

Governance and Decision Making during the COVID-19 Pandemic

6 May 2022

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Summary

Introduction

1. The rapidly evolving nature of the COVID-19 pandemic has called for an extraordinary response from Government as it has sought to save lives and protect health and livelihoods in Jersey. The principles of good governance, transparency, value for money, effective internal control and accountability for the use of public funds however remain during a time of emergency. Whilst public financial management systems need to be responsive and flexible, it is essential that they continue to ensure value for money and minimise the risk of fraud and corruption.
2. The Government of Jersey established new groups at both political and officer level to support decision making without detracting from the constitutional roles of Ministers and Accountable Officers. Those groups had to operate at pace but at the same time demonstrate effective decision making.

Key Findings

3. The key findings from my review are as follows:
 - despite the circumstances of the COVID-19 pandemic, a State of Emergency under the Emergency Powers and Planning (Jersey) Law 1990 was not declared. At the commencement of the COVID-19 pandemic, the Government of Jersey recognised that the legislation did not provide the best route forward for managing the pandemic. Indeed, plans for replacement legislation were already under consideration
 - the need for legislation to deal with the specific circumstances of the COVID-19 pandemic was recognised. The COVID-19 Enabling Provisions (Jersey) Law 2020 (the 2020 Law) was adopted by the States Assembly on 27 March 2020, empowering the States Assembly by Regulation to make provisions necessary or expedient as a direct or indirect result of the COVID-19 outbreak in Jersey or its aftermath
 - in addition to the existing Council of Ministers and Emergencies Council that were already established on a statutory basis, a non-statutory Competent Authorities Ministers Group was established to allow consultation between Ministers before decisions were made
 - officer groups at Strategic, Tactical and Operational level were swiftly established at the outset of the pandemic

- there are some ambiguities in the respective roles and responsibilities of different political level groups. In particular, there is ambiguity in the roles of:
 - the Emergencies Council in an emergency-like situation but where a State of Emergency has not been declared; and
 - the Competent Authorities Ministers Group
- identifying, recording, assessing and managing potential conflicts of interest is a key component of good governance. There was an absence of systematic mechanisms for prompting declarations, assessing their impact and documenting the steps taken to manage those conflicts
- the agendas and minutes of the Competent Authorities Ministers Group are key to demonstrating high quality, transparent decision making. While I recognise that decisions were necessarily being made at pace, in a number of respects high quality, transparent decision making cannot be demonstrated; and
- consideration of advice is central to making good decisions. Although expert advice was often obtained and relevant officers were present at the meetings, advice in some key areas was not routinely presented to decision makers in clearly structured, written reports. This makes it harder to demonstrate that all relevant considerations had been taken into account.

