it says in the Report, where we say:

'Senior BLE officers and staff felt frustrated. They thought that deputies attempted to direct operational activity'.

170 **The Chairman:** Page 94.

Mr Parr: Yes, 94.

'Some provided examples of where they had been asked to take enforcement action in cases that had been brought to the attention of deputies by members of the public'.

I think that is what we are saying now. But this is not something that I would wish to be hugely critical of. It is not ideal, but as we have just said, there are always going to be occasions where elected representatives in touch with the public are going to communicate to leaders of Police what their public are telling them and what they are worried about. This happens all over policing in all sorts of ways. It is not unique to Guernsey. What I am saying here is you have got the balance wrong.

180 **The Chairman:** But in England and Wales where presumably the majority have got experiences, surely it would be wrong for any elected politician to be asking those on the operational side of policing, in effect, to take enforcement action against particular individuals?

185 **Mr Parr:** No, this happens all the time. I have frequent letters from MPs telling me, 'I do not think my Chief Constable is doing enough in this town against this sort of crime against these sort of people.'

The Chairman: But is not there a distinction between, on the one hand, saying there should be a crackdown on public disorder in a particular part of St Peter Port and actually saying, 'Actually something should be done against this individual suspect'?

195 **Mr Parr:** Okay, I take your point, but I think the implication of what you are saying is that there is some sort of directed malice involved in this which is, 'I want that person chased for this crime or etc.'

The Chairman: I am just wondering whether that was what is in the evidence that we have not had the benefit of –

200 **Mr Parr:** No, that is not necessarily what we are saying. We refer to it in the Report as flashing vehicle lamps. There is evidence in there – without, again, breaching confidentiality and I do not want to – of things like an email saying, 'I saw this happen this morning which I consider to be wrong. Would you please investigate it? Why are you not looking after this kind of thing?'

I think that is a long way from there is almost some sort of targeted vendetta implication about the next step which would be action against individuals for reasons that are personal or political. That is not what we saw at all. What we just saw is, 'I have seen this happen. This is a small place. Sometimes I am sure you will have an idea about who is responsible for it.' But I think, as I said in my letter to you, there is no evidence of targeting a particular group or a particular pattern of criminality or individuals. This is just too much interest in relatively minor stuff that should be best left to the police officers.

210 **The Chairman:** Advocate Harwood.

Advocate Harwood: On page 94 of the Report, the same paragraph that Deputy Green has already read to you, the concluding sentence says:

'In addition, the Committee had discussed operational matters and agreed actions where no BLE representative had been present'.

215 That, I think, does create some red flags. How serious is that and how serious should we take that comment, how seriously?

Mr Parr: I would not be too worried. It all depends –

220 **Advocate Harwood:** Should it be allowed to happen?

Mr Parr: It is not ideal, but this is just, in my view, a relatively mild criticism of not particularly organised management and not particularly organised ... I do not think there is anything sinister or, what is the word, malevolent in this.

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Advocate Harwood: If this had happened within the UK ... (a) does it happen in the –?

Mr Parr: I am sure it happens all the time.

230 **Advocate Harwood:** With the PCC and –?

Mr Parr: Yes.

Advocate Harwood: So we should not read too much into this?

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Mr Parr: I would not read too much into this.

I think just a couple of things to say. First of all, you have got to give credit to the Committee or wherever the decision was taken, for putting their head above the water and asking for this inspection.

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The Chairman: Yes, and we do.

Mr Parr: I think that is fair to say.

245 **The Chairman:** We do give credit for that.

Mr Parr: The easiest thing would have been just to –

The Chairman: This was a voluntary –

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Mr Parr: This was a voluntary thing.

We have had a report that is a big report. I think it is quite comprehensive. It is extremely critical in places.

255 **The Chairman:** Yes, that is why we are here.

Mr Parr: But the things that I think you should be most concerned about are things like, well, many of the recommendations; there are 8 recommendations in the Report and it is not all about recommendation 6, which is the one about getting this balance right, about operational versus governance.

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I think where it is fair to join the two is when I think what we are saying is that, as it says again at the end of page 94, two issues at the root of the problem. The first one is a lack of a joined approach of setting priorities. So why is the ICT so bad? Why is the estate so bad? Why are you having some of the problems with economic crime? At the root of this is the fact that we do not think that the priority setting, the budget setting, the long-term, medium-term planning is rigorous enough, and what we are effectively saying, in short, is stop worrying about this. It is not

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270 a cardinal sin to have Deputies worried about what is going on in their area, in their communities and communicating it to the Police. It is completely understandable and in many ways laudable, but if you spend too much time doing that you are going to spend too little time worrying about the long-term strategic planning (**The Chairman:** The big stuff.) and the big failings in this Report are consequences of decisions that should have been taken and have not been.

The Chairman: The other issue that is raised at the bottom of page 94 is the lack of clarity about the role. So perhaps we could turn to the recommendations now. (**Mr Parr:** Sure.)
275 Recommendation 6 is this notion of having some sort of protocol that will clarify the respective roles.

Obviously, such protocols exist in your jurisdiction. Have you given any thought to how a protocol could be implemented in Guernsey, whether it could be a version of one of yours adapted very simply? I mean how difficult is it just to draft a protocol that says the Head of Law
280 Enforcement does the operational bit, the Committee *for* Home Affairs does the strategic bit and defining the parameters of the relationship? Surely that is something that could be done relatively simply.

Mr Parr: I would hope so. I would not have thought it should be particularly difficult with a
285 mature conversation about where the boundaries lie, (**The Chairman:** Yes.) and indeed ... The governance and jurisdiction here is not something, as you know, I am an expert on; it is complicated and unique.

What we have done in the Report is provide you with a link to a template which is the one that the Home Office have issued. I am not advocating that you should just cut and paste and copy it;
290 you have got to adapt it for the local... But the principles are fairly obvious.

The Chairman: The principles are fairly obvious and the process of actually putting it into place would be relatively elementary?

295 **Mr Parr:** I would hope so.

Again, referring to what I said earlier, it does not solve everything. You still need to have a degree of pragmatism around the boundaries. There is not going to be an absolute acid test that says, 'That is mine. This is yours. Stay off my patch'.

300 **The Chairman:** The point is made in the Report, is it not, the road is not always crystal clear and in a small jurisdiction perhaps that is problematic.

Deputy Queripel: I just want to ask Mr Parr, bearing in mind that you are saying that we should not just cut and paste a protocol from elsewhere, I assume there will have to be
305 conversations between the political Committee and the Law Enforcement officer and other personnel; do you think the relationship is good enough between the Committee and Law Enforcement to say that they will come to some sort of agreement in regard to a protocol they can all live with and stick with?

310 **Mr Parr:** I hope so. There are some uncomfortable observations in this Report for both sides, in my view. But I think if you dig in and operate a blame game then you are never going to get anywhere, are you? (**The Chairman:** No.) If, however, you recognise that the comments we have made in part stem from this imbalance of attention away from the big and the strategic and the long-term planning, towards the immediate and the local, if you accept that that is the criticism –
315 and I hope both sides do, because they have accepted our recommendations – then I do not see any reason that we cannot.

The Chairman: Just to come back to that, as I understand it – and we will obviously hear from the political Members later on, but as I understand it – they do accept the recommendations but not necessarily the timeframe.

Recommendation 6 specifically was to have this protocol in place by the end of January 2019. Do you have any view on what the timeframe could be?

Mr Parr: The way it works with our recommendations is we are not a regulator. I am an Inspectorate, I have no powers anywhere. I have got very limited powers in the UK to inspect. When we make a recommendation all we can do is – if invited to, and there is no evidence that I would be – I would come back and say, in a year's time or two years' time, 'We gave you 10 recommendations; you have not done any of them.' That happens occasionally and it puts a huge amount of pressure on the PCC, and the PCCs in the UK are obliged to update the Policing Minister with how they are getting on with recommendations. You are not.

That is the long answer. The short answer is it is really up to you. **(The Chairman: Yes, okay.)**

I think it should be done quickly because it is an important issue but, hey, if it is a month or two months later I do not think it is fundamentally –

The Chairman: Just before we turn to IT – I know Advocate Harwood has got some questions on IT – were you trying to get in? Sorry, Deputy Queripel.

Deputy Queripel: Yes, I just wanted to ask Mr Parr one more question in regard to the political oversight of operational matters.

Do you think one of the reasons – it will not be the only reason – why we have a low crime rate in Guernsey is that politicians that sit on the relevant Committee do take an interest in policing and trying to ensure that things are working as they should be at operational level, but not necessarily ordering a direct action? Do you think that interest in part on behalf of politicians in regard to operational matters does help to keep the crime rate down?

Mr Parr: I think that is an almost unprovable theory. **(Deputy Queripel: Okay.)** If it is, it is not the only reason –

Deputy Queripel: I would say exactly. I agree with you.

Mr Parr: – and it almost implies that the leadership of Police are not interested and without the pressure they would not do it. I think in my view the headline from this whole Report ought to be you have got a Police Force you can be proud of and you have got the quality of the investigations that we saw, the thoroughness, the ability to investigate and follow all the way through the criminal justice system, crimes which in the UK would, frankly, be considered trivial but actually we all know too many people are not, is something that you should justly guard.

I take your point and, as I have said before, it is laudable in many ways that you have people who are so in touch with their communities and very aware and not remote and not distant and know what is going on and are open to having that relationship with their communities. That is a good thing.

The Chairman: Can I just come back to the recommendations. Is it your opinion that there would be mileage, would be benefit in a follow-up report or follow-up inspection in a relatively short period of time – six months, nine months, 12 months down the line – to inspect and to assess whether the recommendations have been progressed, whether they have not? Do you think that might be beneficial?

Mr Parr: It would not be the first time it has happened and we do it fairly frequently. I think we only tend to do it where there is some degree of uncertainty about whether there is commitment

370 to fulfil. I have a statutory responsibility and authority to inspect forces on it in the UK. I do not have any for you; I do it at the invitation of Guernsey. So it is really up to you.

The Chairman: We might get into that with some of the politicians on –

375 **Mr Parr:** I think you might get on to that.

The Chairman: – whether there needs to be a statutory –

380 **Mr Parr:** – and whether there needs to be. My view is in an ideal world there would not because you would all be completely committed, accept the recommendations and demonstrate clear commitment to crack on with them.

The Chairman: Can I ask –?

385 **Advocate Harwood:** Can I just address the ICT issue, (**The Chairman:** Yes.) because I think it is quite important. You made the comment, or your Report says:

‘The ICT provision was among the worst we have seen’.

Mr Parr: Yes.

390 **Advocate Harwood:** Are you suggesting that actually it is impacting seriously upon the efficiency, the effectiveness of Law Enforcement?

Mr Parr: Yes, I think that is a fair conclusion.

395 **Advocate Harwood:** Again, you make the comment on page 145. You talk about the recovery plan. Were you aware that a recovery plan had been implemented at the time of your Report or was it –?

400 **Mr Parr:** I think it had been promised at the time of the Report and we are aware it is happening, but we are quite strict, in that we –

Advocate Harwood: So you think it had been promised but not actually started?

405 **Mr Parr:** It is on the Report, yes. That does not mean I am saying it has not been done now, but again there is no overnight solution to this.

Advocate Harwood: Can I also pick up on page 105? You are talking about:

‘Once the recovery plan has been completed the next stage is to undertake a comprehensive programme of work to automate and digitise BLE’.

You go on to say:

‘For this to succeed, BLE should specify its ICT requirements in detail’.

I understand that, but you say:

‘This cannot be done until the vision for BLE’s future has been set out ...’

410 Again, you refer back to chapter 4, because I think elsewhere you have said that BLE, having created the Head of Law Enforcement, is still operating almost as two separate organisations (**Mr Parr:** Yes.) and there is no clear vision as to whether it should be fully merged or not.

415 **Mr Parr:** Yes, I think that is, I hope, one of the more interesting comments in the Report. I think what you have done and the combination, you set BLE three objectives. We think Chief of Police has pretty much ticked them off, and credit to him for doing so. But we are now at the stage where, well, where do we go from here? Is where we are now the final solution or are we going to go further and actually bring them together in –?

