
STATES OF JERSEY



CRITICAL INFRASTRUCTURE RESILIENCE - ENERGY (R.89/2024): EXECUTIVE RESPONSE

Presented to the States on 15th October 2024
by the Public Accounts Committee

STATES GREFFE

FOREWORD

In accordance with paragraphs 69-71 of the [Code of Practice](#) for engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’, the Public Accounts Committee (PAC) presents the Executive Response to the Comptroller and Auditor General’s (C&AG) Report entitled: Use of Consultants – Follow up (R.89/2024, presented to the States Assembly on 3rd June 2024).

Deputy I. Gardiner

Chair, Public Accounts Committee

COMMENTS

The PAC has reviewed the response provided by Government to the C&AG report and has the following comments to make in relation to it. Overall, the PAC was satisfied with the response and notes that there are a number of commitments made to addressing the recommendations of the C&AG. It has, however, noted the following points that it wishes to raise at this stage.

Timetable for implementation

The PAC notes that the timetable for implementation of some of the recommendations is dependent on the introduction of a new ‘Resilience Law’ which is planned to be delivered by the end of 2026. Noting that the recommendations address issues which can be seen to be an immediate risk to the Island, the PAC would question if this timescale is as intrinsically linked to the proposed law as stated within the response. The PAC would expect to see further information about the risks associated with the prioritisation of these recommendations and it would also question whether further support is required in order to address these recommendations more immediately.

Furthermore, the PAC would like to better understand the overall timescale for the implementation of the new ‘Resilience Law’ and will be requesting details of the legislative timetable to better understand timelines.

Recommendation 4

Recommendation	Is the Rec. Agreed	Response
R4 Undertake a review to ensure that Business Continuity Plans for all Government assets demonstrate good practice, including in consideration of energy infrastructure resilience.	No	Whilst there is no plan to undertake a central review of business continuity documents. A business continuity policy and strategy has been approved by the Executive Leadership Team (ELT) setting out responsibilities for business continuity planning. Revisions are being made to the Accountable Officer Governance Assurance

		Statement to reflect the new policy. Workshops are available (subject to capacity) to support departments in their drafting. In a newly introduced process, Business Continuity Plans are subject to peer review prior to finalisation. ELT will be provided with regular updates.
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The PAC notes that this recommendation has been rejected within the executive response. It is noted within the response that the rationale for rejecting this recommendation is that it is linked to business continuity planning, with regular updates being provided to the Executive Leadership Team (ELT). The PAC would like to see further evidence of who holds responsibility for ensuring this is taken forward to ELT on a regular basis and also ensuring it does not fall off the agenda. It would appear to the PAC that the Head of Risk should be taking a lead within this area, however, further clarity is required by the PAC as to where ownership of this rests. The PAC will also be requesting a copy of the business continuity policy and strategy.

Recommendation 5

<p>R5 Undertake a thorough and urgent review of the emergency planning arrangements for the La Collette site including contributions from all stakeholders and using expert input.</p>	<p>Yes</p>	<p>It is agreed that, subject to prioritisation, a working group should be established through the JRF led by I&E to undertake the following:</p> <ul style="list-style-type: none"> • ‘offsite plan’ for emergencies at La Colette. Subject to resources, this will be reviewed and refreshed and it is the intention of the Emergency Planning function to validate the plan through practical exercises, • ‘onsite plan’. Subject to capacity and involving a range of partners including the hazardous site operators this will be developed, • outstanding recommendations from the Government commissioned Marsh review; this will be taken forward; <p>in order to better enable site emergency planning development and review.</p>
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The PAC notes that the target date for implementation of this recommendation is the end of 2025. Whilst this is noted, and the recommendation has been accepted, it would

question whether the timescale provided is in line with the C&AG’s recommendation which asks for an urgent review of the emergency planning arrangements at La Collette. The PAC will be seeking further assurances over the proposed timescale and any mitigations that will be put in place in the interim period prior to the review being completed. It would also seek to understand the definition of ‘urgent’ that is being worked to in response to this recommendation.