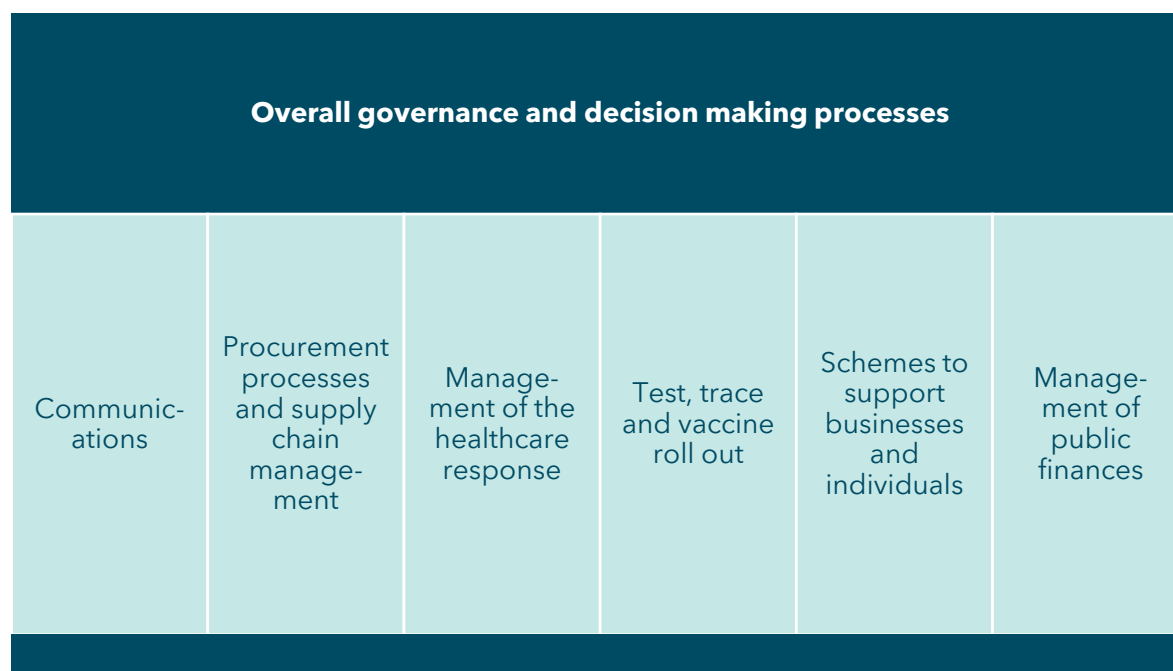
Conclusions

4. The Government of Jersey moved quickly to refine and establish decision making groups at political and officer level to respond to the challenges of the COVID-19 pandemic. This was against a background where the need for updating emergencies legislation had been recognised. However, there were some ambiguities about the respective roles of the different groups.
5. The mechanisms used for identifying, recording and managing potential conflicts of interest at political and officer level need development. In addition, there is an opportunity to standardise the structure and content of reports submitted to political decision making groups to ensure they cover all matters needed for high quality, transparent decision making.

Objectives and scope of the review

6. The review is part of a series of reviews I am undertaking looking at the Government's response to the COVID-19 pandemic as shown in Exhibit 1.

Exhibit 1: C&AG reviews of the Government response to the COVID-19 pandemic



7. The review has evaluated the effectiveness of overall governance and decision making processes during the COVID-19 pandemic, including:
 - the implementation of emergency plans
 - the respective roles of different individuals and groups, including the Council of Ministers, the Emergencies Council and the Competent Authorities Ministers Group, as well as officer led groups (such as the strategic co-ordination group and the tactical co-ordination group)
 - in relation to decisions made at a political level:
 - the consideration given to intelligence and advice received from experts
 - the consideration given to financial and legal consequences as decisions have been made
 - the assessment and management of risk, including the impact of decisions on the delivery of other priorities

- the documentation of decisions made including the reasons for the decisions and the assessment of alternatives considered; and
 - compliance with delegated authorities and systems of internal control.
8. The review extends to activities across the States of Jersey including Ministerial departments and non-Ministerial departments. The review does not extend to States' owned entities or arm's-length organisations.
 9. The review is based on an assessment of decisions made to mid-2021.
 10. The review approach is explained in detail in Appendix One.

Detailed findings

Implementation of emergency plans

11. Effective responses to emergencies require:
 - an appropriate legislative structure designed to accommodate multi-dimension political level decision making at pace; and
 - clear administrative arrangements designed to accommodate decision making at officer level.

12. Jersey had in place the Emergency Powers and Planning (Jersey) Law 1990. This provided for:
 - the establishment of an Emergencies Council comprising the Bailiff, four designated Ministers, other Ministers designated as a 'competent authority' and a Connétable. The Council is responsible for co-ordinating the planning, organisation and implementation generally of measures *'to guard against, prevent, reduce, mitigate or overcome the effects or possible effects of any happening, event or circumstance that causes or may cause loss of life or injury or distress or hardship to persons or that in any way endangers or may endanger the health or safety of the community or that in any way threatens to deprive the community of the necessities of life'*
 - the appointment of an Emergency Planning Officer to perform functions assigned by the Emergencies Council
 - the power of the Emergencies Council to designate Ministers as 'competent authorities' for fuel and electricity, telecommunications, gas, food and water with wide powers to issue Orders in their assigned areas
 - a right for the Lieutenant Governor, following consultation with the Emergencies Council, to declare a State of Emergency for a period not exceeding 30 days where it appears to the Lieutenant Governor that there have occurred or are about to occur *'events of such a nature as to threaten the national defence or the safety of the community'*; and
 - a power for the Emergencies Council, during a State of Emergency, to make Orders for *'securing the essentials of life to the community'*. The legislation allows the imposition of powers and duties for: the preservation of peace; securing and regulating the supply and distribution of food, water, fuel, light, telecommunications and other necessities; maintaining transportation; and

other purposes essential to public safety and the health or life of the community.

