

2018-2022

Legacy Report:

Scrutiny Liaison Committee

S.R.18/2022

10th May 2022



States of Jersey
States Assembly



États de Jersey
Assemblée des États

Contents

1) Foreword from the President of SLC	1
2) Recommendations.....	3
3) Introduction.....	5
<i>Purpose of the report</i>	5
<i>Membership</i>	6
<i>SLC Remit</i>	8
<i>Additional Roles of SLC</i>	8
Children’s Commissioner	8
Appointment of Chair of the Jersey Public Appointments Commission.....	11
Jersey Public Services Ombuds	11
Public inquiries.....	12
4) Priority Areas: Progress and Recommendations.....	13
a) <i>Governance and Procedures</i>	13
Codes of Practice:.....	13
Scrutiny/PAC Engagement Code	13
Standing Orders of the States of Jersey.....	13
De-Gendering Titles.....	14
Revised Standing Panel Remits	14
Putting children first – establishment of the Children, Education and Home Affairs Panel (P12/2020).....	14
Expanding the Role of the Economic Affairs Panel (P4/2019).....	15
Panel Membership – increased flexibility and inclusivity	15
Enhancing the Powers of Review Panels.....	15
Suggested matters for further consideration.....	16
Access to Government Information	16
Regular meetings with the Chief Minister and the wider Council of Ministers	16
Recommendations Tracker.....	16
Policy Development Boards.....	17
Potential Influence of parties on the Scrutiny function	17
b) <i>Scrutiny Resources</i>	18
Panel/Review expenditure	18
Staffing.....	18
c) <i>Public Engagement</i>	18
Webcasting.....	18

Scrutiny Public Engagement Strategy	19
Online Surveys	19
Town Centre Stand	20
Animation video	21
Education Resources.....	21
Branding.....	21
Live Q&A: Scrutiny uncovered	22
Engaging with Children and Young People.....	22
Suggested matters for further consideration:.....	22
Engaging with Children and Young People.....	22
Scrutiny Public Engagement Strategy	23
Diversity of Panel/Committee Witnesses.....	23
<i>d) Legislative Scrutiny</i>	25
5) Appendix 1: Assembly Output	26
6) Appendix 2: Away Day Outcomes and Report.....	27

1) Foreword from the President of SLC



It has been a privilege to lead the Scrutiny Liaison Committee (SLC) during this term of office. I would like to express my thanks and gratitude to all Scrutiny Chairs and the wider Scrutiny membership for their remarkable hard work over the last four years and the vast volume of work accomplished throughout the COVID-19 pandemic. Members adapted flexibly and with speed to new and intense work programmes and different ways of working during the various phases of the pandemic. Members had to utilise resilience and, in some instances, reskill themselves to suit a new way of working. Nonetheless, output and influence from Panels increased due to the volume of Covid-19 related legislation and policies alongside 'business as usual' matters.

The SLC has also maintained focus on its overarching role in ensuring the effective operation of the scrutiny function, taking note of best practice and developments in similar parliamentary committee systems. The pandemic introduced public health measures which required everyone to work from home and socially distance when outside. This meant the usual physical meetings and public hearings had to be replaced with virtual meetings and live event public hearings. Furthermore, new initiatives included establishing procedures and protocols for the virtual environment in which panels and committees have been working, publication of a weekly bulletin of activity across the function, and weekly meetings to co-ordinate many complex and time sensitive pieces of work that have cut across Panel remits. SLC also pressed to secure more stable and sustainable resourcing to underpin the work of the scrutiny function, with progress made in respect of budget and staff resources in the 2020 Government Plan. The context of the ongoing pandemic and the cross-cutting nature and large scale of some of the major matters scrutinised, meant that the scrutiny function continued to adopt a flexible approach.

This led, for example, to the formation of several Review Panels (established by the SLC to cover topics that fall across the remits of multiple standing panels, and to offer flexibility in membership) to work on topics such as the Future Hospital, Migration and Population, Government Plan and Safer Travel Guidelines. Logistically, panels made use of physical meetings and public hearings when the lifting of restrictions allowed, often complemented by the continued use of virtual meetings and live event public hearings, and the latter methods were used exclusively when restrictions did not allow for physical gatherings.

In holding Government to account, the nature of the output of panels and the platforms they used in doing so was varied and wide-ranging, encompassing, amongst others, traditional reports and Comments, propositions, statements and amendments, hearings and briefings, questions in the States Assembly, open letters, and traditional and social media commentary.

The Committee made further progress by including a focus on communications and public engagement support. Other notable developments included an amendment to Standing Orders to update and re-prioritise the responsibility for scrutinising matters relating to children and young people, and further changes to Standing Orders increasing the maximum number of Members permitted to serve on a Scrutiny Panel. This contributed towards a key objective of the Committee to encourage the involvement and engagement of as many Members as possible in the scrutiny work of the Assembly.

In addition, the Committee oversaw the introduction of more structured and comprehensive communications and public engagement support. This has helped deliver more timely, informative communications to the community about the work being undertaken on its behalf, and to increase engagement with committees and panels to help further inform their recommendations to the Government. It is intended that this area will be further developed, with a focus on engaging more effectively with children and young people, and on engaging a more diverse audience from which evidence is drawn.



Senator Kristina Moore
President, Scrutiny Liaison Committee

2) Recommendations

We make a number of recommendations and suggested actions in this legacy report to our successors, which for ease of reference are summarised/consolidated below:

- Request an update, from the Director General of SPPP at an early meeting of the Committee, on the progress of the legislative project to establish a 'Jersey Public Appointments Commission', and the current process to appoint a Chair of the currently formulated Jersey Appointments Commission [[find out more](#)]
- Request a progress update on the Jersey Public Service Ombuds project from the Head of Policy at SPPP, at an early meeting of the Committee [[find out more](#)]
- Request an update on the development of the Public Inquiries Law from Government and consider whether guidance on responding to public inquiries should be included into future versions of the scrutiny engagement/proceedings codes [[find out more](#)]
- Consider how improvements can be made in regard to informing Ministers, Assistant Ministers and relevant Government Officers about their obligations set out in the Engagement Code of Practice [[find out more](#)]
- The President and Vice President of SLC should arrange regular catch-up meetings throughout the year with the Chief Minister and her/his Assistant(s) [[find out more](#)]
- Liaison meetings involving the full SLC and the wider Council of Ministers are encouraged to help build relationships, trust and knowledge [[find out more](#)]
- Embed use of the recommendations' tracker across the full scrutiny function, and request an early briefing on the structure of the tracker from the States Greffe/Government [[find out more](#)]
- Reflect upon and address previous challenges if Policy Development Boards remain a feature in the new term [[find out more](#)]
- Request an early briefing from the Chair of PPC and Greffier of the States regarding the potential influence of parties on the scrutiny function [[find out more](#)]
- The scrutiny budget has been set at a level of £200,000. We suggest this is historically consistent but represents an absolute minimum level and should be given attention by our successors to ensure it remains appropriate in view of the increasing demands on and output from the scrutiny function. There is very little scope for discretion in this figure and work has been reduced in scope/compromised in places in order to honour the allocated budget. Any additional take up in Review Panels or establishment of additional Standing Panels should be resourced with additional budget and staff levels. [[find out more](#)]
- Staff resourcing remains the minimum required for the function to operate effectively, additional resourcing will be required in the next term if there are any notable increases to activity [[find out more](#)]

- Dedicate research and time to contemplate how contribution and awareness can be enhanced when utilising online surveys [\[find out more\]](#)
- Generate a professionally and ‘target audience’ validated framework concerning engaging young people, to incorporate in the Scrutiny Proceedings Code [\[find out more\]](#)
- Engaging with young people should remain a key priority, with a new working group formed in the new term, which might contact the Children’s Commissioner to consider collaboration and advice [\[find out more\]](#)
- The Committee recommends early engagement with the Digital and Public Engagement Team in order to share thoughts on the Engagement Strategy and create and plan more opportunities online and in person to easily engage with the public on platforms they want to use, not those imposed on them. [\[find out more\]](#)
- Research how other jurisdictions are reaching new audiences and determine if there are any new strategies and approaches which encourage the public to be further involved in scrutiny reviews and hearings [\[find out more\]](#)
- Discuss and deliberate possible next steps surrounding gender monitoring of parliamentary witnesses and the wider priorities of the Diversity Forum [\[find out more\]](#)
- Both initial and ongoing training for Scrutiny Members are extremely valuable. The States Greffe will provide suggested options for the Committee’s consideration. We highly recommend that visits to Westminster and other relevant jurisdictions/regions should be arranged early on in the new term [\[find out more\]](#)
- Explore the provisions of the CPA Academy and consider how the resources and training offered might be utilised [\[find out more\]](#)
- Reflect on the Scrutiny Away Day Report and Recommendations [\[find out more\]](#)

3) Introduction

Purpose of the report

With the end of this Assembly upon us, the Committee has reflected on the work we have undertaken this term in order to produce a definitive summary of the main areas that we have given our attention to, and to provide suggestions (and context) for those areas that we suggest would merit further attention by our successors. It might be noted that our reflections and this report are further influenced and informed by an Away Day held in March 2022 that was attended by a range of scrutiny Members, the details and outcomes of which are contained in [Appendix 2](#).

We hope that this legacy report will be of value to the early work of our successors. In addition, it may serve as a useful reference point for other Members, stakeholders and the wider public in setting out our reflections and highlighting those matters that we hope will be subject of further attention and development in the future.

It is imperative in our system of Government that there is an effective scrutiny function operating as the day-to-day eyes and ears of the wider Assembly, to help ensure that there is appropriate and objective challenge, check and balance to the executive branch. We have tried to, and believe we have succeeded in, making a significant positive contribution to the continued evolution and embedding of such a function, and as referenced above offer a number of suggestions and recommendations in this report to try to help continue the progress made this term.

