

Governance of the States of Jersey Police – Follow Up

27 April 2022

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Summary

Introduction

1. In 2018 the then Comptroller and Auditor General (C&AG) undertook a review of the effectiveness of the design and operation of the governance arrangements of the States of Jersey Police. The review:
 - considered the overall arrangements for the governance of the States of Jersey Police; and
 - focussed on two specific areas:
 - one relating to a human resources issue; and
 - one relating to the development of the Medium-Term Financial Plan.
2. My predecessor's 2018 review recognised progress made since establishing a Police Authority under the States of Jersey Police Force Law 2012 (the Law). The 2018 report concluded that further steps should be taken to enhance the accountability and operational independence of the States of Jersey Police. A series of recommendations was made relating to:
 - overall arrangements
 - human resources; and
 - finance.
3. The implementation of some of the recommendations made was dependent on changes being made to legislation. Amendments to the States of Jersey Police Force Law 2012 (the amended Law) were adopted by the States Assembly in its sitting on 11 May 2021.
4. This review has evaluated:
 - the arrangements established to manage and monitor the implementation of the agreed recommendations from the 2018 C&AG review
 - the progress the States of Jersey Police and other stakeholders, where relevant, have made in implementing the agreed recommendations
 - the extent to which the recommendations as implemented have addressed the improvement areas identified in the report; and

- the adequacy of plans for the implementation of any outstanding recommendations.

Key findings

5. The key findings from my review are as follows:

- the amended Law was adopted in May 2021 and has put in place a number of revisions designed to secure changes in the roles and responsibilities of all parties involved in the governance of the States of Jersey Police
- whilst the amended Law has given the enabling powers, some requirements are yet to be implemented and significant change in some roles is still required
- ten of the 14 recommendations made in the 2018 C&AG report have been fully or partially implemented. Further work is required to implement the eight recommendations that are either not yet implemented or are only partially implemented
- the enhanced role of the Police Authority, to monitor and oversee the States of Jersey Police and to promote and support continuous improvement, is in its early stages. A business case to request resources for the enhanced role of the Police Authority has recently been agreed in part, with some additional capacity for staff and training and funding for an inspection
- whilst the Police Authority is working well with the States of Jersey Police, the capacity and expertise to develop plans, set targets, analyse budgets and hold the States of Jersey Police to account have not been available. The Police Authority has been heavily reliant on one person to undertake all the administrative and business functions required by the recommendations and the legislation, which is not a sustainable option going forward. Further thought needs to be given to what arrangements are necessary to ensure the Police Authority has the appropriate expertise to enable it to fulfil its role more effectively
- operational control of the States of Jersey Police has been re-defined to be further removed from Government control and decision making. Article 7 of the amended Law changed Ministerial powers and requires the Minister for Home Affairs to consult with others in determining ranks of the Force and the appointment of the Deputy Chief Police Officer. A Tripartite Protocol has been developed by the Chief Police Officer which further clarifies the position
- the Police Terms and Conditions of service have not been reviewed since the 2018 C&AG report, but this work is planned for 2022

- the amended Law requires the Minister for Home Affairs to set policies in relation to the key aims and objectives of the States of Jersey Police. The amended Law also requires the Police Authority to prepare both an Annual Policing Plan and a Four-Year Policing Plan which considers the key aims and objectives set by the Minister, the efficiency and effectiveness of the States of Jersey Police and the resources available to the States of Jersey Police. The Police Authority does not currently set out performance objectives for the States of Jersey Police. Neither is there any evidence of high-level targets set by the Minister for Home Affairs for the States of Jersey Police. Whilst a Four-Year Policing Plan was developed for 2020-23, it has not been updated on a rolling basis and is now out of date. Further work is also required to develop a more detailed Annual Policing Plan. Annual Policing Plans have not been developed in detail since the 2020-23 Four-Year Policing Plan and have not been laid before the States Assembly as required by the Law
- at the time of my review an Annual Report on the States of Jersey Police had not been produced since 2018 despite there being a statutory requirement for one to be produced within three months of the end of each financial year. An Annual Report covering two years (2019 and 2020) was published on 28 March 2022, significantly after the statutory deadline. An Annual Report for 2021 has not yet been published
- improvements have been made in the visibility of police budgets and monitoring of expenditure by Treasury and Exchequer both in the Government Plans and in reports for the States of Jersey Police. However, further work needs to be undertaken to provide support to the Police Authority so that it can discharge its functions more effectively in respect of police budgets and expenditure
- the States of Jersey Police has a well developed framework for performance monitoring and has recently given permission for Police Authority officers to access all the data. However, there is currently no clarity on Ministerial objectives and no clear line of sight to objectives and subsequent performance. While the States of Jersey Police is monitoring performance, the Police Authority has yet to develop targets and performance measures for oversight and to enable it to perform the role of promoting and supporting continuous improvement in a meaningful way
- the Police Authority is responsible for arranging an independent inspection of the States of Jersey Police at least once every four years. Budget for an inspection has been approved for 2023 but it is not clear when this will be planned, who will undertake it and how any inspection regime is decided; and

