

Education & Home Affairs Scrutiny Panel

PUBLIC MEETING

Record of Meeting

Date: 14th May 2007

Meeting with the Chief Minister

Present	Deputy F.J. Hill ,BEM, Chairman Deputy D.W. Mezbourian, Vice-Chairman Deputy S. Pitman Deputy J. Gallichan
Apologies	
Absent	
In attendance	Senator F.H. Walker, Chief Minister Mrs. J. Marshall, Strategic Planning Manager – Chief Minister’s Department Mr. W. Millow, Scrutiny Officer Mr. T. Oldham, Scrutiny Officer

Ref Back	Agenda matter	Action
	<p>The Panel met the Chief Minister at its scheduled Panel Meeting of 14th May 2007 [Item 2 of the Record of 14th May 2007]. The question plan, as prepared by the Panel, has been shown to indicate the structure of the meeting. The subsequent notes reflect the information as presented to the Panel on that date.</p> <p>QUESTION PLAN:</p> <p>1. <u>Scrutiny Function</u></p> <p>a) What does the Chief Minister expect of Scrutiny?</p> <p>b) Where is Scrutiny failing to meet his aspirations?</p> <p>c) Where is the Education and Home Affairs Panel failing to meet his expectations?</p> <p>d) How can the Panel improve?</p> <p>e) How could the Chief Minister help the Panel to get more co-operation from Ministers?</p> <p>2. <u>Update on the work of the Panel</u></p> <p>a) Has the Chief Minister read the Panel’s Westminster and Lambeth report? If so, does he have any comments?</p> <p>b) Does the Chief Minister have a view on how Ministers should respond to Scrutiny Reports and on how quickly such responses should be forthcoming?</p> <p>c) What is the Chief Minister’s view on the issue of access to Part B Agendas and legal advice.</p>	

3. 2008 Annual Business Plan

- a) Comment: The Panel was given a short time, following receipt of the relevant documentation, to consider its response
- b) Comment: Documentation forwarded to the Panel was not as informative as could have been hoped for: there was a lack of detail, particularly regarding previous costs.
- c) How can the system be improved?

NOTES:

1. The Role of Scrutiny

- a) The Chief Minister outlined a vision of how the Scrutiny function could work:
 - i) The Chairmen's Committee should liaise with the Scrutiny Panels in order to establish an annual work programme. This programme, based upon known, upcoming policies, would need to be flexible. However, its existence would allow for a greater understanding by all concerned (Panels, Ministers et al) and facilitate the Departments' anticipation of the upcoming needs of Panels regarding information.
 - ii) Once a Panel had decided upon its work programme and considered the questions it would wish to have answered, the Scrutiny Officers would liaise with the relevant Department(s) in order to gather information for the Panel. Use of this system would engender an easier flow of information and ensure that Departments had sufficient time to locate documentation.
 - iii) Whilst the Scrutiny process could be described as 'Member-led', this did not require Members to do everything. Scrutiny Officers would gather information requested by Panels and, potentially, present such information back to Panels (i.e. in briefing reports). In this way, the Scrutiny function would mirror the work undertaken of the Executive in which the work was 'Member-led' by the Council of Ministers and individual Ministers but where the expertise of Officers was used.
 - iv) Panels would work to the evidence available and restrict themselves to evidence-based opinion rather than forming their own opinions. As such, Panels would fulfil the role of 'critical friend.' This had not always occurred to date.
 - v) Scrutiny Reports would potentially disagree with the Minister's policy; agree with the broad scope of the policy and suggest minor amendments; or agree with the policy. In the latter cases, Panels should not be afraid to compliment as well as criticise.
- b) The Panel advised the Chief Minister that it had set an annual Work Programme for 2006 but that this programme had been hit by unforeseen circumstances.
- c) All Scrutiny Panels would receive a report from the Chief Minister on the involvement and use of Scrutiny Officers whilst individual Ministers would highlight this system at their meetings with Panels. The Machinery of Government Review Sub-Committee had also been advised by the Chief Minister on this matter.

- d) The Chief Minister believed two Panels had performed well thus far: the Corporate Services and Education and Home Affairs Scrutiny Panels.

