

Chairmen's Committee

Record of Meeting

Date: 10th November 2015

Present	Deputy J.A.N. Le Fondré, President and Chairman, Corporate Services Scrutiny Panel Deputy L.M.C. Doublet, Vice-President and Chairman, Education and Home Affairs Scrutiny Panel Connétable A.S. Crowcroft, Chairman, Environment, Housing and Technical Services Scrutiny Panel Deputy S.M. Brée, Chairman, Economic Affairs Scrutiny Panel Deputy R. Renouf, Chairman, Health and Social Security Scrutiny Panel Deputy A.D. Lewis, Chairman, Public Accounts Committee
Apologies	
Absent	
In attendance	Mr T. Oldham, Scrutiny Manager

Ref Back	Agenda matter	Action
	1. Records of meetings The Committee approved the records of its meetings held on 21st and 28th October 2015, which were signed accordingly by the President.	
21.10.15 Item 2	2. Activity Reports The Committee noted the Panel and Public Accounts Committee activity reports. The Committee was updated by the Chairman of the Environment, Housing and Technical Services Scrutiny Panel that his Panel had agreed that it would no longer be undertaking a review of proposed changes to Taxi Regulations. This followed a recent briefing to the Panel by the Minister for Transport and Technical Services on his proposals.	
15.09.15 Item 2	3. Privileges and Procedures Committee: update The Committee considered a briefing paper on the deliberations of the above Committee.	
21.10.15 Item 3 510/1(5)	4. Code of Practice for engagement, for the purposes of Scrutiny, between elected Members conducting Scrutiny and Ministers and Assistant Ministers The Committee considered a paper and advice with regard to the protection afforded to witnesses appearing before Scrutiny Panels in comparison to UK Select Committees, on the legislative changes that would be required to provide Panels with the ability to place witnesses on oath, possible revisions to sanctions and processes pertinent to breaches of the Code, and the differences in powers of access to information between Jersey Committees of Inquiry and Scrutiny Panels. In conclusion of its discussions, the Panel requested that a paper be prepared for consideration at its next meeting consolidating the	TO

	<p>following agreed provisional points and associated actions:</p> <ul style="list-style-type: none"> • The power for Scrutiny Panels to formally summons Ministers and Assistant Ministers should be established via amendment to the States of Jersey (Powers, Privileges and Immunities)(Scrutiny Panels, PAC and PPC) Regulations 2006 (and the situation in the Scottish Parliament and Welsh Assembly regarding Ministers and Civil Servants clarified for information) • The revised Code of Practice should govern not only the actions of Members of Scrutiny, but be extended to also govern the actions of Executive Members on matters relevant to engagement with Scrutiny • Regulation 8 of the States of Jersey (Powers, Privileges and Immunities)(Scrutiny Panels, PAC and PPC) Regulations 2006 should be extended to provide immunity from prosecution, on the basis of evidence provided to a Panel, beyond just the witness to include 'any other person'. This would be in keeping with the situation for UK Select Committees • The Regulations should also be revised to enable Scrutiny Panels to place witnesses on oath • The maximum level of punishment for non-compliance with a summons from a Scrutiny Panel should be increased to mirror that of non-compliance with Committee of Inquiry Regulations • Alleged infringements of the Code, by Scrutiny or Executive Members, must be referred to the Chairmen's Committee to determine an appropriate course of action • The actions and associated sanctions available to the Committee should be detailed in the Code of Practice, including the stage at which any alleged breach might be made public • If the matter cannot be resolved by the Chairmen's Committee, it should be referred to a politically independent adjudicating body (i.e. not PPC, possibly a new '<i>Parliamentary Standards Commissioner</i>'). It was noted that, as was the case with all comparable parliamentary committee systems, the ultimate arbiters of such matters would necessarily be the parliament itself (States Assembly), if required. 	
<p>21.10.15 Item2 510/3(9)</p>	<p>5. Use of social media</p> <p>The Committee recalled the discussion held at its previous meeting. It remained the view of some Members of the Committee that Scrutiny was failing to reach certain demographics with its work, and it was suggested that this was because many people preferred not to use the established media and yet Scrutiny did not have a Facebook presence. This was also identified as a potential barrier to using social media, particularly Facebook, for advertising Scrutiny calls for evidence. Nevertheless, it was noted that Scrutiny had an active Twitter account, comprehensive website and a generally high profile in the traditional media, generated through media releases and pro-active Chairmen amongst other initiatives.</p> <p>The Committee agreed that the Scrutiny Manager would seek further advice about using Facebook advertising for Reviews, and continue to assess ongoing issues of resourcing, time constraints and the management of third party comments with a view to increasing</p>	<p>TO</p>

	Scrutiny's social media presence where appropriate.	
510/3(11)	<p>6. Panel Engagement with States Employees</p> <p>The Chairman of the Education and Home Affairs Scrutiny Panel raised concerns about her Panel's access to front line staff during the course of its Review work, in particular the specific expertise and informed opinion of teachers.</p> <p>The Committee noted the procedural situation regarding Panels' ability to access information from States employees, as established by the current Code of Practice for Scrutiny Panels and the PAC. A separate policy document guiding acceptable political activity by States employees, which formed part of the matter raised by the Chairman of the Education and Home Affairs Scrutiny Panel, was also considered.</p> <p>The Committee agreed that the Code of Practice was the primary document establishing the right of contact by Panels with States employees, whilst the policy was primarily designed to cover matters relating to the individual political activity of employees, in particular political candidacy. It was noted that those employees, including teachers, who fell within the 'politically eligible' category within the policy could choose to engage with a Panel, being mindful of engaging in a manner that did not constitute gross misconduct as described in the policy. It was considered that Panels might also be cautious in the administration of a Review to avoid their own actions placing States employees in potentially compromising situations.</p> <p>It was agreed by the Committee that the Code of Practice established a clear framework for how Panels could and should engage with States employees, and that this should not present a barrier to appropriate information being obtained. Furthermore, the process of achieving such access to staff might be assisted by Panels continuing to build relationships with Ministers and stakeholders and through the professionalism, integrity and quality of their work.</p>	
	<p>7. Future Meetings</p> <p>It was noted that the next meeting date was 8th December 2015, 9.30am-11.30am, Le Capelain Room, States Building.</p> <p>The Committee further noted its meeting schedule for 2016.</p>	