

States of Jersey
States Assembly



États de Jersey
Assemblée des États

CORPORATE SERVICES SCRUTINY PANEL



LEGACY REPORT 2014 - 2018

Presented to the States on 23rd May 2018

S.R.14/2018

Contents

Remit.....	2
Membership.....	2
Introduction	2
Work undertaken	4
Reports.....	4
Comments Papers.....	5
Amendments.....	5
Roles of Scrutiny	7
Methods of working.....	7
Suggestions for future work.....	8
Further Suggestions	9

Remit

'There shall be a scrutiny panel which is assigned the topics of corporate services, corporate policies and external relations' (Standing Order 135(1)(a)). The Panel's remit covers the Chief Minister and the Ministers for External Relations and Treasury and Resources (Code of Practice 4.2). Certain areas of the Chief Minister's remit (Financial Services, Digital and Competition) were scrutinised by the Economic Affairs Scrutiny Panel.

Membership

Deputy John Le Fondré (chairman)

Deputy Simon Brée (Vice-Chairman)

Deputy Kevin Lewis (appointed to the Panel on 9th December 2014)

Senator Sarah Ferguson (appointed to the Panel on 11th October 2016)

Connétable Chris Taylor (Panel member from November 2014 to 10th October 2017)



**Public Hearing with Minister for Treasury and Resources,
February 2015**

Introduction

1. The Corporate Services Panel has reviewed the work it has undertaken since its establishment by the States in November 2014 and agreed to provide a report to its successor Panel established by the States in its next session to assist in developing its own work programme.
2. The report sets out:
 - The work undertaken by the Panel during the session 2014 – 2018;
 - Methods of working used by the Panel; and
 - Suggestions for issues that a successor Panel may wish to consider in developing its work programme.
3. The Panel met **288** times between November 2014 and April 2018 (including electronic meetings). Details of minutes can be found on the [scrutiny website](#).

Work undertaken

4. The primary output of scrutiny panels is usually a report or comments paper. Sometimes, a panel's work will result in an amendment to a proposition or piece of legislation.

Reports

5. The Panel presented **17** reports to the States Assembly in the period 2014 to 2018:

Review	Reference	Presentation Date
2015		
Council of Ministers proposed Strategic Priorities 2015-2018	R.8/2015	23rd February 2015
Public Finance (Jersey) Law 2005 - Amendment	S.R.2/2015	22nd May 2015
Medium Term Financial Plan 2016 - 2019	S.R.6/2015	2nd October 2015
Jersey International Finance Centre (interim report)	S.R.7/2015	30th October 2015
Public Sector Pension Reform (Phase 2)	S.R.8/2015	16th November 2015
Draft Budget 2016	S.R.10/2015	11th December 2015
2016		
MTFP 2016-2019 Impact Assessments	R.58/2016	27th May 2016
MTFP Addition for 2017-19	S.R.6/2016	23rd September 2016
Draft Budget 2017	S.R.8/2016	9th December 2016
2017		
Future Hospital Funding Strategy	S.R.4/2017	13th April 2017
Review of Electoral Reform	S.R.6/2017	5th June 2017
Jersey International Finance Centre (final report)	S.R.8/2017	14th July 2017
Budget 2018 Interim Report (Impots Duties)	S.R.10/2017	23rd November 2017
Income Forecasting Model	S.R.11/2017	27th November 2017
Draft Budget Statement 2018	S.R.12/2017	27th November 2017
2018		
Marriage and Civil Status Law	S.R.1/2018	26th January 2017
Migration Policy	S.R.7/2018	9th April 2018

Comments Papers

6. The Panel presented **8** comments papers:

Comments	Presentation Date
2015	
Draft Public Finances (Amendment of Law No. 2) (Jersey) Regulations 201- (P.42/2015): amendment.	19th May 2015
Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 201- (P.46/2015): comments (Jersey Property holdings)	4th December 2015
Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 201- (P.46/2015): comments (Fisheries and Aquatic Resources)	4th December 2015
2017	
Draft Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 201- (P.105/2016): amendment (P.105/2016 Amd.) – comments.	12th January 2017
Draft Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 201- (P.11/2017): comments.	27th March 2017
Draft The Law Society of Jersey (Amendment No. 4) Law 201- (P.136/2016): comments.	28th April 2017
Immigration (Amendment) (Jersey) Order 2017: extension to Jersey by Order in Council (P.26/2017) – comments	16th June 2017
Draft Asian Infrastructure Investment Bank (Immunities and Privileges) (Jersey) Regulations 201- (P.68/2017): comments	14th November 2017