- meetings take place regularly between the States of Jersey Police, the Police Authority and the Justice and Home Affairs Department (JHA). The Police Authority also meets quarterly. However, the agendas and papers are quite informal for these meetings and minutes, decisions and action logs are not consistently documented. As a consequence, it is difficult to assess whether these meetings are effective in delivering the objectives expected. Data security and business continuity arrangements are yet to be established. This leaves the Police Authority open to a significant degree of risk.

Conclusions

6. Overall, progress has been made in addressing many of the recommendations set out in the C&AG report of 2018. The legislative changes in the States of Jersey Police Force (Amendment No. 3) Law 2021 have strengthened the independent operation of the States of Jersey Police from the Government.
7. At this stage however, the Police Authority has not had sufficient resources to undertake the role envisaged in the recommendations of the C&AG report of 2018. The Police Authority is not yet adequately resourced and supported in a way that enables it to undertake its functions. There should be a further assessment in due course as to whether the planned additional resources will enable the Police Authority to undertake all its functions effectively.

Objectives and scope of the review

Objectives of this review

8. The review evaluated:
 - the arrangements established to manage and monitor the implementation of the agreed recommendations from the 2018 C&AG review
 - the progress the States of Jersey Police and other stakeholders, where relevant, have made in implementing the agreed recommendations
 - the extent to which the recommendations as implemented have addressed the improvement areas identified in the report; and
 - the adequacy of plans for the implementation of any outstanding recommendations.

Scope

9. The review extended to the implementation of recommendations in so far as they relate to the governance of the States of Jersey Police. It did not extend to:
 - arrangements entirely internal to the States of Jersey Police Force
 - the police complaints process
 - the governance arrangements for the honorary police; and
 - the merits of individual decisions.
10. The review followed the same scope as the 2018 C&AG report. It therefore focussed on:
 - the overall arrangements for the governance of the States of Jersey Police; and
 - two specific areas:
 - human resources; and
 - finances.

Detailed Findings

Overall arrangements

11. The 2018 C&AG report made seven recommendations in respect of overall arrangements. Progress against these recommendations is summarised in Exhibit 1.

Exhibit 1: Summary of progress in overall arrangements

| Recommendation | Current Position | Evaluation |
|---|---|--|
| <p>R1 Enhance the resources available to the Police Authority to discharge its functions, including by establishing and implementing a routine frequency for independent inspections of the States of Jersey Police.</p> | <p>Additional funding has been made available to the Police Authority within the Government Plan 2022-25. This additional funding was based on one of four options presented in a business case by the Police Authority.</p> | <p>Implemented</p> <p>Whilst additional resources have been provided, it is not yet possible to determine whether the additional budget is sufficient for the Police Authority to discharge its functions.</p> |
| <p>R2 Enhance the training and support available to members of the Police Authority to enhance their ability to discharge their responsibilities.</p> | <p>The Police Authority has built up good links with organisations in the UK to facilitate benchmarking and improvement.</p> <p>Additional resources for training have been approved in the Government Plan 2022-25. At the current time however, no additional training has been provided to the Police Authority members.</p> <p>The support arrangements for the Police Authority, in terms of Finance, Human Resources (HR) and Information and Communications Technology (ICT) need to be developed.</p> | <p>Partially implemented</p> <p>Additional resources have been provided recently. A full assessment of training requirements has not yet been undertaken and an appropriate training plan has not yet been developed.</p> |

| Recommendation | Current Position | Evaluation |
|---|---|--|
| <p>R3 Review whether it remains appropriate for the States Assembly to elect two members of the Police Authority.</p> | <p>Since this recommendation was made, the States Assembly have voted to allow up to two members of the Police Authority to be States Members.</p> | <p>Implemented</p> <p>The States Assembly have considered this recommendation but propose no further action.</p> |
| <p>R4 Develop proposals to amend the statutory duties of the Police Authority to ensure that they are focussed on oversight and improvement.</p> | <p>The statutory duties of the Police Authority have been amended in an appropriate way. There remains however a need to implement the new arrangements fully.</p> <p>Whilst there is a good schedule of meetings and effective dialogue between all the parties involved, Police Authority meetings are more informal, with papers, minutes, decisions and action logs which are not consistently documented.</p> <p>The Police Authority has not updated the 2020-23 Four-Year Policing Plan. The Police Authority has not produced a more detailed Annual Policing Plan with clear objectives linked to aims and targets.</p> <p>The Policing Plan has not been approved by the States Assembly in accordance with requirements.</p> | <p>Implemented</p> <p>Whilst the statutory duties have been amended, more work is required to implement the new statutory duties in an effective way.</p> |

