

# **STATES OF JERSEY**



## **USE AND OPERATION OF CITIZENS' PANELS, ASSEMBLIES AND JURIES IN JERSEY (P.A.C.1/2022): EXECUTIVE RESPONSE**

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**Presented to the States on 1 April 2022  
by the Public Accounts Committee**

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**STATES GREFFE**

## **FOREWORD**

In accordance with paragraphs 64-66 of the [Code of Practice](#) for engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’, (as derived from the [Proceedings Code of Practice](#)) the Public Accounts Committee presents the Executive Response to its Review of the Use and Operation of Citizens’ Panels, Assemblies and Juries in Jersey ([P.A.C.1/2022](#), presented to the States on 14<sup>th</sup> February 2022).

The Committee notes that some of its recommendations have been rejected or only partially accepted and will consider making further comments on this in due course.

**Deputy I. Gardiner**  
Chair, Public Accounts Committee

Chief Executive/Director General for Strategic Policy, Planning and Performance Response to [PAC Review 1/2022 – Use and Operation of Citizens' Panels, Assemblies and Juries in Jersey](#).

Executive Response to PAC by 28 March 2022 please.

Summary of response:

This is a welcome and helpful report into a series of deliberative exercises undertaken in recent years, that have shared similarities but have also necessarily taken distinct approaches to the issues they seek to address. Each exercise has sought to harness the power of citizen deliberation in a manner that complements and adds value to the our representative democratic institutions, including the roles of States Members.

Use of deliberative exercises in this way is clearly an area of emerging practice, and one in which Jersey is showing leadership and testing different formats and approaches to seek views from Islanders to support ministers and the States Assembly to improve public policy making. As such, attempts to assess the efficacy of these innovative methods is also emerging practice.

The Committee's report makes a number of helpful recommendations that will assist in the design and delivery of any future deliberative exercises. The vast majority of these recommendations are accepted or partially accepted, and many will be implemented through the development of a technical guidance note by the end of 2022. This work will be led by Strategic Policy, Planning and Performance (SPPP) working through the cross-government policy community. A small number of recommendations are rejected, principally where they might unduly constrain future ministerial choices or have the potential to make it harder to secure value for money decisions.

Action Plan

Recommendations	Action	Target date	Responsible Officer
R1 The Government of Jersey should develop a process for formally establishing future deliberative bodies, such as through a specific form that can be elevated to the Council of Ministers and provide clarity around the process undertaken to agree to establish a deliberative body, its objective, and an	<b>Accept</b>  A technical guidance note will be produced that will include the learning points from recent deliberative exercises, the accepted PAC recommendations and ongoing research into good deliberative practice. This will include a light-touch internal process for establishing future deliberative bodies that works with existing	Q4 2022	Group Director, Strategy and Innovation (SPPP)

initial budget, with a mechanism in place to assess the need of a deliberative body against different policy development options. – Q4 2022	professional policy making and financial governance systems.		
<b>R2</b> The Government of Jersey should consider developing a protocol for engaging with external facilitators for future deliberative bodies to maintain consistency and ensure a clear audit trail for public record. – Q4 2022	<b>Accept</b>  This will be considered as part of the development of the technical guidance.	Q4 2022	Group Director, Strategy and Innovation (SPPP)
<b>R3</b> The Government of Jersey should update the Care Inquiry Legacy Citizens' Panel website to reflect the four phases undertaken by the Panel. – Q2 2022	<b>Accept</b>  The <a href="#">Webpage on gov.je</a> will be updated to reflect conclusion of the Citizens Panel process and progress in implementing the Legacy Project and publication of the Panel's closing report.	30 April 2022	Senior Policy Officer, Children's Policy (SPPP)
<b>R4</b> The Government of Jersey should ensure that clear lines of accountability are publicly established for future deliberative bodies, with a single department holding clear responsibility for its creation operation and oversight. – Q4 2022	<b>Accept</b>  The value of clear lines of accountability are recognised and the technical guidance will recommend that a single department holds clear responsibility for each deliberative body, though this does not always need to be the same department (see response to R20)	Q4 2022	Group Director, Strategy and Innovation (SPPP)
<b>R5</b> A specific part of the Government of Jersey website should be assigned to publish information and details of its deliberative bodies. – Q2 2022	<b>Accept</b>  Information on deliberative bodies is already set out in reports that are available on <a href="#">www.gov.je</a> . To bring these together a new document type category for 'citizens' bodies' will be created on the website. Clicking this link will take the user to a list of all relevant reports.	Q2 2022	Web services Content development (COO)

