

STATES OF JERSEY



POLICY DEVELOPMENT BOARDS

Lodged au Greffe on 6th December 2019
by Deputy I. Gardiner of St. Helier

STATES GREFFE

PROPOSITION

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

- (a) request the Chief Minister to take the steps necessary to ensure that information concerning all current and future policy development boards is published online in a transparent and timely manner, including terms of reference, consultation documents, membership, anticipated duration, the budget allocated to the board to complete its work and any interim or final reports;
- (b) that there should be a process of consultation with the appropriate scrutiny or review panel on the proposed terms of reference and membership of a policy development board, duration and allocated budget; and no ministerial decision to appoint a policy development board should be signed until at least one month has elapsed since the relevant panel was first consulted on the proposed terms of reference and membership; and
- (c) to request the Privileges and Procedures Committees to bring forward amendments to Standing Orders to permit States Members to ask written and oral questions of the chairs of policy development boards and to permit chairs of policy development boards to make official statements to the Assembly.

DEPUTY I. GARDINER OF ST. HELIER

REPORT

The Chief Minister has set up policy review boards to consider matters of major public interest or concern and support States Members in being more involved in the policy development process.

On 20th July 2019 the Chief Minister stated –

“When I stood as Chief Minister, I made it clear that my intention was to listen to colleagues, partners and stakeholders before rushing into major policy proposals.

I said I would offer integrity, inclusiveness and teamwork, and the Policy Development Boards (Boards) I am establishing are part of my commitment to enable more States Members to contribute to the important decisions facing us in the coming years. I stand by this approach and believe we cannot continue with the practices of the past.”

The Boards are advisory, supporting Ministers in making decisions in their areas of responsibility as stated in published terms of reference, “[Policy Development Boards – terms of reference](#)”.

Policy Development Boards should bring together all stakeholders and include specialist advice to ensure that the right policies are developed and implemented for Jersey.

Paragraph (a) of this proposition:

Paragraph (a) would standardise the information available online about each Policy Development Board

I have looked through the available information online about Policy Development Boards and found that information is not updated in a timely manner and also varies between the Boards in terms of what is published and what is not.

Example 1

The answer to written question [WQ.522/2019](#) from Deputy K.G. Pamplin of St. Saviour from 25th November 2019, states that there are currently 7 Policy Development Boards.

The information which was given in the answer was about 6 Boards (I assume that the 7 was the Future Hospital Policy Development Board, which has finished its work).

The section of the [gov.je](#) website which includes information about [Policy Development Boards](#) did not, as per 4th December 2019, refer to the following Boards which are in existence –

- Island Identity and International Profile Policy Development Board
- Sports Facilities Strategy Policy Development Board

According to the answer to oral question 189/2019 ([OQ189/2019](#)) from Connétable of St. Martin, the information on [gov.je](#) should be reconciled and published by now and it should include all new Boards.

Example 2

All Policy Development Boards have published –

- Membership
- Minutes
- Terms of reference
- Additional information such as presentations and similar.

At the same time there is no consistency in publication of –

- Reports
- Anticipated duration and programme of progress
- Budgets and choice of consultants.

I would like to bring Members' attention to the Recommendation (ii) 2 in final report, [R.105/2013 "Machinery of Government Review Sub-Committee: Final Report"](#) presented to the States on 9th September 2013 by the Privileges and Procedures Committee –

“A decision of an individual Minister to form an advisory or oversight group to assist with the development or revision of policy within his or her remit should –

- (a) be recorded by way of a formal and public Ministerial Decision; and
- (b) that Ministerial Decision should record at least the outline terms of reference, the membership and anticipated duration of each group and, where relevant, the budget allocated to the group to complete its work”.

Paragraph (a) envisages that we will have standard information about current and future policy development boards published and kept updated for all who may be interested.

Paragraph (b) of this proposition:

Paragraph (b) asks Ministers to hold a consultation with the relevant Scrutiny and Review Panel to deal with concerns which have been raised by different parties since the first Policy Development Board was created.

