

States of Jersey
States Assembly



États de Jersey
Assemblée des États

Chairmen's Committee



LEGACY REPORT 2014 – 2018

Presented to the States on 23rd May 2018

S.R.15/2018

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1. INTRODUCTION

Membership (as at April 2018):



[Deputy John Le Fondré](#) – President (Corporate Services Panel)



[Deputy Simon Brée](#) (Economic Affairs Panel)



[Deputy Jeremy Maçon](#) (Education and Home Affairs Panel)



[Deputy David Johnson](#) (Environment, Housing and Infrastructure Panel)



[Deputy Richard Renouf](#) (Health and Social Security Panel)



[Connétable Christopher Taylor](#) (Public Accounts Committee)

The Committee is very grateful for the contributions made by Connétable John Le Maistre, Connétable Simon Crowcroft, Deputy Louise Doublet and Deputy Andrew Lewis during their terms of office chairing the Economic Affairs Panel, Environment, Housing and Infrastructure Panel, Education and Home Affairs Panel and Public Accounts Committee respectively

As our term of office draws to a close, the Chairmen's Committee has assessed the work we have undertaken in order to produce this forward looking legacy report. We aim to help

inform the early deliberations of our successor Committee, as well as informing other Members, stakeholders and the wider public of our concluding thoughts on those matters that we consider merit further attention.

Whilst some context of the work we have undertaken is provided, this report deliberately seeks to limit looking backwards and focuses instead on what we intend to be constructive recommendations and ideas to help continue the progress made this term on improving the effectiveness of the Assembly’s scrutiny function. As an overarching reference point the following table records the total notable forms of output of Panels/Committees.

**Scrutiny Panel/Committee Reports, Comments Papers and Amendments/Propositions
(session Nov 2014-May 2018)**

Panel	Number of Reports	Number of Comments Papers	Number of Amendments/Propositions	Total
Standing Panels/Committees				
Corporate Services	17	8	13	38
Economic Affairs	0	6	0	6
Education and Home Affairs	6	9	4	19
Environment, Housing and Infrastructure	4	5	2	11
Health and Social Security	10	4	2	16
Public Accounts Committee	11	N/A	0	11
Review Panels (temporary panels focused on single, cross-cutting issues)				
Brexit	0	1	0	1
Care of Children in Jersey	0	1	0	1
Future Hospital	2	0	0	2
Residential Property Transactions	1	0	0	1
Total	51	34	21	106

Information about all other significant publications (for example public hearings and news), along with statistical information about the individual activity of all Panels/Committees, is available on the [website](#) and/or contained in a series of [legacy reports](#) and the States Assembly Annual reports on the [States Assembly website](#).

In summary, this report sets out:

- Context: the Committee’s key achievements
- Suggested areas for consideration by our successors

We believe we have left Scrutiny in good state of affairs and have strengthened its ability to carry out its function in the future.

2. REMIT AND KEY ACHIEVEMENTS

REMIT

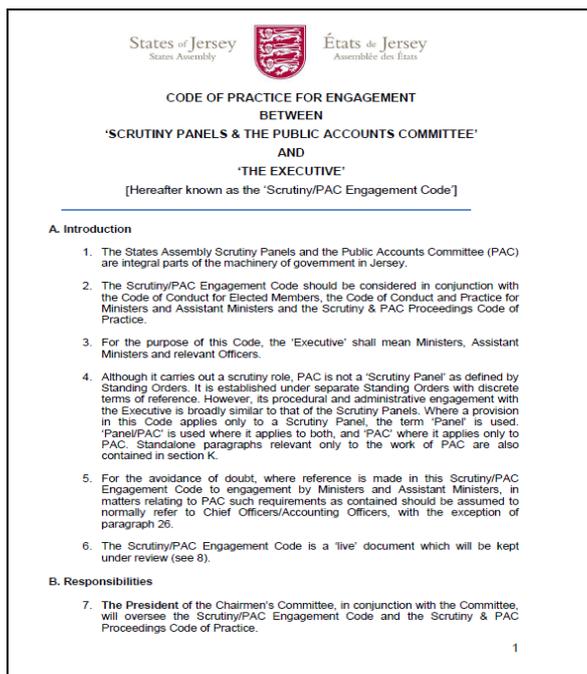
The remit of the Chairmen's Committee is to:

- (a) to act as a co-ordinating body for the work of the PAC, scrutiny panels and review panels, to ensure that there is no unintended overlap in the work undertaken by them and to ensure that all aspects of the work of the Council of Ministers are, over time, reviewed
- (b) to oversee the prioritization and allocation of resources to the PAC, scrutiny panels and review panels
- (c) to keep under review the operation of the scrutiny function and, as appropriate, to make recommendations for change
- (d) to co-ordinate the preparation of an annual report on the work of the PAC and scrutiny panels for inclusion in the annual report produced by the PPC upon the work of the States and of committees and panels established by standing orders
- (e) to maintain close contact with the Council of Ministers and to ensure that-
 - (i) the PAC and scrutiny panels are kept aware of the future work programme of the Council, and
 - (ii) the Council of Ministers is kept aware of the future work programme of the PAC and scrutiny panels
- (f) to-
 - (i) prepare and keep under review, in conjunction with the Council of Ministers, a code of practice for engagement, for the purposes of scrutiny, between scrutiny panels and review panels and Ministers and Assistant Ministers
 - (ii) prepare and keep under review, in conjunction with the Council of Ministers, a code of practice for engagement between the PAC and Ministers, Assistant Ministers and States' employees working in an administration of the States for which a Minister is assigned responsibility, and
 - (iii) lodge each code of practice for approval by the States
- (g) to prepare, keep under review and present to the States-
 - (i) a code of practice for the proceedings of scrutiny panels and review panels (apart from the engagement described in paragraph (f)(i)), and
 - (ii) a code of practice for the proceedings of the PAC (apart from the engagement described in paragraph (f)(ii))

KEY ACHIEVEMENTS

A. CODE OF PRACTICE: IMPROVED PROCEDURAL AND ENGAGEMENT FRAMEWORK

On 10th April 2018 the States overwhelmingly endorsed a new framework governing engagement between the Assembly's scrutiny panels/ Public Accounts Committee (PAC) and Ministers.



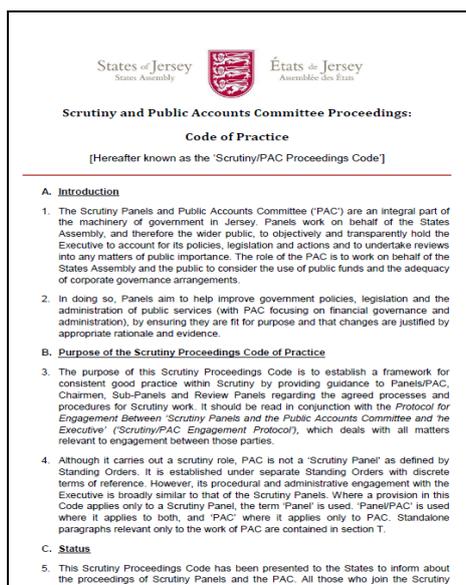
The new [Engagement Code of Practice](#) establishes a clear expectation of co-operation in the provision of information by Ministers and Departments to scrutiny panels and the PAC.

This extends to the relevant Ministers being required to clearly demonstrate their active support for States owned entities to comply with Scrutiny requests for information.

Notably, the Code also contains a commitment from the Council of Ministers to use its best endeavours to try to ensure that all Propositions on major policies and legislation are lodged 'au Greffe' at least six months before the date of the next scheduled elections, so that sufficient time is factored in for Scrutiny purposes. It is anticipated that this will go some way to help avoid a repeat of the highly unsatisfactory volume of business faced by the Assembly and its scrutiny panels in recent weeks and months.

Where there are differences in PAC processes compared to scrutiny panels these are clearly identified in the new Code, and there are standalone sections to cover matters that are relevant only to the PAC.

In conjunction with the Engagement Code, a new [Proceedings Code of Practice](#) has been presented to the States, and is now in force.



This means that matters of engagement with the Executive are split from matters of internal processes and proceedings, with the latter to be regularly updated by the Committee in line with best practice without the requirement for wider, formal States approval. Any changes to the Engagement Code will require States approval.

