



States Greffe: Scrutiny

Senator John Le Fondré
Chief Minister

BY EMAIL

23rd June 2021

Dear Chief Minister

Scrutiny Liaison Committee

COVID-19 Ongoing Concerns - Decision-Making and Policy Implementation

Following recent policy changes in the Government's response to the COVID-19 pandemic the Scrutiny Liaison Committee ("the Committee") would like to highlight various decision-making and implementation concerns.

The Committee is significantly concerned at the inconsistency of the Government's strategic approach and implementation of policy changes, and cites the following by way of illustration:

- the gathering policy is being implemented inconsistently in relation to events. Large government backed corporate events have been authorised but private gatherings for numbers over 20 (excluding weddings and funerals) even if professionally organised have continued to remain restricted, until 5th July 2021 at the earliest.
- amendments to the safer travel policy have been made, in somewhat quick succession in recent weeks, and confusion for potential travellers is well documented.
- confusion continues for the differences of guidelines and legally obliging restrictions that have been occurring on island, such as wearing of masks and social distancing.
- a lack of financial support for certain sectors of the Island's economy, such as the events industry which have been significantly affected by policy needs to be addressed.

Furthermore, the Committee remains particularly concerned about the sharing of information to enable transparent justification of decisions being made.

For example, the latest minutes of the Scientific and Technical Advisory Cell (STAC) publicly released are those of the 29th March 2021, nearly a three-month period. Although this set of minutes shows that members of STAC suggested that action had been taken too late to prevent the rise during the second wave, it also suggests that the overall view of STAC was to continue legislating wearing of masks past March of this year and helps to justify that decision.

In a similar vein, various Scrutiny Panels continue to report that briefings on policy changes occur minutes before or after media releases have been made, which is not conducive to passing comment to aid any decision-making process.

Although you have indicated that decisions need to be made quickly, the Committee maintains that it would be prudent to update members of Scrutiny, and the wider Assembly, on the information being considered by CAM as and when it is produced, and decisions made in meetings should be communicated directly following a meeting in order to avoid speculation and aid in clarity when reviewing the changes being made. The need for greater sharing of information has been clear throughout the pandemic, and it is the will of the Assembly to do so. This is indicated through adoption of Part C of [P.34/2021](#) and amended [P.88/2020](#), as well as numerous written and oral questions. Actions in this regard are undoubtedly disregarding the decisions of the Assembly at worst, and simply ticking off boxes and ignoring the spirit of information sharing at best.

The Committee would also highlight its concern about the move away from seeking the approval of the Assembly, which took place earlier on in the pandemic through propositions such as P.84/2020. The Committee would suggest that consideration of alternative, informed views, will not hinder, but aid in the work of CAM. Failing to do so further risks undermining the decision process of the States Assembly and wider Ministerial oversight of the Government of Jersey. We would therefore suggest that members of the Council of Ministers and Scrutiny should pass comment on any potential changes, even in draft form.

As highlighted in your Ministerial Response to the Corporate Services Scrutiny Panel's COVID-19 Response and Recovery Interim Report [S.R.7/2021 Res] discussions on creating a Civil Contingencies law are underway and Governance matters are always under review, such a review of protocols around accountability and control measures which are in place in relation to decision making should be a priority.

Finally, the Committee has agreed to register its increasing concern about the inefficiency of the number, nature and respective meeting schedules of overlapping decision making or influencing bodies (notably the CAM-COM-Emergencies Council triumvirate), and the scale of the non-health officer influence around STAC. Specifically in respect of CAM, which has been meeting now for well over a year despite questions over its legitimacy/status, we seriously question the merits of its continued existence, often it appears at the expense of more appropriate deliberations by the full Council of Ministers and should it continue the Committee concludes that greater clarity over the role of CAM is required.

The Committee and other Scrutiny Panels have written to you and other Ministers on multiple occasions during your response to COVID-19 calling for greater communication, transparency and clear decision making. It is with regret that this has not been greatly improved over the course of this pandemic.

The Committee would request that a reply to its letter is received by the 6th July 2021.

Yours sincerely



Senator Kristina Moore
President, Scrutiny Liaison Committee