

STATES OF JERSEY



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

JERSEY PUBLIC SERVICES OMBUDSPERSON

Lodged au Greffe on 7th November 2024
by the Corporate Services Scrutiny Panel
Earliest date for debate: 26th November 2024

STATES GREFFE

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

1 PAGE 4, PARAGRAPH (o) –

After the words “as set out in the Appendix of the accompanying Report” insert the words –

“,except that, on page 42 after the words “, for indicative purposes.” there should be inserted the following new paragraph –

“The establishment of a Public Services Ombudsperson, as approved in principle by the States Assembly in March 2018 [P.32/2018] and progressed by the preceding Government, remains under review by the Council of Ministers. The Complaints Panel is itself conducting a review of its own procedures and processes. In July 2024, the Jersey Law Commission published a report entitled “*Keeping the Complaints Panel or creating the Ombudsperson*”, which worked through the different choices about the basic design of Jersey’s independent complaints handling body with the aim of taking an informed decision as to whether to keep a reformed Complaints Panel or go forward with the Ombudsperson. Subsequent to that report, a consultation paper was published. The Council of Ministers will fully consider the consultation results published by the Jersey Law Commission and Complaints Panel respectively when considering the appropriate way forward. Detailed proposals will be brought forward in 2025 for States Assembly approval and also detailed in the successive Government Plan.”

CORPORATE SERVICES SCRUTINY PANEL

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

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

to receive the Government Plan 2025 – 2028 (entitled “Budget 2025-2028”) specified in Article 9(1) of the Public Finances (Jersey) Law 2019 (“the Law”) and specifically –

- (a) to approve the estimate of total States income to be paid into the Consolidated Fund in 2025 as set out in Appendix 2 – Summary Table 1 to the Report, which is inclusive of the proposed taxation and impôts duties changes outlined in the Government Plan, in line with Article 9(2)(a) of the Law.
- (b) to approve the proposed Changes to Approval for financing/borrowing for 2025, as shown in Appendix 2 – Summary Table 2 to the Report, which may be obtained by the Minister for Treasury and Resources, as and when required, in line with Article 9 (2)(c) of the Law, of up to those revised approval amounts.
- (c) to approve the transfers from one States fund to another for 2025 of up to and including the amounts set in Appendix 2 – Summary Table 3 in line with Article 9(2)(b) of the Law.

- (d) to approve a transfer from the Consolidated Fund to the Stabilisation Fund in 2025 of up to £25 million, subject to a decision of the Minister for Treasury and Resources based on the availability of funds in the Consolidated Fund as at 31st December 2024 in excess of the estimates provided in this plan, or from budgeted underspends identified before 31st December 2025.
- (e) to approve a transfer from the Consolidated Fund to the Agricultural Loans Fund in 2025 of up to £2 million, subject to a decision of the Minister for Treasury and Resources based on availability of funds in the Consolidated Fund as at 31st December 2024 in excess of estimates provided in this plan, or from budgeted underspends identified before 31st December 2025;
- (f) to approve each major project that is to be started or continued in 2025 and the total cost of each such project and any amendments to the proposed total cost of a major project under a previously approved Government Plan, in line with Article 9(2)(d), (e) and (f) of the Law and as set out in Appendix 2 – Summary Table 4 to the Report.
- (g) to approve the proposed amount to be appropriated from the Consolidated Fund for 2025, for each head of expenditure, being gross expenditure less estimated income (if any), in line with Articles 9(2)(g), 10(1) and 10(2) of the Law, and set out in Appendix 2 – Summary Tables 5(i) and (ii) of the Report.
- (h) to approve the estimated income, being estimated gross income less expenditure, that each States trading operation will pay into its trading fund in 2025 in line with Article 9(2)(h) of the Law and set out in Appendix 2 – Summary Table 6 to the Report.
- (i) to approve the proposed amount to be appropriated from each States trading operation’s trading fund for 2025 for each head of expenditure in line with Article 9(2)(i) of the Law and set out in Appendix 2 – Summary Table 7 to the Report.
- (j) to approve the estimated income and expenditure proposals for the Climate Emergency Fund for 2025 as set out in Appendix 2 – Summary Table 8 to the Report.
- (k) to approve an updated and consolidated policy of the Strategic Reserve Fund as follows:

“The Strategic Reserve Fund, established in accordance with the provisions of Article 4 of the Public Finances (Jersey) Law 2005, is a permanent reserve only to be used:

 - i. in exceptional circumstances to insulate the Island’s economy from severe structural decline such as the sudden collapse of a major Island industry or from major natural disaster.
 - ii. if necessary, for the purposes of providing funding (up to £100 million) for the Bank Depositors Compensation Scheme established under the Banking Business (Depositors Compensation) (Jersey) Regulations

- 2009, including to meet the States contribution to the Scheme and/or to meet any temporary cash flow funding requirements of the Scheme.
- iii. to support the development of future healthcare facilities and the borrowing costs for such work, in line with a financing strategy agreed by the Assembly;
 - iv. as a holding fund for any or all monies raised through external financing until required, and for any monies related to the repayment of debt raised through external financing used to offset the repayment of debt, as and when required; and
 - v. in accordance with Article 24 of the Public Finances (Jersey) Law 2019, where the Minister for Treasury and Resources is satisfied that there exists an immediate threat to the health or safety of any of the inhabitants of Jersey, to the stability of the economy in Jersey or to the environment, for which no other suitable funding is available.”
- (l) to approve the transfer to the Strategic Reserve of the amounts due as a result of the move from prior-year basis taxation after 31st December 2025, as and when these payments are received (estimated at £280 million).
- (m) in relation to the new Government Headquarters (office), to approve;
- i. the exercising of the option to acquire the new Government Headquarters (estimated at £91 million), by the Public of the Island, in line with the pre-agreed terms; and
 - ii. the acquisition of the new Government Headquarters as an investment of the Social Security (Reserve) Fund (including authorising the meeting of expenses incurred in connection with the acquisition); and
 - iii. the subsequent leasing of the new Government Headquarters by the Public of the Island from the Social Security (Reserve) Fund, with commercial terms to be agreed between the Minister for Infrastructure (on behalf of the Public) and Minister for Social Security and the Minister for Treasury and Resources (both on behalf of the Fund); and
- (n) in relation to the new Government Headquarters, to authorise H.M. Attorney General, the Greffier of the States, the Ministers for Infrastructure, Social Security and Treasury and Resources, and the Public of the Island, to enter into such arrangements, including financing, and pass any contracts as are necessary to put into effect paragraph (m).
- (o) to approve, in accordance with Article 9(1) of the Law, the Government Plan 2025-2028, as set out in the Appendix of the accompanying Report, except that, on page 42 after the words “, for indicative purposes.” there should be inserted the following paragraph –
- “The establishment of a Public Services Ombudsperson, as approved in principle by the States Assembly in March 2018 [P.32/2018] and progressed by the preceding Government, remains under review by the Council of Ministers. The Complaints Panel is itself conducting a review of its own procedures and processes. In July 2024, the Jersey Law Commission published a report entitled “*Keeping the Complaints Panel or creating the Ombudsperson*”, which worked

through the different choices about the basic design of Jersey's independent complaints handling body with the aim of taking an informed decision as to whether to keep a reformed Complaints Panel or go forward with the Ombudsperson. Subsequent to that report, a consultation paper was published. The Council of Ministers will fully consider the consultation results published by the Jersey Law Commission and Complaints Panel respectively when considering the appropriate way forward. Detailed proposals will be brought forward in 2025 for States Assembly approval and also detailed in the successive Government Plan."

REPORT

Purpose of the Amendment

The Corporate Services Panel (hereafter “the Panel”) Amendment to the Proposed Budget (Government Plan) 2025-2028 (hereafter “Budget 2025-2028”) seeks to include a narrative in the accompanying report to acknowledge the work continuing in relation to establishing a Jersey Public Services Ombudsperson (hereafter “a JPSO”).

In light of Government’s review underway to determine whether to establish a JPSO, this Amendment also ensures that the Council of Ministers, as part of its review, will fully consider the relevant stakeholder responses in respect of the current consultation of the Jersey Law Commission relating to its 2024 Report – [Keeping the Complaints Panel or Creating the Ombudsperson](#) - and the review being undertaken by the States of Jersey Complaints Panel (hereafter “the Complaints Panel”) in respect of its processes and procedures.

Despite a previous decision of the States Assembly to establish a JPSO, with funding having been allocated within preceding Government Plans for this workstream, recognition within the Budget 2025-2028 is completely absent. This Amendment therefore ensures that detailed proposals will be brought forward in 2025 for States Assembly approval and also detailed in the successive Government Plan.

