

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY M.R. SCOTT OF ST. BRELADE
QUESTION SUBMITTED ON MONDAY 13th NOVEMBER 2023
ANSWER TO BE TABLED ON MONDAY 20th NOVEMBER 2023**

Question

“Will the Chief Minister explain what powers, if any, are likely to be introduced to support the role of the Public Services Ombudsperson in holding public service departments to account, such as a duty on departments to provide written reasons for administrative decisions?”

Answer

The proposed functions and powers of the Jersey Public Services Ombudsperson (JPSO) are set out in law drafting instructions which I published on 18 October 2022 (see [Jersey Public Services Ombudsperson: Law drafting instructions \(gov.je\)](#)).

The proposed powers of the JPSO to enforce compliance with its investigation processes, including possible offences for public services that fail to provide information which the JPSO requires to investigate possible maladministration or service failure, are set out at paragraphs 111 to 115 of the drafting instructions. In summary, subject to usual safeguards protecting information which is subject to legal professional privilege, the JPSO will have wide-ranging powers to obtain any relevant information to an investigation from public services. The JPSO would be able to make such inquiries as they think appropriate in each case.

The powers of the JPSO to ensure that the public services under its jurisdiction are held to account for acting on the JPSO’s findings and recommendations are set out at paragraphs 164 to 171 of the drafting instructions.

In summary, it is proposed that, where maladministration or service failure is found and included in a report following a JPSO investigation, the public services concerned must consider and within three months notify the JPSO of the action they have taken or propose to take to address those findings and any recommendations made. If the JPSO is not satisfied with the response it receives from the public service concerned or believes that the public service is failing to act on its findings or recommendations, the JPSO may issue a further “compliance” report. All JPSO reports, including the responses to JPSO reports by public services must be published, following an anonymisation process.

In cases when the JPSO issues a compliance report, the draft Law will provide that the Chief Minister must either nominate an appropriate Minister or must personally make a statement to the States Assembly to explain why the public service concerned has failed to act or has rejected the JPSO’s findings.