

STATES OF JERSEY



REVISED CODE OF PRACTICE FOR ENGAGEMENT BETWEEN ‘SCRUTINY PANELS AND THE PUBLIC ACCOUNTS COMMITTEE’ AND ‘THE EXECUTIVE’ (P.50/2022): AMENDMENT

Lodged au Greffe on 11th April 2022
by Senator T.A. Vallois
Earliest date for debate: 25th April 2022

STATES GREFFE

REVISED CODE OF PRACTICE FOR ENGAGEMENT BETWEEN
'SCRUTINY PANELS AND THE PUBLIC ACCOUNTS COMMITTEE'
AND 'THE EXECUTIVE' (P.50/2022): AMENDMENT

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After the words “this proposition” insert the words “except that, in Appendix 1 –

- (a) before paragraph 14, there should be inserted the following paragraph, with the subsequent paragraphs re-numbered accordingly –

“14. Within the first two weeks of each calendar year, the Council of Ministers will provide the Scrutiny Liaison Committee with a schedule for that year of policy and legislative priorities, with timelines for their completion.”;

- (b) in paragraph 35, for the words “consider providing” there should be substituted the word “provide”;

- (c) in paragraph 47, after the words “States Greffe” insert the words “in advance of its provision”;

- (d) for paragraph 66, there should be substituted the following paragraph –

“66. Ministers (Chief Officers/Accounting Officers in the case of PAC) will provide updates to the Scrutiny Liaison Committee every quarter on progress in implementing accepted recommendations, including their status on any ‘tracker’ that is maintained and the reasons for any delay that may have been incurred in their implementation.”; and

- (e) for paragraph 73, there should be substituted the following paragraph –

“73. Where the issue cannot be satisfactorily resolved, the Privileges and Procedures Committee will be notified of the impasse and will determine the appropriate action based on information provided by Ministers/Accounting Officers/the Chief Executive and the Scrutiny Liaison Committee in accordance with the requirements of this code of engagement.”

SENATOR T.A. VALLOIS

Note: After this amendment, the proposition would read as follows –

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

to approve the revised Code of Practice for Engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’ as set out in Appendix 1 to the report accompanying this proposition **except that, in Appendix 1 –**

- (a) before paragraph 14, there should be inserted the following paragraph, with the subsequent paragraphs re-numbered accordingly –**

- “14. Within the first two weeks of each calendar year, the Council of Ministers will provide the Scrutiny Liaison Committee with a schedule for that year of policy and legislative priorities, with timelines for their completion.”;
- (b) in paragraph 35, for the words “consider providing” there should be substituted the word “provide”;
- (c) in paragraph 47, after the words “States Greffe” insert the words “in advance of its provision”;
- (d) for paragraph 66, there should be substituted the following paragraph –
- “66. Ministers (Chief Officers/Accounting Officers in the case of PAC) will provide updates to the Scrutiny Liaison Committee every quarter on progress in implementing accepted recommendations, including their status on any ‘tracker’ that is maintained and the reasons for any delay that may have been incurred in their implementation.”; and
- (e) for paragraph 73, there should be substituted the following paragraph –
- “73. Where the issue cannot be satisfactorily resolved, the Privileges and Procedures Committee will be notified of the impasse and will determine the appropriate action based on information provided by Ministers/Accounting Officers/the Chief Executive and the Scrutiny Liaison Committee in accordance with the requirements of this code of engagement.”.

REPORT

The purpose of the Engagement Code of Practice is to establish a clear expectation of co-operation in the provision of information by Ministers and Departments to Scrutiny Panels and the Public Accounts Committee (P.A.C.).

It is appropriate to keep such practice under review and amend accordingly and I welcome the proposition laid before the Assembly. The reasons for bringing these amendments are explained in sections below

Part (a)

The report ([R.23/2022](#)) completed by the Democratic, Accountability and Governance Sub-Committee of P.P.C. recommended the following:

“The Council of Ministers should report to the Assembly and keep updated a Policy Pipeline showing the policies currently being worked on and proposed timescales for States decisions and implementation. The Pipeline should state which Minister is accountable for each policy.”

This would have required an amendment to legislation and, considering the backlog of legislation already being carried forward in conjunction with the limited timeframe for lodging propositions on 10th March, this was not deemed appropriate.

I have therefore suggested the next best thing: by including a requirement for such schedules of work to be provided to the Scrutiny Liaison Committee at the beginning of each year. This will hopefully provide a uniformed and more organised approach and enable better planning for scrutiny of Executive functions.

Part (b)

A minor change to wording but it is of significance. I believe that minutes should be provided and no consideration should be necessary for this to happen. Confidentiality is dealt with in the Engagement Code and therefore should be sufficient to reassure ministers.

Part (c)

Another fairly minor amendment that I believe provides clarity. As it is currently worded, I feel that it is silent on whether or not information will still be provided if it is either confidential or personal. I have therefore suggested to include “in advance of its provision”

Part (d)

This amendment adds in a further requirement of the Executive to provide necessary updates without request on what is currently known and referred to as the “Recommendations Tracker”.

The tracker enables the Executive to keep on top of where they are with implementing recommendations by the Comptroller and Auditor General (C.&A.G.) and PAC. If you

would like further information on this I would refer members to the C.&A.G. report ([R.190/2021](#)) that provides further context and analysis of its current function.

The Public Accounts Committee made reference to the Recommendations Tracker and an assessment of its function in their Performance Management Report ([P.A.C.2/2022](#)). The Committee went further by suggesting that this be widened to recommendations of Scrutiny Panels to assist with implementation but also as a useful follow up tool for Scrutiny in their role as 'Critical Friend'.

Part (e)

This amendment is to establish what effectively will be a mediator at times when there is an impasse between the Executive and Scrutiny about any requirements set out in the Engagement Code of Practice.

The present wording just states that it would be referred to P.P.C. but not what would actually happen if that were to be the case.

Clarity is therefore established by ensuring P.P.C. is notified, it is able to obtain relevant arguments by both parties and adjudicate in conjunction with this Engagement Code of Practice as to whether compliance is being met.

A good functioning democracy ensures openness and transparency and allows itself to be challenged and held to account for direction and decisions made. Ministerial Government cannot and should not function without effective Scrutiny. Scrutiny can only be effective with clear direction on executive decision making, organised and timely delivery of executive legislation/policy and easy flows of access to information necessary to fulfil the role.

I hope by laying these amendments down to the Engagement Code of Practice, it not only provides clarity to some areas but recognises the importance of working together. Whether on the Executive or on Scrutiny, it is in the public interest and for the public good that we strengthen and harness our practices to be productive to provide optimal outcomes, whatever they may be.

Financial and manpower implications

There are no additional financial and manpower implications arising from adoption of these amendments.