
STATES OF JERSEY



SCRUTINY AND PUBLIC ACCOUNTS COMMITTEE LEGACY REPORT: NOVEMBER 2011 – NOVEMBER 2014

Presented to the States on 22nd September 2014
by the Chairmen's Committee

STATES GREFFE

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1. CHAIRMEN'S COMMITTEE

A. Introduction

It has been practice in previous terms of office for the Chairmen's Committee, each Scrutiny Panel and the PAC to produce internal legacy reports for their successor Panels and Committees. These largely advised on work which had been undertaken throughout the term of office, information regarding any work which was outstanding or which the Committee or Panel believed may need consideration in the next term of office, working practices and any other matters the Panels/Committees expected to be of use to their successors.

The Chairmen's Committee believes that the work of Scrutiny in holding Ministers to account should be of importance, not only to States Members, but also to the electorate they serve. Although Scrutiny's work is largely dependent on the number, type and timing of the policies and legislation being produced by Ministers, Scrutiny does its work on behalf of the Public. With this in mind, it has decided to put this legacy report in the public domain by presenting it to the States.

One of the major issues which has faced Scrutiny during the term of office has been the inability of Ministers to meet target deadlines in producing policy and legislation. This has had a detrimental effect on the Panels in terms of planning and prioritising workloads. It has also resulted in an excessive amount of work being lodged "au Greffe" for debate in the run-up to the last summer recess of the term of office, not permitting time for any Scrutiny. This is unacceptable.

Primary recommendation

The Ministerial Legislative and Policy programme and meeting of target deadlines must be reviewed and revised at the start of the next term of office to ensure that there is not a repeat of the excessive number of propositions brought at the end of the term of office, thereby not permitting time for scrutiny.

B. Main issues during 2011 – 2014

1. Amendments made to States of Jersey Law 2005 with regard to Scrutiny

During 2014, the States of Jersey Law 2005 was amended to state –

“Standing Orders made under paragraph (i) shall make provision for scrutiny, which shall include provision for the agreement of a code of practice for engagement, for the purposes of scrutiny, between elected members conducting scrutiny and Ministers and Assistant Ministers.”

This provided the possibility for the Scrutiny function in the future to be revised by bringing an amendment to Standing Orders, as opposed to being obliged to amend primary legislation, which can be cumbersome and time-consuming.

A Code of Practice exists, as adopted by the States, as amended, on 28th April 2009. However, work has been undertaken on revising this to better reflect the matters specifically pertaining to the engagement for the purposes of Scrutiny between those elected Members conducting Scrutiny and Ministers and Assistant Ministers. There remain a number of matters which will require consideration with the Chief Minister, Council of Ministers and the Law Officers’ Department, in the short term, in order to progress this, namely –

- (a) Departmental Officials being required to attend on Scrutiny Panels;
- (b) Revision of section on legal advice to simplify and make more concise;
- (c) Sanctions.

Recommendations for Codes of Practice

The “interface” Codes between the Chairmen’s Committee and the Council of Ministers, in respect of the work of the Scrutiny Panels and of the Public Accounts Committee separately, needs to be agreed by both parties and lodged for debate early in the term of office.

The “working” Code for Scrutiny Members must be reviewed, agreed and presented to the States early in the term of office.

A separate “working” Code for the Public Accounts Committee must be reviewed, agreed and presented to the States early in the term of office.

2. Overview of Ministers’ accountability to Scrutiny

The table below shows the level to which each Minister has been held to account during this term of office through full reviews culminating in Scrutiny Reports. This list does not include the raft of other work which has been undertaken in presenting Comments and/or Amendments to propositions to the States. The decision of a Panel

to undertake a full review is often determined by the work-stream of the individual Minister, whether Departments can meet target deadlines, and the workload of the Panel. Scrutiny Panels have had to carry out a large volume of work on some complex and technical subjects. On average, a Scrutiny review can take about 3–4 months or longer, from start to finish, due to the amount of information available and the importance of exploring every aspect of the topic.

Below is a list of all full Scrutiny Reports produced during this term of office, which shows how each Minister's work portfolio has been scrutinised through full reviews. The year given is the year the report was completed, although work may have been ongoing during the previous year in the case of 2013 and 2014. For more detailed information on Panel/PAC Reports, Amendments and Comments, please see the relevant Panel/Committee page.

Ministerial Department	Review/Report	Year
Chief Minister's	Population and Migration (Part 1)	2012
	Tourism Development Fund	2012
	Medium Term Financial Plan	2012
	Population and Migration (Part 2)	2013
	Minister for External Relations	2013
	Interim Population Policy	2014
	Public Employees Contributory Retirement Scheme (PECRS) Reform	2014
	Draft Charities (Jersey) Law 201-	2014
	Public Employees Contributory Retirement Scheme: (PECRS) Reform – supplementary report	2014 ¹
External Relations	Draft European Union Legislation (Implementation) (Jersey) Law 201-	2014
Economic Development	Aircraft Registry	2012
	Medium Term Financial Plan	2012
	Jersey Innovation Fund	2013
	Tourism Shadow Board	2013
	Retail Policy	2014
	Digital Skills	2014
Education, Sport and Culture	Medium Term Financial Plan	2012
	Trackers	2014
	Digital Skills	2014
Environment	Medium Term Financial Plan	2012
	Ash Disposal	2012
	Energy Policy	2013
	Green Street Police Headquarters: traffic and parking	2013
	Radon	2014

¹ To be presented subsequent to presentation of this legacy report

Ministerial Department	Review/Report	Year
Health and Social Services	Respite Care for Children and Young Adults	2012
	Medium Term Financial Plan	2012
	Health White Paper: caring for each other, caring for ourselves	2012
	Child and Adolescent Mental Health Services	2014
	Radon	2014
	Redesign of Health and Social Services	2014
Home Affairs	Introduction of Tasers	2012
	Medium Term Financial Plan	2012
	Relocation of Police Headquarters to Green Street Car Park	2012
	Customs and Immigration Service: resources for prevention of importation of illegal drugs	2013
	Camera Surveillance	2013
Housing	Interim Housing Transformation Plan	2012
	Medium Term Financial Plan	2012
	Housing Transformation Programme	2013
Social Security	Medium Term Financial Plan	2012
	Draft Discrimination (Jersey) Law 201-	2013
	Long Term Care Scheme	2013
Transport and Technical Services	Medium Term Financial Plan	2012
	Ash Disposal	2012
	Green Street Police Headquarters: traffic and parking	2013
Treasury and Resources	Medium Term Financial Plan	2012
	Starter Home Deposit Loan Scheme	2013
	Public Finances (Jersey) Law	2013
	Budget 2014	2013
	Budget 2015	2013

It is not always necessary or appropriate for Panels to produce a full Scrutiny Report. Amendments to propositions can be brought which are usually lodged when evidence has revealed that a lodged proposition is flawed in some way and an Amendment will force a debate in the States Assembly. Comments on a proposition can be made instead of, or with a report, usually when either the Panel, from its findings, agrees with a proposition, the Minister has already made changes during scrutiny of the policy or legislation, or to raise awareness to the States of the work the Panel has undertaken.

Amendments and Comments

Scrutiny Panel	Proposition considered by Scrutiny	Amendment /Comments	Year
Corporate Services	Medium Term Financial Plan 2013 – 2015 (P.69/2012)	Amends x 2	2012
	Social Housing Schemes: funding (P.40/2012)	Comments	2012
	Draft Budget Statement 2013 (P.102/2012)	Comments	2012
	Draft Public Finances (Amendment No. 4) (Jersey) Law 201- (P.73/2013)	Amendment	2013
	Draft Public Finances (Amendment of Law No. 1) (Jersey) Regulations 201- (P.133/2013)	Comments	2014
Economic Affairs	Incorporation of Ports of Jersey (P.70/2012)	Comments	2012
	Draft Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Jersey) Regulations 201- (P.112/2012)	Comments	2012
	Draft Aquatic Resources (Jersey) Law 201- (P.114/2013)	Comments	2014
	Draft Financial Services Ombudsman (Jersey) Law 201- (P.9/2014)	Comments	2014
Education and Home Affairs	Draft States of Jersey Police Force Law 201- (P.182/2011)	Comments	2012
	Jersey Music Service: introduction of ‘user pays’ charges (P.36/2013)	Comments	2013
	Draft Passports (False Statements and Forgery) (Jersey) Law 201- (P.14/2014)	Comments	2014
	Draft Explosives (Jersey) Law 201- (P.96/2014)	Amendment	2014
Environment	Waste Water Strategy (P.39/2014)	Comments	2014
	Draft Road Traffic (No. 60) (Jersey) Regulations 201- (P.30/2014)	Comments	2014
Health, Social Security and Housing	Draft Strategic Plan 2012 (P.28/2012)	Amendment	2012
	Health and Social Services: A New Way Forward (P.82/2012) (x 3 amendments)	Amends x 3	2012
	The Reform of Social Housing (P.33/2013)	Comments	2013
	Draft Social Housing (Transfer) (Jersey) Law 201- (P.63/2013)	Comments	2013
	Long-Term Care legislation package (P.136/2013, P.137/2013, P.138/2013, P.139/2013, P.140/2013, P.141/2013, P.142/2013)	Comments	2013
	Draft Regulation of Care (Jersey) Law 201- (P.95/2014)	Comments	2014
	Draft Employment (Amendment No. 8) (Jersey) Law 201- (P.109/2014)	Comments	2014

3. Overview of Accounting Officers' accountability to the Public Accounts Committee

The PAC differs in several ways from the Scrutiny Panels. Not only does it have non-States Members appointed to it, but it also considers the work of Accounting Officers, and not usually of Ministers, and looks retrospectively at States expenditure and corporate governance. As with Scrutiny Panels, the PAC may make recommendations for action.

