



Royal Court of Jersey
Viscount's Department

Constable Karen Shenton-Stone
Vice-Chair
Public Accounts Committee
Scrutiny Office
Morier House
St Helier
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20 January 2022

Dear Ms Shenton-Stone,

PAC: COVID-19 Response Review

Thank you for your letter of 16 December 2021, asking me to respond to some questions from PAC regarding the Government's response to the Covid-19 pandemic. I apologise for the slight delay in the provision of my response.

My responses, on behalf of the Viscount's Department, which is a Non-Ministerial Department independent of Government, are set out below. Should you require any further information or clarification, please do let me know.

Questions on the Response to COVID-19

- 1. How did your responsibilities as the Principal Officer to/Head of your department change during the COVID-19 Pandemic? What new responsibilities did you take on and what responsibilities did you hand over to other officers?*

My responsibilities as Viscount did not change during the Pandemic – I continued as accountable officer and head of the Department and ultimately responsible for the functioning of the Department. I did not take on any new responsibilities as such but, among other things, assumed day to day responsibility as business continuity lead for the Department and ultimately took decisions regarding matters such as the return to the workplace, workplace safety and risk assessments.

The Deputy Viscount (as coroner) and others formed a multi-agency working group, the Jersey Excess Death Group, in order to deal with the emerging challenges of the management of deaths due to the COVID-19 emergency. The group first met on 11 March 2020. Initial membership of the group (chaired by Mark Harris, Deputy Viscount) was based on the Excess Death Group which was formed as part of the Island's Pandemic Flu exercise in November 2019 and from existing management of death groups. On 24 March 2020, the group became an operational group (chaired by Detective Chief Inspector Chris Beechey), within a command-and-control structure as a "Bronze" cell (the "EDBG") of the Island's Tactical Co-ordination Group ("Silver") (chaired by Fire Chief Paul Brown), who reported directly into the Island's

Strategic Co-ordination Group (“Gold”). For an outline of the roles of the various stakeholders, please see the Jersey Managing Excess Deaths Plan COVID-19, April 2020. (A copy can be provided if required).

a. How was this tracked?

Coroner functions: minutes were taken of the meetings of the EDBG.

Business continuity: this was tracked by the Central Business Continuity team who monitored attendance at the weekly BC meetings. Attendance at the weekly calls and provision of information, either by way of weekly status updates or ad hoc on request. Preparation and review of workplace safety plans and risk assessments.

b. What new responsibilities did your department take on and what responsibilities did you hand over to other departments? How were these tracked?

Overall, the Viscount’s Department did not take on any new responsibilities and none were handed over to other Departments. We continued to perform as many of our functions and services as were still required and we were able to perform throughout the period of the lockdown and other pandemic restrictions. Our services are, by their nature, varied and variable in any event, depending on the needs and orders of the Court.

Coroner: While the reporting and investigation of sudden, unexpected and unnatural deaths continued as usual during the COVID-19 emergency, other work of the coroner service shifted from the completion of Inquest hearings, to providing a service to authorise medical practitioners to issue Medical Certificates of Fact and Cause of Death (“MCFCD”).

Part of the work of the EDBG was the formation of a Community Deaths Cell (“CDC Team”) consisting of a dedicated team of seven General Medical Practitioners who attended all deaths in the community. Emergency legislative changes relating to the management of deaths in Jersey were designed around the possibility of a high volume of deaths in a short period of time. As such, various checks and balances in the management and certification of death were streamlined in order to speed up the process to registration of death. For example, the removal of the need for “Part 2” cremation certification and the ability of a medical practitioner to issue a MCFCD even though they had never met the patient in life.

Mindful of the removal of some of those checks and balances in the death certification process referred to above, in conjunction with the CDC Team, a process developed where all community deaths were discussed with the duty coroner and, if appropriate, were authorised accordingly. This service was provided by the Deputy Viscount and Relief Coroner Dr Martin Barrett on a 24 hour, 7 days a week basis, for most of 2020. This was a significant additional responsibility.

c. How did you work with other departments and key stakeholders to identify new areas of work to mitigate the impact of the pandemic?

Generally speaking, we did not adopt new areas of work but we focussed on continuing to provide our usual services so far as we were able and there was a demand for them. As an essential service, we were able to continue with some staff coming into the workplace; other staff were able to work effectively from home.