Recommendation 7

Recommendation	Is the Rec. Agreed	Response
<p>R7 Ensure that energy infrastructure owners have high quality, proportionate and tested emergency planning and business continuity management arrangements in place that assure:</p> <ul style="list-style-type: none"> • robust risk management of critical infrastructure resilience such that domestic and business customers can expect safe, reliable supplies; and • energy suppliers contribute positively to Islanders’ sustainable wellbeing. 	<p>Partially</p>	<p>Whilst agreeing with the recommendation, at present there is no statutory or other mandated requirement to ensure that companies have high quality and tested emergency planning and business continuity arrangements in place, although it is understood that JRF attendees do and best practice is shared as part of R3 above. New resilience legislation will, if adopted, mandate this requirement in the future. Ahead of the introduction of mandatory provisions voluntary compliance with the spirit of the recommendation will be sought from infrastructure owners.</p>

The PAC notes that this recommendation has been partially accepted. The rationale given for this is that there is currently no statutory or mandated requirement to ensure that companies have high quality and tested emergency planning and business continuity arrangements in place. This is linked to the previously mentioned ‘Resilience Law’ that is planned to provide updates to address this matter. The PAC understands the rationale for the partial acceptance at this stage, however, it would again reiterate its comments about the timescale for implementation of the legislation.

Conclusion

Overall, the PAC is satisfied with the response provided, however, it will be requesting further information in relation to:

- The legislative timetable for the new ‘Resilience Law’ and how risks are due to be mitigated prior to the introduction of this legislation.
- Clarity of ownership for reporting risks to the ELT as part of the business continuity planning policy and strategy.

The PAC would like to thank officials for providing this response given the substantial resource implications of the Mont Pinel major incident earlier in the year. It shall be

writing to officials in due course in order to request the information highlighted above.

Chief Executive and Chief Officer, Infrastructure and Environment Executive Response to C&AG Report: Critical Infrastructure Resilience – Energy – Response due by 31st July 2024

Summary of response:

This wide-ranging and detailed report is welcomed; we agree with the Comptroller and Auditor General (CAG) that *“[i]t is important for Jersey to have in place an effective resilience framework supported by effective resilience plans and procedures across the States, asset owners and operators”*.

We also agree that, as the CAG notes *“[e]nsuring the security and resilience of Jersey’s critical infrastructure is a responsibility shared by the States, infrastructure owners and operators. Each have different responsibilities for critical infrastructure depending on the system and/or the nature of the threats to be mitigated. Responses to a threat can involve the asset owner and operator, the technical and operational lead for Government and emergency services or law enforcement. Co-ordination among entities is therefore required to prepare, rehearse and respond to critical infrastructure threats”*.

This is reflected in the co-ordination that has been required between various Ministers and Departments in drawing together this response. Specifically:

- Chief Minister who is Chair of the Emergencies Council and responsible for coordination of emergency planning, supported by officials from Justice & Home Affairs (JHA) and the Cabinet Office.
- Minister for Justice and Home Affairs who is responsible for the emergency services, supported by officials from JHA, including Jersey Fire and Rescue Service (JFRS) who are responsible for emergency planning through the Emergency Planning Officer (EPO).
- Minister for the Environment who is responsible for energy policy, supported by officials from Infrastructure & Environment (I&E) and the Housing, Environment & Place-making (HEP) directorate of the Cabinet Office.
- Minister for Infrastructure who is responsible for the government’s property portfolio, supported by officials from I&E, including Jersey Property Holdings (JPH).

Recommendations

It should be noted that although some recommendations are being addressed in the short term, there are others which will require sustained effort and prioritisation by ministers over the coming years. Many of the actions are dependent on the development and realisation of a new resilience law, including its passage through the States Assembly. The target dates are based on each responsible officer’s best understanding of workload commitments, however, the nature of resilience work means that non-critical tasks may be deprioritised and resources reallocated to support arising emergency responses. There are interdependencies between tasks and many tasks are led by small teams meaning that on-time delivery will remain at risk during these coming years.