Ministerial Department	Review/Report	Year
Chief Minister's Department	Compromise Agreements	2012
	£200,000 Grant to film company	2013
	£200,000 Grant to film company – Supplementary	2014
Economic Development	£200,000 Grant to film company	2013
	£200,000 Grant to film company – Supplementary	2014
Health and Social Services	Integrated Care Records	2014
Transport and Technical Services	Management of the Bus Contracts	2012
	Car Park Trading Fund	2013
Treasury	Report and Accounts 31st December 2011	2013
	Car Park Trading Fund	2013
	£200,000 Grant to film company	2013
	£200,000 Grant to film company – Supplementary	2014
	Integrated Care Records	2014
	Internal Audit	2014 ²

4. Training

Although an overarching induction and training programme was arranged by the States Greffe, a special training programme for Scrutiny was organised as follows –

- (a) All newly elected Members received an induction presentation on Scrutiny with the opportunity of open discussion and questions. This took place immediately after the elections.
- (b) All Members elected to Scrutiny Panels and the Public Accounts Committee were invited to a general training session on the principles and working practices of Scrutiny. This was led by external providers who had previously trained in Jersey and who have knowledge of other jurisdictions.
- (c) Introduction to questioning training. One of the most important parts of Scrutiny is to ask effective and appropriately probing questions at Scrutiny

² To be presented subsequent to presentation of this legacy report

Hearings. The first training session was held fairly early in the term of office by an external provider who has run training courses for Select Committees.

- (d) More detailed questioning training, including practice sessions, were led by the above training provider.
- (e) Refresher questioning training was provided by H.M. Solicitor General. One short hour theory session was followed by a morning's practical session.

Recommendations for training

The initial induction and the general principles and working practices training was valuable and should be repeated.

Questioning training is best delivered by the Law Officers' Department, and should be factored in early in the term of office. A follow-up training session with the Law Officers' Department should be arranged mid-term of office.

5. Protocols for working practices of Panels and PAC

At the general training session, the attendees drew up a draft Statement of Intent/Purpose and intended standardised working practices of Scrutiny for the term of office. Subsequently, a Code for the Conduct of Scrutiny Hearings and Filming of Scrutiny Hearings was agreed (attached in the Appendix). These have been effective and have been abided by throughout the term of office. In the interests of good communication across the States, the President and Chairmen's Committee gave a presentation to all States Members, and subsequently to the Corporate Management Board, on these issues early in the term of office.

Recommendations for protocols

The next Chairmen's Committee should reconsider the Statement of Intent/Purpose and protocols, and agree standardised working practices at the outset for its term of office. These should be included as Appendices to the Scrutiny "working practice" Code which will be presented to the States.

6. Public engagement

- (a) *Scrutiny Matters Newsletter*

The Chairmen's Committee continued to produce a bi-annual production of a newsletter delivered Island-wide. It is beneficial, has enabled Scrutiny to put the message out to the Public about its work, and is considered to be a sound use of public money.

In 2014, the last year of the 3 year term of office, the Committee agreed to one newsletter, given that most Panels were aiming to conclude review work by the summer recess and that, with there being elections in October, it would be inappropriate to produce an Autumn edition.

During 2013 the newsletter was printed by an on-Island company, which brought this area of the production of the newsletter to the Island, making it a totally on-Island venture.

(b) Podcasting/web-streaming

With the importance of public engagement in terms of Scrutiny, the Committee undertook work during 2012 to consider the use of web-streaming of Scrutiny and PAC Hearings. It became clear that, although web-streaming was the ideal option, it would be extremely costly to the public purse, and consequently the Committee decided against it.

As a midway step, podcasts of Panel and PAC Hearings were made available on the website and continue to be uploaded on www.scrutiny.gov.je.

(c) Twitter

A Twitter account was set up to be used for the purposes of advertising scrutiny events such as Hearings, publication of reports and so on, and has been found to be an effective avenue of communication about Scrutiny “events”.

(d) Citizenship Programme

Le Rocquier School was the only school to take up the offer to run the Citizenship Programme during 2013. This programme requires intensive resourcing on the part of States Members and teachers, is time-consuming to organise; and it is difficult to identify suitable dates due to the constraints of the school curriculum and States Members’ availability. However, it has always proved a successful event with positive outcomes, and gives an opportunity for our Island’s young people to interact directly with politicians, both Scrutiny and Ministers or Assistant Ministers.

(e) Surveys

In 2014, the Committee received a presentation from Jersey Post about the possibility of a survey of the Public in respect of the newsletter and Scrutiny in general, but it was too close to the production date of the newsletter and wasn’t a viable option. Information on this has been retained separately for the future Chairmen’s Committee if required.

(f) Filming of Scrutiny meetings/Hearings by members of the Public

The working practices agreed at the start of the term of office made it clear that all Scrutiny meetings would be held in private and all Hearings in public. It was also agreed that only the “mainstream” media would be permitted to film, and then only for the first 5 minutes of the Hearing. The Chairmen’s Committee is delighted that this working arrangement has been maintained throughout the 3 year term, and a standardised arrangement across the Panels and PAC has been recognised as good practice.

Recommendations for public engagement

<i>Continue to issue a bi-annual newsletter.</i>
<i>Re-investigate the possibility of live web-streaming.</i>
<i>Continue the use of Twitter.</i>
<i>Maintain the protocol for holding Scrutiny/PAC meetings in private and all Hearings in public (with the exception of any which involve matters of a sensitive or confidential nature).</i>

7. Internal communication

(a) *President and Chief Minister meetings*

At the start of this term of office, the President and Chief Minister agreed to meet on a regular basis whenever possible after each Chairmen's Committee meeting. This has provided a manageable way of sharing information, seeking to resolve possible difficulties before they occur, and keeping open the lines of communication between Scrutiny and the Executive.

There have been 2 occasions when the Chairmen's Committee has attended on the full Council of Ministers.

(b) *Inclusive Scrutiny Meetings*

At the start of the term of office, the Chairmen's Committee agreed that all Scrutiny Members should have an opportunity to meet on a quarterly basis. These were organised during a States lunch recess and there were 5 in total.

The Committee found that meeting during a States recess became unmanageable, and the numbers of members attending dropped over the course of time until no further meetings were arranged.

(c) *Departmental Work Programming Templates*

Towards the end of 2012, one of the Scrutiny Panels created a template for Departments to complete to detail their individual work-streams with target deadlines. As this was considered useful by Scrutiny, all Departments were requested to complete and update the standardised template. They have been particularly useful to inform Panels in preparation for quarterly Hearings, as well as to monitor progress with policy and legislative developments.

Recommendations for internal communication

The Chairmen's Committee should insist that use of these templates by Departments is continued and that they are updated regularly. This should be included in the joint Code of Practice between Scrutiny and Ministers.

8. Other*(a) Role of Chairmen's Committee in oversight of Scrutiny and PAC*

Although the terms of reference for the Chairmen's Committee are clear within Standing Orders, the Committee would like to ensure that the new Chairmen's Committee recognises that it has overarching management of the budget allocated to the Scrutiny and PAC function. In the event of unresolvable complications, the Committee has the power to cease a Panel's access to the budget if required.

(b) Provision of legal advice to Scrutiny/PAC

The Committee recommends that the next Chairmen's Committee invites H.M. Attorney General to one of its early meetings or to an early training session to be fully appraised of all areas of this important matter.

(c) Trial of shared electronic document access

A trial took place over the summer recess 2014 with the Corporate Services Scrutiny Panel's review into the Budget 2015, of shared document access. Scrutiny and PAC work generates volumes of paper, which to date have been circulated to Panel/Committee Members in hard copy. This, on occasions has been unmanageable. The trial permitted access to an electronic version of the Review Folders on a read-only basis. Following the Budget 2015 review, an evaluation was undertaken by the Scrutiny Officer and Panel Members and a recommendation that this be made available to all Panels and the PAC.

2. CORPORATE SERVICES SCRUTINY PANEL

Remit

‘There shall be a scrutiny panel which is assigned the topics of corporate services, corporate policies and external relations’ (Standing Order 135(1)(a)). The Panel’s remit covers the Chief Minister and the Ministers for External Relations and Treasury and Resources (Code of Practice 4.2). Following the decision of the States Assembly during the 2011 to 2014 Session to move responsibility for financial services from the Minister for Economic Development to the Chief Minister, that area will also fall within the Corporate Services Panel’s remit in the 2014 to 2018 Session

Membership

Senator S.C. Ferguson (Chairman)
 Deputy J.G. Reed of St. Ouen (Vice-Chairman)
 Connétable D.J. Murphy of Grouville (passed away on 25th July 2013)
 Deputy S. Power of St. Brelade (resigned from the Panel on 8th October 2013)
 Deputy R.J. Rondel of St. Helier
 Connétable D.W. Mezbourian of St. Lawrence (appointed to the Panel on 8th October 2013)

Introduction

1. The Corporate Services Panel has reviewed the work it has undertaken since its establishment by the States in November 2011 and agreed to provide a report to its successor Panel established by the States in its next Session to assist in developing its own work programme.
2. The report sets out –
 - the work undertaken by the Panel during the Session 2011 to 2014;
 - methods of working used by the Panel; and
 - suggestions for issues that a successor Panel may wish to consider in developing its work programme.
3. As of 17th September 2014, the Panel had met 195 times (including electronic meetings) since its first meeting on 30th November 2011. Details of minutes can be found on the Panel’s web-pages.