We worked with other members of the Criminal Justice Working Group to ensure that the impact of the pandemic did not adversely affect the Island's criminal justice system. In particular, we worked with colleagues in the Police and the Law Officers' Department, via that Group, to establish a procedure that could be adopted if the States Assembly decided to introduce a system of "spot fines" for individuals found to be repeatedly breaking pandemic restrictions, particularly during the lockdown period when our office and cash desk was closed (to ensure a means by which fines could be monitored and paid by cash if need be, to accommodate those in the cash economy). Otherwise, we relied on our existing phone arrangements for people to pay fines electronically or by cash, by visiting the office on an arranged basis.

We adapted to remote court hearings and worked with the team in the Magistrate's Court Greffe to ensure that our Court Officer was able to attend hearings of the Magistrate's Court remotely.

Working with the States of Jersey Police, the Honorary Police and Health and Community Services, coroner's Inquests and other court hearings usually dealt with by the Department were enabled wherever possible by increased use of video links using Starleaf and MS Teams as appropriate. There was also much better use of electronic documentation.

We worked closely with the teams in the Judicial Greffe and the Bailiff's Chambers to identify and configure an alternative venue than the Royal Court for the recommencement of criminal assize (jury) trials in January 2021, in a way which met the 2m social distancing requirement in place at that time.

The purpose of the EDBG was to ensure multi-agency collaboration to deal with the challenges of the management of deaths due to pandemic. The resounding feedback from members of the EDBG is that the existence and work of the group was a very positive experience. It should be remembered that the key stakeholders involved in the management of death in Jersey include not only those who work for Government departments, but also non-Government departments, private businesses and individuals holding independent, honorary or voluntary positions. The group worked tirelessly, proactively and collaboratively to provide the best service to Islanders and to support each other, often with limited resources. While the EDBG was a great success, thanks to all its contributors, on occasion the group had to operate in a vacuum, with limited links to the central COVID-19 Government response.

One of our biggest stakeholders is the legal profession and we were able to continue providing the services they required (e.g. service of process and the "desastre check" service, which was provided by team members who were working from home). We communicated with the profession via the newsletters issued by the Chief Executive of the Law Society.

As most of our key contacts in the legal profession were working remotely, we were able to liaise with them by phone/email/video platforms to continue our insolvency caseload with

little interruption. The Insolvency team were able to work very effectively remotely and our insolvency administration saw very little impact as a result of the pandemic.

Particularly with a view to mitigating the economic effect of the Pandemic, we worked closely with the team in the Department of the Economy/Financial Services Unit to issue guidance from the Viscount on Wrongful Trading, which was aimed at preventing premature or unnecessary applications for insolvency from Directors who were concerned about the risk of orders for wrongful trading. We also reviewed other guidance issued by the Unit aimed at commercial and residential lenders and landlords. Work continued with the Financial Services Unit on legislative developments that were in train prior to the pandemic.

2. *We know there has been a huge impact of COVID-19 response measures on departmental business as usual activities, including the secondment of staff to other departments to aid the response effort. Do you have a 'back-to-normal' recovery plan for your department?*

The Department effectively returned to normal working in or around October 2020. Since then, we have managed staff safety through a variety of means, including social distancing, a period of team A/team B split working in one area (end 2020/early 2021) and by members of another team regularly working from home on a rota basis.

Some of our team have continued to work in the office throughout as we had sufficient space to be able to do so safely. Much of our work cannot be performed remotely and team members normally work in the office, in court or on home visits. Those who can work from home, principally the Insolvency Team and the Delegates Team, have done so very effectively during the period of the pandemic but have also largely returned to the office. Home working continues to be available to those who can work from home effectively on a flexible basis, as agreed with their line managers.

Although some of the team were seconded to the Covid recovery effort in 2020 (see below) all had returned to full-time work in the Department by January 2021. Due to pressures of work in the Department since then, exacerbated by periods of non-Covid related sickness and staff vacancies, I have not been able to offer any of our team for redeployment since then.

As with other court hearings, there is a backlog of inquests to be heard and completed. This is due in part to a number of factors related to the pandemic. Some examples include the restricted availability of medical witnesses, diminished staff resources and lack of court room availability for larger inquests.

- a. *In respect of the secondment of Government staff to other departments to aid the response effort, how did you ensure disruptions to certain workstreams were prioritised in an objective and consistent way?*

Only a small number of our team were seconded (mostly for relatively short periods of time) so we retained enough staff to continue business as usual so far as we were able to provide our services and there was a demand for them in the circumstances of the pandemic. Overall, we were able to continue almost all of our services, the main exceptions being the collection

and enforcement of debt and fines by home visits, evictions and the administration and guardianship of juries, as jury trials ceased from March to December 2020.

b. What would you do differently next time?