420 **Advocate Harwood:** We need to have that conversation before we can really deal properly with the ICT issue.

Mr Parr: Because without that kind of conversation it is difficult to understand, and I would almost say the same about the estates: until you have had that conversation and decided what you are aiming for in the long term or medium-to-long term, it is difficult to work out what sort of ICT solutions, what computer systems you are going to need, where they are going to connect, what are you going to issue people with? So that seems to me to be a decision that, if you do not take that then you run the danger of trying to produce something that you have not decided is good yet.

430 **Advocate Harwood:** We undermine some of the areas for improvement?

Mr Parr: Yes.

I am not offering you an opinion on which of those potential options you should take. It is just something that probably needs deciding.

435 **The Chairman:** Did you form any view as an inspectorate in terms of what Law Enforcement was not able to do because of the problems with ICT?

Mr Parr: I think the comment from Advocate Harwood was about efficiency and effectiveness. It frustrates the staff, it slows everything down, it increases delays in scrutinising intelligence systems, its lack of intelligence available to people in the sort of timeliness.

440 So it is a difficult question to answer but if you make everything 'clunkier' and slower and more difficult then clearly you have lost productivity, you have lost efficiency, and if you are losing efficiency then there is stuff you are not doing. It is very difficult for me to say, 'Yes, because of that you could not do x, y and z.'

445 **The Chairman:** You said it was 'among the worst we have seen'. (**Mr Parr:** Yes.) Did that surprise you?

Mr Parr: Not altogether. You are not alone and I am sure in many public services ... this is not something, I am sure, that is unique to Law Enforcement in Guernsey.

The Chairman: No, it is not.

455 **Mr Parr:** It is not something that is very good very often in the forces that we look at it. Sometimes it is way better than others and sometimes it is a question of scale.

Metropolitan Police's ICT is big scale, lots of different systems. You hear stories of constables having to interrogate nine different systems before they can find out the detail of an offender's history and background etc.

460 **The Chairman:** But Guernsey's was on a par with some of the worst you have seen?

Mr Parr: Yes, I think in terms of the effect it has on the day-to-day ease of being a member of the team, of getting things done within BLE –

465 **The Chairman:** On a very practical level. (**Mr Parr:** Yes.)
Advocate Harwood, shall we make this the final question?

Advocate Harwood: Moving away from ICT, can I just understand the timeline behind the Report? (**Mr Parr:** Yes.) Can you confirm when you were commissioned to do the Report?

470 **Mr Parr:** Crikey, I cannot remember.

Advocate Harwood: We understand it was towards the end of last year.

475 **Mr Parr:** It was in 2017.

Advocate Harwood: Yes, and do you know when your draft report was first issued?

Mr Parr: No, we produce –

480 **Advocate Harwood:** Again, we have been told –

Mr Parr: – 400-500 reports a year. I cannot remember –

Advocate Harwood: We were told it was issued in May.

485 **Mr Parr:** The first draft? It may well have been.

Advocate Harwood: At that stage does it have to go through a formal Maxwellisation process?

490 **Mr Parr:** A formal?

Advocate Harwood: Maxwellisation... when you issue a draft do you expect comments on factual errors? (**Mr Parr:** Yes.) And it is purely factual errors?

495 **Mr Parr:** Well, the opinions are mine and the judgements are mine. We do not normally invite comment on judgements and opinions. We do send every report to the appropriate authorities. So I think it went to the Committee and to the Chief of Police, Head of Law Enforcement, for a factual accuracy check.

500 Now what does a factual accuracy check mean? There is no hard and fast rule. We do have guidance on our website about what that means, but if we say you have got seven police stations and you say, no, we have only got six, or something like that, then that is a clear factual accuracy check. Sometimes we will get back in response questions of balance and fairness and, 'I think you are being harsh,' and, 'Are you sure about that?' etc. What we do when those come back is we sit down and we go through them comment by comment with a template which says, 'We said this. The organisation we are inspecting is kicking back against it on these grounds,' and I would say taking all the reports we do a third of the time we completely give ground, a third of the time we do not give ground at all and a third of the time we say, 'No, actually that would be fairer to adjust that factual error.'

510 **Advocate Harwood:** Again, in this context when you issued your draft report – I think it was in May and we will get that confirmed – would the recommendations have been included at that stage, (**Mr Parr:** Yes.) or do you put them in later?

515 **Mr Parr:** No, the recommendations would have been made at that stage.

Advocate Harwood: In terms of getting feedback, do you know in this particular instance was there much disagreement between the Committee views and the Head of Law Enforcement?

520 **Mr Parr:** I cannot remember. This is some time ago and, as I said, we do a lot of reports. I am not even sure – maybe you can ask people later on – if we got two separate responses or whether we got a joint one. I cannot remember. But it was reasonably extensive, nothing abnormal.

525 **Advocate Harwood:** Okay, and finally, just on the process of the Report, the extent of co-operation you got both from the Committee and the officers and from the Head of Law Enforcement, was that satisfactory?

530 **Mr Parr:** Very satisfactory. Completely open, very positive, very helpful for the team that were out here. That does not happen everywhere we go; sometimes you find people obstructive and uncooperative. We had the exact opposite here.

Advocate Harwood: Thank you very much.

Mr Parr: No problem.

535 **The Chairman:** Thank you, Mr Parr. Is there anything else you would like to add?

Mr Parr: No. I think that is all.

The Chairman: Thank you very much for your attendance. Thank you for coming.

EVIDENCE OF Mr Patrick Rice, Head of Law Enforcement

540 **The Chairman:** Mr Rice, good morning.

Mr Rice: Morning, sir.

545 **The Chairman:** Thank you for attending, Mr Rice. You will be aware of the allegations that have been made, if you like, against the political membership of the Committee for Home Affairs in terms of involvement in the operational activity of policing and these references in the Report, that no doubt you have seen, about specific requests for enforcement action in particular cases.

550 On the basis of evidence that has been supplied to the panel, are there any specific examples that you want to talk about?

555 **Mr Rice:** I think discussions around these issues place me in a very difficult position because I have always been cautious about commenting publicly in any way that could be construed or misconstrued as a criticism of the Committee. I am a public servant with political accountability to the Committee. However, I am also a statutory official who is responsible for the delivery of Law Enforcement and it is sometimes difficult to balance those two things.

But you have asked me a direct question and I therefore am obligated to answer.

560 Before I do, sir, can I just pick up some of the points that were made by Mr Parr (**The Chairman:** Yes, of course.) in relation to that letter on 30th November?

I wrote to Mr Parr because I wanted to seek clarification on certain matters, because I was slightly confused about media comments that were being made – i.e. there were no operational

interference and issues around governance. I sought clarification. He was kind enough to send to me the letter that he sent to you on 30th December and I received that yesterday and I am grateful for that.

565 I just think with regard to paragraphs 8 and 10 there is some positioning that needs to be articulated in relation to that before I go on to the examples, because I do not think paragraph 8 and paragraph 10 clarify the situation enough for me. **(The Chairman:** Okay.) I have never in any criticism said there has been political interference. I think that is important. It is operational interference that I have raised with the Inspectorate.

570 Just getting back to that letter and paragraph 8, Mr Parr says that media reporting is saying the Committee *for* Home Affairs is interfering with operational policing. Mr Parr says, 'We did not say that in the Report'. I agree Mr Parr did not say that in the Report, but then went on to quote three examples:

'Nonetheless too much time is taken up in what appears to be tactical and day-to-day operational policing. This is properly the reserve of the Head of Law Enforcement.
Some [officers] provided examples of where they have been asked to take enforcement action in cases brought to the attention of deputies by members of the public. In addition, the Committee had discussed operational matters and agreed actions when no [Bailiwick Law Enforcement] representative had been present.'

The Chairman: This is page 94.

575

Mr Rice: Yes. So in my definition that is operational interference – clear and simple. I do not agree with Mr Parr where he says that it is not an issue where there is no Bailiwick Law Enforcement representative being present when law enforcement issues are discussed and actions are given to the Head of Law Enforcement. I think it is right and proper that the Head of Law Enforcement is there to enter into a constructive dialogue with the Committee to actually ensure the right decisions are made and the right information is given.

580

The Chairman: Are you able to tell us what that was about?

585

Mr Rice: I am not. I was asked to update the Committee on certain actions and I had no knowledge of those actions at all although they were attributed to me.

The Chairman: Sorry, I interrupted you.

590

Mr Rice: The other thing relates to paragraph 10, **(The Chairman:** Yes.) where it says:

'Any interference we found by the Committee or individual Deputies related only to attempts they made to secure law enforcement action against those they suspected of offences'.

595

What that paragraph seems to be suggesting is that politicians, in my view, can direct law enforcement action. That is certainly not my understanding of the Policing Protocol of 2011 which was set up in England that we have been talking about. Paragraphs 18 to 30 of the protocol actually articulate what the responsibilities are of a chief officer in relation to operational policing, and it is quite clear that the professional discretion of the police officer, that is a constable right through to the chief officer, is protected in law and protected in common law. So politicians cannot direct law enforcement action.

Advocate Harwood: Can I come in?

600

You use the word 'direction'. Others may say, well, they were not directing you but were requesting you to follow up something. Can you be clear – **(Mr Rice:** Yes, I can.) what you mean by direction?

605 **Mr Rice:** I can give you an example. If we talk about the flashing cycle lights, the Committee directed that I contact cycle groups and run an awareness campaign. Flashing lights are illegal in the UK but the simple fact is Guernsey law has not yet caught up. Our focus in Law Enforcement is on safety, as such we encourage cyclists to use lights. That is our core focus. It is better to be seen by other road users. That we believe is a proportionate response.

610 We took the operational position that it was counterproductive to the message we were giving to cyclists if we sought to target them for using flashing lights. Yet, one of my officers received a request from a Deputy – and it was a request – to conduct an awareness campaign highlighting these lights are illegal.

615 While this may appear a relatively minor issue, if you carry out an awareness campaign the clear implication is that we are backed up by enforcement action. You create the perception in the minds of the public that if they see an individual cycling with a flashing light and there is a police officer there enforcement actions are going to be taken.

The Chairman: I understand the point you are making but it is not quite the same thing as directing enforcement action against an individual. That is not what you are saying?

620 **Mr Rice:** No, but what it is...there was a second email that was received where I had a clear direction from a Member of the Committee to comply with the instructions. That, I was not prepared to do. I was not prepared to conduct that awareness campaign because it would have led to enforcement. Those are the issues that I have referred to around operational interference.

625 **The Chairman:** But having declined that request, how was it left between you and the political Committee on that particular matter?

630 **Mr Rice:** What happened is that the Chief Inspector of Operations met with a Deputy who originally raised those matters; they met, went through it in great detail and a proportionate response was given to him. And the Deputy in question then engaged and acted with complete probity on the matter.

635 **The Chairman:** Okay. Are we at liberty to say who that Deputy is?

Mr Rice: It was Deputy Leadbeater.

640 **The Chairman:** Are there any other specific examples that you want to bring to our attention? I am particularly driving at the point that we were talking about in paragraph 10, which is this suggestion that there have been attempts to secure law enforcement action, because I think that is the highest level of potential criticism. Are you able to help us with specific examples? Because what we have not really been able to get from the previous witness was any sense of specifics. Can you assist us with that?

645 **Mr Rice:** I think it is important. So if we look at the two examples, I have already talked about the cycling, the flashing lights; just giving you another brief overview of that, the Roads Policing Sergeant did receive an email from Deputy Leadbeater stating that the Committee thought it would be a good idea to contact all cycle groups. My response to that was the Chief Inspector would be tasked with developing a proportionate response and working with Deputy Leadbeater if Deputy Leadbeater engaged with them.

650 The next one is I received a response from another Deputy asking that I confirm the Chief Inspector would action the Committee's request. I consider that email to be directing me to target a section of the community and I was not prepared to do that. So that is that particular example.

655 **The Chairman:** Deputy Queripel.

Deputy Queripel: I just wanted to ask, Mr Rice, do you accept that in the absence of a Law Enforcement Commission, for example, that it is the Home Affairs Committee that has to take on that role of providing oversight and holding the Force, the services and indeed yourself to account?