Work undertaken

4. The Panel conducted the following reviews in the period 2011 to 2014 –

Review	S.R. Number	Presentation Date
2012		
Population and Migration	S.R.1/2012	24th April 2012
Tourism Development Fund: Assistance to the Private Sector	S.R.3/2012	3rd July 2012
Medium Term Financial Plan – Treasury and Resources	S.R.14/2012	17th October 2012

Review	S.R. Number	Presentation Date
Medium Term Financial Plan – Chief Minister’s Department	S.R.15/2012	18th October 2012
Medium Term Financial Plan	S.R.18/2012	22nd October 2012
2013		
Population and Migration Part 2	S.R.2/2013	19th February 2013
Starter Home Deposit Loan Scheme	S.R.5/2013	4th April 2013
Minister for External Relations	S.R.9/2013	13th June 2013
Public Finances Law Amendments	S.R.10/2013	28th August 2013
Draft 2014 Budget	S.R.13/2013	26th November 2013
2014		
Interim Population Policy	S.R.2/2014	23rd April 2014
Implementation of European Union Legislation	S.R.3/2014	28th April 2014
Public Sector Pension Reform	S.R.4/2014	12th May 2014
Review of the Draft Charities (Jersey) Law	S.R.7/2014	11th July 2014
Draft 2015 Budget	S.R.12/2014	15th September 2014

5. In addition, the Panel lodged the following Amendments –
- *Medium Term Financial Plan 2013 – 2015 (P.69/2012): ninth amendment*, Lodged on 23rd October 2012
 - *Draft Public Finances (Amendment No. 4) (Jersey) Law 201- (P.73/2013): amendment*, Lodged on 27th August 2013
6. The Panel also presented the following comments –
- *Social Housing Schemes: funding (P.40/2012) – comments*, Presented on 25th May 2012
 - *Medium Term Financial Plan 2013 – 2015 (P.69/2012): ninth amendment (P.69/2012 Amd.(9)) – amendment (P.69/2012 Amd.(9)Amd.) – comments*, Presented on 6th November 2012
 - *Draft Budget Statement 2013 (P.102/2012): comments*, Presented on 3rd December 2012
 - *Draft Public Finances (Amendment of Law No. 1) (Jersey) Regulations 201- (P.133/2013): comments*, Presented on 20th January 2014
7. The Panel has fulfilled the 4 main roles of scrutiny (Code of Practice 7.9) by undertaking work on –
- (a) **Policy:** Population and Migration (including Interim Population Policy); Tourism Development Fund; Starter Home Deposit Loan Scheme.
 - (b) **Legislation:** Minister for External Relations; Public Finances Law Amendments; Implementation of European Union legislation; Public Sector Pension Reform; Draft Charities Law.
 - (c) **Annual Business Plan and Budget:** Medium Term Financial Plan; Draft 2013 Budget; Draft 2014 Budget; Draft 2015 Budget.
 - (d) **Matters of public interest:** Population and Migration; Starter Home Deposit Loan Scheme.

Methods of working

8. **Sub-Panels** – For the most part, the Panel worked as a Panel. Sub-Panels were established for the review of the Tourism Development Fund and the MTFP. In the latter case, this was part of a cross-Scrutiny approach to the MTFP and the Sub-Panel incorporated membership of each of the Scrutiny Panels. The Panel would underline this cross-Panel approach was successful and would recommend consideration be given to its use again in the future.
9. **Quarterly Public Hearings with Ministers** – The Panel invited the Chief Minister and Minister for Treasury and Resources on a regular basis to discuss topical issues arising in their respective departments. When the States Assembly appointed a Minister for External Relations, quarterly Public Hearings were also held with that Minister.
10. **Advisers** – The Panel appointed expert advisers to assist with the majority of its reviews. In addition to providing briefing notes on evidence received and assisting with question plans, advisers have been able to meet with departmental officers on a number of occasions to discuss important background to the reviews being undertaken by the Panel or Sub-Panel.
11. **Briefings** – The Panel has invited Members of the Executive to give informal briefings on a particular subject for background information at the start of a review. Briefings received included ones on the States of Jersey Development Company; the Modernisation Programme; and the work of the Channel Islands Brussels Office.

Suggestions for future work

12. This section identifies possible areas for future work by a successor Panel, including forthcoming legislation. In addition to a general suggestion that consideration be given to the recommendations made by the Panel in the reports listed above, the Panel would highlight the following –
 - **Public Sector Pensions:** When the Panel undertook its review of proposed reforms to public sector pension provision, it had been anticipated that the States Assembly would have debated both the primary Law and the secondary Regulations before September 2014. The Regulations were not ultimately brought forward in accordance with that timetable, and the Panel was therefore unable to complete its review as anticipated. There is therefore likely to be some scope for work to be undertaken on the Regulations by the Panel's successor. For the purposes of this review, the Panel engaged BWCI Consulting Limited to review the proposed reforms, and the Panel recommends that consideration be given to their re-appointment in the event of further work being undertaken. The Panel asked BWCI Consulting Limited to provide a brief report in September 2014 which could provide the platform on which the next Panel could undertake a review of the Draft Regulations.
 - **Modernisation Programme:** The Panel was regularly updated on the Modernisation Programme during its lifetime, but no formal review was undertaken, in part because the proposed reforms had not reached a stage

where a review would be feasible. That is likely to occur during the 2014 to 2018 Session, however, and the Panel therefore recommends that consideration be given to undertaking a review in respect of the Modernisation Programme.

- **States of Jersey Development Company (SoJDC):** The Panel received briefings on the work of the SoJDC, including from the Managing Director, during its lifetime. This occurred most particularly when the Assembly was due to debate whether development of the Esplanade Quarter should be deferred until further information had been provided to the Assembly. No review was undertaken, and the question ultimately became moot following RBC's decision to proceed with the rival development at the end of Kensington Place. Nevertheless, the Panel recommends that consideration be given to undertaking a review in relation to SoJDC, in part to follow up the work undertaken by this Panel, but also to follow up the various Scrutiny Reviews which have been undertaken since 2005.
- **MTFP and Draft Budget:** The Panel established a mechanism and process by which the MTFP and Draft Budgets produced during its lifetime could be reviewed, including the use of a cross-Panel Sub-Panel for reviewing the MTFP. The Panel would suggest using that model as a basis for future reviews of the MTFP and Draft Budget.
- **Population and Migration:** At the time when the Sub-Panel undertook its review of the *Control of Housing and Work (Jersey) Law 201-*, it was advised by the Chief Minister's Department that a post-implementation review of the Law would be carried out by the end of July 2014. As such, the Sub-Panel committed to undertaking a review of this work to ensure that the recommendations proposed during its review had been duly considered by the Department. However, at the time of writing the legacy report, the post-implementation review had not yet been published by the Department and, as a result, the Panel did not get the opportunity to consider this work.
- **Charities (Jersey) Law 201-:** The intention of the Chief Minister's Department was to introduce the new Charities Law in 2 phases – the first phase introduced the primary legislation; and the second phase would establish Regulatory Standards for charities in Jersey. The Panel made a number of recommendations in respect of Phase 2 in its review of the draft Law. Therefore, there is likely to be some scope for work to be undertaken on Regulatory Standards as well as the Regulations introduced under both phases of the Law's development.
- **Utilities:** Aside from the work undertaken in respect of the SoJDC (see above), the Panel undertook little work in respect of utilities and States-owned companies. This is therefore an area where there has been less Scrutiny in recent years, and which may therefore benefit from some consideration during the 2014 to 2018 Session. Within this area, consideration should be given to work in respect of Andium Homes which, following the incorporation of the Department of Housing, falls partially within the Panel's remit as a States-owned company.

- **Long-Term Plan:** The Panel received briefings on the development of a long-term planning framework. This work is due to be progressed by the next Council of Ministers and is therefore a topic which the successor Panel should consider examining.
- **Fort Regent:** During 2014 quarterly Public Hearings with the Minister for Treasury and Resources, the Panel was advised of the work being undertaken by Jersey Property Holdings in relation to Fort Regent. This work was not due to reach fruition until the constitution of the new States Assembly, and the Panel therefore recommends that consideration be given to undertaking a review of the subject. This might require cross-Panel work, given that the topic would potentially impact on the remit of more than one Panel.
- **Hospital Employment Appointment Process:** The Panel, alongside the Health, Social Security and Housing Scrutiny Panel, received a topic proposal that a review be undertaken in respect of the overall appointment process at the Hospital and patient safety at the Hospital. Given that the former matter fell within the Corporate Services remit, it was agreed that a recommendation be left for the successor Panel to consider undertaking a review of the matter.

