

**Open Minutes of the Social and Community Development Committee Meeting held on  
Wednesday, 14 August 2019 at 9 am in the Council Chamber**

<b><u>Present:</u></b>	<b>Chairman:</b>	Hon Anthony Green (Hon TG)
	<b>Deputy Chairman:</b>	Hon Cyril Leo (Hon CL)
	<b>Members:</b>	Hon Derek Thomas (Hon DT) Hon Gavin Ellick (Hon GE) Hon Kylie Hercules (Hon KH)
	<b>Non-Voting Members:</b>	Mrs Tracy Poole-Nandy, Director of Safeguarding (TPN) Miss Lindsay Shankland, Acting Deputy Chief Secretary (LS)
	<b>Secretary:</b>	Mrs Nicole Plato, Executive Assistant, Corporate Services (NP)
	<b>Invited:</b>	Mrs Catherine Turner, CEO Equality & Human Rights/Commissioner – <i>for item 1 only</i>
	<b>Off Island:</b>	Mrs Gillian Francis, Deputy Chief Secretary (GF)

Hon TG welcomed all to the meeting.

**1. Equality & Human Rights Update**

CT was welcomed to the meeting. CT tabled the raw data for the 2018/19 annual report. She advised that the annual report was still to be agreed by the Commission, following which it will be shared with the Committee via NP.

**(Action: CT/NP)**

CT gave the following update:

- A number of open cases are ongoing.
- Over the past year, complaints regarding the Prison had reduced, due to the prison inquiry.
- The majority of complaints received under the heading *Police & Prison* over the past year relates to the Police directorate and is being addressed. Complaints included the execution of searches with and without warrants, the length of time phones and IT equipment may be held, the use of drones for surveillance and the issuing of Tasers to most Police officers.
- The highest number of complaints were in relation to private sector employment and benefits issues. The Commission will continue to focus on these this year. It was also noted that the latter will also be incorporated in the review of the Social Security system which should address most of the issues.
- 70% of cases has been closed over the year.
- The theme for this year's work by the Commission is '*Disabilities including Equal Access to Work & Training*' to address issues around disability etc.
- A framework agreement is being developed in relation to finance issues that the Commission experienced in the past so that the Commission understands what they should and should not be doing.
- A bid has been submitted for £40k funding for development within the Commission and for someone to visit St Helena for a week to train Commissioners on Island and will include workshops for Elected Members and other key personnel.
- Apprentice Nicole Paulsen will hopefully join the team as a Trainee Human Rights officer in October 2019. Anthea Moyce has been appointed Executive Manager.

Members thanked CT for the update.

NP to invite CT back to the next committee meeting to discuss the proposal for Equality legislation and to keep in view (KIV) from CT the proposal for Committee.

**(Action: CT/NP)**

The Committee agreed that the non-compliance with the Employment Rights legislation in the Private Sector should be addressed to ensure that they align with the law. The following steps was supported by SCDC:

- To get buy in from the Employment Rights Committee (ERC) for the Employment Rights legislation to be reviewed.
- Following the above, a working group is to be formed to review the legislation, in liaison with the LRA to put in place the necessary policing of the legislation requirements and taking forward the promotional side. A policy will also need to be written.
- It was also noted that in the previous legislation proposal from the ERC, there was a suggestion of how the promotional side of the legislation can be taken forward therefore this is to be reviewed as well to help.
- Ask the AG's office to devise a leaflet outlining the responsibilities of the private sector under the Employment Rights legislation following which it should be sent to ESH who will ensure that it is given to all new start-up businesses to help to ensure that businesses comply with the law.

**(Action: Hon TG/NP)**

It was also noted that the Employment Rights Legislation should be placed on the legislative programme as it could potentially be reviewed.

**(Action: NP/Hon TG)**

## **2. Update on Review of the Immigration Ordinance**

Hon DT reported that the working group was making good progress with the review, despite taking longer than anticipated. The team is happy to have the new Immigration Consultant on Island, Jusmine Adams who is very knowledgeable and brings to the group a wealth of experience. The review was completed but was further discussed with Jusmine which has added real value to the review. The group will ensure that it is in line with all other policies that SHG is implementing. It is hoped that the review will be completed by the end of this month with an accompanying report from the consultant. It is envisaged that the review will be submitted to SCDC in September. Hon TG/NP to KIV the Immigration Ordinance Review and draft Policy for Committee endorsement at the September SCDC.

**(Action: Hon DT/Hon TG/NP)**

Hon DT said that one of the challenging issues is the employment part of the ordinance as it would be good if Saints are given first preference to jobs on Island, provided they have the skills and experience to undertake the role. The aim of this is to protect the local workforce and help local businesses who struggle to get people employed, therefore a balance would need to be struck as well.

As a request from Hon KH, Hon DT to check whether the Immigration Control Board, going forward, can disclose decision making to the Public perhaps in minute form.

**(Action: Hon DT)**

## **3. Update on Review of the Social Security System**

Hon CL reported that the final part of the first stage of the review was being completed and that the recommendations of the review will be discussed at the 29 August Special SCDC meeting. The second stage of the review will follow.

The Committee expressed their gratitude to Hon CL and his working group for progressing the review to this stage and looks forward to receiving the report and recommendations.

Hon TG requested that the report be sent to the Committee in good time before the meeting so that Members have sufficient time to read and digest the report so that they are best prepared for the meeting to discuss it. NP to KIV the report for the Committee.

**(Action: Hon CL/NP)**

#### **4. Confirmation of Open minutes from the meeting held on 10 July 2019**

The minutes of the closed meeting held on 10 July was confirmed.

#### **5. Matters Arising**

##### **5.1 GDPR**

NP to check with the Chief Secretary on updates on GDPR and SHG Employment Contracts.

**(Action: NP)**

##### **5.2 SHNT Ordinance/Regulations**

The draft SHNT ordinance/regulations is still with the AG's Chambers. NP to KIV further drafting from the AG's Chambers.

**(Action: NP)**

##### **5.3 Prioritisation of Legislation**

Hon TG/NP to KIV the following bills for committee:

- Asylum Bill and policy;
- WOCO Amendment Bill to combine the Children and Adults Safeguarding Board;
- Adult Welfare Legislation;
- Health & Social Care bill that specifies the responsibilities between Health and Social Care directorates.
- Employment Rights Amendment Ordinance to reflect Maternity/Paternity/Adoption leave requirements.

**(Action: Hon TG/NP)**

The above legislation is to be included on the SCDC work-plan for HE and to ensure that it is included on the Legislative Programme.

**(Action: Hon TG/NP)**

##### **5.7 Disability (BLA) Policy**

VK advised that it has been agreed for the stipulated age of 65 to be removed from the BLA Policy and this will be amended as part of the policy review. This has been implemented in practice and will be reflected in the revised policy. Members were content with this.

##### **5.6 Occasional Liquor Licence**

NP to send a legislation proposal form to Hon DT to complete for a change in time for restaurants to sell liquor.

**(Action: Hon DT/NP)**

NP to KIV a draft proposal form for Committee.

**(Action: NP)**