13. At the commencement of the COVID-19 pandemic, the Government of Jersey recognised that the legislation did not provide the best route forward for managing the pandemic. Indeed, plans for replacement legislation were already under consideration.
14. The Lieutenant Governor did not exercise his power to declare a State of Emergency. However, the need for legislation to deal with the specific circumstances of the COVID-19 pandemic was recognised. The COVID-19 Enabling Provisions (Jersey) Law 2020 (the 2020 Law) was adopted by the States Assembly on 27 March 2020 and came into force on 8 April 2020. The 2020 Law empowered the States Assembly by Regulation to make provisions necessary or expedient as a direct or indirect result of the COVID-19 outbreak in Jersey or its aftermath, including to :
 - amend Laws
 - confer powers or impose duties by Order; and
 - create criminal offences with a maximum penalty of imprisonment of up to four years.
15. At political level two existing groups operated:
 - the Council of Ministers, established under the States of Jersey Law 2005. Amongst its functions are co-ordinating the policies and administration that are the responsibility of individual Ministers and discussing and agreeing policy that affects two or more Ministers; and
 - the Emergencies Council, with the wide ranging responsibility for co-ordinating the planning, organisation and implementation of measures relating to emergencies.
16. Alongside these was established a Competent Authorities Ministers Group on a non-statutory basis. This comprised the Chief Minister and the individual Ministers designated as competent authorities in the five areas specified in the Emergency Powers and Planning (Jersey) Law 1990. The Minister for Treasury and Resources and the Minister for Children and Education had standing invitations to attend. In the absence of any formal powers, the Competent Authorities Ministers Group provided an opportunity for the Ministers concerned to consult colleagues prior to making decisions in the areas of their individual competence.
17. There was significant overlap between the membership of the three political level groups (see Exhibit 2).

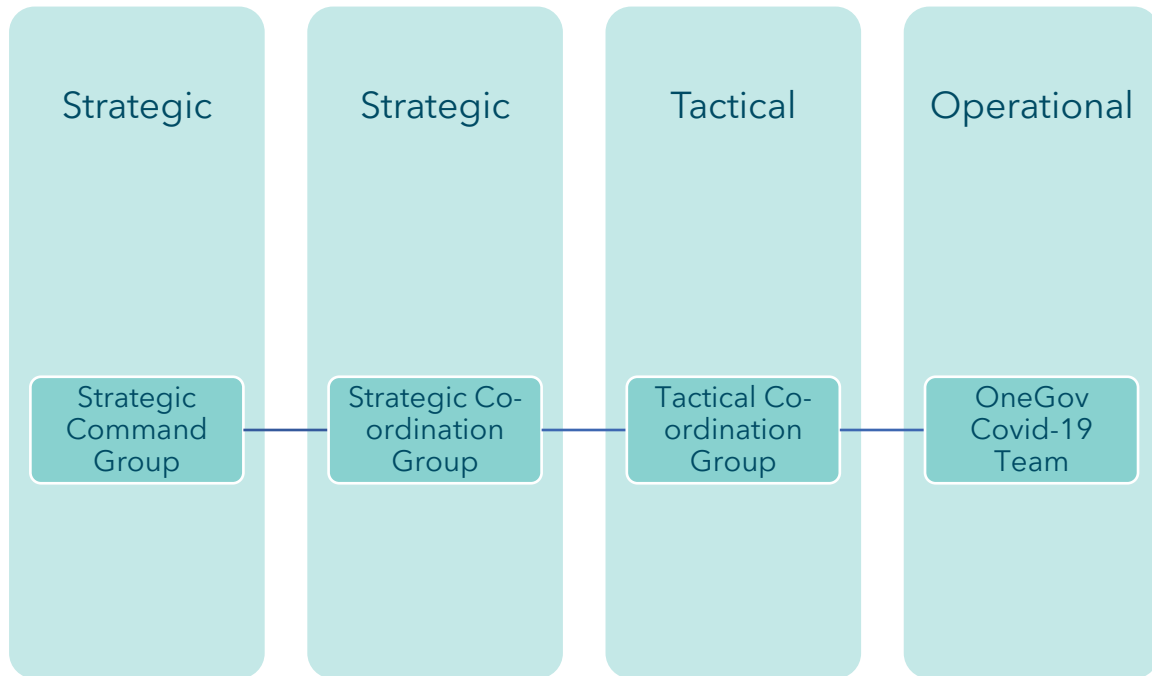
Exhibit 2: Membership of decision making groups at political level