In summary, this report sets out:

- Foreword from the President of SLC
- Consolidated recommendations
- Membership
- Priorities, Progress and Recommendations
- Overview of core Assembly output by Scrutiny Panels and Committees
- Overview of Scrutiny away day - summary report

Membership



[Senator Kristina Moore](#) President (Chair, Corporate Services Panel)



[Deputy Mary Le Hegarat](#) Vice-President (Chair, Health and Social Security Panel)



[Deputy Inna Gardiner](#) (Chair, Public Accounts Committee – from 22nd October 2020)



[Connétable Mike Jackson](#) (Chair, Environment, Housing and Infrastructure Panel)



[Deputy David Johnson](#) (Chair, Economic and International Affairs Panel, from 20th January 2021)



[Deputy Rob Ward](#) (Chair, Children, Education and Home Affairs Panel)

The Committee would also like to thank the following Members for their valued contributions to its work during this Assembly:



[Senator Sarah Ferguson](#), Chair, Public Accounts Committee (resigned 16th October 2020)



[Deputy Kirsten Morel](#), Vice President (Chair, Economic and International Affairs Panel, resigned 25th November 2020)

SLC Remit

As prescribed by Standing orders, the remit of the Scrutiny Liaison Committee (SLC) is:

- (a) to act as a co-ordinating body for the work of the PAC, Scrutiny Panels and review panels, to ensure that there is no unintended overlap in the work undertaken by them and to ensure that all aspects of the work of the Council of Ministers are, over time, reviewed
- (b) to oversee the prioritization and allocation of resources to the PAC, Scrutiny Panels and review panels
- (c) to keep under review the operation of the scrutiny function and, as appropriate, to make recommendations for change
- (d) to co-ordinate the preparation of an annual report on the work of the PAC and Scrutiny Panels for inclusion in the annual report produced by the PPC upon the work of the States and of committees and panels established by standing orders
- (e) to maintain close contact with the Council of Ministers and to ensure that-
 - (i) the PAC and Scrutiny Panels are kept aware of the future work programme of the Council, and
 - (ii) the Council of Ministers is kept aware of the future work programme of the PAC and Scrutiny Panels
- (f) to-
 - (i) prepare and keep under review, in conjunction with the Council of Ministers, a code of practice for engagement, for the purposes of scrutiny, between Scrutiny Panels and review panels and Ministers and Assistant Ministers
 - (ii) prepare and keep under review, in conjunction with the Council of Ministers, a code of practice for engagement between the PAC and Ministers, Assistant Ministers and States' employees working in an administration of the States for which a Minister is assigned responsibility, and
 - (iii) lodge each code of practice for approval by the States
- (g) to prepare, keep under review and present to the States-
 - (i) a code of practice for the proceedings of Scrutiny Panels and review panels (apart from the engagement described in paragraph (f)(i)), and
 - (ii) a code of practice for the proceedings of the PAC (apart from the engagement described in paragraph (f)(ii))

Additional Roles of SLC

In addition to the core functions of the Committee as established above, it is opportune to raise here some of the significant ancillary responsibilities that lie, or have been proposed to do so, with SLC/the President thereof. These are:

Children's Commissioner

The Committee has several statutory responsibilities arising from the Commissioner for Children and Young People (Jersey) Law 2019, largely related to the appointments and reporting. For full context it is recommended to view [the law](#), but in summary relevant extracts of Articles are:

Article 2 Independence of Commissioner

(1) In discharging or performing the functions conferred under this Law or any other enactment, the Commissioner must act independently and, in a manner, free from direct or indirect influence, whether from any administration of the States, the Chief Executive Officer, a Minister, the States or any other person.

(3) The terms and conditions of the appointment of the Commissioner must not be construed so as to create a contract of employment or agency between the States, or the Chief Minister and the president of the chairmen's committee, and the person appointed.

Article 4: Appointment and tenure of office

(1) Subject to the provisions of this Schedule, the Commissioner must hold and vacate office as the Commissioner in accordance with the terms and conditions of his or her appointment.

(2) The office must be held by a person appointed by the States on a proposition signed by the Chief Minister and the president of the chairmen's committee.

(4) Before recommending to the States the appointment of a person to hold the office, the Chief Minister and the president of the chairmen's committee must consult with, and take into account the views and recommendations, of the Jersey Appointments Commission, and the views of the youth advisory panel as to the suitability of the person concerned.

(5) The Chief Minister and the president of the chairmen's committee must – (a) not recommend a person for appointment unless satisfied that the person has the qualifications and experience necessary to discharge the functions of the office; and (b) make a recommendation of a person for appointment on the basis that such a recommendation respects, upholds and defends the independence of the office of Commissioner.

Article 6 Termination of office as Commissioner

(1) The Commissioner ceases to hold office – (a) if he or she resigns by giving, in writing, such notice as is required under the terms and conditions of his or her appointment to the Chief Minister and the president of the chairmen's committee; (b) if his or her appointment is revoked under sub-paragraph (3); or (c) on the expiry of his or her term of office.

(2) Where the Commissioner resigns from office by virtue of subparagraph (1)(a), the Chief Minister and the president of the chairmen's committee must, as soon as practicable after receiving that notice of resignation, report it to the States.

(3) The States may revoke the appointment of the Commissioner on a proposition signed by the Chief Minister and the president of the chairmen's committee.

(9) When the proposition has been lodged the Chief Minister may, with the approval of the president of the chairmen's committee, suspend the Commissioner from office.

Article 7 Appointment of acting Commissioner

(1) Where there is no Commissioner for the time being, or the Commissioner is unable to act, the Chief Minister and the president of the chairmen's committee may appoint a person (whether or not a member of the Commissioner's staff) to discharge the Commissioner's functions until a new Commissioner is appointed under paragraph 4, or the Commissioner is again able to act.

(5) The Chief Minister and the president of the chairmen's committee must, as soon as practicable, report an appointment under this paragraph to the States.

Article 12 Limitation of civil liability

(1) This paragraph applies to – (a) a person who is or has been the Commissioner; (b) a person who is, or has been a member of staff, or is acting or has acted as an agent of the office of the Commissioner, or who is performing any duty or exercising any power on behalf of the office of the Commissioner; (c) except where any enactment or contract provides otherwise, the Chief Minister, the president of the chairmen’s committee and the States.

Article 17 Disclosure of reports of formal investigations

(2) The Commissioner must provide a copy of the report of his or her formal investigation to – (a) the person who made the complaint received under Article 10(4)(a), where applicable; (b) the person who is the subject of the formal investigation; (c) the Chief Minister and the president of the chairmen’s committee; (d) the Attorney General; and (e) the Chief Executive Officer.

Article 26 Advisory panel

(1) Subject to paragraph (3), the Commissioner must appoint an advisory panel to provide the Commissioner with advice and assistance relating to the discharge of his or her functions generally.

(3) Following consultation with the Chief Minister and the president of the chairmen’s committee, the Commissioner must determine and publish – (a) the criteria and process for appointment to the panel; (b) the terms and conditions applying in respect of an appointment; and (c) the panel’s procedures.

Article 27 Audit and risk advisory panel

(1) Subject to paragraph (3), the Commissioner must appoint an audit and risk advisory panel to provide the Commissioner with advice and assistance in relation to the following matters – (a) the use of resources by the office; (b) the management of risk by the office; and (c) the governance of the office.

(4) Following consultation with the Chief Minister, the president of the chairmen’s committee, and the chairman of the Public Accounts Committee, the Commissioner must determine and publish – (a) the criteria and process for appointment to the panel; (b) the terms and conditions applying in respect of an appointment; and (c) the panel’s procedures.

Article 28 Youth advisory panel

(1) The Commissioner must appoint an advisory panel to be known as the “youth advisory panel”, to provide the Commissioner with advice and assistance relating to the discharge of his or her functions generally.

(4) The youth advisory panel may also give its views to the Chief Minister and the president of the chairmen’s committee as to the suitability of a person for appointment to the office under paragraph 4 of the Schedule.

(5) Following consultation with the Chief Minister and the president of the chairmen’s committee, the Commissioner must determine and publish – (a) the criteria and process for appointment to the panel; (b) the terms and conditions applying in respect of an appointment; and (c) the panel’s procedures.

Appointment of Chair of the Jersey Public Appointments Commission

The current Jersey Appointments Commission (JAC) is established under Part 4 of the Employment of States of Jersey Employees (Jersey) Law 2005 (the “2005 Law”). Work is ongoing, including through public consultation on the part of Government in Q1 2022, on proposals to replace the JAC with a new body corporate which would be known as the Jersey Public Appointments Commission.

The SLC agreed to the provisional inclusion of a role for itself in relation to the process for the appointment of a new Chair of the JAC. The Chair of the Commission will be appointed by the States, and the Law would give the Chief Minister responsibility for putting forward a candidate to the States by lodging a proposition to this effect. The Assembly will then debate the proposition in camera (in private) and, if the States vote to approve the proposition, the candidate will be appointed to the role. It is intended to include similar provisions to paragraph 4(1) and (2) of the Schedule to the Commissioner for Children and Young People (Jersey) Law 2019 (the “2019 Law”), excluding the requirement for the Chair of the Scrutiny Liaison Committee (SLC) to sign the proposition as well as the Chief Minister.

However, as the Chair cannot oversee their own recruitment process, it is necessary to vest responsibility for overseeing recruitment of the Chair in another individual. The new legislation would therefore provide that the President of SLC would nominate the individual who should hold responsibility for overseeing the recruitment process of the Chair. It is proposed that the President does so as this provides an appropriate balance to that of the Chief Minister who will hold responsibility for nominating the candidate to be Chair of the Commission to the Assembly (this partly mirrors the present appointment process of a new Chief Executive Officer (CEO), as under Article 26AA(4) of the 2005 Law, the States Employment Board has responsibility for nominating a person to oversee the recruitment of the CEO). The new legislation should provide that the President of SLC must not appoint an individual to oversee the recruitment of the Chair unless satisfied that the individual has the expertise and experience necessary to oversee the recruitment process.

