

# Legacy Report 2018 - 2020

Public Accounts Committee

1st December 2020

P.A.C. 3/2020



States of Jersey  
States Assembly



États de Jersey  
Assemblée des États

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## Section 1 – Chair’s Foreword

I must thank the Public Accounts Committee members and the Committee Officer for the sterling support which they have given me whilst I have been present in meetings and during the times I have not been able to attend. I am particularly grateful to my Vice Chairman for taking the reins where necessary during this rather disjointed period of chairmanship.

It has been an eventful period. We welcomed the new Comptroller and Auditor General at the beginning of 2020, and at the same time we saw a changeover of the external auditors for the States of Jersey Annual Accounts.

Part of our attention has been taken up by recurring matters, made more difficult by the lack of progress in the Government’s implementation of some 400 recommendations of the C&AG.

We have not yet seen an Estate Management Strategy despite Jersey Property Holdings (JPH) working on it since the beginning of the session in 2018. It appears that despite different formations of departments such as Growth, Housing and Environment to Infrastructure, Housing Environment and the development of target operating models, the lack of resources under previous Treasurers has prevented the Department advancing much beyond the position it was in 2010 /2012. It is my fervent hope that the next PAC is able to continue the work we started on our follow up of Estate Management as it is such an important area for the Islanders, especially in these difficult times.

The work programme has been slowed down by the volume of paper generated. There have been responses to early reports which were some 170 pages long – I returned these. I found some senior civil servants did not understand Parliamentary procedure, but we now appear to be developing a more improved cooperation with the Government which is welcomed.

I am happy to hand over to a highly competent team and I wish them well for the future.



Senator Sarah Ferguson, Chair of PAC, May 2018 – October 2020



## Section 2 – Background and Context

### Background

The Public Accounts Committee's (PAC) Terms of Reference are found under [Standing Order 132](#), of the [Standing Orders of the States of Jersey](#). The majority of the Committee's work is based on considering audits undertaken by the [Comptroller and Auditor General \(C&AG\)](#), and reporting to the States Assembly on any significant issues arising from those reports. It also receives reports from the C&AG investigating the economy, efficiency and effectiveness and/or corporate governance arrangements of various States-run bodies and assesses:

- i. whether public funds have been applied for the purpose intended by the States; and
- ii. whether extravagance and waste are being eradicated and sound financial practices applied throughout the administrations of the States.

In practice, this means that between 70-80% of the PAC's workload is following up of the C&AG's work, however, under Standing Order 132(1)(c) of the [Standing Orders of the States of Jersey](#), the Committee can, and does, select its own review topics. The 20-30% capacity left for PAC translates to approximately 2 reviews per year, excluding the Review of the States' Annual Report and Accounts.

### Purpose of Legacy Report

Following the announcement of the Chair's decision to resign as Chair of the Public Accounts Committee on 20th October 2020, the Public Accounts Committee reviewed the work it has undertaken since its establishment by the States Assembly in May 2018, and agreed to provide a report to its successor Committee. This report provides an overview and timeline of the PAC's review of the key decisions that have been made by the Chief Executive, the Treasurer of the States and other members of the Senior Executive Leadership Team, as well as States-owned bodies such as Arms-Length Organisations (ALOs). Documentary and oral evidence obtained from departments and private meetings with senior officers and other relevant bodies, in relation to the implementation of States-approved policy and the use of public finances, has been collated for potential consideration by the new Public Accounts Committee.

The Committee has drawn on all the information it received during the last two years to present this report. It also raises ongoing matters of interest which it hopes will be taken forward and assists the next Committee in continuing its hard work and establishing a productive work programme.

## Context

Unlike other Scrutiny Panels, the Public Accounts Committee (PAC) does not scrutinise the formulating of policy nor hold particular Ministers to account. Instead, it holds to account senior officers such as:

- The Chief Executive Officer - to account for his duty to implement the policies approved by the States Assembly
- The Treasurer of the States – who has responsibilities which extend beyond those of an Accountable Officer
- Other Accountable Officers – not just Directors-General of departments but also Accountable Officers for Non-Ministerial Departments such as the States and Judicial Greffe(s) and the Bailiff's Office.

## Principal Accountable Officer<sup>1</sup>

Under the [Public Finance \(Jersey Law\) 2019](#), the Chief Executive Officer of the Council of Ministers is the Principal Accountable Officer and as such is answerable to the States of Jersey and accountable to the Council of Ministers for the exercise of the functions of the office. Although the Principal Accountable Officer<sup>2</sup> is not responsible for making policy decisions (this responsibility lies with the Government of Jersey, Council of Ministers and Ministers), he or she is accountable for the implementation of policy with due regard for the need to achieve value for money and good governance.

The Principal Accountable Officer is personally responsible for ensuring that systems are in place to ensure the States is administered efficiently and effectively, and for ensuring that reports to the States Assembly are accurate, meaningful and do not mislead. He or she can

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<sup>1</sup> As described in the [Public Finances Manual](#) which accompanies the [Public Finances Law](#)

<sup>2</sup> Under Article 41 of the [Public Finances \(Jersey\) Law 2019](#), the Principal Accountable Officer's answerability and accountability is defined as follows:

(1) The Principal Accountable Officer is answerable to the States' Public Accounts Committee, and is accountable to the Council of Ministers, for the performance of his or her functions.

(2) Accountable officers are answerable to the States' Public Accounts Committee for the performance of their functions.

be called before the Public Accounts Committee to justify why a particular course of action was taken, or not taken. Initiatives and activities should be assessed as to whether they meet the four essential standards of:

- Proprietary
- Regularity
- value for money
- feasibility<sup>3</sup>

and should be able to describe how they contribute to strategic outcomes and departmental objectives over time and how they will measure progress made and or service performance in alignment with the Jersey Standard for Performance Management and Business Planning.

The Principal Accountable Officer must ensure that there are procedures in place to ensure proper control and assurance frameworks exist throughout the States. In addition, the Principal Accountable Officer should apply the overarching test of: “Could this course of action be satisfactorily defended in public?” The [Nolan Principles](#)<sup>4</sup> of public life are of particular importance to the proper performance of the role:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

Given that the current Chief Executive has queried the PAC’s role and remit in questioning him on his performance<sup>5</sup>, this Legacy Report has necessarily made particular reference to the Chief Executive’s professional responsibilities to the PAC.<sup>6</sup>

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<sup>3</sup> [Public Finances Manual, Accountability, Principal Accountable Officer](#)

<sup>4</sup> The Seven Principles of Public Life outline the ethical standards those working in the public sector are expected to adhere to. They were first set out by Lord Nolan in 1995 in [the first report of the Committee on Standards in Public Life](#) and they are included in a range of Codes of Conduct across public life.