	Council of Ministers	Emergencies Council	Competent Authorities Ministers Group
Bailiff		X	
Chief Minister	X	X	X
Deputy Chief Minister/ Minister for Economic Development, Tourism, Sport and Culture	X	X	X
Minister for External Relations	X	Invitation to attend	X
Minister for Health and Social Services	X	X	X
Minister for Home Affairs	X	X	X
Minister for Housing and Communities	X		
Minister for Infrastructure	X	X	X
Minister for International Development	X		
Minister for Social Security	X		
Minister for the Environment	X		
Minister for Treasury and Resources	X	Invitation to attend	Invitation to attend
Minister for Children and Education	X	Invitation to attend	Invitation to attend
A Connétable		X	

Source: Jersey Audit Office analysis

18. At officer level, an Initial Review Group was established on 24 January 2020 in response to an emerging issue. As a result of its work, an officer structure was established reflecting the traditional Strategic, Tactical and Operational structure (see Exhibit 3).

Exhibit 3: Officer structures



Source: Government of Jersey

19. The distinguishing feature of the structure was the establishment of two strategic level groups: the Strategic Command Group chaired by the Chief Executive and the Strategic Co-ordination Group chaired by the Director General for Justice and Home Affairs that reported to the Strategic Command Group. Whilst both of these groups had specific responsibilities, my review identified that there was a degree of potential overlap between the two groups. In addition, the distinction between the two groups may not have been fully understood outside of the members of the groups.
20. The Strategic Command Group in turn reported to the Competent Authorities Ministers Group and the Emergencies Council.
21. At operational level, the OneGov Covid-19 Team was established to co-ordinate activity within Government, for example, movement of staff and liaison with parishes. Smaller groups focussing on specific topics were also established. Called cells, these included the Scientific and Technical Advisory Cell and a cell focussing on Excess Deaths.

22. The Strategic Co-ordination Group and the Tactical Co-ordination Group used standard templates for agendas and action points but these were not adopted by the Strategic Command Group.

Recommendations

- R1** In developing proposals for new emergencies legislation, consider explicitly the experience of the response to the COVID-19 pandemic and address identified weaknesses.
- R2** Review the advantages and disadvantages of establishing two strategic level officer groups and establish plans for future emergencies in light of that review.
- R3** Prepare and utilise standardised documentation for different officer level groups in the emergency structure.

Governance structures and roles

23. For effective decision making during an emergency situation, it is essential that:
- not only are appropriate structures in place but that the respective roles of the different groups are consistently understood; and
 - the highest standards of propriety can be demonstrated consistently even when decisions are being made at pace and on occasions outside the usual frameworks.
24. In my view:
- the role of the Emergencies Council is very clear where a State of Emergency has been declared as it has wide powers to make Orders
 - the role of the Emergencies Council in the absence of the declaration of a State of Emergency was less clear. Although it has a duty of co-ordination of emergency planning, implementation and response, it has no specific powers independent of those of individual Ministers
 - the purpose of the Competent Authorities Ministers Group was not transparent. It was not formally constituted as a Committee of the Council of Ministers; and
 - in cases where groups did not have the relevant decision making powers, the rationale for which matters were discussed at which groups was not clear.
25. Given the wide ranging nature of the decisions required as part of the response to the COVID-19 pandemic, it was likely that some of the politicians and/or officers involved in decision making would have interests in the matters under consideration. For example, the business interests of individual politicians and

their family members might be affected by decisions on the establishment and terms of COVID-19 financial support schemes.

