

To: Minister for Home Affairs

Date: 17 January 2023

Name: Kate Briden

Job Title & Dept: Chief Officer,  
Justice and Home Affairs

Contact: k.briden@gov.je

## CRIMINAL INJURIES COMPENSATION SCHEME – REMUNERATION OF MEMBERS

### Purpose

1. To brief the Minister on the recent background on the membership of the Criminal Injuries Compensation Board (CICB), and seek a steer on introducing remuneration, per case, for members.

### Recommendation

2. That you:
  - a. Note the background below
  - b. Provide a steer on whether a remuneration scheme for members of the CICB should be developed and implemented in 2023.

### Background and issues

#### 3. Membership

On 22 December 2022, you made a Ministerial Decision in relation to re-appointments to the Criminal Injuries Compensation Board (MD-HA-2022-800). This extended several members' terms for a period of two years, until 31 December 2024.

In making that decision you were briefed on challenges in relation to the recruitment and retention of members of the CICB.

You are also aware that work is underway to update the [Criminal Injuries Compensation Scheme](#), and that this is likely to impact upon the roles and responsibilities of Members.

The short-term reappointments that were made in late 2022 were with a view to ensure the Scheme is able to continue operating in its current form until this work is complete.

Discussions around ensuring the continued stability of the Board for this period have prompted consideration of the issue of remuneration of the Board.

#### 4. Proposed remuneration

You are aware that members of the CICB were previously remunerated by the hour for their work on cases. This was changed in 2016 due to concerns around the efficiency and effectiveness of that method of payment. Following this change, most Board Members resigned, and a new Board was appointed. Since their appointments in 2017, new members have not received any payment.

The provisions of the Scheme provide (article 6) that "The members of the Board will be entitled to receive such remuneration and allowances as the Minister may determine". It is therefore possible, using that provision, to reinstate a payment arrangement. However, it is considered that it would not be sensible or financially prudent to reinstate a payment by the hour model as was previously in place.

It is instead proposed that a fixed fee, per case, per member arrangement would be appropriate. It is suggested that £500 for each case, for each panel member (there are usually three members involved in each case), is paid on the conclusion of each case.

There are currently in the region of 30 cases per year under the current scheme, so this would amount to around £45,000.

## 5. Distinction from other similar schemes/ roles

CICB members are making financial decisions to allocate public funds to compensate for the effects of criminal acts.

Under the current scheme, the members are required to do a significant amount of the case management (including following up enquiries with parties and convening and carrying out hearings), and administration (supported by limited administrative support), as well as making the decisions on each case. The roles can therefore be distinguished from other similar functions (such as the Independent Prison Monitoring Board, for example, where they are not making financial allocation decisions, or the Police Complaints Authority/Commission, where the decisions are different, and where there is a higher level of case management and case preparation through the States of Jersey Police).

It is intended that the new scheme is devised to change these arrangements, therefore any remuneration model agreed for the current members will only be relevant for the life of this scheme and would be expected to change (and be less likely to be needed) under a new scheme, which would make provision for proper administration and case management arrangements, so that any board member involvement would be voluntary and less time consuming.

## 6. Affordability

The JHA Directorate budget currently has a ringfenced budget allocated for CICB of £259,000. This covers the cost of the awards made from the scheme (which vary in number and amount each year), and administrative costs. This is currently limited to a contractual arrangement with the secretary to the Chair of the Board, who is paid separately by the Government for her administrative work on the cases. This arrangement would need to be maintained and equates to around £15,000 a year. Adding the 'fixed fee' proposal to this would mean that around £60,000 a year in total is spent on the administrative costs of the scheme, which would be expected to be similar to the cost of employing an officer to act as case manager under any new scheme.

## 7. Future scheme

It is envisaged that in the future scheme, case managers and/or administrators will be conducting most of the work, so there will be a continuing administrative cost.

It is also envisaged that any role for Board members will be limited to making the ultimate decision on well prepared and administered cases, and that it will therefore be less time consuming and impactful on the members of any such board.

It could therefore be appropriate to return to a voluntary, non-remunerated Board arrangement with the advent of the new scheme, and therefore a distinction can be made between the structure of the two different schemes. A decision to pay members under the current scheme therefore does not automatically set a precedent for the future.

8. As you are aware, a number of different principles in relation to the development of a new scheme have been considered, and you recently met with Officers and provided a steer on the direction of this work. There remains significant further work to do to develop a viable new scheme. It is therefore expected that a new scheme will not be in operation for 18 – 24 months as a minimum.

## Issues / Risks

9. Nevertheless, there may remain concerns about setting precedent for remuneration of members of the board, either for the CICB or for other similar functions, and there could be concern about

comparison with, or contagion to, those other similar functions which may trouble you or fellow Ministers. It is considered that the distinguishing features of the CICB role set out above mitigates this concern.

10. If it is decided not to proceed with remunerating members in this way there is a risk that the retention of Members may be negatively affected for the remainder of this Scheme. This could cause delay in agreeing cases, both for the current case load and any future cases which come in whilst we seek to recruit and replace the board.

## **Recommendations**

11. It is recommended that you consider this submission and decide whether a remuneration scheme for members of the CICB should be developed and implemented in 2023 – and communicated to current members as soon as possible.
12. If remuneration is agreed, it will need to be confirmed to Treasury colleagues (having already been discussed with them in principle and preparation for you making this decision) so that it can be appropriately implemented, and then the Chair will need to be advised. Appropriate administrative arrangements will need to be made.

### Copy List:

Louise Doublet, Assistant Minister for Home Affairs  
Hilary Jeune, Assistant Minister for Home Affairs  
Head of Criminal Justice Policy  
Governance and Administration Manager, Justice and Home Affairs  
Head of Finance Business Partnering