CORPORATE SERVICES
SCRUTINY PANEL

LEGACY REPORT 2014 - 2018

Presented to the States on 23rd May 2018

S.R.14/2018
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Remit

‘There shall be a scrutiny panel which is assigned the topics of corporate services, corporate policies and external relations’ (Standing Order 135(1)(a)). The Panel’s remit covers the Chief Minister and the Ministers for External Relations and Treasury and Resources (Code of Practice 4.2). Certain areas of the Chief Minister’s remit (Financial Services, Digital and Competition) were scrutinised by the Economic Affairs Scrutiny Panel.

Membership

Deputy John Le Fondré (chairman)
Deputy Simon Brée (Vice-Chairman)
Deputy Kevin Lewis (appointed to the Panel on 9th December 2014)
Senator Sarah Ferguson (appointed to the Panel on 11th October 2016)
Connétable Chris Taylor (Panel member from November 2014 to 10th October 2017)
Introduction

1. The Corporate Services Panel has reviewed the work it has undertaken since its establishment by the States in November 2014 and agreed to provide a report to its successor Panel established by the States in its next session to assist in developing its own work programme.

2. The report sets out:
   - The work undertaken by the Panel during the session 2014 – 2018;
   - Methods of working used by the Panel; and
   - Suggestions for issues that a successor Panel may wish to consider in developing its work programme.

3. The Panel met 288 times between November 2014 and April 2018 (including electronic meetings). Details of minutes can be found on the scrutiny website.
Work undertaken

4. The primary output of scrutiny panels is usually a report or comments paper. Sometimes, a panel's work will result in an amendment to a proposition or piece of legislation.

Reports

5. The Panel presented 17 reports to the States Assembly in the period 2014 to 2018:

<table>
<thead>
<tr>
<th>Review</th>
<th>Reference</th>
<th>Presentation Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2015</strong></td>
<td></td>
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<tr>
<td>Council of Ministers proposed Strategic Priorities</td>
<td>R.8/2015</td>
<td>23rd February 2015</td>
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<tr>
<td>2015-2018</td>
<td></td>
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<tr>
<td>Jersey International Finance Centre (interim report)</td>
<td>S.R.7/2015</td>
<td>30th October 2015</td>
</tr>
<tr>
<td>Public Sector Pension Reform (Phase 2)</td>
<td>S.R8/2015</td>
<td>16th November 2015</td>
</tr>
<tr>
<td>Draft Budget 2016</td>
<td>S.R10/2015</td>
<td>11th December 2015</td>
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<tr>
<td><strong>2016</strong></td>
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<tr>
<td><strong>2017</strong></td>
<td></td>
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<tr>
<td>Future Hospital Funding Strategy</td>
<td>S.R.4/2017</td>
<td>13th April 2017</td>
</tr>
<tr>
<td>Review of Electoral Reform</td>
<td>S.R.6/2017</td>
<td>5th June 2017</td>
</tr>
<tr>
<td>Jersey International Finance Centre (final report)</td>
<td>S.R.8/2017</td>
<td>14th July 2017</td>
</tr>
<tr>
<td>Budget 2018 Interim Report (Impots Duties)</td>
<td>S.R.10/2017</td>
<td>23rd November 2017</td>
</tr>
<tr>
<td>Income Forecasting Model</td>
<td>S.R.11/2017</td>
<td>27th November 2017</td>
</tr>
<tr>
<td>Draft Budget Statement 2018</td>
<td>S.R.12/2017</td>
<td>27th November 2017</td>
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<tr>
<td><strong>2018</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marriage and Civil Status Law</td>
<td>S.R.1/2018</td>
<td>26th January 2017</td>
</tr>
<tr>
<td>Migration Policy</td>
<td>S.R.7/2018</td>
<td>9th April 2018</td>
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</tbody>
</table>
Comments Papers

