

2021.10.05

13 Senator S.Y. Mézec of the Chief Minister regarding the prospect of a public inquiry into the Government's response to the Covid-19 pandemic (OQ.201/2021):

What plans, if any, does the Chief Minister have to initiate a public inquiry into the Government's response to the COVID pandemic, in order that an independent assessment is undertaken and recommendations produced on how Jersey's Government should prepare itself for any future crises?

Senator J.A.N. Le Fondré (The Chief Minister):

Can I refer the Senator to a response identified earlier in the Order Paper that I gave to the Connétable of St. Brelade? He asked a very similar question in Written Question 366/2021.

The Bailiff:

So effectively you are referring the Senator to that answer as providing the answer to this question?

Senator J.A.N. Le Fondré:

I believe so, Sir, yes.

Senator S.Y. Mézec:

Rather than me ask a supplementary, could he refer himself to it and outline what it is for the benefit of people listening?

Senator J.A.N. Le Fondré:

Yes, I have no problem with that but I would have thought the Senator would have been aware of the written question, given his interest on the subject. The response, which is obviously available online and circulated to Members previously or through the normal links, I will give the response: "The Chief Minister and the Minister for Health and Social Services are committed to regular and transparent States Members' briefings on COVID-19 matters. States Members' briefings are held on a regular basis and encompass both the decisions reached and the supporting evidence for those decisions. In addition, a range of Scrutiny Panels are briefed regularly but also carry out research on key topics which encompass public hearings and public reports." There is a bit more but bear in mind this is a written question and not designed for a 90-second response. "Provided the Island remains in a good position and comes through the winter period, we would of course arrange a debrief for States Members probably in March/April. However, at this time the Government of Jersey continues to treat COVID-19 as a pandemic emergency. It is therefore important, especially in a community of our limited size, that scarce resources of the Government are devoted largely to the ongoing threat posed by COVID-19, which is considerable." I think I can probably pause that there.

The Bailiff:

That was quite difficult to follow, Chief Minister. I appreciate you were reading it quickly. Do you have a supplementary arising out of that, Senator?

4.13.1 Senator S.Y. Mézec:

Yes, I am glad I did not refer myself to that question initially because it was complete gibberish. I would like to know from the Chief Minister whether he believes that a public inquiry exercise of some sort, as is being done in other jurisdictions and in other places in the British Isles, to find an independent and objective analysis of the Government's response to the COVID pandemic so that they can produce recommendations and know what we can do in future ... it is not a Scrutiny review,

it is not some sort of politically partisan attack, it is an objective public inquiry as other jurisdictions are doing. Does the Chief Minister believe that that process would be worthwhile for the Island of Jersey so we can make sure we are well-prepared in the future? Is that something he would be prepared to support?

Senator J.A.N. Le Fondré:

I do take issue with the complete gibberish. I actually said that I rather felt that in order to avoid duplication the Senator could have looked at the response that we had given to the Connétable of St. Brelade who, I think rightly, asked the question in written format and therefore it gives a bit of detail to that. The problem with all these calls for public inquiries at the present time is that we are still in a pandemic and therefore the point I was making, which is the bit I did read out, is that we do have scarce resources, we do not have the capacity to both run a response against the pandemic and review that response at the same time. If that means that at some future date there should be a public inquiry then I think that is a matter for discussion at that time. I would also make the point that I absolutely agree that there will be lessons to be learned going forward and, indeed, as we have evolved our response to the pandemic over the last year we have adapted our response. Indeed, even with the new hospital, which we will be debating later, there have been changes to take account of our experiences as a result of COVID. Do not underestimate the cost of running a COVID inquiry and particularly at what point in time it should be. If one is going to assess the economic impact, the overall health impact - for example what has been the impact of delay for cancer operations because of COVID - then that is going to be quite a long-term project. I do make the point that to talk about that now would have serious issues for our capacity to continue to deal with the pandemic in the way that we have been.

4.13.2 Deputy R.J. Ward:

Would the Chief Minister not agree that some form of inquiry - a short, sharp inquiry - is necessary? Particularly, for example, that later in this sitting we are going to be asked to extend, in P.83, emergency powers but we have no idea and no independent view of how successful they have been so far?

Senator J.A.N. Le Fondré:

I would argue that the measure of success has been, I would suggest, that the Island is in about as good a place as it possibly could be. The measures that the Deputy has referred to have been part of our armoury to allow us to combat the pandemic. What I am saying is that one needs to be exceptionally cautious before one commits to a public inquiry. For the sake of argument, given the potentially very wide range of inquiry that might take place, I would rather assume that legal representation might be required from any witnesses appearing in front of it, especially if they were not a politician for example, and everything that goes with that. On that basis, I would point out that that cost would be quite significant. We are not talking a few hundred thousand pounds and we are not talking quick and dirty. So if you are going to do a public inquiry you do it well but you have to pick your time as to when to do it and that, I think, is a matter for another day. Let us get out of the pandemic first, make sure we are clear of it before we put further demands on what has been a very, very good team but they are limited in number.

