

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY R.J. WARD OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 21st MAY 2019**

Question

What actions, if any, have been taken to inform and instruct Directors General to ensure the implementation of the proposition ‘Justice and Home Affairs: cessation of restructure’ (P.24/2019), as amended, in particular part (e) of the proposition?

Answer

In line with the undertaking provided in response the proposition ‘Justice and Home Affairs: cessation of restructure’ (P.24/2019), a new policy has been published by the Greffe.

This new policy (attached) has been circulated to Director Generals, and senior supporting staff, and raised at relevant management team meetings, with an instruction to follow the policy as part of any restructuring process, including:

- ensuring that relevant legislation is identified of part of any restructuring proposals, and
- that following any required approvals by the States Employment Board and the relevant Minister, that any legislative changes required as part of a restructuring should be presented to the Assembly for consideration and approval *prior* to the relevant elements of the reorganisation governed by that legislation being implemented.

The Council of Ministers, States Employment Board, and One Government Political Oversight Group have also been provided with the policy, helping to promote compliance.

Policy relating to necessary legislative change as part of departmental restructuring

Public services operate within the legislative framework decided by the Assembly. This is an essential feature of our democratic system of government. Ministers and other public servants are required to uphold the law at all times.

Accordingly, and to make matters clearer following the adoption of P.24/2019, “Justice and Home Affairs: Cessation of Restructure”, as lodged by the Deputy of St. John, the Chief Minister has approved this short policy with reference to the restructuring of public services.

1. Any necessary changes in legislation required as part of restructuring a government department should be presented to the Assembly for consideration and approval, *prior* to the relevant elements of the restructuring governed by that legislation being implemented.
2. Proposals for departmental restructuring should identify any relevant legislation that may need to change.

3. Any required approvals need to be secured with reference to the States Employment Board, Council of Ministers and/or relevant Ministers, together with consultation with staff and other stakeholders where appropriate as part of a considered change process.
4. Drafting instructions for any necessary legislative changes will be considered by the relevant Minister and recorded by means of a Ministerial Decision in the usual manner, and the legislation lodged with the Assembly once drafted.
5. This policy does not prevent elements of a restructure that are not governed by statute from proceeding, if they are able to proceed separately from those elements that do require legislative change while remaining in accordance with that legislation.

The relevant Director General is responsible for supporting Ministers in adhering to this policy, and the Council of Ministers, or any political oversight board so tasked, shall monitor its compliance.