6. The Panel presented 8 comments papers:

<table>
<thead>
<tr>
<th>Comments</th>
<th>Presentation Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft Public Finances (Amendment of Law No. 2) (Jersey) Regulations 201- (P.42/2015): amendment.</td>
<td>19th May 2015</td>
</tr>
<tr>
<td>Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 201- (P.46/2015): comments (Jersey Property holdings)</td>
<td>4th December 2015</td>
</tr>
<tr>
<td>Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 201- (P.46/2015): comments (Fisheries and Aquatic Resources)</td>
<td>4th December 2015</td>
</tr>
<tr>
<td>Draft Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 201- (P.105/2016): amendment (P.105/2016 Amd.) – comments.</td>
<td>12th January 2017</td>
</tr>
<tr>
<td>Draft Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 201- (P.11/2017): comments.</td>
<td>27th March 2017</td>
</tr>
<tr>
<td>Draft The Law Society of Jersey (Amendment No. 4) Law 201- (P.136/2016): comments.</td>
<td>28th April 2017</td>
</tr>
<tr>
<td>Immigration (Amendment) (Jersey) Order 2017: extension to Jersey by Order in Council (P.26/2017) – comments</td>
<td>16th June 2017</td>
</tr>
<tr>
<td>Draft Asian Infrastructure Investment Bank (Immunities and Privileges) (Jersey) Regulations 201- (P.68/2017): comments</td>
<td>14th November 2017</td>
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</tbody>
</table>

Amendments

7. The Panel lodged 13 amendments (and two addendums):

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Lodging date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft Public Finances (Amendment of Law No. 2) (Jersey) Regulations 201- (P.42/2015): amendment.</td>
<td>19th May 2015</td>
</tr>
</tbody>
</table>
Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 201- (P.46/2015): second amendment.


2016

2017
Future Hospital Funding Strategy (P.130/2016): third amendment.

Future Hospital Funding Strategy (P.130/2016): third amendment (P.130/2016 Amd.(3)) – addendum.

Future Hospital Funding Strategy (P.130/2016) (as amended): third amendment (P.130/2016 Amd.(3)) – second addendum.

2018
Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (P.91/2017): second amendment.

Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (P.91/2017): second amendment (P.91/2017 Amd.(2)) – amendment.

Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (P.91/2017): second amendment (P.91/2017 Amd.(2)) – second amendment.

1st December 2015

18th September 2015

18th September 2015

22nd September 2015

13th September 2016

4th April 2017

13th April 2017

2nd May 2017

16th January 2018

25th January 2018

25th January 2018
Roles of Scrutiny

8. The Code of Practice for Scrutiny Panels sets out the four main roles of scrutiny as Policy, Legislation, Annual Business Plan/Budget and Matters of Public Interest. We have undertaken work in each of these areas:

- **Policy**: Migration Policy, Future Hospital Funding Strategy
- **Legislation**: Public Finances Law, Transfer of Functions, Employment of States of Jersey Employees Regulations, Electoral Reform, Law Society of Jersey, Immigration Law, Asian Infrastructure Investment Bank, Draft Marriage and Civil Status Law
- **Annual Business Plan/Budget**: Medium Term Financial Plan (MTFP), MTFP Addition, Draft Budget 2016, 2017 and 2018
- **Matters of Public Interest**: Jersey International Finance Centre

Methods of working

9. **Review panels** – Review panels are formed by the Chairmen’s Committee to review a particular proposal, issue or project which may cut across the remit of a number of different scrutiny panels. We contributed to a number of review panels, including: Future Hospital Review Panel, Machinery of Government Review Panel and the Brexit Review Panel.
10. **Quarterly Public Hearings with Ministers** – The Chief Minister, Treasury Minister and External Relations Minister appeared before us on a regular basis to answer questions about topical issues falling within their respective remits.

At three of our quarterly hearings, we invited members of the public to submit questions to be put to Ministers.

11. **Advisers** – We appointed expert advisers to assist with a number of our reviews. In addition to providing briefing notes on evidence received and assisting with question plans, advisers met with departmental officers on a number of occasions to discuss important background to their work. Advisers’ reports were appended to the relevant final reports.