Further suggestions

13. In addition to the above, the Panel would also highlight the following –
- Meetings were held by the Panel on an annual basis with the Fiscal Policy Panel (FPP), most often during the period when the FPP was preparing its annual report. These were generally held at the invitation of the FPP itself. However, they proved useful in enhancing the Panel’s understanding of the economic context, particularly in respect of the Panel’s Draft Budget reviews, and the Panel recommends that its successor endeavour to maintain the practice. Indeed, the Panel would recommend that meetings be held more regularly (e.g. on each occasion that the FPP visits the Island) if possible.
 - Early in its lifetime, the Panel undertook a visit to the Houses of Parliament at Westminster in order to learn about the work of Select Committees. The visit included time spent with a member of the Treasury Select Committee. The Panel found the visit to be useful and recommends that its successor undertake a similar visit as part of its induction and training.
 - The Panel recommends that further efforts should be made to ensure that a proper indication of departmental work programmes is provided by Ministers, with the general principle being that there should be ‘no surprises’. The Panel considers that the provision of better information on forward work programmes would facilitate the Panel’s own planning, and the liaison between the Executive and Scrutiny.

- On several occasions, Public Hearings which had been arranged with Ministers and for which the dates had been in the diary for some time, had to be re-arranged due to the unavailability of the Minister in question. The Panel recommends that its successor take a firm line in such instances in order to ensure that the Public Hearings are not taken for granted and are considered in the appropriate light.
- The Panel would recommend the use of expert advisers for reviews, when appropriate. The Panel's successor might wish to consider whether, in cases where a topic is revisited, the appointment of different advisers would provide some freshness of approach to the topic in question.
- The Panel found the provision of questioning training to be of benefit, and would recommend that its successor take advantage of such training (including follow-up training).

3. ECONOMIC AFFAIRS SCRUTINY PANEL

Remit

Standing Order 135(1)(a) – Scrutiny panels: establishment and constitution –

- (1) *There shall be –*
- (b) *a scrutiny panel which is assigned the topics of economic affairs and economic development (“economic affairs”).*

The Panel’s remit duly covers the Economic Development Department (Code of Practice 4.2).

Membership

Deputy S.G. Luce of St. Martin, Chairman

Connétable M.J. Paddock of St. Ouen, Vice-Chairman (appointed 29th January 2014)

Connétable S.W. Pallett of St. Brelade (appointed Vice-Chairman, resigned from the position 29th January 2014)

Connétable J.E. Le Maistre of Grouville (appointed to the Panel 22nd October 2013).

Introduction

1. The Economic Affairs Scrutiny Panel has reviewed the work it has undertaken since its establishment by the States on 24th November 2011, and agreed to provide a report to its successor Panel established by the States in its next Session to assist in developing its own work programme.
2. The report sets out –
 - the work undertaken by the Panel during the Session 2011 to 2014
 - methods of working used by the Panel
 - suggestions for issues that a successor Panel may wish to consider in developing its work programme
3. The Panel met officially for the first time on 8th December 2011, continuing to work through into September 2014, having held 101 meetings during that time. Minutes are available on the Panel’s web-pages, or through the Scrutiny Office.

Work undertaken

4. The Panel conducted the following reviews in the period 2011 to 2014 –

Review	S.R. Number/ Comments	Publication Date
2012		
Aircraft Registry	S.R.6/2012	14th September 2012
Incorporation of Ports of Jersey	P.70/2012: Comments	9th October 2012
Medium Term Financial Plan	S.R.13/2012	17th October 2012
Intellectual Property (Unregistered Rights) (Jersey) Law 2011 (IPURL): subordinate legislation	P.112/2012: Comments	4th December 2012
2013		
Tourism Shadow Board	S.R.1/2013	14th January 2013
Jersey Innovation Fund	S.R.4/2013	27th March 2013
2014		
Draft Financial Services Ombudsman (Jersey) Law 201-	P.9/2014: Comments.	26th March 2014
Retail Policy	S.R.6/2014	30th June 2014
Digital Skills	S.R.9/2014	18th August 2014

Additional Pre-Review Work –

- Draft Aquatic Resources (Jersey) Law 201- (P.114/2013): comments, Presented to the States 12th February 2014
 - Enterprise Strategy 2013/ Enterprise Action Plan: See summary correspondence from Panel to Minister dated 4th December 2013
5. The Panel has fulfilled the 4 main roles of Scrutiny (Code of Practice 7.9) by undertaking work on –
- (a) **Policy:** Retail, Digital Skills, Tourism Shadow Board, Jersey Innovation Fund, Aircraft Registry
 - (b) **Legislation:** Intellectual Property, Draft Financial Services Ombudsman
 - (c) **Annual Business Plan and Budget:** Medium Term Financial Plan
 - (d) **Matters of public interest:** Incorporation of Ports of Jersey, Retail Policy.

Methods of working

6. **Economic Development Department: Work-Stream Document** – The Panel worked with EDD from an early stage to establish a ‘no-surprises’ approach to its work programming – to the potential benefit of both the Panel and the Minister. One measure introduced was a working document incorporating all work-streams of the Department, with an associated outline of the timetabling/progress position of each entry. This document was updated regularly at the request of the Panel, most usually and helpfully in advance of quarterly Public Hearings.

7. **Structured Attendance at Economic Development Ministerial Team meetings** – An additional measure within the ‘no-surprises’ approach was the agreement that the Panel (or Chairman) accompanied by the Scrutiny Officer would on occasion attend Economic Development Ministerial Team meetings. They were initially to be held monthly, but developed to occur on a more ‘needs arising’ basis, and as such became highly irregular. Such meetings, when they occurred, provided an insight into ongoing ED work and an opportunity to exchange progress reports and address any difficulties arising. The Panel would recommend continuing with these meetings, but to try to ensure that they are held on a regular basis.
8. **Briefings** – The Panel has regularly invited/received officials from the Executive to give informal briefings on a particular subject for background information at the start of a review, updates to completed reviews or significant developments/progress reports on areas of potential review within its remit (e.g. sea routes). The Panel has also received similar briefings from stakeholder organisations, both public (e.g. JIF Board Chairman, Digital Jersey, Jersey Business, Jersey Post) and private sector (e.g. Jersey Chamber of Commerce).
9. **Quarterly Public Hearings with the Minister for Economic Development** – The Panel invited the Minister for Economic Development on a regular basis to answer questions on topical issues arising in the Department.
10. **Advisers** – The Panel has been selective in its engagement of advisers. It agreed to appoint expert advisers to assist with 3 of its reviews, those of a particularly technical nature. For 2 of those reviews, Intellectual Property and Financial Services Ombudsman, the advisers’ primary role was to produce desktop analysis of particularly technically challenging legislation, and the Panel regards these circumstances as demonstrating when such assistance is invaluable.
11. **Sub-Panel** – The Panel has found limited need for the use of Sub-Panels in its term of office, the only example being the Digital Skills review that touched on both industry and educational matters. The *Digital Skills Sub-Panel*’s membership was Connétable S.W. Pallett of St. Brelade (Chairman), Deputy J.M. Maçon of St. Saviour, Connétable D.W. Mezbourian of St. Lawrence, and Connétable J. Gallichan of St. Mary. The Panel had expected to lead a Sub-Panel in relation to Licensing Law/Alcohol Strategy, but the necessary draft Law or draft Strategy, though much discussed, failed to materialise.

Suggestions for future work

12. This section identifies possible areas for future work by a successor Panel. These suggestions are primarily legacies of the work undertaken by the Panel over the course of the last 3 years, and the expected delivery of certain projects by the Minister for Economic Development that are due to cross over into the next term of the States of Jersey.
 - (a) **Incorporation of Ports of Jersey:**
Further to its Comments paper relating to P.70/2012, the Panel has undertaken significant background work, which remains ongoing, in anticipation of a major Review of plans to incorporate the Ports of

Jersey. Following a public consultation undertaken throughout the summer of 2014 by EDD/PoJ, the Panel has received the summary of responses and all individual responses. These, and the context of the Panel's previous background work, might help shape a review of the incorporation legislation and associated issues, which it is anticipated will be lodged as a priority by the Minister for Economic Development in late 2014/early 2015.

(b) **Tourism:**

Work implementing the recommendation of the Tourism Shadow Board to effectively close down Jersey Tourism and establish an independent, grant-funded tourism promotion organisation, 'Visit Jersey', is ongoing. It is expected that significant momentum might be achieved in late 2014/early 2015 by ED, following the appointment of a project co-ordinator. This matter might therefore be a priority of the new Panel (see also quarterly Hearing, 8th September 2014).

(c) **Jersey Aircraft Registry (JAR):**

The Panel recommends follow-up to its work since 2012 on a planned Aircraft Registry, particularly the expected establishment of the JAR, and development of the detailed operational business case in the last quarter of 2014, subsequent to the presentation of *R.115/2014 – Financial Case for the Jersey Aircraft Registry* on 7th August 2014 (see also quarterly Hearing, 8th September 2014).

Further suggestions

- (a) Licensing Law (final quarter 2014)
- (b) Financial Services Ombudsman Regulations (final quarter 2014)
- (c) Enterprise Strategy/Economic Growth and Diversification Strategy – updates
- (d) Additional follow-up to Panel Reviews, notably Retail Policy (2014), Jersey Innovation Fund (2013).

Other matters

13. In addition to the work topics outlined above, the Panel would highlight the transfer of the remit for financial services legislation and associated matters from the Minister for Economic Development to the Chief Minister/Minister for Treasury and Resources. Whilst, for continuity, the Economic Affairs Panel maintained responsibility for the duration of this term, it is expected that the Scrutiny remit might appropriately be taken on by the Corporate Services Scrutiny Panel.