Deputy R.J. Ward:

No supplementary but perhaps I could suggest to the Minister that if he is suggesting that written questions are going to answer oral question they could be emailed to Members because they are not as accessible as they used to be.

4.13.3 Deputy I. Gardiner:

Can the Chief Minister advise if he looked at Scotland, Northern Ireland, England and other Commonwealth jurisdictions that are launching public inquiries? What is most important is that it is independent, it is not Scrutiny, it is not political and it is the health response, and the importance of this is related to the health response for future possible pandemics that come our way and our readiness for this?

Senator J.A.N. Le Fondré:

I really do apologise, and I understand why Senator Farnham is having a problem, from my angle the Deputy is breaking up quite a lot and I really could not hear the question. Could she possibly repeat it?

Deputy I. Gardiner:

Yes, would the Chief Minister advise if he looked at Scotland, Northern Ireland, England and other Commonwealth jurisdictions that are about to launch public inquiries? Would the Chief Minister advise if he has sought the difference between independent public inquiry and the Scrutiny review as it would be a health response and our readiness for future pandemics?

Senator J.A.N. Le Fondré:

I absolutely recognise the difference in scope between a public inquiry, which is covered under law and has quite wide-ranging legal powers, and a Scrutiny review. There are 2 points I am making is, number one - and I am plucking a figure out of the air, I have no idea if this is remotely accurate - we are potentially talking about spending £5 million, shall we say. It will be that sort of number. It will not be £500,000. Secondly, the fundamental point at this stage is around not actually putting too much pressure, in my view, on the team that has worked to such a level and to such an extent for the last 12 to 18 months, they can continue to handle the response to the pandemic but to then, while they are doing that response to the pandemic, talk about doing a public inquiry is a huge extra commitment and would put a significant strain, I think, on the response to the pandemic. To an extent, talks about public inquiries certainly this side of Christmas, for example, to me would be premature. Just as an aside, Deputy Ward made some remark about written questions; that is very much a matter for the P.P.C. (Privileges and Procedures Committee) and the Greffe.

4.13.4 Senator S.Y. Mézec:

The Chief Minister's answer is full of contradictions. If it is the case that the Government has done such a fantastic job at this so far then you expect that there would now be more resources free to dedicate to engaging with some sort of inquiry in a way that, of course, would have been impossible in March and April last year. The fact that the pandemic is over is, of course, a very good reason for having an inquiry to make sure that we exit it appropriately. What is it about our situation here in Jersey that is so different to those that Deputy Gardiner referenced that are looking to hold public inquiries sooner rather than later, in recognising that there is still more to do before the end of the pandemic and an independent and objective assessment can be helpful here? Why does he think that Jersey would not benefit from that sort of insight at this point? Would he, if he is not prepared to commit to that, be prepared to commit to holding an official public inquiry at the end of the pandemic?

Senator J.A.N. Le Fondré:

I am going to push back on the Senator. He said there are a lot of contradictions. He has just stated the pandemic is over. Unless he has access to information that I do not, I am not aware that the

World Health Organization have declared the pandemic to be finished. Then he says that the pandemic is not over. So which is it? I think his question is indicating a fundamental lack of understanding as to how we have been dealing with the pandemic and how much resource has been tied within the existing organisation to handle the pandemic and handle our response to it. The point I have said all the way through is not about not having a public inquiry, it is about saying: "Be very careful and just be very clear what one is asking for, what the timing is and what the cost is likely to be."

[12:15]

We do do learning as we are going through. An independent review, I have absolutely no problem with but be aware, firstly, of cost and, secondly, of capacity while we are still in a pandemic. To suggest we are not still in a pandemic is dangerous.

The Bailiff:

I think the question was twofold. There was why you would not wish that investigation but, if so, would you think now that there should be a smaller inquiry into those things that can help us going forward. I think you answered the first question from your perspective, Chief Minister, but I am not sure you answered the second.

Senator J.A.N. Le Fondré:

The second point I think still relates to capacity. It is making the point that oddly enough the U.K. has a population of 60 million people and a civil service to match that size of service. Although I said we have a good civil service, the pandemic has put capacity issues on normal activity; we accept that. We have lost months and months and months on a whole range of areas. The Deputy himself has challenged us on things like housing responses. Well, if he wishes further delays to take place on those type of responses and that policy development, then, yes, let us go for a full independent public inquiry and we start it before Christmas. Frankly, I would not be supporting that because it would put significant strain on capacity within the organisation. Now, when we come out of the pandemic, whenever that is, that is a different story and I think that will be a matter for Members to consider at that time. Let us get through this winter first. Let us make sure we are clear of the pandemic and that our response continues to remain robust. That is my focus.