
STATES OF JERSEY



COVID-19 RESPONSE AND RECOVERY INTERIM REPORT (S.R.7/2021) – RESPONSE OF THE CHIEF MINISTER

Presented to the States on 24th May 2021
by the Chief Minister

STATES GREFFE

**COVID-19 RESPONSE AND RECOVERY INTERIM REPORT(S.R.7/2021) –
RESPONSE OF THE CHIEF MINISTER**

Ministerial Response to:	S.R.7/2021
Ministerial Response required by:	28th April 2021
Review title:	COVID-19 Response and Recovery Interim Report
Scrutiny Panel:	Corporate Services Scrutiny Panel

INTRODUCTION

The Chief Minister and Minister for Treasury and Resources have provided comment on the Panel’s preliminary findings and recommendations, as below. It is hoped that this Ministerial response proves useful to the wider work of the Panel.

FINDINGS

	Findings	Comments
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.	The Pandemic Influenza Strategic Response Plan had been under review by HCS officers throughout 2019. The output of the review was to be the <i>Channel Islands Strategic Pandemic Influenza Plan</i> . The Exercise in November 2019 was part of the final validation of the plan from which learning points would be taken in order to finalise it ahead of publication. Learning points and plan amendments were submitted to the Jersey Resilience Forum for approval on 11 February 2020; at this meeting, further areas were identified, and final amendments requested. Thereafter, expertise and other capacity was directed to the response to the COVID-19 public health emergency and the learning from COVID-19 needs to be taken into account in the revised plan.
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	In the context of a fast-moving pandemic emergency, Ministers have utilised a number of methods of communicating developments in strategy. The Winter Strategy update was essential in setting a framework for the expected escalation in suppression responses over the winter period. As case notification and test positivity declined in January 2021, Ministers have been able to communicate strategic

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	Winter Strategy confirmed that it was a minimum three-month Strategy (November to January) and possibly to the end of March 2021.	intentions in the form of the Reconnection Roadmap which has been continually updated in the light of scientific advice.
3	There appears to be no alignment between the COVID-19 Strategies and the Channel Islands Pandemic Strategy.	While the Channel Islands Strategic Pandemic Influenza Plan was not enacted at the time the World Health Organization declared the SARS-CoV-2 virus a public health emergency of international concern, the overarching response adopted in Jersey throughout 2020 was broadly in line with it. Of note would be the similarities between the overall assumptions and intent of the strategic public health response in Jersey and those set out in paragraphs 1.5 and 1.6 and sections 5 and 6 of the CI plan. It is also recognised internationally that COVID-19 has required a different and varied approach to many pandemic plans in existence.
4	The Government knew as early as July that mandatory face covering may have been required in the winter, or if infection rates grew.	This finding is a reflection of contributions to a discussion held at STAC. At the time, mandation was considered as a potential step, but a further part of the discussion concerned the need to focus on influencing citizen behaviour on a voluntary basis.
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.	STAC are an advisory cell and not a decision-making committee. It is more appropriate to consider the time taken by Government to prepare and enact legislation from the point Ministers received advice and acted upon that advice. In this case, the relevant meeting of Ministers was 16 September. In addition, the advice of STAC in relation to masks was, as a prior step, to more strongly encourage their voluntary use within indoor public places. This advice was the subject of consultation primarily with the retail industry, culminating in strong guidance on 26 October to wear masks in specified premises and workplaces. It was necessary for Ministers to consider the effectiveness of this voluntary step prior to mandation being implemented.

