

STATES OF JERSEY

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SCRUTINY PANELS: RESCINDMENT OF DECISIONS

**Lodged au Greffe on 28th June 2005
by Deputy G.C.L. Baudains of St. Clement**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to refer to their Act dated 28th September 2001 in which they approved reforms to the machinery of government and agreed, *inter alia*, that a system of scrutiny should be established as part of the new system of government; to their Act dated 24th July 2003 in which they agreed the manner in which the future scrutiny system would operate; and to their approval on 16th November 2004 of the draft States of Jersey Law 200- which made provision for the establishment of scrutiny panels as part of the new system of government, and

- (a) to rescind their decisions that scrutiny panels should be established as soon as ministerial government is implemented; and
- (b) to charge the Privileges and Procedures Committee to bring forward the necessary legislation, and to take the necessary practical steps, to give effect to the decision.

DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT

NOTE: As required by Standing Order 18C, the following States members also signed the proposition–

- 1. Deputy of St. John
- 2. Deputy of St. Peter
- 3. Senator R.J. Shenton

The reasons for moving this proposition are set out in the attached report.

REPORT

As alluded to in my personal statement recently explaining my reasons for resigning from the scrutiny process, it is clear that what is presently happening regarding Shadow Scrutiny does not bode well for Scrutiny 'proper'.

Currently we see a number of problems.

There has been a lack of co-operation by some Committees with the process.

The Scrutiny reports, despite being evidence based, are routinely ignored by those Committees who might reasonably be expected to benefit from the information they contain.

There appears to be a degree of 'we know best' coupled with an attitude of dismissal.

It is clear from Committee responses to Scrutiny Reports that they either haven't read the Reports, or have no wish to acknowledge the information contained in them.

One might take comfort in thinking that whilst Committees are un-cooperative, the Assembly will hold a committee to account if its policies or proposition are clearly incompatible with the scrutiny evidence.

Sadly, such comfort would be misplaced, as time and again the Assembly has indicated it is not yet ready for scrutiny. This has manifested itself on several occasions when a panel has asked for a debate to be delayed in order for a Report to be finalised first, only to be refused.

It would appear the Assembly would rather make decisions without the benefit of scrutiny evidence.

More recently, Shadow Scrutiny Panels have come under pressure over their choice of consultants and experts.

As I said during my Personal Statement, it is clear certain elements of the Assembly are only prepared to tolerate scrutiny as long as it is a 'critical friend', with the emphasis clearly being on 'friend'.

This attitude completely misses the point of scrutiny. It must not be a form of opposition, and the panel I served on went out of its way to avoid that situation. The strength of scrutiny is that it gathers properly researched evidence (as opposed to opinion) and puts in the public domain.

This may support a committee's actions or policy – equally it might show that the committee has got things wrong. In order to achieve that goal, scrutiny must be respected by committees and the Assembly alike.

Unfortunately it is not, and therefore the considerable effort put in by panel members and the funding required for the process are not being used to good advantage.

Until the Assembly as a whole takes scrutiny seriously and recognises the benefits it can provide, there is no point in proceeding with it.

I am therefore proposing that we do not proceed with forming Scrutiny Panels until such time as a new mindset has embraced the process to the extent that it actually forms part of our decision making, as opposed to the semi-tolerated nuisance that some members portray it as.

I believe there are no manpower or financial implications arising from this proposition, except perhaps a saving in resources in the interim period before Scrutiny Panels are eventually formed.