<sup>5</sup> Following a query from PAC asking for the Chief Executive’s performance appraisal, the PAC received an email from the Chief Executive on 5 August 2020: ‘I am surprised that the PAC would be questioning me on my performance as it’s a matter for the Chief Minister and I am not quite sure it falls within the remit of PAC?’

<sup>6</sup> At the time of drafting the final version of this report, 9<sup>th</sup> November 2020, the Chief Executive had signalled his intention to step down from his post but this did not factor into the PAC’s considerations.



Although the PAC has recently received a copy of the Chief Executive's performance appraisal, it has not yet had opportunity to enquire into the manner in which his performance is being measured. Furthermore, the PAC noted anonymous comments made in the appraisal about the conduct of public hearings by Scrutiny Panels which it believes merit respectful discussion with the Chief Executive. This PAC made an initial enquiry into the way he will ensure accountability of his officers but had not requested or reviewed any documentation in this regard.

## Section 3 – Work Undertaken by the PAC (2018 – 2020)

### Summary of Work Undertaken

The Committee was updated on all of the Comptroller and Auditor General's Review Reports between May 2018 and October 2020<sup>7</sup>, and requested the Chief Executive and Treasurer of the States and/or relevant Departments for Executive Responses to the recommendations contained therein. It also submitted to the States Assembly its own Comments Papers on several of the Executive Responses to its own reports or those of the C&AGs, in particular where it considered that the Executive Response had been inadequate. It held regular meetings to receive updates on the [Audit Plans of the C&AG](#) and discuss progressing its work programme, also often incorporating briefings from senior officers on a number of topics. It has also completed reviews into the States' Annual Report and Accounts and a number of recurring themes and Estate Management. The PAC commenced a follow-up review into Estate Management because of the delays to implementing any of its recommendations by the Executive (further details in Section 4, 'Future Work Programme of the PAC').

### Methods of Working

The Committee undertook Quarterly Public Hearings with the Chief Executive and Treasurer of the States, and where necessary, other senior members of the Executive. It held private meetings, usually twice a month, including during the early and lockdown phases of the COVID-19 pandemic from March to September 2020, where the meetings were held via video conference.

In accordance with the practice agreed by the Scrutiny Liaison Committee (formerly Chairmen's Committee), Public Accounts Committee meetings were conducted in private session. When undertaking reviews, the Committee secured initial briefings from, and submitted various requests for information to, relevant departments. Hearings were held as necessary to establish or corroborate evidence. These Hearings were generally conducted in public session.

Transcripts for the public hearings can be accessed via the States Assembly [website](#).

Webcasts for the public hearings can be accessed via the [States Assembly webcast site](#).

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<sup>7</sup> Jersey Audit Office website: <https://www.jerseyauditoffice.je/our-work/2020/>

Records of the private meetings and recent reviews undertaken by the PAC can be accessed via the [PAC page](#) on the States Assembly website.

## **Gathering Evidence**

Since May 2018, the Committee has gathered evidence in a number of ways including:

- public hearings with the Chief Executive, the Treasurer of the States and the Chief of Staff, plus relevant government officers;
- written views from relevant stakeholders;
- written responses by the Chief Executive and other senior Government officers on a number of topics;
- private briefings from relevant Director-Generals and other relevant senior officers;
- Formal Executive Responses to C&AG and PAC Report recommendations; and
- Updates on the progress of the implementation of the above recommendations via a 'Recommendations Tracker' produced by the Executive.

## **Recurring Themes and Recommendations Tracker**

The PAC identified recurring themes of concern, and a lack of progress in the Government's implementation of some 400 recommendations of the C&AG:

- [Report - Organisational Culture and Corporate Learning – 20 May 2019](#)
- [Report – Recurring Themes: Decision Making – 29 July 2019](#)
- [Report – PAC Report on Financial Management – 17 February 2020](#)

The issue was taken up by the Chief Executive Officer and Chief of Staff who committed to a thorough review of addressing themes such as financial management, organisational culture, management information, and corporate learning. The Recommendations Tracker was introduced by the Executive in response to the PAC's advice that a central monitoring system be established, so that progress made (on the implementation of recommendations) could be easily referenced and shared between departments.

The tracker allowed all of the recommendations of the C&AG and the PAC to be tracked through the departments and the senior leadership team of the Executive. The production of regular progress updates enables the management team to gather a real understanding about how the recommendations are being implemented throughout the departments, to discover what the 'blockages' are to progress, and to demonstrate this to PAC and other oversight

bodies. An example of the information from the last recommendations tracker update is below and the full tracker report can be found at Appendix 2 of this report.<sup>8</sup>

**C&AG and PAC Tracker as at 03/08/2020**

**Recommendation Status**

Status	Meaning	Number	%
Red	No Progress	19	6%
Amber 1	1% to 33% Complete	131	43%
Amber 2	34% to 66% Complete	96	32%
Amber 3	67% to 99% Complete	57	19%
	<b>Totals</b>	<b>303</b>	

The majority of recommendations are at the 'Amber 1' Status, followed by 'Amber 2' then 'Amber 3'.

**Movement in status since previous report**

Status	Previous report	Current report for recs previously reported	Movement	New recs in this period	Current report
Red	22	15	-7	+3	19
Amber 1	121	107	-14	+26	131
Amber 2	83	92	+9	+4	96
Amber 3	55	53	-2	+3	57
Closed		14	+14		
<b>Totals</b>	<b>281</b>	<b>281</b>	<b>Net nil</b>	<b>+36 (-14 closed)</b>	<b>303</b>

There are less recommendations at the status 'Red' and 'Amber 1' than in the previous report. 14 previously open recommendations are now closed.

