

COVID-19 Response and Recovery Interim Report

Corporate Services Scrutiny
Panel

17 March 2021

S.R.7/2021



COVID-19
Coronavirus Disease 2019

States of Jersey
States Assembly



États de Jersey
Assemblée des États

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1. Chair's Foreword

As we mark the anniversary of the arrival of COVID-19 in the island, it is helpful to look back over the events of the past year. The Corporate Services Scrutiny panel hopes that this exercise will assist by tracking key points and making helpful recommendations that will benefit future decision-making.

It is widely acknowledged and understood that the global pandemic has been a challenge for any leader. It has placed governments in uncharted territory and individual leaders have found their own ways of dealing with this. In Jersey there has been a distinct unwillingness to listen to views from those outside the government inner circle, despite a great deal of constructive work from Scrutiny and non-executive members.

No doubt there will be a public inquiry at a later date. Until that point, the Corporate Services Scrutiny Panel will continue to monitor and question ministers in relation to their COVID-19 response.

This report sets out the need to see greater levels of public engagement and enhanced levels of transparency in decision-making. Such actions would assist to improve public confidence at this difficult time. We believe that the Government of Jersey would do well to take the recommendations of this report as they prepare for the possibility that another wave could reach our shores.

As a small island nation Jersey has, for many years, prided itself on the strong balance sheet it holds. This has been built on prudent decision-making and an outward-looking spirit, ever striving to maintain relevance in an ever-changing world.

A time of crisis can also bring opportunity. In order to be poised for action internal preparedness and forward thinking is essential. Going forward, careful investment is needed, but most importantly, restraint in spending is essential in order to protect the future of our island and future generations.

During the course of this year there have been some changes within the panel, with Deputy Perchard and Connétable Shenton Stone leaving to assume other duties. We thank them for their excellent contributions. Although we were sad to lose such valued members of the team, we have welcomed Senators Pallett and Vallois to the team. They bring a great deal of knowledge and we are very pleased to be working with them.

Behind the scenes there have been changes also. This is a demanding panel and we are extremely grateful to the officers who have served us this year, particularly those who started their roles mid-way through the year. They have quickly proven themselves to be exceptional and we all commend and thank them for their support.



Senator Kristina Moore, Chair

2. Executive Summary

On 11th March 2020, the World Health Organisation made the assessment that COVID-19 could be classified as a pandemic. Since the COVID-19 pandemic was announced cases around the world have increased, including in Jersey.

The pandemic has caused the Government of Jersey to make substantial decisions which impact lives, the economy, international affairs, and public finances in the short, medium, and long term.

The Corporate Services Scrutiny Panel (the Panel) launched its review into the Government's response to COVID-19 in March 2020. The interim report prepared by the Panel considers the following decision-making matters and provides a high-level overview on:

- The timeline of key ministerial decisions relevant to the COVID-19 pandemic.
- The strategy and core legislation in place for the response to the pandemic.
- The governance, policy, and procedure practices to manage the COVID-19 pandemic.

The Panel wrote, on several occasions, to the Chief Minister and Minister for Treasury and Resources and completed public hearings with both Ministers and Government Officers to obtain further information on the views and policy position on the matters highlighted. Many of the findings and recommendations which the Panel has made in the interim report are directly related to these meetings and information provided.

Alongside this, the Panel received private briefings and documentation from relevant Ministers and officers particularly on the various points of emergency legislation and documentation in the public domain.

The Panel has made a number of recommendations for the Chief Minister to consider and which need to be addressed.

The next stage of the Panel's review will consider the use of public finance and the Government's recovery plan for 2021-24.

The next report to be published will look forward and evaluate the potential long-term impacts on society of the decisions being made and examine the long-term strategy of Government.

The effectiveness of decision-making will continue to be of interest to the Panel and form part of its future work programme. It is important that Government is held to account for how it uses and justifies its continued use of public finances, and in relation to its obligations towards due governance arrangements, not least the information that the Government needs to provide to help facilitate scrutiny's core role in this area on behalf of the wider Assembly and by extension the public.

3. Preliminary Findings and Recommendations

Preliminary Key Findings

Preliminary Key Finding 1

The Channel Islands Pandemic Influenza Preparedness Strategy provides a strategic framework in relation to a pandemic. It has not been updated for several years despite an exercise being conducted in November 2019.

Preliminary Key Finding 2

The evidence gathered confirms that the COVID-19 Strategy and COVID-19 Winter Strategy (the COVID-19 Strategies) were produced as ‘where we are now’ public health plans which both acknowledge that if new evidence arose to change strategy, a further update and explanation would be produced. The Winter Strategy confirmed that it was a minimum three-month Strategy (November to January) and possibly to the end of March 2021.

Preliminary Key Finding 3

There appears to be no alignment between the COVID-19 Strategies and the Channel Islands Pandemic Strategy.

Preliminary Key Finding 4

The Government knew as early as July that mandatory face covering may have been required in the winter, or if infection rates grew.

Preliminary Key Finding 5

A proposition to introduce regulations concerning mandatory face covering took at least 54 working days to produce following Scientific and Technology Advisory Cell agreement on their necessity.

Preliminary Key Finding 6

The Chief Minister has confirmed that the Emergency Powers and Planning (Jersey) Law 1990 needs to be reviewed.

Preliminary Key Finding 7

Ministers and Government Officers have been granted significant additional responsibilities during the crisis and are accountable for decisions made.

Preliminary Key Finding 8

The accountability of Government Officers and Ministers in a schematic format has not been publicly updated to align to the COVID-19 Strategies.

Preliminary Key Finding 9

The Scientific and Technology Advisory Cell’s (S.T.A.C) remit is to provide scientific and technical advice to Ministers and Government Officers. It is not responsible for leading Government strategy which remains the responsibility of Ministers, supported by Government Officers.

Preliminary Key Finding 10

Transparency in relation to S.T.A.C minutes has not been adequate. The minutes were not made available to the public by Government and a proposition had to be brought forward to the States Assembly to prompt this action. Although these are now being published, there is a significant time delay. For example, the minutes for September to December were published in mid-January.

Preliminary Key Finding 11

Advice given through S.T.A.C was not always followed by Ministers and without further transparency of decision-making bodies (Council of Ministers, Competent Authorities and Emergency Council) it will remain unclear on what basis decisions were made.

Preliminary Key Finding 12

The Government of Jersey has conducted tracking to gauge the success of communications of its policies.

Preliminary Key Finding 13

The Government has not carried out a review of islanders' views on implemented COVID-19 policy.

Preliminary Key Finding 14

Beyond 31st December 2020 all COVID-19 costs relevant to public funds are accounted for in the Government plan 2021-24.

Preliminary Key Finding 15

In 2020 the COVID-19 costs were accounted on a case by case basis and no budgeting or forecasts have appeared in any COVID-19 Strategies.

Preliminary Key Finding 16

The COVID-19 financial policy (R.96/2020) was set out to the 31st December 2020 but Draft Public Finances (Amendment of Law) (Jersey) Regulations 202- P.28/2020 was time limited to the 30th September 2020. The evidence would suggest that the Minister for Treasury and Resources has implemented strategic aims as set out in R.96/2020 when deciding to enact the Public Finance Law 2019 emergency powers.

Preliminary Key Finding 17

The evidence would suggest that all COVID-19 related requests for funding provided to the Minister for Treasury and Resources, whether successful or otherwise, have not been reporting to the Corporate Services Scrutiny Panel on a monthly basis.

Preliminary Key Finding 18

The evidence collected in the COVID-19 financial policy (R.96/2020) suggests there has been a change in the allocation process from the General Resources for COVID-19 expenditure when a request is for £100,000 or less.

Preliminary Key Finding 19

The evidence would suggest that where COVID-19 funding has been drawn down and remains unspent at the end of the financial year, it will return to the Reserve, unless otherwise allocated or repurposed by the Minister for Treasury and Resources.

The evidence would also suggest that if unspent balances are required for the same purpose in the following year, the Minister for Treasury and Resources may approve a Ministerial Decision in the subsequent year to reissue the funding without a need to repeat the funding application and assessment process. By its nature amounts allocated to the Reserve may remain unspent and can be returned to the Consolidated Fund at the end of a financial year, depending on the financial position.

Preliminary Key Finding 20

A multitude of communication measures have been put in place “to explain, empower, inform and sign-post” islanders and businesses on the current level of the pandemic and steps being taken by Government and Ministers.

Preliminary Recommendations

Preliminary Recommendation 1

The Chief Minister should provide clarity on the timeline for a revised Channel Islands Pandemic Strategy to the States Assembly. This is vitally important to ensure that provision of effective foresight and scenario modelling to identify risks, opportunities and solutions have been included to enable planning during this pandemic and future crises and that strategic and long-term planning is delivered to a high standard throughout a crisis.

Preliminary Recommendation 2

Alignment between the COVID-19 Strategies and the Channel Islands Pandemic Strategy should be clarified by the Chief Minister.

The Chief Minister should provide further clarity when updating COVID-19 Strategies “where we are now” public health plan. Consideration should be given as to the use of terminology across the Channel Islands Pandemic Strategy and the COVID-19 Strategies. For example, references to the first and second wave should be regularised.

Preliminary Recommendation 3

During the pandemic forward thinking and concurrent activity is required. The Government should produce COVID-19 legislation, even in a draft form, as a matter of priority, especially when advised that introduction would be beneficial.

Preliminary Recommendation 4

The review of the Emergency Powers and Planning (Jersey) Law 1990 should be prioritised and a timetable confirmed to the Assembly, as it is important to ensure that provision of effective foresight and scenario modelling to identify risks, opportunities and solutions has been included to enable planning for this pandemic and future crises and that strategic and long-term planning is delivered to a high standard throughout a crisis.

Preliminary Recommendation 5

The Chief Minister should consider the accountability and control measures which are in place in relation to decision making for Ministers and Officers. Any areas of risk in relation to decision-making should be identified and the need for additional measures should be considered to support good decision-making practices and limit exposed risk during the pandemic and any future crisis.

Preliminary Recommendation 6

The Chief Minister should ensure that an updated Command and Control Schematic is prepared and made publicly available as the current published version does not align to that which is described in the COVID-19 Strategies.

Preliminary Recommendation 7

Terms should be updated for each decision-making group (Council of Ministers, Competent Authority Ministers, Emergency Council, Scientific and Technology Advisory Cell and sub-groups) to reflect that minutes will be placed into the public domain within two weeks of the meeting taking place. This being effective for the remainder of the COVID-19 pandemic and subsequent pandemics.

Preliminary Recommendation 8

Political decisions must be made; however, transparency is needed, and it must be made abundantly clear what advice a policy is based upon. The Government should with immediate effect stipulate this and publish the relevant advice when communicating policies.

Preliminary Recommendation 9

The Government should with immediate effect share exempted minutes with relevant scrutiny panels for bodies such as S.T.A.C., Council of Ministers, Competent Authorities Ministers and Emergencies Council. Minutes should be shared with scrutiny in a confidential manner once agreed by the relevant body, legal efficacy of not doing so to date should be given.

Preliminary Recommendation 10

Decision making bodies such as the Council of Ministers, Competent Authorities Ministers and Emergencies Council should always follow advise of the S.T.A.C., publicly identify where decisions differ from that advice and clarify why decisions have differed from that advice, with immediate effect.

Preliminary Recommendation 11

The Chief Minister should immediately survey islanders to gauge their perceptions of the COVID-19 response and ongoing strategy in order to better inform decision-making and policy development. This should be done in an independent fashion and the results released publicly upon their creation.

Preliminary Recommendation 12

The Minister for Treasury and Resources should give greater consideration as to the processes and procedures regarding the allocation, draw down and unspent monies against COVID-19 expenditure and whether these reflect the fluid nature of the pandemic and appropriate accountability. The evidence would also suggest that the Minister for Treasury and Resources has not provided the information required to the Corporate Services Scrutiny Panel on a monthly basis.

Preliminary Recommendation 13

The Chief Minister should update the COVID-19 communication strategy to consider and ensure that communication meets defined objectives aligned to the core pandemic strategy.

4. Introduction

Background and Context

1. On 31st December 2019, the World Health Organisation (WHO) was informed of cases of pneumonia detected in Wuhan City, China. The Chinese authorities identified that this was a new type of Coronavirus (2019-nCoV). Since then COVID-19 has spread rapidly on a global scale.
2. On 9th March when asked in the States Assembly by Deputy Inna Gardiner what preparations were in place in the event that a pandemic was declared, the Chief Minister responded:

“At this stage that is a hypothetical scenario and we will just address that as it comes through. It is a discussion that will be taking place. The point again, there is what the external impact is of how it is declared and what the position is on the Island at any point in time. To date, reiterate - and it may change - to date we have no cases, we are making sure we want that campaign still going out about decent hand-washing, cover your coughs, all that type of stuff and that is the best defence. If we can go through that and making sure that, both within Government and also within the private sector, that the business continuity plans are in place and refreshed, then we will continue to be in a good place to deal with the challenges that come through. As I said, we will deal with each of these escalations as we go through, we will do them in a considered way, with professional advice, as they come through. Obviously, the impacts the Deputy refers to could have a wider scenario and that could cover quite a wide spectrum. Let us deal with that if and when they declare that. At this stage we are not in that position.”