| Recommendation | Current Position | Evaluation |
|--|--|---|
| <p>R5 In light of experience of the operation of the States of Jersey Police Force Law 2012 and the practice in other jurisdictions, develop proposals to amend legislation relating to the allocation of powers and duties to reinforce further the operational independence of the States of Jersey Police.</p> | <p>Under the amended Law, the Minister for Home Affairs still determines the ranks of the Police Force but is now required to do so following consultation with the Police Authority and Chief Police Officer.</p> <p>The amended Law requires the Police Authority to arrange for an independent inspection of the Police Force at least every four years.</p> <p>Resources have been allocated in the Government Plan 2022-25 for an inspection in 2023.</p> <p>The amended Law also gives the Minister for Home Affairs the ability to direct an independent inspection of the Police Authority by an independent body.</p> | <p>Implemented</p> <p>The Law has been amended to enhance operational independence.</p> <p>Consideration needs to be given to formulating an inspection plan which sets out when these are going to take place and by who.</p> <p>Consideration also needs to be given as to a future review of the Police Authority including a suitable baseline for performance and comparisons with other jurisdictions.</p> |
| <p>R6 Establish and document revised non-statutory arrangements relating to the governance of the States of Jersey Police, including:</p> <ul style="list-style-type: none"> • ending the current arrangement of the Chief Executive serving as line manager for the Chief of Police; and • enhancing the role of the Police Authority. | <p>The independence of the States of Jersey Police has been further defined by the development of a Tripartite Protocol between the States of Jersey Police, the Police Authority and JHA. This protocol clearly sets out the relative roles of the States of Jersey Police, the Police Authority and JHA.</p> <p>Record keeping and governance disciplines relating to the Police Authority are not sufficiently developed.</p> | <p>Partially implemented</p> <p>More work is required to establish effective governance arrangements in practice.</p> |

| Recommendation | Current Position | Evaluation |
|---|---|--|
| <p>R7 Evaluate whether the role of the Police Authority could be extended to cover other services where operational independence is important.</p> | <p>The Police Authority has not yet discharged its enhanced role with regard to the States of Jersey Police fully, as it has not had resources and expertise to undertake the functions. It is therefore premature to consider additional functions and services.</p> | <p>Not implemented</p> <p>The Police Authority needs to be able to discharge the functions required under the amended Law first before consideration is given to additional responsibilities.</p> |

Source: Jersey Audit Office analysis

Resources

12. The amended Law was enacted in May 2021. Since the time of my predecessor’s report, the Police Authority has continued with four Members supported by an executive officer. Since 2018 there had been no increase in the budget for the Police Authority until 2022.
13. The Police Authority is required to seek from the Minister for Home Affairs any additional resources needed to enable:
 - the States of Jersey Police to deliver its key aims and objectives; and
 - the Police Authority to perform its duties - namely monitoring the performance of the States of Jersey Police and to promote and support continuous improvement in policing. In addition, to arrange for the States of Jersey Police to be inspected at least once every four years.
14. In 2021, the Police Authority started work on a business case to allow it to undertake its extended responsibilities. The business case contained four options ranging from option one of no change through to option four including appointing a number of new members of staff. The Government Plan 2022-25 included additional resources based on option two of the business case. The additional resources approved are summarised in Exhibit 2.

Exhibit 2: Additional resources approved in the Government Plan 2022-25

| Additional resources | 2022 £ | 2023 £ | 2024 £ | 2025 £ | Total £ |
|---|-----------------|-----------------|----------------|----------------|-----------------|
| Inspection Budget | 0 | 100,000 | 0 | 0 | 100,000 |
| Training and Development for the Authority | 20,000 | 10,000 | 10,000 | 10,000 | 50,000 |
| Staff costs | 61,000 | 61,000 | 61,000 | 61,000 | 244,000 |
| Rent, training and travel, communications, publications and general overheads | 20,000 | 15,000 | 15,000 | 15,000 | 65,000 |
| Total additional resources | £101,000 | £186,000 | £86,000 | £86,000 | £459,000 |

Source: Government Plan 2022-25

15. The approved budget means that an inspection is not budgeted for until 2023. However, the last inspection was undertaken in 2018 so this does not comply with the amended Law which requires an inspection at least every four years.
16. At the time of my review the Police Authority had not received any formal notification of its budget for 2022. The Accountable Officer for the Police Authority is the Director General, JHA. The budget is held by JHA and is not within the control of the Police Authority.
17. Whilst there is a finance business partner for the States of Jersey Police, provision of such support for the Police Authority is less clear.