Background and Context

The requirement for establishing a JPSO has been recognised through multiple pathways to date, including via the [Clothier Report](#) in 2000 and was further supported in 2017 by the [Independent Jersey Care Inquiry](#) and the [Jersey Law Commission](#). In March 2018, through [P.32/2018](#), it was proposed that Jersey’s existing complaints handling mechanism, the Complaints Panel, established under the [Administrative Decisions \(Review\) \(Jersey\) Law 1982](#), be replaced with a JPSO. The States Assembly voted in favour of the proposals in principle.

The preceding Government progressed this workstream and a commitment was made at that time to establish a JPSO as part of the 100 Days Action Plan commencing in 2022 [[R.139-2022](#)], which included a [Ministerial Decision](#) on 18th October 2022 to approve drafting instructions to request new legislation to establish a JPSO.

In August 2023, the previous Panel received an [update](#) on the progress of the workstream and was [agreeable](#) to establishing a JPSO in shadow form to ensure that necessary preparations to create the office of a JPSO, prior to the enactment of the legislation, could commence. A further [update](#) was received within the Delivery Plan Progress Report in December 2023, noting a delay in progressing the workstream. However, the intention was noted for the draft Law to be lodged for debate in the States Assembly in Quarter One 2024. An agreement by the States Employment Board not to establish a JPSO in shadow form in advance of the legislation being enacted as previously intended was also noted at that time.

Overview of the Current Status

The Panel has continued to stay abreast of the progress of this workstream during 2024 through correspondence and Quarterly Hearings with the Chief Minister.

In [correspondence](#) received from the Chief Minister on 22nd March 2024, when outlining his Ministerial and Legislative Priorities for 2024, it was confirmed that the Council of Ministers was considering how to proceed with the legislation for a JPSO. The Panel was advised that this included ways to improve existing complaints processes to ensure that all complaints are treated fairly and effectively, and that the outcome of decisions of the Complaints Panel are systematically upheld by all public authorities.

On 8th April, [correspondence](#) received from the Chief Minister confirmed that a JPSO remained under consideration. It was explained that the Council of Ministers would like to see the existing complaints process significantly enhanced, which was noted as a necessity. It was also highlighted that as a consequence, the rationale for public spending on a JPSO was likely to be less compelling. It was confirmed that, once the direction was determined by the Council of Ministers, the Panel and the States Assembly would be updated.

At a [Quarterly Hearing](#) with the Chief Minister on 7th June 2024, the Panel sought an update on this workstream and asked the following of the Chief Minister:

The Connétable of St. Mary:

... the Public Services Ombudsman. I understand that the previous Government was progressing this workstream for lodging this year. Can you please update us on your position in respect of continuing this work to establish the office, as previously agreed by the States Assembly?

The Chief Minister:

As I have said before, we were concerned about the cost. The previous Assembly earmarked £400,000 per annum to fund an ombudsperson, but we, upon further review, that is likely to be the very minimum required and if its remit was extended to Health, for example, then the budget would need to be far higher; well in excess of £1 million. Before we commit to that expenditure, we are engaging with the States Greffe and P.P.C. (Privileges and Procedures Committee) to see if we cannot enhance the complaints service, the State's Complaints Board, that we already have.¹

During the same hearing, discussion also took place regarding the previous review of the Complaints Panel, which found it to be ineffective and had resulted in the initial States Assembly decision to establish a JPSO. The Panel questioned the value of a further review by the Government, considering the extensive work undertaken to date and the outcomes already identified and agreed.

The Connétable of St. Mary:

... Considering the complaints panel, as it now is, has already been reviewed and was previously found to have been ineffective, which is what it was, which therefore resulted in the agreed decision by the States Assembly to establish an ombudsman for Jersey, how will any further review, I suppose, of the current complaints process result in a different conclusion? I say that against the background of not only the Law Commission, but the States Assembly came to

¹ [Transcript – QH with CM – Pg 20](#)

that decision and proposition, and it said that now that they had the Law Commission information, that was the information they were looking for, we have had comments from the Children's Commissioner, the Care Inquiry as to the need for it, has that not all been done to public satisfaction in conjunction with the public consultation? I have difficulty understanding the review you are now conducting can actually go beyond that.

