

STATES OF JERSEY



HEALTH AND COMMUNITY SERVICES INTERIM BOARD (P.19/2023): COMMENTS

Presented to the States on 12th June 2023
by the Health and Social Security Scrutiny Panel

STATES GREFFE

COMMENTS

Background

The Minister for Health and Social Services lodged the Health and Community Services Interim Board P.19/2023¹ on 11th April 2023. The proposition seeks to establish an interim non-statutory Health and Community Services Board to improve governance and oversight of the Health and Community Services Department.

The Panel received a briefing from the Minister on the draft terms of reference for the board and a proposal to establish an interim board on 14th March 2023.

On 16th May States Members were advised that the debate on P.19/2023 would be deferred from 23rd May to 13th June. The deferral followed a discussion by the Council of Ministers and the rationale provided was that it would give States Members more time to consider the proposals.

The Health and Social Security Panel wrote to the Minister on 17th May² in order to seek clarity on whether the deferral was the result of specific concerns raised by States Members, the Council of Ministers or members of the public.

The response³ received was that:

‘several general queries had been raised by Members which cover the membership, resource implications, the future role of the Board and other more minor matters.’

Subsequent to this deferral and this response to the Panel the Minister brought an amendment⁴ to her own proposition 30th May 2023. It was the second amendment to be brought, following one lodged by Deputy Lyndsay Feltham⁵ on 5th May 2023. Deputy Feltham’s amendment would reduce the initial appointment of the interim Board to 18 months providing a period to ensure that concerns over cost and fitness for purpose can be addressed in the period and prior to approval for the continuation of the board or the completion of legislation to establish a statutory body.

The Panel took the opportunity presented by its Quarterly Public Hearing on 8th June 2023 to ask the Minister about what had driven the late amendment to the proposition. The response from the Minister and Government officers was that the amendment was the result of feedback – predominantly from Council of Ministers – that elements of the proposition, such as the advisory nature of the board, were not generally understood.

At the hearing, the Minister said that she would accept Deputy Feltham’s amendment and provided the Panel with a further assurance that if it was found that the interim board was not working as it should she would be prepared to say so. It was also stated that boundaries for the future of the board were contained in the terms of reference and its future structure would need to be returned to the States Assembly for approval at the end of interim period.

¹ [Health and Community Services Interim Board - P.19/2023](#)

² [Letter to the Minister for Health and Social Services](#)

³ [Response to the Health and Social Security Panel from the Health and Social Services Minister](#)

⁴ [Health and Community Services Interim Board – P.19/2023: second amendment](#)

⁵ [Health and Community Services Interim Board – P.19/2023: amendment](#)

Panel conclusions

The focus on governance of Health and Community Services is a welcome one but there remain many and varied queries on the role and establishment of this interim board. This is a fact reflected by the differing opinions on the board's suitability for purpose among members of this Scrutiny Panel.

This Comments paper does not seek to draw conclusions on the effectiveness of the proposition or the amendments in achieving improved governance and oversight but rather to raise concern about the process and the lack of time afforded to Scrutiny and States Members to provide meaningful examination or comment on proposition following the second amendment.

While Government would argue that the second amendment amounted to a clarification of the existing position rather than being substantive in nature, it remains the case that the timing – two weeks prior to the debate – provided little time for States Members to make their own assessments.

In this instance, the first realistic opportunity the Panel had to publicly question the Minister on the amended proposition and its impact was at its Quarterly Hearing, four working days prior to the scheduled debate. The explanatory briefing for States Members took place on the same day and a further session offered the day before the debate. Any significant concerns were unlikely to be addressed in that time and this practice could result in members requesting that propositions are withdrawn to provide more time for robust examination to take place.

The vital importance of improved governance of Health and Social Services is not a matter which is likely to be disputed by any member of the States Assembly and it should be the case that sufficient time is built into Government processes to allow for robust scrutiny to take place. The Panel has not, however, reached a consensus on the value of delaying this debate.

The commitment that the Panel will make is that, should the proposition – as amended by Deputy Feltham's amendment – be approved by the States Assembly, it will keep a close watching brief on the establishment and working of the board and feed into the process of assessment over the 18-month period proposed.

Statement under Standing Order 37A [Presentation of comment relating to a proposition]

This comment was submitted after the deadline in order that the Panel was able to take the opportunity for public questioning of the Minister in relation to the second amendment at its Quarterly Hearing with the Minister held on 8th June 2023.
