

2020.02.25

### **3 Deputy I. Gardiner of St. Helier of the Minister for Health and Social Services regarding the Assisted Dying Citizens' Jury: (OQ.52/2020)**

Would the Minister advise how the members of the Assisted Dying Citizens' Jury be selected?

#### **Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):**

I am pleased to give out more information about this subject. The members of the jury will be recruited using a process called sortition, which identifies a randomly stratified group of people, who are representative of Jersey's population. This recruitment will be sourced from an independent specialist consultancy firm, which will undertake all steps of a jury sample selection. This will include using data collected from interested Islanders to ensure a stratified and random sample that represents the diversity of Jersey's population, makes sure that they are selected as such and recruited on to the Citizens' Jury. This process is designed to be fair and balanced and to ensure the absence of undue influence by interested parties, or elected members. The Citizens' Jury members should represent the broader community and bring a balance of different social perspectives to the deliberation process. I hope this assists and answers the question.

#### **3.3.1 Deputy I. Gardiner:**

Would the Minister advise if it will be people who will sign in, or it will be randomly selected and if they will be randomly selected, would the Minister be confident that they will represent really a wider balanced view of the residents?

#### **The Deputy of St. Ouen:**

The details of the process have yet to be finalised with the consultancy firm I mentioned. But I personally cannot imagine that we, or that firm, would select from a list. I anticipate at present that we would invite expressions of interest from people, as has happened with the 2 other panels that are being established at the moment for our hospital project and the carbon neutral strategy. It was a call that went out for interested parties to give up their time and serve in this way.

#### **3.3.2 Deputy R. Labey:**

Is this Assembly not a Citizens' Jury? Is this Assembly not a Citizens' Assembly? Selection for this Assembly is by election by citizens. We are citizens ourselves, paid to weigh up the pros and cons by the electorate and make a decision. Could the Minister explain the rationale and how much it will cost?

#### **The Deputy of St. Ouen:**

We are the representative democratic Assembly for the Island of Jersey, I fully agree. This matter will come before the States, if that is the decision. I anticipate it will come before the States. I think there is value in ensuring that this is looked at in depth by people who have not come to the issue with their minds made up, or their minds along a certain track. I was pleased to have a conversation with the Irish Health Minister, when I was recently in Dublin on an alcohol and drug conference, because in the Republic of Ireland they have recently had these processes around abortion and equal marriage. He spoke to me about how it was very useful and valuable for them as a nation and took the country forward in a consensual way. We know assisted dying has significant ethical and moral issues associated with it, which has the potential to divide us. But I believe a jury can, by looking in depth at an issue and reporting dispassionately, I trust, will help us to reach a decision that we, as a representative body, can then feel more assured of how our Island population may think.

### **3.3.3 Deputy K.F. Morel:**

A very simple question - Deputy Gardiner did ask it, but I do not think it was answered - how much is being paid to the Sortition Foundation to arrange for the establishment of the Citizens' Jury?

#### **The Deputy of St. Ouen:**

The consultancy firm is engaged to provide its services in relation to the 3 matters that are being considered by juries, or panels and, in fact, I am not aware of the precise sum. It is probably also confidential for commercial reasons.

### **3.3.4 Deputy K.F. Morel:**

Would the Minister provide me with that sum, regardless of whether it is confidential? I will maintain that confidentiality.

#### **The Deputy of St. Ouen:**

I believe I could do so in the light of the Deputy's confirmation that he will maintain confidentiality.

### **3.3.5 Deputy R.J. Ward:**

Can I ask the Minister: does he think that there needs to be a slight improvement in the understanding of what these assemblies, or juries, are in terms of a genuine reflection of a cross-section of our society, which, controversial or not, this Assembly is not in terms of its demographic and that is why these assemblies have been useful, in Ireland for example. Also, can he assure that the meetings with this Assembly will be accessible to those who perhaps do work full-time, or are younger and, therefore, can access to give their opinion on an issue that will affect all of us?

#### **The Deputy of St. Ouen:**

We will take the Deputy's comments on board. I would certainly try and ensure that we do not exclude people, such as working people, or younger people. I think the whole process is designed to ensure that we reflect, as closely as possible, the diversity of the Island. This is new to the Island, is it not? It is something we have not yet done. All thoughts from Members as to how we proceed with these panels and juries are valuable.

### **3.3.6 Deputy L.M.C. Doublet of St. Saviour:**

I wanted to build on the last question and ask about the criteria. I do not know if the Minister answered fully previously to say whether there would be criteria applied to try and make the citizens' panel as representative of the population as possible. If that is the case, what criteria will be considered?