Work Planned that should be prioritised

In line with the proposed areas of work planned, we will:

- **P1** Continue to progress work towards an Infrastructure Roadmap, as proposed by the Bridging Island Plan, to better inform short and long-term strategic policymaking and help to understand the costs and consequences for the environment, economy and wider society of key future infrastructure choices.
- **P2** Complete a full, stakeholder-wide review of the Community Risk Register (CRR) by the end of 2024. The previous version of the CRR (V3.8) has now been superseded by a new version and re-named the Jersey Emergency Risk Register (JERR). This is maintained within the Enterprise Risk Management tool (ERM). The JERR is owned by the Emergencies Council and is managed on behalf of the Jersey Resilience Forum (JRF) by the Emergency Planning function. The JERR is progressing and is benefitting from active engagement from a wide range of partners and stakeholders. It is at the point where a full suite of acute risks has been anticipated and assessed both against local intelligence and insight and against those more strategic risks and threats encountered in the NSRA UK. The next stage is to review and complete the proactive and reactive risk controls (i.e. management arrangements and prevention measures through to business continuity and emergency planning).
- **P3** Complete consideration of the business case for additional longer-term resources to ensure sufficient capacity to manage the Emergency Planning function in future. Three Assistant EPOs have been appointed on fixed term contracts until the end of 2025. A further business case will be produced for their retention on a longer-term basis, which will then need to be considered by ministers against other priorities.
- **P4** Re-visit consultation on the Resilience Standards to ensure that all stakeholders have had an opportunity to comment, and feedback to stakeholders on how their ideas have been responded to.

Areas for consideration

In respect of the areas for consideration, we will also:

- **A1** Review the membership of the JRF Executive and the JRF Delivery Group to ensure that oversight arrangements can be effective. The membership of the JRF is kept under constant review and will, in future, be an agenda item for discussion, at least annually, by the JRF Executive. The next review will take into account this review and strategic and thematic responses to the 211 recommendations arising from the major incidents since late 2022.
- **A2** Consider the introduction of an energy resilience workstream as part of the work of the JRF Delivery Group. A proposal will be submitted to the JRF Delivery Group during 2024.

Prioritised improvement plan to address recommendations:

No.	Recommendation	Target date	Responsible Officer
R1	Review actions arising from the Crisis Resilience Improvement Plan (CRIP) in 2023 to ensure they are progressing as required.	30/09/2024	Chief Officer JHA
R2	Prepare 'whole system' action plans with clear responsibilities and timelines to deliver the improvements identified in all recent critical incident de-brief reports.	31/12/2024	Chief Officer JHA
R3	Engage with all external partners to reinvigorate the JRF, improve communication and encourage attendance at future meetings.	31/12/2024	Emergency Planning Officer
R4	Undertake a review to ensure that Business Continuity Plans for all Government assets demonstrate good practice, including in consideration of energy infrastructure resilience.	N/A	
R5	Undertake a thorough and urgent review of the emergency planning arrangements for the La Collette site including contributions from all stakeholders and using expert input.	31/12/2025	Emergency Planning Officer
R6	Introduce formal procedures to ensure that an updated La Collette emergency response plan is subject to ongoing monitoring, testing and review with all partners.	31/12/2025	Chief Fire Officer / Emergency Planning Officer
R7	Ensure that energy infrastructure owners have high quality, proportionate and tested emergency planning and business continuity management arrangements in place that assure: robust risk management of critical infrastructure resilience such that domestic and business customers can expect safe, reliable supplies; and energy suppliers contribute positively to Islanders' sustainable wellbeing.	31/12/2026	Emergency Planning Officer
R8	Join up energy related workstreams across Government and the JRF to ensure that key individuals and groups have a common and complete picture, including of resilience issues, risks and opportunities.	31/12/2024	Assistant Director, Energy and Sustainability
R9	Ensure that the Corporate Risk Register adequately records the risks in the area of energy provision and resilience.	31/12/2024	Assistant Director, Energy and Sustainability
R10	In line with the development of a new resilience law, update laws governing energy provision so that they are aligned, fit for purpose and drive high standards of resilience.	31/12/2026	Assistant Director, Energy and Sustainability
R11	Ensure that the Resilience Standards and the updated Community Risk Register address the weaknesses identified, so that all energy infrastructure owners and users are compliant with the need to: <ul style="list-style-type: none"> • set out and communicate the testing regimes that underpin infrastructure resilience. • report the outcomes of the testing and any subsequent improvement plans through the JRF, to inform the Corporate Risk Register; and • establish and communicate high quality business continuity management arrangements, including all elements of a recognised good practice approach. 	31/12/2024	Emergency Planning Officer
R12	Ensure that data requirements and data sharing protocols, including those needed to comply with the Resilience Standards and support the Community Risk Register, are in place in a risk-based way which seeks to anticipate the needs of critical incident responses.	30/06/2025	Head of Information and Data Security

