

Anonymous 4

3rd November 2017

Proposal for changes to the Scrutiny Panel for

DRAFT MARRIAGE AND CIVIL STATUS (AMENDMENT No. 4) (JERSEY) LAW 201-

1. What are the processes and procedures in place to ensure no person is discriminated against in effect of amending this law in question, whilst being overseen by the Superintendent Registrar's Office and personnel? Though the Discrimination Law is necessary, it is insufficient when there is no daily functioning outlet for employees/agents to turn to, when Civil Servants are not acting appropriately on behalf of the public. There needs to be an Ombudsman in place where anyone can turn to and receive immediate help when matters are not going according to plan, law, policy and procedure. For instance, on Page 15, No 7 the Superintendent Registrar has the power to refuse public members to be registered onto the Official List. What does 'they are not a 'fit or proper person'' amount to in everyday execution of the Superintendent Registrar (SIR) duties? What criteria would be put into place to ensure the Discrimination, Diversity and Employment Laws are upheld, in short, Human Rights are adhered to by all parties serving the States of Jersey on behalf of the public?
2. The Superintendent Registrar's Office needs to be externally controlled and monitored on a regular basis by a process put in place by the Minister and her Deputy, independent of the States of Jersey, yet sworn in under GDPR and Confidentiality Agreement. Though the Minister's Policy Maker and the Chief Officer oversee the Superintendent Registrar, there needs to be a scrutiny panel directly appointed to this office, accessible to the public, to monitor its function.
3. An Ombudsman needs to be in place, with a direct line into the appropriate Minister and Chief Officer, without confidentiality restrictions, where any laws, policies and procedures are not being followed, such as possible discriminatory and potential bullying practices in the workplace. Though Human Resources are in place, often individuals working for Human Resources are not full time

employees, and thus not bound by the policies and procedures in the same way as fulltime SOJ contracted employees are. In other words, Human Resources Officials also need to be accountable by the same laws, policies and procedures as everyone else, for effective execution of their overseeing of same.

4. There is a need for the public to be properly informed and looked after via everyone's safeguarding practices. The public members need to have access to the appropriate Minister and Chief Officer, to make them aware of the potential effects of the currently amended proposed Draft. Public members need to feel safe to be allowed to use examples, to illustrate anticipated effects of proposed changes, changes which would otherwise potentially go unnoticed despite policies and procedures in place. The public needs to feel safe that they remain anonymous to contribute their free and informed contributions to change management within the States of Jersey, and that confidentiality is adhered to at all times.
5. It is our understanding that the States of Jersey generally have adopted a LEAN approach to reduce expenditure and improve services to the public. The current draft legislation appears to complicate an existing service, increasing staff costs and creating an immediate shortage of suitably trained/qualified personnel therefore increasing expenditure immediately and for the foreseeable future, yet service provision is likely to be unduly disrupted and delayed.
6. I am concerned that although the draft legislation appears to partly support the States strategic outsourcing objective, there is an unfair advantage towards the employed staff as opposed to the self-employed personnel, with potential discriminatory effects. It does not seem equitable that the expenses incurred by the Celebrant is greater than that borne by the Delegate/Assistant Deputy SIR. In addition, the requirement for the Celebrant to charge a higher fee for their services, puts them at a disadvantage. Training costs are required to be borne solely by the Celebrant yet they are supporting the provision of what many would deem to be a public service, and no different a role in consequence to that of the Delegate/Assistant Deputy SIR. In effect, what is the difference of duty between the Assistant Deputy SIR and Official Celebrant? Are both these roles scrutinised by the same official training and inspection processes? Again, how should the Celebrant be expected pay for their imposed legal training to become

an official, whereas the Delegate is not expected to train as celebrant, yet allowed to incorporate celebrant techniques into their ceremonies. Celebrants undergo training and belong to associations. How is it by Law the Independent Celebrants are no longer allowed to continue with non-legal ceremonies, without being overseen by the SIR?

7. Should the SIR have the power to simply strike off certain authorized individuals, without both parties having to refer to an external panel first and foremost? Is this a healthy power for one individual to have?
P15, No 8.
8. It would be useful to understand what the immediate and long term financial consequence of the changes will be, as it is unclear. Who is undertaking a cost-analysis for these changes?
9. The implementation of the changes will impact on the ability of certain individuals to continue to earn a living due to new training requirements having to be self-funded and completed before taking up one of the newly defined roles.
10. The oversight of all matters appears to have been delegated to key personnel and there is a real risk that 'key man dependency' will increase as consequence. The Superintendent Registrar has oversight at different stages, and this could create bottle necks, as some actions are delegated only for the next stage to be centrally controlled, then delegated again. If a function is outsourced, such as to Celebrants, it is typical for the agent to be authorised with authority and then inspected, not for process stages to be outsourced and insourced during a process flow. For instance, the paperwork side of the process and the change to powers from the parish assembly, a collective, to the Connétable. How will this process flow without bottle-necking?

Yours private and confidentially,