

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY K.M. WILSON OF ST. CLEMENT
QUESTION SUBMITTED ON MONDAY 4th NOVEMBER 2024
ANSWER TO BE TABLED ON MONDAY 11th NOVEMBER 2024**

Question

“Further to [Oral Question 16/2024](#), will the Minister –

- (a) detail the reasons for the delay in producing draft legislation to bring hospital services under the regulatory control of the Jersey Care Commission and provide the timeframe for the legislation to be shared with the Assembly;
- (b) advise what actions, if any, he is taking to mitigate any further delay including –
 - (i) ensuring clarity of responsibility for leadership of the inspection process;
 - (ii) confirmation of the date by when hospital services must be in a ‘state of readiness’ for any hospital inspections undertaken under any relevant legislation adopted;
 - (iii) identification of any constraints or risks relevant to the inspection process and how these are being addressed; and
 - (iv) ensuring clarity in reporting and accountability arrangements for receipt of, and actions arising from, the inspection reports?”

Answer

- (a) Draft amendments to the Regulation of Care (Jersey) Law 2014 (the “2014 Law”) to regulate hospital and ambulance services were published for public consultation between 8 April and 3 June 2024 and I approved a consultation report on the outcome of the consultation for publication last month (full information is published on the Government’s website at [Regulation of Care \(Jersey\) Law 2014: Independent Regulation and Inspection of Hospital and Ambulance Services](#)). Advance copies of these documents were provided to the Health and Social Security Panel.

The project features in my legislative programme for 2024 and it is anticipated that the draft Regulation of Care (Amendments) Law will be lodged in the Assembly on schedule, by the end of this year, subject to consideration by the Council of Ministers.

- (b) As stated above, this legislative project is running according to the anticipated current timetable and so no actions are required in this regard. In answer to the further questions asked:
 - i. The 2014 Law provides the Jersey Care Commission with full responsibility for the inspection process. The Board of the Commission are accountable for the performance of inspection functions.
 - ii. The draft Regulation of Care (Amendments) Law, as published for consultation, proposes that HCS services will be required to apply to register with the Jersey Care Commission within six months of the draft Law coming into force. As the draft Law is a primary Law amendment, if it is approved by the Assembly, it must be approved by the King in Privy Council and registered by the Royal Court before it may be brought into force. Subject to this timetable, I intend to bring the draft Law into force as soon as possible in 2025.

- iii. In developing amendments to the Law, I have sought to ensure that the legal framework for the regulation and inspection of hospital services is robust and effective. Extensive engagement has taken place over more than two years with those services that will be required to deliver and respond to the inspection process so that services have had time to prepare to be inspected. In addition, funding was provided by the Assembly under the Government Plan 2022-25 to these services to enable them to prepare for regulation. It is considered that these steps have ensured that risks have been identified and mitigated against effectively to enable the inspection framework to be implemented according to the timetable, in 2025.

- iv. The 2014 Law, as amended, is clear that, in respect of Government of Jersey provided services, the Accountable Officer for the relevant department must register as the provider of those services. At present, this would require the Chief Officer for the Department of Health and Community Services to register as the provider of hospital services. In addition, other senior officers in the Department may be registered as managers for specific hospital services. Ultimate accountability for fulfilling requirements under the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018, as amended, would be placed on the registered provider and, generally, on registered managers jointly. This includes responsibility for complying with any improvement notices that may be issued by the Commission.