660

Mr Rice: Yes.

Deputy Queripel: I am just trying to understand your appetite or tolerance for political oversight and political interest in operational matters.

665

Mr Rice: I welcome political oversight. I welcome constructive and strategic engagement. We cannot do our job efficiently and effectively without it. But there are clear dividing lines. There are boundaries that must be kept.

670

Deputy Queripel: We just heard from Mr Parr that even if you set up some sort of protocol that those boundaries and those lines will not be perfectly defined. So how do you feel that you are going to get around –?

675

Mr Rice: I think you have to work through in the development of a protocol. If you look at the structure in the UK, I think it is the Police Reform and Social Responsibility Act 2011, it says both PCCs and chief constables must pay due regard to the Policing Protocol Order 2011. So there is some compliance that sits within that to ensure people do engage.

680

The Chairman: Can we go back to talking about brass tacks? In the information that we have seen there are a few examples that I think I would like you to talk to; 5 and 6, I think.

Mr Rice: Would you like to direct me to them?

685

The Chairman: I think that would be helpful.

Mr Rice: Thank you.
Yes.

690

The Chairman: Number 5.

Mr Rice: Number 5 or 6?

695

The Chairman: Number 5 to begin with, yes.
I just want to get more of a flavour of what it is that you think ...

700

Mr Rice: If we look at that, Members will recall last year that there was a video published on social media of a bus driving on the wrong side of the road and I received emails from two Deputies asking if the Police were investigating because they were concerned about the amount of social media activity in relation to it. I looked into the matter and confirmed to the Committee that the Police had received no complaint about the incident and therefore we were not investigating because, as I explained, the comments on social media did not constitute a complaint that the Police would take action on. A Deputy, as a result of that, actually emailed his colleagues urging the Committee to stop being dragged into such operational matters.

705

The Chairman: Which Deputy was that?

Mr Rice: That was Deputy Graham.

710 If there is an item on social media it does not necessarily require a Police response. Of course we will look at it if we get a complaint but I do not think Deputies should be referring such matters to us of that particular nature.

The Chairman: A lot of this depends on the actual wording and the context –

715 **Mr Rice:** Of course it does.

The Chairman: – of what was said. Are you at liberty to say ... I suppose there are two things but we probably need to be precise in terms of exactly what the nature of their request to you was about this and who really, if we are going to be making allegations we need to be specific, I think.

720 **Mr Rice:** Okay.

The first email I get is on 15th August at 19.35 from Deputy Oliver.

The Chairman: Is this 2017?

725 **Mr Rice:** Yes. It is referring to the bus.

'This has gone wild both on Twitter and Facebook saying it is because it is a bus driver the Police are taking no action. Please can we firstly confirm that everyone is treated equally and that this was a mistake and in extraordinarily long queues and if it had been a normal driver we would not have taken action as well?'

I am reading verbatim from it.

'I do not want the public to think bus drivers are given special treatment'.

That is, in my view, an unnecessary intervention by a Deputy at that particular point, suggesting that we do not treat people equally.

730 **The Chairman:** But did you believe that to be a direction to take enforcement?

Mr Rice: I think what it does is it causes priorities to be shifted. The impact it has upon the workforce is that when you get requests like this from the Committee they tend to treat them as a priority and it actually shifts the priorities that are going on at that moment in time.

735

The Chairman: Did you think it was a direction to take enforcement action?

Mr Rice: I thought it was an unnecessary email.

740 **Advocate Harwood:** But did you think it was a direction from the Committee because it was just from one Member of the Committee?

745 **Mr Rice:** I think there was another email from Deputy Lowe in relation to this and I felt this was an unnecessary hullabaloo coming on about this which could have caused people further down the chain of command to take this as a priority, and it was not a priority.

The Chairman: Again, what was the actual wording of that email?

750 **Mr Rice:** Okay, let me read that to you.

The Chairman: Because clearly we need to be able to form some sort of assessment whether this was a direction or (**Mr Rice:** Yes.) less than that.

Mr Rice: The response was:

'Beat me to it, Victoria. I have been asked a few times today are the Police taking action against this driver for dangerous driving? I assured them I would be sending an email tonight passing on their concerns and comments. Two States' Members have phoned and asked, 'Are they getting calls? Are they equally concerned by what they have seen or heard? Patrick, could you please copy us all in when replying?'

755 This is a bus that is doing a particular manoeuvre and then we go on to –

Advocate Harwood: Are you seriously suggesting that is a direction? Again, I –

760 **Mr Rice:** I think it is subtle, sir. I think it is a very subtle way of doing it.

Advocate Harwood: It is the same question I asked Mr Parr. Politicians throughout the universe are going to be taking up issues that have been raised with them by concerned members of the public. Are you saying that it is wrong for a Deputy to do so in the tone that you –?

765 **Mr Rice:** No, I do not. I think it is wrong that the Deputies contact the Chief of Police about this issue.

Advocate Harwood: Who else would they –?

770 **Mr Rice:** I think they should be contacting the Duty Inspector if they are raising concerns about offences.

Advocate Harwood: Okay, but is that a lack of communication? Are Deputies not aware that proper communication is through the –?

775

Mr Rice: That may be the case, but I do feel that it is unnecessary getting involved in low level matters of this nature.

780 **The Chairman:** You know what Guernsey is like. (**Mr Rice:** Yes, I do.) You have been here a few years now. Doesn't one have to accept to some extent that there is a level of micromanagement in Guernsey or is it that policing and law enforcement is just different and that is less acceptable in that particular realm?

785 **Mr Rice:** I have never known a situation in the eight years I have been here where you have this level of focussing on low level issues. I have never encountered it before.

The Chairman: Alright. Thank you.

790 I think I asked you about number 6 as well, which ... Actually, before we just turn to that, are there any other specific examples in relation to this suggestion of directing law enforcement action that you wanted to tell –?

795 **Mr Rice:** Not necessarily directing law enforcement action. Directing me to take a course of action, (**The Chairman:** Directing action.) and the example that I want to quote you – and it is more general in terms of operational interferences – is that a Deputy contacted me, copying in other Members, to request that I increase the salary of a specific member of staff who had tendered their resignation as a means to encourage them to stay. That Deputy then phoned that particular officer and that Deputy subsequently met with that disgruntled member of staff and reported back to the Committee.

800 I think that is unnecessary interference in operational matters and policing matters which are my concern – the direction and control and support of staff.

The Chairman: So what you are saying there is more along the lines of general, what you would consider to be, interference (**Mr Rice:** Yes.) in operational matters. That is a slightly different point.

Again, for clarity, which –?

805

Mr Rice: That was Deputy Oliver.

The Chairman: Right and when was that?

810

Mr Rice: I am afraid the date of that would be ... July 2016.

The Chairman: Okay. Yes. Could I ask you to speak to number 6 as well, which again I think is less to do with directing enforcement action and a more operational related matter?

815

Mr Rice: That references a complainant being invited to the Committee meeting to confront me. That is what HMIC Report says.

The complainant was talking about, in their words, the ridiculously long queue to go through at customs.

820

The Committee invited him to meet with Members. I strongly advised the Committee in writing, as did the then Chief Secretary, against doing so, stating there were well-established complaints processes and the gentleman should be obliged to follow them.

Some four months later, I was at a Committee meeting and I was informed that the complainant was attending and I was told to stay. I declined as I felt it was inappropriate and repeated my earlier advice to the Committee.

825

I felt that situation was done with a view to undermining my position, my leadership of the organisation, because I think there is an established complaints procedure; I think to escalate something and give an individual who has got a complaint an audience at this high level is unnecessary. Also we are talking about actually, in essence, what was an operational matter here because the individual was talking about the costs and benefits, the Committee were then discussing around shift rotas and shift patterns and the deployment of people, and the Committee were then discussing about how checks should be intelligence led. These are all operational matters and if that complaint had been referred to us straightaway, instead of four months for the individual being seen, we would have had a senior officer see him very early and go through the issues with him.

830

835

Sorry, just one point. At that particular time –

The Chairman: Again, when was this?

Mr Rice: That would have been August 2017.

840

At that particular time, what we want is our officers to exercise their powers diligently and professionally; what we had at that time was a group of individuals who were targeting officers off duty because those officers had been taking action against them. They were videoing them on duty and off duty, and an officer and his wife were followed around the supermarket by these individuals videoing them.

845

What I do not want – and I think this is where I believe it is an operational issue – for me to have stayed there at that meeting, to have taken that complaint, would have sent the wrong message to my staff around leadership, around the policies and the processes that are in place, because we want our officers to use their powers diligently, because if we are going to keep the Bailiwick safe we need to be vigilant all the time, and officers, quite rightly, will need to exercise their powers to do that and I do not want them to be afraid to do it and things escalate unnecessarily.

850

Advocate Harwood: Can I just turn back to a couple of operational issues which have been picked up in the Report?

855 First of all, its concerns about the ITC (**Mr Rice:** Yes.) and we have heard from Mr Parr already. Given that you are in charge of operations and you want to maintain that role, at what stage had you escalated the concerns about the ITC system? Were you aware of the concerns (**Mr Rice:** Yes, I was.) and the degree of concern?

860 **Mr Rice:** At that time the IT function was within the Committee for Home Affairs, and I am talking long before this Committee was in place. I had raised my concerns in writing and in meetings with individuals at senior level in Home Affairs about the state of the IT. In fact, we prepared a document for them, outlining a number of areas of outstanding work that we really needed to be completed to enable us to move forward on particular projects.

865

Advocate Harwood: Had you taken sufficient steps to make people aware of the actual impact upon the effectiveness of your organisation?

Mr Rice: Yes.

870

Advocate Harwood: You say you raised it with the Committee, but had you taken any further steps more recently to actually try to escalate the situation or get it remedied?

875 **Mr Rice:** Yes. What has been really beneficial is the move to ISS, because what we have seen is a different focus and that we had early engagement with ISS.

The Chairman: Sorry, what is ISS?

Mr Rice: It is the information technology people.

880

The Chairman: Right.

Advocate Harwood: The central group.

885 **Mr Rice:** The central group. So we had early dialogue about identifying what the issues were that we needed, because we had a number of projects ongoing at that time and what we found is the service we were getting when it went to Frossard House improved significantly.

890 **Advocate Harwood:** The next operational matter is obviously staffing and morale; and the Report, I think, highlights that there is a concern about morale here. Again, that is within your sphere of operational control. The point has been made that we should take comfort, or suggested that we should take comfort, from the fact that morale reported is actually better than it would be in the UK, but it is still quite surprisingly evident that there is a significant lack of morale.

895

900 **Mr Rice:** I think if you look at the issues, the poor IT was one of the biggest impact factors on morale because officers were coming to work and not able to log on to their systems. I think morale is not a fixed thing; it can change depending on what is going on in the circumstances. What we do with morale: we are not complacent; we have a significant wellbeing strategy where we are looking at how we engage with our staff and have various themes and work programmes around food, exercise, diet, all those things, to engage with our staff. Our wellbeing strategy has actually been adopted by many other States' departments.

905 **Advocate Harwood:** Again, linked to morale, are you satisfied that the way you managed the merger of the heads of Police and Border Control ... were you able to manage that in terms of morale of staff? It did concern a lot of staff, didn't it?

910 **Mr Rice:** Yes, we had a governance structure. It was called the Restructuring of Law Enforcement which was aimed to bring the two services closer together. That was a governance process that we used to deliver some of the work strings that we were seeking to achieve in there.

Morale, when you are changing the working environment, changing working patterns, is always something you need to be alive to, and we certainly were not complacent around the impact it was having on staff.

915 **Advocate Harwood:** In retrospect, do you think there was anything you could have done better at the time?

920 **Mr Rice:** I think the limbo that the two organisations find themselves in at the moment needs to be addressed and, on reflection, I think going back to when the one Head was created, a more adventurous decision should have been made and to have gone to a full merger.

Advocate Harwood: Did you try to activate that?