3. On 11th March 2020, the WHO made the assessment that COVID-19 could be classified as a pandemic. The virus infects people of all ages, but medical evidence suggests that two groups of people are at a higher risk of getting a severe form of the COVID-19 disease. These are older people and those with underlying medical conditions.
4. Since the COVID-19 pandemic was announced, cases around the world have increased, including in Jersey.
5. The pandemic has caused the Government of Jersey to make substantial decisions which impact lives, the economy, international affairs, and public finances in the short, medium, and long term. Therefore, the Corporate Services Scrutiny Panel agreed to review these decisions, provide alternative perspectives and to collaborate where possible, in order to maximise the impact and efficiency of scrutiny review work.

Joint working with the Economic and International Affairs Scrutiny Panel

6. Since March 2020, the Corporate Services Scrutiny Panel (the Panel) have been monitoring the legislation and actions of Government, specific to its remit, as and when they were implemented in response to the virus and assessing their immediate impact on the community.

7. As the Panel started to establish a formal review of COVID-19 it became apparent that there was a degree of crossover with the work of the Economic and International Affairs Scrutiny Panel. In that regard, both Panels identified collaborative opportunities for their respective reviews and agreed to appoint an expert adviser who would work across both Panels. The findings of the expert adviser will form part of the Panel's next report in relation to the recovery phase of the pandemic.

Interim Report Layout

8. The Panel has decided to publish an interim report reviewing the key decisions made by Ministers and Government during the pre-pandemic, early pandemic, and lockdown phases of the COVID-19 pandemic from March to December 2020. The report is primarily reviewing the key decisions which have been made in relation to the use of public finances.
9. This report firstly provides an overview and timeline of Government decisions relevant to the use of public finance. The report then considers the decision-making strategy, structure, and policy in relation to key decisions implemented by Ministers and Government Officials.
10. This report highlights a number of preliminary findings that can act as learnings for the COVID-19 response during 2020 and make recommendations to allow for the best chances of success during 2021.
11. The last chapter touches upon the work which will be taken forward during the next stage of the Panel's review.

Methodology

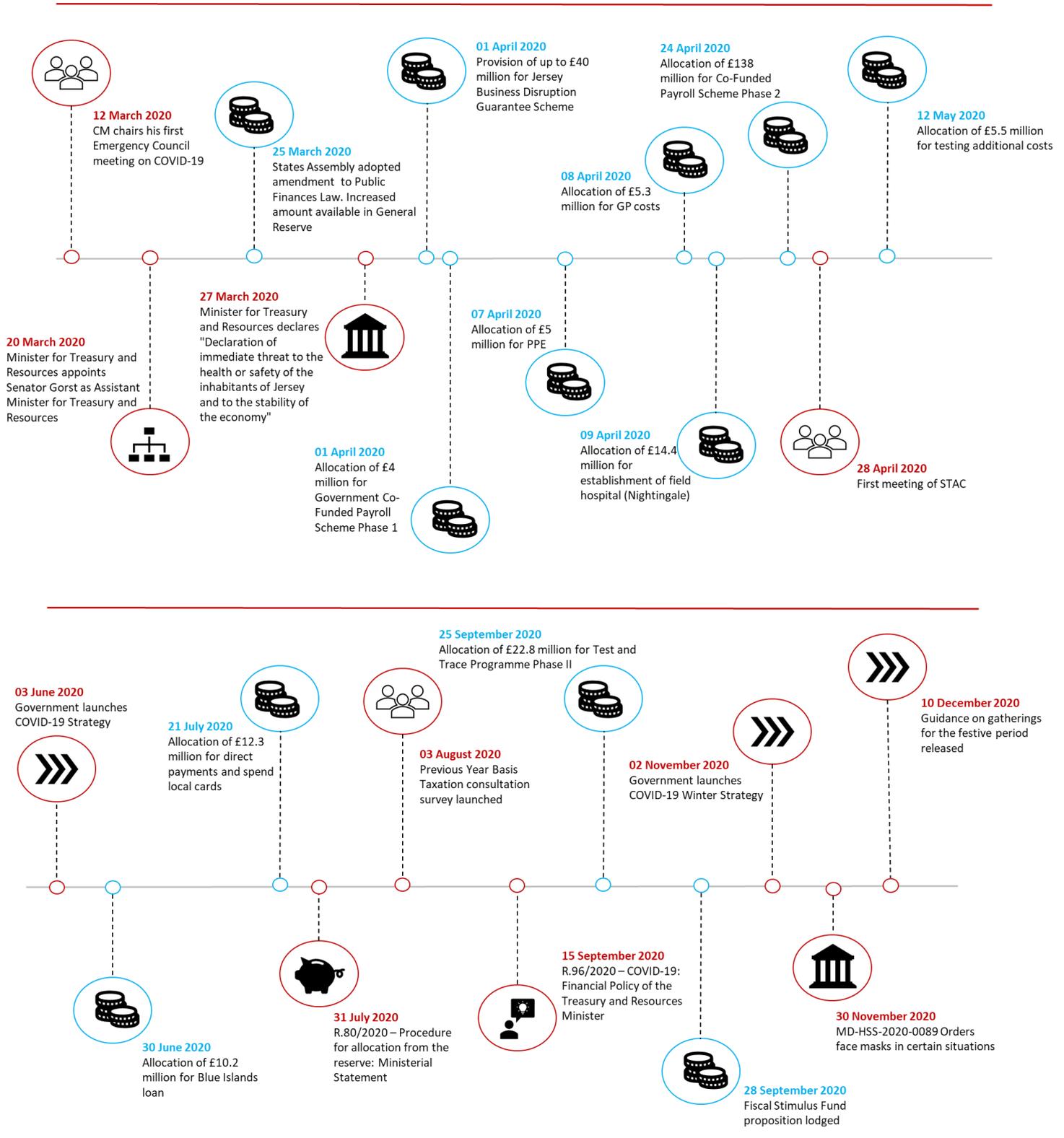
12. Since March 2020, the Panel has gathered evidence in a number of ways including:
 - public hearings with the Chief Minister, Treasury and Resources Minister and relevant government officers.
 - written views from relevant stakeholders.
 - private briefings from relevant Ministers and officers, particularly on the various pieces of emergency legislation which were debated in the States Assembly.
 - documentation provided to the Panel, upon request, by Ministers and Government of Jersey in relation to the emergency use of public finances and emergency response planning and structures;
 - documentation in the public domain and other countries pandemic strategies.

The Panel has drawn on aspects of the information it received during the last few months to present this interim report.

Transcripts for the public hearings can be accessed via the States Assembly [website](#).

Webcasts for the public hearings can be accessed via the [States Assembly webcast site](#).

Figure 1 Timeline: March – December 2020
Key Decision points made by Government relevant to the COVID-19 pandemic



5. Government Decision Making

Strategy

Channel Islands Pandemic Influenza Preparedness Strategy (the Pandemic Strategy)

13. The Pandemic Strategy was published by the Medical Officer for Health on the 19th November 2013. Workshops to update the Pandemic strategy were undertaken by the Government in November 2019 but did not result in an updated Pandemic Strategy being adopted.
14. The purpose of the Pandemic Strategy was to set out the background information and a recommended strategy for dealing with an influenza pandemic. The Pandemic Strategy confirms that the primary objective in any pandemic is to protect health and reduce the proportion of the population that may develop influenza or become critically ill. Linked to this is the importance of reducing the likelihood of overwhelming demand in our islands' acute hospitals. It is noted within the Pandemic Strategy that this is particularly important for small islands with limited healthcare capacity, and that advance planning and preparedness are critical to mitigate the potential impact of a pandemic and therefore recommends the following principles which underpin the Pandemic Strategy:
 - Enable a response proportionate to a range of scenarios reflecting pandemic viruses of low, moderate, and high impact;
 - Reduce the risk of disease entering our islands for as long as possible through community infection control measures;
 - Ensure antiviral medicines are provided promptly where they are needed;
 - Enable self-support to islanders by providing public advice and information to promote good respiratory and hand hygiene (and our public messages in this regard are unified);
 - Reduce illness and complications and minimise deaths of symptomatic patients by rapid access to health assessment;
 - Protect the public by preventing disease when possible and appropriate, through pandemic vaccination.

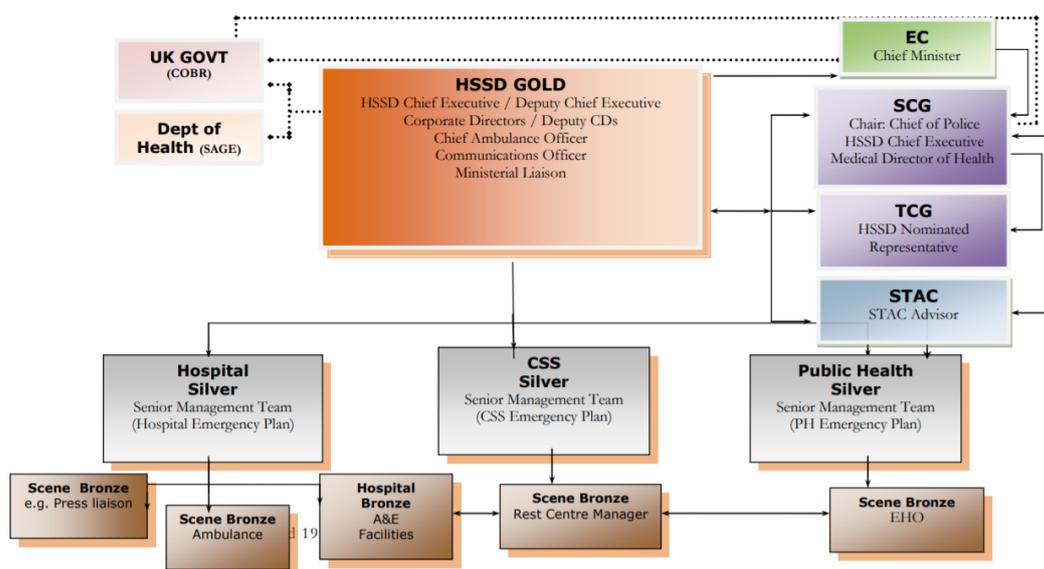
The contents of the Pandemic Strategy are split into the following sections:

- The challenge of pandemic influenza
 - The uncertainty of pandemic influenza
 - Uncertainty about when an influenza pandemic could occur
 - Unpredictability about how severe a future pandemic could be
 - The speed with which a pandemic can develop
 - The potential impact of an influenza pandemic
 - Lessons from the H1N1 (2009) influenza pandemic
 - Planning assumptions for a future influenza pandemic
 - UK International research and development
- Strategic approach to pandemic preparedness
 - Precautionary: responding in relation to the risk
 - Proportionality: planning in relation to the risk
 - Flexibility: managing the phases of pandemic response

- Phases of the pandemic: Detection, Assessment, Treatment, Escalation and Recovery
 - Evidence based
 - Ethical principles for pandemic preparedness
 - Building on an established system and business continuity
 - Whole of society preparedness
 - Coordination within the UK
 - Command and Control Jersey
- Key elements of the pandemic response
 - Detection and assessment
 - Reducing the spread of the disease: infection control and respiratory and hand hygiene
 - Facemasks and respirators
 - International travel, border restrictions and screening
 - Restrictions on public gatherings and public transport
 - School closures
 - Minimising serious illness and deaths
 - Antiviral medicines
 - Antibiotics
 - Protecting people through vaccination
 - Communication and public and professional engagement
 - Enabling people to share responsibility for preparedness and response
 - Communications for the public
 - Whole of society response
 - Business as usual
 - Maintaining essential services and normal life

The Pandemic Strategy includes a Jersey Command and Control Schematic (Figure 2).

Figure 2 – Jersey Command and Control Schematic



Preliminary Key Finding 1

The Channel Islands Pandemic Influenza Preparedness Strategy provides a strategic framework in relation to a pandemic. It has not been updated for several years despite an exercise being conducted in November 2019.

Preliminary Recommendation 1

The Chief Minister should provide clarity on the timeline for a revised Channel Islands Pandemic Strategy to the States Assembly. This is vitally important to ensure that provision of effective foresight and scenario modelling to identify risks, opportunities and solutions have been included to enable planning during this pandemic and future crises and that strategic and long-term planning is delivered to a high standard throughout a crisis.