With the Law a work in progress but simultaneously a new appointment to post of Chair of the current JAC underway in Q1 2022, the President and Vice-President of SLC were invited to essentially trial the proposed role and met with the Director General of Strategic Policy, Planning and Performance (SPPP) and the Senior Resourcing Specialist of the Chief Operating Office to contribute and provide guidance and nominate their preferred candidate for the appointment. This is ongoing at the time of writing and it is recommended that the new SLC requests an update on progress of the Law and the ‘trial’ from the Director General at an early meeting of the Committee.

Jersey Public Services Ombuds

Similar to the Appointments Commission, work is in train within Government on new legislation to create a Jersey Public Service Ombuds (JPSO). In Q1 2022 the Head of Policy in SPPP met with the SLC in order to provide a progress update concerning the development of the associated legislation. Considerations were given to a proposed role for SLC and how it might be a highly appropriate Committee for the JPSO to report to (in addition to the Chief Minister). The benefits SLC might bring include being able to embed scrutiny and its inherent objectivity formally into the governance and accountability process, and the opportunity to engage with all different Scrutiny Panels through the SLC. This is significant due to the fact that the JPSO’s findings and recommendations will likely be of interest to various Panels. In essence, the scope of the envisaged role for the Committee relates to JPSO Board recruitment process,

annual reporting and annual plan/holding to account processes - broadly similar to that which it holds in respect of the Children's Commissioner.

This matter is ongoing at the time of writing and it is recommended that the new SLC requests an update on progress of the Law from the Head of Policy at SPPP at an early meeting of the Committee.

Public inquiries

The Chief Minister undertook a consultation in Q4 2021 regarding the development of Jersey's first Public Inquiries Law. There is presently no Law that enabled public inquiries, instead, major investigations were established as Committee of Inquiries by the States Assembly. The proposed Law aims to foster a robust framework for the set up and delivery of independent public inquiries, including matters related to management of data and financial spend.

The consultation document highlighted that consideration had been given to amending Standing Order 145 to state that the SLC must effectively be obliged to establish a Review Panel to hold Ministers to account for the delivery of any inquiry recommendations. This option was rejected, however, as it was seen that it should be for Scrutiny/the Assembly to have choice in determining how best to hold Ministers to account in this respect, and not to have any such duty imposed on them via law.

Nonetheless, the SLC may want to receive an update on this legislation from Government and consider whether guidance on responding to public inquiries should be built into future versions of the scrutiny engagement/proceedings codes.

4) Priority Areas: Progress and Recommendations

a) Governance and Procedures

Codes of Practice

[P50/2022](#) was approved by the States Assembly on 26th April 2022. The proposition related specifically to updates to the Code of Practice for Engagement Between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’ (the ‘Scrutiny/PAC Engagement Code’), that had been identified by SLC and were subject to consultation with the Chief Minister and the wider Council of Ministers. Updates were made concurrently to the Scrutiny and Public Accounts Committee Proceedings: Code of Practice (the ‘Scrutiny/PAC Proceedings Code’), revisions to which do not require the approval of the States Assembly but were presented jointly for clarity and completeness. This proposition represented the final piece of work by SLC in line with its roles and responsibilities established in both Standing Orders and the Engagement Code, as per the following extracts:

Scrutiny/PAC Engagement Code

6. The Scrutiny/PAC Engagement Code is a ‘live’ document which will be kept under review (see 8).

7. The President of the Chairmen’s Committee, in conjunction with the Committee, will oversee the Scrutiny/PAC Engagement Code and the Scrutiny & PAC Proceedings Code of Practice.

8. The Chief Minister and the President of the Chairmen’s Committee, in conjunction with the Chief Executive of the States and the Head of Scrutiny, will review this Scrutiny/PAC Engagement Code at least once a term (or as required). This process should include consultation with the Chairmen’s Committee and the Council of Ministers.

Standing Orders of the States of Jersey

143 Scrutiny liaison committee: terms of reference

The terms of reference of the scrutiny liaison committee are –

(c) to keep under review the operation of the scrutiny function and, as appropriate, to make recommendations for change;

(f) to – (i) prepare and keep under review, in conjunction with the Council of Ministers, a code of practice for engagement, for the purposes of scrutiny, between scrutiny panels and review panels and Ministers and Assistant Ministers,

(ii) prepare and keep under review, in conjunction with the Council of Ministers, a code of practice for engagement between the PAC and Ministers, Assistant Ministers and States’ employees working in an administration of the States for which a Minister is assigned responsibility, and

(iii) lodge each code of practice for approval by the States;

(g) to prepare, keep under review and present to the States –

(i) a code of practice for the proceedings of scrutiny panels and review panels (apart from the engagement described in paragraph (f)(i)), and

(ii) a code of practice for the proceedings of the PAC (apart from the engagement described in paragraph (f)(ii)).

It might be noted that the adoption of P.56/2018 (Code of Practice for Engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’), by the States, resulted in practice in the merging of the various PAC and Scrutiny Panel codes that are indicated above.

Key Changes:

There are 3 main areas that are addressed by this proposition:

1. Housekeeping – a number of titles referred to in the previous Code became redundant and are therefore brought up to date by the changes. Most prominently this included changing the title of ‘Chairmen’s Committee’ to the current ‘Scrutiny Liaison Committee’, in line with P.72/2019 Draft Amendment (No. 41) of the Standing Orders of the States of Jersey.
2. Access to Council of Ministers Supporting Agenda Papers – section ‘F’ was updated to better reflect the practical arrangements that have evolved between the Government and scrutiny function to exchange information since the Code’s introduction, accelerated by increased digitalisation and the adoption of the Teams platform.
3. Ministerial Decisions – the previous Code was silent on the process by which Ministerial Decisions are made available to scrutiny. The making of such Decisions is an integral part of Ministerial responsibilities, and by extension those of the scrutiny panels whose role it is to hold Ministers to account for their actions and decisions. Consistent and timely receipt of the associated documentation is important to enable Panels to fulfil this duty. This anomaly is addressed by the insertion of a new section ‘G’.

De-Gendering Titles

Through a collaboration between the Privileges and Procedures Committee and the then styled ‘Chairmen’s Committee’, Standing Orders were amended in July 2019 through [P72/2019](#) to replace any reference to a title of ‘chairman’ or ‘chairmen’ with the term ‘chair’ or ‘chairs’ in respect of bodies operating within the States Assembly, including Scrutiny, PAC and Review Panels.

This initiative has been designed to help de-gender the States Assembly, and is in keeping with the Island’s statute book, which was de-gendered in 2004. Therefore, the only references to gender are those that are explicitly relevant, such as legislation relating to pregnancy. In the same change to Standing Orders, the Chairmen’s Committee was renamed the ‘Scrutiny Liaison Committee’ to ensure both gender neutrality and better-reflect the remit of the Committee.

Revised Standing Panel Remits

Putting children first – establishment of the Children, Education and Home Affairs Panel ([P.12/2020](#))

Remits for the ‘standing’ scrutiny panels are established through Standing Orders. Counter to the commonly shared objective of ‘putting children first’, the prescribed remits did not contain clear reference to children or young people as previously, and the children’s remit of the then Minister for Children and Housing’s portfolio was largely scrutinised by the Care of Children in Jersey Review Panel. This was not an appropriate ‘permanent’ framework. Over time this additional responsibility had also diverted resources away from the Review Panel’s core focus and purpose of examining the implementation, by the Government, of the recommendations

of the Independent Jersey Care Inquiry. The adoption of this amendment to Standing Orders updated and clarified the responsibility for scrutinising matters relating to children and young people, placing it with the Education and Home Affairs Scrutiny Panel. This provides increased prominence to such areas within the Assembly's Scrutiny Panel work, and improves the transparency of the scrutiny role in holding the now Minister for Children and Education to account. Adoption of the amendment led to a consequential change to the title of the 'Education and Home Affairs' Scrutiny Panel, which has been renamed the 'Children, Education and Home Affairs' Scrutiny Panel. As well as addressing the matter of raising the profile and sharpening the focus of children's matters within the work of scrutiny, the amended title better reflects the revised remit of the Panel, assisting its public engagement and transparency.

Expanding the Role of the Economic Affairs Panel ([P.4/2019](#))

Following the creation of the role of Minister for International Development following Senator John Le Fondré's election as Chief Minister, consideration was given by the SLC to identify which scrutiny panel would be most appropriate to take on the responsibility for scrutinising this aspect of the work of the Council of Ministers.

In doing so, it identified overlap between the work of the Corporate Services Scrutiny Panel and the Economic Affairs Scrutiny Panel on matters relating to the Minister for External Relations. It was subsequently agreed that the work of the Economic Affairs Scrutiny Panel should be expanded to take the scrutiny of both Ministers. Following the approval of an amendment to Standing Orders, the States Assembly accepted this change and Economic Affairs was renamed the Economic and International Affairs Scrutiny Panel.

Panel Membership – increased flexibility and inclusivity

An amendment to Standing Orders, [P.13/2020](#), was adopted by the Assembly that increased the maximum number of Members permitted to serve on a scrutiny panel, in addition to a Chair, from 4 to 5. The associated rule regarding the number of panels that a Member is allowed to serve on concurrently (2 at present) was also removed. Although relatively minor, these changes represent a positive contribution towards a key objective of the SLC to encourage the involvement and engagement of as many Members as possible in the scrutiny work of the Assembly. Whilst all parties need to remain mindful of the risk of individuals taking on excessive responsibilities, the changes offer Members and panels increased flexibility, choice and opportunity, and enable workloads to be more effectively shared.

