

Official Analyst's Laboratory

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13 May 2019

Dear Simon

Scrutiny Panel Review of Public Finances Law

I understand that the Corporate Services Scrutiny Panel have noted the removal of the Official Analyst from the list of non-Ministerial States Bodies in the draft Public Finances Law and offered an opportunity to comment.

Background

The Official Analyst is a statutory appointment made by the States under the Food Safety Law which sets out the qualification requirements for the post. The post is also referred to in other legislation including Road Traffic, Medicines, Fertilisers and Feeding Stuffs, Jersey Gas and Water laws. The department provides specialist chemical analysis services to other States departments and for some areas, directly to the public.

The main workload of the laboratory is summarised below;

Forensic drugs Identification and quantification of controlled drugs seized by enforcement officers so that evidence can be presented to the Courts.

Forensic toxicology Identification and quantification of substances in samples taken by enforcement officers so that evidence can be presented to the Courts. Examples include drink and drug driving and post mortem samples.

Regulatory Environmental and Waste analysis Identification and quantification of substances in samples taken by environmental officers. Examples include pollution incidents, bathing water quality, trade effluents and solid waste for disposal.

Health toxicology Identification and quantification of substances in samples taken by health professionals. Examples include monitoring Drug and Alcohol Service patients and identifying overdoses in hospital patients.

Sewage/Sludge analysis Daily process control samples from Sewage Treatment Works.

Drinking water analysis Identification and quantification of substances in water samples taken by members of the public to determine whether they are safe to drink.

Because of the wide customer base, the department has usefully been somewhat independent of its main stakeholders. Indeed, this was the rationale behind making it a States appointment. In the past it fell under the Finance and Economics Committee and was more recently a Non-Ministerial States Funded Body. This has helped manage competing priorities for resources and also resolved potential conflicts of interest. For example, because of this impartiality, the environmental regulator and sewage treatment operator are content to share one set of analyses thereby eliminating duplication. Similarly in the Courts, the independent relationship with enforcement departments enables me to give expert evidence objectively without being perceived as directed by the prosecution.

Recent restructure

Under recent government reorganisation, the CEO moved the department to report through Justice and Home Affairs (JHA). In the new structure, the department is noted as being independent but the exact relationship in terms of ministerial influence and JHA direction is still a somewhat grey area.

As a non-Ministerial States Funded Body under the existing Public Finance Law, I am currently the accountable officer for the department. This places responsibility on me to ensure that resources are used effectively to deliver specialist technical services across a wide range of stakeholders in many departments.

If the department is removed from the list of non-Ministerial bodies, then I would expect the CEO to appoint the JHA director general as accountable officer. I do have concerns that aligning this department even more closely with one of its stakeholders will actually impede the cross boundary relationships that already exist. It is also important for many of our clients, particularly when presenting evidence to the Courts, that the services provided are seen as independent and impartial. Any influence, whether actual or perceived, could reduce the apparent integrity of this work.

Thank you for the opportunity to comment. This information is essentially the same as that provided to the government reorganisation process. I would be happy to provide further clarification if required.

Yours sincerely,



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