COVID-19 Strategy

15. The States Assembly's adopted proposition P.61/2020 lodged by Deputy Jess Perchard on 20th May 2020 which set in place a requirement for the Chief Minister to publish a COVID-19 Strategy. The proposition was agreed as amended to:

'ensure the continued control and suppression of the virus in a safe and sustainable way that protects Islanders by causing the least overall harm'

On 3rd June 2020, the Chief Minister lodged the COVID-19 Strategy (the C-19 Strategy). The content of the pandemic public health strategy confirmed that the Government of Jersey was pursuing, having previously followed a general containment strategy, a suppress, control and shield strategy to ensure the continued control and suppression of the virus in a safe and sustainable way that protects Islanders by causing the least overall harm. The C-19 Strategy confirmed that the primary goal of the public health strategy, developed in March 2020, was to delay and flatten the epidemic curve. The C-19 Strategy confirmed that the second goal of the public health strategy was, therefore, to exit the more harmful pandemic measures as quickly as can safely do so.

16. The rest of the 'Where we are now' C-19 Strategy updated the public health strategy from the beginning of June 2020 and confirmed that if new evidence arose to change the strategy a further update and explanation would be published. The content of the document was split into the following sections:

- Suppressing transmission: Safe Exit Framework
 - Living safely with the pandemic
 - Principles for a safe exit
 - Re-opening health services
 - Government COVID-19 arrangements
- Controlling outbreaks of the virus when they arise
- Shielding those at most risk
- Monitoring: Public Health evidence and advice
 - Where to find monitoring information
- Key enablers
 - Communications to empower Islanders

- Community Taskforce
- Legislation

- Forward plan: when will new measures be brought in?

- Taking this journey together

Appendices

- Governance of the strategy
- The Scientific and Technology Advisory Cell
- COVID-19 legislation (as at 28 May 2020)
- COVID-19 strategy measures mapped
- Example COVID-19 monitoring information
- COVID-19 pandemic strategy: economic analysis
- Summary of the wider impact and related public health measure
- Safe Exit Framework

Post COVID-19 Strategy

17. Since the preparation of the COVID-19 Strategy in June 2020, various additional pieces of legislation and propositions were adopted by the States Assembly and local data changed.

Legislation

- COVID - 19 (Safe Distancing – Exception and Revocation of Suspension) (Jersey) Order 2020
- COVID -19 (Amendments – extension, suspension, and repeal) (Jersey) Regulations 2020
- COVID -19 (Civil Partnership and Marriage) No. 2 (Jersey) Regulations 2020
- COVID -19 (Construction Work) (Jersey) Regulations 2020
- COVID -19 (Control of Testing) (Jersey) Regulations 2020
- COVID -19 (Emergency Provisions – Courts) (Jersey) Regulations 2020
- COVID -19 (Enabling Provisions) (Amendment) (Jersey) Law 2020
- COVID -19 (Enabling Provisions) (Jersey) Law 2020
- COVID -19 (Gathering Control) (Jersey) Order 2020
- COVID -19 (Gatherings) (Jersey) Regulations 2020
- COVID -19 (Rates) (Jersey) Regulations 2020
- COVID -19 (Safe Distancing) (Jersey) Regulations 2020
- COVID -19 (Schools and Day Care of Children) (Jersey) Regulations 2020
- COVID -19 (Screening, Assessment, and Isolation) (Jersey) Regulations 2020
- COVID -19 (Signing of Instruments) (Jersey) Regulations 2020
- COVID -19 (Social Security – Reduction of Contribution Rates) (Jersey) Regulations 2020
- COVID -19 (Workplace Restrictions) (Jersey) Order 2020
- COVID -19 (Workplace Restrictions) (Jersey) Regulations 2020

Propositions

- Enhanced COVID-19 Exit Strategy Communication
- Open Border Arrangements
- Regulation of COVID-19 testing undertaken by private entities

Local data has changed in relation to the:

- Community – Children, Health and Wellbeing, Safety and Security
- Economy – Analysis, Jobs and growth, Affordable Living
- Environment – Natural Environment
- Demographics being provided by the statistics unit

COVID-19 Winter Strategy

18. On the 2 November 2020, the Government of Jersey provided an update to the original June COVID-19 strategy. It was confirmed in the COVID-19 Winter Strategy (the “Winter Strategy”) that it did not replace the existing strategy but dealt with the changed context facing Jersey over the winter period.
19. The Strategy confirmed that it was the intention of Ministers to publish updates to the strategy as and when the context and outlook substantively changed. The update provided a framework for action over the following three months (November to January), and possibly until the end of March 2021.
20. The strategy provided an introduction by the Minister for Health and Social Services and confirmed the actions being taken to keep islanders secure, safe, and well:
 - Increasing on-island testing;
 - Continually updating classifications of countries and regions to keep Jersey safe;
 - Introducing mask policies for indoor public spaces;
 - Adopting shielding programmes to keep people at high risk safe but connected;
 - Vaccinate for flu and where possible, for COVID-19;
 - Make sure all of Government is prepared, especially in supporting care, health, and economic interventions;
 - Being ready to escalate if needed, but using the ‘least overall harm’ principle;
 - Communication about sensible behaviour, backed with enforcement.
21. The content of the Winter Strategy also included a summary on keeping islanders secure, safe, and well and provided detail on how Government would prepare for new challenges and avoid lockdown. The Winter Strategy also detailed the plan in terms of how COVID-19 risk was changing, Scientific and Technical Advisory Cell (S.T.A.C.) winter advice, how to maintain strong defences against COVID-19, main risk factors driving changes to the COVID-19 strategy and how the Government’s response ensured flexible escalation.

Preliminary Key Finding 2

The evidence gathered confirms that the COVID-19 Strategy and COVID-19 Winter Strategy (the COVID-19 Strategies) were produced as ‘where we are now’ public health plans which both acknowledge that if new evidence arose to change strategy, a further update and explanation would be produced. The Winter Strategy confirmed that it was a minimum three-month Strategy (November to January) and possibly to the end of March 2021.

Preliminary Key Finding 3

There appears to be no alignment between the COVID-19 Strategies and the Channel Islands Pandemic Strategy.

Preliminary Recommendation 2

Alignment between the COVID-19 Strategies and the Channel Islands Pandemic Strategy should be clarified by the Chief Minister.

The Chief Minister should provide further clarity when updating COVID-19 Strategies “where we are now” public health plan. Consideration should be given as to the use of terminology across the Channel Islands Pandemic Strategy and the COVID-19 Strategies. For example, references to the first and second wave should be regularised.

Strategy Case study: Face coverings

Wearing of masks covering the face was legally introduced through ministerial decision MD-HSS-2020-0089, coming into force on 1st December 2020. The decision to create this legislation and advice around face covering progressed throughout the pandemic.

The Medical Officer of Health had previously issued advice that there was good supportive evidence that covering the nose and mouth would be helpful in reducing the spread of infection, in addition to other public health measures such as social distancing, as early as April 2020.¹ This was later supported by updated guidance from bodies such as the World Health Organisation which, in June 2020 changed its position to advise that fabric masks should be used by the general public in areas with community transmission in situations where physical distancing was not possible, and as part of a comprehensive strategy in the fight against COVID-19.²

Meanwhile, the United Kingdom introduced mandatory face coverings in shops and supermarkets from the 24th July 2020, with announcements of this taking place as early as 14th July 2020.³ France also made wearing of face masks mandatory in indoor public spaces during July, with individual regions making further additional orders based on infection rates.⁴

During a meeting of the S.T.A.C on the 20th July 2020 discussion of compulsory face coverings took place. The cell was of the opinion that these should be encouraged, however mandatory requirement should be kept until the winter or if there was a rise in infections. The Group Director for Policy advised that there were other routes, as alternatives to legislation, that could encourage public behaviour changes in respect of wearing masks in public, such as communications messaging, and asked the Cell to provide advance direction for legislation necessity, explaining:

“That a recommendation should be provided at the earliest opportunity so that suitable preparations could be taken over the Summer period.”⁵

No pre-emptive measures were taken to produce legislation regarding masks following the Cell’s assertions that mandatory requirement may be beneficial later in the year if there were a rise in infection rate. It has been indicated that this was the case as there was a wish not to mandate too early which would risk low compliance if perception of threat from the virus was low. Government communications, however, did continue to encourage wearing of masks in public spaces.⁶

¹ [Gov.je, MOH issues updated advice on cloth face masks, 06 April 2020](#)

² [WHO, Coronavirus disease \(COVID-19\) advice for the public: When and how to use masks \[online\] accessed 12.01.2021](#)

³ [Oral statement to Parliament, Face coverings to be mandatory in shops and supermarkets from 24 July, 14 July 2020](#)

⁴ [France 24, Mask-wearing compulsory indoors in public from next week, French PM Castex says, 16 July 2020 \[online\] retrieved 03 January 2021](#)

⁵ [S.T.A.C meeting minutes, 20 July 2020, P.6](#)

⁶ [Gov.je, Medical experts encourage the use of masks, 31 July 2020](#)

S.T.A.C next discussed face coverings at its meeting of 2nd September 2020. It was noted by the Independent Advisor of Epidemiology and Public Health that although scientific evidence of the benefits of face covering was still questionable, they could still prove to be effective. The Consultant in Communicable Disease Control (Dr Muscat), noted that it was important not to mandate the wearing too early, but to find an appropriate point at which to emphasise that they should be worn. The Cell agreed that it wished for people to wear face coverings in public enclosed spaces and decided to make a formal recommendation to this effect.⁷

Government communications from the 22nd October 2020 outlined updated public health guidance strongly recommending the use of face masks in indoor public places to protect from community spread. At the same time, it was highlighted that Ministers continued to support the preparation and the drafting of legislation for the mandatory use of masks.

It was noted that preparation of the legislation would take time as this involved a number of novel legal concepts, it appears that at least 54 working days were taken, following the issuance of S.T.A.C advice, to produce the regulations for mandatory face coverings through P.158/2020. It should be highlighted that there was not a notable delay in production of regulations through legislative development, indeed it can be stated that the Law Draftsmen and policy officers have produced much of the COVID-19 legislation at extremely short notice. The proposition which included the necessary regulations was lodged on 17th November 2020, being approved by the Assembly on 24th November 2020. An additional week was taken to introduce the order.

Although there was a marked increase in communication strongly recommending the wearing of masks. The Panel finds it concerning that, as Government policy has been based upon scientific advice, it took this length of time to introduce such an order. It is understood that face covering legislation was brought forward as a package of measures, however S.T.A.C. had first mooted the possible need for mandatory wearing of such items as far back as July of 2020. Indeed, action 3 of the Winter Strategy outlines the importance and introduction of mask policies.⁸ It seems that Ministers could have directed officers to concurrently draft legislation and even pre-emptively provide this to the Assembly, allowing for a more rapid introduction of the order once S.T.A.C made a formalised recommendation.

