

**Open Minutes of the Social and Community Development Committee Meeting held on
Wednesday, 9 May 2018 at 9 am in the Council Chamber**

<u>Present:</u>	Chairman:	Hon Anthony Green (Hon TG)
	Deputy Chairman:	Hon Cyril Leo (Hon CL)
	Members:	Hon Derek Thomas (Hon DT) Hon Kylie Hercules (Hon KH) Hon Gavin Ellick (Hon GE)
	Non-Voting Members:	Mr Matt Ansell, Director of Safeguarding (MA) Mrs Nicole Shamier, Government Economist (NS)
	Secretary:	Miss Nicole Plato, Executive Assistant, Corporate Services (NP)
	Invited:	Mrs Catherine Turner Equality & Human Rights Facilitator (CT) – <i>for item 1 only</i> Mrs Christine Cooper, Crown Counsel (Community Care) (CC) – <i>for items 2 - 5 only</i> Ms Sara O'Donnell, Attorney General (SOD) – <i>for item 2 only</i> Mr Andrew Radley, Locum Crown Counsel (AR) – <i>for item 2 only</i>

Hon TG welcomed all to the meeting with a special welcome to CT.

Open Session

1. Human Rights Update

CT reported the following:

- Currently producing the year-end report for last year.
- On-going Prison inquiry.
- 301 new contacts to the Human Rights office for 2017/18 who wanted help or advice; not all complaints, asking what Human Rights do, the laws, CEDAW and employment issues.
- 157 opened files for this year which might pass to the Public solicitor as a legal issue. 9 long term clients. 85 files were closed where issues were resolved through the court or processed in one form or another. 72 live files currently open.

The main issues are as follows:

- Almost 100% of issues are related to the Prison.
- Prison Inquiry - about 3 more people to interview for the inquiry. The report should be finalised by the end of the month.
- 62 of the people who contacted the Human Rights office raised issues about SHG about how they are represented in the public sector. We have lay advocates but they are in training and is not able to take on complex cases as of yet. *Hon TG said that this raises the question as to whether we have the right resources if we can't get the right representation.*
- The number of benefits issues that have been escalated to the Human Rights Office has declined but there are still serious problems being experienced with Benefits. *Hon TG said that a working group under the committee has been appointed to look at the Social Security legislation.*

Hon CL said that this was interesting to note because when the benefits situation was looked at last year, the outcome only affected about 2 households, not the 20+ people

that we were under the impression that it would help. CT said that from October/November time, benefits issues declined which could mean that not many new people are going on the benefits system as there were before however CT agreed to take an in-depth look at the reasons for this.

(Action: CT)

MA said that this could also be due to the fact that Safeguarding have also implemented two new policies (Welfare assistance and child in need policies) and people might be accessing Safeguarding for help and does not need to go to the benefits office.

- Seeing a slight increase in referrals due to increase in medication costs and the Commission will keep an eye on this one. *Hon DT said that he is unable to do anything about medical bills; exemptions are decided by the Government. There is a household issue that is considered under benefits. As long as the household is looked at, it will be an issue unless they are looked at individually, looking at benefits by right.*
- Poverty - 18 people had no money but they were referred to Making Ends Meet who supported them. We also have two homeless people.
- There is also a big issue around disability.
- The Human Rights Commission is very busy and receive calls on a daily basis; a report to the UN is also in progress.
- Employment law – need to ensure that Private Sector employers are following employment practices. *Hon TG said that a meeting will be held next week with the Head of Procurement and the Chair of the EDC to progress this issue as there are some employees whose pay is stopped when attending a doctor's appointment; perhaps CT could also be invited to attend. Hon DT suggested that publicity on the law might also help.*
- Approximately a quarter of people who have contacted the Human Rights office might not go to Court right away but have underlying problems around discrimination or feel they are not able to speak freely and these issues are being dealt with.

In addition, CT advised that another impending issue that has cropped up is that anyone who receives a UK pension have to fill out a life certificate and have to post it back by within 16 weeks or their pension will be stopped; they will not accept it being returned via email, it has to be posted. Hon TG made a note of this and agreed to discuss this with colleagues and see what advice can be given as we do not have an airmail service up and running as of yet which means that it has to go via the MV Helena and no doubt there will be a delay in mail.

(Action: Hon TG)

2. Outline Proposal for a Information Bill (covering both FOI & Data Protection)

Hon TG welcomed SOD, CC and AR to the meeting.

CC advised that Councillors had previously advised that the draft legislation for FOI and Data Protection was too complex for St Helena and therefore the AG's Chambers reviewed the draft legislation to suit our needs. CC reviewed the draft proposal for an Information Bill with the committee.