The Chief Minister:

I accept that but what I do not think we have done in the past is a proper study as to how we can improve our current system. Work is underway to improve complaints handling. There are many areas of recognised good practice that we can introduce to the current system. We can introduce quality assurance and make sure quality assurance of complaints are in place across all departments.

Deputy J. Renouf:

With respect Chief Minister, it was looked into. The possibility of increasing the hours and beefing up the complaints panel was looked into when the ombudsperson was considered and was rejected. I think the Constable's question is valid. Why are you taking a different point of view?

The Chief Minister:

I think that's the prerogative of the new Government, is it not, in line with our renewed figure in addressing how we look at our expenditure, given the fact that it has grown exponentially in the last 3 to 4 years?²

A commitment was made by the Chief Minister that, should the Council of Ministers seek to change a States Assembly decision, the proposals would be brought back to the States Assembly.³

Once the Budget 2025-2028 was lodged, it became apparent to the Panel that no reference or allocation of funding was made within it for a JPSO.

As part of the Panel's review of the Budget 2025-2028, on 16th August 2024 the Panel [requested](#) a further update on the progress of a JPSO and on how it was detailed or allocated funding within the Budget 2025-2028. In a [response](#) received on 9th September 2024 from the Chief Minister, it was noted that work was underway to consider the best approach for improving complaints handling and that a project was now being led by the Assistant Minister for Sustainable Economic Development, Deputy Scott, with the view for this to be completed by early 2025, at which time the Panel would be updated.

At a [Quarterly Hearing](#) with the Chief Minister on 20th September 2024 the Panel sought a further update on the Government's review of a JPSO and its interaction with the Complaints Panel. Furthermore, noting that a previous agreement of the States Assembly was to establish a JPSO, the Panel questioned why the Budget 2025-2028 did not include any funding proposals or narrative in respect of the workstream. The Chief Minister again confirmed that the Assistant Minister for Sustainable Economic

² [Transcript – QH with CM – Pg 21 - 22](#)

³ [Transcript – QH with CM – Pg 22](#)

Development had been commissioned to undertake a project to develop proposals for a final-stage complaint handling mechanism. It was also noted that a working group was simultaneously reviewing the Complaints Panel's processes to consider how improvements could be made to the Complaints Panel.

The [Terms of Reference](#) for this review were published via a Ministerial Decision signed by the Chief Minister on 11th October 2024. The Panel notes that the Terms of Reference detail July 2025 for when the final proposals resulting from the review will be presented to the Chief Minister.⁴

The Panel heard that the Government's intention was to conclude its review and present its proposals to the States Assembly by the autumn of 2025, which conflicts with the previously suggested timeframe of early 2025.⁵

Conclusion

The Panel acknowledges the current reviews underway by the Government and Complaints Panel in respect of the JPSO workstream and handling of complaints. However, it is also cognisant of the extensive work that has been undertaken in relation to the establishment of a JPSO to date, and the significant and broad evidence base which has already been accumulated as a result.

Through its Amendment, the Panel wishes to bring this workstream to the forefront and make it visible within the Budget 2025-2028. By doing so, the Amendment ensures that the significant level of work already undertaken, and progress made in respect of the JPSO is not wasted. In addition to this, reflects within the Budget 2025-2028 the continuing work being undertaken in this area.

Furthermore, the Panel wishes to ensure that the Government's review must be fully informed by current consultation responses and outcomes including from the Jersey Law Commission and the Complaints Panel. This ensures that its decision-making reflects the complete evidence base, so that any proposals brought to the States Assembly for approval are well informed and appropriately aligned with the previous decisions of the States Assembly.

The Panel's Amendment aims to ensure that the proposals are finalised and brought to the States Assembly in 2025 and detailed in the successive Government Plan.

The Panel urges the Chief Minister and the States Assembly to support this Amendment.

Financial and staffing implications

The Panel is of the view that the Amendment would not incur additional financial and staffing implications. The Amendment aligns with previously set ambitions of the States Assembly and within the existing priorities of the Chief Minister to determine the appropriate way forward in respect either maintaining a reformed Complaints Panel or establishing a JPSO.

⁴ [Ministerial Decision – Chief Minister – 2024-779](#)

⁵ [Transcript – QH with CM – Pg 11](#)

Children’s Rights Impact Assessment

A Children’s Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.