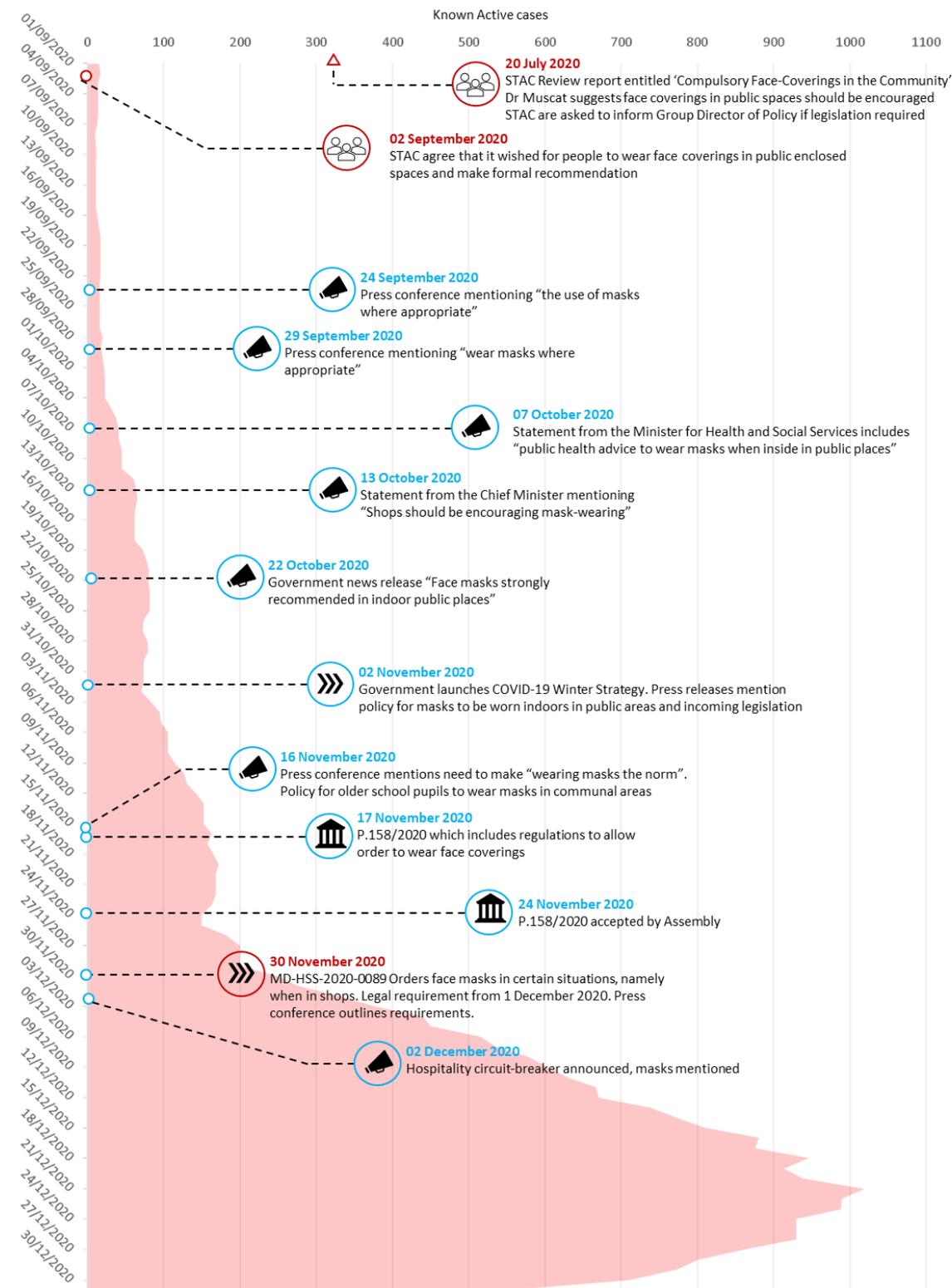
This lack of forward thinking and pre-emptive action meant that the protective measure was introduced when there were already 238 known active cases, near to a month after this count had passed 100 cases. This is outlined in figure 3 below. It is unclear on which advice policies such as the Christmas guidelines were formed, as highlighted by the Director of Strategy and Innovation on the 7th December 2020 the Competent Authority Ministers had reached a decision in respect of the Christmas guidance, so he did not believe that there was a formal need for the Cell to provide advice, albeit he suggested that any views of the Cell would be welcomed.⁹ Examples such as the introduction of mandatory face coverings call into question the forward planning of Ministers.

⁷ [S.T.A.C meeting minutes, 02 September 2020, P.9](#)

⁸ [COVID-19 Strategy Update: Preparing for Winter, November 2020, P.17](#)

⁹ [S.T.A.C meeting minutes, 7 December 2020, P.4](#)

Figure 3 – timeline: mandated face coverings



Preliminary Key Finding 4

The Government knew as early as July that mandatory face covering may have been required in the winter, or if infection rates grew.

Preliminary Key Finding 5

A proposition to introduce regulations concerning mandatory face covering took at least 54 working days to produce following S.T.A.C agreement on their necessity.

Preliminary Recommendation 3

During the pandemic forward thinking and concurrent activity is required. The Government should produce COVID-19 legislation, even in a draft form, as a matter of priority, especially when advised that introduction would be beneficial.

Emergency Powers and Planning (Jersey) Law 1990

22. On the 29th June 2020, the Chief Minister at the public hearing with the Corporate Services Scrutiny Panel, in discussing the emergency response to the pandemic, confirmed:

Chief Minister:

“The law that we are operating under was due for review I think it was this year, it is the Emergency Powers and Planning (Jersey) Law and that will be something that will be looked at next year now with the delay that COVID is causing, whether some changes come out of that is another matter.”

23. The Emergency Powers and Planning (Jersey) Law 1990 is a law to constitute an Emergency Council, to prescribe its functions, to provide generally for the planning in case of emergencies and to react with amendments to the provisions in relation to the declaration of a states of emergency.

The law considers:

- Membership of the Emergencies Council
- Functions of Council
- Emergency Planning Officer
- Designation of competent authorities
- Power of competent authorities in relation to fuel and electricity
- Powers of competent authorities in relation to telecommunications
- Powers of competent authorities in relation to postal services
- Powers of competent authorities in relation to gas
- Powers of competent authorities in relation to food
- Powers of competent authorities in relation to water
- Powers of competent authorities in relation to port operations
- States of Emergency
- Provisions as to Orders, directions, and Acts
- Conflict with customary law
- Production of documents
- Notices, authorisations, and proof of documents
- False documents and false statements
- Restriction on disclosing information
- Offences by corporations
- Offences and penalties
- Citation

Preliminary Key Finding 6

The Chief Minister has confirmed that the Emergency Powers and Planning (Jersey) Law 1990 needs to be reviewed.

Preliminary Recommendation 4

The review of the Emergency Powers and Planning (Jersey) Law 1990 should be prioritised and a timetable confirmed to the Assembly, as it is important to ensure that provision of effective foresight and scenario modelling to identify risks, opportunities and solutions has been included to enable planning for this pandemic and future crises and that strategic and long-term planning is delivered to a high standard throughout a crisis.

Governance

24. The Channel Islands Preparedness Pandemic Strategy provided a Jersey Command and Control Schematic (Figure 2). The COVID-19 Strategy published in June 2020 provided an overview of the respective roles of individuals Ministers, Competent Authority Ministers, the Council of Ministers, and the Emergency Council in response to the pandemic.

Individual Ministers

25. Continue to exercise their statutory and non-statutory powers.
26. These include powers under enactments within their authority, to make Orders or Propose Regulations, and pursuant to the COVID-19 (Enabling Provisions) (Jersey) Law 2020, Ministers can propose wide-ranging reforms to the Assembly, for them to consider and decide upon necessary legislative changes.
27. Due to this being a health emergency, much of the COVID-19 related legislation lies within the authority of the Minister for Health and Social Services, who takes advice from the Medical Officer of Health before proposing the introduction or extension of legislative changes.

Competent Authority Ministers

28. The Competent Authority Ministers (“CA Ministers”) under the Emergency Powers and Planning (Jersey) Law 1990 are the: Chief Minister (Chair); Minister for External Relations; Minister for Economic Development, Tourism, Sport and Culture; Minister for Infrastructure; Minister for Home Affairs; and Minister for Health and Social Services.
29. In relation to the pandemic, the COVID-19 Strategy confirmed that the Minister for Treasury and Resources and Minister for Education had been included in invitations given the importance of the portfolio to pandemic events on public finances and schools.
30. The CA Ministers can only act in their areas of competency, for example, the Minister for Home Affairs has powers as a CA Minister over Gas and Postal Services, with the agreement of Emergency Council. Outside of their areas of competency, the CA Minister is simply acting in their ministerial capacity, i.e., not as a competent authority.
31. CA Ministers cannot make collective decisions, as their powers are individual and narrow and executed by making orders, but they can confer and advise each other, and they do largely hold the core powers, whether as Ministers, or as CA Ministers, that are needed in the event of an emergency.
32. CA Ministers have acted effectively as a ‘cabinet’ sub-committee, who can process responses, which must then be formally ratified. However, in advance of a state of emergency, decisions (i.e., the approval of courses of action) are taken by individual Ministers or by the Council of Ministers. Anything else is by way of endorsement, support, or agreement. All of the above forums are properly recorded, by way of Ministerial Decision or a formal minute.

Emergencies Council (EC)

33. The Emergencies Council sits to co-ordinate and support any work to prepare for, or respond to, an emergency, including needing to agree the exercise of CA Minister powers. It includes the CA Ministers and a Connétable nominated by the Comité des Connétables; and the Bailiff, the Lieutenant-Governor, and the Attorney General are invited to attend and be heard.
34. If, as a last resort, a state of emergency is called by the Lieutenant-Governor, the Council can act as a collective decision-body in any area of response and has wide-ranging powers to amend enactments by Order, without the requirement for the prior approval of the Assembly for the period of the emergency.
35. At the Corporate Services Scrutiny panel public hearing on the 29th June 2020 when asked by Deputy Perchard how the Emergency Council ensures that it captures or views the issues that arise in the pandemic through the lens of other large portfolios that may not be represented on the Council, such as Housing, Environment and planning that may have intrinsic links to individuals the Chief Minister replied:

Chief Minister:

“Essentially where it has been obvious that there has been a particular impact that competent authorities ... essentially competent authorities as a grouping but everything is done within the individual ministerial powers so if there has been a housing aspect then it may not have been necessary for the Minister for Children and Housing to come in. I cannot remember if he has come in at one point or not but certainly, I have been kept apprised of measures put in place where he has been acting on certain things. If you use the Nightingale as an example, Planning and Environment in this instance have not had to come through the competent authorities side or Emergencies Council other than I am aware when the Nightingale was put through that Deputy Young as Minister for the Environment but wearing his planning hat did give essentially exemptions for permissions for the Nightingale to go in place. It is essentially on a need must basis I would suggest might be the best way of putting it. We have kept the core as the competent authorities, with the other invited Ministers in, and then when it has been necessary other Ministers have been involved. As I say, I was looking for my notes, there is a list, but all the significant items have gone to C.O.M. for either noting or endorsement.”

36. When then asked by Deputy Perchard at the same public hearing on 29th June 2020 what the plan going forward for the Emergencies Council and if it would stick to its current role the Chief Minister confirmed:

Chief Minister:

“In essence we have said we are keeping a watching brief, so the Emergencies Council now meets somewhere around the week of 20th July, which is a little bit of a discussion around if there are any lessons to be learned or issues identified and also to start thinking about planning for winter. At present it is not scheduled to meet in August but that can always change, and it is scheduled to meet in September, again early at present. That could change, around again understanding any preparation. Essentially, I have tried to bear in mind where the competent authorities/Emergencies Council started, and they have been very much focused on dealing with the health aspect of the crisis. For consistency and continuity, I have kept that but as we move into the financial impact or the economic issues that we have to deal with that is very particularly a Council of Ministers matter. I hope that gives you the distinction.

Essentially the health issues we have had to move fast and swiftly, if that is not just repetition, when we have needed to. Therefore, having the competent authorities’ body has been particularly useful but for things like the economic side that have wider impacts, it is absolutely right that should go to the Council of Ministers and that is the decision-making body.”

Council of Ministers

37. The Council of Ministers is established by the States of Jersey Law 2005 and can direct Ministers on policy matters and, as per the Code of Conduct¹⁰, the more important and cross-cutting an item, the higher the obligation on an individual Minister to take a matter to Council for a collective discussion. Council can make decisions acting as the collective Government of Jersey, and where executive political decisions are not taken by individual Ministers, however so done, they are taken by the Council of Ministers.
38. In this way, executive political structures have been adapted. Significant matters discussed by Competent Authority Ministers or at Emergencies Council have also been considered by the Council of Ministers, in line with the Ministerial code.
39. The Strategy confirms that the information provided was not intended as a comprehensive note of functions, but as a concise guide to executive decision-making during the response to COVID-19.

Figure 4 – Ministerial Membership of Governance structure

	Council of Ministers	Emergencies Council	Competent Authorities
Chief Minister	✓	✓	✓
Deputy Chief Minister (Minister for Economic Development, Tourism, Sport and Culture)	✓	✓	✓
Minister for External Relations	✓	✓	✓
Minister for International Development	✓		
Minister for Infrastructure	✓	✓	✓
Minister for Social Security	✓		
Minister for Children and Housing	✓		
Minister for Home Affairs	✓	✓	✓
Minister for Treasury and Resources	✓	✓	✓
Minister for Health and Social Services	✓	✓	✓
Minister for Education	✓	✓	✓
Minister for the Environment	✓		
Comité des Connétables nominee		✓	
Bailiff		✓	
Lieutenant-Governor		✓	
Attorney General		✓	

(Orange denoting standing invitation to attend meeting)

¹⁰ <https://statesassembly.gov.je/assemblyreports/2018/r.116-2018.pdf>

Administration

40. Administrative arrangements have been introduced between the Ministerial Support Unit and the States Greffe to support the provision of information from the Council of Ministers, Economic Council and Competent Authority Ministers under the engagement code and in line with the above principles. This includes the provision of agendas, and the use of shared 'Teams' folders into which papers and presentations can be dropped and shared.
41. Access to agendas, papers and minutes for Emergency Council, and meetings of the Competent Authority Ministers meetings, is treated in the same way as Council of Ministers items under the engagement code¹¹. Those Minutes have not been published or shared with Scrutiny, despite requests. The Chief Minister stipulated in the Panel's hearing of 5th February 2021 that this would remain the case as those exempt aspects of meetings should remain a "safe space" in which views can be expressed without fear or favour, however they would remain historical records. The Chief Minister did acknowledge that non-exempt minutes should be made public in a timelier manner and has stated that this will be pursued.