Training and support for Police Authority members

18. The Government Plan 2022-25 includes additional resources for training. At the current time, no additional training has been delivered for the Police Authority. The Police Authority will need to ensure that a training programme is delivered to equip members with the right skills and expertise to undertake the enhanced role envisaged. Additional training will also be required when new members are appointed to the Police Authority in due course.
19. The budget allocated includes an assumption that online training / States Assembly training can be obtained at zero cost from the States Greffe. The arrangements for this have however not yet been agreed.

20. The support arrangements for the Police Authority, in terms of Finance, HR and ICT have not yet been developed sufficiently to ensure that formal agreements are in place. In particular, data security and business continuity arrangements are yet to be established. This leaves the Police Authority open to a significant degree of risk.
21. An assessment of whether the Police Authority has the necessary time input and expertise to enable it to undertake its new functions will be fundamental in due course. Consideration will need to be given to an independent inspection of the Police Authority in due course which will help in determining any future capacity requirements. I note that the amended Law gives the Minister for Home Affairs the ability to direct an independent inspection of the Police Authority by an independent body.

Membership of the Police Authority

22. Following my predecessor's report in 2018, the States Assembly adopted changes to the Law in May 2021. After a vote in the States Assembly the proposed changes regarding the removal of States Members from the Police Authority were not included in the amended Law. As a consequence, the membership of the Police Authority continues to include two States Members.
23. As noted by my predecessor in 2018, the practice of the States Assembly electing members of the Police Authority from amongst its own membership is inconsistent with the practice in both Scotland and Ireland. Indeed, to reinforce the operational independence of the police service, there is statutory prohibition on serving members of the legislature sitting on the Scottish Police Authority and Irish Policing Authority respectively.
24. The Jersey Police Authority is therefore now made up of voluntary unremunerated members alongside two States Members, all of whom are expected to provide input for two days per month.
25. While there are now some resources for training and providing support to members, there is a risk that the time commitment and lack of remuneration could inhibit people with the right expertise becoming voluntary members. This could be a barrier to fulfilling the new role that is now expected from the Police Authority.

Amendments to statutory duties

26. The amended Law brought about a fundamental shift in the roles of the Police Authority, the States of Jersey Police and the Minister for Home Affairs. These were designed to address the recommendations made in my predecessor's report.

27. The Police Authority was given responsibility for promoting and ensuring continuous improvement, overseeing the States of Jersey Police, liaising with the Minister for Home Affairs to produce four year and annual plans and ensuring that independent inspections of the States of Jersey Police take place at least every four years.
28. Meetings take place between the Chair of the States of Jersey Police and the Chair of the Police Authority on a monthly basis. Quarterly meetings also take place between the Police Authority and the States of Jersey Police Senior Leadership Team. These quarterly meetings are referred to as the Performance Management Board (PMB). The PMB is well regarded by all parties and covers a wide range of issues.
29. The agendas for the PMB meetings include the 'Chief of Police's dashboard', Finance, HR and various other matters of interest. At the PMB the Chief Police Officer presents the performance data that the States of Jersey Police uses to demonstrate its performance.
30. The Police Authority undertakes limited oversight of the Police Force due to resource constraints and no measures of continuous improvement have been evidenced. The 'Chief of Police's dashboard' shows comparative performance with the same period the previous year but not against any baseline or targets.
31. Some progress has been made in terms of equipping the Police Authority to undertake these oversight responsibilities with additional resources included in the Government Plan 2022-25. However, there is significant work to be done in updating the 2020-23 Four-Year Policing Plan, developing a detailed Annual Policing Plan and in setting targets for the States of Jersey Police to reflect Ministerial policy.
32. The amended Law requires the Minister for Home Affairs to set policies in relation to the key aims and objectives of the States of Jersey Police. The amended Law also requires the Police Authority to prepare an Annual Policing Plan and a Four-Year Policing Plan which consider the key aims and objectives set by the Minister, the efficiency and effectiveness of the States of Jersey Police and the resources available to the States of Jersey Police.
33. The Police Authority does not currently set out performance objectives for the States of Jersey Police. Neither is there any evidence of high-level objectives set by the Minister for Home Affairs for the States of Jersey Police. In addition, Annual Policing Plans have not been developed in detail since the 2020-23 Four-Year Policing Plan and have not been laid before the States Assembly as required by the Law.