26. Transparency and good governance require:
- identification of such interests
 - recording of such interests
 - explicit consideration of whether such interests relate to an item under consideration; and
 - where interests are identified as relating to an item under consideration, explicit consideration of whether the nature of the interest would disqualify the individual from participation in consideration of the matter.
27. The Standing Orders of the States of Jersey:
- require members of the States Assembly to make a declaration of specified interest within 30 days of taking their oath of office
 - require members of the States Assembly to update their declarations within 30 days of any relevant change in circumstances
 - provide for publication of the register of interests by the Greffier of the States; and
 - include a Code of Conduct for elected members that reflects the Nolan principles of public life. These include a requirement to 'declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.' The Standing Orders of the States of Jersey provide that a direct financial interest would preclude a member from voting on a matter. The relevant Standing Order is supported by draft Bailiff's guidance.
28. Under the terms of the Standing Orders individual elected members who were members of political decision making groups had made declarations of interests to the Greffier of the States. Under the terms of the Standing Orders individual elected members who were members of political decision making groups had registered certain financial interests with the Greffier of the States. These registered interests included business interests that might have given rise to conflicts of interest in relation to some matters under consideration in relation to the COVID-19 response.
29. As good practice, many public sector bodies' meetings commence with explicit consideration of:

- whether any of the interests already declared have any bearing on the matters on the agenda
 - whether there are any other interests that should be declared in respect of matters on the agenda; and
 - whether the nature of the interest should disqualify an individual from participation in consideration of an item on the agenda.
30. Such a process puts consideration of interests centre-stage and promotes routine, explicit consideration of steps to resolve conflicts of interest.
31. My review of the agendas and minutes of the relevant political groups identified:
- no routine agenda item for declaration of interests and consideration of the potential implications of such declarations; and
 - no minuted consideration of the potential impact of and the steps taken to manage identified conflicts of interest.
32. Given the nature of interests of some elected members of decision making groups and the matters under consideration, in particular restrictions and support schemes relating to some business activities, the absence of a routine process for prompting declaration of conflicts of interest and considering the steps required to manage such conflicts represents a weakness in governance.
33. Situations also arose where officers in attendance at and participating in such meetings had potential interests in matters under consideration, such as those interests arising from other business interests. Transparency and demonstrating observance of the highest standards of probity would be best served by the declaration of interests and consideration of the impact of such declarations extending to officers. My review of agendas and minutes did not identify any such declarations.

Recommendations

- R4** 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.
- R5** In establishing any group comprising a sub-set of the Council of Ministers, explicitly consider and document:
- its relationship to the Council of Ministers

- its authority; and
- when and how it reports to the Council of Ministers.

R6 For political level groups, routinely include an item at the start of agendas considering:

- the relevance of interests previously registered with the Greffier of the States to items on the agenda
- whether there are any other interests that are relevant to items on the agenda; and
- the response to identified interests, including non-participation in items on the agenda.

R7 Apply similar arrangements for the declaration and management of conflicts of interest for officers participating in such political level groups.

R8 Ensure that all declarations of interest and associated arrangements for management of conflicts of interest are clearly minuted.

Decision making

34. Good decision making is supported by accessible, relevant agendas and agenda papers that:

- specify the items to be considered
- explain the reason for the item being presented for consideration by the group considering it
- analyse alternative courses of action; and
- clearly set out the course of action recommended.

35. Minutes are most effective where they:

- clearly record the decision reached
- record the reasons for decisions where these are not set out in the relevant agenda papers; and
- are promptly prepared and approved.

36. Good decision making is also supported by:

- documented implementation of a decision made, for example, via a Ministerial Decision or Order; and
- reporting back where a Ministerial Decision or Order is at variance with the action agreed at the meeting.

37. I recognise that many decisions were being taken at speed and agenda papers therefore needed to be prepared on an accelerated basis. In that situation I recognise that some of the documentation would not be as refined as might be anticipated in normal circumstances. However, that does not detract from the importance of demonstrable quality in decision making, especially in light of the significance of some of the matters being considered. I would therefore expect that all the good practice elements should be addressed.

