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Deputy S.M. Brée
Chairman, Machinery of Government Review 2018
Scrutiny Office
States Greffe
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St Helier
Jersey, JE1 1DD



1 March 2018

Dear Chairman,

**Re: P.1/2018 Draft Machinery of Government (Miscellaneous Amendments)
(Jersey) Law**

Thank you for your letter of 8th February 2017, addressed to members of the Corporate Strategy Board and seeking our views regarding the above proposals.

In providing the comments requested by the Review Panel, we have sought to consider only the potential impact upon the accountability, efficiency and effectiveness of the public sector. The overall policy represented by the proposals remains a matter for Ministers and the draft legislation is for the Assembly to decide upon. Notwithstanding our comments, we will of course continue to support the democratic process with the integrity, honesty, objectivity and impartiality you would expect from the public service.

Accountable Officers

We would welcome a decision by the Assembly to introduce a Principal Accountable Officer (PAO). This would significantly strengthen and improve our accountability structures. Clarifying and aligning legal and operational accountability structures in the way proposed is absolutely essential to improving governance across the public sector.

We would also welcome the clarity that the PAO and Accountable Officers (AOs) are clearly answerable to the States Assembly (usually through the Public Accounts Committee). In addition, we support the improved openness transparency which would result from the requirement to publish a list of the Accountable Officers for each States body or fund.

The ability to assign AOs, where appropriate and necessary, to independently audited States bodies and States aided independent bodies, would address a clear vulnerability in the existing governance framework, thus enabling strengthened accountability for the best use of public resources even when delivery is conducted at arm's length. We recognise that different nature of the responsibilities of the PAO in relation to such

bodies, and the different nature of an Accountable Officer in ensuring effective stewardship of public assets as part of existing board structures, will need to be set out within a Financial Direction. This Financial Direction is currently being developed and can be shared with the Review Panel in the coming weeks.

Transfers

We welcome proposals to streamline the process for making internal budget transfers, whilst providing advance notification of such transfers to the Assembly. This would reduce internal bureaucracy and improve efficiency, whilst also making the whole process fully transparent.

We also welcome the proposals to make changes and transfers to ministerial responsibilities by Order. This would enable significantly improved clarity in decision making, in that any policy, budget and legal responsibilities involved in such a change could be included within a single Order and transferred at exactly the same time. Past experience has shown the disconnects in governance which arise under the current system. A new system based upon a single Order, notified in advance to the Assembly, would significantly improve the ability of the public service to ensure good governance around such transfers.

Single Organisation

We would also very much welcome a decision by the Assembly, in principle, to introduce a single legal entity for government. The existing silos, which result directly from establishing each ministerial office as a separate corporation sole, do not enable the optimisation of the public sector as a single organisation. A single organisation is essential if we are to significantly strengthen corporate working, performance management, strategic risk management, financial and asset management, integrated decision making, unified corporate planning and whole organisation learning, in a way which will support the development of a world class public service for the benefit of our community.

A single legal entity is also required to best support the community we serve. The Care Inquiry highlighted the territorialism and protectionism which can arise from separate legal silos and reminds us that flawed structures can have consequences for our community which are serious and far reaching. We are also conscious of the significant challenges ahead for our Island arising from factors such as Brexit, global competition and changing demographics. A single organisation is absolutely essential if we are to develop the improved strategic agility which will be required to achieve the best outcomes for our community.

Ministerial reshuffles, collective responsibility and timings following an election

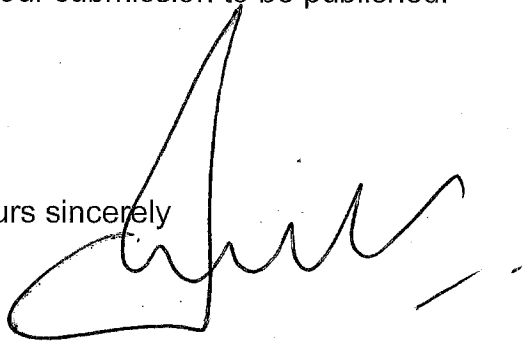
Amendments regarding the powers to move ministers between respective offices and those relating to collective responsibility are not directly relevant to the operation of the public service and so we offer no comments on these aspects of the proposals. We would, however, note that the proposed change to timings following an election to allow

more time for a Chief Minister designate to nominate Members for ministerial offices, would be conducive to the more orderly and considered formation of a new Council following an election, which we believe to be in the public interest.