34. There are policing priorities and strategic indicators set out in the '*Our Policing Plan on a page for 2021*' document published on the States of Jersey Police website. Whilst this document refers to the Police Authority, it is not clear that these priorities and strategic indicators have been set or approved by the Minister or the Police Authority.
35. The amended Law states that it is the Police Authority's responsibility to prepare the Annual Policing Plan following the high-level objectives set by the Minister. Given the current level of resources this has not been undertaken by the Police Authority. There is a need going forward for the Police Authority to take a greater role in setting out the Four-Year and Annual Policing Plans, the objectives and the targets for the States of Jersey Police.
36. The amended Law also requires the Minister to decide whether to amend the Annual Policing Plan. He then must lay it before the States Assembly. There is however no record of the Annual Policing Plan going before the States for agreement since the Four Year 2020-23 Policing Plan.
37. The Police Authority is required, within 3 months after the end of each financial year, to prepare and submit to the Minister for Home Affairs an Annual Policing Report. The Annual Policing Report must provide a review of performance against the Annual Policing Plan and the performance of the States of Jersey Police generally. At the time of my review an Annual Report on the States of Jersey Police had not been produced since 2018 despite the statutory requirement. An Annual Report covering two years (2019 and 2020) was published on 28 March 2022, significantly after the statutory deadline. An Annual Report for 2021 has not yet been published. There is limited reporting of performance in the States of Jersey Annual Report and Accounts.
38. The amended Law states that the Police Authority must arrange for the Police Force to be independently inspected at regular intervals, defined as at least once every four years. Resources have been allocated in the Government Plan for an inspection in 2023. However, it is not clear when this will be planned, who will undertake it and how any inspection regime is decided.
39. The amended Law also allows for the Minister to arrange an independent inspection of the Police Authority.

Operational independence

40. The amended Law imposed a duty of efficiency and effectiveness on the Chief Police Officer and enhanced and reinforced the independence of the States of Jersey Police.

41. The Chief Police Officer demonstrates efficiency and effectiveness through the various reporting channels to his own Senior Leadership Team (SLT) and the Police Authority. However, as no high-level objectives have been set by the Minister or the Police Authority, it is difficult to make an assessment of efficiency and effectiveness of the States of Jersey Police as a whole.
42. Under the amended Law, the Minister still determines the ranks of the Police Force but does so in consultation with the Police Authority and Chief Police Officer. It is not clear however where this is documented. The Chief Police Officer is able to decide how many officers he appoints to each rank.

Revised non-statutory governance arrangements

43. The independence of the States of Jersey Police has been further defined by the development of a Tripartite Protocol between the States of Jersey Police, the Police Authority and JHA. This protocol clearly sets out the relative roles of the States of Jersey Police, the Police Authority and JHA.
44. A Police Authority meeting takes place either before or after the quarterly PMB meeting. I have not however been provided with any formal papers or minutes of any of the Police Authority meetings or records of any decisions taken. I have been informed that all the agenda packs and minutes have been lost in a transfer of data to the 'Cloud'. This raises important issues about business continuity, data security and back up files which need to be explored.

Further extension of the Police Authority to other services

45. The Police Authority has not yet discharged the new role regarding the States of Jersey Police fully, as it has not had resources and expertise to undertake the functions. It is therefore premature to consider extending its responsibility to additional functions and services.
46. An extension of responsibilities is something that may be considered in time once the Police Authority is sufficiently resourced and able to undertake the role envisaged. There will however be a need to evaluate whether the Police Authority members have the time and expertise to discharge an extension to their role effectively.

Recommendations

Government of Jersey

- R1** Notify the Police Authority formally of its budget for 2022 and beyond.

- R2** Review the level of Finance, HR and ICT support provided to the Police Authority so that the Police Authority can function efficiently and effectively.
- R3** Ensure the approved Annual Policing Plan is submitted to the States Assembly as required by the Law.
- R4** Undertake a formal review to evaluate whether the role of the Police Authority could be extended to cover other services where operational independence is important.

Police Authority

- R5** Undertake a full assessment of training requirements and develop and implement an appropriate training plan.
- R6** Undertake a review at the end of 2022 to establish whether the Police Authority has been able to undertake the duties conferred on it by the legislative changes within the resources allocated.
- R7** Ensure the Four-Year Policing Plan is brought up to date and approved and is updated and approved on an annual rolling basis.
- R8** Produce a detailed Annual Policing Plan for approval by the Minister for Home Affairs.
- R9** Establish, based on the aims of the Four-Year Policing Plan and Annual Policing Plan:
 - a performance baseline for the States of Jersey Police
 - objectives and targets to meet strategic and operational aims; and
 - arrangements to monitor performance and take action where targets are not achieve.
- R10** Develop and publish Annual Reports for the States of Jersey Police in accordance with statutory requirements.
- R11** Document a clear plan for the proposed 2023 and future independent inspections of the States of Jersey Police setting out when these will be undertaken, and by who.
- R12** Consider formally whether the time commitment envisaged for independent Police Authority members is realistic, and whether the current expectation in respect of time commitment and remuneration will continue to attract members with the right skills.