**Outstanding recommendations by reason for non-completion**

	Open Recommendations
Dependencies	153
Lack of Resources	47
N/A	2
Requires a Political decision	16
Requires an IT solution	17
On Track for target date	68
<b>Totals</b>	<b>303</b>

<sup>8</sup> At the time of drafting the final version of this report, 9<sup>th</sup> November 2020, the Chief of Staff had signalled that the new PAC Chair would receive by mid-November 2020, an updated recommendations tracker for the 3<sup>rd</sup> quarter, ending October 2020.

## PAC Legacy Report May 2018-October 2020

The vast majority of recommendations have given 'Dependencies' as the reason for non-completion. 68 of the 303 open recommendations are on target for completion by the agreed date.

### Recommendation status by Accountable Officer

AO	Red	Amber 1	Amber 2	Amber 3	Totals
COO	3	26	8	16	53
COS/OCE	4	16	3	0	23
CYPES	0	3	2	5	10
Economy	0	4	1	1	6
GHE	2	22	7	14	45
HCS	1	25	23	9	58
SoJ Police	0	0	12	0	12
SPPP	0	7	1	2	10
T&E	9	28	39	10	86
<b>Totals</b>	<b>19</b>	<b>131</b>	<b>96</b>	<b>57</b>	<b>303</b>

T&E, HCS & COO have most outstanding recommendations. JHA and CLS currently have none.

### Recommendation status by report

<b>Arm's Length Organisations - Visit Jersey</b>	<b>9</b>
Amber 1 [1% to 33% Complete]	7
Amber 3 [67% to 99% Complete]	1
Amber 2 [34% to 66% Complete]	1
<b>Arm's Length Organisations</b>	<b>8</b>
Amber 2 [34% to 66% Complete]	5
Amber 1 [1% to 33% Complete]	3
<b>Arrangements for Freedom of Information</b>	<b>6</b>
Amber 3 [67% to 99% Complete]	3
Amber 1 [1% to 33% Complete]	2
Red [No Progress]	1
<b>Arrangements for Freedom of Information - Follow Up</b>	<b>2</b>
Amber 3 [67% to 99% Complete]	1
Amber 1 [1% to 33% Complete]	1
<b>Community and Social Services for Adults and Older Adults - Follow-up</b>	<b>3</b>
Amber 2 [34% to 66% Complete]	2
Amber 1 [1% to 33% Complete]	1
<b>Decision Making - Selecting a Site for the Future Hospital</b>	<b>4</b>
Amber 3 [67% to 99% Complete]	4
<b>eGovernment</b>	<b>5</b>
Amber 1 [1% to 33% Complete]	2

Whilst the PAC had seen outputs from the recommendation tracker, it was not given comfort that the internal review processes within Government are working to give executive management comfort that recommendations are being closed on a timely and effective basis. It encourages the next PAC to urge the Government to embed the use and monitoring of the tracker, along with appropriate internal oversight of the quality of submissions and actions, within its governance routines.

Although this PAC is disappointed to see so little progress made on some recommendations, it is hoped the new PAC discover what the 'blockages' are which prevent States departments from addressing the issues, implement necessary changes, or at least establish a clear timetable and milestones against which to measure progress. It is hoped that by continuing with this work, there can be some substantial positive changes in implementation of policies and governance.

### **Target Operating Models (TOM)**

During public hearings the PAC repeatedly heard reference to the implementation of a 'Target Operating Model' (TOM) as the reason for delays in improvements to public services. It received many promises about future actions that would be delivered but was unable in many cases to determine that these promises had been fulfilled.

### **Engagement with the External Auditor of the States of Jersey and Risk and Audit Committee**

The PAC considers that several factors had the potential to impact adversely on the quality or timeliness of the 2019 Annual Report and Accounts, not only the Covid-19 pandemic, which delayed its presentation to the States Assembly. In 2019, the Comptroller and Auditor General (C&AG) appointed Deloitte LLP who took over from PwC as the new external auditor and it was reasonable to expect that the firm would need more time to familiarise itself with the complex States Accounts.

There had also been extensive restructuring within the Treasury and Exchequer department and the recent introduction of new legislation including the [Public Finances \(Jersey\) Law 2019](#) and the [Public Finances Manual](#) in 2019, as well as the adoption of a new version of the Jersey Financial Reporting Manual (JFRm) in March 2020.

The PAC was also aware that the Risk and Audit Committee, which provides oversight, advice, support and constructive challenge in order to help the Chief Executive and Treasurer of the States (amongst others) to discharge their responsibilities for monitoring and reviewing the Annual Report and Accounts, had been inquorate for several months during 2019.

We understand that there will be another change to the external auditors of the States Report and Accounts which will bring inevitable delay and recommend the new PAC to monitor this factor closely as well as to regularly meet with the Chair of the Risk and Audit Committee.

## Section 4 – Work of the Next Public Accounts Committee

### PAC ‘Workshop’ Session

In early October 2020, the Committee held a private workshop session to develop the prioritisation of its work programme. This included each Committee Member identifying key themes and areas of work for the Committee, and ways of improving its delivery. Although [this PAC ‘fell’ on the appointment of the new Chair on 20th October 2020](#), the Committee agreed it should summarise its findings, and hopes it assists the new Committee in working collaboratively as a team.

### Emerging Themes

The Committee agreed on a series of key themes that it believed were important to the work of the PAC:

- Decision-Making;
- Transparency (for both the PAC and from Government);
- Performance;
- Government Efficiency; and
- Complaints (both by employees and the wider public).

These themes would form the framework of any review undertaken by the PAC and could be used as a checklist against future question plans.

Better communication with the public, Government and stakeholders was also raised as important, in order to obtain a greater diversity and better quality of evidence during PAC reviews. In particular, it resolved to give more direction to Government about the timeliness, clarity and brevity of submissions from the Government to ensure that Government is better able to demonstrate tracking delivery of its previous promises.

The Committee further agreed that, where possible, meetings with each Director-General should be arranged, commencing 2021, to discuss their work and understand how they implemented the States’ policy into practice. This would factor into the Committee’s remit of understanding the efficacy of government – including the effectiveness of cost-savings processes, budget building, and efficiencies.

Furthermore, any report or hearing should include transparency of process and the opportunity for public engagement and regular follow-ups to check progress.

