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# STATES OF JERSEY



## **GOVERNANCE AND DECISION MAKING DURING THE COVID-19 PANDEMIC (R.70 /2022): EXECUTIVE RESPONSE**

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**Presented to the States on 15th August 2022  
by the Public Accounts Committee**

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**STATES GREFFE**

## FOREWORD

In accordance with paragraphs 115-116 of the [Code of Practice](#) for engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’, (as derived from Standing Orders of the States Assembly) the Public Accounts Committee (the ‘Committee’) presents the Executive Response to the Comptroller and Auditor General’s Report entitled: [Governance and Decision Making during the COVID-19 Pandemic](#) (R.70/2022 presented to the States on 6th May 2022).

It is intended for the Committee to be fully constituted after the appointment of Lay Members during the States sitting on 13th September 2022. As such, the Committee will review the responses in detail after its formation and present any further comments to the States Assembly in due course.

**Deputy L. Feltham**

Chair, Public Accounts Committee

## SUMMARY OF RESPONSE

The Chief Executive and the Treasurer welcome the Comptroller and Auditor General's (C&AG) Review of the Governance and Decision-Making During the COVID-19 Pandemic. As the C&AG observes, the COVID-19 pandemic has called for an extraordinary response from the Government of Jersey as it has sought to save Islanders' lives, protect health, and support livelihoods. The Chief Executive agrees, however, that the principles of good governance, transparency, value for money, effective internal control, and accountability for the use of public funds remain vital during a period of emergency, whilst maintaining responsiveness and flexibility to meet the challenges created by the pandemic.

The Government acted quickly to put in place groups at a political and officer level to support decision-making during the pandemic, as well as implemented legislation rapidly to respond to major public health risks. The Government's extensive response has demonstrated many strengths, including sustained cross-departmental cooperation, and the ability to draw on public health data and evidence to inform policy development and decision-making, through to implementation in relatively short periods of time. It is important to learn from these experiences and from the range of independent reviews, including the C&AG's review, in order to ensure that effective legislative, governance and decision-making arrangements are in place to address comparable disruptive events.

## ACTION PLAN

Recommendations	Action	Target Date	Responsible Officer
<b>R1</b> In developing proposals for new emergencies legislation, consider explicitly the experience of the response to the COVID-19 pandemic and address identified weaknesses.	<b>Accept</b> The experiences from the response to COVID-19 are being fully considered within the development process, specifically the relationship between civil contingencies and public health legislation. In addition, account is being taken of the learning and findings from the National Preparedness Commission's independent review of the UK Civil Contingencies Act in this regard.	Approved Law Drafting Instructions and Policy Principles completed by: December 2022	Chief Fire Officer
<b>R2</b> Review the advantages and disadvantages of establishing two strategic level officer groups and	<b>Accept</b> Local crisis management doctrine does not currently provide for two strategic	December 2022	Chief Fire Officer

Recommendations	Action	Target Date	Responsible Officer
establish plans for future emergencies in light of that review.	level officer groups. The experience of the use of this model will be considered by the Jersey Resilience Forum before confirming or amending existing doctrine.		
<b>R3</b> Prepare and utilise standardised documentation for different officer level groups in the emergency structure.	<b>Accept</b> Standard documentation has always been available for Strategic and Tactical Coordinating Groups, utilising standing agendas and decision-making frameworks in line with professional doctrine for crisis management. This documentation will continue to be used and updated in line with recognised good practice as required. If the use of a Strategic Command Group, which is not part of local or other doctrine, is not continued, no documentation will be required. Alternatively, if the review, as accepted for 'R2', determines the need for a second strategic forum, the same documentation shall be applied as is used for the existing and recognised groups.	Ongoing and complete as standardised documentation is already in place.	Chief Fire Officer
<b>R4</b> In developing new emergencies legislation, explicitly consider the respective roles of the Council of Ministers and Emergencies Council in circumstances where a State of Emergency has not been declared.	<b>Accept</b> This is a core element of legislative reform planning. Any new law to govern emergency preparedness and response will need to provide an effective governance structure and make effective allocation of responsibilities outside of emergencies.	Legislation drafted by July 2023	Chief Fire Officer