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6	The Chief Minister has confirmed that the Emergency Powers and Planning (Jersey) Law 1990 needs to be reviewed.	Policy and operational discussions to create law drafting instructions for a new Civil Contingencies law are under way. The Emergencies Council have received an initial briefing.
7	Ministers and Government Officers have been granted significant additional responsibilities during the crisis and are accountable for decisions made.	<p>During the pandemic, Ministers have continued to hold the same portfolios with the same attendant ministerial responsibilities as they had before the pandemic, such as for public health, health care, the economy, and education.</p> <p>Where the <i>powers</i> of the Minister have been enhanced to support our pandemic response, including in relation to gatherings, business opening, etc, this has taken place within the context of normal constitutional arrangements. Notably, the Assembly have debated and granted the powers and hold the individual Ministers to account in the Assembly for the exercise of those powers (including through the Scrutiny process).</p>
8	The accountability of Government Officers and Ministers in a schematic format has not been publicly updated to align to the COVID-19 Strategies.	Aside from non-Covid changes, ministerial responsibilities and accountabilities remain as they were before the pandemic. In saying this, additional mechanisms have been created to enhance governance and coordination during the pandemic, notably, the Competent Authorities Minister group, and various means of coordinating action and responses. This was explained in the Covid-19 Strategy published and presented to the Assembly in June 2020. A public schematic of those structures can also be published to assist.
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.	<p>This is reflected in the STAC Terms of Reference published on gov.je, as below.</p> <p><i>1. Purpose</i></p> <p><i>1.1 The Scientific and Technical Advisory Cell (STAC) provides a common source of health, scientific and technical advice to Government and Gold Commanders during emergencies.</i></p> <p><i>1.2 STAC provides a safe space to debate live</i></p>

	Findings	Comments
		<p><i>issues and ensures that advice is provided in a timely and co-ordinated way, based on best available information. This helps ensure that policy/operational advice and decisions made during emergencies are informed by health, scientific and technical expertise.</i></p> <p><i>Decision makers will assess a range of advice and evidence presented to them, including that from STAC, combined with their own experience and judgement to make decisions during emergencies.</i></p>
10	<p>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.</p>	<p>This finding is subjective. STAC has released minutes in accordance with its Terms of Reference, as below, and has arguably released minutes early, given that the emergency is not yet over.</p> <p><i>5.7 The STAC executive support acts as the information manager for all STAC products, storing, circulating and publishing them as and when appropriate. Non-disclosure agreements may be required in relation to commercial or official documents. Advice is published as soon as it is reasonably practicable to do so, whilst upholding the safe space to debate live issues. It is likely that the policy development, security and/or personal information FOI exemptions may apply and this may mean that some information needs to be redacted or omitted before any publication. The timing of any publication will also need to be considered, with the most appropriate timing often being after the emergency is over.</i></p>
11	<p>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.</p>	<p>As per the STAC Terms of Reference (see above), decision makers should assess a range of advice and evidence, including that from STAC, combined with their own experience and judgement to make decisions.</p> <p>Scientific advisers cannot make policy judgements for politicians to simply “follow”. Ministers make decisions through weighing up a range of social, economic and other factors, alongside operational and other considerations.</p>

	Findings	Comments
12	The Government of Jersey has conducted tracking to gauge the success of communications of its policies.	<p>The communications directorate monitors traditional and social media sentiment on a daily basis and advises Ministers and senior policy officials on a weekly basis in 'Ministerials'.</p> <p>For Public Health, there is a dedicated weekly meeting for communications with senior officials alongside a twice-weekly 'kanban' project management meeting where comms is fed-in.</p> <p>During the respond phase of the pandemic, there was a daily meeting to feed back sentiment, behaviour change and outcomes from the communications.</p>
13	The Government has not carried out a review of islanders' views on implemented COVID-19 policy.	A review of Islanders' views on the COVID-19 public health policies was carried out during the second wave of the pandemic in November 2020. The insight work included a closed online forum for young people aged 16-21 and as well as focus groups with the wider population, to determine Islanders' understanding and opinion of public health guidance. A separate piece of work was also undertaken to understand how Islanders' feel about the COVID-19 vaccination. The findings from the insight were adopted in forward communication.
14	Beyond 31st December 2020 all COVID-19 costs relevant to public funds are accounted for in the Government plan 2021-24.	<p>The approved Government Plan includes £87.277 million for the Covid programme, as well as a Covid-19 Contingency of £40 million within the General Reserve.</p> <p>In addition to the Government Plan allocations, MD-TR-2021-0013 identified that £71 million of additional Covid-related expenditure approvals made by the Minister were unspent at the end of 2020. £50 million was allowed to remain within the consolidated fund to reduce any potential borrowing in 2021 (in accordance with a decision of the States Assembly). £21 million was made available to the Covid reserve (within the General Reserve) by that Ministerial Decision. A further</p>