We are in a better position now than we were in March 2020 as we have much better IT provision – all staff now have laptops and access to Teams and more work can now be done remotely. With that access to remote technology, we would be able to provide an increased level of service. Otherwise, we were able to operate effectively and I would largely repeat the practices we adopted in 2020/2021.

3. How have you monitored the effects of the COVID-19 Pandemic on departmental business as usual activities and the disruptions to it?

a. What tools were developed by your departments to monitor this?

We used existing mechanisms to monitor our BAU activities but for most, we were able to prioritise and continue (i) the provision of essential services and (ii) the services that remained in demand from our stakeholders and we could continue to perform notwithstanding the pandemic.

b. How do you minimise the impact on services and key deliveries?

There was a reduction in demand for some of our services in the early days of the Pandemic, so that facilitated the release of some staff for secondment. See paragraph c below for further detail.

As a consequence of staff being able to come into the office as essential workers and home working, however, we were able to continue many of our services, particularly in Insolvency, Delegate work, our Coroner service and some of our Enforcement services. With home working and the use of remote technologies becoming more commonplace among Government Departments and our stakeholders, such as law firms, the impact on our services and deliverables has been limited.

c. What decision making tools/approach did you use to decide on who should be seconded, and to where?

Some of our work “fell away” during lockdown (commencing March 2020), for example:

- there were no assize jury trials from March to December 2020;
- the Enforcement team could not conduct home visits;
- the Royal Court and Magistrate’s Court operated on a reduced/urgent basis; and
- eviction proceedings were prohibited.

In addition, because we did not have sufficient laptops to allow all staff to work from home, including those who were considered particularly vulnerable to Covid-19, we had a number of staff who were at home but could not work. We were, therefore, able to make these individuals available for redeployment.

We were asked by GoJ HR to complete spreadsheets showing staff who were available for redeployment. As a consequence of the information provided in the spreadsheets, we were approached by the Emergency Resourcing Team to release one of our team to work in Emergency Resourcing (ERT provided a laptop so that this individual could work from home); this arrangement continued from May 2020 until January 2021.

We also released two of our Enforcement Team to work with the central Covid Team for two months in the Summer of 2020.

A new team member, who was due to start work with us on 1 April 2020, was redeployed to the Chief Ministers Office for a short time on 1 April. She then moved to the Commercial Services team to fill a role involving procurement of PPE. She took up her full-time employment in the Department in July 2020.

On more than one occasion we offered a particular member of staff who was available for redeployment to fill a specific role, for which we knew there was a demand. The offer was never taken up, seemingly due to a breakdown in communications.

d. How did you compensate for staff seconded to other departments to aid the response effort?

As indicated above, some of our normal workload ceased during lockdown so we had some capacity to assist the response effort. The staff who were seconded were at home but unable to work for the Department for a variety of reasons, principally being lack of laptops. The remaining staff who were able to work from home or in the office were able to perform the services that we could continue to provide during the period of the pandemic restrictions.

4. Was any departmental authority changed during the Pandemic, including as a result of crisis management efforts, and if so, were they consistent with existing laws and regulations?

No, there was no change to departmental authority during the pandemic.

5. Who is responsible for monitoring the performance of services established in response to the COVID-19 Pandemic within your department?

Generally speaking, we were not required to establish any new service in response to the Pandemic. Our roles and responsibilities, which are exceptionally wide and varied, have continued largely as they were prior to the Pandemic and performance remains the ultimate responsibility of the Viscount.

On the Coroner work, the EDBG was self-monitoring.

a. What and how have you documented lessons learnt?

The Deputy Viscount has compiled a report with recommendations: "Excess Death (Bronze) Group, Jersey, Recovery phase - Learning from the COVID-19 emergency, March 2020 - July 2020". The recommendations formed the basis of the ongoing work of the group from July 2020 until it stood down in April 2021. Some of the work of the EDBG continues with the

existing Mass Fatalities Working Group, which is an element of Jersey Emergency Planning. There is also an ongoing initiative to bring about legislative changes relating to the general management of death in Jersey (based on the group's experiences during the pandemic), which is being led by Ben Sandeman in SPPP.

b. How do you intend to incorporate lessons learned from the performance of these services into the wider performance of your department?

Coroner: It is anticipated that performance and procedures will be beneficially affected by the anticipated and long overdue updating of the Inquests and Post-mortem Examinations (Jersey) Law 1995 and other 'management of death' related laws.