<p><b>R6</b> The Government of Jersey should publish the identity or background and experience of the External Facilitator for the Our Hospital Citizens' Panel now that its work has been completed. – Q2 2022</p>	<p><b>Partially Accept</b></p> <p>The Government has previously confirmed that the external facilitator to the Our Hospital Citizens' Panel was appointed on the basis of appropriate qualifications and relevant experience; and that their identity was not shared with either the Senior Officers Steering Group or the Political Oversight Group in order to maintain their necessary independence.</p> <p>The recommendation to publish the facilitator's identity is accepted provided publication takes place once the relevant Our Hospital processes, including the successful award of planning consent, have completed.</p>		
<p><b>R7</b> The external facilitator for all future deliberative body established by the Government of Jersey should be made public and carry sufficient and relevant experience in designing and facilitating deliberative bodies and practices. This should be included in the process outlined in Recommendation 1. – Q4 2022</p>	<p><b>Partially Accept</b></p> <p>This will be established as an expectation in the technical guidance note. However, it will also be the case that there may be exceptional circumstances where providing this information may not be appropriate in the context of the wider policy making process. The guidance note will suggest criteria that might be used to determine whether an exception should be made.</p>	Q4 2022	Group Director, Strategy and Innovation (SPPP)
<p><b>R8</b> Consideration should be given to how deliberative bodies are represented following the completion of their work, with a code of conduct to be developed for all participants, advisors,</p>	<p><b>Partially accept</b></p> <p>The technical note will include a framework of guidance on the conduct of those involved in deliberative exercises. However, best practice provides that deliberative bodies should set their own expectations,</p>	Q4 2022	Group Director, Strategy and Innovation (SPPP)

and those affiliated with a deliberative body. – Q4 2022	and a standing government defined code of conduct for participants may not be appropriate.		
<b>R9</b> The Government of Jersey should ensure consistency across deliberative bodies regarding the remuneration of external support. – Q4 2022	<p><b>Reject</b></p> <p>Different bodies have different requirements and areas of focus. It is natural that some types of advice can be accessed at low or no cost, whereas other types of advice might be more readily marketable and where professionals might expect to secure a fee for their contribution.</p> <p>Focusing on consistency as an objective has the potential to over-pay in some circumstances or to under pay in others. A more flexible approach that consider the specifics of each deliberative exercise is more likely to achieve value for money.</p>		
<b>R10</b> Minutes of the meetings of deliberative bodies and their respective Advisory Panels should be published in an accessible location, even in redacted form, to improve transparency and public understanding of deliberative processes but should not identify individual members of deliberative bodies. – Q2 2022	<p><b>Partially accept</b></p> <p>This is already the practice for Advisory Panels in all but exceptional circumstances and will be reflected as an on-going expectation in the technical guidance.</p> <p>As noted above, best practice provides that deliberative bodies should set their own expectations, and this should equally apply to expectations relating to the taking and publication of minutes.</p>	Q4 2022	Group Director, Strategy and Innovation (SPPP)
<b>R11</b> The Government of Jersey should work to communicate and explain how selection methodologies (including sortition) work, to improve public trust in the reliability of these methods. – Q4 2022	<p><b>Accept</b></p> <p>This is already the practice, with relevant information published support offered to Scrutiny and other groups to access an understand selection methods. It will be reflected as an on-going expectation in the technical guidance.</p>	Q4 2022	Group Director, Strategy and Innovation (SPPP)

