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Deputy Sam Mézec
Chair, Corporate Services Scrutiny Panel

BY EMAIL

31 May 2023

Dear Chair

MINISTERIAL PLAN

- 1. The report Engagement and Information Improvement Review projected a series of actions due to conclude in early 2023. With regards to the actions from the review, can you update us on the workstreams that remain to be completed and whether these will be completed by June 2023 as identified within the Delivery Plan?**

A progress report against the 37 actions in the Engagement and Information Improvement Review is in preparation and will be published within the next few weeks. A copy of the progress report will be shared with CSSP at the time of publication.

- 2. Please provide an update on the progress of the Cultural Diversity Network and the scheduled six-month review due to be published by the International Cultural Centre Steering Group in Quarter two of this year?**

Following a delay in recruitment, a rolling programme of public engagement events has started to define the service requirements of the International Cultural Centre, alongside structured support for community events and celebrations. The intention is to report on the first year of the ICC's activity in November 2023.

GOVERNMENT PLAN

- 3. In your response (S.R.20/2022) to our Government Plan 2023-2026 Scrutiny Review, you accepted a number of our recommendations. What work has taken place to refine the Jersey Performance Framework indicators, to date?**

The Jersey Performance Framework has two components:

- The Service Performance Measures (in year performance against the targets set in the ministerial delivery plans)
- The Island Outcome Indicators (Jersey's sustainable wellbeing measures, as referenced in 9(9) of the Public Finance Manual)

Service Performance Measures

During 2022 the Chief Statistician worked with departments to review the Service Performance Measures to make them more relevant to islanders – i.e. removing measures (such as percentage of

IT incidents dealt with on time, which should be an internal measure. This review reduced the number of measures from 223 in 2022 to 127 more meaningful measures for 2023.

In May Statistics Jersey changed the presentation of the Service Performance Measures – see [Service Performance Measures \(gov.je\)](#). Rather than being static pages for each year, the data is now presented as a time series back to Q1 2021 (where the data is available), so that it is easier to see trends over time. Further improvements in the presentation are planned during 2023. This page also includes the future publication dates of the Service Performance Measures, which is a new commitment.

The Service Performance Measure data is now available as open data [Service Performance Measures - Datasets - Government of Jersey Open Data](#) for users who wish to download the data. The latest data (Q1 2023) is also available as a PDF for users who want to print out all the information as a report.

Island Outcome Indicators

Statistics Jersey are currently in the process of reviewing the Island Outcome Indicators with the dual aims of:

- Making them more relevant
- Improving the presentation of the data on the website

The Island Outcome Indicators derive from Future Jersey [FUTURE JERSEY SPREADS 12072017.pdf \(gov.je\)](#) which had 58 indicators in ten themes and three sustainable wellbeing groups (community, economy & environment).

In 2020 the number of Island Outcome Indicators was expanded to nearly 190. However, in the Chief Statisticians professional judgement, many of the additional indicators are not relevant to the topics they are supposed to be measuring - e.g. the number of births tell you nothing about whether 'children enjoy the best start in life'.

In addition the Island Outcome Indicators in [Jersey Performance Framework \(gov.je\)](#) are difficult to navigate, and it is not possible to get an overall view of whether or not the indicators point to improvements in sustainable wellbeing.

The Chief Statistician asked Statistics Jersey to carry out a review, the outcome of which is an intention to go back to a set of indicators which is much closer to that in Future Jersey. This will reduce the number of Island Outcome Indicators reported on from around 200 to 71 indicators, but these will be more relevant and meaningful to the sustainable wellbeing goals and the ten themes below them.

Of data included in the current presentation of Island Outcome Indicators online 58 originated from the Future Jersey consultation and have been retained. A further 13 have so far been assessed as being appropriate to include in the suite of indicators as they are understandable to the public, are available on a regular basis, and enable evaluation of the progress (or not) towards the outcome they represent.

Of the remaining data, over 80% are published elsewhere on gov.je. A number would be more appropriate to be published as service performance measures; many provide context to the Island Outcome Indicators but do not themselves represent an indicator of progress. Statistics Jersey plan to update the Island Outcome Indicator presentation, starting with the smaller set of 71 headline indicators and will then carry out a review to add further indicators that meet the criteria.