Enhancing the Powers of Review Panels

Review Panels have enjoyed increased attention over the course of this Assembly, with a growing number of them providing an effective way to scrutinise significant cross-cutting matters, whilst benefitting from inherent flexibility.

Examples include Safer Travel Guidelines, Government Plan, Brexit, Care of Children, Future Hospital, Gender Pay Gap, and One Gov, each taking on significant work of a wide-ranging scope. However, over the course of their existence there have been procedural constraints that have limited the effectiveness of these panels and created inefficiency in the process.

Therefore, following the acceptance of an amendment to Standing Orders by the States Assembly through adoption of [P.70/2010](#), Review Panels are now able to lodge propositions in their own name, present reports and Comments in their own name, and have relevant draft propositions and legislation referred directly to them during their development and/or passage through the Assembly, subject to consultation and approval of the SLC.

These changes also help reduce some of the confusion experienced in public and stakeholder engagement, due to their work up until this point being routed through the SLC.

Suggested matters for further consideration:

In addition to the above areas, we would recommend that there is continued consideration given to the following matters:

Access to Government Information

The Engagement Code of Practice between Scrutiny Panels, the Public Accounts Committee and the Executive, was updated on the 26th April 2022 ([P.50/2022](#)), and provides a detailed and largely robust (in theory) platform that sets a clear expectation that Government held information will be shared in a timely, comprehensive and effective manner with the Assembly's Scrutiny Panels/PAC. We have broadly seen the expectations of the Code met in this respect, and envisage further progress with the changes recently made to enhance the process of interaction. However, there have been pockets of non-compliance – whether intentional or not - from both political and officer branches of Government that have been deeply frustrating to both the Assembly Members serving on panels and the process of scrutiny itself, and which we highlight as a general point rather than draw attention to individual cases to suggest that further attention is paid to this fundamental area.

With Standing Orders and the Codes of Engagement and Practice respectively that flow from them providing clear and non-optional processes and expectations on the provision of information by Government, the Committee recommends that consideration is given to how improvements might be made to help better inform Ministers, Assistants Ministers and relevant Government officers about their obligations. This might include induction processes, shadowing, set piece training and ongoing constructive relationship building/dialogue at political and officer levels.

Regular meetings with the Chief Minister and the wider Council of Ministers

Linked to the above, we highlight the value of regular meetings between Panels/PAC and the Government at all levels, with constructive working relationships an essential helpful aspiration for all parties, providing open lines of communication and building trust.

At the oversight level, it is recommended that the President and Vice-President of the SLC and the Chief Minister (and his Assistant(s)) organise regular catch-up meetings throughout the year, with monthly meetings having worked historically, and quarterly meetings should be a minimum). It is regrettable that such meetings fell by the wayside somewhat this term, not helped by the disruption caused by the pandemic.

With the aim of fostering trust and relationships between scrutiny and the wider Council of Ministers or Government, we would also recommend that consideration is given to the coordination of meetings of the full (or fuller) memberships of the Council of Ministers and SLC to discuss overarching matters. This could be most effective with the first 6 months of their respective formations, and perhaps annually or twice a year thereafter.

Recommendations Tracker

The 'Scrutiny Away Day' helped to underscore support for the merits of a much-discussed tracker for all scrutiny panel and PAC recommendations. The tracker concept has effectively been led and piloted by PAC to good effect, and we would strongly recommend that this initiative is formally followed up and embedded for the full scrutiny function in conjunction with the amendment to the revised Code of Engagement that was successfully brought by Senator

Tracey Vallois on 26th April 2022. There is associated work being undertaken by officers in the States Greffe and in Government, and we suggest that our successor Committee requests an early briefing on the status of that work.

Policy Development Boards

The introduction of Policy Development Boards by the Chief Minister to improve Member 'inclusivity' gave rise to a number of concerns on the part of the Committee, and we wrote to him several times and met him to express our concerns about their impact on scrutiny.

It is not the principle of these Boards that was objected to, we appreciate the intention behind them. Our objection is with the insistence of the Chief Minister on using scrutiny members, rather than existing Government Ministers and Assistant Ministers and knowledgeable members of the public, to initiate or test out policy ideas. Not least for the sake of clarity and good governance.

Key issues include:

- Using scrutiny members significantly blurs the line between Government and States Assembly/Scrutiny responsibilities, compromising objectivity, accountability and the Troy rule principle of minority government
- Increased risk of 'self-review'
- Drain on scrutiny member resources and loss of valuable experience/knowledge from Panels
- Inefficient use/duplication of resources
- Lack of transparency (e.g., the process of appointments and absence of published minutes)

With proactive engagement from Ministers and full disclosure of all relevant material within appropriate timeframes, scrutiny is already ideally placed to contribute to policy and legislation development, offering properly constituted, resourced and objective input. Using the current system properly therefore provides a fully 'inclusive' approach that respects roles and responsibilities, enabling all members to constructively contribute and avoiding duplication and confusion.

It remains to be seen whether such boards remain a feature of a future Government, and so we flag this as a matter that might be noted and acted upon should they feature again, in order to help protect the integrity and capacity of the scrutiny function.

Potential Influence of Parties on the Scrutiny Function

The Committee has given thought to matters that would require attention should the prevalence of members associated with political parties increase after the election in June 2022. This was prompted in part by a linked proposition lodged by Deputy Scott Wickenden ([P.161/2020](#)), that sought to challenge the ability for a Chair of a Panel to be a member of the same party as a Minister whose portfolio fell within their remit.

This is of course an issue that is addressed in many other parliamentary settings, and we are aware of ongoing work around the Privileges and Procedures Committee and States Greffe exploring options should party politics become more established at this election. Given the uncertainty at this time, no rules have yet been formally amended in this area, but we recommend that the new SLC requests an early briefing on this topic from the Chair of PPC/Greffier of the States.

b) Scrutiny Resources

Panel/Review expenditure

The Committee has given significant attention to non-staff related financial resources available to support Panels/Committees. We saw the vital budget available for expert advisors and specialised methods of evidence gathering beyond the technical expertise of the Greffe (for example focus groups and technical surveys) reduce from £300,000 in 2016 to approximately £44,000 at the beginning of 2019. This was entirely inadequate and inappropriate for such a core part of the non-plenary work of the Assembly. In preparation for the Government Plan bid in 2020, all relevant budget lines were benchmarked against actual spend in comparable years, whilst also taking into account current and anticipated trends in the volume of and approach to scrutiny work – including for instance the emergence of Review Panels and the much-needed improvements to the quality and quantity of legislative scrutiny. The budget has since been set at a level of £200,000. We suggest this is historically consistent but represents an absolute minimum level and should be given attention by our successors to ensure it remains appropriate in view of the increasing demands on and output from the scrutiny function. There is very little scope for discretion in this figure and work has been reduced in scope/compromised in places in order to honour the allocated budget. Any additional take up in Review Panels or establishment of additional Standing Panels should be resourced with additional budget and staff levels.

Staffing

We have welcomed the work of the States Greffe Leadership Team, in close liaison with the Committee, to identify an updated model of staff support to serve scrutiny panels which better reflects the present-day approach and requirements of panels and delivers a more effective, flexible and resilient service than the current model allows. It required additional funding/headcount to correct this situation, although as with the non-staff budget above this has been to a level that has been mindful of value and has taken a step-by-step approach.

We believe the provision of 13 staff members dedicated to supporting the work of the SLC, the 5 Standing Panels, PAC and all Review Panels represents a minimum level, and would wholly support the reasoned extension of this capacity. Additional resource would alleviate some pressure on the political membership whose own capacity is often very stretched, and the resource also used to bolster support to the increasingly frequent ad hoc Review Panels. Such panels can draw away support provided to the 5 Standing Panels and PAC, in so doing compromising their work. Given both the flexibility and likely ongoing remits of such panels the trend for their use is expected to continue.

In summary we recommend the Committee remains very mindful of resourcing, which although improved, remains the minimum required for the function to operate effectively. Any increases to activity such as carbon neutral and Child Right's Impact Assessments (CRIA) will require additional resourcing and planning in the next term.

c) Public Engagement

Webcasting

Live online broadcasts of public hearings held by Scrutiny Panels and the PAC were introduced in 2018. Cameras were installed over the summer recess and staff training and

other technical preparatory work was undertaken by the States Greffe. The webcasts are accessible via a link on the States Assembly website, and viewers can watch hearings live or on catch-up. The webcast of each hearing is available to view for 6 months.

Senator Kristina Moore, commented at the time:

“Scrutiny is the main way in which the States Assembly holds Government Ministers to account and Scrutiny does this on behalf of the public. One of the key principles underpinning that work is transparency; it is important that the public is able to follow Scrutiny’s work and it is therefore vital that we make that work as accessible as possible. Webcasting public hearings will help to achieve that. It will allow more people to follow the progress of Scrutiny Reviews and to witness the political decision-making process.”

The decision to publish live online coverage of scrutiny hearings was an objective of the States Greffe Business Plan 2018 and follows the successful introduction in 2016 of webcasting facilities in the States Chamber. The webcasts have now become an important feature of public engagement with the work of the Assembly’s Scrutiny Panels and the PAC, and are accessible via a link on the States Assembly website. Viewers can watch hearings live or on catch-up, with the webcast of each hearing available to view for six months.