Public Finances Law 2019

42. The Public Finance Law 2019 confirms that the Chief Executive Officer of the Council of Ministers is the Principal Accountable Officer and as such is answerable to the States of Jersey and accountable to the Council of Ministers for the exercise of the functions of the office.
43. Although the Principal Accountable Officer is not responsible for making policy decisions (this responsibility lies with the Government of Jersey, Council of Ministers and Ministers) they are accountable for the implementation of policy with due regard for the need to achieve value for money and good governance.

Principal Accountable Officer¹²

44. The Principal Accountable Officer is personally responsible for ensuring that systems are in place to ensure the States is administered efficiently and effectively, and for ensuring that reports to the States Assembly are accurate, meaningful and do not mislead. He or she can be called before the Public Accounts Committee to justify why a particular course of action was taken, or not taken. Initiatives and activities should be assessed through the "Accountable Officer lens" to assess whether they meet the four essential standards of:

- Proprietary
- Regularity
- value for money
- feasibility

and should be able to describe how they contribute to strategic outcomes and departmental objectives over time and how they will measure progress made and or

¹¹ <https://statesassembly.gov.je/assemblypropositions/2018/p.56-2018.pdf>

¹² Public Finances Manual

service performance in alignment with the Jersey Standard for Performance Management and Business Planning.

45. Performance of a function of the Principal Accountable Officer may be delegated to another person(s), however, personal accountability for that function cannot be delegated. All delegations must be documented and recorded appropriately.

The Principal Accountable Officer must ensure that there are procedures in place to ensure proper control and assurance frameworks exist throughout the States.

In addition, the Principal Accountable Officer should apply the overarching test of: “Could this course of action be satisfactorily defended in public?” The Nolan Principles (see the Glossary) are of particular importance to the proper performance of the role.

Preliminary Key Finding 7

Ministers and Government Officers have been granted significant additional responsibilities during the crisis and are accountable for decisions made.

Preliminary Key Finding 8

The accountability of Government Officers and Ministers in a schematic format has not been publicly updated to align to the COVID-19 Strategies.

Preliminary Recommendation 5

The Chief Minister should consider the accountability and control measures which are in place in relation to decision making for Ministers and Officers. Any areas of risk in relation to decision-making should be identified and the need for additional measures should be considered to support good decision-making practices and limit exposed risk during the pandemic and any future crisis.

Preliminary Recommendation 6

The Chief Minister should ensure that an updated Command and Control Schematic is prepared and made publicly available as the current published version does not align to that which is described in the COVID-19 Strategies.

Preliminary Recommendation 7

Terms should be updated for each decision-making group (Council of Ministers, Competent Authority Ministers, Emergency Council, Scientific and Technology Advisory Cell and sub-groups) to reflect that minutes will be placed into the public domain within two weeks of the meeting taking place. This being effective for the remainder of the COVID-19 pandemic and subsequent pandemics.

Scientific and Technology Advisory Cell (S.T.A.C)

46. In the Corporate Services Scrutiny Panel public hearing on the 29 June 2020 the Panel requested clarification on the S.T.A.C structure and the Chief Executive confirmed:

Chief Executive:

“S.T.A.C. right at the beginning did not exist in the way which it currently does now and S.T.A.C. reports in at 3 levels. One is to the decision-making arrangements, i.e. sort of competent authorities and Emergencies Council. Two is the Minister, whether that is the Minister for Health and Social Services or if it is to the Chief Minister or whatever. We are dealing, for example, at the moment for a safer travel policy, that involves also the Minister for Economic Development, Tourism, Sport and Culture. Three, it comes into the Strategic Co-ordinating Group. So S.T.A.C. reports at a number of different levels and also deals with a number of different Ministers, it is not something that is set in stone because it is not appropriate for it to do that in that way.”

At the same public hearing, the Chief Executive clarified:

Chief Executive:

“S.T.A.C. is a standing body that deals with a whole raft of issues. By way of example, S.T.A.C. would have considered some of the ethical issues facing medics, if you remember some weeks ago, that came up and was the subject of deliberations with Scrutiny and Assembly Members. On the other hand, it may well be dealing with tactical or other operational requirements. The S.T.A.C. system sits within the context of the health services response to be able to deal with major events, such as that that we have been experiencing.

We use S.T.A.C. in the way that provides the medical evidence to help support or guide policy changes. But on the back of that S.T.A.C. also deals with departmental issues for the Health Department which may be particular to a very different set of issues other than the broader advice.”

47. The COVID-19 Strategy confirms that S.T.A.C provides scientific and technical advice to decision makers during emergencies. Advice is provided by S.T.A.C on a wide spectrum of topics and disciplines. The responsibilities of S.T.A.C have evolved as the pandemic has developed and may alter during the transition from the response to the recovery phase.
48. S.T.A.C should comprise of relevant subject experts according to the type of emergency incident. Potential members may include experts and analysts from across the public service and may also include external members, including researchers and experts from other jurisdictions, professional institutions, or private and voluntary sector organisations. Membership may need to be supplemented or adapted according to the circumstances of the emergency.
49. The core 15 members of S.T.A.C convened in April 2020 to provide advice in relation to the COVID-19 pandemic and included the:
- Medical Director (Chair)
 - Medical Officer of Health (Vice Chair) attends Emergency Council
 - Consultant in Communicable Disease Control - Dr Graham Root
 - Independent Advisor – Epidemiology and Public Health
 - Managing Director, Jersey General Hospital
 - Chief Nurse

- Associate Medical Director for Primary Prevention and Intervention
- Associate Medical Director for Unscheduled Secondary Care
- Associate Medical Director for Women and Children
- Association Medical Director for Mental Health,
- Environmental Health Consultant,
- Group Director for Policy,
- Director of Strategic Planning and Performance
- Director of Strategy and Innovation
- Chief Economic Advisor

In support of S.T.A.C the following are standing invitees:

- Head of Public Health Policy
- Head of Health and Social Care Informatics
- Senior Statistician.

As of the 23rd November 2020, additional standing invitees:

- Director General of Justice and Home Affairs
- Group Director of Financial services and Digital Economy
- Behavioural Scientist

As of the 7th December 2020, additional standing invitee:

- General Practitioner and member of the Primary Care Board,

Executive Support: Senior Sister.

Additional attendees are invited to provide information to the Cell by a subject expert when required, this has included topics such as education, public protection and law enforcement, and communications. Full attendance lists are recorded within private minutes but, are not published. This has been highlighted by the Chair as allowing for open and free-flowing conversation within the Cell, providing a safe space to debate live issues as required by the Terms of Reference.

COVID-19 Case Review (Sub) Group

50. A sub-group of S.T.A.C was convened in May 2020 to support the provision of S.T.A.C advice in relation to the pandemic. The COVID-19 Case Review (Sub) Group is chaired by Dr Ivan Muscat and its purpose is to undertake real-time analysis of new cases of infection and consider how best to respond to any clusters of infection and/or emerging transmission chains¹³.

S.T.A.C Administration

51. The Chair determines the frequency of the S.T.A.C meetings and the quorum of the meeting is at least one-third of its members. The S.T.A.C executive support officer completed minutes until the 4 June 2020. After this date the Chair advised S.T.A.C that the meetings would be attended by a Secretariat Officer from the States Greffe, to produce an impartial and comprehensive written Minute to record each meeting¹⁴. The minutes should be cleared by S.T.A.C members for technical accuracy. Advice from S.T.A.C to decision-makers should be recorded.

¹³ COVID-19 Strategy 2020

¹⁴ [S.T.A.C Minutes dated 4 June 2020](#)

52. Following the adoption of the proposition by Deputy K.G Pamplin of St Saviour entitled 'Enhanced COVID-19 exit strategy communication' (P.88/2020) on 14th July 2020 it was agreed by the States Assembly that a dedicated page on the Government of Jersey website would be established, onto which the S.T.A.C membership, minutes and evidence considered would be uploaded.
53. The Terms of Reference for S.T.A.C stipulate that its minutes should be published at an appropriate time,¹⁵ with the most appropriate timing often being after the emergency is over. The Terms of Reference also note it is likely that the policy development, security and/or personal information Freedom of Information (FOI) exemptions may apply. The Chair makes the decisions regarding when minutes should be released and whether any redactions should be applied. To date, the minutes from the 28th April 2020 to the 22th December 2020 have been uploaded to on the Government of Jersey website.
54. At the Corporate Services Scrutiny Panel public hearing on the 29th June 2020 the Chief Executive provided an overview of how this worked in practice and used the example of the test programme:

Chief Executive:

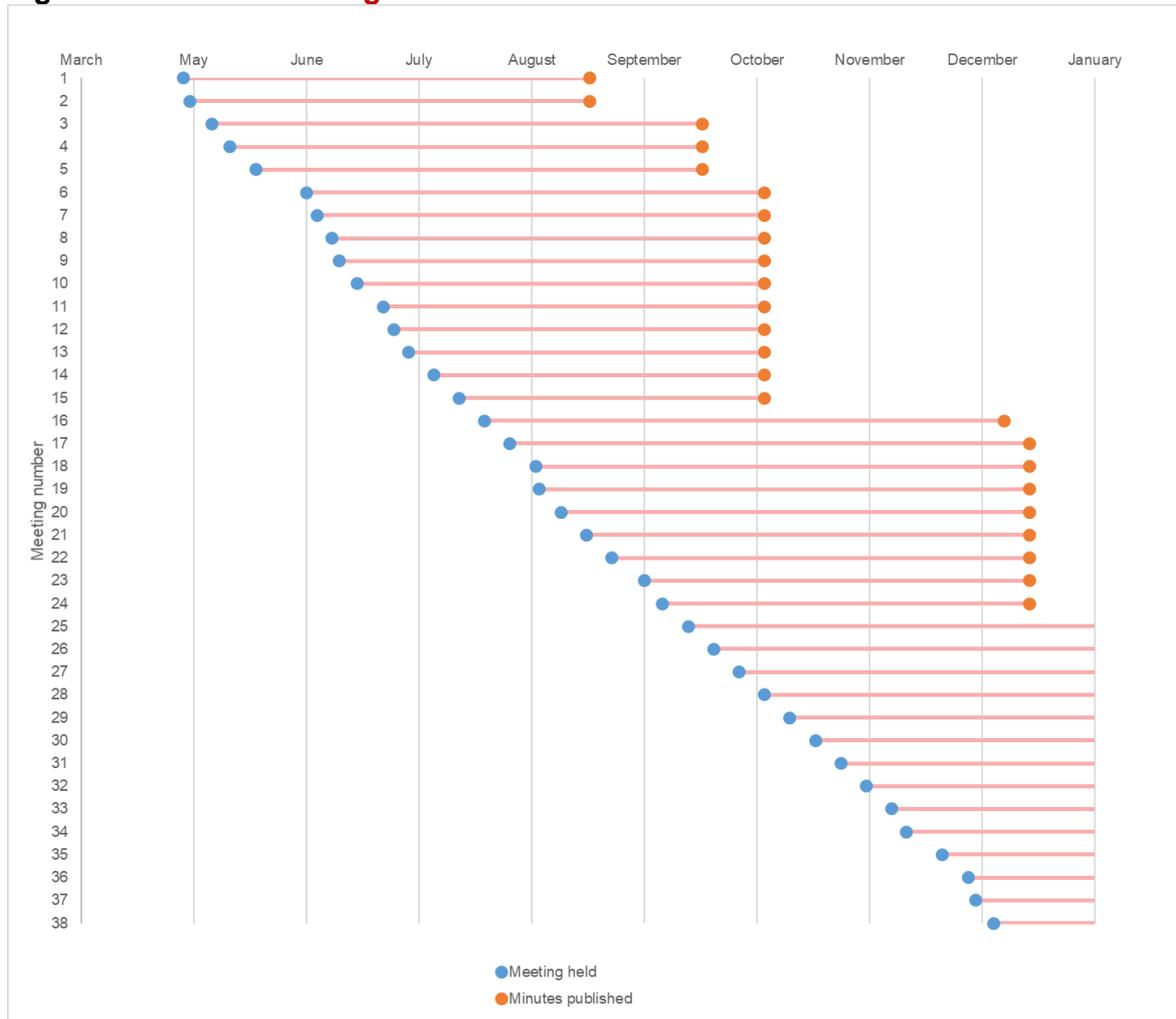
“The way in which S.T.A.C. operates is that it is constantly looking and providing advice in relation to the policies that have been set. However, it will also specifically be asked sometimes about that. When we were looking at testing regimes, what is the best way of doing it? They have gone through and given their view. It just depends entirely on the way in which, at any particular point, S.T.A.C. are considering things. So when we were looking at the nature of on Island testing, S.T.A.C.’s views were sought but it was in the context of a wider policy around testing, which we have been developing and has been the subject of presentations to States Assembly Members on a regular basis. All of these things we have tried, as I said right at the beginning, to ensure has medical advice to substantiate and back up some of the decision-making but there is also a policy framework of which S.T.A.C. contributes to that but also S.T.A.C. is giving a view on and that is how and where I think it has been operating over the last period.”