Statistics Jersey's proposed changes to reporting will:

- Maintain the concepts of economic, social and environmental wellbeing;
- Maintain the ten 'themes' included in Future Jersey and the current Island Outcome Indicator framework;
- Include all of the 58 indicators in the original Future Jersey report - plus 13 additional indicators which are relevant to sustainable wellbeing;

- Improve the presentation of the data on the website, so that it is easier to see whether or not improvements are being made against the sustainable wellbeing goals – this should increase the use of this data.
- Further improvements in the range of relevant indicators and their presentation are expected following IT improvements and feedback from users.

All of the current Island Outcome Indicators which are included in the government's CSP annex 2 will be included within the 71 indicators which will continue to be reported on.

Further work planned includes working with departments to identify potential new indicators to add to the Island Outcome Indicator framework, and to consider how best to provide an integrated report that shows progress over time.

The Chief Statistician would be happy to provide further detail on changes to the Jersey Performance Framework, either as a written briefing, or at a CSSP meeting.

GOVERNMENT STRUCTURE AND GOVERNANCE

- 4 An “advisory group” has been established to examine the role of the CEO. We heard during the hearing that records of the meetings of the advisory group are taken, can these please be provided to the Panel?**

The minutes will be provided under separate cover as they are confidential. The confidential nature arises from potential structural changes and legislative changes that will be subject to consultation and it is only right that the individuals concerned, and the Scrutiny Panel scrutinising legislation, are properly informed of firm proposals.

- 5 The Democratic Accountability and Governance Sub-Committee Report highlighted a number of concerns regarding a lack of political accountability and transparency within Ministerial roles.**
- a. Can you outline what tangible steps have been taken during your term of office so far to address the lack of political accountability and transparency for Ministers and Assistant Ministers and how your approach is different from that of the previous Government?**
 - b. Can you provide some examples to demonstrate how the steps you've taken have improved political accountability and transparency for Ministers and Assistant Ministers?**

Strengthening accountability and improving transparency are fundamental to good government. With this in mind, in establishing ministerial portfolios following the election, a number of departmental transfers took place to improve the alignment of departments and Ministers, including the transfer of the Library to the Department for Children, Education and Young People; the transfer of the Superintendent Registrar to the Department for Justice and Home Affairs; and responsibility for new health care facilities was also transferred to the Minister for Infrastructure to sit alongside other infrastructure projects. In this way, more of the functions of Ministers fell under a single Department. This was outlined in [r.10-2023.pdf \(gov.je\)](#).

A commitment was also given in R.10 to further review changes. In doing this, my objective remains to deliver a simple and clear structure of one Minister supported by one Department, but within that I do need to consider the practical consequences of doing so, in terms of staffing and operational

effectiveness, while also being committed to a strong central Cabinet Office coordinating policy, delivery and corporate governance. This approach is fundamentally different from the last Government, who created a structure whereby Ministers shared Departments, or had their responsibilities delivered across a number of departments.

My approach on transparency is also fundamentally changed from the previous government. Improved transparency around decision making and activity supports accountability, including informed challenge, and trust and confidence in the conduct of government. Any democratic government needs a level of safe space in which to conduct robust policy debates, and matters such as commercial confidentiality, and the protection of personal data, remain key. Nevertheless, we have developed an agenda for improved transparency, with a step change in what is published. This is outlined in the [Engagement and Information Improvement Report \(gov.je\)](#).

6 Action 14 of the 100 Day Plan was to “reorganise government departments to provide for direct accountability of ministers,” an action that was echoed as a Ministerial priority and in the Common Strategic Policy.

- a. Can you outline the reorganisation that has taken place to date and provide examples of how this is providing direct accountability?**

Please see the response above for some specific examples, underpinned by [r.10-2023.pdf \(gov.je\)](#).

- b. What measures are in place to ensure that there is the required monitoring and transparency to determine any impact from the reorganisation and to enable and ensure direct accountability?**

As the examples demonstrate, we have focussed on simplification and clarity of leadership at senior levels, rather than wholesale reorganisation which can be disruptive.

Feedback from those leading departments is valuable, and I welcome discussions with colleague Ministers whenever needed. Where a reorganisation has required a business case to be submitted to SEB, that is also a valuable reference point.