4. EDUCATION AND HOME AFFAIRS SCRUTINY PANEL

Remit

'There shall be an Education and Home Affairs Scrutiny Panel which is assigned the topics of Education, Sport and Culture and Home Affairs' (Standing Order 135(1)(a)). The Panel's remit covers the policies and work of the Minister for Education, Sport and Culture and the Minister for Home Affairs (Code of Practice 4.2).

Membership

Connétable S.W. Pallett of St. Brelade, Chairman, 22nd January 2014 to Election 2014.

Connétable M.P.S. Le Troquer of St. Martin, Vice-Chairman, 22nd January 2014 to Election 2014.

Connétable S.A. Rennard of St. Saviour, 18th February 2014 to Election 2014.

Deputy J.M. Maçon of St. Saviour, Chairman, 22nd November 2011 to 22nd January 2014

Note: The Chairman resigned due to the workload he was experiencing with other commitments. At that point, the Panel was dissolved.

Connétable M.P.S. Le Troquer, Vice-Chairman, 22nd November 2011 to 22nd January 2014

Connétable S.W. Pallett of St. Brelade, 22nd November 2011 to 14th January 2013

Deputy M. Tadier of St. Brelade, 15th January 2013 to 22nd January 2014

Deputy G.P. Southern of St. Helier, 4th June 2013 to 22nd January 2014.

Introduction

1. The Education and Home Affairs Scrutiny Panel has reviewed the work it has undertaken since its establishment by the States in November 2011, and agreed to provide a report to its successor Panel established by the States in its next Session to assist in developing its own work programme.
2. The report sets out –
 - (a) the work undertaken by the Panel during the Session 2011 – 2014;
 - (b) methods of working used by the Panel;
 - (c) suggestions for issues that a successor Panel may wish to consider in developing its work programme.
3. The Panel met 66 times between 28th November 2011 and 28th July 2014. Details of minutes can be found on the Panel's web-pages.

Work undertaken

4. The Panel conducted the following reviews in the period 2011 to 2014 –

Review	S.R. Number/ Comments	Publication Date
2012		
Draft States of Jersey Police Force Law 201- (P.182/2011): comments	P.182/2011 Com.	14/05/2012
Introduction of Tasers in Jersey – Report	S.R.4/2012	09/07/2012
Medium Term Financial Plan – Education, Sport and Culture	S.R.11/2012	16/10/2012
Relocation of Police Head Quarters to Green Street Car Park	S.R.19/2012	16/11/2012
2013		
Relocation of Police Head Quarters to Green Street Car Park (S.R.19/2012): addendum	S.R.19/2012 Add.	28/01/2013
Jersey Music Service: introduction of ‘user pays’ charges (P.36/2013) – comments	P.36/2013 Com.	29/04/2013
Customs and Immigration Service: resources for prevention of importation of illegal drugs	S.R.8/2013	14/05/2013
2014		
Camera Surveillance in Jersey – Report	S.R.1/2014	16/01/2014
Draft Passports (False Statements and Forgery) (Jersey) Law 201- (P.14/2014): comments	P.14/2014 Com.	23/04/2014
Draft Explosives (Jersey) Law 201- (P.96/2014): amendment	P.96/2014 Amd.	17/06/2014
Trackers Apprentice Programme	S.R.8/2014	18/07/2014

5. Numerous subject areas were examined by the Panel, with various amounts of work completed to provide the Panel with information to decide if a review was necessary or not. In some cases, this was examination of a few documents, in others considerably more was done, including visits or briefings from the Minister and senior staff of the department. The following topics did not require a scrutiny review –

- Armed Forces Covenant
- Budget 2014
- Care Inspectorate Report
- Child Care Registration
- Criminal Justice Young Offenders
- Customs
- Cycle Helmets
- Higher Education Fees
- Improving Standards of Achievement
- Intellectual property Rights
- Maths DfESC Report
- Police Force Jersey Law
- PPaCE Codes
- Prison

Probation Service
 Rehabilitation of Offenders
 Secondary Education Exam results
 Sex Offenders Law
 Skills Strategy
 Social Inclusion
 Socio-Economic Status
 Sports Strategy
 Starting-Pistol Incident
 Unlawful Public Entertainments Regulations
 Wheel Clamping.

6. The Panel has fulfilled the 4 main roles of Scrutiny (Code of Practice 7.9) by undertaking work on –
- (a) **Policy:** Introduction of Tasers in Jersey, Jersey Music Service: introduction of ‘user pays’ charges (P.36/2013) – comments, Trackers;
 - (b) **Legislation:** Draft Passports and Explosives Laws, [Draft States of Jersey Police Force Law 201- \(P.182/2011\): comments](#);
 - (c) **Annual Business Plan and Budget:** Now the Medium Term Financial Plan relating to ESC and HA Departments;
 - (d) **Matters of public interest:** Relocation of Police Headquarters, Camera Surveillance, Introduction of Tasers in Jersey, Trackers.

Methods of working

- 7. **Quarterly Public Hearings with the Minister for Education, Sport and Culture and the Minister for Home Affairs** – Every 3 months, the Panel invited the Ministers to a Public Hearing to ask questions on topical issues arising in the respective departments.
- 8. **Advisers** – The Panel appointed expert advisers to assist with its reviews where necessary. In addition to providing briefing notes on evidence received and assisting with question plans, advisers have been able to meet with departmental officers on a number of occasions to discuss the background to the reviews being undertaken by the Panel.
- 9. **Briefings** – The Panel has invited Ministers and senior staff members to provide private briefings on subjects of interest to afford the Panel background information. This assisted in deciding whether a review was necessary or provided direct information from the Department at the start of a review.
- 10. **Public Engagement** – The Panel used various elements of public engagement in all reviews, from advertising in the media for a general response from the Public to targeted requests aimed at specific groups of stakeholders.
- 11. **Visits** – The Panel undertook visits only where value could be added to reviews, or the consideration of a review, by such a visit.

12. **Documentation** – Documentation is the mainstay of information obtained and provides the basis for questioning at hearings, references for inclusion in reports and evidence upon which the recommendations of the Panel are based.
13. **Public Hearings** – Hearings where the Public and media are invited have been the main method of obtaining or challenging evidence with Ministers and other stakeholders.
14. **Comments/Amendments** – The Panel has noted that it has been useful to have maintained a ‘working relationship’ with the Minister and senior staff of both departments within the Panel’s remit. Early discussion on new policy or legislation being proposed by the Minister has produced movement, or perhaps agreement on the part of the Minister. This has negated the need for a full review to be undertaken, saving both public argument and the unnecessary spending of public money. The States have been notified of matters dealt with in such a manner by Comments or Amendments as necessary.
15. **Background work** – The Panel has received nominations for reviews from the Public and its own members. This creates varying degrees of work to establish if –
 - there are concerns that warrant further investigation and
 - a review would add value to the process overall and
 - the subject is within the remit of the Panel.

This work may require examination of documentation, briefings from relevant individuals, a visit or other research. It has to be extensive enough for the Panel to understand the issues sufficiently to decide if the matter needs formal examination within a review.

16. **Report** – At the conclusion of a review, the Panel publishes a report listing the key findings and recommendations based on the evidence obtained during the review. (Comments or an Amendment may suffice.)

Suggestions for future work

17. This section identifies possible areas for future work by a successor Panel, including forthcoming legislation. These suggestions are based upon the Strategic Plan Initiatives 2009 – 2014 and the departmental objectives approved in the 2011 States Business Plan, and derived from the experience of the Panel over the last 3 years –
 - (a) **ESC Review of Secondary Education:** The Panel is aware that the outgoing Director of Education is undertaking a review into secondary education. This is an emotive subject which has a system that is now almost unique to Jersey. Whatever the review suggests will be controversial for some. This is an area that may benefit from a Scrutiny Review, although it may be appropriate to wait and see what the Minister for ESC chooses to do about the review first.

- (b) **Youth Service:** Following the CSR cuts, the Youth Service had to make serious changes, and for a time it looked like frontline services would be lost. Additional support from the Parishes and private donations saved the day. The following points have been brought to the attention of the Panel –
- (i) 10% was taken by the CSR from the total YS budget, yet 45% of the YS budget comes from voluntary sources.
 - (ii) This important service is reliant on voluntary contributions.
 - (iii) Permanent staff salaries account for the largest part of the YS budget and are funded therefore by voluntary contributions.
 - (iv) All Parishes benefit in one way or another from the YS service. However, there is no common funding from Parishes.
 - (v) Schools are funded on a per head basis. The YS is flat rate.
 - (vi) The media have reported some tragic incidents during 2013 and 2014 relating to mental health issues of the Island's youth. Nothing has been done to increase the YS counselling service.
 - (vii) The Minister has no statutory requirements to fund the YS. Therefore there is in nothing in place to protect this service. A Minister could reduce or even simply shut the service down to save money.

Initial enquiries with the Minister suggest that there may be disagreement with some or all of the above concerns. (See quarterly Public Hearing 30th June 2014, pages 8–17).

- (c) **Highlands College:** During the review into the Trackers Apprentice Programme, the Panel uncovered evidence of questions as to whether Highlands was large enough to deliver the diversity and quality of courses it aspires to provide, that the campus is physically suitable and that the College is funded adequately to provide a modern training and education facility of the standard expected of a modern training provider. The Panel considers that a review may be appropriate to examine the funding and future needs of the campus.

