

STATES OF JERSEY



PROPOSED GOVERNMENT PLAN 2022- 2025 (P.90/2021): SECOND AMENDMENT (P.90/2021 AMD.(2)) – SECOND AMENDMENT

COVID-19 REVIEW

**Lodged au Greffe on 7th December 2021
by the Council of Ministers**

STATES GREFFE

PROPOSED GOVERNMENT PLAN 2022-2025 (P.90/2021): SECOND
AMENDMENT (P.90/2021 AMD.(2)) – SECOND AMENDMENT

1 PAGE 2, PART 1 –

Substitute the words

“deliverable by 30th April 2022” for the words “deliverable by 29th July 2022”.

CHIEF MINISTER

Note: After this amendment, the 2nd amendment would read as follows –

1 PAGE 2, PARAGRAPH (f) –

After the words “Appendix 2 – Summary Tables 5(i) and (ii) of the Report” insert the words –

“, except that in Summary Table 5(i), £500,000 should be transferred from the General Reserve Head of Expenditure to fund the undertaking of an independent review of the Island’s response to the Covid-19 pandemic, deliverable by 29th July 2022, the Council of Ministers being requested to take such steps as are necessary to initiate a review that will deliver an objective and independent analysis of the actions undertaken in response to the Covid-19 pandemic and provide recommendations and guidelines for the management of any future pandemic or similarly disruptive event”.

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

THE STATES are asked to decide whether they are of opinion – to receive the Government Plan 2022 – 2025 specified in Article 9(1) of the Public Finances (Jersey) Law 2019 (“the Law”) and specifically –

(a) to approve the estimate of total States income to be paid into the Consolidated Fund in 2022 as set out in Appendix 2 – Summary Table 1 to the Report, which is inclusive of the proposed taxation and impôts duties changes outlined in the Government Plan, in line with Article 9(2)(a) of the Law;

(b) to approve the Changes to Approval for financing/borrowing for 2022, as shown in Appendix 2 – Summary Table 3 to the Report, which may be obtained by the Minister for Treasury and Resources, as and when required, in line with Article 9 (2)(c) of the Law, of up to those revised approvals;

(c) to approve the transfers from one States fund to another for 2022 of up to and including the amounts set in Appendix 2 – Summary table 2 to the Report, noting that the transfer from the Consolidated Fund to the Technology Fund is subject to the Assembly’s approval of a proposition to create such a Fund in 2022, in line with Article 9(2)(b) of the Law;

(d) to approve each major project that is to be started or continued in 2022 and the total cost of each such project and any amendments to the proposed total cost of a major project under a previously approved Page - 3 P.90/2021 Amd. (2) Government Plan, in line with Article 9(2)(d), (e) and (f) of the Law and as set out in Appendix 2 - Summary Table 4 to the Report;

(e) to endorse the efficiencies and other re-balancing measures for 2022 contained in the Government Plan as set out in Appendix 2 Summary Table 6 and reflected within each gross head of expenditure in Appendix 2 – Summary Table 5(i);

(f) to approve the proposed amount to be appropriated from the Consolidated Fund for 2022, for each head of expenditure, being gross expenditure less estimated income (if any), in line with Articles 9(2)(g), 10(1) and 10(2) of the Law and set out in Appendix 2 – Summary Tables 5(i) and (ii) of the Report, except that within Summary Table 5(i), £500,000 should be transferred from the General Reserve Head of Expenditure to the Covid-19 Response Head of Expenditure to fund the undertaking of an independent review of the Island’s response to the Covid-19 pandemic, deliverable by 29 July 2022, the Council of Ministers being requested to take such steps as are necessary to initiate a review that will deliver an objective and independent analysis of the actions undertaken in response to the Covid-19 pandemic and provide recommendations and guidelines for the management of any future pandemic or similarly disruptive event;

(g) to approve up to £480 million to be appropriated from the Consolidated Fund for the Past Service Pension Liabilities Refinancing head of expenditure, subject to the availability of funding, which may include, in full or in part, use of the borrowing/financing referred in paragraph (b);

