

STATES OF JERSEY



REVISED CODE OF PRACTICE FOR ENGAGEMENT BETWEEN ‘SCRUTINY PANELS AND THE PUBLIC ACCOUNTS COMMITTEE’ AND ‘THE EXECUTIVE’ (P.50/2022): AMENDMENT (P.50/2022 AMD.) – COMMENTS

**Presented to the States on 21st April 2022
by the Council of Ministers**

STATES GREFFE

COMMENTS

The Council of Ministers welcomes the amendments by Senator Vallois as helpful additions, except for the amendment to paragraph 35 to provide for the automatic and unconditional provision of the minutes of the Council of Ministers to Scrutiny Panels.

Ministers appreciate the importance and value of transparency, including ensuring Scrutiny Panels are provided with all the necessary information (Panels are currently provided with all agendas and papers considered by the Council of Ministers, and numerous private briefings).

At the same time, it is widely adopted practise and longstanding principle in Jersey that Council of Ministers “B” minutes are confidential (and the same applied to Committee “B” minutes before ministerial government). This was recognised by the former Presidents’ Committee in discussion with the then Government, when the current Code was last updated and approved by the Assembly in 2018. This is in-line with best practice in the United Kingdom and elsewhere.

It is crucial that Ministers can have forthright and honest discussions to support decision-making, especially during the live policy development making phase. These discussions should be able to take place without being in any way fettered or influenced by a reluctance to express thoughts that Ministers wish to share only with their Ministerial colleagues.

This confidential safe space supports frank, candid, and open discussions. This includes promoting an environment that encourages uninhibited advice from officials, which is essential.

For clarity, whilst Scrutiny minutes are published, they are significantly less comprehensive than the official CoM minutes. Realistically, if the full minuted discussions of the Council of Ministers are available to Scrutiny Panels, it will eventually become the case that these full discussions will no longer happen at the formal meeting and will likely take place in advance. This removal of a safe and confidential space, and a full record for posterity, would be detrimental to good governance.

It is widely recognised that confidential spaces are beneficial in all sorts of professional environments, and in the political sphere, this must be measured and facilitated alongside the need to promote transparency and accountability.

In this case, there are better ways to achieve transparency and accountability, such as action notes, papers, briefings, hearings, questions, etc., without providing full in-depth minutes of ministerial discussions.

While the Council of Ministers understand the likely desire of Panel Members to access all minutes, they would ask that the above arguments are carefully weighed.

Comment under Standing Order 37A

This comment was provided late to the States Greffe due to an administrative delay.