5. ENVIRONMENT SCRUTINY PANEL

Remit

'There shall be a scrutiny panel which is assigned the topics of environment and technical services ("environment");' (Standing Order 135(1)(d)). The Panel's remit covers the Departments of the Environment and Transport and Technical Services (Code of Practice 4.2).

Membership

Deputy J.H. Young of St. Brelade (Chairman)
Deputy S.G. Luce of St. Martin (Vice-Chairman)
Connétable P.J. Rondel of St. John
Deputy J.M. Le Bailly of St. Mary (appointed to the Panel 21st January 2014).

Introduction

1. The Environment Panel has reviewed the work it has undertaken since its establishment by the States in December 2011, and agreed to provide a report to its successor Panel established by the States in its next Session to assist in developing its own work programme.
2. The report sets out –
 - the work undertaken by the Panel during the session 2011 – 2014
 - methods of working used by the Panel
 - suggestions for issues that a successor Panel may wish to consider in developing its work programme.
3. The Panel met 70 times between December 2011 and September 2014. Details of minutes can be found on the Panel's web-pages.

Work undertaken

4. The Panel conducted the following reviews in the period 2012 to 2014 –

Review	S.R. Number /Comments	Publication Date
2012		
Medium Term Financial Plan (Environment)	S.R.16/2012	18th October 2012
Medium Term Financial Plan (TTS)	S.R.17/2012	18th October 2012
Ash Disposal	S.R.20/2012	17th December 2012
2013		
Green Street Police HQ: Traffic and Parking	S.R.3/2013	28th February 2013
Energy Policy	S.R.12/2013	14th November 2013
2014		
Waste Water Strategy	Adviser report (AECOM) Panel comments	4th April 2014 12th May 2104
Compulsory wearing of cycle helmets (Draft Road Traffic (No. 60) (Jersey) Law 201- (P.30/2014)	Adviser report (TRL Limited) Panel comments	14th July 2014 14th July 2014
Radon	S.R.11/2014	8th September 2014

5. The Panel has fulfilled the 4 main roles of scrutiny (Code of Practice 7.9) by undertaking work on –
- (a) **Policy:** Ash Disposal; Energy Policy; Waste Water Strategy.
 - (b) **Legislation:** Draft Aquatic Resources Law; compulsory wearing of cycle helmets.
 - (c) **Annual Business Plan and Budget:** Medium Term Financial Plan: the Panel reviewed aspects of the Medium Term Financial Plan in 2012, as part of an overall review carried out by the Corporate Services (MTFP) Sub-Panel.
 - (d) **Matters of public interest:** Green Street Police HQ: Traffic and Parking; taxi regulation; compulsory wearing of cycle helmets; radon.

Methods of working

6. **Co-option** – The Panel considered co-opting another member for the purposes of the radon review, but unavoidable delays to the timing of the review caused the additional member to withdraw. Consequently, all Panel reviews have been conducted by the full Panel.
7. **Quarterly Public Hearings** – The Panel invited the Ministers for Planning and Environment and Transport and Technical Services to answer questions on topical issues arising in the respective departments on a regular basis.
8. **Advisers** – The Panel appointed expert advisers to assist with the majority of its reviews. In addition to providing technical reports, briefing notes on evidence received and assisting with question plans, advisers have been able to meet with departmental officers on a number of occasions to discuss important background to the reviews being undertaken by the Panel.
9. **Briefings** – The Panel has invited Members of the Executive to give informal briefings on particular subjects, both for background information at the start of a review, and on important topics which the Panel was monitoring but not currently reviewing, to establish whether it wanted to undertake a review into the matter.

Suggestions for future work

10. This section identifies possible areas for future work by a successor Panel, including forthcoming legislation. These suggestions are made following consideration of the States Strategic Plan, departmental business plans and the Panel's experience of departmental priorities and initiatives over the past 3 years.
- **Radon:** the Panel's review of radon (presented to the States on 8th September 2014) drew attention to a lack of co-ordination and commitment amongst States departments in addressing the recognised problem of high levels of radon in the Island, and the potential

consequences for public health. The Panel believes that the recommendations in its report (S.R.11/2014) may need to be followed up by a successor Panel to ensure that appropriate action is taken.

- **Heritage protection:** due to other commitments, the outgoing Panel was unable to carry out a review of heritage protection during its term. Members consider that a review would be beneficial to examine the policy and practice of the Planning Department in implementing development control policies of the Island Plan, and consider the practical effect of the new system for identifying and listing heritage sites and properties under the Planning and Building (Jersey) Law 2002, following the White Paper consultation carried out in 2010. Specific concerns include: aspects of development control policies and their implementation in respect of historic buildings, including consideration of their appropriateness and practicality and property restrictions; potential conflicts between restrictions on historic buildings compared with other planning policies and building bye-law requirements; existing and proposed restrictions applied to listed buildings in respect of options for their repair, refurbishment, redevelopment or change of use, and whether these are fair and reasonable; and the availability and use of grants or incentives to assist owners of listed buildings, compared with other jurisdictions.
- **Energy Efficiency Scheme:** this subject was opened up during the Panel's review of the draft Energy Policy of the Minister for Planning and Environment, and subsequently discussed at a number of public hearings. The Panel has some concerns about the eligibility criteria for grants under the existing scheme, and whether these have been applied fairly and consistently across all applications and properties that have benefited from improvement works. Anecdotal evidence suggests that some owners who have benefited under the scheme may be independently wealthy. The Panel considers that this may require investigation, and that plans to extend the scheme to the 'able to pay' sector may need a different approach to ensure that the use of public funds does not result in direct financial benefit to property owners, rather than the environmental benefits intended through reduction in energy use. The Panel has also requested that as this involves grants being made from public funds, full details of the internal audit report into the scheme should be made public.
- **Taxi regulation:** during its tenure, the Panel discussed the need for improvements to the Island's taxi service on a number of occasions with the Minister for Transport and Technical Services, as well as participating in consultation carried out by the department in respect of the White Paper 'Taxi Regulatory Reform – Recommendations'. Members were led to believe that some reforms would be introduced during the term of office of the current States. However, following a private briefing on 30th May 2014 where the Panel received a confidential paper on taxi strategy implementation, it became apparent that this was not going to happen, leading to concerns that long-awaited improvements may not be forthcoming. The Panel considers that as a matter of importance to the public, if proposals to improve the taxi service are not followed up promptly by the department, a Scrutiny review may be appropriate to

ascertain what has happened to the proposals and when the necessary improvements will be introduced.

- **Crematorium emissions:** correspondence on this matter from the Minister for Health and Social Services in March 2014 confirmed that emissions from the Crematorium were unabated, and that there were no plans to address this for the existing Crematorium. While it was argued that this put Jersey in a similar position to many UK authorities with unabated crematoria, the Panel maintained its view that permitting unabated emissions of toxic substances such as mercury was unacceptable for a wealthy Island, and that the matter should not be allowed to drop. It was noted that the issue was potentially complicated by commercial initiatives to introduce alternatives to cremation or burial for the disposal of human remains, a matter which would require changes to the law and was being addressed by the Minister for Planning and Environment.

6. HEALTH, SOCIAL SECURITY AND HOUSING SCRUTINY PANEL

Remit

The Panel's remit covers the Departments of the Ministers for Health and Social Services, Social Security and Housing (Code of Practice 4.2). In 2014, the Chairmen's Committee agreed that the scrutiny of the Housing Department should be transferred to the Environment and Transport and Technical Services Scrutiny Panel after the elections, subject to adoption of the proposition by the States.

Membership:

Deputy K.L. Moore of St. Peter (Chairman)
Deputy J.A. Hilton of St. Helier (Vice-Chairman)
Deputy J.G. Reed of St. Ouen.

Introduction

1. The Health, Social Security and Housing Scrutiny Panel has reviewed the work it has undertaken since its establishment by the States in December 2011, and agreed to provide a report to its successor Panel established by the States in its next Session to assist in developing its own work programme.
2. The report sets out –
 - the work undertaken by the Panel during the session 2011 – 2014
 - methods of working used by the Panel
 - suggestions for issues that a successor Panel may wish to consider in developing its work programme.
3. The Panel met 217 times between 2nd December 2011 and 4th September 2014. Details of minutes can be found on the Panel's web-pages.