Scrutiny Public Engagement Strategy

A dedicated scrutiny communications strategy has been developed to help deliver timely, informative communications that help local residents to understand the role of scrutiny and engage with Committees and Panels, to help inform their recommendations to the Government. Until January 2021, scrutiny communications were managed by Committee and Panel Officers on top of all their other responsibilities. There are now two communications roles within the Digital and Public Engagement Team (D&PE), designated to supporting Scrutiny Panels by attending meetings and hearings and drafting all press notices and social media content – bringing more specialised professional experience and insight to this area. These roles enable more time and focus on scrutiny communications, aligning with the aim of the strategy. Measurable outcomes are reviewed by observing online analytics and monthly reports, which are undertaken by the D&PE team. By measuring scrutiny’s online engagement, the strategy has created four main objectives:

- Improve public awareness of the role of scrutiny
- Increase public engagement with scrutiny
- Increase media coverage in relation to the work of scrutiny
- Increase Islander engagement with scrutiny’s online content

This has also helped to establish a wider engagement toolkit, with initiatives including:

Online Surveys

The use of online surveys has been expanded during this term of office, with the aim of reaching a wide audience of Islanders. Once surveys were created, they were shared onto multiple social media platforms and the States Assembly website with the intention to raise awareness and engagement. Almost all surveys received over 100 responses with a number of surveys receiving over 200 responses.

The review into the Maternity Services carried out by the Health and Social Services Scrutiny Panel received over 1000 responses.

Surveys carried out by Scrutiny Panels:

Survey	Completed Responses	Partial Responses	Total
Review of Maternity Services	659	441	1,100
How did the Government's response to Coronavirus (Covid-19) affect children and young people in Jersey?	365	75	440
Government Plan 2022-25 Review survey	75	113	188
Regulation of Jersey Estate Agents	65	0	65
Minimum Earnings Threshold Survey	107	95	202
Working under Covid-19 and the Future Jersey Care Model – GP's Survey	55	20	75

The Committee acknowledges the benefits of using surveys as an engagement tool and suggests research and time be dedicated to look into how contribution and awareness can be enhanced.

Town Centre Stand

During 2021, the Government Plan was due to be debated. Scrutiny held public stalls in town to engage islanders with the Government Plan 2022-25 Review Panel; to inform and answer questions from the public. The stand was organised free of charge through the Parish of St Helier and pull-up banners were created for display. Online surveys were also carried out of which 132 partial and 32 full responses were completed as well as 10 in person 'post cards' were filled out, which encouraged islanders to leave comments and feedback.





Animation video

With the aim of meeting certain objectives in the Communications Strategy, the Digital and Public Engagement team has developed and produced a Scrutiny animation video, due to be published in September 2022. The animation will be shared on all social media accounts; with schools as an education tool and displayed on the digital screens in the Royal Square. The animation is an innovative and modern approach to reaching new audiences, it is purposefully simplistic, colourful and image led to reach a diverse range of viewers. Subtitles will also be available in multiple languages in order to maintain inclusivity.



Education Resources

The team have also been responsible for generating a number of education resources, formulated to be piloted in Hautlieu School during 2022. The education resources cover an assortment of topics including scrutiny, with the aim of connecting secondary school students in political conversation and enhance basic knowledge of the systems and structures in Jersey.

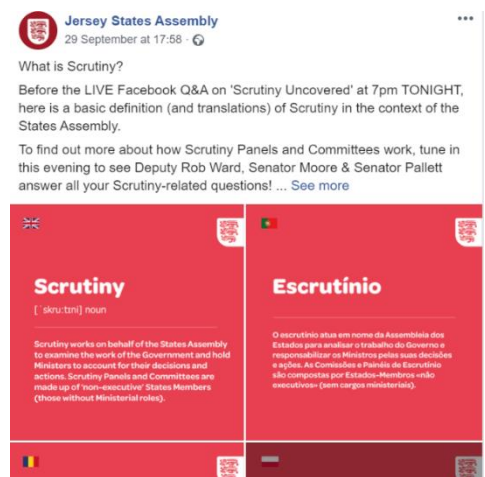


Branding

New branding has been rolled out for Scrutiny including its own social media colours, posts and email signatures. The purpose for this is to clearly display when a social media post, email or document has been delivered by scrutiny. Much of the branding is still to be finalised and rolled out in the new Assembly.

Live Q&A: Scrutiny uncovered

During Jersey's second Democracy Week in 2021, three scrutiny members took part in a live Q&A on Facebook regarding scrutiny, with the aim of informing the public on Scrutiny matters, procedures, and work. Questions were submitted both before the Q&A started and whilst the event was live. Before the live Q&A, multi-lingual social media posts defining what Scrutiny is were posted on all social media platforms.



Engaging with Children and Young People

The Committee has sought to prioritise ways for scrutiny to better engage young people in their work. We would like to recognise here the role of Deputy Louise Doublet who has challenged and encouraged us with insight and ideas to make progress in this area. As a result, the Committee has, in particular, pursued two initiatives to begin to make headway.

Firstly, it has sought to structurally embed consideration of young people and children in scrutiny work via the scoping document, which all panels are obliged to produce and submit to the SLC ahead of work beginning on any review. A dedicated section has been added that ensures panels relay how the topic at hand relates to children and young people and how such engagement will take place.

Secondly, a working group of members of SLC and the wider scrutiny membership was established, led by Deputy Doublet. Although it has been able to make only limited progress since it was formed in 2021 due to the constraints of time, the groundwork has, we hope, been laid for extensive progress to be made in the next term, with overarching key aim of generating a professionally and targeted audience validated framework, which would be formally incorporated in the Scrutiny Proceedings Code for all panels to follow in future work.

Suggested matters for further consideration:

Engaging with Children and Young People

It is the Committee's recommendation that this matter is a key priority for the next term, and to help provide focus, momentum and consideration is given to the formation of a new Working

Group so that the groundwork outlined above can be built on. Background briefing papers submitted by Deputy Doublet and officers to the group during its time will be available to members.

Furthermore, it is the SLC's recommendation that the new Working Group make contact with the Children's Commissioner to consider potential collaboration and advice on the matter.

Scrutiny Public Engagement Strategy

The dedicated scrutiny public engagement strategy is still relatively new and is very much a live document/work in progress. There is scope for reflection on what has been established to date and subsequent development (for example the initiatives above and the areas that are given specific focus below).

The Committee recommends early engagement with the Digital and Public Engagement Team in order to share thoughts and create and plan more opportunities online and in person to easily engage with the public on platforms they want to use, not those imposed on them. By doing so, the function has the potential to generally better share and embed knowledge of the work being undertaken on the public's behalf and specifically to reach new audiences and groups – vital for many reviews where views and input are required from harder to reach or less engaged parts of the community, to shape more meaningful recommendations or interventions by panels. Furthermore, the Committee recommends that research be undertaken to discover how other jurisdictions are acquiring new audiences and to determine if there are any new strategies and approaches being taken to encourage the public to be further involved in scrutiny reviews and hearings.

Diversity of Panel/Committee Witnesses

The Committee, not least the President as a member of the Diversity Forum, has been interested in following up on work relating specifically to the gender monitoring of parliamentary witnesses undertaken in the UK, and building on wider work by the Forum in respect of diversity and public engagement benchmarking. Our work in this area was regrettably significantly disrupted by the Covid pandemic. The new SLC is invited to use this section, illustrating the consideration of this issue in the UK and Scottish parliaments, as a point of reference for a discussion on the matter and to inform possible next steps.

UK (House of Commons)¹

Committees in the House of Commons have adopted different approaches to promoting witness diversity. Several committees are already monitoring the diversity of their witnesses through short surveys. These are completed voluntarily after evidence sessions and ask witnesses for information on their gender identity, age, disability, ethnic background, religion or belief and sexual orientation.

Examples of other steps taken include:

- Adding statements on witness diversity to websites and communications with witnesses. For example: *The Committee values diversity and seeks to ensure this where possible. We aim to have diverse panels of witnesses and therefore ask you to bear this in mind when choosing a representative*

¹ [Witness gender diversity, House of Commons Liaison Committee, 23 May 2018](#)

- Offering extra places on panels to organisations if they can provide a representative of both genders
- Using broader outreach events, social media and web fora to draw in a wider range of evidence and as a way of identifying potential oral evidence witnesses from broader backgrounds
- Identifying potential witnesses in an organisation just below the top management tier (for example Finance or Operations Directors) and inviting them rather than the Chief Executive
- Committee teams continue to share good practice and ideas with each other and with other organisations (e.g., see below).

Scotland

The Scottish Parliament recently published a [research paper](#) by Hugh Bochel, Professor of Public Policy at the University of Lincoln and researcher Anouk Berthier on Committee witnesses: gender and representation.²

The project came out of a recommendation of the Session 4 Conveners' Group and was commissioned by the Parliament's Committee Office. The research builds upon existing practices and recent initiatives in the Scottish Parliament, including the report of the Commission on Parliamentary Reform,¹ and reflects, where possible, other work done in this field, including The Good Parliament report on the House of Commons. The project involved an examination of the literature associated with the diversity of committee witnesses, the position in other legislatures, and the views and experiences of MSPs, clerks and other parliamentary staff gathered through 38 interviews. The briefing makes recommendations on how the diversity of evidence heard by committees might be better recorded, and how it might in some instances be enhanced by engagement with a broader range of voices. While the focus of this project was on gender, and on oral evidence, much of the discussion and many of the recommendations are formulated in such a way as to be applicable to diversity more broadly.

The proportion of female witnesses in 2016-17, excluding the Scottish Government was 38.4%, markedly higher than in the House of Commons.

Several Commons staff were interviewed as part of the preparation of that report, which notes that the Westminster Parliament and the House of Commons in particular is “the parliament for which most information is available on committee witnesses.”

The report proposes a series of possible actions to be taken by the Scottish Parliament which are also of interest to the House of Commons Committee Office. These include:

- Producing guidance for committees on the processes of selecting witnesses and issuing calls for written evidence
- Producing guidance for organisations providing witnesses to committees
- Improving (online) access to documentation for (particularly first-time) witnesses

² <https://digitalpublications.parliament.scot/ResearchBriefings/Report/2018/2/27/Committee-witnesses--gender-and-representation>

- Improving support for (first-time) witnesses
- Careful assessment of the representativeness of ‘representative’ bodies
- Consistent recording of the gender (and, potentially, other protected characteristics) of oral witnesses to committees
- Ensuring that there is sufficient time in each inquiry, where possible, for written evidence to be considered before the selection of invitees to give oral evidence
- Exploring the potential benefits of emerging technology as a tool to increase witness diversity

d) Legislative Scrutiny

There has been a concerted attempt to improve the scrutiny of legislation this term, following long standing concern over the ability of the Assembly to adequately examine legislative proposals. This has seen significant cultural and procedural developments, that have in part been assisted by the improved resourcing of the scrutiny function.