2. Ministerial Response to Scrutiny Reports

- a) The Chief Minister advised that Ministers should respond to Scrutiny Reports in an informed and professional way, within a reasonable timescale. Ministers should not be afraid to change their minds on the basis of the recommendations made within Scrutiny Reports.
- b) The Minister for Planning and Environment's response to *The Planning Process* (SR2/2007) was seen to provide a good example of a Ministerial response although it had not addressed the recommendations made in the Scrutiny Report. It was agreed that it would be beneficial for responses to address both the findings and recommendations. The Ministerial response to *Overdale: The Closure of Leoville and McKinstry Wards* (SR1/2007) had not been forthcoming within three months of the report's presentation. The response to *The GP Out-of-Hours Co-Operative Service* (SR6/2007) would soon be due (based on the response-time of three months). It was noted that the Minister for Health and Social Services had recently been ill. It was noted that the response-time in other jurisdictions was shorter than three months. The Chief Minister considered a response-time of three months to be generous.
- c) The Chief Minister indicated his intention that it be standard practice for Ministers to respond to Scrutiny Reports. Discussions occurred at the Council of Ministers on this issue although the Chief Minister was not able to force Ministers to respond.

3. Access to Information

- a) If Ministers were reticent about forwarding documentation to Scrutiny Panels before the final draft, the Chief Minister would need to act although the Chief Minister did not have the power to force Ministers to act in a particular manner although he could endeavour to persuade Ministers.
- b) Part B agendas for meetings of the Council of Ministers were available to Scrutiny Panels. If a Panel identified a potential area of interest on such an agenda, it could make a request for the relevant background papers. Further permission would need to be sought from the relevant Minister if the Panel subsequently wished to forward the information to another Panel.
- c) Background papers would be provided to a Panel, on request, if the topic fell within that Panel's remit (regardless of whether the Panel had already chosen to undertake a Scrutiny Review of the topic). There would not be a problem in providing information to a Panel in such cases provided the request was reasonable and did not seek to have *all* paperwork (e.g. inclusive of e-mail correspondence) provided to the Panel.
- d) Panels could ask the Scrutiny Officers to look at Part B agendas and subsequently to request the relevant minutes. Individual States Members had the right to request to look at Part B minutes at the States Greffe.
- e) There was potentially an issue with the use of Part B minutes in Scrutiny Reports. Care had to be taken at meetings and Public Hearings that discussions did not lead to the release of confidential information at an inappropriate time. There had recently been breaches of confidence

although these had appeared to be legitimate mistakes and the situation had subsequently been resolved.

- f) The Chief Minister personally believed that legal advice given to Ministers should generally be shared with a Scrutiny Panel, if the Panel required it. However, this view was held by a minority of the Council of Ministers and was not shared by H.M. Attorney-General. One way to resolve this issue would be for a proposition to be debated by the States. This had not previously occurred as it had been hoped that an alternative solution could be found.

4. Annual Business Plan and Strategic Plan

- a) Scrutiny of the Business Plan and Strategic Plan should form an inherent part of each Panel's work programme, although it was for individual Panels to decide how in-depth its study of the Plans should be.
- b) The Chief Minister had complimented the Panel for its work in 2006 on the Strategic Plan. It was noted that, at the time, there had been some difficulties in establishing exactly how Scrutiny would review the Plan.
- c) In 2006, the Panel had been given approximately six weeks to scrutinise the Strategic Plan. However, the Council of Ministers had merely had twelve weeks to prepare the Plan: following the appointment of the Council of Ministers in December 2005, it had been necessary to lodge the Plan by 1st April 2006.
- d) Basic information relating to the 2008 Annual Business Plan had been available since November 2006. Panels could have advised the Scrutiny Officers at that time which information they would wish to consider. Although the information identified might not have been available at the time, liaison between the Officers and Departments would have led to a smooth flow of information. This would have allowed the Panel an understanding of how Departments would spend their money and therefore of the changes identified in spending patterns. These changes could subsequently form the Panel's focus in its work. One potential difficulty was that Panels had different ideas regarding the level of detail of the information which it would wish to receive.
- e) It was recognised that all areas of the States (i.e. Executive and Scrutiny) were placed under pressure with the new Business Planning process. The new Finance Law had separated the spending and budgeting plan processes. Departments were therefore required to prepare spending plans by the end of May rather than by the end of September (as had previously been the case). Departments were being encouraged to look further ahead in their planning: it was anticipated that this method of thinking would ultimately become the norm and thus the process would become easier for Departments to manage.

5. General Matters

- e) The Panel was advised that Mrs. J. Marshall, in addition to holding the position of Strategic Planning Manager, acted as the Departmental Scrutiny Liaison Officer.
- f) It was noted that *A Social Policy Framework for Jersey* fell within the remit of the Education and Home Affairs and Health, Social Security and Housing Scrutiny Panels.

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| <p>g) It was noted that it may have been beneficial to have appointed a Chief Officer when Scrutiny had been established.</p> <p>h) Concerns were expressed that meetings which had been held merely for the Council of Ministers had not been open to all States Members (e.g. the visit of Professor King).</p> |
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Signed

Date:

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Chairman
Education & Home Affairs Panel