### **Suggestions for Future Work Programme**

The Committee's primary suggestion regarding its successor Committee's work programme is to spend the majority of its efforts on matters arising from the reports produced by the C&AG in accordance with the Jersey Audit Office [Audit Plans of the C&AG](#), which would account for 70-80% of its work programme. In addition, the Committee would highlight the following as crucial to support that work:

### **Recurring Themes**

Although this Committee had covered themes such as Organisational Culture, Decision Making, and Financial Management, it did not have time to commence work on other recurring themes such as Management Information, Performance, and Procurement. The PAC urges the new Committee to scrutinise the implementation of recommendations relating to those issues closely and follow up on progress made, ensuring that the success of the measures outlined by the Chief Executive are tested.

### **Urgent Need for an Estate Management Strategy**

At the dissolution of the former PAC on the appointment of the new Chair, on 20th October 2020, the follow-up Estate Management review had reached a critical stage, concluding evidence gathering and commencing the formulation of findings and recommendations on this extremely important topic. The former members remain concerned that money spent on maintaining properties that are of no value, strategic or otherwise, and the sums spent on the estate as a whole, where there is no comprehensive strategy prioritising and maximising their use, does not demonstrate value for money. They urge the next PAC to continue pressing for clarity on property matters and an Estate Management Strategy, and have set out a comprehensive summary of their work to date:

### **Estate Management (Follow-Up) Review**

The States of Jersey owns a vast array of buildings and property assets, worth over £1 billion. Some are currently utilised; some are lying empty with agreed plans for future use and some



could potentially be repurposed or sold. When the (former) Comptroller and Auditor General (C&AG) published a [Report on Operational Land and Buildings](#) in June 2018, she identified that a key priority would be in establishing a comprehensive property strategy. The PAC agreed, and recommended, in its first report on [Estate Management](#) in February 2019, (which the GHE and the Chief Executive accepted<sup>9</sup>) that a joined-up approach and written strategy which incorporates acquisition/disposal/utilisation/maintenance of the States property portfolio should be developed as a priority. An Estate Management Strategy would seek to establish which properties should be acquired for the purpose of an agreed service delivery, which properties should be sold or repurposed and which were earmarked for alternative uses.

The PAC noted that there are many decisions to be made about prioritising the States-owned properties and the publication of the Estate Strategy was considered a vital first step. Given the assurance by the Director General that it should be published after approval by the Regeneration Steering Group (RSG) by the end of February 2020, the PAC had urged the Director General to prioritise this or to advise the Committee if there were to be any further delay.

In order to assess progress on the implementation of the C&AG's and its own recommendations, the PAC held a private briefing on 20th January 2020, followed by a [public hearing](#) on 3rd February 2020, with the Director General of GHE, the Acting Director of the Property Division, and the Principal Planning Officer of Strategic Policy, Planning and Performance. The PAC wanted to ensure that management of States-owned properties would be developed in line with the new policies and aligned to the consultation [document](#) for the new Island plan.

The PAC heard assurances from the GHE Director General and Property Department<sup>10</sup> that the Corporate Asset Management Board (CAMB) was now functioning and would undertake a strategic overview of the acquisition, disposal, maintenance and use of all States-owned properties, and that the following issues would be soon resolved:

- the GHE departmental target operating model (TOM) would be finalised shortly;
- the Estate Management Strategy would be made public by the end of February 2020;
- the Concerto database would be 'live' by March 2020; and
- the property audit for disability compliance was underway and should be ready by March 2020.

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<sup>9</sup> The [Executive Response](#) to the PAC's Report was published in April 2019

<sup>10</sup> PAC [public hearing](#) with Acting Director General GHE and Acting Director of Estates, 3rd February 2020

In its public hearing with the then Director General of GHE, in February 2020<sup>11</sup>, the PAC reminded the Director General that he had previously assured the Committee the Estate Strategy would be drafted by July 2019. It was expected to be a comprehensive high-level strategy to be adopted by all departments and used to direct asset management of the entire States estate. However, the PAC was concerned that the draft document presented at its private briefing on 20 January 2020<sup>12</sup> did not start with a list of what the Island needs nor how to prioritise and accommodate those needs. At the public hearing of 3rd February 2020, the Director General advised that the draft Estate Strategy:

*“...was not going to solve those problems, this strategy is going to give you the structure to enable those problems to be solved.”<sup>13</sup>*

By the end of February 2020, and prior to the Covid-19 pandemic taking hold, the PAC had published its Comments paper<sup>14</sup>, detailing the reasons it would temporarily delay its review. Its main reason for doing so was that it had been promised that the publication of the Estate Management Strategy, which it had seen in draft form on a confidential basis at the private briefing in January 2020, would be published or at least widely circulated for consultation. It was therefore extremely disappointed to note that shortly after the hearing in February 2020, the departure of the Director General from the GHE department was announced<sup>15</sup> but there was still no sign of the long-awaited estate management strategy.

### **The Effect of Covid-19 on Property Management**

The Covid-19 pandemic has had a significant impact on progress in some areas of property and asset management, however it considered it to be of vital importance that a follow-up review should seek to ascertain what work has been done to produce a comprehensive property strategy linked to corporate objectives, maintaining deteriorating buildings and considering sales of non-necessary buildings/land in line with the [Common Strategic Policy](#) and [Government Plan](#). This is of vital importance, perhaps even more so than before the outbreak, to make sure we are making the most of our vast portfolio of property assets for the benefit of the public.

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<sup>11</sup> [Transcript of public hearing PAC and GHE Director General and others, 3 February 2020](#)

<sup>12</sup> A document and presentation slides entitled ‘Island Public Estate Strategy: Briefing to the Public Accounts Committee’ were viewed by the PAC, in draft form and on a strictly confidential basis on 20<sup>th</sup> January 2020.

