

STATES OF JERSEY



MINISTERIAL RESPONSIBILITIES

**Lodged au Greffe on 8th March 2022.
by Deputy J.H. Young of St. Brelade
Earliest date for debate: 29th March 2022.**

STATES GREFFE

PROPOSITION

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

- (a) that for each department of the States there should be one Minister who is ultimately accountable for all aspects of the work of that department, and to request the States Employment Board to commission officers to draw up options for achieving this, for presentation to the new States Employment Board in autumn 2022;
- (b) that the proposed establishment of a single legal entity for the Government of Jersey, in place of ministerial corporations sole, as set out in the Machinery of Government (Miscellaneous Amendments) (Jersey) Law 2018, should not be proceeded with and the part of that legislation dealing with this matter should be rescinded, and to request the Chief Minister to issue law drafting instructions to this effect, so a *projet* can be considered by the next States Assembly in autumn 2022; and
- (c) that the Chief Minister should be requested to review ministerial portfolios within the six months following a general election, with a view to presenting a report to the States on the outcome of that review and bringing forward Standing Order changes to alter ministerial portfolios or legislative or Standing Order changes to address any other matters relating to the selection of ministers and ministerial roles arising from the outcome of the review.

DEPUTY J.H. YOUNG OF ST. BRELADE

REPORT

I am bringing this proposition so that the States can debate some of the main recommendations in the [report](#) of the Democratic Accountability and Governance Sub-Committee, recently published by PPC. I pay tribute to Senator Vallois for leading this work and coming up with such an authoritative report on our current governance problems.

I am highlighting for debate three issues which strike me as particularly important and capable of being resolved by this Assembly. Other matters in the report are more complex or perhaps should wait for the new Assembly, although of course there will be an opportunity for Members to bring amendments to my proposition should they wish other recommendations to be debated now.

The first issue is one on which I have spoken many times in the Assembly: the disconnect between our ministerial structure and the way staff are organised in departments. Having one Director General report to more than one minister, as I have experienced during this term, does not work. This is a structural problem, not the fault of any individual minister or officer. Ministers in this situation cannot provide effective political leadership to a team of officers and cannot rely on the wholehearted support of a chief officer who is torn in two or more directions. The Director General is in an impossible position, trying to deliver for multiple ministers. This causes problems for ministerial accountability for policy and service delivery. Having struggled with this situation throughout my term of office, the need for change is imperative, to assist ministers in the next States deliver their priorities. This change requires changes to the departmental structure which are for the States Employment Board to approve. I hope the Assembly can give a clear steer to SEB about what needs to be done.

Paragraph (b) deals with the concept of a 'single legal entity' for the Government of Jersey, which was rushed onto the statute book just before the last election. It has not been implemented and, in my view, should never be. As the sub-committee's report puts it, "A unified Council of Ministers should be a practice rather than set out in law". Creating a single legal entity would significantly change power dynamics within the States and within departments in ways which haven't been properly thought through. Nor is it necessary. Jersey politics works best when members work together to achieve changes which have widespread approval. The 'corporation sole' concept is well understood and works: a sudden change to a single legal entity will confuse many people and will conflict with the Island's consensual political culture. The single legal entity idea is not widely supported and should be removed from the law.

Finally, paragraph (c) puts in place a process for the Chief Minister to review ministerial portfolios after every general election. Although the Chief Minister has considerable power to create, abolish and change ministerial portfolios by Order, a minister cannot be moved from one office to another within the first six months after an election and if a ministerial title changes this must be reflected in Standing Orders. The system is complex and, as a result, few changes occur. This part of the proposition would create an expectation that the system is regularly reviewed, as ministerial portfolios should be adaptable to reflect changing political priorities and circumstances. It would enable the Chief Minister, and Council of Ministers, to respond to the changed strategic and operational challenges they face, so that the limited number of Members who may be appointed to ministerial roles can be allocated appropriately. This could enable, for

example, ministerial roles to reflect the priorities agreed by the States in the Common Strategic Policy.

Financial and manpower implications

The work proposed in this proposition principally involves expenditure on law drafting, and organisational review can, in my view, be accommodated within existing budgets.