Work undertaken

4. The Panel conducted the following reviews in the period 2011 to 2014 –

Review	S.R. Number	Publication Date
2012		
Respite Care for Children and Young Adults	S.R.2/2012	26th April 2012
Health White Paper: A new health service for Jersey – A new way forward	S.R.7/2012	15th October 2012
Review of the Medium Term Financial Plan – Health and Social Services	S.R.8/2012	16th October 2012
Review of the Medium Term Financial Plan – Housing	S.R.9/2012	16th October 2012
Review of the Medium Term Financial Plan – Social Security	S.R.12/2012	16th October 2012
2013		
Housing Transformation Programme	S.R.6/2013	15th April 2013
Draft Discrimination (Jersey) Law 201-	S.R.7/2013	3rd May 2013
Draft Social Housing (Transfer) (Jersey) Law 201- (P.63/2013)	Comments	15th July 2013

Review	S.R. Number	Publication Date
Long-Term Care Scheme	S.R.11/2013	6th November 2013
Long-Term Care legislation: P.136/2013, P.138/2013, P.139/2013, P.140/2013, P.141/2013, P.142/2013	Comments	3rd December 2013
2014		
Child and Adolescent Mental Health Services (CAMHS)	S.R.5/2014	16th June 2014
Regulation of Care (Jersey) Law 201-	Comments	30th June 2014
Employment (Amendment No. 8) (Jersey) Law – ‘family-friendly’	Comments	14th July 2014
Redesign of Health and Social Services	S.R.10/2014	5th September

Amendments

The Panel brought various amendments to propositions throughout its term of office. These are as follows –

- The Panel lodged an amendment to the Strategic Plan (P.28/2012) in April 2012 to include “Promoting Family and Community Values” which was accepted by the Assembly.
- The Panel lodged 3 amendments to the Proposition P.82/2012 “Health and Social Services: A New Way Forward” in October 2012 –
 - regarding the proposals to be brought forward by the end of 2014 for a “new” Hospital, the Panel called for an amendment to include full details of all manpower and resource implications necessary to implement the proposals – supported by the Council of Ministers and accepted;
 - for the development of a new primary care model, the Panel called for an amendment to bring forward proposals by the end of 2013 as opposed to 2014 as stated in the proposition – this was not supported by the Council of Ministers and was withdrawn during the debate. However, a compromise was reached, by which the Chief Minister assured the Panel and States Assembly that the Council of Ministers would complete the work on the new primary care model by the end of September 2014.
- Regarding the proposals for a sustainable funding mechanism, the Panel called for an amendment to bring forward the proposals before the end of September 2014, as opposed to “by the end of 2014” as mentioned in the proposition – this was supported by the Council of Ministers and accepted.
- The Panel also lodged an amendment to the Reform of Social Housing (P.33/2013) on 16th April 2013.

Other matters

On 4th June 2013, P.72/2013 “Hospital Outpatients: re-introduction of prescriptions charges” was lodged by the Minister for Health and Social Services. The Panel undertook a review into P.72/2013 and shared with the Department the 4 proposed amendments it planned to undertake. On 5th September 2014, the Minister for Health and Social Services withdrew P.72/2013 and the Panel understand this was withdrawn as a result of its inquiries. The Panel is delighted that Scrutiny was able to identify areas that needed further clarification before the matter was implemented.

5. The Panel has fulfilled the 4 main roles of Scrutiny (Code of Practice 7.9) by undertaking work on –
 - (a) **Policy:** Housing Transformation Programme, Health White Paper, the Redesign of Health and Social Services.
 - (b) **Legislation:** Long-Term Care Scheme, Regulation of Care (Jersey) Law 201-, Employment (Amendment No. 8) (Jersey) Law 201- (family-friendly), Discrimination (Jersey) Law 201-.
 - (c) **Annual Business Plan and Budget:** Review of the Medium Term Financial Plan for each of the 3 Departments.
 - (d) **Matters of public interest:** Respite Care for Children and Young Adults, Draft Discrimination (Jersey) Law 201-, Health White Paper, the Redesign of Health and Social Services, Employment (Amendment No. 8) (Jersey) Law 201- (family-friendly), Long-Term Care Scheme, Child and Adolescent Mental Health Services (CAMHS), Housing Transformation Programme.

Methods of working

6. **Sub-Panels** – The Panel found that the creation of Sub-Panels has assisted in developing its work programme, enabling the skills and expertise of other Members to be incorporated in the Panel’s work. The Housing Transformation Programme was conducted in this manner.
7. **Co-option** – The Panel found that co-opting other States Members onto its Panel has been very effective, especially when a topic comes under the same remit as another Panel. For example, the Panel co-opted Senator S.C. Ferguson from the Corporate Services Panel to undertake the review into the redesign of Health and Social Services, which included looking at the financial aspects of the proposals.
8. **Quarterly Public Hearings with the Minister for Health and Social Services, Minister for Housing and Minister for Social Security** – The Panel invited the Ministers on a regular basis to ask questions on topical issues arising in the respective departments.
9. **Advisers** – The Panel appointed expert advisers to assist with the majority of its reviews. In addition to providing briefing notes on evidence received and assisting with question plans, advisers have been able to meet with

departmental officers on a number of occasions to discuss important background to the reviews being undertaken by the Panel or Sub-Panel. The Panel also used expert advisers to undertake desktop reviews, issuing Panel comments to accompany the adviser's report.

10. **Briefings** – The Panel has invited members of the Executive to give informal briefings on a particular subject for background information at the start of a review. For example, the Minister for Health and Social Services gave the Panel a briefing on the new Hospital and what the 10 year plan would entail to assist it with its understanding of the subject. This briefing was jointly presented by the Treasurer, who gave insight into the financial side of the Hospital build and how costs were established. The Panel has also had private briefings which have helped establish the foundation for a review, in particular CAMHS.

Suggestions for future work

11. This section identifies possible areas for future work by a successor Panel, including forthcoming legislation. These suggestions are drawn from the Strategic Plan Initiatives 2009 – 2014 and the departmental objectives approved in the 2014 States Business Plan.
- **Respite Care for Adults:** When the Panel undertook its review into Respite Care for Children and Young Adults, it seemed the next step would be to undertake a follow-up review to see what was being done to care for adults needing respite. The Panel has met with Mrs. L. Bratch, who represents the Special Needs Advisory Panel (SNAP), informing her it would put this review on its legacy report.
 - **Patient Safety in the Hospital:** The Panel has received correspondence from a member of the Public stating concerns around patient safety in the Hospital, with patients being put at harm. The Panel believes that this should be investigated further.
 - **Continuation of Redesign of Health and Social Services – community and hospital services:** The Panel presented its report of the Health White Paper in 2012, and following on from this work presented its report of the redesign of health and social services in 2014. The redesign programme is a 10 year programme, and the Panel hopes its successor Panel will follow on from its review and monitor the implementation of its accepted recommendations. The Council of Ministers plans to lodge proposals for the new Hospital in 2015 via a Full Business Case, which will be an important part of any review which is undertaken in the future.
 - **Sex Discrimination:** The Discrimination Law was debated and approved by the States on 14th May 2013. The Panel undertook a desktop review of the Law and presented its report to inform the States debate. The Minister for Social Security plans to introduce Regulations under the Law, to address discrimination on the grounds of sex, age and disability. The sex discrimination Regulations are due to be lodged in January 2015, and the Panel believes these should be scrutinised by its successor Panel as a continuation of its work.

Further suggestions

- The Panel would recommend its successor Panel to continuously follow up and monitor the implementation of accepted recommendations from past reviews.

Other matters

12. In addition to the work topics outlined above, the Panel would highlight the issue of following up the findings and recommendations made within its CAMHS report, as they are linked specifically to the Department's own review into mental health which is due to conclude in July 2015.

7. PUBLIC ACCOUNTS COMMITTEE

Remit

The terms of reference for the Public Accounts Committee are found at Standing Order 132.

Although the emerging convention is for the majority of the Committee's work programme to be based on reports published by the Comptroller and Auditor General (C&AG), Standing Order 132(1)(c) provides scope for the Committee to select review topics unilaterally.

Membership

Between November 2011 and November 2014, the Committee was constituted in accordance with Standing Order 131. Its membership was as follows –

Title	Name	Role	Date Appointed	Date Resigned
Deputy	T.A. Vallois	Chairman	22/11/2011	End of Term
Senator	S.C. Ferguson	Vice-Chairman	24/11/2011	End of Term
Deputy	S.C. Pitman	States Member	24/11/2011	25/09/2012
Deputy	R.J. Rondel	States Member	24/11/2011	End of Term
Mr	A. Fearn	Non-States	17/01/2012	26/06/2012
Mr	C. Evans	Non-States	17/01/2012	26/06/2012
Mr	S. Haigh	Non-States	17/01/2012	19/02/2013
Mr	J.F. Mills	Non-States	11/09/2012	End of Term
Mr	I. Ridgeway	Non-States	11/09/2012	End of Term
Deputy	G.C.L. Baudains	States Member	25/09/2012	End of Term
Mr	R.J. Parker	Non-States	04/06/2013	End of Term

Work undertaken

The PAC undertook the following reviews between November 2011 and November 2014.

Report Title	Reference	Date Presented to the States
Compromise Agreements: following up the investigations of the Comptroller and Auditor General	P.A.C.1/2012	06/07/2012
Management of Bus Contracts: following up the investigations of the Comptroller and Auditor General	P.A.C.2/2012	02/08/2012
Report on the Financial Report and Accounts of the States of Jersey for the year ended 31st December 2011	P.A.C.1/2013	01/03/2013
£200,000 Grant to Film Company	P.A.C.2/2013	25/04/2013
Car Parks Trading Fund	P.A.C.3/2013	19/11/2013
£200,000 Grant to Film Company: Supplementary Report	P.A.C.1/2014	04/03/2014
Health and Social Services Integrated Care Records Programme	P.A.C.2/2014	17/07/2014
Internal Audit: following up the Report of the Comptroller and Auditor General	P.A.C.3/2014	Est. Sept. 2014

Although formal reviews represented the majority of the Committee's work, it also lodged amendments to the Draft Comptroller and Auditor General (Jersey) Law 201- (P.98/2014 refers), a number of which were adopted by the States.