925 **Mr Rice:** I did not think that was appropriate at the time because clearly there has to be a political buy-in to that and it was quite clear when the one Head was created there was not that political appetite, and I think it was about looking at bringing the two services together. But on reflection, to answer your question, Advocate Harwood, I think in retrospect perhaps we should have gone the full step.

930 **The Chairman:** Can I just cover off two final matters before we move on?

Mr Rice: Yes, sir.

935 **The Chairman:** Obviously, I sense the frustration of what you are saying about your relationship with the politicians in terms of the operational matters, but at an earlier stage in this political term did you have that frank discussion with the politicians about what your understanding was, the principles of where your job starts and where their job starts and where your job ends and where their job ends? They are the ones who ...? Did you have that frank discussion?

940 **Mr Rice:** I would have thought that discussion would not have been necessary, looking at the experience that sits on that Committee, because having worked with one of the Members of the Committee very closely for a number of years, we did share discussions around interference and our frustrations around some aspects of decisions made by politicians.

945 **The Chairman:** Deputy Lowe?

Mr Rice: Deputy Prow.

950 **The Chairman:** Deputy Prow, sorry.

Mr Rice: We had a clear understanding of that.

955 Looking at the experience that Deputy Lowe has, I would have thought, being really frank with you, that it would have been unnecessary for me to have that type of discussion, bearing in mind that Deputy Lowe was on the previous political board.

The Chairman: But in the event of what you then say happened and the experiences that you had, did you not then think it might be an idea to perhaps have one of those very frank conversations?

960 **Mr Rice:** Absolutely, I did engage with the Chief Secretary then at that time to see how we could actually work together to deliver this and, on that particular point, can I –?

The Chairman: The Chief Secretary at that time was?

965 **Mr Rice:** Mark Lempriere.

Can I just refer you to, if we are talking about engagement, if I may – I am just trying to find the reference points, if you will just bear with me a second. (**The Chairman:** Yes.) If you look at the bundle of emails in sections 22 to 23, and I draw you to section 18 where we as a team –

970 **The Chairman:** Sorry, what page are you on?

Mr Rice: You need to go to section 18.

975 **Deputy Queripel:** Can I just ask, sir, is it clear that we are not looking at the Report here, we are looking at some documentation that has been submitted by Mr Rice?

The Chairman: Yes, that is right. That is correct.

Deputy Queripel: So members of the audience do not start looking through the Report.

980

The Chairman: Yes, that is quite right.

Mr Rice: What section 18 refers to is evidence of the concerns and frustrations, not only felt by me but other service chiefs and the two most senior civil servants within Home Affairs at that time.

985 This was in July 2017 where we wrote a joint report for the Committee outlining our concerns that the Committee were not conducting themselves in an open, transparent and constructive way. We sought to address this proactively with the Committee because of our collective desire to build a constructive working relationship. We desired constructive, strategic engagement. That was a proactive effort on our part to seek that level of engagement and understanding that you have just spoken about, Deputy Green.

990

Deputy Queripel: How was that received, Mr Rice?

995 **Mr Rice:** Positive. It was received positively. It was an early start, but I think we could have done more.

The Chairman: Okay, so this was July of last year?

Mr Rice: Yes.

1000

The Chairman: Alright. I think I just want to ask one more thing and then I will let you add anything else.

1005 Just to come back to the Report, there is the suggestion in the HMIC Report that a failure of medium-term financial planning led to delayed recruitment. I think the suggestion is that that then caused overtime payments to, in effect, cost the taxpayer more money. Is that something that you want to amplify? Is that something you recognise?

Mr Rice: I think you need to separate the issue around the delay in recruitment with the issue around a medium-term financial plan, because I think they are two different –

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The Chairman: I only make the point because that is what seems to be in the Report.

Mr Rice: They are two different things. We should be having a medium-term financial plan that is looking ahead, looking at our finances so that we can project forward; and that would assist our move towards developing strategic objectives and priorities. The issue around the delay in recruitment was – and it was quite simple on my part – I did not know what my cash limit was going to be at the start of the financial year. It took some time for that to come through and I was not prepared to recruit because we received a letter from, I believe, from T&R – it was that construction at that moment – that there might be a supplementary budget cut that year.

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1020

The Chairman: What year was this?

Mr Rice: I am sorry. What date is there in the Report?

1025

The Chairman: I think the reference is probably on page 92. Yes, it is the final paragraph of page 92. I might as well quote it now we are into it:

'The absence of a committee level medium-term financial plan has also caused problems for –

Mr Rice: It was 2016, sir.

The Chairman: ... financial planning. In recent years BLE has not learned how much money it would have until part way through the financial year. We were told that in 2016 there had been significant delays in finalising the budget'.

1030

Mr Rice: Yes.

Advocate Harwood: Is that the same subsequent here or has that been improved?

1035

Mr Rice: It has been rectified now, but I do think a medium-term financial plan, looking ahead, looking at what our budgets are going to look like so we can align our budgets to our strategic priorities, that has got to be a clear ingredient for success.

The Chairman: Yes. I mean this will be the final question.

1040

Obviously one of the main criticisms is that the Committee has not been focused sufficiently on strategic level matters. Is there anything else on the strategic side that you think has particularly created difficulties for you and your team on the operational side, so far as you want to –?

1045

Mr Rice: I would say what would have been of great benefit to us in moving forward on strategic issues is discussions around strategic priorities and defining those, being able then to align our finances against those priorities and the development of a medium-term financial plan, where we start to look at all of the service's target operating models, so that we can look at where are there efficiencies that we can achieve? For example, are there the opportunities to combine the back office functions across the whole of Home Affairs so that you are protecting the frontline in all the services? I think those would have been very useful early on in the term of this Committee.

1050

The Chairman: Okay. Is there anything else you would like to add, Mr Rice?

1055

Mr Rice: No, thank you.

The Chairman: I think we have detained you long enough. Thank you very much.

**EVIDENCE OF
Mr Colin Vaudin, Chief Information Officer
and Mr Sean Cowan, Head of Information Assurance and Service Delivery**

The Chairman: Mr Vaudin, Mr Cowan, good morning.

1060 **Mr Vaudin:** Good morning, sir.

Mr Cowan: Good morning.

1065 **The Chairman:** Or good afternoon, as it may be.

Mr Vaudin: Good afternoon, yes.

The Chairman: Hopefully we will not need to detain you for too long. Famous last words possibly!

1070 Mr Vaudin, obviously the HMIC Report concluded that the ICT provision for the Bailiwick Law Enforcement was among the worst we have seen. We know that ICT is a centralised function within the States of Guernsey in the last few years. Presumably that conclusion was not a surprise to you on your watch?

1075 **Mr Vaudin:** I think I would make two observations. Firstly, no, it was not a surprise and, secondly, I would possibly, dispute one of the comments Mr Parr made. I do not accept the comparison with UK forces that other law enforcement agencies across the UK may have poor ICT. I do not think that relates to Guernsey because actually we want to ensure our Law Enforcement agencies have the best tools in order to do their jobs. I understand his point but that is probably
1080 not where I would drive from.

The Chairman: And the other point?

1085 **Mr Vaudin:** The second point – I think it has been mentioned by both Mr Parr and Mr Rice – is a strategic decision was made in April 2017 to form what we call ISS – Information Systems and Services, the centralised IT function. **(The Chairman:** Yes.) That was a strategic decision in order to truly understand what was going on in ICT across all the Committees within the States. I think I have mentioned this in some areas before: not wanting to go and look probably is not acceptable. The decision to go and look is the criticality. Obviously the inspection, which we very much
1090 welcomed, took place effectively six months after that decision to form ISS, which was in May 2017, and there are a number of legacy issues here, so there was a time limit issue.

At that point, following correspondence between the Committee *for* Home Affairs and an exchange of letters between Deputy Lowe and Deputy Gavin St Pier, we had articulated that we were going to do a deep dive, for some of the reasons that Mr Rice had articulated, and bring in
1095 place a recovery and stabilisation plan, which has been executed and there is that time limit issue of when the report or inspection occurs, or the beginning of the inspection occurs, we are still finalising that deep dive and formulating the recovery programme. We are now into that formal recovery and stabilisation programme piece of work.

1100 **The Chairman:** What I do not understand about this is how we got in this situation in the first place. Are we able to say how we got here? We will certainly come on to the very important

matter of how we recover this position and the recovery package. We will talk about that in a moment. But I do not really understand how we have got to having a problem that has been identified by HMIC as among the worst IT they have seen. How did we get here?

1105

Mr Vaudin: I think it is both an issue within the Bailiwick Law Enforcement and the wider parts of the States. I think from when we formed ISS – and that was a strategic decision that was taken by Police & Resources and part of the justification by the Chief Executive Officer to employ me to find out what was really going on – when we looked across the entirety of the organisation and it is not so much silos *per se* but each of the departments in the past had their own IT functions. They were making – and this predates me – decisions on relative priorities within those committee areas, and I understand those are difficult and challenging decisions.

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What that leads to, of course, is an incoherent and inconsistent approach to IT provision across the entirety of the States. You are trying to balance – and I understand this from my previous experiences how this can be exceptionally difficult – long-term plans for investment, which IT are – these are big programmes ... **(The Chairman:** Yes.) IT projects historically – I would not say just in the States totally – never have a great track record of delivering what they want to do, and therefore making those decisions to deliver largescale IT projects compared to perhaps a shorter timeframe operational facility is always going to be a bit of a challenge.

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But that does lead to a position where you have inconsistent approaches, inconsistent professional standards, people buying bits of systems rather than looking at the totality of the system, and therefore – as mentioned by Mr Rice – you do have a situation where systems are slow or officers at the point of the inspection could not log on, and that is true. One officer reported to me back when ISS was formed and when the inspection happened, he would walk into the office some times in the morning and would not know whether he could work that day. That is an unacceptable situation to occur. I am pleased to report now, because I spoke to him in the last three weeks, he is now saying “Every day I now know that I can log on, sometimes it is slow.” So we still have much more work to do for the situation to be significantly improved.

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I think the officers who have been working in IT across multiple areas have done in some cases exceptionally good jobs to keep this stuff on the road. But without the imposition of professional standards of engineering and understanding the totality of how these thousands of applications and systems interact, and understanding how businesses intend to use these systems, we will have an inconsistent approach, which is what we have been addressing in the recovery programmes we put in place not just in Home Affairs but also in Education, Sport & Culture and Health & Social Care, amongst others.

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Advocate Harwood: Can I just ask how do you rank the problems with the BLE and their ICT experience in terms of priority? How far up the ranking is that, because the concern I have is if it is impacting the efficiency and the effectiveness of the Law Enforcement then that is a threat to the safety of the Island?

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Mr Vaudin: I think when we conducted the deep dive into Law Enforcement, which precedes part of this Report, it was quite clear there was an impact on officers carrying out their day-to-day duties, as Mr Parr articulated. But trying to narrow that down to a specific, ‘did it affect x, y and z?’ is somewhat more difficult. That is why supporting Bailment Law Enforcement has been one of our highest priorities.

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But of course we are balancing that against other priorities, such as IT provision in Health & Social Care, where once again we are delivering day-to-day operational services to the provision of the Island; and the same in Education, Sport & Culture. So across the totality we are trying and we report on a regular basis to P&R how we are balancing those priorities across providing services to 5,500 staff operating effectively –

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Advocate Harwood: So what you are saying is there is no particular priority of the BLE over those other services?

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Mr Vaudin: No, I think in the recovery programme for Bailiwick Law Enforcement we are currently running 21 different projects. Within those there are certain projects, within those certain applications that I would be using which have a very high priority compared to some of the other areas which people ... it is the needs-to-have versus wants-to-have, if you understand. So we are prioritising those areas which are critical to the delivery of law enforcement and critical to the delivery of health and social care, for example, rather than saying we will prioritise the totality of the IT recovery programme in Bailiwick Law Enforcement. It is more complex than that.

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Advocate Harwood: Can I just ask you again: is the prioritisation determined by lack of financial resource, lack of human resource? How do you deal with the budget? The work you are doing for BLE, is that coming out of the Home Affairs Committee budget?

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Mr Vaudin: One of the pieces of the work we did, of course, when we formed the Information Systems and Services was to consolidate the budget, so understanding where the budget is being spent was a complex issue in its own right.