38. I have undertaken a review of the minutes and agendas of the Competent Authorities Ministers Group, focussing in particular on 15 'decisions' covering the period 23 March 2020 to 16 June 2021 (see Appendix Two). In selecting decisions for review I have focussed on areas not covered by other reports that I have issued on the Government's response to the COVID-19 pandemic. I have noted variations in the extent to which the best practice outlined above could be identified (see Exhibit 4).

Exhibit 4: Analysis of sample of decisions taken to the Competent Authorities Ministers Group March 2020 to June 2021

Criterion	Yes	No	Other	Breakdown of other
On agenda	6	6	3	Covered by wider agenda item (3)
Agenda paper available	9	4	3	Agenda paper not provided but referred to in minutes (3)
Reason for referral to Competent Authorities Ministers Group clear	2	10	3	Reason implied in agenda papers (3)
Reasons for decision made clear	8	7	0	
Reason for referral to Competent Authorities Ministers Group appropriate	8	1	6	No rationale in agenda papers (5) Implied in agenda papers (1)

Criterion	Yes	No	Other	Breakdown of other
Subsequent implementation through Ministerial Decision or Order if applicable	10		5	None identified (1) None required (4)
Implementation consistent with decision	9		5	None identified (1) None required (4)

Source: Jersey Audit Office analysis

39. I would highlight in particular:

- consideration of matters not clearly specified on the agenda
- the absence of agenda papers for some matters
- the absence of a standard pro-forma for agenda papers that would routinely cover, for example, the reason for referral and the decision sought. Instead, due to the need to make decisions at pace, there was a high reliance on presentation packs that did not routinely cover such matters
- in most cases, the absence of consideration of options for alternative courses of action
- in some instances, the absence of any recorded reasons for decisions; and
- the absence of an action log to demonstrate how decisions of the Competent Authorities Ministers Group flowed through to Ministerial Decisions or Orders.

40. I recognise that at the outset of the COVID-19 pandemic decisions were being made at pace and arrangements had not been embedded. However, a number of the weaknesses in documentation of decision making, as highlighted in paragraph 39 above, persisted beyond the initial stages of the COVID-19 pandemic.

41. I also note that:

- meetings of different political decision making groups were often held not only on the same day but sequentially. Where they were undertaken virtually there was sometimes a lack of clarity as to where one meeting ended and another commenced and therefore about which group was making decisions
- in some instances, minutes of decision making groups were not promptly prepared, submitted and approved at subsequent meetings. Indeed, in some cases attempts were made some time later to change minutes other than to correct factual errors; and

- in some instances, public announcements were made prior to formal decisions by political decision making groups. In my November 2021 report *Government support to businesses during the COVID-19 pandemic - Co-Funded Payroll Scheme* I highlighted such instances.

Recommendations

- R9** Adopt and use a standard format for agenda papers for political decision making groups that includes:
- the reasons for referral to the group in question
 - the recommended course of action
 - potential alternative courses of action; and
 - the reasons for the recommended course of action.
- R10** For political decision making groups routinely maintain and present to subsequent meetings an action log that records the implementation of decisions made.
- R11** Ensure that there is clear delineation between meetings of different political decision making groups.
- R12** Adopt a clear timetable for preparation, consideration and approval of minutes of political decision making groups.

Provision of advice to support decision making

42. High quality decision making requires relevant specialist input. That input covers:
- subject matter input, for example public health input in the case of decisions on the implementation and relaxation of some COVID-19 restrictions; and
 - relevant professional input on financial, legal, procurement, human resources and risk management relating to matters being considered.
43. My analysis of 15 of the decisions of the Competent Authorities Ministers Group identified that, although expert advice was often obtained and relevant officers were present at the meetings, the advice was not always clearly documented. Often structured advice was not included in agenda papers on other matters that are relevant to most decisions (see Exhibit 5). The absence of such documented

advice impedes the ability of political decision makers to demonstrate that they have taken into account all relevant factors.