The impact of the changes was minimal to most employees in the departments, with changes impacting tier 1 and 2 levels. We are currently in the process of writing a revised organisational change policy that will include tracking the business case objectives and effectiveness of change. This was not a feature of the previous approach of the ‘target operating model’ policy.

7 One of the actions in your Delivery Plan was to ensure use of the Public Accounts Committee Tracker model to report progress on Scrutiny Panels’ recommendations. Can you advise of the progress made so far?

All Scrutiny Panels’ recommendations are captured in the Tracker using the same process and potential fields as for PAC/C&AG recommendations, as highlighted below:

- The report which the recommendation sits within
- Whether it was accepted or rejected
- actions taken
- the lead department, directorate and lead officer
- the target date for implementation
- if the target date has been revised
- comments section
- RAG status
- prioritisation
- report type – highlighting the relevant Scrutiny Panel

- reason for non-completion e.g. dependencies
- reason for proposed closure – recommendations cannot be automatically closed by the lead officer- they progress through to pending closure stage and following further review they are moved to close providing the appropriate evidence is provided to support closure.

Some of the above fields have further drop-down boxes to provide further information on the status of recommendations. Extracts and dashboards can be created by filtering fields, dependent upon what analysis/trends are required.

An overarching Scrutiny report will be produced at the end of June which will provide an update over the last 12 months, as a starting point. Further reporting will take place on a quarterly basis, however an extract of the current overall status of scrutiny recommendations or by panel can be produced at any time.

A typical quarterly report will provide background as to what has happened since the previous update report; a summary of highlights; a comparator analysis of performance since the last Quarter in a number of ways - by RAG status, by Ministerial department for example. The report will also give details on the number of closures and new reports or recommendations received.

However, reports can be tailored to CSSP or the various Scrutiny panels reporting requirements.

8 The Democratic Accountability and Governance Sub-Committee Report also found that States' members at that time considered the role of the States Employment Board (SEB) to be unclear. This was echoed in the previous CSSP's People and Culture Review 2021, which reported many key findings in relation to the lack of strategy of the SEB, risks in relation to workplace behaviours and culture, and organisational issues relevant to the role of CEO. As Chair of the SEB, what consideration for the findings and recommendations from the People and Culture Review are now being taken forward that were previously rejected by the previous Government and the previous SEB?

The role and responsibilities of the States Employment Board are set out in the Employment of States of Jersey Employees (Jersey) Law 2005. They are broad requirements to ensure the efficiency and effectiveness of the public service. As part of their review, the SEB have considered how this could be more precise, and whether the current structure is the most effective one.

The Board have endorsed a strategy and good progress has been made to the foundations of greater structure in setting the Board's policy agenda. This includes a new suite of Code of Practice, the rewriting of policies and procedures against the Codes, revised management training, and improved development opportunities. In 2023, our key focus is the development and improvement of performance management.

A full risk register at corporate and departmental level has been developed, in line with corporate standards. The Board also monitor key workforce statistics, case management, suspensions and have an oversight of Chief Officers' discharge of responsibilities for health and safety. We have an enhanced Scheme of Delegation. As part of developing our policy agenda, we undertake thematic workshops split between enhancing our governance structures and organisational strategy.

The CSSP review into People and Culture made a number of recommendations that whilst rejected by our predecessors, we have sought to address in some way. For example, the Vice Chair is to look to provide a summary of the work of each SEB to increase transparency and awareness of their work as an alternative to producing the minutes, this makes the work more accessible.

The Annual Report is produced to the standards set out by the C&AG and we continue to look to other entities to enhance our reporting and transparency.

We have introduced quarterly meetings directly with trade union representatives, by pay groups, to improve our industrial relations and seek direct feedback from employee representatives. This has been beneficial for all sides.

We committed to undertaking an employee survey, and we offer the Panel an opportunity for a private briefing to understand the details and our intended response.

9 Action 7 of the 100 Day Plan was to “create a Cabinet Office to coordinate the work of government and strengthen collective decision making.” Can you provide an update on the establishment of the Cabinet Office and the responsibilities it currently holds?