	Findings	Comments
		£6.2 million was made available in the same way by MD- TR-2021-0017.
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.	<p>R.89/2020 Government Plan 2020-23: Six-month progress review included forecasts of expenditure to the end of 2020.</p> <p>The Minister’s published policy (R.96/2020 COVID-19: Financial Policy of the Minister for Treasury and Resources) included a Summary of funding approved by the Minister. It also included a section on “Expected expenditure to the end of 2020”. At all times anticipated requests for additional funding were monitored against available resources to meet those requests.</p> <p>The Panel was advised on a weekly basis of the amount remaining in the General Reserve to meet further requests and had regular briefing meetings with the Minister for Treasury and Resources (weekly for much of 2020, moving to fortnightly as the volume of decisions decreased).</p>
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.	Agreed.
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.	<p>The Panel’s report does not provide any evidence for this statement. In the absence of such evidence it is difficult to respond to the point made.</p> <p>The Panel was advised on a weekly basis of the amount remaining in the General Reserve to meet further requests, and had regular briefing meetings with the Minister for Treasury and Resources (weekly for much of 2020, moving to fortnightly as the volume of decisions decreased).</p>

	Findings	Comments
18	<p>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.</p>	<p>The Panel’s report does not provide any evidence for this statement. In the absence of such evidence it is difficult to respond to the point made.</p> <p>The Minister’s published Procedures for allocations from the Reserve (R.80/2020) make clear that, for both Covid-related and non-Covid-related requests, 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”. This does not represent a change from the previous published procedures (R.23/2020) which stated that 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”.</p>
19	<p>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.</p> <p>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.</p>	<p>Correct.</p> <p>MD-TR-2021-0013 identified that £71 million of additional Covid-related expenditure approvals made by the Minister were unspent at the end of 2020.</p> <p>£50 million was allowed to remain within the consolidated fund to reduce any potential borrowing in 2021 (in accordance with a decision of the States Assembly). £21 million was made available to the Covid reserve (within the General Reserve) by that Ministerial Decision. A further £6.2 million was made available in the same way by MD-TR-2021-0017.</p> <p>At the date of preparing this response (April 2021) no allocations had been approved by the Minister relating to unspent funding from 2020 and previously approved business cases. Additional funding has been allocated in 2021 for essential air connectivity, the Co-funded Payroll Scheme and Children’s Mental Health and Wellbeing on the basis of new business cases received.</p>

	Findings	Comments
		Any re-designation of Covid-related funding within the approved Government Plan would require a public decision of the Minister for Treasury and Resources under the Public Finances Law. If that funding is not spent or re- designated it will remain within the consolidated fund unless the Minister agrees to make it available in 2022 (in the same way that she did at the end of 2020).
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.	Agreed. For example, from March to December 2020 we delivered 49 Press Conferences. In addition, last year we achieved an overall growth in social media followers of 69,119 and received approximately 5.6m video views across our platforms. Some of this increase in digital engagement is undoubtedly a result of the Pandemic.

RECOMMENDATIONS

	Recommendations	To	Accept/Reject	Comments	Target date of action/ completion
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.	CM	Neither accept nor reject	There is commitment to completing the revised Channel Islands Pandemic Strategy as soon as practicable. However, this requires each jurisdiction in the coming months to consider their response to the pandemic, recognising the different strategies of suppress and elimination were adopted. This will include lessons learnt, the management of risk and solutions implemented to identify good practice which will inform strategic planning in the future. This will include what learning is available in both the local and wider contexts.	

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
2	<p>Alignment between the COVID-19 Strategies and the Channel Islands Pandemic Strategy should be clarified by the Chief Minister.</p> <p>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.</p>	CM	Neither accept nor reject	As for recommendation 1, learning and refining plans and arrangements for future pandemics will be a priority throughout 2021 but, at this stage, it is not possible to determine the extent to which a unified Channel Islands approach will benefit the objectives of both jurisdictions. Equally, the experience of the SARS-CoV-2 pandemic has been such that a range of assumptions and intentions in extant and draft plans alike will be reviewed.	
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.	CM	Accept	<p>Work is underway to develop a new public health law to provide improved public health protection emergency powers which may be used in a variety of public health emergency contexts. This would provide for a more flexible framework for action, avoiding potentially nugatory action on a specific disease, whilst also providing an efficient mechanism in the context of the current pandemic.</p> <p>In the meantime, draft legislation will continue to be developed as promptly as possible, once there is clear advice that this will be needed, and Ministers have decided that drafting should proceed.</p>	
4	The review of the Emergency Powers and Planning (Jersey) Law 1990 should be prioritised	CM	Neither accept nor	Subject to the progression through the present Pandemic, officers will focus efforts to provide a clear timescale for	

