



## Scrutiny Liaison Committee

### Weekly Bulletin of Panel/PAC Activity

Week ending Friday 24<sup>th</sup> April 2020

#### Scrutiny Liaison Committee

SLC continued to meet daily (outside Assembly days) to try to ensure that information, issues and questions raised are shared to help ensure matters are addressed by the relevant Panel and to avoid unnecessary duplication.

On Monday 20<sup>th</sup> SLC met the Head of Government Communications Dirk Danino-Forsyth and Chief of Staff Catherine Madden to receive a briefing and discuss the Government's Communication Strategy in response to the pandemic.

That day the Committee also held its weekly meeting the Chief Minister. Issues covered were:

- Gov't comms – including, again, the importance of regular, open, contextualised and accessible communications with the public, including greater visibility from the Chief Minister.
- Improving liaison and information flow to States Members, especially on matters that affected their constituencies - eg Field Hospital and mortuary
- Testing and contact tracing, and the science of immunity
- Lockdown 'exit' strategy

On the matter of testing the Committee was invited by the H&SS Panel to join a briefing it was receiving from officials on Friday 24<sup>th</sup> April.

Additional notable matters considered this week:

- The Committee considered a detailed proposal from Deputy Jess Perchard about a structured and co-ordinated body of work that might be undertaken across the Scrutiny function, to help ensure comprehensive and effective past-present-future scrutiny of the Government's response to the Covid-19 pandemic. The Committee was very supportive of the objectives and principles of the proposal, agreeing that each Chair would actively engage with their Panel with the aim of scoping and undertaking associated work as relevant to the Panel's remit. The SLC agreed that although the details of the work would be the responsibility of each Panel, it would maintain a co-ordinating role through its daily meetings and the opportunities for collaboration offered by the Teams platform. A standing item on the work has been added to the daily SLC agenda.
- Tracking/Prioritisation of the emergency legislation. In addition to a standing item on its agenda to discuss all forthcoming legislation, SLC agreed to compile a chart showing all related

legislation in lodging order, lodging date, Minister, debate date, comments issued, amendments brought, won and lost. This will be placed in the all scrutiny members Team.

- A proposal to write to the Chair of PPC requesting that he bring an amendment to Standing Orders requiring a minimum of 3 working days between lodging and debate during this crisis time. Consideration is ongoing.
- Reinstating the usual 30 minute QWON and retaining the addition of 60 minutes virus QWON following the close States decision earlier in the week to amend arrangements. Work being undertaken by an individual member was noted and SLC was supportive of the proposal to rescind paragraph (a) of the associated Act.

### Corporate Services Scrutiny Panel - Activity Update

The Panel is has mainly focused on its upcoming Quarterly Hearing with the Minister for Treasury and Resources, finalising amendments to P.41/2020, and reviewing P.50/2020

- The Panel finalised an amendment to P.41/2020, this was accepted by the Chief Minister
- The Panel carried out a review of P.50/2020, relating to Signing of Instruments. A comments paper was produced.
- Updated tracking details on use of reserves to fund COVID-19 actions were received from Treasury (22nd April)
- The Panel received items from the Emergencies Council's meeting on 17th April
- The Panel heard from the Law Officers Department that the Petty Debts Court is not closed, but is necessarily operating a limited service,
- The Panel held a Quarterly Hearing with the Minister for Treasury and Resources on 23rd April, this can be view online. A number of tweets are to be released, and additional questions not asked due to time constraints will be sent to the Minister
- The Panel has contacted the Emergency Planning Officer and received a copy of Guernsey's draft report on the Pandemic Flu exercise that was carried out in November 2019, an amended copy of the Channel Islands Pandemic Influenza Preparedness Strategy has been requested, this has not been received
- The Panel received, and is publishing as per usual practice, a letter from the Chief Minister after the Panel followed up on his initial response to the Population & Migration Review
- The Panel is beginning to develop a scoping document for a new piece of work which will look at the strategic options available to the Island as it recovers from the Covid19 situation

## Future meetings

- The Panel has weekly meetings to discuss COVID-19 and general business, scheduled on Wednesday morning's, this week's meeting was cancelled due to the States Assembly sitting
- The Panel has weekly meetings with the Minister for Treasury and Resources, scheduled on Wednesday afternoons, this week's meeting was cancelled due to the States Assembly sitting

## Economic and International Affairs Panel - Activity Update

The Panel is mainly focussing on the work of the Minister for Economic Development and the support offered to the business community. The Panel is also focussed on the economic impacts of the outbreak.

