



States Greffe: Scrutiny

Senator John Le Fontré
Chief Minister
19-21 Broad Street
St Helier
JE2 3RR

3rd March 2020

Dear Chief Minister

Corporate Services Scrutiny Panel – Population & Migration Review

Following receipt of the response to the Corporate Services Scrutiny Panel's (the Panel) Findings and Recommendations, I am writing to you to highlight some issues that the Corporate Services Scrutiny Panel discovered in the Ministerial Response. These are outlined below in order of the relevant Ministerial Response to the Findings and Recommendations. I ask that you (or the Board, as appropriate) provide further written response to each of the concerns raised by the Panel in this letter.

Please note that all comments relating to the Chair of the Board refer to the Chair at the time, rather than the Acting Chair.

My questions and concerns are in response to the comments received, as follows:

Comment 2 in the Ministerial response states that Statistics Jersey advised calculation of an individual's economic impact would not be meaningful; the Board's scope states that the Board should:

'Rely on statistical and economic modelling, including long term fiscal modelling and analysis of the implications for taxes, services, and our economy, of migration'

What impact modelling was proposed as an alternative to assess the impact of population increases/decreases?

Comment 4 states that it had not been possible to have representatives from all industries, but that the Chair had experience of this sector from his experience as a dairy farmer and on the RJA&HS board, and that industry representatives from the dairy, potato growers and Jersey Farmers' Union had met with the Board during the consultation period. However, the Chamber of Commerce stated in their public hearing that they adequately represent all industries apart from Agriculture, so to ask the Board to have found one more party to represent this one missing industry seems reasonable.

Comment 5 states that the Board was opened up to lay members in order to get a wider understanding of the issues and to include the views of those who are not currently politicians. The comment further states that the Chair does not discriminate by age, gender or nationality. This is inaccurate. It was not 'opened up' to lay members. As found during multiple public hearings, membership was invite-only and was extended only to those who ended up on the Board. Issues around diversity were raised by stakeholders during our hearings. It is clear

from the response that the Chair does not understand the term and has, therefore, made no effort to ensure this best practice approach to Board governance was upheld.

Comment 8 states that the Board's role is not to determine government policy, but to provide the Chief Minister with advice. This has not been a consistent approach of the Board and, indeed, the first sentence of the Terms of Reference of the Board state that their 'purpose' is:

'To develop comprehensive migration policy proposals...' and, in the scoping document, it states that 'the establishment of the Migration Policy Development Board to develop an agreed population and migration policy.' and 'We will establish a Policy Development Board to develop an agreed population and migration policy that balances population pressures against economic and environmental needs.' and [we will] 'Develop and implement a comprehensive migration and population policy.'

Furthermore, the scope document, before it was amended, stated that a 'draft policy' would be produced by 'September/October of 2019'. This language in the scoping document has since been changed without acknowledgment in the footnote.

This change renders the Scrutiny finding redundant after the event and is an unacceptable way in which to respond to Scrutiny.

Comment 10 states that no concerns regarding consultation conflicts with the peak time of year were raised by representatives of the retail sector during meetings throughout October and November. This is understood, however, given that this was raised in our public hearing with the Jersey Retail Association, we would like to know whether the Board proactively asked retail representatives they encountered for their feedback on the timing of the consultation.

Comment 11 states that the Board does not feel that it would have been appropriate to enter into considerations of what a pre-conceived idea of the solution would be.

Panel Finding 11 – There is a difference between a vision and a preconceived solution.

In comment 12, it is stated that the Board has given consideration to a number of papers, reports and migration systems in other jurisdictions.

Panel Finding 12 – Please share the bibliography detailing these papers, reports and systems.

In comment 15, what is meant by "dovetail with it"? What is the Panel's position on what and when will this happen?

Comment 16 states that the Board is tasked with making recommendations to the Chief Minister, who will take forward appropriate proposals to the Councils of Ministers for discussion and approval. Whilst the Board is making its recommendations to the CM, does it not think that the CM would like to know that the Board has consulted his CoM and their views? Will the Board be using our evidence gathered during public hearings, to gain some insight into the ranging views of Ministers?

Panel Recommendations

Comment 3 states that, in addition to meeting with representatives from individual sectors, the Board organised a workshop attended by representatives of each of the sub-committees of the Chamber of Commerce. Agriculture is not represented by the Chamber of Commerce.

Comment 4 states that the inclusion of further parties at this time would likely delay the recommendations of the Board and impact the timelines of interrelated workstreams and a States debate on migration controls. The Board refuses to acknowledge the fact that it is not diverse.

Comment 5 is markedly similar to Comment 4. In light of this, please see our response above

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Comment 7 refers to Comment 4. In addition to the comments above, does the Children's Commissioner feel that the Board's engagement with her satisfies our recommendations?

Comment 8 states that the Board's meetings with stakeholders included representatives of retail, with no concerns raised to the Board regarding the timing of these meetings. Did the JRA comment on the timings and were they approached during the consultation?

Comment 9 affirms that the introduction of English language classes for people arriving into Jersey has been considered by the Board. Please provide evidence including any minutes.

Comment 10 states that the Board have considered how the Housing & Work Advisory Group should operate in the future. Please provide evidence including any minutes.

Comment 11 states that it is anticipated that a policy debate on the proposed migration controls will take place before Summer 2020, before dovetailing with the Island Plan schedule, due for debate in 2021. What does 'dovetail' mean in relation to this timing? Does this fulfil or go against our recommendation?

Comment 12 states that the Minister for the Environment was included as a Board member to assist with the consideration of the environmental impacts of population and possible migration controls. This does not address our very specific recommendation. Were the studies, or were they not, shared with the Board in order to better inform them of the environmental impact of population and migration in Jersey?

Comment 13 suggests that the Board have reviewed all evidence submitted to the Scrutiny review. If this was so, why does the Board maintain that Retail did not comment nor have concerns about the timing of the consultation when this is clearly stated in the public hearing?

Comment 15 affirms that the Board have and are continuing to consider the impact of population and migration on children and young people in Jersey. How?

I am also concerned at the apparent change in the Scope of the Migration Policy Development Board (the Board) without notice and with the same publication date as the previous version. This change has been made without a minuted decision of the Board, with no reference to a change being made and appears to be a result of uncertainty uncovered by the Panel during the review process on the role of the Board in policy development.

Of particular concern is the change to Section 4 of the Scope, which originally contained the following text:

- *Produce draft policy – September/October 2019*

The newly updated Scope changes the wording on policy to read:

- *Research & policy development – March-September 2019*

Could you please provide further information on this change, including: the date the change was made, why the change was made and who authorised the change?

I would appreciate your response to the queries raised on your response to the Panel's Findings and Recommendations and to the questions regarding the Board's Scope by Tuesday 10th March 2020. Please be aware that this letter and your response will be published on our website.

Yours sincerely



Deputy Jess Perchard
Lead Member for this Review, Corporate Services Scrutiny Panel

C.c. Senator Lyndon Farnham, Acting Chair, Migration Policy Development Board