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	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.		reject	policy development, law drafting, Assembly and Privy Council processes so that the Chief Minister is able to update the Assembly.	
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.	CM	Accept	Governance matters are always under review, and a review of protocols around decisions will be undertaken as part of the work above.	
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.	CM	Accept	In line with the responses to recommendations 1 and 2, a debriefing and learning process will take place during 2021, subject to the continued progress of the Pandemic. The outcome will be a refined set of plans and supporting arrangements for the response to future pandemic crises. Part of this, in line with wider crisis management arrangements, will be a crisis management structure, building on the existing good practice that was deployed during the pandemic, as well as the	

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
				learning identified. Please see response to finding 8.	
7	Terms should be updated for each decision-making group (Council of Ministers, Competent Authority Ministers, Emergency Council, Scientific and Technology Advisory Cell and subgroups) 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.	CoM	Reject	The STAC minutes are published as soon as practical. Most members of STAC have significant mainstream responsibilities, including medical and clinical duties to patients. Timing of publication reflects these commitments, including the provision of direct care services for Islanders. As to the minutes of ministerial meetings, it is important that Ministers can have full and frank discussions in private, as part of good decision-making. In saying that, communications that explain the decisions and direction of Ministers is crucial, so that the public are able to be part of an effective pandemic response, and understand legislation and guidance, and so that the government can be held to account effectively. This already takes place.	
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.	CoM	Reject	As above.	
9	The Government should with immediate effect share exempted minutes with relevant scrutiny panels for bodies such as	CoM	Reject	As above. This position was subject to some debate between Council of Ministers and the Chairman's Committee of the day and this agreement	

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	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.			was recognised by Ministers and Scrutiny in the relevant protocols.	
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.	CoM	Reject	<p>Scientific advisers cannot make policy judgements for politicians to simply “follow”. Ministers are required to make decisions through weighing up a range of social, economic and other factors, alongside operational and other considerations.</p> <p>As per the STAC Terms of Reference, decision makers should assess a range of advice and evidence, including that from STAC, combined with their own experience and judgement to make decisions.</p>	
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.	CM	Neither accept nor reject	Insight work to determine the views of Islanders has taken place throughout the pandemic. This has included focus groups, online forums with young people and online questionnaires. The work was carried out by 4Insight – a Jersey-based global professional insight and research agency.	
12	The Minister for Treasury and Resources should give greater consideration as to	MTR	Accept in part (first	Covid expenditure, as with all expenditure, is monitored actively throughout the year. The Principal	Already in place

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
	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.		sen- tence)	<p>Accountable Officer has designated Accountable Officers for individual elements within the Government Plan allocation of £87.277 million. Any additional allocations from the Covid Reserve will have clearly designated Accountable Officer.</p> <p>The Panel's report does not provide any evidence for the statement in the second sentence of the recommendation. In the absence of such evidence it is difficult to respond to the point made.</p> <p>The Panel was advised on a weekly basis of the amount remaining in the General Reserve to meet further requests and had regular briefing meetings with the Minister for Treasury and Resources (weekly for much of 2020, moving to fortnightly as the volume of decisions decreased).</p>	
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.	CM	Accept	<p>The communications plans for each stage of the reconnection plan are aligned to the public health objectives approved by STAC and Ministers.</p> <p>It is the good understanding of the guidance by Islanders, and their subsequent behaviour, that has got Jersey to such a favourable position.</p>	This is already ongoing at each stage of the reconnection

CONCLUSION

The Chief Minister and the Minister for Treasury and Resources thanks the Panel for its detailed report and welcomes the opportunity to provide comment. Where possible, the Panel's comments and recommendations will be taken into consideration notwithstanding, as the Panel will appreciate, the priority that must be given to our ongoing pandemic response. As expected, every effort is focused on safeguarding lives and livelihoods. The Panel's contributions are helpful to our wider work.