Risk Assessment and decision rationale

Recommendations	Is the Rec. agreed?	Response
<p>R1 Review actions arising from the CRIP in 2023 to ensure they are progressing as required.</p>	Yes	<p>The CRIP is a recommendation from the Independent Covid Review and focuses on 17 wide ranging recommendations. Some recommendations are complete. It is intended that an update on the CRIP will be issued before the end of September 2024. This will be the last update issued, as it is intended that the remaining actions outstanding will be taken forward by the responsible area and completion will be tracked by the relevant Department.</p>
<p>R2 Prepare 'whole system' action plans with clear responsibilities and timelines to deliver the improvements identified in all recent critical incident de-brief reports.</p>	Yes	<p>There are 211 recommendations arising from the most recent debriefs of major incidents since late 2022. These recommendations are being developed thematically to assist in streamlining activity while achieving the right effect.</p> <p>The oversight and completion of the themed recommendations will be remitted to the Training, Exercising and Learning working-group of the JRF Delivery Group (JRFDG TE&L). The JRFDG TE&L will seek to engage, monitor and support specific workstreams and activities among partners to deliver the recommendations.</p> <p>This approach will be amended or augmented by additional multi-agency response plans that are either generic, risk specific or site specific in order to make the approach 'whole system'.</p>
<p>R3 Engage with all external partners to reinvigorate the Jersey Resilience Forum (JRF), improve communication and mandate attendance at future meetings.</p>	Yes	<p>The JRF has two components, an Executive and a Delivery Group. This is supported by a number working groups. The JRF meet three times a year and is managed by the Emergency Planning function. Formal papers and agenda are sent out prior to each meeting. Two-way communication flow between partners and the Emergency Planning function, whilst based on goodwill, is actively encouraged and developed by the Emergency Planning function, supported by senior leaders. The planned appointment of 3 additional Assistant EPOs (for 18 months) provides an opportunity for further development of relationships with resilience partners and improved communication (link to P3).</p> <p>Further progress is subject to new legislation. The new law will not mandate attendance at the JRF but will mandate parties to cooperate and provide information for risk assessment and response arrangements, which should be most effectively achieved through the JRF structure. The new resilience law is currently in development.</p>
<p>R4 Undertake a review to ensure that Business Continuity Plans for all Government assets demonstrate good practice, including in consideration of energy infrastructure resilience.</p>	No	<p>Whilst there is no plan to undertake a central review of business continuity documents. A business continuity policy and strategy has been approved by the Executive Leadership Team (ELT) setting out responsibilities for business continuity planning. Revisions are being made to the Accountable Officer Governance Assurance Statement to reflect the new policy. Workshops are available (subject to capacity) to support departments in their drafting. In a newly introduced</p>