<b>Recommendations</b>	<b>Action</b>	<b>Target Date</b>	<b>Responsible Officer</b>
<p><b>R5</b> In establishing any group comprising a sub-set of the Council of Ministers, explicitly consider and document:</p> <ul style="list-style-type: none"> <li>• its relationship to the Council of Ministers</li> <li>• its authority; and</li> </ul> <p>when and how it reports to the Council of Ministers.</p>	<p><b>Accept</b></p> <p>This will be taken forward and considered as part of a review of governance and management of ministerial business and political engagement. This will help inform the new Government in the set-up of the infrastructural and organisational framework to support the Council of Ministers.</p>	September 2022	Chief of Staff/Head of Ministerial Support Unit
<p><b>R6</b> For political level groups routinely include an item at the start of agendas considering:</p> <ul style="list-style-type: none"> <li>• the relevance of interests previously declared to the Greffier of the States to items on the agenda</li> <li>• whether there are any other interests that are relevant to items on the agenda; and</li> </ul> <p>the response to identified interests, including non-participation in items on the agenda.</p>	<p><b>Accept</b></p> <p>In consultation with the States Greffier, this will be taken forward and considered as part of the review of governance and management of Ministerial business and political engagement, in the setting of agendas.</p>	September 2022	Chief of Staff/Head of Ministerial Support Unit
<p><b>R7</b> Apply similar arrangements for the declaration and management of conflicts of interest for officers participating in such political level groups.</p>	<p><b>Accept</b></p> <p>This will be taken forward and considered as part of a review of governance and management of Ministerial business and political engagement in the setting of agendas.</p>	September 2022	Chief of Staff/Head of Ministerial Support Unit
<p><b>R8</b> Ensure that all declarations of interest and</p>	<p><b>Partially Accept</b></p>	September 2022	Chief of Staff/Head of Ministerial Support Unit

Recommendations	Action	Target Date	Responsible Officer
associated arrangements for management of conflicts of interest are clearly minuted.	Declarations of interest are minuted. However, the Ministerial Support Unit will review how they are dealt with once minuted so that they can be updated on a regular basis.		
<p><b>R9</b> Adopt and use a standard format for agenda papers for political decision-making groups that includes:</p> <ul style="list-style-type: none"> <li>• the reason for referral to the group in question</li> <li>• the recommended course of action</li> <li>• the potential alternative courses of action; and</li> </ul> <p>the reasons for the recommended course of action.</p>	<p><b>Accept</b> Standard templates for discussions are in place. However, the format and structure of the agendas and associated papers will be subject to review by the incoming Chief Minister and Council of Ministers, with a view to ensuring greater consistency is delivered.</p>	September 2022	Chief of Staff/Head of Ministerial Support Unit
<p><b>R10</b> For political decision-making groups routinely maintain and present to subsequent meetings an action log that records the implementation of decisions made, for example through Ministerial Decisions and Orders.</p>	<p><b>Accept</b> In consultation with the States Greffier, it has been agreed that, as well as producing the formal minutes for meetings, the secretariat officer will also produce an action log following meetings.</p>	Complete	Chief of Staff/Head of Ministerial Support Unit
<p><b>R11</b> Ensure that there is clear delineation between meetings of different political decision-making groups.</p>	<p><b>Accept</b> This will be taken forward and considered as part of the review of governance and management of ministerial business and political engagement, to support the new Government in the set-up of the infrastructural and organisational framework to support the Council of Ministers.</p>	September 2022	Chief of Staff/Head of Ministerial Support Unit

Recommendations	Action	Target Date	Responsible Officer
<p><b>R12</b> Adopt a clear timetable for preparation, consideration and approval of minutes of political decision-making groups.</p>	<p><b>Accept</b> This is being adopted, working with the States Greffe to develop new service level agreements, including expectations of minute approvals process and timelines.</p>	Complete	Chief of Staff/Head of Ministerial Support Unit
<p><b>R13</b> In the standard format for agenda papers for decision making groups include sections covering:</p> <ul style="list-style-type: none"> <li>• expert advice</li> <li>• financial, legal, procurement and human resources implications; and</li> </ul> <p>assessment of risks, mitigations and residual risks.</p>	<p><b>Accept</b> This will be taken forward and considered as part of the review of governance and management of ministerial business and political engagement, to support the new Government in the set-up of the infrastructural and organisational framework to support the Council of Ministers.</p>	September 2022	Chief of Staff/Head of Ministerial Support Unit