<sup>13</sup> [Transcript of public hearing PAC and GHE Director General and others, 3 February 2020](#)

<sup>14</sup> [PAC Comments 27 February 2020](#)

<sup>15</sup> <https://www.gov.je/news/2020/pages/ChiefExecutiveStatement.aspx>

Cognisant that the Covid-19 pandemic had necessitated the reallocation of resources, including officers from the GHE department to other areas, between March and June 2020, the PAC did not fully resume its Estate Management follow-up review until July 2020. The PAC held a private briefing on 1st June 2020 with the new Acting Director General GHE and the Interim Director of Estates, followed by a public hearing with them on 29th June 2020.<sup>16</sup> When asked about the progress of the estate management strategy, the Acting Director General responded:

*“I am pleased to say we have done a lot of work to create a government property strategy, an estate strategy. I think it is fair to say because of (Covid-19) that has been delayed a bit in terms of our work but we want to go through the final ironing out of that from an officer team in the next month. My intention is to take that through to our executive leadership team at Government level, Council of Ministers, and then it will become public thereafter.”<sup>17</sup>*

The PAC pressed the Acting Director General on the delay and he agreed that it was due to both a capability and a capacity issue.<sup>18</sup> He blamed the lack of capacity to manage the very large estate, and whilst stating that there were capable people within the department, there were not enough of them. He told the Committee, *“We need to fully assess what we need to deliver the new strategy and get in place those people”*. He agreed, that in the absence of an estate management strategy, it was difficult to reassess the viability and deliverability of estate projects needed by the whole of the public sector and reprioritise them accordingly:

*“We take very many things project by project ... I do not think we have a strategic vision of what our property estate needs to be to deliver the wider service needs of government but also the wider potential benefits that our property estate brings for regeneration and other government priorities. It is quite difficult to take, I guess, a comprehensive and a longer-term view of what our property needs are without going through quite a big process around monitoring, managing, capturing the data on its usage and value.”*

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<sup>16</sup> [PAC Public Hearing with Acting Director General, Growth, Housing and Environment and Acting Director of Estates, 29th June 2020](#)

<sup>17</sup> [PAC Public Hearing with Acting Director General, Growth, Housing and Environment and Acting Director of Estates, 29th June 2020](#)

<sup>18</sup> [PAC Public Hearing with Acting Director General, Growth, Housing and Environment and Acting Director of Estates, 29th June 2020](#)

The Acting Director General also agreed with the PAC that taxpayers' money was not being targeted appropriately in the absence of a strategy, and that, "*The strategy and the actions and behaviours behind it are very important to get in place soon so that we can target our money more effectively*".

The PAC has continued to seek to chart the progress by the Property Division (formerly Jersey Property Holdings or JPH) of the Growth, Housing and Environment (GHE), now Infrastructure, Housing and Environment (IHE) Department, on its strategy for, and management of, States-owned property. Despite several assurances that the Estate Management Strategy would be updated and presented, either to the Public Accounts Committee or to the wider public, this has not happened.

At its Quarterly Hearing on 27th July 2020<sup>19</sup>, the Chair of the PAC asked the Chief Executive about the status of the estate management strategy and he responded:

*"We do have an estates management strategy that has been prepared that provides a strategic framework for our estate but ... we are doing 2 things. One is we are making some adjustments to take account of COVID-19 and the second is the document is quite a difficult document in the sense it is very technical, it is aimed at professional property people and we needed to adjust its contents, style and language to be more user friendly and readable for the general public in order that those people who were interested in the matter but were more of a lay person could understand what the strategy and framework was seeking to do. We have been doing that and the review of all of those documents and the changes that we are making will then come back through to the Council of Ministers and your good selves for you to see."*<sup>20</sup>

When asked when the strategy had been made available to the PAC, the Chief Executive confirmed that he was talking about the draft Estate Strategy seen on January 20th in draft form and on a confidential basis (he also confirmed this by email on 5<sup>th</sup> August 2020) and advised that at that briefing:

*"... the former Director General and colleagues came to talk about the framework and the strategy which was being finalised at the time. That work, if you remember, was about a corporate property framework which is what, in effect, I think is where the*

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<sup>19</sup> [PAC Quarterly Public Hearing with Chief Executive, 27th July 2020](#)

<sup>20</sup> [PAC Quarterly Public Hearing with Chief Executive, 27th July 2020](#)

*confusion about estate management strategy is. ... That framework was in effect drafted in 2019 but for the reasons I have just rehearsed is yet to come back in its final form for you to see alongside the Council of Ministers as I just referenced.”*

He advised that the ‘construction of a plain English version’ of the strategy would be imminent and that he was expecting it in the Autumn. However, he also floated the idea that any estate management strategy may include partnering with the States of Jersey Development Company, a concept that had not been raised before:

**Chief Executive:**

*When that asset management plan is completed after we have done the work that I have referenced earlier, then I think you will find that you will be able to make a direct correlation to the staffing, the roles and responsibilities, et cetera, necessary to deliver the strategy.*

**Mr. A. Lane:**

*Okay, and the timing of the Corporate Asset Management Plan?*

**Chief Executive:**

*Well, I am not going to give a commitment to that just at the moment because the work that we have asked to take place, particularly with S.o.J.D.C. and also some of the other improvements/changes that we need to bring in to the operational arrangements within the department will not be concluded until the back end of this calendar year 2020, at which point, once we have completed that work, we will then be able to complete the Corporate Asset Management Plan. That I think will probably therefore be in the beginning of 2021. I am not going to give you an exact date, Adrian, because quite frankly at the moment the other work is ongoing and I need to see the outcome of some of that work first.*

In a letter to the PAC dated 16th October 2020, responding to several queries on outstanding issues, the PAC received the following reply from the Chief Executive:

**Q: Given the continued lack of an Estate Management Strategy and the sudden changes to the Estate Strategy you outlined in your previous public hearing (which the PAC did not receive prior warning of) do you believe your**

***commitment to providing plans on operational as well as strategic matters has been a success?***

*A: The Government's planned approach for property matters via the Estates Strategy is to provide a corporate management service to manage, maintain and develop the public estate – in line with the principles of the One Government initiative. This will enable a consistent and informed asset management service to be delivered and the provision of a fit-for-purpose property portfolio function to allow the Government to meet its strategic objectives. I can advise the Public Accounts Committee there have not been any sudden changes to the strategy but that the process has evolved as more information has been available from all departments. This comprehensive information gathering will in turn help to inform the future organisational structure necessary to ensure that the team who will implement the strategy have the right skills and objectives.*

The PAC were perplexed by this answer which seems to imply that the estates strategy was not at all imminent, but rather would be considered in a different context to that previously envisaged by the DG of GHE, the Chief Executive and the Director of Estates.

