

**WRITTEN QUESTION TO THE PRESIDENT OF THE CHAIRMEN'S COMMITTEE
BY THE DEPUTY OF GROUVILLE
ANSWER TO BE TABLED ON TUESDAY 5th NOVEMBER 2013**

Question

Would the President set out the following –

- (a) how many recommendations have been made by scrutiny panels since their inception under the shadow scrutiny system?
- (b) how many of these have been accepted (setting out this information by reference to the 3 year terms of each Assembly since scrutiny was first established)?
- (c) does the President consider that scrutiny views are more valued by the Assembly in the current Assembly than in previous Assemblies before 2011?

Answer

- (a) The total number of recommendations made by Scrutiny Panels since the start of Shadow Scrutiny is 1036.
- (b) With regard to the number of the above recommendations which have been accepted, it should be noted that prior to 1st October 2009 there was no standardised format for Ministers to respond to Scrutiny reports and recommendations. Up until that date, many Ministerial responses merely expressed views and gave a general commentary on the subject matter, frequently commenting on findings as opposed to recommendations. The majority of responses gave no indication as to whether the Minister accepted the recommendations or not. Consequently, it is not possible to provide accurate data in respect of Ministerial acceptances or otherwise before that date.

Some progress has been made since the introduction of the standardised Ministerial Response Template, whereby there is a dedicated box for Ministers to indicate their acceptance or rejection of each recommendation. In the main this is successful but it has led some Ministers to partially accept some recommendations, accept in principle or accept subject to certain qualifications. Equally some Scrutiny Reports and recommendations have required two or more Ministers to respond to the same recommendations. This does not enable accurate provision of data as requested.

2006-2008

Since Scrutiny was first established within the Ministerial government structure at the end of 2005, for the first 3 year term until 2009, statistics relating to the number of recommendations which were accepted is not available. This is due to the fact that during this term there was no obligation on Ministers to state whether recommendations were

accepted or otherwise and responses continued to be mainly commentaries on the work and report of the Panels.

However, 279 recommendations were made.

2009-2011

In an attempt to answer the question as fully and as informatively as possible, as explained above, some improvements to Ministerial Responses occurred after 1st October 2009. Figures supplied below are based solely on when a Minister has fully accepted recommendations and does not, nor cannot, make a judgement based on generalised comments. With the above in mind, the figures for the term 2009-2011 are as follows:-

Recommendations made	465
Recommendations accepted	232 (50%)

NB1: 167 recommendations received no acceptance or rejection. These were usually replaced by comments or no comments were required due to forthcoming States debates on the matters (as in the case of 11 recommendations)

NB2: During the four month period from June 2009, when the first Ministerial Response was received to October 2009 when the response template was introduced, 69 recommendations received general comments. During the 27 month period from 1st October 2009 to the end of that three-year term in December 2011, just 52 recommendations received general comments.

2012 – to date

The figures below provide the total number of recommendations made plus those which were accepted fully. There have been a number of recommendations which have been “accepted in principle”, “partially accepted”, “substantially accepted” or accepted subject to certain conditions. These have not been included in the figures below.

Recommendations made	208
Recommendations accepted	126 (61%)

NB1: a further 9 recommendations were accepted in principle, and 8 noted, 6 were subject to a States debate and 10 were subject to consideration by four different Ministers.

NB2: During the 17 months since the first Ministerial Response was presented in June 2012 to date only 12 recommendations received comments only.

Given that Ministers and Departments have accepted above 50% of recommendations over the last 5 years, and that Scrutiny work has concerned itself increasingly with policy in development, this in itself demonstrates that, not only does Scrutiny influence and benefit these policies, but that Ministers themselves recognise the importance and value of Scrutiny.

Further information

It would be remiss of me as President of the Chairmen's Committee not to raise the awareness of Members that Scrutiny successes must not be assessed on accepted recommendations alone. Scrutiny plays an ongoing influential but importantly independent rôle in the development of policy. Influence, which is not easily assessed, can occur through other means than the production of Scrutiny Reports. Indeed, influence can play its part early in a Scrutiny Review thereby not necessitating the production of a Scrutiny Report. A recent example of this is Prescription Charges; the Minister withdrew the proposition after Scrutiny hearings had started. Equally Scrutiny can influence through interim reports whereby no recommendations are made such as the Housing Transformation Programme.

Scrutiny Reviews have influenced Ministers to the extent whereby policies and legislation has been amended by the Minister prior to the Scrutiny Report being released such as the amendment to the draft Public Finances (Jersey) Law. Unfortunately, as mentioned above, measuring influence can be problematic for example in terms of raising the level of States debates and related outcomes.

I make these points merely to reinforce, that whilst an analysis of accepted recommendations is interesting and does form some basis of assessment in respect of the work of Scrutiny Panels, it is inconclusive.

- (c) Scrutiny was established to produce evidence-based reports to influence Ministers, to hold them to account, to be public-facing and to raise awareness of other States Members, often on matters which were to come before them for debate. It was not established to provide Scrutiny Panel Members "views" to the States Assembly.

I believe that such evidence-based information is valued by the Assembly today as has been in the past. I also believe that Scrutiny has greatly evolved since 2005 through the use of the Ministerial Response template, through the agreed Statement of Intent/Purpose in 2011 and through agreed procedures for the status of Scrutiny meetings and Hearings. Having said that I am not complacent and recognise that there is always room for improvement.

There have been numerous comments made in the States Assembly in respect of Scrutiny over the years. They vary from such comments as "Scrutiny is ignored" and "Scrutiny Panels have been used for political purposes" to "I would welcome the involvement of members of the Scrutiny Panel" or "the Scrutiny contribution has been extremely valuable" [Hansard 2005-2011]

More recently there have been calls made by States Members for Scrutiny Reviews to take place so that the Assembly is better informed: one such matter was the Incorporation of Ports of Jersey. Then there are the references back. It must be considered that if the Assembly didn't value the work of Scrutiny, they wouldn't support a reference back to a Scrutiny Panel so that that Panel can undertake work to raise awareness of the matter to the States.

Some quotes from Hansard 2012/2013 to date are:

- "They [Scrutiny] have done some really fantastic reports",

- “The Council should accept this because they could lose this, and it is silly. They absolutely believe they are right, send it to Scrutiny for the, you know, 10 out of 10”,
- “Scrutiny has done a very good and quick job at this and I was very encouraged by the presentation yesterday by the panel. When I read the Scrutiny Report, I too was encouraged”
- “I would just like to add my compliments along with the Council of Ministers for the quality of this review from Scrutiny.”

In conclusion, I am extremely appreciative and heartened (as all States Members should be) by the excellent work that continues to take place across the Scrutiny Panels during this three year term. As a passionate believer in the scrutiny function, I will continuously strive to identify ways of strengthening it further as machinery of government evolves moving forward.