

STATES OF JERSEY



PROPOSED BUDGET (GOVERNMENT PLAN) 2025-2028 (P.51/2024) :FOURTH AMENDMENT (P.51/2024 AMD.(4)) – COMMENTS

**Presented to the States on 22nd November 2024
by the Council of Ministers**

STATES GREFFE

COMMENTS

In October 2024, the Chief Minister commissioned Deputy Scott to lead the next phase of the project to deliver a final stage complaints handling mechanism or combination of mechanisms. The project will identify, blend and, where considered in the Jersey public interest, improve upon the best elements of the States Complaints Panel and the concept of a Public Services Ombudsperson.

The terms of reference for the project have been provided to the Corporate Services Scrutiny Panel (“the Panel”) and are produced in the Annex. Work is underway to engage with stakeholders before developing proposals for the future of a Jersey Public Services Ombudsperson. This includes engagement with both the Complaints Panel and the Jersey Law Commission.

The Chief Minister has agreed that Deputy Scott will bring proposals forward by July 2025. Those proposals will then be considered by Council, and it is, therefore, anticipated that a proposition will be brought to the States Assembly in 2025.

As this project is already in progress and anticipated to conclude in accordance with the timetable prescribed by the Panel, the Council accepts this amendment.

Annex: Terms of Reference: Public Services Ombudsperson Project

1. Introduction

In March 2018, the States Assembly approved the proposition ‘Public Services Ombudsman: Establishment of Office ([P.32/2018](#)),’ agreeing in principle that a Public Services Ombudsman should be established. This followed recommendations made by the [2000 Clothier Review](#), the Jersey Law Commission 2017 [report](#) on Jersey’s administrative justice system, and the Independent Jersey Care Inquiry’s follow up [review](#) of 2019. This was also welcomed by the former Comptroller and Auditor General in her report, ‘[Governance – A Thinkpiece](#),’ published in December 2019.

Development of legislation to establish a Jersey Public Services Ombudsperson (‘JPSO’) first commenced in 2018. Successive governments have committed to continue the project. This included allocation of funding to establish the Ombudsperson in the 2021 Government Plan. The project has yet to be concluded.

Jersey has an existing complaints handling mechanism, the States of Jersey Complaints Panel, established under the [Administrative Decisions \(Review\) \(Jersey\) Law 1982](#), [which is](#) currently restricted to the hearing of complaints by those who are “aggrieved by any decision made, or any act done or omitted, relating to any matter of administration by any Minister or Department of the States or by any person acting on behalf of any such Minister or Department.” P.32/2018 contemplated replacement of the Panel with the JPSO.

To date, government work has focused on establishing a new complaints handling body in the form of a JPSO and, prior to 2024, steps had not been taken either to develop or expand the scope of the existing Complaints Panel or to consider how new complaints handling arrangements might work in conjunction with the Panel.

The Law Commission’s 2024 report ‘[Keeping the Complaints Panel or creating the Ombudsperson](#)’ highlighted matters for consideration by the government should it wish to continue with the Panel in any way. This is necessary to ensure that comprehensive research has been conducted – as demanded by the States decision in P.32/2018 – to ensure an Ombudsperson scheme may be implemented economically, effectively and efficiently.

2. Purpose

The Chief Minister has commissioned the Assistant Minister for Sustainable Economic Development, Deputy Moz Scott, to lead the next phase of the project to deliver a final stage complaints handling mechanism or combination of mechanisms.

3. Scope

The project will identify, blend and, where considered in the Jersey public interest, improve upon the best elements of the Complaints Panel and the concept of a Public Services Ombudsperson and must lead to the development of final proposals for a complaints handling system that:

- f) provides recourse for individuals with complaints against a range of public bodies and not only government departments;
- f) is accessible and user-friendly;
- f) provides a non-adversarial mechanism for complaints resolution and enables resolution of complaints informally where appropriate;
- f) promotes transparency while respecting the potential desire for privacy on the part of complainants;
- f) considers the use of existing infrastructure and expertise to keep operational costs low; and
- f) has a precise jurisdiction that does not impinge on the jurisdiction of the courts or recourse through existing bodies.

4. Timing

Final proposals will be presented to the Chief Minister by July 2025.

5. Governance

The Assistant Minister for Sustainable Economic Development will lead the project on behalf of the Chief Minister.

The strategic direction for the project is set out by the Chief Minister in these terms of reference. The Assistant Minister will develop proposals that satisfy the conditions set out in section 3, above.

These proposals will be presented to the Chief Minister for consideration, and then to the Council of Ministers and thereafter, to the Assembly for any necessary decisions including with reference to the decision taken in P32.2018.

The project will be supported by the Governance and Communities Policy Team in the Cabinet Office.

The project will work closely with key stakeholders, including the Complaints Panel and complaints handlers across public bodies. Other groups will be engaged to provide expertise, including the Jersey Law Commission, the Ombudsman Association, the Channel Islands Financial Ombudsman and public service ombud schemes in comparable jurisdictions.