<p><b>R12</b> The Government of Jersey should review and evaluate the selection method used following the completion of each deliberative body's work to understand ways of improvement and how they can involve specific, on-Island communities where necessary, with this work to be included in the wider work on developing the process outlined in Recommendation 1. – Q4 2022</p>	<p><b>Accept</b></p> <p>This is already the practice and will be reflected as an on-going expectation in the technical guidance.</p>	<p>Q4 2022</p>	<p>Group Director, Strategy and Innovation (SPPP)</p>
<p><b>R13</b> The Government of Jersey should undertake work to improve its accountability and quality of audit trails for the operation of and monitoring of budgets for deliberative practices such as Citizens' Panel, Assemblies and Juries. – Q4 2022</p>	<p><b>Partially accept</b></p> <p>The accountability for all expenditure on deliberative exercises has been very clearly understood and recorded as part of standard management practices.</p> <p>Similarly, detailed and up to date financial monitoring information has been in place, as evidenced by the information shared with PAC. It is accepted that improvements can always be made to the quality of such information and the technical guidance will consider how future deliberative exercises might structure, plan and monitor their budgets.</p>	<p>Q4 2022</p>	<p>Group Director, Strategy and Innovation (SPPP)</p>
<p><b>R14</b> The Government of Jersey should ensure that it has clearly understood the overall aims, objectives and intended outcomes of each deliberative process before finalising the budget assigned to it. – Q4 2022</p>	<p><b>Accept</b></p> <p>This is already the practice, but for clarity going forward, will be reflected as an on-going expectation in the technical guidance.</p> <p>Whilst the aims, objectives and intended outcomes can be well established at an early stage, costs may vary in practice as a result of operational delivery factors.</p>	<p>Q4 2022</p>	<p>Group Director, Strategy and Innovation (SPPP)</p>

<p><b>R15</b> The Government of Jersey should create a methodology for developing a preliminary budget for deliberative processes and record and publish actual costs compared to that budget. – Q4 2022</p>	<p><b>Accept</b></p> <p>The technical guidance will consider how future deliberative exercises might structure, plan and monitor their budgets.</p>	Q4 2022	Group Director, Strategy and Innovation (SPPP)
<p><b>R16</b> The Government of Jersey should work to maximise the transparency of deliberative bodies by publishing their intended cost at the beginning of the process, and include the final, actual cost in the final report of the deliberative body. – Q4 2022</p>	<p><b>Accept – see above R15 response.</b></p>		
<p><b>R17</b> The Government of Jersey should develop a formal mechanism through which external facilitators for deliberative processes can provide feedback and identify learnings for the Government of Jersey. – Q4 2022</p>	<p><b>Accept</b></p> <p>This is already the practice but again will be reflected as an on-going expectation in the technical guidance.</p>	Q4 2022	Group Director, Strategy and Innovation (SPPP)
<p><b>R18</b> The Government of Jersey should follow-through on the recommendations made to the PAC by the New Citizenship Project and Involve and:</p> <ol style="list-style-type: none"> <li>1. Ensure clarity on the overall aims, objectives and intended outcomes of the deliberative process at the start; and</li> <li>2. Ensure adequate resourcing of the process and ensure sufficient timescales to undertake it appropriately</li> </ol> <p>– Q4 2022</p>	<p><b>Accept</b></p> <p>Point 1 is the same as R14.</p> <p>The importance of point 2 is recognised, was reflected in the recent evaluation of deliberative exercises undertaken by SPPP and will be included in the technical guidance. In practice, events will still intervene to compromise planned timescales and these pressures will remain to be managed.</p>	Q4 2022	Group Director, Strategy and Innovation (SPPP)