Other review topics that were scoped or otherwise considered during the Committee's term of office included – the Gigabit Jersey project initiated by Jersey Telecom; the Esplanade Square development; and the application of States policy on grants and subsidies. Gigabit Jersey was deferred on the basis that implementation was at an early stage. The matters raised with the Committee regarding Esplanade Square fell more readily within the remit of the Corporate Services Scrutiny Panel, which subsequently made enquiries of its own. Although significant initial enquiries were made by the Committee during 2013 on the matter of grants and subsidies, the Committee's work programme was unable to sustain a further review. The information obtained has nevertheless been collated for potential consideration by the reconstituted committee.

A majority of the Committee's review topics would ordinarily have been selected from reports produced by the Comptroller and Auditor General. In this regard, the Committee's work programme was affected by the resignation of the then Comptroller and Auditor General in June 2012.

The Committee warmly thanks Mr. C. Swinson, O.B.E., for the quality of the reports he produced and for his expert advice during his time in office. It further acknowledges that Mrs. K. McConnell, who was appointed in February 2013, has already proven to be a very capable successor.

Methodology

The Committee met on a broadly monthly cycle. Meetings were generally attended by the C&AG or a nominated representative of the Jersey Audit Office (which supports the C&AG), save for the period between the resignation of the former C&AG and the recruitment of a successor. In accordance with the practice agreed by the Chairmen's Committee, Committee meetings were conducted in private session.

When undertaking reviews, the Committee secured initial briefings from, and submitted various requests for information to, relevant departments. Hearings were held as necessary to establish or corroborate evidence. These Hearings were generally conducted in public session.

Suggestions for future work programme

The Committee's primary suggestion regarding its successor Committee's work programme is to concentrate on matters arising from the reports produced by the C&AG in accordance with the Jersey Audit Office audit plan for 2014 – 2015. In this regard, the reconstituted Committee may consider it appropriate to give early consideration to the following 3 reports published by the C&AG during the summer of 2014 –

- (a) Use of Management Information in the Health and Social Services Department – Operating Theatres,
- (b) The States as Shareholder – Jersey Telecom, and
- (c) Financial Directions.

A review of (b) above might, amongst other things, serve to clarify how – and how successfully – the States evaluates and balances the dual objectives of generating profit and delivering public good. It might conceivably set the scene for consideration of the Gigabit Jersey fibre project, the execution of which will have reached a late stage when the reconstituted committee begins work.

Looking to the future, the Jersey Audit Office audit plan covers a broad range of topics including, but not exclusive to: corporate and departmental risk management; decision-making; the government relationship with arm's length bodies such as the newly incorporated Andium Homes; and information management and technology. Reports produced in accordance with the audit plan are expected to offer ample scope for the reconstituted Committee to fulfil its terms of reference and, in particular, to test the extent of progress made to address the key issues identified in the reports published by the Committee between 2012 and 2014. These key issues are outlined below.

First, each of the Committee's reports demonstrated in some way the value of ensuring that all stakeholders have a precise and shared understanding of the answers to 4 straightforward questions –

1. What is government trying to achieve?
2. How is the government aim in the public interest?
3. Where is the SMART³ action plan to deliver the desired outcome?
4. How will success be measured?

On several occasions the Committee found that while individual stakeholders within departments had a firm perception of to what was to be done – and why and how – that which was written down for shared reference was rather less clear or, in isolated cases, non-existent. Standards of decision recording across the organisation were of particular concern, not least in the case of the £200,000 grant to a film company.

Effective record-keeping provides clarity of purpose, a shared knowledge base for the organisation and the public it serves, and generally encourages the maintenance of high standards. It is also a prerequisite for good project management and, ultimately, for accountability. The Committee considers that, with the right people, the right tools and the right procedures, it is quite possible to deliver effective record-keeping without incurring an excessive administrative overhead.

Following on from clarity of purpose, there needs to be a more robust and consistent approach to project management across the organisation, so as to improve the effectiveness of policy implementation. The Committee's report P.A.C.2/2014 corroborates findings reported by the C&AG in R.118/2013 and thereby underlines the requirement for a step-change in project management capability across the States. The Chief Executive has been asked to provide the Committee with a written report explaining what actions are or have already been taken in this area. This report will be forwarded to the reconstituted Committee, which may wish to select one or more

³ Specific, Measurable, Achievable, Relevant, Time-bound

topics that allow for the success of the measures outlined by the Chief Executive to be tested.

Departments also need to be better at evaluating the implementation of policy so that they can do an even better job for the public next time. Some parts of the organisation are perhaps more successful than others in this regard. For example, while the Committee found that certain lessons had been learned from the previous bus service contract in time to influence the approach to new contract negotiations in 2012, it was concerned to note the absence of a full evaluation of the Health and Social Services Integrated Care Records programme.

The Committee will also be forwarding to its successor the information collated regarding States grants and subsidies. Our provisional sense is that there are grounds for a considered review of agricultural subsidies, not least because of the findings we reported in P.A.C.1/2013 concerning dairy industry support and 'transitional' Quality Milk Payments, and given that the current Rural Economy Strategy is approaching end of life status.

The public sector reform agenda should be well advanced when the reconstituted Committee compiles its work programme. Culture change will be to the success of the reform agenda and the reconstituted committee will have an important role to play in encouraging change. Without it, the issues highlighted above will be much harder to address. In this regard, the Committee may consider it appropriate to review one or more elements of the reform agenda.

Other matters

During 2014 and following a brief review of its working practices, the Committee concluded that it should pursue a 'digital first' working methodology. In that regard, it submitted an initial case to the Chairmen's Committee for the provision of a dedicated online filing system for the benefit of all Committee members and relevant officers within the States Greffe. This proposal has been taken forward by the Privileges and Procedures Committee in consultation with the Chairmen's Committee. The reconstituted Committee may wish to be apprised of developments in this field.

Anticipated changes to the Standing Orders of the States of Jersey will necessitate the preparation of a new code of practice concerning engagement between the Committee and the Executive, and a separate code dealing generally with the procedures of the Committee. The former will be lodged '*au Greffe*' for approval by the States, whereas the latter will be presented to the States for information. Both will be within the remit of the successor Chairmen's Committee to take forward. Draft codes are being prepared, and these will be submitted to the reconstituted committee for comment. The preparation of new codes of practice may offer the reconstituted Committee scope to revisit aspects of the relationship between the Committee and Executive Departments so as to maintain and enhance respect.

8. APPENDICES

Statement of intent/purpose

The Chairmen's Committee has signed up to the following which it requests all Scrutiny Members to agree to follow:-

- To commit to a co-ordinated, cohesive, standardised and professional approach to Scrutiny;
- To encourage good communication and sharing of knowledge amongst Scrutiny Members and also between Scrutiny Chairmen and respective Ministers;
- To undertake manageable, appropriate topics for review with clear aims and objectives that deliver measurable change when appropriate;
- To thoroughly follow-up on the implementation of recommendations which are accepted by Ministers through the use of propositions, amendments and comments as well as follow-up with the individual Ministers.

Scrutiny Code

- Scrutiny Members will abide by agreed procedures for filming of hearings as attached;
- behave in a professional manner towards each other. the Executive and other States Members;
- Personal politics will be left outside Scrutiny;
- Scrutiny will be impartial and objective;
- Hearings will start on time for the benefit of witnesses and the public and be conducted in a professional manner;
- All Scrutiny meeting will be conducted in private;
- Scrutiny meeting agendas and minutes will be made public wherever possible;
- All Scrutiny hearings will be conducted in public (unless exceptional circumstances arise)
- All Scrutiny Reports should include, wherever possible, recommendations which are SMART-related;
- All Ministerial responses will be followed up.

All States Members who sit on Scrutiny at any stage, be that as a co-optee, a Member of a Sub-Panel or elected to the main Panel, will be requested to sign up to complying with the above and if there is any breach, this will be considered by the Chairmen's Committee and any relevant action taken.

CONDUCT OF SCRUTINY HEARINGS

1. Hearings will start on time, unless there are exceptional circumstances which prevent this. Ministers need to be reminded that they are expected to be punctual and ready to start at the stated time;
2. Witnesses should be invited into the Hearing Room first before any Members of the public so they can settle at the table. This will include any supporting officials who may, or may not be sitting at the table;
3. Only once witnesses etc are settled should the public be invited to enter the room, which they should do quietly and without interruption;
4. Refreshments such as tea and coffee, are not made available during Hearings for Panel Members or for witnesses. Water and glasses will be provided on the table; [Refreshments are made available for Panel Members only in the event that there is a pre-hearing meeting.]
5. There is a hearing protocol for Members of the public which Chairmen are expected to ensure are followed [attached];
6. At the end of the meeting, the Chairman should announce that the Hearing has finished and ask the public to leave first whilst the witnesses are packing away;
7. If Members of the public disrupt proceedings in any way they should be reminded that no interjections are permitted until outside the Hearing Room and asked to leave.

FILMING OF SCRUTINY HEARINGS

- a) Filming would be permitted by the “accredited” media only;
- b) Filming by persons or organisations other than the “accredited” media would not be permitted;
- c) Filming would be permitted for the first five minutes of each hearing only [each time there was a new witness this was a new hearing];
- d) Filming of those seated at the table would only be permitted and not of persons seated in the public seats;
- e) Witnesses should be advised of the filming policy;
- f) Interviews with Panel, Sub-Panel, PAC Chairmen and witnesses may be requested for after Hearings have been completed and held outside the States Building;
- g) A Hearing Code of Behaviour for Members of the Public has been prepared and posted in the Scrutiny Rooms.