R13 Formalise the structure and documentation of Police Authority meetings to include:

- formal agendas
- papers posted in advance of the meeting
- records of all decisions taken at the meetings
- secure storage of records and minutes including appropriate back up facilities; and
- making minutes or summaries of meetings available in a transparent way.

Government of Jersey and the Police Authority

R14 Following the review undertaken to implement R4, evaluate whether the role of the Police Authority could be extended to cover other services where operational independence is important.

Human Resources

47. The 2018 C&AG report made four recommendations in respect of human resources. Progress against these recommendations is summarised in Exhibit 3.

Exhibit 3: Summary of progress in human resources

| Recommendation | Current Position | Evaluation |
|---|--|--|
| R8 Ensure that internal operating procedures clearly document the respective roles of different parties for police human resources issues. | There is no formal documentation that sets out the respective roles for HR issues. | Not implemented Whilst there is clarity of procedures in practice, more formal documentation should be put in place. |
| R9 Routinely review and update the Police Terms and Conditions of Service in response to changes in legislation. | The review of the Terms and Conditions of service has not yet taken place. I understand that this is planned for 2022. | Not implemented A review is planned for 2022. |

| Recommendation | Current Position | Evaluation |
|---|--|--|
| <p>R10 Where another department advises a Minister, involve the lead department for a ministerial portfolio to ensure that:</p> <ul style="list-style-type: none"> • where Ministers are asked to exercise statutory powers, civil servants prepare written advice weighing the advantages and disadvantages of different options; and • all Ministerial Decisions are properly recorded using the standard template and are centrally held. | <p>I have not seen evidence of any formally documented Ministerial Decisions relating to the States of Jersey Police in terms of setting objectives, or any decisions taken at the tripartite meetings between the Minister, the Police Authority and JHA.</p> <p>There is no evidence of where the Minister has set the high level aims and objectives for the Police Authority to use in formulating the Policing Plan.</p> <p>The reports supporting the Ministerial Decision in February 2022 to extend the appointment of the Police Authority members did not set out the advantages and disadvantages of different options.</p> | <p>Not implemented</p> <p>This recommendation has not been implemented.</p> |
| <p>R11 To reinforce the operational independence of the States of Jersey Police, bring forward proposals to amend legislation to reassign human resources responsibilities from the Minister for Home Affairs to the Chief of Police and Police Authority.</p> | <p>The amended Law enacted a number of changes to human resources in respect of the police that met the recommendation.</p> | <p>Implemented</p> |

Source: Jersey Audit Office analysis

Human resources operating procedures

48. Under the amended Law, powers over promotion and probation were transferred to the Chief Police Officer. The Minister is required to consult, where practicable, with the Chief Police Officer before appointment of a Deputy Chief Police Officer. This has been further reinforced by the Tripartite Protocol.

49. However, there is no formal documentation that sets out the respective roles for HR issues covering both uniformed and civilian staff. All staff, whether uniformed or civilian use the same HR processes, apart from professional disciplinary cases.

Terms and conditions

50. The 2018 C&AG report recommended a routine review and update of the Police Terms and Conditions of Service. At the time of this follow up report however no such review has taken place. I understand that a review is planned for 2022.

Ministerial Decisions

51. I have not seen evidence of any formally documented Ministerial Decisions relating to the States of Jersey Police in terms of setting objectives, or any decisions taken at the Tripartite meetings between the Minister, the Police Authority and JHA.
52. In February 2022, there was a Ministerial Decision to extend the appointment terms of the members of the Police Authority. This followed consultation with the Jersey Appointments Commission. Whilst the report accompanying the Ministerial Decision sets out the reasons for the decision, it does not set out the advantages and disadvantages of the options considered.

Human resources legislation

53. The amended Law enacted a number of changes to human resources in respect of the police. The Chief Police Officer now has operational independence and control of human resources. The Tripartite Protocol reinforces this.
54. Following the Chief Police Officer's appointment, a designated Deputy role was created which was designed to rotate every six months to different officers. However, the additional workload demonstrated that this was not an option that would work for the future and so an acting Deputy has been in place ever since.
55. It is envisaged that the Deputy will become a permanent post going forward. Discussions have taken place with an appointment to be approved by the Minister for Home Affairs.

Recommendations

Government of Jersey

- R15** Ensure that internal operating procedures clearly document the respective roles of different parties for police human resources issues.