¹⁵ [S.T.A.C minutes dated 13 July 2020](#)

Governance Case study: Release of minutes

The Chief Minister has, on multiple occasions, stated that the COVID-19 strategy and Government Policies to achieve this have been based upon medical evidence and scientific data. It is challenging to judge the extent to which policy decisions have been informed by medical, scientific and technical advice due to the lack of transparent sharing of evidence, specifically minutes, with Scrutiny Panels. This can be seen in the case of S.T.A.C, with minutes of 24 of 38 meetings of the Cell being published with a time gap of 100 days or more following the meeting. Those of the Competent Authorities Ministers and Emergencies Council are yet to be published in any form, with meetings of the Council of Ministers only being released in bulk at the year end, with minimal information contained due to the exempt nature of the majority of discussions.

Figure 5 – S.T.A.C meetings and release of minutes



This has led to the public, politicians and media questioning the evidence on which policies have been created. For example, Red Amber Green (RAG) ratings for incoming travellers were questioned in the S.T.A.C meeting of 7th September 2020, with the Cell being informed that some politicians had queried the possibility of increasing the Amber region threshold to those areas with an excess of 50 cases per 100,000 over the previous 14 days rather than 25. It was the view of the Consultant in Communicable Disease Control (Dr Ivan Muscat) that Jersey was performing well in comparison to neighbouring jurisdictions and that making the requested change would not be helpful, with the Chair of the Cell adding:

“one outbreak of COVID-19 in Jersey, which was a small island, would have a significant impact, whereas a larger country could more easily absorb the implications of the same.”

It is noted that further discussion would take place “outside the formal setting” of that meeting. The Chief Minister has indicated that informal meetings have been held in which Officers will update Ministers, highlighting that no decisions are made during these.

Records of the advice of S.T.A.C changing had not been minuted, making it unclear if the decision to carry out the recategorisation that took place later in September was based on medical and scientific knowledge or political will.¹⁶ As highlighted by the S.T.A.C Chair during the Panel’s hearing of the 5th February 2021 the Cell gave advice based on their expertise, however, they were not decision-makers. It was suggested that Ministers held a greater overview and ultimate accountability for the decisions being made.

Indeed, it appears as though this medical advice did not change and the recategorisation that took place later in September 2020 went against the medical advice given by S.T.A.C. It is, therefore, unclear as to the evidence and motive behind the change made by the Council of Ministers - beyond the well recited “balance of harms” against connectivity and wider social impact - that necessitated a compromise involving the risk of increased infection.¹⁷ As discussions on developing policy are qualified exempt under the Freedom of Information (Jersey) Law 2011, those outside meetings will draw their own conclusions.

Preliminary Key Finding 9

The S.T.A.C. remit is to provide scientific and technical advice to Ministers and Government Officers. It is not responsible for leading Government strategy which remains the responsibility of Ministers, supported by Government Officers.

Preliminary Key Finding 10

Transparency in relation to S.T.A.C. minutes has not been adequate. The minutes were not made available to the public by Government and a proposition had to be brought forward to the States Assembly to prompt this action. Although these are now being published, there is a significant time delay. For example, the minutes for September to December were published in mid-January.

Preliminary Finding 11

Advice given through Scientific and Technology Advisory Cell was not always followed by Ministers and without further transparency of decision-making bodies (Council of Ministers, Competent Authorities and Emergency Council) it will remain unclear on what basis decisions were made.

Preliminary Recommendation 8

Political decisions must be made; however, transparency is needed, and it must be made abundantly clear what advice a policy is based upon. The Government should with immediate effect stipulate this and publish the relevant advice when communicating policies.

¹⁶ [ITV, Jersey's threshold for regions becoming 'amber' rises, 29 September 2020](#)

¹⁷ [S.T.A.C Minutes, 12th October 2020, P.5](#)

Preliminary Recommendation 9

The Government should with immediate effect share exempted minutes with relevant scrutiny panels for bodies such as the Scientific and Technology Advisory Cell, Council of Ministers, Competent Authorities Ministers and Emergencies Council. Minutes should be shared with scrutiny in a confidential manner once agreed by the relevant body, legal efficacy of not doing so to date should be also be given.

Preliminary Recommendation 10

Decision making bodies such as the Council of Ministers, Competent Authorities Ministers and Emergencies Council should always follow advise of the Scientific and Technology Advisory Cell, publicly identify where decisions differ from that advice and clarify why decisions have differed from that advice, with immediate effect.

Public Perception

55. Studies have shown that public confidence in the decision-making of the Government has been mixed. Although the response to the pandemic should not be done in a manner to keep the largest proportion of the population pleased, it is important to keep apprised of the Island's faith that policies are being made in the best interest of Islanders as a whole.
56. The Government has analysed responses to communication rather than surveying the public. The Director of Communication outlined this to the Panel as below:

Director of Communications

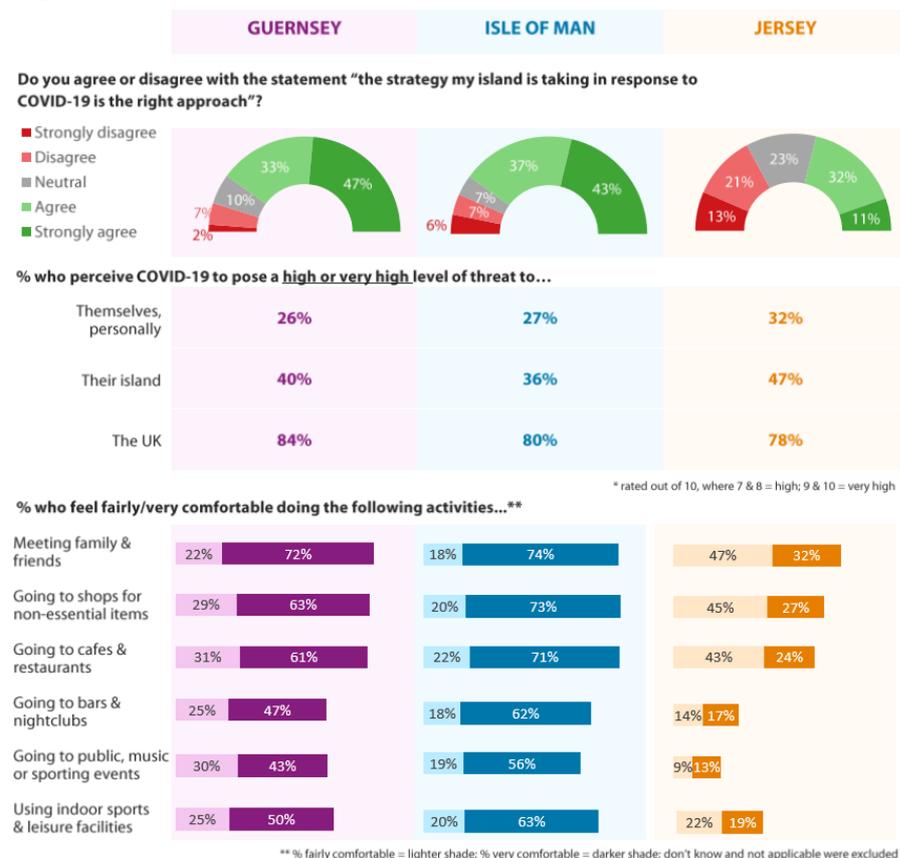
"We have a morning meeting for all the heads of comms with the marketing, digital and design team. What we do in that morning meeting is we wash up the day before and then we go on to what is on the grid for the rest of the day. In that meeting we will look at press notices we put out the previous day, how that has landed in the media in the evening bulletins and in the morning newspaper. So we will look at sentiment, anything from the length of the article or the length of the piece that was given. If the journalist had a positive take on it, a neutral take, or a negative take. If it contained our key messages. If it moved on the debate or the dialogue, so if it is a long-term project like Our Hospital or the care model or the Government Plan. How are we moving strategically to enable Islanders to better understand what the Government is doing?"¹⁸

The Director went on to highlight that the Government prefers to keep an active review of individuals attitude towards the communications that they are receiving, through day-to-day response as well as through longitudinal tracking. This is done through both social media as well as direct contact of influencers those who have previously worked in politics and "people who have worked in the industry."

57. A survey carried out by a professional research agency during the week commencing 26th October 2020 with a sample of 1,063 islanders gave a useful snapshot of public perception at that time. This suggested that only 43% of respondents felt that the island was taking the right strategy in its approach against COVID-19. This compared to 80% stating the same in Guernsey. However, there was a 6% rise compared to a similar survey carried out In June of that year.
58. The difference in confidence is notable when comparing those comfortable with going shopping and using indoor sports and leisure facilities, as shown in Figure 6.

¹⁸ [Public Hearing with the Chief Minister, 8th December 2020, p.5](#)

Figure 6 – Public perceptions: October/November 2020¹⁹



59. The Chief Minister has stated that the Government does not account for these surveys as they are not, in his view, statistically representative.

Preliminary Key Finding 12

The Government of Jersey has conducted tracking to gauge the success of communications of its policies.

Preliminary Key Finding 13

The Government has not carried out a review of islanders’ views on implemented COVID-19 policy.

Preliminary Recommendation 11

The Chief Minister should immediately survey islanders to gauge their perceptions of the COVID-19 response and ongoing strategy in order to better inform decision-making and policy development. This should be done in an independent fashion and the results released publicly upon their creation.

¹⁹ [Island Global Research, Impact of COVID-19 Survey Results, October 2020](#)

Policy & Procedures

Use of Public Finance

R.80/2020 – Procedure for allocation from the reserve: Ministerial Statement

60. On the 25th March 2020, the States Assembly adopted P.28/2020 **Public Finance Law (Amendment of Law) (Jersey) Regulations 2020** which approved the increase of amounts available in the General Reserve (or any other heads of expenditure) by the Minister for Treasury and Resources;
- Transfer from the Stabilisation Fund to the Consolidated Fund and subsequent authorisation to spend (for any head of expenditure); and
 - Increase in the amount available to be authorised for emergency expenditure from £10 million (previously available in the Public Finance Law) to £100 million.
61. P.28/2020 also approved a number of ways in which the Minister could increase available funding (including borrowing and transfer from the Strategic Reserve Fund) which could be available for subsequent transfer from the Stabilisation Fund to the Consolidated Fund and subsequently authorisation to spend (for any heads of expenditure).
62. The additional powers made available to the Minister by P.28/2020 were time-limited to 30th September 2020, and were brought into effect when the Minister deciding that there existed “an immediate threat to the health or safety of any of the inhabitants of Jersey and to the stability of the economy in Jersey”. The Minister made this decision in MD-TR-2020-0029 on 27th March 2020.
63. Funds arising from the Minister’s emergency powers approved by P.28/2020 to fund COVID-19 impacts are held centrally for the sole purpose of meeting the direct and indirect costs or impacts on income arising from the crisis.²⁰
64. Under the Public Finance Law 2019, the Minister for Treasury and Resources has the authority to approve allocations from the Reserve. The Minister will either approve a public Ministerial Decision for successful requests or refer unsuccessful requests back to the Investment Appraisal Team with the reasons why the bid was not approved and an agreed course of action. In reaching this decision, the Minister will consider the recommendation of the Treasurer and the comments from the appraisal process. The Minister can reject the recommendation of the Treasurer but must document the reason for doing so. If minded to approve a funding allocation, the Minister will circulate the draft Ministerial Decision to the Council of Ministers five working days before it is signed. Funding requests will generally be set out in a business case that will provide:
- the nature of the expenditure and the reason it has arisen
 - the rationale for investment (the Strategic Case)
 - the options that have been considered, and an assessment of benefit (the Economic Case)
 - a description of any procurement processes required and other commercial matters (the Commercial Case)
 - a financial analysis, including details of key assumptions and an explanation as to why the expenditure cannot be met from existing budgets (the Financial Case); and

²⁰ R.80/2020 – Procedure for allocations from the reserve: Ministerial Statement – Presented to the States on 31st July 2020 by the Minister for Treasury and Resources

- details of the monitoring arrangements that will be put in place to ensure the project achieves its objectives, a description of the critical risks, and milestones (the Management Case).
65. The allocation process from the General Reserve in relation to COVID-19 – where a request is made for £100,000 or less, or where the Minister is satisfied that there is an urgent need to provide funding in the public interest, an allocation may be made by the Minister on the recommendation of the Treasurer. All other requests relating to COVID-19 will be subject to the usual appraisal process.
66. Where funding has been drawn down and remains unspent at the end of the financial year, it will return to the Reserve, unless otherwise allocated or repurposed by the Minister. Where unspent balances are required for the same purpose in the following year, the Minister may approve a Ministerial Decision in the subsequent year to reissue the funding without a need to repeat the funding application and assessment process. By its nature amounts allocated to the Reserve may remain unspent and can be returned to the Consolidated Fund at the end of a financial year, depending on the financial position.
67. The Minister for Treasury and Resources may approve a Ministerial Decision to allocate unspent balances in the Reserves to be made available in the Reserve in the following financial year. All requests for funding provided to the Minister, whether successful or otherwise will be reported to the Corporate Services Scrutiny Panel on a monthly basis.