### **Further Suggestions**

In addition to the above, the Panel would also highlight the following:

- A strong and constructive relationship has been established with the C&AG and her Office and this should be maintained;
- The Committee has found invaluable the hard work and dedication displayed by the non-States members of its Committee and would advise the PAC to utilise their knowledge base fully;
- The Committee has had a preliminary view of a draft Code of Conduct for lay members, based on [Nolan Principles](#) of professional conduct in public life and the Code of Conduct for States Members already enshrined in [Standing Order 155](#) of the States of Jersey. It would endorse the adoption of such a Code.

- The Committee found the provision of questioning training and preliminary team-working exercises such as the 'workshop' event, to be of benefit, however it would strongly recommend that its successor undertake such training with professional facilitators (including follow-up training);
- The Committee has found a work programme to be a good way to maintain continuous monitoring of recommendations that have been made in previous reports and to keep abreast of any matters that arise in respect of the topics referred to above; and
- The Committee found that assigning a Lead Reviewer from within its membership to a particular Review helped to improve the productivity of the Committee as a whole.

**Appendix 1 – Membership of the Public Accounts Committee; May 2018 - October 2020**

**States Members**



**Senator Sarah Ferguson, Chair**

**26 June 2018 - 20 October 2020**



**Connétable John Le Bailly**

**26 June 2018 – 20 October 2020**

**Vice-Chair: April 2019 - September 2020**

**Acting Chair: September 2020 – 20 October 2020**



**Deputy Inna Gardiner, Member**

**29 March 2019 – 20 October 2020**



**Deputy Rowland Huelin, Member**

**12 June 2018 – 7 September 2020**



**Deputy Carina Alves, Member**

**12 June 2018 – 12 March 2019**

**Vice-Chair: 25 July 2018 - 12 March 2019**



**Non-States (Lay) Members**



**Tim Rogers**

**11 September 2018 – 20 October 2020**



**Moz Scott**

**11 September 2018 – 20 October 2020**



**Adrian Lane**

**11 September 2018 – 20 October 2020**

## Appendix 2 – Recommendations Tracker

### C&AG and PAC Tracker as at 03/08/2020

#### Recommendation Status

Status	Meaning	Number	%
Red	No Progress	19	6%
Amber 1	1% to 33% Complete	131	43%
Amber 2	34% to 66% Complete	96	32%
Amber 3	67% to 99% Complete	57	19%
	Totals	303	

The majority of recommendations are at the 'Amber 1' Status, followed by 'Amber 2' then 'Amber 3'.

#### Movement in status since previous report

Status	Previous report	Current report for recs previously reported	Movement	New recs in this period	Current report
Red	22	15	-7	+3	19
Amber 1	121	107	-14	+26	131
Amber 2	83	92	+9	+4	96
Amber 3	55	53	-2	+3	57
Closed		14	+14		
Totals	281	281	Net nil	+36 (-14 closed)	303

There are less recommendations at the status 'Red' and 'Amber 1' than in the previous report. 14 previously open recommendations are now closed.

#### Outstanding recommendations by reason for non-completion

	Open Recommendations
Dependencies	153
Lack of Resources	47
N/A	2
Requires a Political decision	16
Requires an IT solution	17
On Track for target date	68
Totals	303

The vast majority of recommendations have given 'Dependencies' as the reason for non-completion. 68 of the 303 open recommendations are on target for completion by the agreed date.

**Recommendation status by Accountable Officer**

AO	Red	Amber 1	Amber 2	Amber 3	Totals
COO	3	26	8	16	53
COS/OCE	4	16	3	0	23
CYPES	0	3	2	5	10
Economy	0	4	1	1	6
GHE	2	22	7	14	45
HCS	1	25	23	9	58
SoJ Police	0	0	12	0	12
SPPP	0	7	1	2	10
T&E	9	28	39	10	86
<b>Totals</b>	<b>19</b>	<b>131</b>	<b>96</b>	<b>57</b>	<b>303</b>

T&E, HCS & COO have most outstanding recommendations. JHA and CLS currently have none.

**Recommendation status by report**

<b>Arm's Length Organisations - Visit Jersey</b>	<b>9</b>
Amber 1 [1% to 33% Complete]	7
Amber 3 [67% to 99% Complete]	1
Amber 2 [34% to 66% Complete]	1
<b>Arm's Length Organisations</b>	<b>8</b>
Amber 2 [34% to 66% Complete]	5
Amber 1 [1% to 33% Complete]	3
<b>Arrangements for Freedom of Information</b>	<b>6</b>
Amber 3 [67% to 99% Complete]	3
Amber 1 [1% to 33% Complete]	2
Red [No Progress]	1
<b>Arrangements for Freedom of Information - Follow Up</b>	<b>2</b>
Amber 3 [67% to 99% Complete]	1
Amber 1 [1% to 33% Complete]	1
<b>Community and Social Services for Adults and Older Adults - Follow-up</b>	<b>3</b>
Amber 2 [34% to 66% Complete]	2
Amber 1 [1% to 33% Complete]	1
<b>Decision Making - Selecting a Site for the Future Hospital</b>	<b>4</b>
Amber 3 [67% to 99% Complete]	4
<b>eGovernment</b>	<b>5</b>
Amber 1 [1% to 33% Complete]	2

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Amber 3 [67% to 99% Complete]	2
Amber 2 [34% to 66% Complete]	1
<b>Financial Management and Internal Control</b>	<b>23</b>
Amber 2 [34% to 66% Complete]	10
Amber 1 [1% to 33% Complete]	8
Amber 3 [67% to 99% Complete]	5
<b>Follow up of the Utilisation of Compromise Agreements</b>	<b>2</b>
Red [No Progress]	1
Amber 1 [1% to 33% Complete]	1
<b>Governance for Health and Social Care</b>	<b>21</b>
Amber 2 [34% to 66% Complete]	8
Amber 1 [1% to 33% Complete]	7
Amber 3 [67% to 99% Complete]	5
Red [No Progress]	1
<b>Governance of the States of Jersey Pension Schemes</b>	<b>1</b>
Amber 1 [1% to 33% Complete]	1
<b>Governance of the States of Jersey Police</b>	<b>12</b>
Amber 2 [34% to 66% Complete]	12
<b>Grants and Subsidies</b>	<b>7</b>
Amber 1 [1% to 33% Complete]	4
Amber 2 [34% to 66% Complete]	3
<b>Housing Repairs and Maintenance: Follow-up</b>	<b>1</b>
Amber 2 [34% to 66% Complete]	1
<b>Information Security: Summary Report</b>	<b>3</b>
Amber 1 [1% to 33% Complete]	2
Amber 2 [34% to 66% Complete]	1
<b>Insurance</b>	<b>14</b>
Amber 1 [1% to 33% Complete]	5
Amber 3 [67% to 99% Complete]	3
Red [No Progress]	3
Amber 2 [34% to 66% Complete]	3
<b>Jersey Innovation Fund</b>	<b>5</b>
Amber 2 [34% to 66% Complete]	3
Amber 1 [1% to 33% Complete]	2
<b>Management Information in Education</b>	<b>11</b>
Amber 3 [67% to 99% Complete]	5
Amber 1 [1% to 33% Complete]	3
Amber 2 [34% to 66% Complete]	3
<b>Non-Ministerial Departments</b>	<b>15</b>
Amber 1 [1% to 33% Complete]	9
Amber 2 [34% to 66% Complete]	5
Amber 3 [67% to 99% Complete]	1