TAKING EVIDENCE ON OATH

The States also approved an [amendment to the powers of scrutiny panels](#) on 10th April 2018 to enable them to place witnesses under oath when providing evidence at a public hearing. This is a powerful tool and one that is intended to be used sparingly, but in the right circumstances it will be of value to Scrutiny proceedings in providing focus to the requirement for witnesses to be open and truthful in the evidence they provide.

This is similar to mechanisms available to parliamentary committees in other jurisdictions, for instance the UK Houses of Parliament.

B. INCREASED INFLUENCE AND PROFILE

The approval by the States of these two significant improvements (above) to the authority and standing of scrutiny panels is a very satisfactory conclusion to the detailed assessment of scrutiny processes carried out by the Chairmen's Committee this term. The aim has been to ensure that Jersey's scrutiny processes are on a par with the rights and powers of scrutiny panels and select committees in other jurisdictions, something we have gone a long way to achieving with such endorsements by the States.

Additionally, the volume and quality (underpinned by being guided by the core principles of good scrutiny, such as objectivity and transparency, recognised across all democratic parliaments) of work undertaken by Panels has helped secure the trust of colleagues and stakeholders in the value of scrutiny. There is no doubt that Scrutiny features prominently in political discourse and in formal debates. Our output is increasingly influential on Ministers (directly and indirectly, welcome or otherwise), and is routinely sought and relied on by individual members, stakeholders and the public to provide objective views on all the key policy proposals and legislative changes.

As well as developing a strong political presence, we have continued to see the public profile of Scrutiny increase. This is in part a reflection of the notable political profile and role that Scrutiny has evolved, and the trust and growing respect that comes from quality output

(reports, comments etc). It is also a reflection of the hard work and focus that has been put into improving how we involve, interact with and communicate our work to stakeholders and the wider public – see below.

The Chairmen's Committee has been mindful of trying to ensure that scrutiny members have appropriate recognition and resources to effectively carry out their role, beyond just overarching budget and staff resource matters. Areas addressed have included improvements to the facilities in the designated scrutiny rooms, and minor, but nonetheless helpful, initiatives such as the provision of business cards and assistance with scrutiny-related communications expenses for Scrutiny Chairmen (on a comparable level to Ministers).

C. PUBLIC ENGAGEMENT

There have been significant developments in the way that Panels and Committees have engaged with stakeholders and the wider public this term. Panels and Committees have remained very conscious of improving community access to and involvement with our work.

Many initiatives were undertaken over the course of the year, including holding evening public meetings at various locations across the Island, an enhanced social media presence, high-profile Island-wide surveys, inviting the public to submit questions that Panels ask Ministers at public hearings, and the trial filming of a public hearing which was made available to view on our website. The Future Hospital Review Panel was also able to use the States Chamber for a public hearing, enabling a greater number of people to watch the hearing in person or online via the live webcast (191 viewers).



Electoral Reform Sub-Panel Roadshow



Future Hospital Hearing Webcast - States Chamber

The Chairmen's Committee has supported proposals to deliver webcasting of all Scrutiny public hearings, a project that will be completed ahead of the beginning of the new Assembly. This will coincide with the ongoing project to significantly enhance the Scrutiny/States Assembly website.

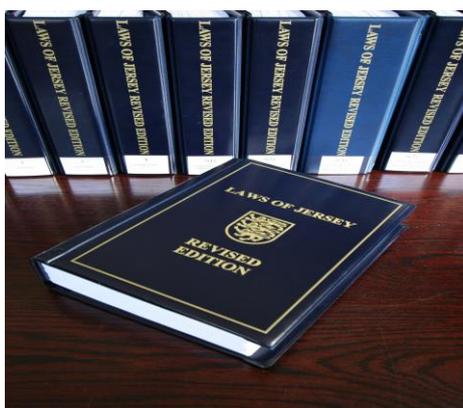
3. AREAS FOR FURTHER CONSIDERATION

A. GOVERNMENT WORK PROGRAMMING

A major issue faced by Scrutiny during the term of office has been the inability of Ministers to meet target deadlines in producing policy and legislation. This has had a detrimental effect on the Panels in terms of planning and prioritising workloads. It has also resulted in an excessive amount of work being lodged “au Greffe” for debate in the run up to the end of the term of office, not permitting adequate time for satisfactory scrutiny. This is wholly unacceptable.