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However, we are spending both minor capital and from the capital portfolio on these projects of work, above and beyond the traditional revenue spent in these areas. So for example, the totality of the cost we are looking at for the 21 tactical projects in this recovery and stabilisation phase in Home Affairs – and Mr Cowan will no doubt correct me if I get this wrong – is in the order of about £3.3 million in Bailiwick Law Enforcement.

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The Chairman: Mr Cowan, is that about right?

Mr Cowan: That is correct, £3.32 million.

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Advocate Harwood: Is that coming out of the capital fund or is that coming out of –?

Mr Vaudin: It is a mix of the minor capital which is allocated to ISS on an annualised basis and major capital programme. The entirety of the whole spend on various recovery and stabilisation programmes at the moment is running at about £7.7 million since the formation of ISS.

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The Chairman: That is all coming from central funds; (**Mr Vaudin:** Central funds.) it is not coming from the Committee for Home Affairs?

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Mr Vaudin: No, it is not.

Advocate Harwood: Do you have to put up business cases to justify each part of that spend?

Mr Vaudin: Yes, and following conversations with both Policy & Resources and the Treasury function, we have now put in place an area where an ISS portfolio board which I chair has delegated authorities in order that we can move ... The level of oversight and due diligence is the same but actually we do not for spends of under £250,000 on IT projects. I and my board can authorise that without –

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Advocate Harwood: That is the individual project, but the totality of that you said is £3.3 million?

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Mr Vaudin: In Law Enforcement, and £7.7 million across the entirety of the organisation. But, as we said before, we are dealing with a range of very long legacy issues and therefore once again

1205 there is a recognition, and a recognition by myself, and this has been passed on to the Policy &
Resources Committee who also accepted it over a year ago, so probably timescale wise before this
inspection happened. This is wider than just Bailiwick Law Enforcement. This is not purely a case of
throwing money at the problem, because, yes, I can do that and what I will say is actually I have
1210 never been to Treasury & Resources as it was or P&R as it is now and had a financial request
refused.

What we have got to balance is the level of change and why we want to deliver change and
what IT enablement of that would look like. Otherwise what you get is furtherance or an
incoherent approach of buying another piece of kit that might fix a particular problem rather than
looking at the totality of the issue.

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The Chairman: These 21 tactical projects that you talk about, what is the logic of those
particular ones being tackled and a priority?

Mr Vaudin: There are two areas. Firstly, stabilisation and recovery. So if systems are not
1220 working, we then need them up to a level where they can work and the term I use is 'it just works'.
That is the level of service our officers in our community expect, so 'it just works'. Beyond that it is
areas that deliver the maximum operational benefit, and that is a conversation that I have with
both the Head of Law Enforcement and, I forget his rank so my apologies, Nigel Taylor – whose
rank escapes me – Chief Inspector of Police, I believe he is – (**The Chairman:** Chief Inspector.) who
1225 heads up that. So we have regular engagements of where the priorities for the totality of Bailiwick
Law Enforcement sit.

The Chairman: Obviously, there were specific problems identified in the HMIC Report about
the ITC capability. When do you expect all of those particular problems to be addressed fully? Are
1230 you in a position to say?

Mr Vaudin: I think this addresses two areas. Some we can address in part of the recovery and
stabilisation programme. Some of them are actually wider than that. So for example, if the first
1235 were an application and its integration into the Law Officers Chambers, those are two different
entities not just within the gift of the Bailiwick Law Enforcement or indeed the Committee for
Home Affairs, which is why I think the ability to have, especially in these core enablers, I always say
IT in itself does not deliver any outcomes to anybody; it is how people use those devices. But
having those corporate functions that can work, not to P&R because I do not work to P&R, I
happen to sit there; I work to all the committee areas. That is where we can ensure we have
1240 consistency and coherency, rather than once again, 'I need one of these because I need one of
these,' and we get to a situation which we are dealing with at the moment, where we have 6,500
different applications across the States of Guernsey.

The Chairman: The question was by when? Are you able to have a stab at when?

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Mr Vaudin: The recovery and stabilisation programme has been going for a year, runs through
to the majority of next year to a point where I will be at a point where I can say I am satisfied the
basic level of IT provision in order to do law enforcement is now stabilised. We can now move
forward into transformation.

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Deputy Queripel: Sorry to interrupt you.

The Report talks in particular about a system called Themis. (**Mr Vaudin:** Yes.) That has a very
particular function and it says it is only fit for purpose in a limited number of respects. There was a
business case made for it in 2016 but it was never progressed. Is that one of the systems that you
1255 will be looking at in particular in regard to the Bailiwick Law Enforcement?

Mr Vaudin: That is one of the specific applications that we are talking about, yes.

1260 **Deputy Queripel:** That seems like a critical system to me. (**Mr Vaudin:** It is.) Have you prioritised work on that particular system?

Mr Vaudin: Yes.

1265 **The Chairman:** Mr Cowan, presumably you could give us lots of technical information about this, but on the basis that the panel does not know anything about the technicalities (*Laughter*) of information technology, we probably will not trouble you.

Is there anything else you would like to add in terms of how you see the recovery package, as it were, working in practical terms?

1270 **Mr Cowan:** I think Colin, the Chief Information Officer, has covered the majority of what I would wish to cover without going into the deep prioritisation of each of the individual tasks, to each of the individuals who is going to carry out those tasks.

The Chairman: Yes.

1275 Have we got any other questions?

Thank you very much. I think we will have a recess for five or 10 minutes.

*The Committee adjourned at 12.20p.m.
and resumed at 12.30 p.m.*

**EVIDENCE OF
Deputy Lowe, President; Deputy Prow, Vice-President;
Deputies Oliver, Leadbeater and Graham, Members;
Mr Adrian Lewis, Chief Executive,
Committee for Home Affairs**

1280 **The Chairman:** Deputy Lowe, first of all, clearly in the HMIC Report the Inspectors did conclude that they felt that your Committee was not particularly strong on strategic planning and medium-term financial planning. Mr Parr this morning was quite critical on that theme in terms of a lack of strategic planning. Based on the fairly heavily redacted minutes that we have seen, we have not really been able to content ourselves that your Committee has been particularly active on the strategic side.

1285 Deputy Lowe, what would you say to the central challenge that your Committee has not been engaged sufficiently on the strategic planning for your Department?

Deputy Lowe: Thank you for that.

1290 First of all, I just want to make it clear, because this is being recorded, the redactions were only parts of Home Affairs which were not part of Law Enforcement. All the minutes to do with Law Enforcement were sent to HMIC, so they have had everything, as indeed you have as well at Scrutiny. It is other areas of our mandate which are nothing to do with Law Enforcement.

The Chairman: Okay, but on this central charge of not doing the strategic stuff, what do you say to that?

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Deputy Lowe: First of all, there were plans in place when we started as this Committee in 2016 and there is an overarching plan for Home Affairs and indeed that is usually reviewed annually.

The Law Enforcement Plan lasts usually three years, so there is one for 2015-18, with a new one coming up for 2019-21.

1300 So from our point of view, because we were asking HMIC to have a look at this, and bearing in mind our first telephone conference call with them was in January 2017, so we are talking nearly two years ago next month this has been going on with having this review, it would be rather silly and rather wasteful of resources if we went out and carried out a new strategic review over Law Enforcement when we were actually paying somebody to go away and look at that, because it was

1305 in part of the terms of reference which were very broad to encompass that.

I think we have been heavily criticised about if we went down a particular route when we were waiting for a report to come forward.

The Chairman: But another theme of the Report really was that you were not doing the strategic activity because you were deflected by the operational minutiae. Isn't that the reality? That is very much the picture that the HMIC inspectors have painted. (**Deputy Lowe:** Sure.) Do you not accept that: the kind of over-activity on the operational minutiae at the expense of doing the strategic stuff that you should be? Is that a fair picture that they have painted?

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Deputy Lowe: I would say not entirely, because again it depends on what you are talking about when you are talking about operational minutiae. If you are talking about flashing lights and the things that are in that Report, those come under AOB once we have discussed and debated the main issues that are on the agenda. So it is not a case of the main thing on the agenda has been flashing lights and things like that. We have been carrying that forward, but adding to that.

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What actually happens at Home Affairs is we have what we call business monitoring meetings and they were held quarterly or six-monthly. We meet with all the service chiefs there. So we go through the plans that are currently *in situ*, whether they needed to be amended, how they are evolving. So the Committee are fully up to speed as we go along with all the service chiefs of how we are going along with those plans.

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So from that point of view, we probably hear from them more than what we would do if it was just the annual report or the annual strategic plan that they put forward before us, because it is very much involving documents right across Home Affairs.

The Chairman: Part of the problem here, isn't it, is that we are two or two-and-a-half years into the political term now; we only have four years in that political term and by basically saying you will get the HMIC Report and then you will do the strategic stuff, is that really acceptable given the amount of time that has already elapsed and the amount of time that is to go? Is it not unreasonable for you to have done rather more on the strategic side, even in waiting for the HMIC Report?

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Deputy Lowe: There were strategic plans in place. They are not sitting there with their arms folded saying, 'We have got to wait until the HMIC Report comes back because we have no direction.' They had directional plans before them, so the case was not to change the plans that were already *in situ* until we got it back from the HMIC Report when you were talking about the Law Enforcement.

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I think if we had actually gone ahead and put in plans in the first six months or a year without this Report coming forward, we would be sitting in front of you now and you saying, 'Don't you think that is totally irresponsible to change direction when you had no idea what HMIC were going to come back with in their Report? So it is almost like a Catch 22 really. (**The Chairman:** But →) It was not the case that we were holding up anything (**The Chairman:** Just a moment →) whatsoever because the plans were already in place.

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1350 **The Chairman:** Is it correct though, from my memory when we spoke to you only in September – this is why we are having this meeting here – obviously at that stage in September we did not have the final Report, but my recollection is that you had received a draft of the HMIC Report in about May of this year? (**Deputy Lowe:** Yes.) We are now in December. If we park for the moment the lack of strategic activity before the HMIC Report was received, is it not fair to say that since receiving the draft report in May that you could have gone into action overdrive on the strategic stuff since May? Has that been the case?

1355 **Deputy Lowe:** The clue was in the word ‘draft’ really. It was a draft report. As you heard from Matt Parr before, there are areas – usually a third – that they may change, a third that they accept and so therefore how are we to know from the draft report what they are actually going to come back with? We do not, and that is the very point of it as a draft. From our point of view –

1360 **The Chairman:** Advocate Harwood.

1365 **Advocate Harwood:** Can I just pick up on that? (**Deputy Lowe:** Okay.) I asked through the Inspector specifically when you received the draft back in May, ‘Did you include the recommendations? He said ‘Yes’. One of the recommendations clearly relates to governance issues and the protocol.

1370 Again, I do not understand why you did not feel that you could already start implementing that because that was a recommendation. We understand you have now accepted the recommendation, but were you seriously challenging it back in May?

Deputy Lowe: No, not on the recommendations at all.

1375 **Advocate Harwood:** So you could have taken steps back in May – at least support about this protocol issue or have some clear definition of the boundary between operational and political?

Deputy Lowe: The recommendations which we are taking forward – recommendations 5 and 6 – are very clear in what we need to do. We support all of those. Some of those –

1380 **The Chairman:** You support all their recommendations?

Deputy Lowe: We support all the recommendations, absolutely.

Some of those recommendations are not really for Home Affairs when you look at the back; some of them are for the Head of Law Enforcement and Her Majesty’s Procurer.

1385 **The Chairman:** Am I right in saying that although you accept the recommendations you do not accept the timeframe for implementation, because they are all effective at the end of January 2019?

1390 **Deputy Lowe:** Yes, on the draft there was not any date at all. It just said recommendations and there were question marks for the dates, so we did not have anything. There was no consultation with us whatsoever about how long we felt it would take or how long we could achieve it, what resources would be required for it as well.

1395 So added to all of that is that in the meantime we have appointed the new Head of Law Enforcement and he will be part of that as part of the recommendation to take it forward in January 2019, which is only a matter of three or four weeks and he will be in position for us to be able to take the recommendations forward.