12. **Briefings** – We received regular informal briefings from ministers and officers on matters relevant to our remit. Briefings were often provided at the start of a review or on one-off matters of importance. Briefings received included: the work of the States of Jersey Development Company, Personal Tax Review, Income Forecasting Model, Machinery of Government changes, Brexit, Population and Migration, and the draft Extradition Law.

**Suggestions for future work**

13. In this section, we have identified possible areas for future work by a successor Panel including forthcoming legislation. In addition to a general suggestion that consideration be given to the recommendations made by the Panel in the reports listed above, we would highlight the following:

- **Migration Policy**: We published a short report on Migration Policy in April 2018. As the Policy is not due to be debated until September 2018, we did not feel it appropriate to undertake an in-depth review. Instead, our high level report drew out some of the key areas of the policy, in anticipation of future work to be undertaken by Scrutiny.

- **Jersey International Finance Centre**: We undertook a significant piece of work reviewing the feasibility of the Jersey International Finance Centre (JIFC). As part of this work, we assessed the financial viability of the JIFC, assisted by expert advice from EY plc. We note that a recent Ministerial Decision has been signed which gives ‘in principle’ permission for IFC1 to be sold, subject to certain conditions. The Panel recommends that such a sale should be a trigger
for a scrutiny or Public Accounts Committee Review to consider the financial return compared to the original projections and the viability assessment completed by EY. This review should take into account the variances in market conditions between the original projections for the scheme, EY’s assessment, and market conditions at the time of the sale. The review should also ensure that all costs of the scheme, to the States as a whole, are taken into account.

- **Marriage and Civil Status Law:** The Panel’s review of the draft Marriage and Civil Status Law highlighted that the drafting of the law had been rushed. Our review picked up a number of areas where the law needed to be improved, however we could not guarantee to have picked up all of them. We also identified a potential issue with church buildings under the final approved version of the law. The Chief Minister accepted our recommendation that he should report back to the States Assembly before the law comes into force and we would recommend that this is followed up by our successor panel.

- **Access to Justice:** The Panel received a briefing on the draft Access to Justice Law prior to it being lodged. The draft Law introduces significant changes to the Legal Aid process and we expect that this is something our successor panel will wish to look at.

- **External Relations Policy:** We commenced a review of the Island’s External Relations Policy in summer 2017. However, due to other pieces of urgent work coming before us, we were not able to continue with the review. At our request, the Minister for External Relations recently published a Global Markets Strategy and this could form the basis of a future scrutiny review.

**Further Suggestions**

- **Public engagement:** We recommend that scrutiny panels continue to explore new ways of engaging members of the public with the work of scrutiny. This might include different times and venues for public hearings, increased use of social media and different styles of report. We would encourage panels to be innovative in how they work.

- **“Ask the Minister”:** We suggest that more opportunities are given for

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1. [Watch webcast of the Future Hospital Public Hearing on the States Assembly website.](#)
members of the public to submit questions to be asked in public hearings. We trialled this in a number of hearings with the Chief Minister\(^2\) over the last 2 years and the Health and Social Security Panel also trialled it in its Organ Donation Review.

- **Legislative amendments**: When complex pieces of legislation come before the States, they can often be subject to numerous amendments. This can lead to States debates becoming complicated and difficult to follow. We would recommend that scrutiny panels (and indeed all Members) consider carefully how legislative amendments are structured, to ensure that debates do not become overly complicated. In particular, where amendments relate to different areas of a draft law, it is strongly recommended that these are lodged as separate amendments to ensure a separate debate and a separate vote can be held on each distinct amendment.

- **Executive work programme**: It has been acknowledged that the last few months of the 2014-2018 States Assembly saw an unprecedented number of legislative items lodged for debate. This challenged the capacity of all scrutiny panels. Ministers must ensure that sufficient time is built into the law making process for legislative scrutiny.

![Twitter campaign for a quarterly public hearing with the Chief Minister](https://example.com/askgorst)

\(^2\) [View the #AskGorst – March 2018 Twitter campaign](https://example.com/askgorst)