The new Engagement Code of Practice establishes a clear expectation of co-operation in the provision of information by Ministers and Departments to scrutiny panels and the PAC. It also contains a commitment from the Council of Ministers to use its best endeavours to try to ensure that all Propositions on major policies and legislation are lodged ‘au Greffe’ at least six months before the date of the next scheduled elections, so that sufficient time is factored in for Scrutiny purposes. It is anticipated that this will go some way to helping avoid a repeat of the highly unsatisfactory volume of business faced by the Assembly and its scrutiny panels at the end of this term, but the new Committee should remain watchful to avoid a repeat.

B. LEGISLATIVE SCRUTINY



Laws of Jersey

The Chairmen's Committee has given considerable thought to the Privileges and Procedures Committee's (PPC) report R.121-2017 on Legislative Scrutiny. We are broadly supportive of the overall direction of the current proposals, but would draw particular attention to the following:

- The guaranteed provision for scrutiny to occur in advance of the principles being debated and again after their adoption is welcome.
- We are extremely concerned that the envisaged timescales are a barrier to effective scrutiny of more complex or large scale legislation. We believe that this matter could be addressed in part by calculating timeframes in States sittings rather than in weeks. This would immediately address some of the issues that we routinely find ourselves facing when trying to undertake scrutiny over holiday periods (Easter, Christmas, summer etc). The proposed minimum period of 6 weeks for opening scrutiny is not sufficient and might therefore be replaced by a requirement for a Panel to report back by the 4th States meeting from the point of lodging, and the 10 week proposed extension might be replaced by a 5 sitting extension.

- The Committee is firmly opposed to any obligation, or indeed expectation, for Scrutiny to review 'backbench' propositions. Amongst other concerns, we believe that this would distract from the core role of Scrutiny to hold the government to account, add to an already challenging workload, and potentially lead to frequent conflicts of interest between Panels and members (given that 'backbenchers' are routinely members of scrutiny panels).

We recommend early engagement by our successors with PPC and the Greffier of the States on this matter.

C. PUBLIC ENGAGEMENT

For all the good work and successes of the past term, this is an area that continues to evolve (and quickly) and will continue to need the Committee's attention. The States Greffe itself clearly recognises the importance of communication and we welcome the attention and resources that it commits to helping support us continue to improve. Key ongoing matters that we draw attention to are:

- The importance of being pro-active and innovative in the approach to public engagement
- Delivery of the new States Assembly (including Scrutiny) website
- Delivery of webcasting of all Scrutiny public hearings
- Increased presence on additional social media platforms
- Identification of opportunities to provide additional, improved (larger, more publically accessible and technologically equipped) Scrutiny hearing rooms as part of the Morier House refurbishment project



Blampied Room, States Building: one of the two rooms currently provided for scrutiny hearings

D. FOLLOWING UP REPORTS

A number of Panels have made reference in their individual Legacy Reports to the challenge of effectively following up recommendations. We encourage the new Panels and Committees to remain mindful of the importance of following up their recommendations. This should be assisted by the establishment of a consistent framework, as contained in the new Scrutiny Proceedings Code, which sets out the following:

Panels/PAC will endeavour to ensure that all reviews are appropriately followed up. Upon publication of the report or Ministerial Response, Scrutiny Officers will recommend to Panels/PAC an appropriate course of action for follow up, the initial phase of which should commonly be undertaken within 3-6 months of Panel reports. The Scrutiny Officer will implement the necessary arrangements as agreed by the Panel/PAC.

E. TRAINING



Training Event for Scrutiny Members

Members are in full agreement about the value of targeted training that we found to be of great benefit this term. The States Greffe will provide the Chairmen's Committee with a number of proposals and options for training, and we would encourage all Scrutiny Members to participate as widely as possible, and to identify and request additional and ongoing opportunities for continued development. In particular we recommend training in the following areas:

- An overarching workshop of effective scrutiny. (Ideally we recommend approaching [Dr Hannah White, Institute for Government](#), UK. Dr White provided a very informative workshop to the Chairmen's Committee on '[The Impact of Parliamentary Committee Inquiries on Government](#)' this term, and we see a good opportunity for a similar, extended session for all Scrutiny Members.)
- Questioning
- Chairing Skills
- Media Interviews
- Digital Communications/Social Media
- Working Visits: Westminster/Devolved Assemblies