The Chairman: Just on the Report, obviously you received the draft in May, how much of the draft report did you try to change?

1400 **Deputy Lowe:** We did not try to change anything. We pointed out a couple of areas where we felt it needed some corrections with regard to whether there was a plan in place, because we believe there was a plan in place where the Report said there was not. So it was areas like that that we actually sent forward.

1405 But the bulk of the Report ... We are not going to agree with everything in it. I think I have said publicly and I have said it in the States as well, if we wanted a report that was all wordy and all frothy we would have written it ourselves. It is 10 years since there has been a report and in our view it was appropriate, bearing in mind we had the Head of Law Enforcement, succession planning was key for us, we only started in May 2016 and before the end of the year a decision had already been taken to go out and consider a HMIC report.

1410 So all of that has slotted in rather nicely with us wanting to take it forward. We were hoping to have it a lot sooner than that. We did lots of chasing to ask for the Report because we wanted to do it before we went forward with the Head of Law Enforcement, because one of the main things on the terms of reference as well was: is it working; do we still need a Head of Law Enforcement; should it be somebody from Law Enforcement or Border Agency? So we had lots of questions on that to be able to take us forward on the planning side of it.

1420 **The Chairman:** Can I just come back to the fact that you received this draft in May? Obviously there are certain comments that you do not accept and these are some of the comments around the governance issue. We have talked quite a lot about page 94 and some of the observations there.

Upon receiving the draft in May, did you or your colleagues on the Committee challenge the judgements and interpretations that HMIC have made? Particularly page 94, which is this suggestion – and I quote again:

‘Senior [Bailiwick Law Enforcement] officers and staff felt similarly frustrated. They thought that deputies attempted to direct operational activity. Some provided examples of where they had been asked to take enforcement action in cases that had been brought to the attention of Deputies by members of the public.’

1425 Was that a particular judgement that you queried during the back and forth of when it was a draft report?

Deputy Lowe: I think with any committee there is bound to be frustrations at times when you are looking at reducing budgets and asking service chiefs or any chief officer to say we have actually got to reduce the amount of that. That is a healthy tension.

1430 I am quite comfortable with what has actually happened within the Committee, as indeed are the Committee that I work with, I am the leader of the Committee, which I believe that they have operated appropriately. I think Matt Parr covered that where we, and Deputies sitting across opposite me as well, will be contacted by members of the public and it is only appropriate that we feed that back. We are accountable to the public at the end of the day, but that is not interfering in operational matters as far as we were concerned.

1440 **The Chairman:** Obviously there were specific examples that Mr Rice raised, particularly this incidence of the photograph on the front of the Guernsey Press, the bus driver. There is this perception, isn't there, that Members of the Committee, if they have not actually attempted to get officers to take enforcement action, what they have done is potentially very unwise. Would you accept that?

I think the specific example on the bus concerned Deputy Lowe and Deputy Oliver. You will have heard what Mr Rice said about that specific example. Do you think that was unwise, Deputy Lowe, to begin with?

1445 **Deputy Lowe:** When I see things on social media, if I see anything regarding Law Enforcement, population management, anything, whatever I see I send across to the staff; they need to be

aware of what is being said out there. That, to me, is helpful. In fact a lot of the staff thank us for that because they do not necessarily always see it.

1450 But this political interference, I mean I have had questions in the States from Deputy Roffey asking me to encourage the Island Police Force to rigorously enforce the law on driving on pavements. Is that seen as political interference? We have been asked about speeding. Is that seen as political interference? We have been asked about cars that are parked in car parks; the Police should be doing more and we should be pushing the Police to do more. The response has
1455 always been, 'That is an operational matter; they have to prioritise it.' Look in *Hansard* in the States because I have said it enough times anyway: 'It is up to the Law Enforcement to prioritise.' You can draw attention to it, but it is not for us to say, 'You have got to get out there and you have got to start doing this.'

1460 **The Chairman:** There is a difference I think – I teased this out with Mr Rice – between a Deputy saying, 'Look, there is an area of particular crime or disorder or anti-social behaviour that I think we should look at or we should crack down on,' and on the other hand actually perhaps suggesting in a specific case that there should be enforcement action against a particular individual.

1465 **Deputy Lowe:** But that was never said.

The Chairman: Wasn't the danger – can I just ask the question – of contacting the Head of Law Enforcement in the context of a particular bus and a particular bus driver and some
1470 allegation, who knows what he or she did; isn't the danger that even if you were not actually attempting to get that individual prosecuted, you have very unwisely chosen to potentially create that impression in the mind of Mr Rice?

Deputy Lowe, do you see what I am driving at? Even if the charge is not that you have attempted to get that person prosecuted you have kind of left yourself wide open for that kind of
1475 allegation to be made.

Deputy Lowe: It is an allegation we have never had brought to our attention before. I only learnt this morning that we perhaps should not have been sending them to the Head of Law Enforcement. We have never had a direction from him to say send that to a particular police
1480 officer, whatever title they have got. So that is new for me.

If that had been the case that this has been niggling or annoying people in the past or the Head of Law Enforcement, I wish we had had attention to that. I would not have sent it forward to them and sent it to the right body that he felt more appropriate at that time.

1485 **The Chairman:** Deputy Oliver, I am conscious that you were trying to speak then. What is your answer to that? I think you sent the first email to Mr Rice on that particular subject matter. What was in your mind? Did you think that it was appropriate for that individual bus driver to be prosecuted?

1490 **Deputy Oliver:** There was a large thing on Facebook about it and then I had also had 12 people actually personally emailing me saying that there was a different level of law for public transport drivers rather than public drivers. So I just emailed saying, 'Please can you confirm that this is not the case?' It was not a direction to go and investigate it or anything like that.

The second one was that the high-tech forensics, the only person there was leaving, making
1495 Guernsey have to send all technology devices over to Jersey at a cost. I did ask whether, because there is a continuity of people being poached, as we quite know within the States, going over to the private sector. These people cost a lot of money to train up and I just asked whether it would be more cost effective to increase a salary rather than losing these highly trained people to the private sector and having to train another person, plus we had the additional cost of Jersey.

1500 **The Chairman:** Mr Rice, I think on that point was – if my recollection is correct – not happy with the perceived interference with operational matters. I think he said that you had phoned this member of staff and then met with him.

Deputy Oliver: I had not phoned anybody.

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The Chairman: Okay.

But do you see the point? Just to come back to the bus example, do you see how unwise that looks in retrospect? One thing we are going to come on to in a moment is whether the lessons have even been learned about this.

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Deputy Oliver: If you cannot ask a Head of Law Enforcement any questions that you are uncertain of then I am sorry I do not see there being an issue with that.

You either ask the Chief Secretary or you ask the person responsible, whether it be population management, whether it be Head of Law Enforcement. I am sorry I –

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The Chairman: But when it comes to individual cases – and I know it is difficult in Guernsey, I think we all know that – where a question arises whether somebody may be prosecuted or not, that is an area, particularly in the Home Affairs area, where political Members have to be very careful, would you accept?

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Deputy Oliver: But I had never said whether they should be prosecuted or not. I just said a generalisation between private drivers and bus drivers. There was nothing personal about the ... I did not relate it to a certain ... It was relating to a certain incident but then the generalisation came at the later paragraph.

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The Chairman: Okay. Advocate Harwood.

Advocate Harwood: Just to go on to another one, I cannot remember which Member of the Committee this referred to but there was this request for an awareness campaign –

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The Chairman: Deputy Leadbeater, I think.

Advocate Harwood: – and rightly or wrongly, Mr Rice interpreted that ultimately as a direction that there should be an awareness campaign, which conflicted with his view as to priorities and the more strategic issues.

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Deputy Leadbeater, do you accept that actually you overstepped the boundary insofar as you were actually trying to direct a particular course of action?

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Deputy Leadbeater: No, certainly not. It did not really happen exactly like that. The matter was raised in a Committee meeting at AOB when the Head of Law Enforcement was there. I am just looking through the minutes – you have got a copy –

Advocate Harwood: We have only got a redacted version, I think. I have not got a copy.

1545

Deputy Leadbeater: You should have a copy of the minutes; I thought they were laid to –

The Chairman: We have redacted copies.

Advocate Harwood: We have got redacted versions.

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Deputy Leadbeater: I can just refer back to them, if you just bear with me a second.

You have got to bear in mind that these are all 2016 as well, when the Committee had just been formed.

1555 So things like the points of contact were not exactly established, so instead of sending somebody an email, if you are in a Committee meeting with them you ask them the questions there. But the Head of Law Enforcement confirmed that he would take the query on board. I asked whether there was any legislation relating to flashing bicycle lights because I had had an enquiry, Victoria had also had an enquiry from a member of the public. So we just wanted to establish the legal position.

1560 Patrick said that he welcomed emails and enquiries like this and suggested that if we did email him we copied in the President. So there was no suggestion that this was anything other than just a general request. But then after that I had a meeting with Inspector Scholes and Sergeant Tom Marshall about this. This is when the suggestion of a road safety campaign was brought up by the two officers, saying that they would incorporate the education of the angle of lights etc. because
1565 that is where the problem comes from – not the flashing but the angle of the lights, these LEDs. They would incorporate the education of that into a wider road safety campaign. That information was fed back to the Committee and then as far as I was concerned the matter was put to bed.

Advocate Harwood: So you do not accept that at any stage you directed that awareness
1570 campaign?

Deputy Leadbeater: No.

The Chairman: Can I come back to Deputy Lowe?

1575 Just to round off the specific examples that Mr Rice was referring to, the other one he mentioned was in relation to one of your Committee for Home Affairs meetings, where Mr Rice had been at the meeting and I think you were due to have a gentleman who had made a complaint about the queue or line at Customs and the suggestion was that Mr Rice had been ordered to stay in that meeting, but bearing in mind there was already a complaints procedure
1580 that had been triggered, Mr Rice felt that that was inappropriate and left the room.

Deputy Lowe, you could look at that as a kind of classic example of, arguably, your Committee dealing with that kind of minutiae operational matters like that, rather than dealing with the important strategic stuff. Do you accept that? What is your recollection of that particular meeting?

1585 **Deputy Lowe:** The particular gentlemen who contacted me sent an email and made some suggestions, and accusations as well.

I informed the Committee about the email that I had received and the gentleman concerned said he was not going to get in touch with the staff as there would be no point in getting in touch with the staff.

1590 So after discussing it with the Committee under AOB, it was decided that I would ring up the gentleman concerned and see exactly what it was he was trying to say, and inviting him to put in a formal complaint. I phoned up the gentleman concerned asking him if he would put in a formal complaint and he said no, he would refuse to do that. In fact our minutes actually reflect that when the gentlemen attended he explained to Members that he wanted to explain to the
1595 Committee his experience first-hand and that this was not an official complaint. So he made that very clear. He made it clear to me on the phone and he made it clear to me and the Committee Members in there.

1600 What he was saying was he would like to have seen what he was suggesting as some form of constructive criticism that may help future planning down at the Border Agency and we had no problem with that. Are we going to turn around and say we do not want to talk to anybody? Absolutely not. Which goes back to what we were saying before: if somebody wants to speak to you are you going to say, 'You cannot speak to me, I am Home Affairs'? 'Yes, but it is under your mandate.' 'Oh, yes, but I cannot speak to you.'

1605 **The Chairman:** Does that need to be done in a formal minuted Committee meeting though? It does not really, does it?

1610 **Deputy Lowe:** You can take it which way you like. It can either be done in a formal Committee meeting, as we did, with minutes or under the Rules, which I am sure you will be aware of, if a Member of the States actually meets with an individual to discuss an item you have to take your Chief Secretary with you. (**The Chairman:** Yes, but –) So you either take your Chief Secretary with you to go and see the gentleman concerned or you bring in the gentleman to come and attend the meeting.

1615 **The Chairman:** Yes, I suppose the point I am driving at is it does not need to be in your regular Committee meeting. It can be done outside of that. But do you see, again, that it is the picture that is being painted, isn't it? (**Deputy Lowe:** Okay, let me –) You are dealing with the gentleman who is annoyed about the big queue at Customs but you are not doing the important strategic activities? That is the point. Shall we –?