R.96/2020 – COVID-19: Financial Policy of the Minister for Treasury and Resources

68. The purpose of the report released on 15th September 2020 was to document and inform the States Assembly of the Policy followed to date by the Minister for Treasury and Resources (“the Minister”) on funding and meeting the expenditure requirements of the COVID-19 pandemic and to set the Policy which will be followed to 31st December 2020.
69. The strategic aims have been to:
- Minimise the risk of life and harm of islanders and those visiting
 - Maximise the application of advice from the Medical Officer of Health to flatten the curve and spread of the virus
 - Maximise care by organising and adapting the core and wider health sectors to manage anticipated demand
 - Maintain emergency, critical, and essential services
 - Minimise the impact on business and the local economy by offering advice and appropriate support
 - Maintain public confidence
 - Maintain law and order, and
 - Plan and prepare for recovery and return to a new normality.
70. The Minister maintains the view that this situation will exist until at least the 31st of December 2020. Beyond that date funding provision may be made in the Government Plan 2021-2024.
71. The Minister maintains the view that all Accountable Officers should be working with the Treasurer to review existing heads of expenditure before submitting additional request for any additional funding for COVID-19 related expenditure. Where there is no alternative funding available a bid for additional expenditure approval may be submitted in line with the procedures set in this policy.

72. A key part of the process is to understand what constitutes a direct or indirect relationship as this can be a matter of judgement for the submitting party.

73. The report confirms that an emerging financial governance framework during COVID-19 has been a challenge due to the emerging nature of the situation and the uncertainty about fiscal requirements.

Figure 7 – Ministerial Decisions

Figure 7.1: COVID-19 Financial Position as of 31 December 2020

Measure	Proposition	Ministerial Decision	General Reserve (£)
Make additional funding available	P.28/2020		
Cancellation of supplementation grant and transfer of £65m from T&E to General Reserve	P.31/2020 (as amend)	MD-TR-2020-0035	65,000,000
Approval of additional income for General Reserve from HIF	P.45/2020	MD-TR-2020-0040	5,322,000
Additional £100m from Consolidated Fund – (allocate to Reserve)	Part of P.28/2020	MD-TR-2020-0047	100,000,000
Transfer from Stabilisation Fund to Consolidated Fund and approval of spending from the General Reserve	Part of P.28/2020	MD-TR-2020-0055	28,000,000
Transfer from Stabilisation Fund to Consolidated Fund	Part of P.28/2020	MD-TR-2020-0112	50,000,000
Transfer from capital heads of expenditure to General Reserve	Part of P.28/2020	MD-TR-2020-0118	8,200,000
			256,522,000
Approval of Revolving Credit Facility	Part of P.28/2020	MD-TR-2020-0051	500,000,000

Note: The Minister for Treasury and Resources has responsibility in the Public Finance Law for allocating additional funding approvals.

Figure 7.2: COVID-19 Project Allocation as of 31 December 2020

Measure	Ministerial Decision	Minister	Accountable Officer	Value (£)
Co-payroll scheme – phase 1	MD-TR-2020-0032	EDTSC	CLS	4,000,000
Testing	MD-TR-2020-0033	H&SS	SPPP	1,700,000
CRESS (support for under 5 years residents) & Extension	MD-TR-2020-0034	Soc Sec	CLS	710,000
Jersey Business Limited - CV19 set up response	MD-TR-2020-0036	EDTSC	Economy	300,000
Increased bed capacity 1 (LV)	MD-TR-2020-0036	H&SS	HCS	2,000,000
Prescription Delivery Service - Pharmacy	MD-TR-2020-0036	H&SS	HCS	185,829
Hue Court – Key Worker accommodation	MD-TR-2020-0036	H&SS	HCS	349,811
Blue Islands - to enable essential air connectivity & Extension	MD-TR-2020-0037	CM	OCE	330,000
Additional PPE (Personal Protective Equipment)	MD-TR-2020-0038	H&SS	HCS	5,000,000
Additional testing kits	MD-TR-2020-0039	H&SS	SPPP	718,000
Direct employment of GPs	MD-TR-2020-0040	H&SS	HCS	5,300,000
Establishment of a Field Hospital	MD-TR-2020-0042	H&SS	GHE	14,400,000
Staff accommodation	MD-TR-2020-0046	H&SS	HCS	1,130,000
Co-funded payroll scheme – phase 2 & Extension	MD-TR-2020-0049	T&R	CLS	138,000,000
CAMHS	MD-TR-2020-0050	Children/H&SS	CYPES/HCS	644,000
Costs associated with Revolving Credit Facility	MD-TR-2020-0051	T&R	T&E	3,000,000
Testing – additional costs	MD-TR-2020-0053	H&SS	GHE/HCS/SPPP	5,510,665
Additional support for bus contract	MD-TR-2020-0057	Infrastructure	GHE	399,300
Hardship fund - fee-paying schools	MD-TR-2020-0065	Education	CYPES	870,000
Fisheries support scheme	MD-TR-2020-0069	EDTSC	OCE	234,000
Commercial Services Emergency Support	MD-TR-2020-0078	T&R	COO	293,000
Blue Islands loan	MD-TR-2020-0081	T&R	T&E	200,000
Test and Tracing Programme Phase II	MD-TR-2020-0089	CM	JHA	756,000
Fiscal Stimulus Package: Direct Payments and Vouchers	MD-TR-2020-0090	T&R	CLS	12,300,000
Reimburse parents for cancelled School Trips	MD-TR-2020-0096	Education	CYPES	108,000
Test and Tracing Phase II	MD-TR-2020-0097	CM	JHA	244,420
CAMHS 3-point COVID-19 wellbeing and recovery	MD-TR-2020-0108	Education	CYPES	536,000
Test and Tracing Phase II	MD-TR-2020-0115	CM	JHA/COO	22,800,000
Lodging of Fiscal Stimulus report and proposition	MD-TR-2020-0117	T&R	T&E	50,000,000
Flu vaccination enhanced programme	MD-TR-2020-0123	T&R	CLS	730,800

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PPE Warehousing and Logistics	MD-TR-2020-0127	HCS	HCS	102,300
Income Support and Reduced Income	MD-TR-2020-128	Soc Sec	CLS	7,900,000
Delivery of a school's catchup programme in 2020	MD-TR-2020-0132	Education	CYPRES	445,333
COVID continued response, winter preparations and expanded capacity in 2020	MD-TR-2020-0139	HCS	HCS	1,328,000
Visitor Accommodation Subsidy Scheme in 2020	MD-TR-2020-0144	T&R	CLS	4,217,410
Delivery of Covid response initiatives in 2020	MD-TR-2020-0165	T&R	HCS and GHE	7,179,562
Shortfall in income and support for the Bus Operating Contract due to the impact of COVID-19	MD-TR-2020-0166	T&R	GHE	5,832,550
				298,851,151
Blue Islands Loan	MD-TR-2020-0081	T&R	T&E	10,000,000
Disruption Guarantee Scheme	MD-TR-2020-0030	T&R	T&E	40,000,000

Note: Many of the decisions are “up to” amounts. Actual expenditure is predicted to be less. For example, the CFPS phase 2 will be a maximum of £125m in 2020, not £138m, following reduction through MD-TR-2020-0100.

Preliminary Key Finding 14

Beyond 31st December 2020 all COVID-19 costs relevant to public funds are accounted for in the Government plan 2021-24.

Preliminary Key Finding 15

In 2020 the COVID-19 costs were accounted on a case by case basis and no budgeting or forecasts have appeared in any COVID-19 Strategies.

Preliminary Key Finding 16

The COVID-19 financial policy (R.96/2020) was set out to the 31st December 2020 but Draft Public Finances (Amendment of Law) (Jersey) Regulations 202- P.28/2020 was time limited to the 30th September 2020. The evidence would suggest that the Minister for Treasury and Resources has implemented strategic aims as set out in R.96/2020 when deciding to enact the Public Finance Law 2019 emergency powers.

Preliminary Key Finding 17

The evidence would suggest that all COVID-19 related requests for funding provided to the Minister for Treasury and Resources, whether successful or otherwise, have not been reporting to the Corporate Services Scrutiny Panel on a monthly basis.

Preliminary Key Finding 18

The evidence collected in the COVID-19 financial policy (R.96/2020) suggests there has been a change in the allocation process from the General Resources for COVID-19 expenditure when a request is for £100,000 or less.

Preliminary Key Finding 19

The evidence would suggest that where COVID-19 funding has been drawn down and remains unspent at the end of the financial year, it will return to the Reserve, unless otherwise allocated or repurposed by the Minister for Treasury and Resources.

The evidence would also suggest that if unspent balances are required for the same purpose in the following year, the Minister for Treasury and Resources may approve a Ministerial Decision in the subsequent year to reissue the funding without a need to repeat the funding application and assessment process. By its nature amounts allocated to the Reserve may remain unspent and can be returned to the Consolidated Fund at the end of a financial year, depending on the financial position.

Preliminary Recommendation 12

The Minister for Treasury and Resources should give greater consideration as to the processes and procedures regarding the allocation, draw down and unspent monies against COVID-19 expenditure and whether these reflect the fluid nature of the pandemic and appropriate accountability. The evidence would also suggest that the Minister for Treasury and Resources has not provided the information required to the Corporate Services Scrutiny Panel on a monthly basis.

6. Communication

COVID-19 Strategy

74. The focus of the communication approach to date has been fourfold:

- Explain and provide reassurance on the health measures and actions the Government is taking to suppress, contain and shield against the virus throughout each of the levels of the framework
- Empower Islanders and businesses to act upon what is required of them under public health measures and restrictions
- Inform Islanders on the health impacts of the virus, including the number of tests conducted, positive and negative cases, deaths, people who have recovered and the number of active cases
- Signposting the financial and economic support measures that Government has put in place to support help Islanders and employers, and how to access this support.

75. The approach has been delivered according to several evolving strategies over the course of the Government's response to the pandemic.

76. Multiple channels have been chosen to promote the advice and to provide context and understanding. Including radio, print media, social media and via press conferences.

77. Adverts were created for television, within the newspaper and community magazines and for radio in English, Polish, Portuguese, and Romanian. Road banners, posters, pull-up banners, vinyl stickers and printed material including translated leaflets and posters were updated on the Government of Jersey website so they were accessible for businesses to download and print. Finally, a series of Island-wide information leaflets were distributed to include key public health information and were received by 41,000 households.

78. As discussed in this report, the Director of Communications has indicated that public reaction to communications has been analysed to gauge Islander's perceptions.

79. A campaign to empower Islanders to support one another was also launched as the island came out of lockdown and has continued to be part of the communication as the Island's response to the pandemic changes.

80. Ministers and Government Officers have appeared on an irregular basis to reassure and update islanders and businesses on the current level of the pandemic and steps being taken. The Scrutiny Liaison Committee wrote to the Chief Minister on 9th April 2020 suggesting methods for better communication to the public, States members and Scrutiny.²¹ Further clarity of the December guidelines was called for by the Committee on 22nd December 2020 due to a lack of understanding of changes around household mixing and the rapid closure of non-essential businesses.²²

²¹ [Letter – to the Chief Minister re Government Communications – 9th April 2020](#)

²² [Letter – to the Chief Minister re Covid Escalation – 22nd December 2020](#)

Communication Case Study: Christmas guidelines

The updated winter strategy highlighted the need to provide advice and support for Islanders as they considered arrangements for Christmas celebrations, with a Government task group being established to create this guidance.²³

These guidelines were released on the 10th December 2020, against the backdrop of tightened restrictions on the 4th December 2020 which re-introduced 2 metre physical distancing, the cessation of indoor sports and exercise and the closure of licenced premises.