<p><b>R19</b> The Government of Jersey should seek to build on the feedback mechanisms provided to the Care Inquiry Legacy Citizens' Panel and Assisted Dying Citizens' Jury to develop a template through which to facilitate feedback from members of all future deliberative bodies. – Q4 2022</p>	<p><b>Accept</b></p> <p>This will be established in the technical guidance document.</p>	<p>Q4 2022</p>	<p>Group Director, Strategy and Innovation (SPPP)</p>
<p><b>R20</b> The Government of Jersey should incorporate all future deliberative bodies within the Department for Strategic Policy, Planning and Performance, to ensure consistent accountability, audit trails, and develop in-house expertise as the internal experts on the design and facilitation of deliberative bodies and practices, with the assistance of Government of Jersey Officers from other departments where required. – Q4 2022</p>	<p><b>Reject</b></p> <p>The value of clear lines of accountability are recognised and the technical guidance will recommend that a single department holds clear responsibility for each deliberative body.</p> <p>However, deliberative exercises have an important role to play in a wide range of public service decision making, including policy making but also programme delivery and service design. To accept this recommendation would unduly restrict the work of other departments and ministers.</p>		
<p><b>R21</b> The Government of Jersey should publish its evaluation report on the Citizens' Assembly on Climate Change and Assisted Dying Citizens' Jury and provide copies to members of the Citizens' Assembly and Citizens' Jury to provide opportunities for them to review and feedback on the report. – Q2 2022</p>	<p><b>Reject</b></p> <p>The Government of Jersey does not have the means to contact participants of these deliberative exercises. In addition, the report was prepared as an internal document that reflects on management practices of which the participants were largely unaware and cannot be expected to have formed a view on.</p>		
<p><b>R22</b> The Government of Jersey should formally incorporate guiding principles on deliberative bodies as developed by the OECD and UNDF to improve the</p>	<p><b>Accept</b></p> <p>This will be established in the technical guidance document.</p>	<p>Q4 2022</p>	<p>Group Director, Strategy and Innovation (SPPP)</p>

quality and democratic impact of this work. – Q4 2022			
<b>R23</b> The Government of Jersey should ensure that a final report is published by each deliberative body that includes, alongside its findings, recommendations and other outputs, details and documentation relating to its administration, facilitation, membership selection, budgeting, and feedback from members. – Q4 2022	<p><b>Accept</b></p> <p>This is already the practice but will be reflected as an on-going expectation in the technical guidance.</p>	Q4 2022	Group Director, Strategy and Innovation (SPPP)
<b>R24</b> The Government of Jersey should develop its internal expertise to reduce reliance on the knowledge of external facilitators to reduce costs and ensure value-for-money. – Q4 2022	<p><b>Partially accept</b></p> <p>The practice of delivering the deliberative bodies that PAC have reviewed has already contributed to the development of internal expertise, both in the overall commissioning and management of such exercises and by providing investment in internal skills such as group facilitation. The value of this capability building is recognised, will be captured as learning in the technical guidance note and shared as part of the public service policy profession.</p> <p>However, even with further capability building there will remain requirements that can be best met by external resources for a range of reasons including the competing requirements of other ministerial priorities. In particular, use of external facilitators provides a clear indication of independence of process and a commitment to transparency.</p>	Q4 2022	Group Director, Strategy and Innovation (SPPP)
<b>R25</b> The Government of Jersey should work to increase the public's understanding of deliberatively	<b>Partially accept</b>	Q4 2022	Group Director, Strategy and Innovation (SPPP)

