

STATES OF JERSEY



MINISTERIAL DECISIONS: SUPPLEMENTARY GUIDELINES

**Presented to the States on 4th December 2006
by the Council of Ministers**

STATES GREFFE

REPORT

R.C.80/2005, presented on 18th October 2005, set out the basis and process for making and recording Ministerial Decisions.

Whilst the R.C. set out the formal process there are some associated points which will ensure that there is an appropriate governance arrangement in relation to the separation of advice to Ministers, the actual process of decision-making and the implementation of decisions. Those points are as follows –

1. It is inappropriate for Ministers to take decisions without receiving advice from their officers. Where matters are particularly significant or controversial that advice should, whenever possible, be reviewed by the Chief Officer.
2. A Minister must make it clear at the beginning of a meeting where no officer is present that no decisions can be taken at the meeting. In all but the most urgent of cases the Minister should not be expected to make a decision on the spot. The Minister should be afforded the opportunity to reflect upon the matter and consider appropriate advice and evidence.
3. A Minister might indicate his or her intent verbally or by other means, but a decision will only be made when the Ministerial decision is signed or, *in extremis*, agreed remotely.
4. The decision form must as far as possible be fully completed and supported by appropriate information and a trail to relevant documents.
5. The officer providing advice and/or completing the decision form is accountable for the advice given. It should be complete and balanced and reflect the officer's best professional advice. Ministers, as the decision-takers, are free to take a different view and a contrary decision to the advice received. The Minister's reasoning should be recorded as far as possible.
6. Officers will be expected to implement Ministerial decisions regardless of the advice given. If, however, a decision were to result in an illegal act, contravene financial directions or create a significant risk to the States or the Island the officer should refer the matter to the Chief Officer of the department or, if the officer is a Chief Officer, to the Chief Executive to the Council of Ministers.

Those senior officers will be expected to discuss the matter with the Minister or the Council of Ministers in order to resolve it appropriately.

7. In the case of a decision which contravenes financial directions or would otherwise contravene the role of Accounting Officer the Minister will have to issue a direction. The Accounting Officer will then follow the rules laid out for such matters.
8. Chief Officers are personally responsible for ensuring that Ministers are appropriately supported and that all appropriate officers are fully aware of and trained to fulfil their responsibilities.
9. Ministers are personally responsible for ensuring that they follow the rules and guidelines to ensure that their actions are subject to sufficient governance and that there is appropriate separation of advice and recording of decisions.
10. In order to ensure appropriate segregation of responsibilities Ministers should whenever possible refrain from implementing their own decisions.