The process to date has consolidated the Tier 1 leadership of the Cabinet Office:

- Appointment of two Assistant Chief Executive Officers alongside the Chief Executive Officer to provide focussed leadership, coordinate across government and drive forward on priorities;
- Consolidation of three major central government functions (People Services, Modernisation & Digital and Strategic Policy, Planning and Performance) under the leadership of an Assistant Chief Executive, People, Policy & Digital;
- Integration of assurance and risk functions, including risk management, Health & Safety, Internal Audit, CPMO and the lead relationship with Jersey Audit Office and Public Accounts Committee, under the leadership of a Strategic Director, Assurance and Risk;

While Suzanne Wylie's resignation as CEO in March was not anticipated or desired, it is appropriate to take the opportunity it has presented to make sure that the structure of the centre of government, the Cabinet Office, is right.

The plan to integrate Ministerial Support Unit, Chief Executive's Office, Communications, Strategic Planning, and the Delivery & Improvement Hub under the leadership of a Strategic Director for Government Business & Delivery is thus briefly paused. These functions continue to operate within their previous line management arrangements for now.

10 What impact did the establishment of the Cabinet Office have on the CEO and were any concerns highlighted before the resignation of the CEO?

To date, the introduction of the Cabinet Office has not changed the role of the Chief Executive as Head of the Public Service or as principal adviser to the Council of Ministers. No concerns have been raised about the impact of the Cabinet Office on the CEO.

As the CEO herself stated in her resignation letter, there has however been much political debate about the CEO role, and her departure affords an opportunity to assess if it should be changed and to what degree; changes to the CEO role may then have implications for the future structure of the Cabinet Office.

As you know, we launched the search for an interim CEO on 17th May. While the interim CEO is in place, the States Employment Board will consider any changes that are needed for the permanent CEO role, and consequently the Cabinet Office, and the interim will be expected to prepare the organisation for the resulting changes.

11 What positive outcomes has the Cabinet Office produced that would not have been achievable prior to its creation?

The positive impact of the Cabinet Office, including undertaking value for money reviews, will be assessed over the course of the government programme. Early improvements include:

- Support provided to the CEO by the creation of 2 Assistant CEOs who have assisted her in overseeing the operation and improvement of the public service;

- Introduction of the Delivery Unit within the Cabinet Office as a small, dedicated capacity to help drive delivery of the Council of Ministers agenda. As has previously been reported to CSSP, the Unit has – in partnership with delivery departments - had some very positive early impact, for example on teacher recruitment;
- In terms of efficiency, the Tier 1 leadership layer has been simplified, which has also brought a small cost saving.

12 Have there been any instances where you believe the Cabinet Office has had a negative impact and, if so, how?

I do not believe the Cabinet Office has had a negative impact.

As I indicate above, I would agree that more work needs to be done to realise the full vision of a Cabinet Office that coordinates the work of Ministers and supports collective decision-making as effectively as possible. The review that I am leading – on the role of the CEO and any consequent impacts on the Cabinet Office – has this positive vision for the Cabinet Office, of greater productivity and effectiveness, at its heart.

13 Chief Minister, you mentioned during the States sitting on 2nd May that the Cabinet Office will bring ‘efficiency’ to the Government. To date, can you provide some tangible examples of how efficiency has been demonstrated since its establishment and what further efficiencies are you seeking in the medium to longer term?

It is early days to be able to offer specific examples of proven efficiencies achieved via the restructure of the Cabinet Office itself which, as I have stated in my ministerial plan, are planned to be achieved over the course of this government programme. Nonetheless, the examples provided above under question 11 are good early indications of the value of a Cabinet Office increasingly focussed on supporting ministers to deliver.

In the medium to longer term, I fully expect improvements in the various services, including more efficient working within functions and via closer working between functions in the Cabinet Office.

14 One of your Ministerial actions is, through the Cabinet Office, to support Ministers with the prioritisation of their legislative programmes, where resources are constrained or new priorities emerge. What steps are being taken to achieve this?

- a. **To date, has legislative progress been impacted by strained resourcing or the emergence of new priorities and, if so, which Ministerial remits is this impacting and how?**

Our new Ministerial Plans included, for the first time, a published list of the significant legislation that we intend to lodge during the calendar year of 2023. This demonstrates a clear set of priorities which Islanders can then hold us to account for delivery of. It also enables the Assembly and Scrutiny to plan better for the arrival of legislation during the course of the year, so that the workload can be accommodated on all sides.