Amendments

7. The Panel lodged **13** amendments (and two addendums):

Amendment	Lodging date
2015	
Draft Strategic Plan 2015 – 2018 (P.27/2015): eleventh amendment.	14th April 2015
Draft Strategic Plan 2015 – 2018 (P.27/2015): twelfth amendment.	14th April 2015
Draft Strategic Plan 2015 – 2018 (P.27/2015): thirteenth amendment.	14th April 2015
Draft Public Finances (Amendment of Law No. 2) (Jersey) Regulations 201- (P.42/2015): amendment.	19th May 2015

<u>Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 201- (P.46/2015): second amendment.</u>	1st December 2015
<u>Medium Term Financial Plan 2016 – 2019 (P.72/2015): fourth amendment.</u>	18th September 2015
<u>Medium Term Financial Plan 2016 – 2019 (P.72/2015): fifth amendment.</u>	18th September 2015
<u>Medium Term Financial Plan 2016 – 2019 (P.72/2015): twelfth amendment.</u>	22nd September 2015

2016

<u>Draft Medium Term Financial Plan Addition for 2017 – 2019 (P.68/2016) – eighth amendment</u>	13th September 2016
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2017

<u>Future Hospital Funding Strategy (P.130/2016): third amendment.</u>	4th April 2017
<u>Future Hospital Funding Strategy (P.130/2016): third amendment (P.130/2016 Amd.(3)) – addendum.</u>	13th April 2017
<u>Future Hospital Funding Strategy (P.130/2016) (as amended): third amendment (P.130/2016 Amd.(3)) – second addendum.</u>	2nd May 2017

2018

<u>Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (P.91/2017): second amendment.</u>	16th January 2018
<u>Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (P.91/2017): second amendment (P.91/2017 Amd.(2)) – amendment</u>	25th January 2018
<u>Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (P.91/2017): second amendment (P.91/2017 Amd.(2)) – second amendment</u>	25th January 2018

Roles of Scrutiny

8. The Code of Practice for Scrutiny Panels sets out the four main roles of scrutiny as Policy, Legislation, Annual Business Plan/Budget and Matters of Public Interest. We have undertaken work in each of these areas:
- **Policy:** Migration Policy, Future Hospital Funding Strategy
 - **Legislation:** Public Finances Law, Transfer of Functions, Employment of States of Jersey Employees Regulations, Electoral Reform, Law Society of Jersey, Immigration Law, Asian Infrastructure Investment Bank, Draft Marriage and Civil Status Law
 - **Annual Business Plan/ Budget:** Medium Term Financial Plan (MTFP), MTFP Addition, Draft Budget 2016, 2017 and 2018
 - **Matters of Public Interest:** Jersey International Finance Centre

Methods of working

9. **Review panels** – Review panels are formed by the Chairmen’s Committee to review a particular proposal, issue or project which may cut across the remit of a number of different scrutiny panels. We contributed to a number of review panels, including: Future Hospital Review Panel, Machinery of Government Review Panel and the Brexit Review Panel.



Future Hospital Review Hearing, November 2016



Future Hospital Review Panel visiting the hospital, November 2016

10. **Quarterly Public Hearings with Ministers** – The Chief Minister, Treasury Minister and External Relations Minister appeared before us on a regular basis to answer questions about topical issues falling within their respective remits.

At three of our quarterly hearings, we invited members of the public to submit questions to be put to Ministers.

11. **Advisers** – We appointed expert advisers to assist with a number of our reviews. In addition to providing briefing notes on evidence received and assisting with question plans, advisers met with departmental officers on a number of occasions to discuss important background to their work. Advisers' reports were appended to the relevant final reports.