- R16** Ensure that the planned review of the Police Terms and Conditions of Service is undertaken in 2022.
- R17** Ensure that reports accompanying all Ministerial Decisions include details of the advantages and disadvantages of different options considered in making the decision.

Finance

- 56. The 2018 C&AG report made three recommendations in respect of finance. Progress against these recommendations is summarised in Exhibit 4.

Exhibit 4: Summary of progress in finance

| Recommendation | Current Position | Evaluation |
|---|---|---|
| R12 Separately identify the resources allocated to the States of Jersey Police in the Medium-Term Financial Plan. | The budget for the States of Jersey Police is now identified separately in the Government Plan. | Implemented |
| R13 Give the Police Authority a routine role in advising Ministers in respect of the budget for the States of Jersey Police. | The amended Law, requires the Police Authority, in preparing the Annual Policing Plan, to consider the resources available to the States of Jersey Police. The Police Authority has not yet been able to deliver on this requirement. | Partially implemented Whilst the Law has been amended, the Police Authority has not yet been able to deliver on the new requirements. |
| R14 Align service and financial planning for the States of Jersey Police by moving to a multi-year Policing Plan. | Article 7 of the amended Law requires a Four-Year Policing Plan. Whilst there is a 2020-23 Four-Year Policing Plan in place, it does not set out any targets or whether the resources needed to deliver are adequate. It is also out of date and has not been reviewed on an annual basis. | Partially implemented More work is required to update the Four-Year Policing Plan. |

Source: Jersey Audit Office analysis

Transparency of resources allocated to the States of Jersey Police

57. Progress has been made in making the resources available to the States of Jersey Police more visible in the Government Plan 2022-25. Regular budget monitoring and reporting is evident and the Treasury and Exchequer business partner attends all States of Jersey Police SLT meetings.
58. Both Treasury and Exchequer and the Chief Police Officer are very clear on budgets and budgetary responsibilities and the status of the Accountable Officer. There is less clarity however over the Police Authority budget responsibility and accountability and that still lies within JHA with the Director General having Accountable Officer status.

Role of the Police Authority in advising Ministers on budgets

59. In preparing an Annual Policing Plan, the amended Law requires the Police Authority to consider:
 - '(a) the key aims and objectives set by the Minister;*
 - (b) the efficiency and effectiveness of the States Police Force; and*
 - (c) the resources available to the States Police Force.'*
60. As already noted however, key aims and objectives have not been set out formally by the Minister and the Police Authority has not set out a detailed Annual Policing Plan. It is therefore difficult to see how the Police Authority is able to assess the efficiency and effectiveness of the States Police Force without an Annual Policing Plan and targets. Whilst there are meetings where performance information is presented and debated, performance is not formally linked to efficiency and effectiveness and no decisions or actions are recorded.
61. It is evident that the Police Authority has been involved in discussions on the resources needed for the States of Jersey Police, but this appears to be on the numbers of uniformed officers. Indeed, the Chair of the Police Authority has submitted comments on numerous occasions to Scrutiny Panels on the proposals for the amended Law and the resources needed and, most recently, on the Government Plan 2022-25. Input provided in respect of the Government Plan 2022-25 included comments concerning the number of uniformed officers as well as about the proposed re-balancing savings expected of the States of Jersey Police.
62. The Police Authority has been supportive of the changes in the legislation but currently has not been able to discharge all of its enhanced functions due to lack of resources and expertise.

63. It is clear from interviews that there have been discussions on the Police budget between the Chief Police Officer and Treasury and Exchequer, but it is unclear how the Police Authority has been involved in these as there are no minutes of any meetings. The Police Authority has made representations on resources through the Scrutiny function as stated above and has submitted a business case for its own resources.
64. The States of Jersey Police has made savings in 2021 to contribute to the Government's re-balancing measures and has a further savings target of £836,000 in 2022. This sum has been separately identified with the majority coming from vacant posts that have never been filled. While not affecting the number of uniformed officers, which remains at 215 (the number agreed as necessary for functioning of the Police Force), there will inevitably be an effect from such a reduction in support services – posts that were seen as necessary following the staff review.
65. There has been no formal assessment by the Police Authority as to whether the level of vacancies being held is sustainable for the future.

Aligning service and financial planning

66. The amended Law requires a Four-Year Policing Plan. The current 2020-23 Four-Year Plan is however out of date and has not been reviewed on an annual basis.
67. The Four-Year Policing Plan does not set out any targets and does not clarify whether the resources available to deliver the Plan are adequate.

Recommendations

Government of Jersey

- R18** Introduce mechanisms for a stronger dialogue between Treasury and Exchequer, JHA and the Jersey Police Authority about resourcing requirements for the States of Jersey Police.