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<b>Operational Land and Buildings</b>	-	<b>20</b>
Amber 1 [1% to 33% Complete]		8
Amber 3 [67% to 99% Complete]		6
Amber 2 [34% to 66% Complete]		5
Red [No Progress]		1
<b>PAC 1/2016 - Financial Management</b>		<b>7</b>
Amber 2 [34% to 66% Complete]		3
Amber 3 [67% to 99% Complete]		2
Red [No Progress]		1
Amber 1 [1% to 33% Complete]		1
<b>PAC 1/2019 - Review of Estate Management</b>		<b>4</b>
Amber 3 [67% to 99% Complete]		2
Amber 1 [1% to 33% Complete]		1
Amber 2 [34% to 66% Complete]		1
<b>PAC 1/2020 Recurring Themes: Financial Management</b>		<b>6</b>
Amber 1 [1% to 33% Complete]		5
Amber 2 [34% to 66% Complete]		1
<b>PAC 2/2015 - Financial Directions</b>		<b>2</b>
Amber 1 [1% to 33% Complete]		1
Amber 2 [34% to 66% Complete]		1
<b>PAC 2/2016 - Travel and Accommodation Expenses Review</b>		<b>2</b>
Amber 2 [34% to 66% Complete]		1
Amber 1 [1% to 33% Complete]		1
<b>PAC 2/2019 - Organisational Culture and Corporate Learning</b>		<b>5</b>
Amber 2 [34% to 66% Complete]		3
Amber 3 [67% to 99% Complete]		1
Amber 1 [1% to 33% Complete]		1
<b>PAC 3/2015 - The Public Sector Reform Programme</b>		<b>1</b>
Red [No Progress]		1
<b>PAC 3/2016 - Fuel Farm Lease Renewal</b>		<b>2</b>
Red [No Progress]		1
Amber 3 [67% to 99% Complete]		1
<b>PAC 3/2018 - Review of the Jersey Innovation Fund</b>		<b>4</b>
Amber 1 [1% to 33% Complete]		4
<b>PAC 3/2019 Recurring Themes: Decision Making</b>		<b>3</b>
Amber 1 [1% to 33% Complete]		2
Amber 3 [67% to 99% Complete]		1
<b>Private Patient Income</b>		<b>9</b>
Amber 1 [1% to 33% Complete]		4
Amber 3 [67% to 99% Complete]		3
Amber 2 [34% to 66% Complete]		2
<b>Private Patient Income: Health and Social Services Department Follow-up</b>		<b>10</b>

Amber 1 [1% to 33% Complete]	8
Amber 2 [34% to 66% Complete]	2
<b>Procurement Follow Up</b>	<b>4</b>
Amber 1 [1% to 33% Complete]	4
<b>Remuneration of Board Members R.132/2019</b>	<b>8</b>
Amber 1 [1% to 33% Complete]	8
<b>Review of Community and Social Services</b>	<b>14</b>
Amber 2 [34% to 66% Complete]	7
Amber 1 [1% to 33% Complete]	6
Amber 3 [67% to 99% Complete]	1
<b>Review of Financial Management Part 1</b>	<b>1</b>
Red [No Progress]	1
<b>Review of Procurement</b>	<b>2</b>
Amber 1 [1% to 33% Complete]	2
<b>Role and Operation of the States Employment Board</b>	<b>13</b>
Amber 3 [67% to 99% Complete]	10
Red [No Progress]	1
Amber 1 [1% to 33% Complete]	1
Amber 2 [34% to 66% Complete]	1
<b>States as a Shareholder - JerseyTelecom</b>	<b>7</b>
Amber 2 [34% to 66% Complete]	7
<b>The States as Shareholder - Follow-up</b>	<b>6</b>
Red [No Progress]	5
Amber 2 [34% to 66% Complete]	1
<b>Use of Consultants - R.107/2016</b>	<b>5</b>
Amber 1 [1% to 33% Complete]	2
Red [No Progress]	2
Amber 2 [34% to 66% Complete]	1
<b>Use of Enforcement Powers</b>	<b>14</b>
Amber 1 [1% to 33% Complete]	14
<b>Use of Management Information in the Health and Social Services Department - Operating Theatres</b>	<b>2</b>
Amber 2 [34% to 66% Complete]	2
<b>Grand Total</b>	<b>303</b>

#### Updates to Recommendations

Updates provided to previously reported recommendations (Percentage of previously reported recommendations updated)

Current Status: open to closed – 14 (4.4%)s

RAG Status: 68 updates have been made (21.4%)

Reason for Non-Completion: 55 updates have been made (17.3%)

No update: 141 recommendations (44.5%)

Over half of the recommendations (55.5%) were updated in this round. No updates were received from a small number of departments.

14 recommendations have moved from open to closed.