Public Hearing with the Chief Minister, February 2015

12. **Briefings** – We received regular informal briefings from ministers and officers on matters relevant to our remit. Briefings were often provided at the start of a review or on one-off matters of importance. Briefings received included: the work of the States of Jersey Development Company, Personal Tax Review, Income Forecasting Model, Machinery of Government changes, Brexit, Population and Migration, and the draft Extradition Law.

Suggestions for future work

13. In this section, we have identified possible areas for future work by a successor Panel including forthcoming legislation. In addition to a general suggestion that consideration be given to the recommendations made by the Panel in the reports listed above, we would highlight the following:
- **Migration Policy:** We published a short [report on Migration Policy](#) in April 2018. As the Policy is not due to be debated until September 2018, we did not feel it appropriate to undertake an in-depth review. Instead, our high level report drew out some of the key areas of the policy, in anticipation of future work to be undertaken by Scrutiny.
 - **Jersey International Finance Centre:** We undertook a significant piece of work reviewing the feasibility of the Jersey International Finance Centre (JIFC). As part of this work, [we assessed the financial viability of the JIFC](#), assisted by expert advice from EY plc. We note that a recent Ministerial Decision has been signed which gives 'in principle' permission for IFC1 to be sold, subject to certain conditions. The Panel recommends that such a sale should be a trigger

for a scrutiny or Public Accounts Committee Review to consider the financial return compared to the original projections and the viability assessment completed by EY. This review should take into account the variances in market conditions between the original projections for the scheme, EY's assessment, and market conditions at the time of the sale. The review should also ensure that all costs of the scheme, to the States as a whole, are taken into account.

- **Marriage and Civil Status Law:** The [Panel's review](#) of the draft Marriage and Civil Status Law highlighted that the drafting of the law had been rushed. Our review picked up a number of areas where the law needed to be improved, however we could not guarantee to have picked up all of them. We also identified a potential issue with church buildings under the final approved version of the law. The Chief Minister accepted our recommendation that he should report back to the States Assembly before the law comes into force and we would recommend that this is followed up by our successor panel.
- **Access to Justice:** The Panel received a briefing on the [draft Access to Justice Law](#) prior to it being lodged. The draft Law introduces significant changes to the Legal Aid process and we expect that this is something our successor panel will wish to look at.
- **External Relations Policy:** We commenced a review of the Island's External Relations Policy in summer 2017. However, due to other pieces of urgent work coming before us, we were not able to continue with the review. At our request, the Minister for External Relations recently published a [Global Markets Strategy](#) and this could form the basis of a future scrutiny review.

Further Suggestions

- **Public engagement:** We recommend that scrutiny panels continue to explore new ways of engaging members of the public with the work of scrutiny. This might include different times and venues for public hearings¹, increased use of social media and different styles of report. We would encourage panels to be innovative in how they work.
- **“Ask the Minister”:** We suggest that more opportunities are given for



Future Hospital Review hearing held in the States Chamber, February 2018

¹ [Watch webcast of the Future Hospital Public Hearing on the States Assembly website.](#)

members of the public to submit questions to be asked in public hearings. We trialled this in a number of hearings with the Chief Minister² over the last 2 years and the Health and Social Security Panel also trialled it in its Organ Donation Review.

- **Legislative amendments:** When complex pieces of legislation come before the States, they can often be subject to numerous amendments. This can lead to States debates becoming complicated and difficult to follow. We would recommend that scrutiny panels (and indeed all Members) consider carefully how legislative amendments are structured, to ensure that debates do not become overly complicated. In particular, where amendments relate to different areas of a draft law, it is strongly recommended that these are lodged as separate amendments to ensure a separate debate and a separate vote can be held on each distinct amendment.
- **Executive work programme:** It has been acknowledged that the last few months of the 2014-2018 States Assembly saw an unprecedented number of legislative items lodged for debate. This challenged the capacity of all scrutiny panels. Ministers must ensure that sufficient time is built into the law making process for legislative scrutiny.



Twitter campaign for a quarterly public hearing with the Chief Minister

² [View the #AskGorst – March 2018 Twitter campaign](#)