6. *How were self-assessment frameworks and Key Performance Indicators used to ensure that key services continued to operate?*

This is not really applicable. We were able to continue to provide certain services with relatively little disruption, while other duties ceased for a period or were not feasible to continue (e.g. home visits for Enforcement purposes). Existing mechanisms were used to monitor performance.

a. What worked well?

b. What would you do differently?

7. *What role did your communication with the Council of Ministers and the rest of the States of Jersey play in deciding on resource and staff reallocations? What level of consultation did you have with them?*

As a Department, we had no direct communication with the Council of Ministers other than through the communications that were issued generally to Government and Non-Ministerial Departments. I had regular communications with the Business Continuity Group in Government via weekly calls and by email with People and Corporate Services, from which I was aware of the need for secondment and redeployment and challenges elsewhere in Government.

a. What level of responsibility as the head of your department did you have on how staff should be reallocated and what resources could be taken from your departments and applied to the COVID-19 responses? How was this decision making formalised?

I had responsibility for release of staff in consultation with team leaders. Please see paragraph 3 above for further details.

8. *Can you update us on how your department has responded to the recommendations made by the C&AG on the response to the COVID-19 Pandemic? Have any recommendations been implemented?*

I have reviewed the C&AG reports but believe that the recommendations are not directly applicable in the Viscount's Department.

We were not required to incur any exceptional expenditure directly as a result of the pandemic.

All covid-related expenditure was met from within our BAU budgets.

a. Have any changes made to the operations or working practices?

No, although as we have a greater number of laptops and have access to Teams, more work is done using Teams and working from home remains an option on a flexible basis, as agreed with the individual's line manager and provided the effective performance of our functions continues. We are now much better-placed for home-working if that became a Government requirement than we were in March 2020.

9. What thought has been given to 'future proofing' services?

As set out in paragraph 8a above, the greater availability of laptops and access to technology means that more staff can work from other locations should that be required. Having laptops available also means that staff can work effectively when on site visits. We were already taking steps to move towards electronic payments for the collection of money from customers.

We are using and will continue to use remote technologies for the conduct of inquests and business meetings and, if necessary, for attendance at Court hearings.

10. How did you work with Commercial Services to understand your department's procurement needs during the pandemic?

We had no contact with Commercial Services during the Pandemic. Our principal procurement needs were IT and technology related and were discussed with our Business Enablement Manager from M&D. In the early days (Spring 2020) I was advised that it would be virtually impossible to source new laptops – Health and the pandemic response were being prioritised for any that were available. It was September 2020 before the laptops we had requested/ordered in February/March 2020 became available.

As MS Teams was rolled out, it became apparent that we needed headsets to use it effectively. We were advised by M&D to source these ourselves. Although they suggested models available on Amazon, those were, in the main, out of stock when we tried to buy them. Ultimately, we sourced them on-Island.

Similarly, from as early as February 2020 we were unable to source hand-sanitiser gels, wipes or face-coverings via Supply Jersey, where everything was "out of stock". After some effort, I was able to source very limited supplies via Facilities. The advice from the Business Continuity meetings was that we would have to source our own supplies as the needs of the Hospital and Health service were being prioritised. We subsequently bought face-coverings for the use of staff and juries from Amazon and sanitisers, wipes and cleaning materials in a local supermarket.

I believe that, in all cases where we sourced our own supplies locally or via Amazon, the costs were significantly less than the cost of purchasing via Supply Jersey.

11. *How have you measured, monitored, and reported on your performance, financial management (including value for money and cost benefit analyses) and impact on work programmes during the COVID-19 pandemic? What 3 things could be improved?*

As stated above, we did not incur significant extra expenditure as a consequence of the pandemic response and all costs were met within the Department's existing budgets. At the end of 2020 we were underspent by £1,456,403 (this included over-achieved income of £930,519 and a total underspend on costs of £525,884). Except as described above, we continued to provide our services to the fullest extent possible during the pandemic.

We have reported on financial management matters as normal with the assistance of our Finance Business Partner; any exceptional items were not pandemic-related.

12. *What would you do to improve how your department communicated with the rest of the States of Jersey and external stakeholders?*

Our communications with stakeholders were largely by way of established or newly-formed Groups or working teams/relationships and overall, this worked well.

Our existing relationships with other stakeholders in Government, such as Treasury and HR continued via our business partners. We have good relationships with other Government Departments and worked with them by email and Teams as required. Stakeholder communication with the legal profession was through the Law Society newsletters, which worked well.

In similar circumstances, we would use existing channels but perhaps issue more regular updates.

Yours sincerely



Viscount