		process, Business Continuity Plans are subject to peer review prior to finalisation. ELT will be provided with regular updates.
R5 Undertake a thorough and urgent review of the emergency planning arrangements for the La Collette site including contributions from all stakeholders and using expert input.	Yes	<p>It is agreed that, subject to prioritisation, a working group should be established through the JRF led by I&E to undertake the following:</p> <ul style="list-style-type: none"> • 'offsite plan' for emergencies at La Colette. Subject to resources, this will be reviewed and refreshed and it is the intention of the Emergency Planning function to validate the plan through practical exercises, • 'onsite plan'. Subject to capacity and involving a range of partners including the hazardous site operators this will be developed, • outstanding recommendations from the Government commissioned Marsh review; this will be taken forward; <p>in order to better enable site emergency planning development and review.</p>
R6 Introduce formal procedures to ensure that an updated La Collette emergency response plan is subject to ongoing monitoring, testing and review with all partners.	Yes	<p>It is agreed that the La Collette Offsite Emergency Response Plan is updated and subject to a formal training and exercising programme. The formality wrapped around this process is already driven by the JRF (see R5). All plans that are exercised are subject to debrief and review.</p> <p>It should be noted however, that in addition to the constraints identified at the start of this document, success is subject to the capacity of resilience partners (beyond Government) to commit against competing risks that also require training and exercising.</p>
R7 Ensure that energy infrastructure owners have high quality, proportionate and tested emergency planning and business continuity management arrangements in place that assure: <ul style="list-style-type: none"> • robust risk management of critical infrastructure resilience such that domestic and business customers can expect safe, reliable supplies; and • energy suppliers contribute positively to Islanders' sustainable wellbeing. 	Partially	<p>Whilst agreeing with the recommendation, at present there is no statutory or other mandated requirement to ensure that companies have high quality and tested emergency planning and business continuity arrangements in place, although it is understood that JRF attendees do and best practice is shared as part of R3 above. New resilience legislation will, if adopted, mandate this requirement in the future. Ahead of the introduction of mandatory provisions voluntary compliance with the spirit of the recommendation will be sought from infrastructure owners.</p>
R8 Join up energy related workstreams across Government and the Jersey Resilience Forum to ensure that key individuals and groups have a common and complete picture, including of resilience issues, risks and opportunities.	Yes	<p>Consideration will be given to introducing an energy resilience workstream as part of the work of the JRF Delivery Group with a recommendation and proposal submitted to the JRF Delivery Group during 2024 (See A2).</p>
R9 Ensure that the Corporate Risk Register adequately records the risks in	Yes	<p>Updating the Corporate Risk Register has been prioritised. Energy risk is owned by diverse actors across government, and because of the interface between departmental, corporate and</p>

the area of energy provision and resilience.		Jersey Emergency risk registers, a coherent approach will need to be taken. Resources are now in place to achieve this by the end of 2024 (See R8).
R10 In line with the development of a new Resilience Law, update Laws governing energy provision so that they are aligned, fit for purpose and drive high standards of resilience.	Yes	<p>A new resilience law largely focusses on the consequences of a resilience failure and will be driven by the Emergency Planning function. The Cabinet Office will consider the necessity to update laws, or introduce new legislation, to drive high standards of energy resilience upstream, with the intent of minimising the likelihood and impact of a resilience failure.</p> <p>The scale and complexity of the energy landscape will mean that this is a longer-term project. Timelines will become clearer as the current state of the law is reviewed.</p>
<p>R11 Ensure that the Resilience Standards and the updated Community Risk Register address the weaknesses I have identified, so that all energy infrastructure owners and users are compliant with the need to:</p> <ul style="list-style-type: none"> • set out and communicate the testing regimes that underpin infrastructure resilience. • report the outcomes of the testing and any subsequent improvement plans through the Jersey Resilience Forum, to inform the Corporate Risk Register; and • establish and communicate high quality business continuity management arrangements, including all elements of a recognised good practice approach. 	Yes	<p>The Resilience Standards are currently a Jersey version of the UK Resilience Standards and currently are not mandatory. The composition and status of future resilience standards are subject to the development of the new law and its associated requirements.</p> <p>The new resilience law is in policy development and this is the first and best opportunity to give effect to resilience standards aligned to the achievement of the broader requirements of the law (See R7, P2 and P4).</p>
R12 Ensure that data requirements and data sharing protocols, including those needed to comply with the Resilience Standards and support the Community Risk Register, are in place in a risk-based way which seeks to anticipate the needs of critical incident responses.	Yes	Work has already been commissioned to provide a summary of research into data sharing for crisis response both in Jersey and in other jurisdictions. A set of recommendations to improve current practices are being developed, focussing on preparation activities and improvements to data management maturity that will directly facilitate data sharing during crisis response.