- The Panel held a Public Hearing via Teams with the Minister for Economic Development on Thursday 16th April to discuss support for businesses during the Covid-19 crisis.
- The Panel is likely to hold further Hearings in due course. Witnesses identified include the Chamber of Commerce and Jersey Hospitality Association. Dates to be confirmed.
- The Panel met with Simon Soar from Jersey Hospitality Association on Friday 17th April to discuss concerns of hospitality businesses during the Covid-19 crisis. The Panel may meet with Simon Soar next week to continue discussions in relation to the hospitality industry and the ongoing Covid-19 crisis. A date for this meeting is to be confirmed.
- The Panel met with Ruth Johnson, Head of Policy (Strategic Policy, Planning and Performance), John Rogers, Director General for Growth, Housing and Environment and Richard Glover, Head of Planning, Growth, Housing and Environment on Friday 17th April for a briefing on P.49/2020 -Construction Work Regulations. The Panel was briefed on the regulations and the new Permit Scheme to allow construction sites to continue to operate. Members of the Health and Social Security Panel also attended the briefing. The Panel presented a Comments paper which informed the debate on 21st April.
  - The Panel has requested a briefing from the Minister for Health and Social Services and Government Officials on the enforcement side of the construction work regulations. This briefing is yet to be confirmed but is likely to take place on 1st May.
- The Panel met with representatives (Murray Norton and Jenifer Carnegie) from the Chamber of Commerce on Monday 20th April for a weekly catch up meeting to discuss concerns of

businesses in relation to the ongoing crisis. The Panel is due to have regular catch up meetings with Chamber of Commerce (normally on a Monday afternoon).

- The Panel is due to meet with Ian Burns, Director General of Customer and Local Services (Social Security), on Thursday 23rd April to understand how the payroll scheme interacts with the income support scheme at Social Security. Additionally, to discuss the Covid Related Emergency Support Scheme (CRESS). Members of the Health and Social Security Panel have also been invited to attend.
- The Panel is due to meet with the Minister for External Relations on Thursday 30th April to discuss his workstreams in light of the ongoing crisis.
- The Panel has asked to meet with , a Senior Law Officer from the Law Officers' to discuss Jersey Employment Law in the context of the Covid-19 crisis. The Panel will ask whether some areas of the employment legislation could be relaxed and, if so, what the consequences might be. A date for this meeting is to be confirmed.
- The Panel has weekly catch-up meetings with the Minister for Economic Development (normally on a Thursday morning).
- The Panel may have a regular catch up meeting with representatives from Jersey Business (still to be confirmed).

### Education and Home Affairs Panel

#### **Briefings/Meetings arranged/work undertaken**

- The Panel has continued its weekly catch up meetings with the Ministers in its remit (Education, Home Affairs and the Children's aspect of the Minister for Children and Housing). The Panel has updated its log of issues either raised by members of the public or stakeholders that it has shared with the Ministers and will use as the basis for discussion at these weekly meetings.
- The Panel joined with the Corporate Services Panel for briefings and to consider the introduction of emergency legislation P.41 in relation to Emergency procedures for the Courts
- The Panel has arranged three hearings with each Minister within its remit to take place as follows:
  - a) Minister for Education – Friday 15<sup>th</sup> May – 10:00am – 11:30am
  - b) Minister for Home Affairs – Tuesday 19<sup>th</sup> May – 3:00pm – 4:30pm
  - c) Minister for Children and Housing – Friday 22<sup>nd</sup> May – 10:00am – 11:30am
- The Panel has reviewed the Prison (Temporary Amendment – Covid-19) Rules 2020 which have been brought forward by the Minister for Home Affairs. This allows for low level offenders coming to the last 6 months of their sentence to be granted conditional release in order to free up capacity in the prison to combat Covid-19. The Panel has reviewed and questioned the changes and is satisfied with the rationale.