As stated in paragraph 10 of the [“Policy Development Boards – terms of reference”](#) for –

“This proposed operating model will be reviewed and refined as appropriate at 6 monthly periods as the process develops and evolves.”

We are now more than a year since the first policy development board was created and we have enough understanding of where the collaboration between them and the States can be improved.

- Concern 1: Potential conflict of interest for Members between their Scrutiny roles and the work of their Panel.

During PAC meetings we have discussed at length potential conflicts for members, which could be avoided if the membership was discussed with Scrutiny prior to establishing the board.

This point has been raised from the start in the letter from the President of Chairman's Committee to the Chief Minister on [16th July 2018](#).

- Concern 2: Funding for the Boards

In the summer of 2018, it was stated that there were no additional resource implications arising from ministerial decisions establishing Policy Development Board.

We know now that this is not credible, and funding is required for boards.

Budget allocation answers to written questions [WQ.374/2019](#) from Deputy S.M. Ahier of St. Helier and [WQ.522/2019](#) from Deputy K.G. Pamplin of St. Saviour state this clearly: "None of the Policy Development Boards were allocated funding at the time of their inception, however the Housing, Early Years and Island Identity Policy Development Boards have since applied successfully for funding for specific projects."

Written question [WQ206/2019](#) from Deputy K.F. Morel of St. Lawrence raising a question regarding the contract with Altair, in respect of support for the Housing Policy Development Board, shows that the sum of £97,850 was approved for this purpose by a senior officer under Financial Directions and did not require a tender process.

However, we need to understand why this contract didn't go out for tender as required per financial directions for any contracts between £25,001 and £100,000. See [Financial Directions No 5.1 paragraph 2.1.4. Table \(1\)](#).

There might be valid reasons why this company is the best option.

At the same time, it's important for good governance for this type of process to be subject to some oversight.

- Concern 3: Membership and Terms of Reference

Currently the situation is that States Members will know about the establishment of Policy Development Boards and their membership after the decision has been made.

If we really are working towards inclusivity, diversity and teamwork, the discussion should be public and open to allow wider views and candidates to be considered.

Key finding 7, from the "[Future Hospital Report](#)" by the Future Hospital Review Panel presented on 8th February 2019, states –

We are very concerned that a significant proportion of the membership of the Policy Development Board was biased from the outset, against the current proposals to locate the future hospital on the current site.

Also, I think it will be very helpful to all sides to have a conversation and be challenged about Terms of Reference and have clarity between Scrutiny and Policy Development Boards roles –

***Key finding 8:** The original aim of Policy Development Boards was to support policy development. The Board looking at the hospital choose to review the evidential basis of past decision making. We believe that this backwards looking work is something that is better suited to Scrutiny. Having this work undertaken by Scrutiny would be less confusing for the public. This served to blur the lines between the Executive and Scrutiny. We are disappointed that the Chief Minister has not made more effort to address our concerns.*

***Recommendation 2:** The Chief Minister and the President of the Chairmen's Committee should come to an agreed understanding about the relationship between Policy Development Boards and Scrutiny. The understanding should ensure that Policy Development Boards do not compromise the work of Scrutiny.*

***Key finding 9:** We are troubled that there appear to be two competing accounts of how the Policy Development Board viewed its task.*

***Key finding 10:** We have serious concerns about the quality and robustness of the Policy Development Board's governance arrangements. We are not satisfied that the governance processes and procedures were good enough for a Government-led group of politicians.*

Following all concerns mentioned above, the way forward is to have an initial conversation and clarity prior to Policy Development Boards being established.

Paragraph (c) of this proposition:

At this stage, we are not able to question Chairs of Policy Development Boards and hold them to account, not in the States Assembly and not at Scrutiny level.

The Greffier has confirmed to me that attempts have been made to submit questions to chairs of policy development boards but this is not permitted under current Standing Orders, because being chair of a policy development board is not an 'official position' in the Assembly. I believe this should change in order to improve transparency and accountability.

Financial and manpower implications

There are no additional financial and manpower implications arising from this proposition. The proposition reflects ideas which have already been agreed; it will just ensure they are applied consistently. Whilst changes to Standing Orders can be accommodated within existing resources.