democratic measures through opportunities such as lectures, workshops, and other forms of public engagement. – Q1 2023	It is recognised that public understanding of the practice of deliberative democracy has value in the island. However, it is not an issue for proactive government communications, rather one that should be considered as part of the design of future deliberative exercises. This expectation will be reflected in the technical guidance.		
<b>R26</b> The Government of Jersey should incorporate into its internal guidelines an assurance that the findings and recommendations of each deliberative body are considered and integrated – where appropriate – into future legislation and policy making. This should include a clear demonstration of how they add value to the respective policymaking process. – Q4 2022	<p><b>Accept</b></p> <p>This is already the practice and is done in a range of ways. Sometimes a formal response report is produced, such as the response to the Citizens' Assembly on Climate Change. At other times the recommendations are taken forward through meetings with ministers or related steering groups, as set out in the final report of the Care Inquiry Legacy Citizens' Panel.</p> <p>This will be reflected as an on-going expectation in the technical guidance, recognising that it is for ministers to guide and decide on policy development.</p>	Q4 2022	Group Director, Strategy and Innovation (SPPP)
<b>R27</b> Follow-up reports should be published by the Government of Jersey detailing how the work and recommendations of each deliberative body have been implemented. – Q1 2023	<p><b>Partially accept</b></p> <p>This is not always possible as not all deliberative bodies are formed to make recommendations, to make recommendations that require government action to implement; or action that requires an explanation.</p> <p>Where deliberative bodies, such as the Citizens Assembly on Climate Change, are established to make a range of recommendations, the importance of responding publicly and transparently to those recommendations is recognised. Such a response should be made as part of the primary policy making</p>	Q4 2022	Group Director, Strategy and Innovation (SPPP)

	process which a body forms part of. Advice on this matter will be reflected as an on-going expectation in the technical guidance.		
<b>R28</b> The Government of Jersey should undertake a wider review of its consultation and public engagement process, following the learnings established from the facilitation of deliberative bodies. – Q2 2023	<p><b>Accept</b></p> <p>Work has already begun to look at the Government's consultation policy, in response to a recommendation from the Economic and International Affairs Scrutiny Panel in 2019 (a piece of work interrupted by the COVID-19 response). A review of processes was carried out during Qs 3-4 of 2021, which has already been informed by lessons learned from facilitation of public engagement, and we will ensure that this is widened to include evidence from more recent consultations.</p>	Q2 2023	Group Director, Public Policy (SPPP)
<b>R9</b> The Government of Jersey should develop a framework and policy toolkit for the establishment and operation of deliberative bodies to provide Ministers with a comprehensive understanding of how to establish one, and the most suitable form of deliberative body to use for the respective policy issue. – Q4 2022	<p><b>Accept</b></p> <p>This will be addressed in the technical guidance document.</p>	Q4 2022	Group Director, Strategy and Innovation (SPPP)

Recommendations not accepted – as set out in the response above.

	Recommendation	Reason for rejection
R9	The Government of Jersey should ensure consistency across deliberative bodies regarding the remuneration of external support. – Q4 2022	Different bodies have different requirements and areas of focus. It is natural that some types of advice can be accessed at low or no cost, whereas other types of advice might be more readily marketable and where professionals might expect to secure a fee for their contribution. Focusing on consistency as

		<p>an objective has the potential to over pay in some circumstances or to under pay in others. A more flexible approach that consider the specifics of each deliberative exercise is more likely to achieve value for money.</p>
R20	<p><b>R20</b> The Government of Jersey should incorporate all future deliberative bodies within the Department for Strategic Policy, Planning and Performance, to ensure consistent accountability, audit trails, and develop in-house expertise as the internal experts on the design and facilitation of deliberative bodies and practices, with the assistance of Government of Jersey Officers from other departments where required. – Q4 2022</p>	<p>The value of clear lines of accountability are recognised and the technical guidance will recommend that a single department holds clear responsibility for each deliberative body.</p> <p>However, deliberative exercises have an important role to play in a wide range of public service decision making, including policy making but also programme delivery and service design. To accept this recommendation would unduly restrict the work of other departments and ministers.</p>
R21	<p><b>R21</b> The Government of Jersey should publish its evaluation report on the Citizens' Assembly on Climate Change and Assisted Dying Citizens' Jury and provide copies to members of the Citizens' Assembly and Citizens' Jury to provide opportunities for them to review and feedback on the report. – Q2 2022</p>	<p>The Government of Jersey does not have the means to contact participants of these deliberative exercises. In addition, the report was prepared as an internal document that reflects on management practices of which the participants were largely unaware and cannot be expected to have formed a view on.</p>