
STATES OF JERSEY



GOVERNANCE AND ACCOUNTABILITY OF INDEPENDENT BODIES AND OFFICE HOLDERS (THINKPIECE) (R.174/2022): EXECUTIVE RESPONSE (R.174/2022 RES.) – COMMENTS

**Presented to the States on 24th April 2023
by the Public Accounts Committee**

STATES GREFFE

REPORT

In accordance with paragraphs 69-71 of the [Code of Practice](#) for engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’, the Public Accounts Committee (the ‘Committee’) presents its comments on the Executive Response to the Comptroller and Auditor General’s (C&AG) Report entitled: [Governance and Accountability of Independent Bodies and Officer Holders \(A Thinkpiece\)](#) (R.174/2022 presented to the States on 23rd December 2022).

Comments

1. A substantial part of the Committee’s role is to assess the use of public funds and whether sound financial practices have been applied. This includes understanding whether good governance and best practices have been applied in planning, implementing and administering projects undertaken by the Government of Jersey.
2. The C&AG published her report on 30th December 2022 and the Committee received and presented the Executive Response to the report on 13th March 2023. The review considered the governance and accountability of 16 independent entities (independent bodies and office holders) established by the States of Jersey with a view to stimulating thought and debate on:
 - Setting out the key differences in arrangements for the governance and accountability of independent bodies and office holders
 - Determining the extent to which there is evidence of clear justification for such differences; and
 - Considering the extent to which it might be possible to establish an overarching framework for the governance and accountability of independent bodies and office holders.
3. The review found that the current arrangements for the governance and accountability of independent office holders are fragmented. In some instances, there are identifiable weaknesses in arrangements that compromise the governance of independent bodies and office holders. As many of the elements of good governance and accountability are common to all or most independent bodies or office holders, the C&AG found that there was scope for development of arrangements that would apply to all independent bodies and office holders or to groups of them, except where there are compelling reasons that they should not apply. In total the C&AG made 22 observations on areas for consideration that the Government should take forward. It should be noted that the report did not make any formal recommendations.

General Comments on the Executive Response.

4. In general, the PAC was disappointed with the response provided in relation to the report. The view of PAC is that the response is particularly non-committal and does not provide tangible action or timescales for some of the legislative amendments that have been highlighted in response to the C&AG’s findings. Whilst the response does highlight developments that are in progress, the PAC

would like to see a greater commitment from Government to taking forward the suggestions made by the C&AG. It is noted in the response that legislation will be reviewed on a case-by-case basis as part of the Government's legislative programme. The PAC would expect to see further clarity over timescales and action plans as to when these reviews will take place in order to give assurance that the matters will indeed be dealt with in a timely manner.

5. It is the view of the PAC that the manner of response appears to present an opportunity lost to clarify the governance and accountability arrangements for independent bodies and officer holders. The PAC note that several independent bodies have been established to regulate some Government of Jersey services (e.g., the Care Commission) and, as such, Government must ensure that there are proper accountability arrangements in place for these bodies. The bodies highlighted within the C&AG's report are very important to the Island and the PAC would have expected to see a greater acknowledgement of this within the response to the report. The PAC would again highlight that a clear commitment is required in relation to the timescale for addressing these issues with action plans in place to address them.
6. The PAC notes that the bodies covered within the Thinkpiece span a variety of policy areas and, as such, it will ensure that the response and its comments are raised with the other Scrutiny Panels where bodies fall under that remit. Noting that it is not the role of PAC to review policy, raising this matter with the other Scrutiny Panels will assist in identifying where legislative changes are being prioritised by Ministers.

Conclusion

7. In summary, the Committee is disappointed with the Executive Response and would expect to see further commitment from Government in relation to the timescales and action plans for implementing legislative changes governing independent bodies and office holders. Furthermore, the PAC believes that Government should embrace the areas for consideration highlighted by the C&AG in order, otherwise this could end up as an opportunity lost to address issues in relation to incredibly important entities within the Island. The Committee is hopeful that Government will consider its comments and intends to monitor progress.