## **Future briefings/legislative changes to consider**

The Panel is due to examine the following legislative changes:

- Legislation is being considered around preventing 'unlawful gatherings' during Covid-19.
- Consideration is being given to introducing fixed penalty notices to tackle breaches of lockdown. The Panel holds serious concerns about this concept and has requested that the Minister for Home Affairs ensures adequate notice and time for scrutiny is given to it.
- Legislation is being considered around tackling riots as a result of Covid-19 matters. Again, this is currently in its infancy and would require significant changes to existing legislation.
- Further changes to the Marriage and Civil Status Law are expected to be brought forward.

The Panel will likely arrange briefings for all of these pieces of legislation and consult (where possible) with relevant stakeholders.

## **Comments/Amendment Published**

The Panel has undertaken scrutiny and presented Comments on the following pieces of legislation since 20<sup>th</sup> March 2020:

- P.22/2020 – Draft Unlawful Public Entertainments (Amendment) (Jersey) Regulations 202-
- P.23/2020 – Marriage and Civil Status (Amendment of Law (Covid-19 - Temporary Amendment) Regulations 202-
- P.24/2020 – Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No.3) Act 202-
- P.30/2020 – Draft Covid-19 (Schools and Day Care of Children) (Jersey) Regulations 202-
- P.36/2020 – Marriage and Civil Status (Amendment of Law No.2) (Covid-19 - Temporary Amendment) Regulations 202-
- The Panel has contributed its views to the Health and Social Security Scrutiny Panel's comments on P.48/2020 Draft Covid-19 (Restricted Trading) (Jersey) Regulations 202-

The Panel also worked with the Corporate Services Scrutiny Panel in order to develop the amendment to P.41/2020 Draft Covid-19 (Emergency Provisions – Courts) (Jersey) Regulations

## **Environment, Housing and Infrastructure Panel**

### **Comments/Amendment Published**

The Panel has undertaken scrutiny and presented Comments on the following pieces of legislation since 20<sup>th</sup> March 2020:

P.42/2020 Draft COVID-19 (Residential Tenancy) (Temporary Amendment of Law) (Jersey) Regulations 202- **[Comments presented and amendment made].**

### **Briefings/Meetings arranged**

The Panel has also undertaken work and received briefings on the following propositions and matters:

- The Panel received a briefing from the Minister for Children and Housing and his officers on 31st March 2020 in respect of the state of the Housing Department following the outbreak of Covid-19.
- The Panel received a briefing from the Minister for the Environment and his officers on 8th April 2020 in respect of his response to the outbreak of Covid-19.

#### **Future briefings/legislative changes to consider**

- The Panel is due to receive the Minister for Infrastructure for a briefing on Thursday 23rd April to discuss his response to the outbreak of Covid-19 and the impact of the pandemic on the Department's work programme.

### **Health and Social Security Panel – COVID-19 Response Update**

#### **Comments/Amendment Published**

The Panel has undertaken scrutiny and presented Comments on the following pieces of legislation since 20th March 2020:

P.21/2020 Draft Cremation (Suspension and Modification of Regulations – COVID-19) (Jersey) Regulations 202- **[Comments presented]**

P.29-2020 - Draft Covid-19 (Enabling Provisions) Law 202- **[Comments presented]**

P.31/2020 Draft Social Security (Amendment of Law No.12) (Jersey) Regulations 202- **[amendment made]**

P.32-2020 – Draft Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 202- **[Comments presented]**

P.45/2020 Draft COVID-19 (Amendment of Health Insurance Fund) (Miscellaneous Provisions) (Jersey) Law 2011) Regulations 202- **[Comments presented]**

P.46/2020 Draft COVID-19 (Mental Health) (Jersey) Regulations 202- **[Comments presented]**

P.47/2020 Draft COVID-19 (Capacity and Self-determination) (Jersey) Regulations 202- **[Comments presented]**

P.48/2020 Draft COVID-19 (Restricted Trading) (Jersey) Regulations 202- **[Comments presented]**