These comments are submitted on behalf of the Corporate Strategy Board as whole. The Board representative from the Law Officers' Department (LOD) has not participated in the preparation of these comments, given the possible need for LOD to provide independent legal advice to the Assembly on these proposals. The Audit Committee has also submitted comments (see attached letter, dated 23rd February 2017). The Committee notes that the proposals should lead to a significant and vital improvement to the control and operating framework and should be implemented as soon as possible.

We hope that these comments are of assistance to the Review Panel and are content for our submission to be published.


Yours sincerely

A handwritten signature in black ink, appearing to read 'Charlie Parker', with a long horizontal stroke extending to the right.

Charlie Parker,
Chief Executive & Head of the Civil Service

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Audit Committee
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States 
of Jersey

Mr C Parker
Chief Executive Officer & Head of Public Service
States of Jersey
Cyril Le Marquand House
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23 February 2018

Re: States of Jersey Audit Committee position on P.1/2018

Dear Mr Parker,

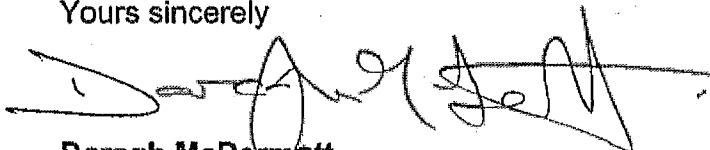
Further to a presentation in November 2017 and our recent discussions, the Audit Committee welcomes and supports the changes proposed in P.1/2018 (Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law 201-).

For some time, the Audit Committee has been concerned by the limitations of the current framework, and its impact on the controls operating across the States of Jersey (including the lack of clear accountability and responsibility of the senior officers across various departments).

The proposed changes should significantly enhance the existing framework and replace it with one that better supports the clarity and alignment of authority, accountability and responsibility, importantly starting with the establishment of the Chief Executive Officer as the Principal Accountable Officer for the public administration.

Provided it is implemented correctly, the Audit Committee expects that the new arrangements should lead to a significant and vital improvement to the control and operating framework. For that reason, the Audit Committee is encouraged by the proposals and supports implementing P.1/2018 as soon as possible.

Yours sincerely



Daragh McDermott
for and on behalf of the Audit Committee

c.c. Catherine Watson, Chief Internal Auditor
Richard Bell, Treasurer of the States
Doreen Herbert, AC Secretary



Scrutiny Office

Corporate Strategy Board
PO Box 353
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08 February 2018

Dear members of the Corporate Strategy Board

P.1/2018 Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law

As you will be aware, the Chairmen's Committee has established a Review Panel to examine the Machinery of Government changes set out in P.1/2018.

A number of the proposed changes will have an impact on your legal and operational accountabilities. As part of our review, we would like to understand the views of the Corporate Strategy Board on the proposals.

We would therefore like to invite the Corporate Strategy Board (CSB) to make a written submission on the proposals. We would also like to extend this invitation to the members of the CSB to provide independent submissions to the Review Panel, should you wish to. Submissions to our reviews are normally published, however we are able to accept confidential submissions if there are good reasons to do so.

We are particularly interested to understand any operational implications arising from the introduction of a Principle Accountable Officer, the extension of the Accountable Officer framework to other States bodies (such as independently audited States bodies and States aided independent bodies) and the move to a single legal entity for government.

In addition to a written submission, we would like to invite members of the Corporate Strategy Board (either collectively or individually) to meet with the Panel if there are any other matters you consider we should be aware of.

Although the proposals are currently listed for debate on 20th February, we anticipate that our review will continue into March 2018. We would therefore request that any submissions you wish to make are provided to us by Monday 26th February 2018.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S.M. Brée'.

Deputy S.M. Brée
Chairman, Machinery of Government Review 2018