(h) to approve the estimated income, being estimated gross income less expenditure, that each States trading operation will pay into its trading fund in 2022 in line with Article 9(2)(h) of the Law and set out in Appendix 2 – Summary Table 7 to the Report;

(i) to approve the proposed amount to be appropriated from each States trading operation's trading fund for 2022 for each head of expenditure in line with Article 9(2)(i) of the Law and set out in Appendix 2 – Summary Table 8 to the Report;

(j) to approve the estimated income and expenditure proposals for the Climate Emergency Fund for 2022 as set out in Appendix 2 – Summary Table 9 to the Report;

(k) to approve an amendment to the policy of the Strategic Reserve Fund to enable that Fund to be used as a holding Fund for any or all monies related to the repayment of debt raised through external financing, with the monies used to offset the repayment of debt, as and when required; and

(l) to approve, in accordance with Article 9(1) of the Law, the Government Plan 2022-2025, as set out at Appendix 3 to the Report

REPORT

The Council of Ministers welcomes the initiative taken by the Connétable of St Brelade to amend the Government Plan 2022-2025 to provide for an independent lessons learned review into the Government's response to the COVID-19 Pandemic. Council also welcome the Connétable's emphasis on the future protection of the population; and the capturing and application of lessons learned.

We also welcome the proposal that the Council of Ministers works with the Privileges and Procedures Committee in order to provide independent input and assurance as to the impartiality of the process.

However, the remaining period between now and the end of April, once logistics have been taken into account, would not allow for a meaningful review to take place and a report to be produced.

The work to be undertaken is particularly sizeable and complex.

Given the scale of the pandemic impact in Jersey and the fact that £500,000 of public funds are to be allocated for this purpose, a review should not be unduly rushed and the quality of findings compromised. An additional 3 months in the review timetable would improve significantly the deliberation, analysis and outcomes.

An unrealistic timeframe of 30th April also runs the real risk of the report being delivered late and during the election period (which starts on the 10th May). Ministers are advised that the timing of the publication of any such report should not coincide with the election period next year ("purdah").

In undertaking the initiation of the review, Ministers consider the following to be essential elements of actions to be performed.

1. A terms of reference is an essential first step, and present thoughts suggest the review should include the following three main areas:
 - a. The Government's response to the pandemic and the preparedness of Jersey for future pandemics and/or other disruptive events
 - b. The impact of the pandemic on Islanders and advice relating to the future mitigation of such impacts
 - c. The legal and governance mechanisms applied to the pandemic response and advice on how future mechanisms may be adjusted or otherwise improved
2. The selection of an Independent review chairperson and any other panellists as appropriate
3. The staffing of a suitably qualified team of personnel to support the Review Panel
4. Whilst the Independent chairperson would finalise a review plan, Ministers would expect the following processes to be set in place:
 - a. The establishment of a review library containing all the relevant minutes, reports and other papers
 - b. Research and analysis into the response of other jurisdictions, for comparison purposes

- c. Consultation with subject matter experts on best practices
- d. A call for evidence from Islanders and Jersey organisations
- e. The selection and interviewing of witnesses
- f. The synthesis of findings and recommendations for further action

After due consideration, Ministers therefore consider that the more appropriate and realistic delivery date for the report should be 29th July 2022, being one week after the election of the Council of Ministers and the end of the “purdah period”. Such a timing will prevent undue politization of the outcomes and provide the Assembly and new Government with the evidence and recommendations to continue to act in the best interests of Islanders.

Accordingly, subject to this amendment to the date by which the review should be deliverable, the Council of Ministers supports the amendment(s) of the Connétable.

Financial and manpower implications

As a reallocation of funding this amendment does not impact on overall expenditure or borrowing from the Consolidated Fund.

The provision of £500,000 is considered adequate for the review over the 7 month period envisaged. This sum will cover the staffing costs in the review team, as well as costs and expenses related to the chairperson and panel, and any third-party costs.