Exhibit 5: Analysis of sample of decisions taken to the Competent Authorities Ministers Group March 2020 to June 2021: Advice Provided

Criterion	Yes	No	Other	Breakdown of other
Documented expert advice	7	5	3	Implied in agenda papers /minutes (3)
Options presented	3	12		
Financial, legal, procurement and human resources advice included	0	13	2	Partial coverage (2)
Risk assessment and mitigation included	1	12	2	Implied in agenda papers /minutes (2)

Source: Jersey Audit Office analysis

44. I also note that:

- as highlighted in my April 2021 report *Management of the Healthcare Response to the COVID-19 Pandemic*, the record of the advice given through the Scientific and Technical Advisory Cell (STAC) was not always comprehensive and there are no detailed records around how this advice was created (including alternative options considered); and
- risk assessment and management were not consistently embedded in political level decision making on the COVID-19 pandemic. Whilst the overall approach was to balance harms, specific risks were not explicitly considered in the majority of decisions I reviewed.

45. I have commented more widely on the nature of public health advice provided and made recommendations for improvement in my April 2021 report *Management of the Healthcare Response to the COVID-19 Pandemic*.

Recommendation

R13 In the standard format for agenda papers for decision making groups, include sections covering:

- expert advice
- financial, legal, procurement and human resources implications; and
- assessment of risks, mitigations and residual risks.

Appendix One

Audit Approach

The review included the following key elements:

- review of relevant documentation provided by the Government of Jersey; and
- interviews with key officers within the States of Jersey.

The documentation review included agendas, agenda papers and minutes of:

- the Council of Ministers
- the Emergencies Council
- the Competent Authorities Ministers Group.

I also reviewed:

- the Corporate Services Scrutiny Panel's report *COVID-19 Response and Recovery Interim Report (S.R.7/2021)*
- submissions made to the Public Accounts Committee.

The officers and bodies interviewed or who provided written input included:

- the Director General, Strategic Policy, Planning and Performance
- the former Director General, Justice and Home Affairs
- the Greffier of the States.

I would like to thank everyone who has contributed to this report.

The fieldwork was carried out by the Comptroller and Auditor General and Deputy Comptroller and Auditor General and an affiliate working for the Jersey Audit Office.

Appendix Two

Individual Decisions of the Competent Authorities Ministers Group analysed

Date	Decision	On agenda paper	Agenda paper available	Reason for referral to Competent Authorities Ministers Group clear	Reasons for decision clear	Reason for referral to Competent Authorities Ministers Group appropriate	Subsequent implementation through Ministerial Decision or Order if applicable	Implementation consistent with decision
23 March 2020	Closure of remaining public swimming pools, leisure centres, gyms and betting shops	N	N	N	N	No rationale	Y	Y
27 March 2020	Government underwriting the cost of maintaining an airlink	N	N	N	N	No rationale	Y	Y
6 April 2020	Costs of a temporary mortuary	N	N	N	N	No rationale	Y	Y

Date	Decision	On agenda paper	Agenda paper available	Reason for referral to Competent Authorities Ministers Group clear	Reasons for decision clear	Reason for referral to Competent Authorities Ministers Group appropriate	Subsequent implementation through Ministerial Decision or Order if applicable	Implementation consistent with decision
17 April 2020	Expansion of the contact tracing team	Covered by wider item	N	N	N	No rationale	Y	Y
1 June 2020	Announcement of moving to Level 2 from 12 June 2020	N	Referred to in minutes	N	Y	Y	Y	Y
6 August 2020	Provision of flu vaccination at no charge	Y	Y	N	Y	Y	Y	Y
14 October 2020	Continued application of existing rules to returning students	Y	Y	N	Y	Implied	None required	None required
2 December 2020	Reapplication of two metre physical distancing	N	Referred to in minutes	N	Y	N	Y	Y

Date	Decision	On agenda paper	Agenda paper available	Reason for referral to Competent Authorities Ministers Group clear	Reasons for decision clear	Reason for referral to Competent Authorities Ministers Group appropriate	Subsequent implementation through Ministerial Decision or Order if applicable	Implementation consistent with decision
16 February 2021	Permission for hotels to take general bookings from 22 February 2021	Y	Y	Y	Y	Y	Y	Y
29 March 2021	Permission for up to 20 people to gather in homes and gardens from 12 April 2021	Y	Y	Implied	N	Y	Y	Y
28 April 2021	Return to standard licencing hours from 28 April 2021	Y	Y	Implied	N	Y	Y	N - two day delay to implementation
20 May 2021	Retention of masks to Stage 7 of Reconnection Strategy	Covered by wider item	Y	N	Y	No rationale	None required	None required