The Council of Ministers reviews performance regularly and makes decisions on prioritisation throughout the year. It is advised on capacity by a programme management board consisting of the Group Director of Policy in the Cabinet Office, a senior leader in the Law Officers’ Department and the Principal Legislative Drafter. We have three levers for prioritisation:

- 1) Time – we can delay other lower priority legislation in order to free up capacity;

- 2) Scope – we can reduce the scope of the legislation and seek to effect its intent through non-legislative means; and
- 3) Resource – if the urgency justifies it, then we can use short-term expert consultant support, but this is our last resort.

In all, the Ministerial Plans and the subsequent Delivery Plans totalled 63 legislative projects, in addition to the business-as-usual Orders. It is worth noting that some projects impacted on more than one piece of legislation. Ten of these have already been lodged so far. The remainder are scheduled for delivery over the rest of the calendar year, with estimated lodging periods identified in the Delivery Plans to aid programme management by civil servants, lawyers and the Greffe.

LEGISLATIVE PROGRAMME 2023

15 Please could you provide an update on the progress to date to amend and enhance the Statistics and Census (Jersey) Law?

The Deputy Chief Minister is overseeing the development of these amendments and he will provide CSSP with an advance copy of the draft Law and a full briefing on these proposals before they are lodged. The Law is on course to be lodged in the Assembly in Q3 of 2023, though this may slip into Q4 to provide stakeholders with an appropriate amount of time to comment on the draft Law prior to lodging.

16 Please could you update us on the progress of the Jersey Public Services Ombudsperson legislation and the lodging timeline?

I approved law drafting instructions for legislation to establish the Ombudsperson and shared these with CSSP in October 2022. Since then, the Legislative Drafting Office has made excellent progress in developing a new Law. This is on course to be ready to be lodged in the Assembly in Q4 this year. A draft will be shared with CSSP for the Panel to consider and advise on the Law before it is lodged.

17 In respect of the Control of Housing and Work Law, can you provide a timeline of any planned further amendments and what these will accomplish?

The provision of secondary legislation will allow the amended Control of Housing and Work Law to be brought into effect. The amended law will provide greater clarity in respect of existing controls and improve the decision-making framework of the law. It will also provide a firm basis to build new or amended controls as they are needed in the future to deliver a responsive and adaptable population policy. For example, in the short term the new Law will allow for greater co-ordination between immigration and migration controls, reducing barriers to business.

The Law is on course to be lodged in the Assembly in Q4 2023.

18 In respect of the amendments to the States of Jersey Law 2005, it is written in your Legislative Programme that the proposed amendment would provide a power for the Chief Minister to be able to suspend ministers in certain circumstances. Under what circumstances will the Chief Minister be able to suspend ministers?

This work is still at the policy development stage, although the proposal at present is that the Chief Minister would be able to suspend a Minister or Assistant Minister, as a neutral act, until a police investigation (including any subsequent proceedings) has concluded or an allegation of misconduct under the States Members or Ministerial Code of Conduct has been investigated by the Commissioner for Standards. It is important to emphasise that this would be a discretionary power of the Chief Minister.

19 It is written in the Legislative Programme that the Amendments to the Employment of States of Jersey Employees (Jersey) Law 2005 would put in place effective statutory arrangements to set and monitor performance standards for the Chief Executive Officer.

- a. What performance standards are due to be put in place?**
- b. How are you working to ensure that the performance standards are fair and achievable?**
- c. What repercussions will the Chief Executive Officer face if performance standards are not met?**

The SEB held a workshop on 4 May to discuss which aspects of reform of the Employment of States of Jersey Employees (Jersey) Law 2005 should be prioritised first. It is likely that phase 1 will consider the statutory arrangements to recruit the Chief Executive Officer. These amendments are currently on course to be lodged in the Assembly in Q4 2023.

Legislative provisions to set and monitor performance standards for the CEO role are likely to be developed closely following the lodging of amendments to the recruitment process for the role. I will come back to the Panel with a timetable for this work and my outline proposals as soon as these are available.

Yours sincerely



Deputy Kristina Moore
Chief Minister