1620 **Deputy Lowe:** I need to follow up on that (**The Chairman:** Alright.) because this was as an extra meeting –

1625 **The Chairman:** Then we need to get on to something else.

Deputy Lowe: The normal Committee for Home Affairs meeting took place as it would be at the normal Committee meeting during the afternoon. We met this gentleman at a separate designated ... just to be able to come in and do that, with a couple of other items on that agenda. But it certainly did not take up the main meeting, whatsoever.

1630 **The Chairman:** Okay. I will try to bring in other Members just at an appropriate juncture.
Deputy Lowe, I know you accept the recommendations. I know there is an issue about the timings and we will come on to that in a minute. I believe your Committee accepts the areas for improvement and you accept the vast majority of the commentary in the Report.

1635 Am I right in saying though, that the only bits of the Report that you do not accept are the critical comments around the governance? Is that the only part of the Report that you do not agree with? You accept 90% of it, but there is a part of it that you do not accept which is actually the part of it which is the most critical. I suppose the question is, if I was looking at this matter completely without any knowledge of the individuals concerned that could look very convenient, couldn't it? All the good stuff you take credit for, but the criticism you distance yourself from. Do you see the point I am making?

1640 **Deputy Lowe:** Absolutely not. We have not distanced ourselves whatsoever with that. We fully support the recommendations there.

1645 **The Chairman:** I am talking about the comments.

Deputy Lowe: What we are saying is it is taken out of context and there is a huge difference when you have got something in that Report there which has been taken out of context.

1650 **The Chairman:** Are you saying that the comments around governance, pages 94, 93, are you saying that has been taken out of context? In what way?

1655 **Deputy Lowe:** They cross-reference to further in the Report. So you cannot take something out just in a separate area there, you have to look at the whole Report in completeness for it.

1660 When we explained the areas, if you talk about the flashing lights or you talk about the wing mirrors; put into context that is hugely different to just, 'We are talking about wing mirrors.' When there is a fatality and a member of the public has actually drawn attention that there was a mirror in the road and they had reported this and yet it was still there and nothing had happened; and then they got in touch with us and said, 'You are still asking ...' Law Enforcement, '... for witnesses to come forward and yet nobody has got back to me over this.

The Chairman: Yes, I understand that.

1665 **Deputy Lowe:** So when you start talking of that you are not talking of wing mirrors *per se*, you are talking of something quite serious here –

The Chairman: Yes, I understand that.

1670 **Deputy Lowe:** – which is important.

So regarding the recommendations at the back and talking about the governance, of course we recognise governance issues there. We would be really foolish not to. There is no point in having a report that will come back and say, 'Well, we do not actually agree with that.' We agree with it in context and we will actually take this forward as we intend to do.

1675

The Chairman: What I am struggling with – and perhaps you can help my understanding – I will bring in the Vice-President in a moment, Deputy Prow – is this: you accept recommendation 6, which is about having a proper protocol in place to deal with the governance problems, but what you do not accept, what you dispute, is the judgement that HMIC made which led to that recommendation? Do you see what I mean? What they are saying is there is a recommendation in number 6 to deal with a particular problem of the boundary between strategic and operational being blurred, but you are not accepting the judgement made that led to that conclusion in the first place. Can you help me? Deputy Graham? Can you help me understand that because I do not get it?

1685

Deputy Graham: I know exactly what you are getting at and I am going to try to help you see it with more clarity. (**The Chairman:** I am obliged.)

1690 I hope when I come at it from the perspective of somebody who prior to joining the Committee had spent half of my career at least in another area not too dissimilar to Law Enforcement, Guernsey Police & Border Agency, and the whole business of command and delegation and the interface between the operational and the political.

1695 Funnily enough, it was with that specifically in mind that as we sat down in the early days of that Committee in 2016 that every single bell was ringing in my head that we needed to have an independent review of the Border Agency and the Police together, particularly because it had not been done for 10 years, and particularly because in the previous committee's time the two elements had been put closer together for collaborating under one single head. It was a natural question to say to ourselves, 'How is it going?'

1700 Once we knew how it was going we could then turn to, 'Okay, so how can we now nudge it along?' It was for that express reason and we very early on detected that interface between the political and the operational was a very sensitive area. (**The Chairman:** Yes.) That was why we explicitly, when writing the terms of reference, put that in; and it was there for a purpose.

1705 This is all leading up to answering your question directly. (**The Chairman:** Excellent.) We cannot deny that the perception in some elements of the Police & Border Agency are that we got that interface wrong on some occasions. Our difficulty is we do not always ourselves understand that the instances quoted would logically lead to that conclusion. But we have to accept that we got that bit wrong in terms of we should not actually be convincing you, we should be convincing

our new designate Head of Law Enforcement and his senior officers. In other words, if that is the perception that some of them, have we as a Committee taken that on board?

1710 Certainly, when you say do we accept the recommendations, I accept that recommendation in that spirit. We need to sit down and work things out.

The Chairman: The question specifically was: your Committee accepts recommendation 6 on governance but does not accept the critical judgement made on governance by HMIC. I was just trying to probe that disconnect.

1715 Deputy Graham and then Deputy Prow.

Deputy Graham: Our difficulty is that, frankly, we cannot always understand the alleged incidents that led to those conclusions. But what we cannot deny is that some conclusions have been made along those lines and it is up to us now to get on and confront it.

1720

The Chairman: I will bring in Deputy Prow in a minute.

The difficulty we have got is clearly there are things in black and white in this Report and there are clearly things that have been said, both by Mr Parr and by Mr Rice, that make it difficult for us to disregard. (**Deputy Graham:** Yes.) So what we are trying to get from the political Members is a sense of how you see it.

1725

Deputy Prow, do you take this point? You are the Vice-President of the Committee. Your Committee accepts recommendation number 6, but it seems to be subject to what Deputy Graham just said: the judgement that HMIC made about the governance – a very critical judgement – you do not seem to entirely accept that. What I want to know is whether the lessons of this process have been learnt by the political Members, because I do not want any repeat of this.

1730

Deputy Prow: Okay. Thank you, Deputy Green.

Deputy Graham has very eloquently put it into context. To answer your question, I listened very carefully to what Matt Parr, the HMIC Inspector, said and I picked up on the word 'balance', and it goes back to a question you asked Deputy Lowe.

1735

Can I just put some balance into this, please, because Deputy Graham has alluded to the fact that we were a new Committee and given the background, so I will not repeat that; but what I can tell you is that when I read the Report my issue with it was more around the context and around the balance of it. I think it is very important to note any question of balance. I have counted over a hundred substantive policy papers just on Law Enforcement alone.

1740

Please also bear in mind that whilst we are discussing the HMIC Report, the Brexit piece falls to the responsibility of Law Enforcement. So there was a great deal of strategic and policy being discussed considering Law Enforcement, (**The Chairman:** Yes.) and that a lot of the items that are described on page 94 are around areas of 'any other business' once the business of the Committee had been concluded. Also the Committee holds many extra meetings. A regular time, I think, is between 2 o'clock and 5.30 p.m. On many occasions we also meet in the morning.

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So the idea and this question of balance that Mr Parr ... that we spend our time discussing representations from the public – and I think he said that was laudable; it is certainly a word he used – under AOB is to the detriment of the strategic direction. So my worry and concern with the Report was a matter of balance and context because that is not the reality.

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I will give you another example where we did make strategic direction, as mentioned in the Report around cybercrime. That has not been mentioned. The reason that that came about is because of imperatives that were brought to us and we decided that it was important and it was right to make a strategic decision before the HMIC Report was actually produced.

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Advocate Harwood: Can I just pick you up on that, because on page 94 in the second paragraph they reported:

'In addition, apart from a recently published strategy on cyber-crime ...

They are acknowledging that strategy you talked about. It goes on to say:

... we were unable to find any strategic direction by the Committee concerning the future requirements for the structure of BLE for the middle to long term'.

1760 Do you accept that criticism? (**Deputy Prow:** Yes, because –) Do you accept there was a lack of strategic direction by the Committee (**Deputy Prow:** No.) concerning the future requirements of the structure of BLE?

1765 **Deputy Prow:** No. What I, and I think the Committee, agree with wholeheartedly is that with the recommendations we need to give that strategic direction and, as Deputy Graham has pointed out, we wanted to do that with the benefit – and I think it was absolutely right and proper – of the published Report, not a draft report. That is, I think, the reality of the situation.

1770 **The Chairman:** Just on recommendation 6, obviously, some concern about implementing it at the end of January has been expressed and I think I understand that, but I think what we want is some sense of assurance that this protocol is going to be put in place in a timely fashion.

Deputy Prow, what is your view regarding the undertaking of a follow-up inspection by HMIC in perhaps six, nine, 12 months to verify and validate whether these recommendations have actually been implemented effectively? What is wrong with that?

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Deputy Prow: My answer to that, and where I would ask Scrutiny to really take notice, is this Committee is absolutely committed, now we have these recommendations, to delivering on them. We are also absolutely committed to working with Law Enforcement because a lot of the areas of improvement are specific to Law Enforcement. (**The Chairman:** Yes.) They are operational. (**The Chairman:** They are.) And we are absolutely committed to working with the new Head of Law Enforcement to deliver them.

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To answer your specific question, it will be a matter for the Committee whether we have a follow-up review. I would note that in the last review that happened 10 years ago, this is precisely what happened. There was a review in 2005 and in 2017 there was a specific follow-up review.

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The Chairman: In 2007.

Deputy Oliver: In 2007.

1790 **Deputy Prow:** Sorry, 2007. I beg your pardon.

That review was specific to looking at whether the recommendations of improvements had been met, so there is a precedent set, but I would say that is a matter for the Committee to decide.

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The Chairman: Yes.

Deputy Lowe.

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Deputy Lowe: Can I just come back because you keep coming back to recommendation 6, rightly so, I get that? (**The Chairman:** Yes.) But we have already met with Policy & Resources as a Committee to discuss this Report and Policy & Responses have been extremely helpful and supportive. They recognise that we have not necessarily got the resources to be able to take forward some of these recommendations. They have assisted us with that. We have already got somebody in place and we have already started the ball rolling on sorting that out. So it is not the case of we have left that, we have actually got on with that.

1805

The Chairman: Yes, I understand that.

1810 I think the nub of all of this really is what confidence can the community have going forward that the Committee for Home Affairs is really going to fully respect ...regardless of what has happened in the past...is the Committee going to fully respect the proper operational independence of Law Enforcement whilst doing what needs to be done on the strategic direction? That is what the community needs to have confidence in and I think members of the Committee now need to be persuading us why we should have confidence that you are going to do this.

Deputy Prow.

1815 **Deputy Prow:** Yes. I have some experience in law enforcement and I think the Head of Law Enforcement alluded to that when he gave his submission. I would go back to the question of balance and what Matt Parr said to you this morning, which is that what is absent – and we were waiting for the review to recommend, and it has done – is some sort of structure where this can be properly managed; and that is an area that, for me is quite clear, needs to be put in place.

1820 Now you might say, well, why didn't we do it earlier? We have given you the answer to that. I think that what you need is a framework. But what is absolutely clear – and I have been on both sides of this ... (**The Chairman:** You have, yes.) In my experience sitting around the Committee – and I agree with the President, we have got a very good Committee – is that at no stage was an improper direction given. Representations from the public were passed on and suggestions were made; and what was quite interesting from his submission this morning was the Head of Law Enforcement himself made it quite clear that he would not take any such direction and he would not take any operational interference, as would I not have had done in my previous experience.

1830 **The Chairman:** Yes, although what Mr Rice was saying – and this is the general tenor of his evidence this morning ... the general tenor of his evidence was that on more than one occasion he felt that there was political overreach going on. I mean that is pretty much his *cri de coeur*, wasn't it? Not wanting to open up the specifics but the general tenor of what he was saying was he felt that his territory was being trampled upon.

1835 **Deputy Oliver:** It is a shame he could not come and speak to us.

1840 **Deputy Prow:** Clearly, I do not want to go over the submission of the Head of Law Enforcement, he has made his submission. All I can do is tell you the Committee's perspective and that it is quite clear now that this Committee understands the question of operational independence.