Tracker ID	Report Date	Report Ref and Title	Type	Rec no	Advice and Recommendation	GOJ Owner	GOJ Comments
96	19/05/2016	eGovernment	C&AG	13	R13 Review the design and operation of the risk management process for the eGov programme and make any improvements identified.	T&E	Corporate risk management process implemented and shared and being utilised by Modernisation and Digital team for technology transformation work - evidenced in Cyber security risk management discussions with Mand D management team.
171	13/09/2018	Governance for Health and Social Care	C&AG	13	Develop and implement a plan for robust oversight of governance of health and social care including: * determining the appropriate groups, their membership, terms of reference and accountabilities; * developing underlying strategies and plans; * strengthening clinical and care audit and its oversight; * monitoring attendance at key governance groups; * ensuring engagement across health and social care; and * developing strengthened arrangements for engagement with community pharmacists, dentists and optometrists.	HCS	<ul style="list-style-type: none"> <li>- New board and committee structure to be established and communicated with detailed terms of reference.</li> <li>- Develop underlying strategies and plans for the delivery of new models of care / pathways in progress with development of Jersey Care Model</li> <li>- Strengthen clinical / care audit and oversight by creating Associate Medical Director for patient safety and Quality whose work will be governed via the new Committee established in this area.</li> <li>- Risk and Oversight Committee being established.</li> <li>- Monitor attendance at and contribution to key groups;</li> <li>- Ensure health and social care engagement by unifying management arrangements across both. Group Managing Director to sit on SMT and MH community Services from 1st November 2018. Functions to be absorbed within a new Care and Clinical Operational Services Group from 1 Jan 2019.</li> <li>- Develop forums for engaging with community pharmacists, dentists and optometrists</li> <li>- External Partnership Forum to include Primary Care representatives</li> <li>- Review impact and efficacy of governance arrangements 6 months in. First Meeting of HS Board and Committees in July 2019. All have detailed terms of reference and Board scheme of delegation to committees (see R1). Board and Committees will meet monthly. States rejected the proposition as part of the Government Plan debate</li> </ul>

514	24/07/2014	States as a Shareholder - JerseyTelecom	C&AG	2	R2 Schedule periodic reviews of the States' continued ownership of JT and associated objectives.	T&E	Completed - 17/01/20 Email - This will be finalised as part of the response to the follow review undertaken by the C&AG in March 2019
517	24/07/2014	States as a Shareholder - JerseyTelecom	C&AG	5	R5 Reconsider the resources devoted to the shareholder function, including in light of the change in the nature of JT's business and the increased risk to the States' investment.	T&E	Completed -17/01/20 Email Resources now increased through Treasury TOM and within Government we now have a Partnerships function. This will be finalised as part of the response to the follow review undertaken by the C&AG in March 2019
591	19/09/2019	Financial Management and Internal Control	C&AG	1	Develop and implement the changes to accountability arrangements that are necessary in order to secure effective accountability whilst preserving constitutional independence of certain bodies, including the States of Jersey police	T&E	The States of Jersey Police have operational independence, which is protected in law. The status of the Chief of Police as Accountable Officer for the Force is also protected in law. The Accountable Officer letter for the Chief of Police will be reviewed and revised as appropriate to ensure that this operational independence is categorically clear - target 31/12/2019. Once the C&AG's report on Non-Ministerial Departments has been received, the recommendations will be considered and further actions planned if necessary - target 31/12/2019. The AO letter has been reviewed and issued. Any further actions will be picked up as part of Non-Mins report therefore this is being marked complete and closed.
614	19/09/2019	Financial Management and Internal Control	C&AG	24	Develop, adopt and monitor implementation of a formal plan for finalising the Risk Management Strategy, Code and associated Guidance.	T&E	Strategy and guidance issued in October 2019 and available on My States.
621	19/09/2019	Financial Management and Internal Control	C&AG	31	Implement consistent and clear arrangements for the planning, management, resourcing and governance of all elements of finance modernisation.	T&E	From December 2019, the Treasury and Exchequer Senior Leadership Team has a meeting dedicated to Transformation, which will consider all modernisation initiatives across the department. This will be supported by suitable programme governance, including consistent reporting templates in line with corporate requirements of the CPMO operating within the COO.
674	27/04/2020	Insurance	C&AG	11	Ensure exemptions from the procurement requirements set out in the Public Finances Manual are obtained in a timely manner. Where an exemption is not obtained before the start of a contract or date of renewal or extension, this should be declared as a breach.	T&E	Guidance sought from Director in Commercial Team (CH) and Head of Financial Governance. View that three year contract therefore exemption not needed annually.



**Appendix 3 – Reviews and Reports by the PAC since May 2018**

**PAC Reports**

Review	Reference	Presentation Date
<b>2019</b>		
<a href="#">Estate Management</a>	P.A.C.1/2019	4 February 2019
<a href="#">Organisational Culture and Learning</a>	P.A.C.2/2019	23 May 2019
<a href="#">Recurring Themes: Decision Making</a>	P.A.C.3/2019	29 July 2019
<b>2020</b>		
<a href="#">Financial Management</a>	P.A.C.1/2020	17 February 2020
<a href="#">Review of States Annual Report and Accounts 2019</a>	P.A.C.2/2020	24 July 2020

**PAC Comments Papers**

<b>Review</b>	<b>Reference</b>	<b>Presentation Date</b>
<b>2019</b>		
<a href="#">The States as Shareholder</a>	R.25/2019 Res	23 May 2019
<a href="#">Role and Operation of the States Employment Board Report</a>	R.35/2019 Res.	28 May 2019
<a href="#">Community and Social Services for Adults and Older Adults</a>	R.41/2019 Res.	24 June 2019
<a href="#">Housing Repairs and Maintenance</a>	R.47/2019 Res.	25 June 2019
<a href="#">Organisational Culture and Corporate Learning</a>	P.A.C.2/2019 Res.	23 July 2019
<a href="#">Governance Arrangements Within Health and Community Services</a>	R.146/2019 Res.	29 November 2019
<a href="#">Remuneration of Board Members</a>	R.132/2019 Res.	19 December 2019
<b>2020</b>		
<a href="#">Non-Ministerial Departments</a>	R.148/2019 Res.Com.	26 February 2020
<a href="#">Governance – A Thinkpiece</a>	R.153/2019 Res.	27 February 2020
<a href="#">Review of Estate Management</a>	P.A.C.1/2019 Res.Com	27 February 2020
<a href="#">Use of Enforcement Powers</a>	R.40/2020 Res.	24 August 2020
<a href="#">Insurance</a>	R.44/2020 Res.	24 August 2020
<a href="#">States of Jersey Development Company</a>	R.56/2020 Res.	24 August 2020
<a href="#">Handling and Learning from Complaints</a>	R.56/2020 Com.	27 August 2020





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