All legislation brought before the Assembly is now considered by the relevant panel with legislation embedded on work programmes for panels to schedule time during and receive the appropriate input (for example through briefings) from Ministers and officials. Output from this work in all instances is encouraged, whether that be through Comments or contributions from Chairs/Members to debates through speeches.

This shift is evidenced by the number of Comments/Amendments on legislation now produced compared to earlier Assembly terms:

YEAR	AMENDMENTS	COMMENTS
2015	10	5
2016	1	6
2017	2	11
2018	10	12
2019	16	10
2020	10	34
2021	12	25
2022	6	16

5) Appendix 1: Assembly Output

As an overarching reference point the following table records the total notable forms of output of Panels/Committees during the course of this term.

Panel	Number of Reports	Number of Comments Papers	Number of Amendments/Propositions	Total
Standing Panels/Committees				
Scrutiny Liaison Committee	1	3	9	13
Corporate Services	13	19	29	61
Economic and International Affairs	12	23	5	40
Children, Education and Home Affairs	7	24	19	50
Environment, Housing and Infrastructure	11	12	8	31
Health and Social Security	7	19	6	32
Public Accounts Committee	12	27	0	39
Review Panels (temporary panels focused on single, cross-cutting issues)				
Brexit	2	3	0	5
Care of Children in Jersey	4	1	1	6
Future Hospital	4	0	3	7
Gender Pay Gap	2	0	0	2
Legal Aid	1	1	0	2
Government Plan	3	0	2	5
Safer Travel Guidelines	2	0	1	3
Migration and Population	2	1	1	4
Total				

Information about all other significant publications (for example public hearings and news), along with statistical information about the individual activity of all Panels/Committees, is available on the [website](#) and/or contained in a series of [legacy reports](#) and the States Assembly Annual reports on the [States Assembly website](#).

6) Appendix 2: Away Day Outcomes and Report

The Scrutiny Liaison Committee agreed in 2021 that it wished to hold a whole Scrutiny 'away day' that would bring together all of the Members across the scrutiny function to reflect on the current term of office, its strengths, challenges and areas for improvement. The 'away day' was unfortunately delayed multiple times due to the Covid-19 pandemic, subsequently, it took place on 7th March 2022.

The Committee engaged with Kate Faragher of Bespoke Skills (a UK based company) in order to deliver the training and facilitate the day. Once the event had taken place, Kate composed a report which can be found below this section of the appendix. Kate has extensive experience of delivering training for parliamentarians and has engaged with the Commonwealth Parliamentary Association to deliver training events for Parliamentary Members all around the world. She had previously undertaken training in Jersey as well, including with the Public Accounts Committee.

Kate produced a clear plan for the day which included objectives, aims and scheduled sessions using a multitude of approaches. A list of core questions was provided prior to the event for Members who were unable to attend. This was to ensure all Scrutiny Members had the opportunity to be heard and provide information that would be incorporated into the report.

Initial Themes/Objectives

There were a wide range of matters covered during the 'all Member away day' which have been grouped into 6 high-level themes and/or objectives that SLC might be mindful of when implementing any associated outcomes and actions:

1. Widening engagement with scrutiny and the diversity/scope of evidence taken, and the platforms used to engage
2. Encouraging and enabling 'best practice' within the Scrutiny function and ways of working across each panel
3. Information (evidence/topic knowledge) sharing and collaboration between panels
4. Fostering constructive working relationships between Scrutiny Members and Executive Members
5. Encouraging productive and constructive relationships at the operational level between Committee and Panel officers and Government officers
6. Education - generating a clearer understanding of roles and responsibilities within and towards Scrutiny – including between Members of Scrutiny and the Executive (e.g., knowledge of the Engagement Code), within the Scrutiny Membership (e.g., Proceedings Code, Standing Orders etc), Directors General/Senior Government officers, new Government employees.

The below are initial groupings of ideas and proposed actions captured from the away day, nominally divided into those that would appear to be matters for SLC and those that would be taken up to be implemented by the officer team at the States Greffe.

SLC

- Further develop work programming to create an effective framework that will set out the expected timescales and actions over the term and facilitate collaborative work
- Create agreed values/planned approach to work within panels and committees at the beginning of a new term
- Increase scrutiny resources

- Improve facilities for Members to help them become more efficient/effective/professional – in turn facilitating capacity for scrutiny work
- Follow up on previous reviews undertaken to ensure accepted recommendations are being met
- Prioritise improving engagement with children/young people
- Diversify the evidence pool and those asked to engage with reviews
- Use different platforms to reach different audiences, make it easy for people to use their preferred way of communicating rather than asking for long written submissions as the default
- Think about the environment a Scrutiny Hearing/Meeting is set up. Where appropriate, adapt the seating arrangements to generate a more positive and open atmosphere
- Hold training days, briefings, lunch and learn and away days with Panel Members (and the Executive). Make use of the valuable CPA Academy.
- Hold introduction workshops at the beginning of a new term with Panel Members and the Executive to build a working relationship, set out expectations, boundaries and an open line of communication
- Create a general role description for scrutiny members – include in the Proceedings Code
- Discover and invest in new mechanisms to build relationships, partake in crucial conversations and training in handling disagreement

States Greffe

- Best practice/consistent approach and use of templates when writing standard Scrutiny panel items (Agendas, Minutes, Reports etc)
- Organise Scrutiny member workshops/training to take place early in the new session where possible ahead of initial key first debates and hearings
- Consistency in using easy to follow, short summary documents of Scrutiny reports, reviews etc that have been carried out
- Embed the proposed 'tracker' for Scrutiny/PAC recommendations
- Further develop the Scrutiny Comms strategy to better engage the public, stakeholders and States Members in Scrutiny work
- Prioritise options to improve engagement with children/young people and help panels 'put children first'
- Establish options to diversify the evidence pool and those asked to engage with reviews
- Build further opportunities for officers within the States Greffe and the Government to experience what respective jobs entail through meetings, shadowing and mentoring sessions
- Further develop, with the MO, Executive and non-Executive Member training experiences and opportunities for Members to visit one another's respective locations to gain understanding of day-to-day work, roles and responsibilities
- Organise training for Members and Committee and Panel Officers on Microsoft Teams use functions and tools

It is the SLC's recommendation that that the above actions and initiatives, along with Bespoke Skills' report below, be considered by our successors as part of their discussions on the recommendations of this legacy report.



Kate Faragher
Personal Communications Consultant

The States of Jersey

Scrutiny Away Day Report

Author: Kate Faragher

Date: 26th April 2022

www.bespokeskills.com | Tel: 07974128353 | Email: kate@bespokeskills.com

Overview and Objectives

The aim of the day is to explore your approaches to scrutiny, the successes, and challenges of the five panels and the PAC of the States of Jersey.

Actions

REVIEW

- Review the code of engagement and code of practise (both 56 pages).
- Explore consistency of delivering to terms of reference
- Identify review and share successes
- Legacy handover is vital

TRACK

- Track key points and handover in the legacy report.
- Create a framework of timescales from which to deliver to
- Create a framework for actions to measure from
- Get training at the start of the new parliament and measure skills
- Identify the expectation of panel members e.g., reading all documents

EFFICIENCY & PRODUCTIVITY

- Ideally have 2 officers per panel
- Have summary documents
- Get staff trained up in teams to improve its use
- Have consistent activity updates of work programmes.

COLLABORATION AND COMMUNICATION

- Have office premises as a base.
- Share activity report updates (summarised)
- Be consistent with information sharing on the Microsoft Teams platform

Bespoke Skills Recommendation:

The Code of Engagement and Code of Practise are very long documents. Could there be a summarised version or a Code of Conduct document or a Panel Document that includes:

- Roles of members
- Role of the Chair
- Expectations of each member
- Training expectations e.g., ability to ask questions
- Time expectations
- Successes to be measured with milestones

- Committee review and measurements.

Aims

Of the day



Some of the key messages of what you wanted to achieve were better ways of having children at the heart of scrutiny, to understand the members function, the science of scrutiny and improve collaboration with each other and with staff.

For the future



In the future you wanted to see better outcomes with clear expectations and a strong practical checklist. You want the culture of scrutiny to be seen more positively. It is not the 'opposition' it is to help the executive think better and deliver more effectively. There needs to be a change of culture and greater trust between all parties.

Next steps

How will you achieve these powerful and ambitious aims? What simple actions could you take that could have the biggest impact?

Themes of Scrutiny

It is often said that better scrutiny makes for better government. Good scrutiny can reveal problems, highlight consequences, and avoid mistakes. The act of having to prepare for a meeting on a panel requires a preparation process for ministers that can illuminate flaws and improve processes even before they enter the room.

If they know a member has a particular interest, they will ask questions about, they will examine that area to prepare their answers.