The guidance stipulated that between 23rd December 2020 and 5th January 2021, indoor gatherings were limited to 10 people (outdoor limited to 20), with 1 meeting of 6 or more individuals limited to 3 times total over that period, and only once per day. There were no limits to smaller gatherings of 5 or under, however it was advised to keep these groups consistent and meet with the same individuals. Religious gatherings were limited to 20 people.²⁴

These guidelines were supported through legislation and bolstered existing guidelines and orders that had been made, such as the hospitality circuit-breaker, announced 2nd December 2020.²⁵

However, with the growing number of cases this guidance was changed. The Deputy Medical Officer of Health stated on the 18th December 2020 that mixing between households indoors and in private gardens must stop, and that any visits to friends and family should be limited to Christmas Day and Boxing Day.²⁶

Further restrictions were introduced on the 23rd December 2020. These limited all gatherings (including outdoor) to 10, exemptions for places of worship and specific events booked before the order was made. Closure of all non-essential shops were announced for the following day.²⁷ The press conference and associated statement was the first formal mention of Christmas Eve and acknowledgement that portions of the Island community celebrated Christmas on the 24th December, the Chief Minister released a letter that had been sent, on the 23rd December 2020, to the Portuguese, Polish, and Romanian Honorary Consuls, the Chair of Caritas Jersey, and Canon Dominic Golding of St Thomas' Church explaining the reasoning for restricting gathering advice to Christmas and Boxing day.²⁸

The Government released near daily communications via social media. The public response to the clarity of the guidelines was somewhat mixed, with much discussion on social media, and presumably within the wider public, on what parts of the stated measures were "recommendations," "guidelines" or "rules" namely what elements of the announcements were legally required. A selection of comments on a typical Government post are shown below:

²³ [COVID-19 Strategy Update: Preparing for Winter, November 2020, P.20](#)

²⁴ [Gov.je, Guidance on gatherings for festive period, 10 December 2020](#)

²⁵ [Gov.je, Chief Minister's speech on hospitality circuit-breaker, 02 December 2020](#)

²⁶ [Gov.je, Statement from the Deputy Medical Officer of Health on indoor gatherings warning, 18 December 2020](#)

²⁷ [Gov.je, Statement from the Minister of Health and Social Services regarding further restrictions, 23 December 2020](#)

²⁸ [Gov.je, Christmas Eve restrictions, 23 December 2020](#)

Government of Jersey @GovJersey · Dec 10, 2020

Here are the rules for indoor gatherings over the festive period:
gov.je/gatherings

5 replies, 5 retweets, 17 likes

Replying to @GovJersey
 Rules or guidance?

1 reply, 3 likes

Out of interest, would it make a difference to the way you behaved?

1 reply, 1 like

No, but it's an important point to get right from a communications perspective.

2 replies, 1 like

Government of Jersey @GovJersey · Dec 10, 2020

There will be a gatherings order signed that will back up the limit of people gathering by law.

1 reply, 1 like

Replying to @GovJersey
 This really is embarrassing.

We can only meet a group of 6 to 10 people once on any given day.

However, meeting with an unlimited amount of groups of 5 people on any given day is absolutely fine.

Really. 🙄

1 reply, 6 likes

These also at times included conflicting information:

Government of Jersey @GovJersey · Dec 16, 2020

It's now an offence to gather as more than 10 people in your home and garden or as more than 20 people outdoors.

Stay safe in the run up to Christmas by keeping 2 metres away from others and socialise outdoors when you can. For more information, visit:
gov.je/gatherings

23 DECEMBER - 5 JANUARY

Replying to @GovJersey
 But you just admitted on facebook, that the dates stated here, are WRONG.

Government of Jersey
 Hi, this is incorrect, the order was signed on Friday 11 December and therefore came into effect at 00:01 on Saturday 12 December. This applies to current gatherings.

1 reply, 1 like

Replying to @GovJersey
 Nope, still none the wiser.

Good luck pretending to enforce that dumpster fire of legislation.

1 reply, 1 like

The late nature of specific mention to Christmas Eve suggests that portions of the community may have also been missed when formulating the guidelines. This is hard to accurately investigate due to the delayed release of minutes as previously discussed.

Government of Jersey @GovJersey

The Chief Minister has written to Island communities who celebrate on Christmas Eve detailing the restrictions in place alongside STAC advice which recommends a continuation of the restriction to gatherings on Christmas Eve.

You can read the letter here: bit.ly/3mDsSfS

12:55 PM · Dec 23, 2020 · ContentCal Studio

1 Retweet, 2 Quote Tweets, 3 Likes

It's discrimination

1 reply, 1 like

No its not. These people, welcome as they are, chose to live here where we celebrate Christmas on the 25th. You should check all the restrictions in the countries of those residents affected and believe me, they are way better off here. If we lived there, what would change?

1 reply, 1 like

Replying to @GovJersey
 The letter, to Romanian & other Hon Consuls, says: "I understand that this will be a disappointment because of how important Christmas Eve is to Catholic communities." 4.3% of Romanians are Catholic; 81% are Orthodox, celebrating Christmas on 7 Jan. Is 'our' community different?

1 reply, 1 like

Replying to @GovJersey
 Because he is too short sighted to think about moving the easing from Boxing Day to Xmas eve so that other communities can uphold their traditions.

1 reply, 1 like

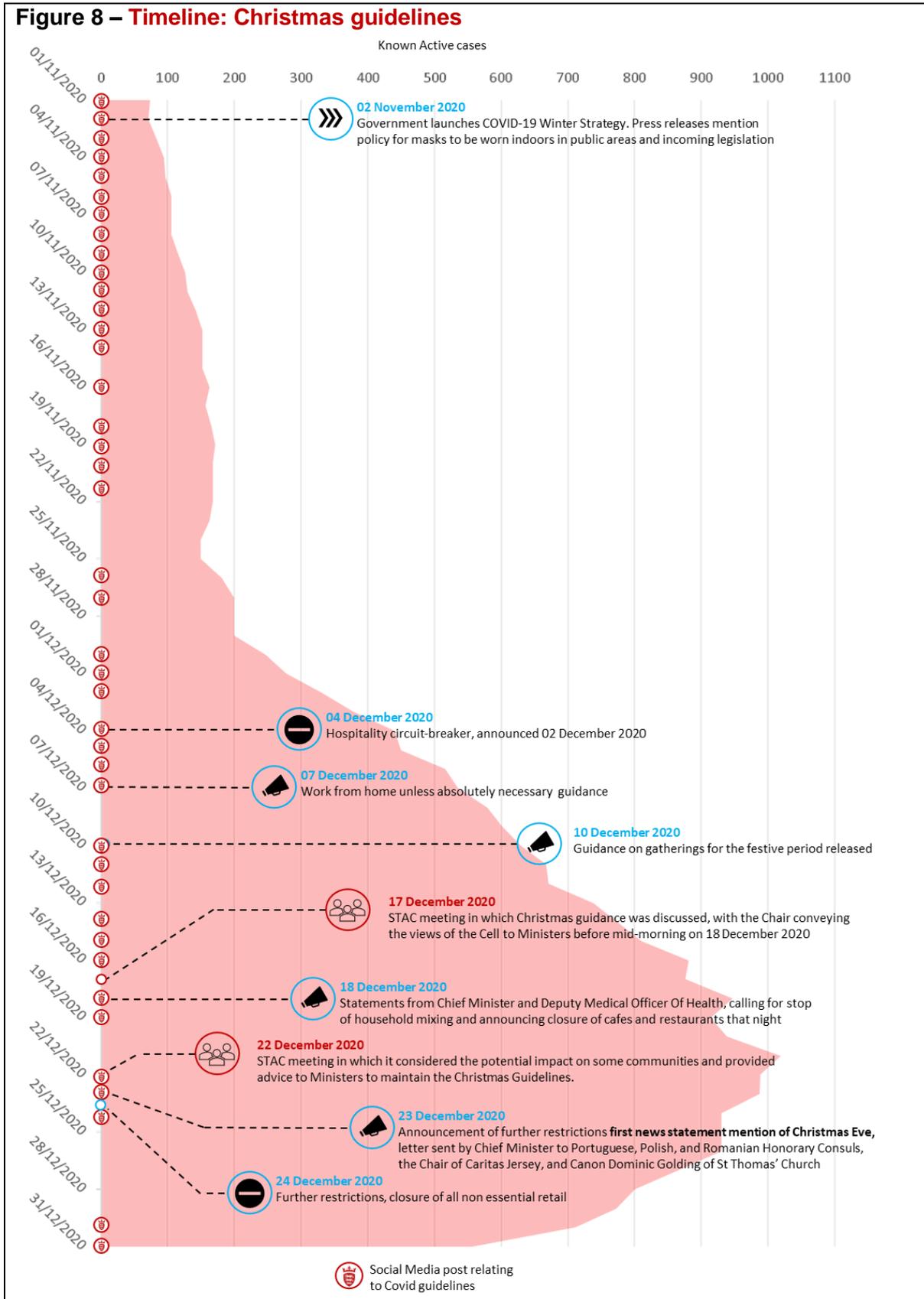
Replying to @GovJersey
 No its not. Its life. Get over it.

1 reply, 1 like

Replying to @GovJersey
 le Fondrie must be suffering from psychosis (detachment from reality) if you really thinks he is some special person that gets to decide who others have in their home at any time. Clearly delusional.

2 replies, 2 likes

Figure 8 – Timeline: Christmas guidelines



Key Finding 20

A multitude of communication measures have been put in place “to explain, empower, inform and sign-post” islanders and businesses on the current level of the pandemic and steps being taken by Government and Ministers.

Preliminary Recommendation 13

The Chief Minister should update the COVID-19 communication strategy to consider and ensure that communication meets defined objectives aligned to the core pandemic strategy.

7. Next Stage

81. The next stage of the review will consider the ongoing response through 2021, with the Panel working concurrently to identify opportunities to implement best practice in decision making during emergency situations such as the pandemic.
82. An advisor from the Chartered Institute of Public Finance and Accountancy (CIPFA) has been assisting the Corporate Services Scrutiny Panel since August 2020 and the next report to be published will look forward and evaluate the potential long-term impacts on society of the decisions being made and examining the long-term strategy of the Government.

Appendix 1 – The Corporate Services Scrutiny Panel

The Panel is comprised of the following States Members:



Senator Kristina Moore, Chair



Deputy Steve Ahier, Vice-Chair



**Connétable Karen Shenton Stone
Resigned Panel membership 11th
February 2021**



Connétable Richard Vibert



**Deputy Jess Perchard - Joined
Government 27th November 2020**



**Senator Steve Pallett - Joined the Panel
11th February 2021**



**Senator Tracey Vallois - Joined the Panel
11th February 2021***

*Senator Vallois declared an interest in having been a Member of the Council of Ministers and did not take part in the production of the report.

Appendix 2 – COVID-19 Response and Recovery Review: Terms of Reference

1. Public Finance

Undertake an in-depth review of the Government's decision-making processes regarding the preparation, response, and recovery phases of COVID-19 (COVID-19 phases) considering:

- a. whether the current and future use of Public Finance is consistent and meets the requirements of the Public Finance (Jersey) law 2019.
- b. sustainability and suitability of emergency response structures and levels of resourcing, of all forms, allocated to COVID-19 phases being sufficient or excessive to meet stated aims.
- c. the initial impact on Public Finance, due to the response of Government to COVID-19 phases, in relation to departmental budgets, programs and capital projects.
- d. lines of accountability for the use of Public Finance during COVID-19 phased response.
- e. any other matters the Panel believe relevant to the review within its remit.

2. Recovery Plan 2021-24

Review the Recovery Plan regarding the replenishing of Public Finance due to COVID-19 considering:

Budget

- the income raising proposals,
- how spending will be funded,
- how Government expenditure has evolved,
- individual departmental budgets and their feasibility,
- the viability and deliverability of capital projects,
- efficiencies being sufficient or excessive to meet stated aims,
- payback borrowing plans to Public Finances being sufficient or excessive.

Financial, economic and growth forecasts

- the levels of income against expenditure,
- the assumptions made for the economic forecasts,
- the impact of the financial and economic forecasts in Recovery Plan,
- timeline to replenish the Strategic Reserve and the source/s from which it will be replenished,
- the economic sustainability of Recovery Plan.

Design and implementation of the Recovery Plan 2021-24

- allowance is made for the deficit in 2021 and beyond the period of the Recovery Plan,
- reserves; their use, and how they are allocated,
- fiscal soundness of the Government's recovery plan.

Given the fast-changing nature of the COVID-19 pandemic, the Panel may also need to consider any other matters it believes relevant to the review within its remit.



Note: This publication was re-issued on 27th April 2021 after an error was noted in the numbering of the Report.

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