#### **The Deputy of St. Ouen:**

I had the sentence in the notes I was provided with, which I did not read, because it is kind of management speak. But it did say that the firm, in undertaking sample selection, would: "Include designed, informative, invitation and registration of interest, including collection of socioeconomic and demographic data." I gather from that that they are seeking a very broad, wide, cross section of people, representing all socioeconomic groups, all demographic groups. As to the detail of the process, that has not yet been worked through and I am not aware of detailed criteria that will be used, but Members may recall that our hospital panel has been established, or is about to be finalised, I think. At a certain stage it became apparent that there was a lack of young people who had applied. If that panel had been constituted at one stage, it would not be representative of younger people. A halt was called and a further appeal was made for younger people to then come

forward. I am pleased to say some did, have been recruited on to that panel, so that our hospital panel now is representative of our population. I imagine the same efforts will be made with this jury selection.

### **3.3.7 Deputy L.M.C. Doublet:**

Could the Minister ensure that one of the criteria that is considered is their religious belief, or non-religious belief, given that is a key issue of conscience for humanists and, I believe, for many religious people, as well? I think, given that we have an exact split in Jersey from the last data of religious and non-religious people in Jersey, I think it is quite important that that criteria is maintained on the citizens' panel. Can the Minister give a commitment to that, please?

### **The Deputy of St. Ouen:**

With respect, I do not think I should give a commitment that I will include any particular criteria, because the whole point is that this should be free of influence from Ministers and other interested parties. But if a process is designed to ensure a representative sample of the population and if within the population there are people with religious and non-religious views, then I would expect that to be reflected, absolutely, within the jury panel. But as this process moves forward, I am happy to try and pass what reassurances that I can to the Deputy, so that she can be satisfied as to that question.

[10:15]

I am sure, as this is worked through, the detail of how the jury will be selected, what the consultancy firm is trying to achieve, will become clearer.

### **3.3.8 Deputy M.R. Higgins:**

I must admit that the more the Minister has gone on, the more concerned I am about this particular process. To be perfectly honest, I believe the Minister does not believe in assisted dying. I do wonder how long this process is going to take and I am also concerned about the cost. I am also concerned, too, what it is going to accomplish at the end. Because, in the end, it is going to have to come back to this Assembly and the Assembly is going to have to make a decision and we should make that decision based on evidence, not necessarily from a panel who may, or may not, agree with our particular views. In the end, it comes down to this Assembly to make the decision. Will the Minister review it and bring it back, tell us how much it is going to cost and also tell us how long it is going to take and how long he is putting off the decision for?

### **Deputy R.J. Ward:**

Sir, may I ask a point of clarification before the Minister speaks? Just from what has been said previously with regards this process, I think there is a real ...

### **The Deputy Bailiff:**

You have asked your question, have you not, you have had your question?

### **Deputy R.J. Ward:**

OK.

### **The Deputy Bailiff:**

Sorry, Deputy.

**The Deputy of St. Ouen:**

I am not delaying this process. In fact, I believe this takes it forward in a significant and helpful way for all concerned. It is the case that one of the interest groups involved, Dignity in Dying, has commended the Island for taking this step and is supportive of the process. I have met with the other interest group also and explained the process and they understand and agree that they will work within it. I am trying to think of all the Deputy's ... how long is it going to take? I have given some information to States Members in a previous email. I have thought that a debate could come to this Assembly by December, but it does depend on the jury's deliberations; if they want to take time, have an extra meeting or 2 that is up to the jury and how long they wish to take to prepare their reports. But the present thinking is it would be possible for us to have a debate in December, precisely what sort of debate that would be will depend on what the jury recommends. But the jury is advisory only, it is this Assembly that makes a final decision and that is perfectly understood, so the Deputy need have no concern about that.

**Deputy G.J. Truscott of St. Brelade:**

Deputy Higgins asked a similar question to what I was going to ask, Sir.

**3.3.9 Deputy I. Gardiner:**

How confident is the Minister that the findings of this jury will be a discussion and taking neutral, that taking into account that this issue has high awareness in the public, everybody has some views on it? How will the Minister oversee that the process will be really neutral and balanced and cost-effective?

**The Deputy of St. Ouen:**

Because the jury will hear from experts in the subject of end-of-life care, they will hear from the interest groups involved, people will have an opportunity to present to the jury if they have a particular stake in this subject. The jury will receive information from all sides of the issue and have time to consider it. I do not think it is true to say that all people have a view on the subject at the moment. I think that many people understand that it is a difficult issue to grapple and it needs thought. I will not be overseeing this work. It will be an independent facilitator who will guide the jury discussions; they will be totally independent. This is a function that is well known and that facilitator will help the jury write their reports. At the end of the day, we are not obliged to adopt any of the recommendations of the jury. The matter will be before this Assembly at some stage and we are free to follow what we wish to. But I believe we will be better informed by the jury deliberations.