Scrutiny is any activity that involves examining (and being prepared to challenge) the expenditure, administration, and policies of the government of the day. The primary purpose is to improve processes and outcomes and the effectiveness of government.
Institute for Government

In order for panels to be effective at scrutiny they need to think about

- The approaches they take and if they can be improved
- The support they have and if it needs enhancing.
- The skills they have and if they need more training

During the session we explored each of these areas;

Approaches

Scrutiny involves

1. Deciding on the area of scrutiny to improve thinking and outcomes
2. Gathering and examining evidence
3. Analysing the evidence – both in written and oral form
4. Influencing the decision makers – directly or indirectly

Direct influence includes:

1. Evidence – give new evidence
 - e.g., new oral evidence or data
2. Analysis – new analysis which changes views
3. Openness – ask questions and ask for a review
4. Learning – identify lessons learnt

Indirect influence includes

1. Influence others e.g., media, public, judiciary, industry, society, think tanks, other panels?
2. Public participation

Approaches you came up with were:

- Call for evidence
- Statements in the assembly
- Whole scrutiny days
- Different times and locations
- Hearings in public and private
- Broadcasting hearings
- Focus groups
- Social media engagement
- Formal processes
- Respectful engagement where the members collaborate
- Letter writing
- Gathering views
- Accessibility
- Doing surveys
- Academic engagement
- Triage approach
- Officer expertise – getting advice and having regular meetings
- Framework/ benchmarking / learning from others
- Holistic approach by building trust from ministers
- Get resources, mediation and discussion with ministers
- Engaging children and young people

Bespoke Skills Recommendation:

There are many ways to approach scrutiny. Often committees follow a pattern and rarely deviate from it. If you're really clear what impact you want to make at the end, what type of report you want to create and who you want to influence e.g., the people, the media, the executive or do you want to set your own agenda and influence action?

- Know your purpose and write it down as clearly and succinctly as you can.
- Decide on where to influence to get results
- Have a strategy with milestones – a long and a short-term strategy
- Decide on your approach.

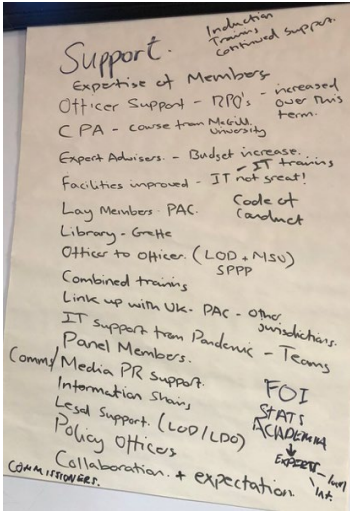
Often the approach is about finding out what the pain point is and “press the bruise” or to find out where the mutual win can be and “push at the open door.” If the Executive want to achieve it how can you help them get the money from treasury, get the public pressure on board or encourage new voices to influence?

The better you get at exploring the best approach the more likely it will be that you will know what skills you need and get clear about the focused support you will need to achieve the outcome.

At the end I will suggest a table that pulls the potential approaches.

Support

- Expertise of members
- Induction training and then continued support
- CPA – course from McGill University
- Officer Support – RPO's increased over this term
- Expert advisers – budget increases
- Facilities improved – IT Training / IT not great
- Lay members – PAC
- Code of conduct
- Library Greffe
- Office to officer (LOD & MSCU) SPPP
- Combined training
- Link up with UK/ PAC other jurisdictions.
- IT Support from Pandemic – teams
- Panel members
- Comms/ media/ PR support
- Information shares
- FOI Stats academy – experts – local and



From this list it is clear support comes in many shapes and forms.

- Geographical: Internal, local and international.
- Expertise: Personal, Lay members, business, academic, Greffe,
- Skills: Legal, IT, standing orders, statistics, policy

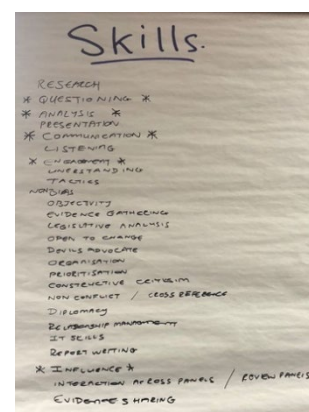
If planning happens quickly what I've seen is that approaches are decided upon without thinking about the cost vs impact. You need to consider the approach and the support you need and make sure it is achieving the level of scrutiny needed to make an impact.

In some committees I've seen citizen engagement seen as a priority and then large number of focus groups set up with minimal new evidence emerging from them. The focus groups expected follow up and action. What may not have been analysed effectively was if this was the best approach, if this was the best use of money to get the new evidence and the cost of the support required to achieve the results.

Planning is key for good panel governance.

Skills

<ul style="list-style-type: none"> ○ Research ○ Questioning ○ Analysis ○ Presentation ○ Communication ○ Listening ○ Engagement ○ understanding ○ tactics ○ non bias ○ objectivity ○ evidence gathering ○ legislative analysis ○ open to change ○ devils advocate 	<ul style="list-style-type: none"> ○ Organisation ○ Prioritising ○ Constructive criticism ○ Non conflict ○ Cross reference ○ Diplomacy ○ Relationship management ○ IT skills ○ Report writing ○ Influence ** ○ Interaction across panels ○ Review panels ○ Evidence sharing
---	--



What skills do you need to improve?

Some skills can be taught in bite size small chunks and others need developed and improved over time.

What is the best way to embed skills and improve performance?

What skills can be outsourced to experts and what need to be inhouse skills?

Are there ways of embedding systems and processes to help embed skills?

Summary

It's tricky to summarise the thinking in one visual but I'll attempt it here. You may want to tweak it to suit your committee

If we look at the table, you will see various things to think about:

Purpose	Engage	Gather info	Set an agenda	Hold to account
Influence	Executive	Committee reputation	People / business	Media
Type of questioning	Information gathering	Testing and probing questions	Clarifying questions	Headline

Answer you want	Ideal answer (even if unrealistic)			
Aim	New evidence	New analysis	Openness or a review	Learnings
Report style	Summary report or letter	Visual social media post	Short media friendly report	Detailed report with findings
Output	Facts	Stories from powerful voices	Executive action e.g., new law/ amendment	
Approach	Engage (polls, surveys, social media)	Fact finds	Power voices	Story
Skills	Questioning	Marketing/ engagement story	Teamwork	Indirect influencing

Now let's use an example:

Purpose: to get the public the change their behaviour eg switch to renewable energy
influence Short term: get public engaged.
Long term: improve or make a new law.

Direct Scrutiny: Gather evidence of the importance of renewable from various fields
openness around using carbon-based energy and review it.

Answer
You want: We are planning to use mining for next 8 years while we build
renewable resources and we will be fully renewable by 2030

Report style: Infographic that will be shared on social media (short term)
short media friendly report to push for a new law (long term)

Measure: Social media engagement
Interest in amending / creating a new law and to keep up pressure
Explore a private members bill(?)

Output: You want stories by experts quoted in the media as being in your
committee. (short term) to put pressure on new legislation (long term)

Plan: Get staff to create clips on social media account that can easily be used
in media.
Get members to write articles on the topic

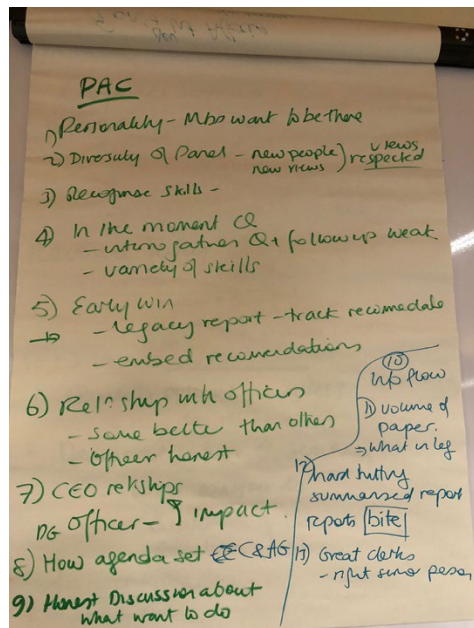
Approach: Find engaging voices and encourage short social media answers
Aim build power voices with clear or new analysis that may differ from
Government adviser's analysis.

Your successes

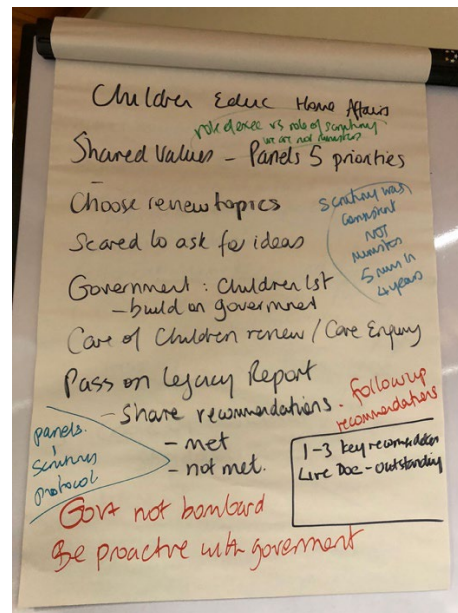
Change rarely happens after one intervention so a collection of approaches, skills and support is necessary to make an impact on decisions.

In order to know what to do next you need to be clear about what you've achieved to date. You need to celebrate your successes because the more you are clear about your successes the more people will consider you a worthy scrutineer!