#### **Briefings/Meetings arranged**

The Panel has also undertaken work and received briefings on the following propositions and matters:

- The Panel received a briefing from the Minister for Health and Social Services, his officers and a Senior Legal Adviser on 20th March 2020 to discuss the legislative programme in response to the Covid-19 situation.
- The Panel received a briefing from the Minister for Health and Social Services, his officers and a Senior Legal Adviser on 26th March 2020 to discuss the Draft Covid-19 (Enabling Provisions) (Jersey) Law 202- (P.29/2020) and Draft COVID-19 (Screening, Assessment and Isolation) (Jersey) Regulations 202- (P.32/2020).

- The Panel received a briefing from the Minister for Health and Social Services and his officers on 8th April 2020 to discuss the provisions for Covid-19 testing and the island wide Covid-19 Household Health Survey.
- The Panel received a briefing from the Minister for Health and Social Services and his officers on 9th April 2020 to discuss the Draft COVID-19 (Amendment of Health Insurance Fund) (Miscellaneous Provisions) (Jersey) Law 2011) Regulations 202- (P.45/2020) and the Ethical Framework for utilisation of critical care in response to the COVID-19 crisis.
- The Panel received a briefing from the Minister for Health and Social Services and his officers on 14th April 2020 to discuss the Draft Covid-19 (Mental Health) (Jersey) Regulations 202-, Draft Covid-19 (Capacity and Self-Determination) (Jersey) Regulations 202- and the Draft Covid-19 (Restricted Trading) (Jersey) Regulations 202-.
- The Panel received the Minister for Health and Social Services for a Public Hearing (via Teams) on the 16th April to discuss his response to Covid-19.

**Future briefings/legislative changes to consider:**

- To receive a briefing on the Public Health Strategy from the Strategic Policy, Planning and Performance Department on the 24th April 2020.
- The receive the Minister for Social Security for a Public Hearing (via Teams) on Tuesday 5th May on her response to Covid-19 and the impact of the pandemic on the Department's work programme.

The Panel will likely arrange briefings for all of these pieces of legislation and consult (where possible) with relevant stakeholders.

**Public Accounts Committee Activity Update – COVID-19**

The Committee is currently concentrating its efforts on only asking of the Chief Executive and Treasurer questions relating to the implementation of States decisions in respect of the Covid-19 outbreak and the Government's response to it.

- The States Accounts for 2019 were published on 1<sup>st</sup> April 2020, and the PAC held a briefing with Deloitte representatives (external auditors) and separately with the Group Director, Performance Accounting and Reporting, and other senior officers of the Treasury on 20 April. Concerns were centred on the cost of faster closing of accounts and subsequent delay of presentation to States Assembly.
- There is ongoing liaison between the officers of CSSP and PAC re the above.
- A number of questions, echoing the C&AG's concerns about the recording of monies spent in the crisis and how decisions were made, were sent to the Chief Executive, focussing on how the Executive will record decisions made and how changes to the Government Plan will be monitored and recorded – the response was delayed until after the PAC meeting of 20<sup>th</sup> April,

the PAC will hold a meeting on 4 May to discuss before a planned public hearing with the Chief Executive and Treasurer on 11 May 2020.

- A comments paper, relating to the recent Executive Response to the PAC's Financial Management Report of February 2020, will incorporate the points above.
- The PAC has sought and received assurances from the Chief Operating Officer on strengthening IT services, digital modernisation programme reprioritisation, and data protection. It will continue to monitor closely and will receive a private briefing in early May.
- The Chair and officer have weekly updates with the C&AG (Monday mornings) and the C&AG is also helpfully providing written as well as verbal updates to the Committee on her work - the C&AG's Report on the Use of Enforcement Powers has been published on 20<sup>th</sup> April and the Insurance Report will be published on Monday 27<sup>th</sup> May - the PAC will follow up with the Chief Executive, giving him additional time to respond (8 weeks) except for where the reports relate to the Executive's Covid-19 response.
- Estate Management – the PAC is organising a briefing from Andy Scate, Acting Director of GHE in respect of the department's response to Covid 19 and in advance of a fuller review into Estate Management.