The Chairman: Has that always been the case?

1845 **Deputy Prow:** What is lacking, in my view and I would submit, in the Report is a proper structure. Even then, as the HMIC Inspector said this morning, there would still be grey areas. This Report should be about looking forward and sitting down with the new Head of Law Enforcement to find the proper ways and channels that the Committee can provide its oversight function and to do that in a way that Law Enforcement are comfortable with. If you were asking me does that come out of this Report, yes, it does.

1850 **The Chairman:** Advocate Harwood.

1855 **Advocate Harwood:** Can I just pick you up? You used the word 'structure' several times in that answer that you have given; are you suggesting actually that there needs to be some sort of formal committee? Or can I ask generally how does the Committee intend to implement recommendation 6? Is it going to be a protocol or some ... Law Enforcement Commission?

The Chairman: It was previously to be a Law Enforcement Commission.

1860 **Advocate Harwood:** How do you anticipate that?

Deputy Lowe: I can answer that for you.

The Chairman: Deputy Lowe.

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Deputy Lowe: Going back to the Policy & Resources Committee, when we met them, there is already a person in place, Professor Katherine State, who is already working at Health & Social Care to enhance its governance. So we are not the first one to be looking at governance and how it operates. It is already taking place across the States, but Health & Safety were first.

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That lady has agreed to now come and work with us to be able to take that forward as well, to look at a new governance model to encompass all the factors detailed in the recommendation.

Advocate Harwood: What is your –?

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Deputy Lowe: That has already been agreed and –

Advocate Harwood: What timescale is she going to be working on?

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Deputy Lowe: We are meeting with the lady on Friday and I think she is coming to the meeting on Monday, but we have already started that and taken pace on that.

Advocate Harwood: But the suggestion that this should all be done by 31st January 2019 is presumably off the mark?

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Deputy Lowe: As I said earlier, that date came out of the blue, (**Advocate Harwood:** Yes, I know.) and bearing in mind that we were chasing for this Report for several months – not weeks, several months, we were asking for this Report to come back to us, so it is quite a considerable time of waiting for it.

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That said, we will get it done as quick as we can. Hence we have already started it. It was not the case of we will wait and there is a new Head of Law Enforcement who should be part of that –

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The Chairman: I am glad to hear that and I understand the point you are making, but can I push you slightly and say, if not today, can you commit as soon as possible to make an announcement publically as to when these recommendations will be implemented? I am not going to hold you to say it now, (**Deputy Lowe:** Fine.) but I think it would be helpful for the community to understand exactly when some of this stuff will be implemented. That would be useful.

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Deputy Lowe: Sure. I said it in my statement in the States last week or the week before: apart from having Scrutiny today ... Bearing in mind we have already met Policy & Resources; we put on a presentation for all States' Members to come and discuss the Report with us – only nine turned up; and then we have got Scrutiny today and then the Report is going before the States to be agreed to, so with the new Head of Law Enforcement this has already started.

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It would be wrong ... I cannot tell you until we have spoken to the lady on Friday and get a timeline on it, but part of my update reports, which are six-monthly, I will be made aware of where we are with them.

The Chairman: I only say this because you have raised the point about the presentation put on for States' Members, but we were aware that that was going to be a closed session and was

1910 going to be Chatham House rules and effectively none of the information that was going to be forthcoming was going to be able to be used today. So we felt that as a scrutiny panel we would not take part in that.

Can we –?

1915 **Deputy Lowe:** There was nothing actually that was said, that we have not said today.

The Chairman: No, fair enough.

1920 Just to go back to the recommendations, recommendation 1 is about your Committee, in consultation with the Head of Law Enforcement and stakeholders, to carry out a post-implementation review and future options appraisal. Again, do you have any sense of when that could be done? Certainly, I think we would like to be able to inspect any post-implementation review. The usual rule is that post-implementation reviews are not publicised, but do you think in this case there would be a good case for publication of that?

1925 **Deputy Lowe:** We would have to discuss it as a committee. We are not against this recommendation at all. We have agreed all that. There is going to be a cost to that. We have not got that money; it was not calculated within our budget. We have spoken to P&R about that. So we will have to see the outcome of whether we can have funds to carry that out.

1930 I think from my point of view, and I am sure I speak on behalf of the Committee, the message has to go out that we have an excellent Law Enforcement, both in the Police and indeed the Border Agency. Has the law enforcement ground to a halt while this has been going on? No, it has not. Have crimes been dealt with appropriately during that period of time? Yes, they have. Has the Border Agency been doing their job to make sure the Island is safe and secure? Yes, they have. There is a small element which has been raised – probably too much so when you listened to Matt Parr this morning – who are saying they want to make more of it than actually the good report that is actually in there about the operations within Law Enforcement and indeed Border Agency.

1940 **The Chairman:** Would you accept though that the success and the merit of the local Law Enforcement team is achieved despite the lack of strategic leadership by the Committee? You can read the HMIC Report in those terms, can't you? The Police and Border Agency, very successful, low crime community and all the rest of it, but an absence of political strategy at the heart of it. Do you see the point I am making?

1945 **Deputy Lowe:** Well, I could be flippant and say well obviously it is not needed if it is successful and they have been getting on with it and we have got a good Law Enforcement.

But, of course you need a strategy and you need a plan. I am serious about that part of it and we will continue to do that and we will take that forward. I mean we are going around in circles really because have already covered that.

1950 **The Chairman:** Advocate Harwood.

1955 **Advocate Harwood:** Can I just come back to recommendation 1, because as well as the post-implementation review, there is a reference to future options and appraisals, and Mr Parr, I think, and Mr Rice both referred to the concern they had about the lack of vision for the future of the BLE; is it to be maintained as two separate organisations under one head or is there going to be further merger?

As part of recommendation 1 will you be considering and putting forward suggestions for the future vision for BLE? Because that also impacts on ICT – we have heard that. (**Deputy Lowe:** Yes, sure.) You cannot do the ICT strategy going forward until you know what you want to do with BLE.

1960 **Deputy Lowe:** Yes, there is very much an awful lot of work to do with the new Head of Law Enforcement, of how to take this forward. We certainly will be looking at ways of whether we should be having another appraisal. I think it is healthy.

Bearing in mind it was us that asked for this Report. (**Advocate Harwood/the Chairman:** Yes.) It has taken 10 years. We in our term will do what we can to make sure that we keep on top of things until we get the checks and balances.

Advocate Harwood: But do you accept that as part of the strategic direction for your Committee, it is appropriate for you to consider the future structure of BLE itself?

1970 **Deputy Lowe:** Absolutely.

The Chairman: Deputy Prow.

1975 **Deputy Prow:** Yes, just on that, the answer to that is an emphatic yes and it must be an emphatic yes, because in the terms of reference that we set we set three for ourselves, i.e. for the inspector to look at us, (**The Chairman:** Yes.) and (c) says, 'Structure and combination of two BLE services.' This is what we asked HMIC to look at. Then, '... to review the single Head of Law Enforcement concept and review professional qualifications required for the position.'

1980 These are specific questions that we asked HMIC to look at. HMIC are used to inspecting Police and Law Enforcement. We put our heads above the parapet. (**The Chairman:** Yes.) Advocate Harwood's question ... We wanted their opinion around the structure and combination. They have come back with recommendation 1, which is basically that it needs to be looked at further, frankly. (**The Chairman:** It does.) So the challenge has come back to us to do it. Do we accept that? Yes, we do. We also asked them – HMIC – 'to examine Bailiwick Law Enforcement objectives in an overarching governmental political context'. There are three bullet points: one about our low crime ... something that has not been described. Not only do we have an excellent Law Enforcement service, but we are also a low crime jurisdiction. Some focus around a very important area of economic crime; and the restrictions for cybercrime.

1985 So we asked HMIC to look at the Committee's role and of course – and Advocate Harwood has mentioned this – in terms of reference we set governance, including political relationships at interface, holding to account and levels of appropriate political change. So obviously it was in our minds when we came in as a new Committee that had not been inspected for 10 years, we wanted HMIC to give us their answers. We put our head above the parapet. We now have the information, Scrutiny have the information, States' Deputies now have the information and we are determined to deliver.

1990 **The Chairman:** Do you think a big part of the problem with this is the fact that Bailiwick Law Enforcement had not been inspected for such a long period of time and therefore do you think there is a case for saying there should be a statutory obligation for HMIC or whoever to inspect Guernsey Law Enforcement much more regularly?

2000 **Deputy Lowe:** Yes.

2005 **Deputy Prow:** Personally, yes and I definitely agree that in that 10-year period – it is more than 10 years – a lot of change happened in Law Enforcement, which I was involved in as a chief officer and I have now become involved in politically. So my personal answer to your question is a resounding yes.

2010 **The Chairman:** I am grateful for that.
Have you got any further questions, colleagues? No.

I think I just want to end on this note about rebuilding confidence for the future, because I think, to be fair, you have said you agree with the recommendations. I know there is an issue about the timing, but I have already made the point that if you can get a sense of when those recommendations might be implemented and communicate that publicly I think that would go some way.

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Can I also ask you, Deputy Lowe and your Committee Members, to really consider this notion of a follow-up inspection by HMIC? It is obviously a matter for your Committee. We have no power to impose that on you, but I really think that is something worth thinking about. And also the point we just touched on about statutory regulation, again I think that is worth thinking about and I would be grateful if you could discuss that further as a committee.

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Deputy Lowe: Yes, my personal view is I always think it is healthy to have a follow-up of these types of reports. It keeps minds focussed, although obviously we want to get on with it. I think it is healthy. I would encourage it. It would be down to the Committee to go down that route, whether they think it is appropriate or not, but my recommendation would be for that to take place.

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Deputy Graham: My only additional comment on that is having been myself in the same position as an operational commander, I would say that the timing of any follow-up should actually give the new Head of Law Enforcement time to make his mark. Whether that is after a year, whether it is after 18 months, is a matter for debate. (**The Chairman:** Yes.) But I think it would be a disservice to the Head of Law Enforcement because he only takes his role up at the beginning of January –

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The Chairman: I can see that point.

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Deputy Graham: – to do that too precipitously. He will have other things to get on with.

The Chairman: Yes, but you see the point about confidence?

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Deputy Graham: I do, yes.

Deputy Lowe: Yes, I do and very little has been said this morning about the 26 areas for improvement, (**The Chairman:** Yes.) and that is without the recommendations. I am surprised that has not been raised more by yourselves, to be honest, because –

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The Chairman: I think we referred to them.

Deputy Lowe: – that is a lot of areas of improvement.

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The Chairman: Yes, a lot of them are operational.

Deputy Lowe: Most of them operational, so I cannot answer those for you but I am surprised they were not asked earlier.

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The Chairman: Well, because they were operational.

Deputy Lowe: But obviously with the new Head of Law Enforcement that is going to be one of his priorities, I suggest. Some of those are going to be with us at Home Affairs as well, but I am pleased that we were before you this morning so I just wanted to thank you and your team in front, because I think it has given us an opportunity to expand on how we feel the Report has been received.

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2065 We welcome it. We asked for it; we welcome it. We take it very seriously. We are looking forward to going forward with it and indeed in the New Year with the new Head of Law Enforcement; and we will update you and we will actually give out more information once we know more, once we have worked with the Head of Law Enforcement.

The Chairman: Thank you very much.

2070 Can I just ask if other Members of the Committee, Deputy Leadbeater, Deputy Oliver, do you have anything else to add?

Deputy Oliver: Nothing else to add to it, no.

2075 **The Chairman:** Mr Lewis, you have sat there very silently. I assume you have got nothing to add.

Mr Lewis: Very wisely, yes. *(Laughter)*

The Chairman: Thank you very much.

2080 If there is nothing else to add I think we will call it a day. There will be a *Hansard* transcript of this hearing. I should also mention I will be giving interviews to the media this afternoon, but I think we will write down our observations as a panel which we will probably release in the public domain on Friday.

Thank you very much.

2085 **Deputy Lowe:** Thank you.

The Panel adjourned at 1.30 p.m.