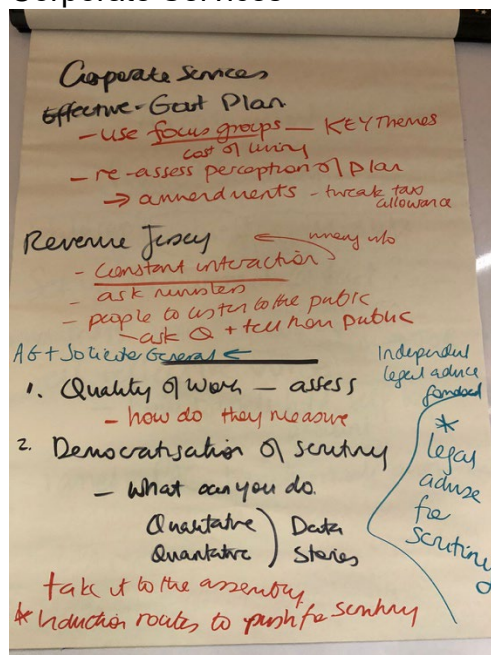
Public Accounts Committee



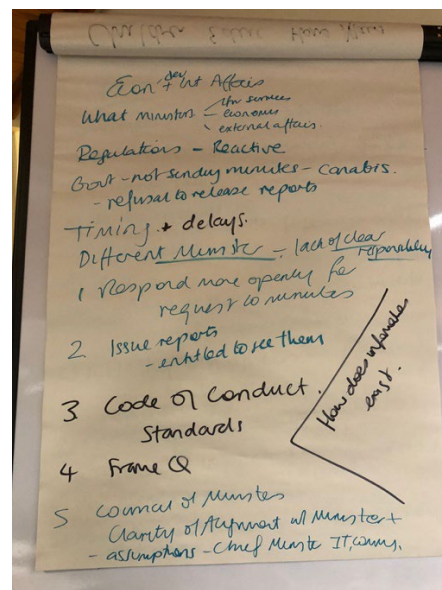
Children Education & Home affairs



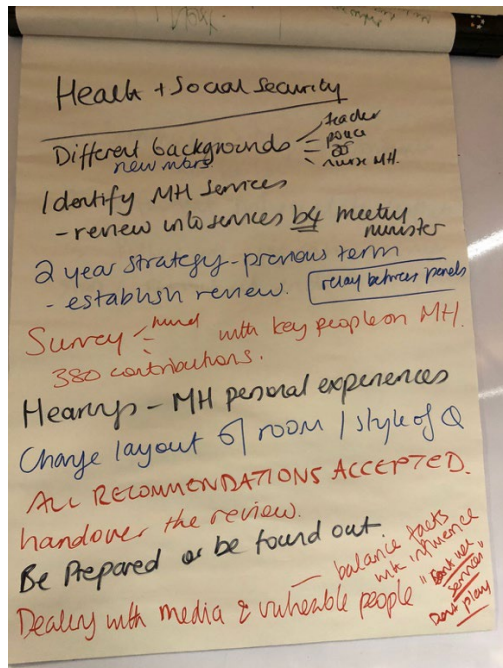
Corporate Services



Economic Development & International Affairs



Health and Social Security



Success Overview

1. Diversity
2. Early wins in new parliament
3. Relationships
4. Scrutiny was consistent if ministers were not.
5. Care enquiry
6. Proactive not reactive with government
7. Positive use of focus groups to understand key themes.
8. Qualitative and quantitative data
9. Democratisation of scrutiny
10. Survey on mental health & hearing personal experiences
11. Change the layout of the room for different style of questions
12. Ministers need to "be prepared or be found out"

Key improvements you want to see;

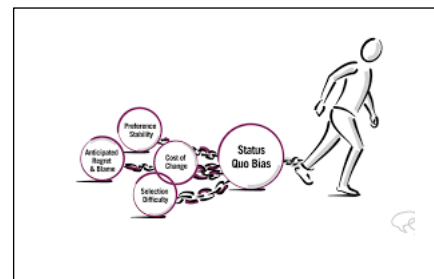
1. Volume of papers to read reduce
2. Better group questioning
3. Follow up on recommendations – track what has been met and not met
 - a. Have a live document with outstanding recommendations.
4. Lack of clear responsibility lines with ministers – needs more clarity
5. Refusal to release reports in a timely way
6. Balance facts with influence – how to deal with the media and deal with vulnerable people.

With the start of a new parliament what could you do to embed improvements as a team of panels?

Ask yourself what could you do to increase the successes, improve the outcomes and push government to act better, implement more efficiently and decide powerfully?

Remember most people have status quo bias.

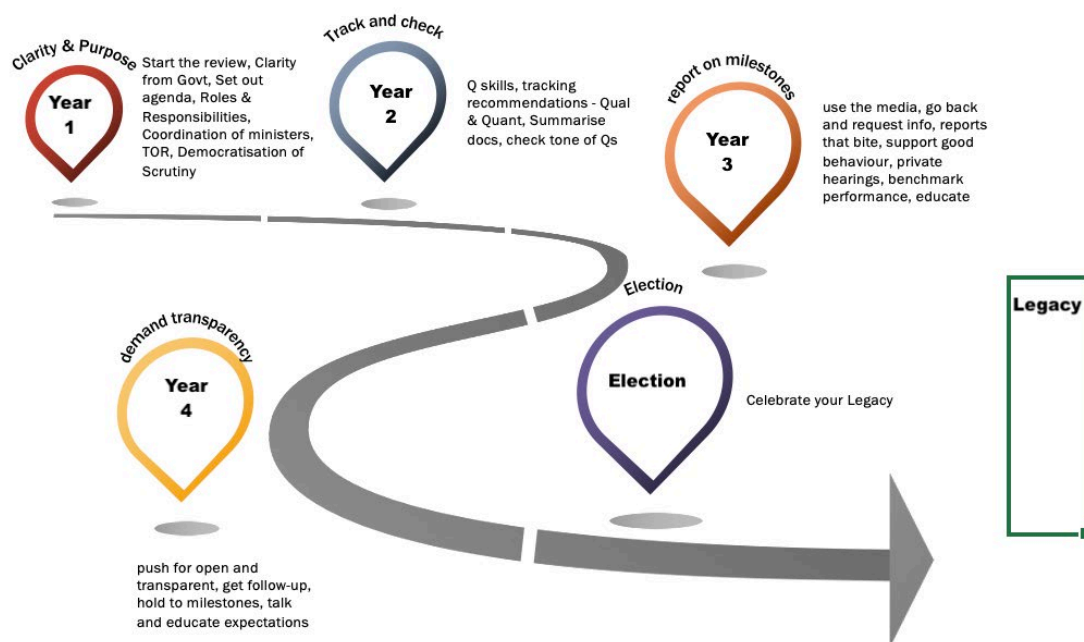
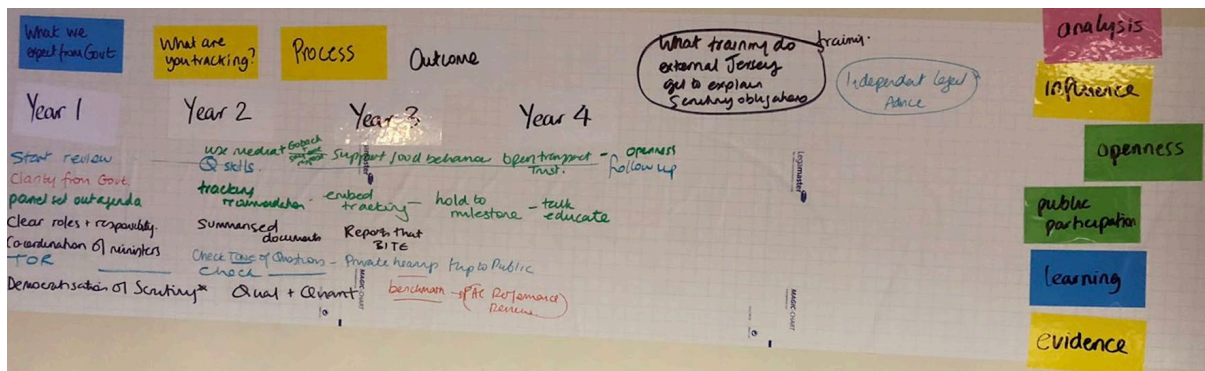
They often want things to stay the same.
 They find it difficult to decide – selection difficulty.
 They weigh up the cost to change.
 They prefer stability.
 They worry about regret and blame.



Timelines and milestones

Think about the parliamentary timeline. Before you begin your strategic planning think about what you have to do, what legislation requires scrutiny and where the time gaps are to do deep work. Think of your short- and long-term goals and put in some milestones.

- What are your short- and long-term goals?
- How can you measure them?
- If you have set out the terms of reference when do you check their continued relevance?
- How do you support good behaviour both as a panel and from the ministers?
- What are your roles and responsibilities?
- How do you reflect and review on your effectiveness?
- Do you need to improve your analysis, your influence or the public participation?
- Do you need to get better evidence, get government to reflect on their learning and increase their openness?
- How do you benchmark success/ efficiency and best practise?



Improving scrutiny



Before you decided on your actions you put up some of these ideas to improve scrutiny. Revisit and reflect on some of these ideas to see what needs to be in your legacy reports.

Get a Microsoft Teams channel	Share outcomes – greater sharing of report outcomes	Get adobe spark
Diarise milestones	Share TOR across panels	Nominate individuals to track other panels
Scoping document to be approved by others	Joint briefings of panels	Central work – programme spreadsheet
Have a central office where we know members are based	Create ways to have purposeful collisions	Informal lunch and learn sessions
Shared online workspace e.g., Kanban board	Do joint hearings and briefings	Informal officer groups – what else to do?
Do joint panel media releases	Co-opting	Regular panel conference
Online scrutiny information on the internet	'Away days' spend time with different panels	Microsoft Teams info adverts
Increase personnel		

Next steps and considerations

Following on from the 2022 Scrutiny Away Day, Bespoke Skills recommends that the current Scrutiny Liaison Committee consider the following:

- To reflect the outcomes in this report
- To share reflections with the next term of Scrutiny Members
- To organise an Away Day session once Scrutiny Panels and Committees are constructed

Bespoke Skills suggests the Away Day after the election, should:

- Facilitate a horizon scanning discussion
- Create a Scrutiny Liaison Committee roadmap for a joined-up vision for Scrutiny and wider States Members
- Identify any training, and/or mentoring that may be required for the new intake
- Identify key measurable milestones

The outcome of the Away Day would be to create key milestones for the term that can be evaluated and tracked. This would be an annual accountability session to support the Scrutiny Liaison Committee to set a powerful and focused vision for each year's work programme ahead.

Questions to help reflection:

1. What will you start doing now before the next election?
2. What will you continue doing that is effective?
3. What will you stop doing that is not working?