Police Authority

- R19** Formally determine in preparing the Annual Policing Plan whether the resources attributed to States of Jersey Police are sufficient.
- R20** Incorporate targets and resources aligned to the four-year Government Plan in the Four-Year Policing Plan.

Appendix One

Audit Approach

The review included the following key elements:

- review of relevant documentation provided by the Government of Jersey; and
- interviews with key officers within the Government of Jersey, the Jersey Police Authority (including the Chairman) and the States of Jersey Police.

The documentation reviewed included:

- Legislation - States of Jersey Police Force (Amendment No 3) Law 2021
- Policing priorities 2020/23
- Our Policing Plan on a page
- Police Authority Business case
- JHA Departmental Business Plan and budget monitoring
- Treasury and Exchequer report on the States of Jersey Police - 2021
- Government Plan 2021 - 2024, 2022 - 2025
- States of Jersey Police performance dashboard and data 2020 and 2021
- 2018 Performance framework
- PMB papers for 2021
- States Assembly meetings, agendas and decisions
- Scrutiny responses from the Jersey Police Authority 2020 and 2021

The following officers were interviewed or provided written input:

- Head of Policy, JHA
- Head of Finance Business Partnering, Treasury and Exchequer
- Executive Officer, Jersey Police Authority
- Chair, Jersey Police Authority
- Chief Officer, States of Jersey Police

- Head of Business Support, States of Jersey Police
- Acting Director General, JHA
- HR Business Partner, JHA
- Head of Business Support, JHA
- A Detective Inspector, States of Jersey Police

I would like to thank everyone who has contributed to this report. The fieldwork was carried out by affiliates working for the Comptroller and Auditor General.

Appendix Two

Summary of Recommendations

Government of Jersey

- R1** Notify the Police Authority formally of its budget for 2022 and beyond.
- R2** Review the level of Finance, HR and ICT support provided to the Police Authority so that the Police Authority can function efficiently and effectively.
- R3** Ensure the approved Annual Policing Plan is submitted to the States Assembly as required by the Law.
- R4** Undertake a formal review to evaluate whether the role of the Police Authority could be extended to cover other services where operational independence is important.
- R15** Ensure that internal operating procedures clearly document the respective roles of different parties for police human resources issues.
- R16** Ensure that the planned review of the Police Terms and Conditions of Service is undertaken in 2022.
- R17** Ensure that reports accompanying all Ministerial Decisions include details of the advantages and disadvantages of different options considered in making the decision.
- R18** Introduce mechanisms for a stronger dialogue between Treasury and Exchequer, JHA and the Jersey Police Authority about resourcing requirements for the States of Jersey Police.

Police Authority

- R5** Undertake a full assessment of training requirements and develop and implement an appropriate training plan.
- R6** Undertake a review at the end of 2022 to establish whether the Police Authority has been able to undertake the duties conferred on it by the legislative changes within the resources allocated.
- R7** Ensure the Four-Year Policing Plan is brought up to date and approved and is updated and approved on an annual rolling basis.
- R8** Produce a detailed Annual Policing Plan for approval by the Minister for Home Affairs.

- R9** Establish, based on the aims of the Four-Year Policing Plan and Annual Policing Plan:
- a performance baseline for the States of Jersey Police
 - objectives and targets to meet strategic and operational aims; and
 - arrangements to monitor performance and take action where targets are not achieve.
- R10** Develop and publish Annual Reports for the States of Jersey Police in accordance with statutory requirements.
- R11** Document a clear plan for the proposed 2023 and future independent inspections of the States of Jersey Police setting out when these will be undertaken, and by who.
- R12** Consider formally whether the time commitment envisaged for independent Police Authority members is realistic, and whether the current expectation in respect of time commitment and remuneration will continue to attract members with the right skills.
- R13** Formalise the structure and documentation of Police Authority meetings to include:
- formal agendas
 - papers posted in advance of the meeting
 - records of all decisions taken at the meetings
 - secure storage of records and minutes including appropriate back up facilities; and
 - making minutes or summaries of meetings available in a transparent way.
- R19** Formally determine in preparing the Annual Policing Plan whether the resources attributed to States of Jersey Police are sufficient.
- R20** Incorporate targets and resources aligned to the four-year Government Plan in the Four-Year Policing Plan.

Government of Jersey and the Police Authority

- R14** Following the review undertaken to implement R4, evaluate whether the role of the Police Authority could be extended to cover other services where operational independence is important.



JERSEY AUDIT OFFICE

LYNN PAMMENT

Comptroller and Auditor General

Jersey Audit Office, de Carteret House, 7 Castle Street, St Helier, Jersey JE2 3BT
T: +44 1534 716800 E: enquiries@jerseyauditoffice.je W: www.jerseyauditoffice.je