Date	Decision	On agenda paper	Agenda paper available	Reason for referral to Competent Authorities Ministers Group clear	Reasons for decision clear	Reason for referral to Competent Authorities Ministers Group appropriate	Subsequent implementation through Ministerial Decision or Order if applicable	Implementation consistent with decision
9 June 2021	Maintenance of existing limits on gatherings in private houses until at least 21 June 2021	Y	Y	Implied	Y	Y	None required	None required
16 June 2021	Maintenance by venues of records of which table was used by each customer	Covered by wider item	Y	N	N	Y	None identified	None identified
16 June 2021	Delay of Stage 7 of Reconnection Strategy by two weeks	Y	Referred to in minutes	Y	Y	Y	None required	None required

Date	Decision	Documented expert advice	Options presented	Financial, legal, procurement and human resources advice included	Risk assessment and mitigation included
23 March 2020	Closure of remaining public swimming pools, leisure centres, gyms and betting shops	N	N	N	N
27 March 2020	Government underwriting the cost of maintaining an airlink	N	N	N	N
6 April 2020	Costs of a temporary mortuary	Implied	N	N	N
17 April 2020	Expansion of the contact tracing team	N	N	N	N
1 June 2020	Announcement of moving to Level 2 from 12 June 2020	Implied	N	N	Implied
6 August 2020	Provision of flu vaccination at no charge	Y	Y	Partial	Implied
14 October 2020	Continued application of existing rules to returning students	Y	N	N	N
2 December 2020	Reapplication of two meter physical distancing	Implied	N	N	N

Date	Decision	Documented expert advice	Options presented	Financial, legal, procurement and human resources advice included	Risk assessment and mitigation included
16 February 2021	Permission for hotels to take general bookings from 22 February 2021	Y	N	N	N
29 March 2021	Permission for up to 20 people to gather in homes and gardens from 12 April 2021	Y	N	N	N
28 April 2021	Return to standard licencing hours from 28 April 2021	N	N	N	N
20 May 2021	Retention of masks to Stage 7 of Reconnection Strategy	Y	Y	N	Y
9 June 2021	Maintenance of existing limits on gatherings in private houses until at least 21 June 2021	N	Y	N	N
16 June 2021	Maintenance by venues of records of which table was used by each customer	Y	N	N	N
16 June 2021	Delay of Stage 7 of Reconnection Strategy by two weeks	Y	N	Partial	N

Appendix Three

Summary of Recommendations

- R1** In developing proposals for new emergencies legislation, consider explicitly the experience of the response to the COVID-19 pandemic and address identified weaknesses.
- R2** Review the advantages and disadvantages of establishing two strategic level officer groups and establish plans for future emergencies in light of that review.
- R3** Prepare and utilise standardised documentation for different officer level groups in the emergency structure.
- R4** 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.
- R5** In establishing any group comprising a sub-set of the Council of Ministers, explicitly consider and document:
- its relationship to the Council of Ministers
 - its authority; and
 - when and how it reports to the Council of Ministers.
- R6** For political level groups routinely include an item at the start of agendas considering:
- the relevance of interests previously declared to the Greffier of the States to items on the agenda
 - whether there are any other interests that are relevant to items on the agenda; and
 - the response to identified interests, including non-participation in items on the agenda.
- R7** Apply similar arrangements for the declaration and management of conflicts of interest for officers participating in such political level groups.
- R8** Ensure that all declarations of interest and associated arrangements for management of conflicts of interest are clearly minuted.

- R9** Adopt and use a standard format for agenda papers for political decision making groups that includes:
- the reasons for referral to the group in question
 - the recommended course of action
 - potential alternative courses of action; and
 - the reasons for the recommended course of action.
- R10** 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.
- R11** Ensure that there is clear delineation between meetings of different political decision making groups.
- R12** Adopt a clear timetable for preparation, consideration and approval of minutes of political decision making groups.
- R13** In the standard format for agenda papers for decision making groups include sections covering:
- expert advice
 - financial, legal, procurement and human resources implications; and
 - assessment of risks, mitigations and residual risks.



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