FOI is about members of the public getting access to information held by public bodies. Currently, SHG has in place a code of practice for accessing information, although it is not known widely but does appear to work and forms part of the statutory framework for Human Rights and their enquiries which falls under that code when they ask for information. Therefore, the draft outline proposal for a bill also refers to this code.

The Code only refers to SHG information. Discussion will need to be held on bodies carrying out public functions that feed into this as to who these bodies should be. We don't want to reinvent the wheel where the code already exists.

Data protection is about how to control the data collected and how it is stored and displayed. An important part of this is to protect from disclosing personal details and ensuring that data is kept safe. A structure is needed for personal information to be shared as well as when to share data etc. We would also need to have sanctions and enforcement mechanisms in place.

Comments/questions from the Committee were as follows:

- If we give the mandate for this legislation when would we look at assessing the resource requirements as this was a previous problem? We will also need to share this proposal with other directorates and Elected Member's as we need a buy in from all as we don't want to get a lot of work done to find that other people don't agree with the proposal. The other issue is the potential costs to the private sector as it is assumed that they would have to ensure that they have someone to deal with the data collected etc. *SOD said that the financial impact was discussed around the need for a regulator for data protection to be in place or an office which will incur some form of costs. The legislation will also go out for public consultation where the private sector will have an opportunity to feed into this. CC said that wide consultation will be held on this before the bill is drafted because we can't get to the stage that we were at previously where we had a Working Group who drafted a full bill and it was not what the Island need.*
- Is this legislation something for this year because it is on the legislative programme for this year and if we move it then it gives an opportunity to reschedule other legislation as we need to look at priorities? *SOD said that it is a heavy legislative programme and we have limited resources to deliver the programme, therefore, it depends on how pressing a need it is to bring in this legislation. We do have a system in place to ensure how data is stored etc. but until the Cable is here we do not have capacity to store data in the right manner. We need to ensure that we find the best solution to meet St Helena's needs.*
- A discussion with the wider Council is needed as they saw this as a priority in their election campaign and was also a priority for the previous Council and failed because of the way it was formed and this was conveyed to the public and we need to explain why it is not happening. Councillors should decide whether it is priority or not. *CC agreed that this will need to be discussed with all Councillors.*
- The public is aware of the code, therefore in the meantime, if the public need access to information held by SHG, then they can still access this information under the code.
- NS suggested that a document driven by the community would be good, similar to the SEDP whereby surveys could be undertaken via survey monkey to gauge people's views etc. *SOD took on this suggestion but also felt that this is a technical piece of legislation where data sharing views would be very different.*

SCDC supported the outline proposal and requested that it be consulted on with the wider Council in two weeks' time, followed by consultation with wider stakeholders. SOD agreed to produce a step by step timetable for this piece of legislation and if consultation threw out issues then the timetable will need to be flexible. If this is a priority for Council, the AG's Chambers will prioritise this. SOD will ensure the timetable is sent to Council before the Elected Members meeting is held.

(Action: SOD)

3. Confirmation of Open minutes

The open minutes of the meeting held on 11 April 2018 was confirmed.

4. Matters Arising

4.1 Welfare of Children (Children's Residential Home) Regulations

MA had since confirmed that there is no significant financial implication. CC said that when this was discussed last month, CG was concerned about the financial implication arising from the obligations and therefore took away the action to confirm and this is now on the ExCo agenda for next week. CC said that the FS had also raised some different questions and CC agreed to check on this.

(Action: CC)

The question on financial regulations have not gone away but MA said that the financial regulations does not have any implications for his directorate as the regulations reflect changes to practices but will wait to hear back from the FS. If there is financial impact, then the FS should let MA know in time for the ExCo meeting next week.

4.2 Welfare of Children's (Amendment) Regulations

CC said that the regulations had been amended as requested by the Children's Champion etc. and is now in its finalised state. Hon TG will arrange a radio interview with the Media next week to talk about some of the legislation going through which will include this legislation as well as the Births and Deaths ordinance as this was taken to a limited audience during the public consultation period etc. CC said that she is happy to accompany Hon TG on the Radio Interviews but also recognised that it is best for Hon TG to lead on with the public and then any queries can be raised with CC later.

(Action: Hon TG)

5. **AOB**

5.1 Liquor Licence

CC clarified that the licence will only permit 2 days in a row for a mobile bar to be set up e.g. at the sea front. For each location, a separate licence will need to be applied for.



Minutes Approved:

Chairman

Date: 13 June 2018