

Use and Operation of Citizens' Panels, Assemblies and Juries in Jersey

Public Accounts Committee

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Section 1 - Chair’s Foreword

In 2015, Jersey commissioned its first Citizens’ Panel on Mental Health. This was set up by Contact Consulting, an Oxford based company with experience in organising and delivering Citizens’ Panels. Learnings from the 2015 Citizens’ Panel on Mental Health were used in the establishment of subsequent deliberative bodies.

Since 2018, the Government of Jersey has delivered the following four deliberative bodies:

1. The Care Inquiry Legacy Citizens’ Panel
2. The Our Hospital Citizens’ Panel
3. The Citizens’ Assembly on Climate Change
4. The Assisted Dying Citizens’ Jury

In this report the Public Accounts Committee (PAC) has examined the clarity of purpose, consistency and transparency of the processes used by the Government to acquire and compile the evidence it presents as public-facing and representative opinion when making decisions on behalf of the Island’s community.

The PAC is aware that the relative novelty of deliberative practises in Jersey has resulted in the Government of Jersey approaching each body from a relatively unique perspective, with each providing a different approach to solving its assigned policy challenge.

The PAC understands that there are key differences between the Care Inquiry Legacy Citizens’ Panel, the Our Hospital Citizens’ Panel, the Carbon Neutral Citizens’ Assembly, and the Assisted Dying Citizens’ Jury. In that regard, there are significant discrepancies between the Our Hospital Citizens’ Panel and the other three deliberative bodies. Nonetheless, it is vital to consider all deliberative bodies established since 2018 to determine lessons learned and the development of best practises going forward.

The reliability of any information and views put forward by a panel are highly dependent on the people involved and the processes used to collect, analyse, and derive meaning from a panel’s deliberations. If the governance arrangements around panels is lacking, this could impact on the final outcome of a panel’s work and ultimately impact on Government decision making.

As exercises in public engagement become increasingly important to our democracy their systems of operation also become increasingly important. Public engagement, if not transparent to the public, has little chance of being accepted as truly representative of their sentiment by the public. The PAC believes that greater transparency in this area would not undermine any process and would give panels greater authority.

As part of this review, the PAC investigated whether the governance arrangements including the planning, implementation, financial management and administration of these deliberative practises had been properly tracked. The PAC wanted to understand how each body would contribute to and influence the development of internal corporate learning relating to future deliberative democratic practises in Jersey.

The PAC felt that it was important to understand which process was the most cost effective and provided the most comprehensive audit trail. It is important to note that the variation in

costs between each Citizen Panel is vast and that cost to the public purse starts from below £5,000 and escalates up to and potentially in excess of several hundred thousand pounds.

The PAC has identified a number of lessons learned from the use of deliberative practises in Jersey and how these can be applied by Government going forward. Lessons include:

1. The use of Citizens’ Panels, Assemblies and Juries in Jersey have been a valuable process in assisting Government decisions.
2. Panels, Assemblies and Juries are not covered by the Public Finances Manual or similar documentation. They may not require a business case but should be initially approved and tracked by an Accountable Officer.
3. Given the potential significance, public attention, and demand on volunteers on these panels, a decision process to approve and oversee the use of these types of bodies should be established under the overall control and direction of a single, independent entity. The Department for Strategic Policy, Planning and Performance should develop expertise in this area with specific panel use to be proposed by the department’s Director General who will manage the finances for and sponsor the project.
4. The process of the establishment and delivery of a panel should be accurately recorded so any anomalies can be identified and rectified where necessary. In addition, any potential chairs of and external support for panels should be identified from the outset so that the process is open and transparent.
5. Understanding the pros and cons of each of the deliberative bodies would provide a clear basis for providing guidelines and options for the selection of an “off the shelf” process for future Citizens’ Panel applications if and when required. It should be noted that the Sortition process used for the Citizens’ Assembly on Climate Change and the Assisted Dying Citizens’ Jury has been the most successful approach used.
6. A clear statement of each Panel’s purpose and objectives should be published, with connection to how results will be used to influence and add value to Government decisions and policymaking.

The PAC strongly believes that future public deliberative bodies should follow international best practises such as:

1. Clear statement of Panel purpose and objectives with connection regarding how results will be used to influence and add value to Government decisions and policy
2. Clear, defined process for selecting a facilitator and panel members following identified criteria and practises
3. Cost and timing identified prior to the decision to proceed, with expenditures and its budget implemented under existing Government budget and expenditure guidelines
4. Post-deliberation evaluations and reporting to be completed in timely a fashion including the extent to which panel results were met - objectives, cost, timing; report to include panel participants, facilitator and DG feedback on process and results to enable ongoing continuous improvements

5. Complete public transparency and disclosure of all elements of Panel work to the extent possible (respecting individual panel participants privacy and, as appropriate, sensitive material confidentiality)

The PAC believes that any deviation away from these practises should be declared and justified by the Government.

Overall, The PAC welcomes the way participants of Jersey's deliberative practises have engaged with the important issues being discussed. As these practises become more embedded in Jersey, The PAC encourages the Government to provide all Islanders with the opportunity to learn about deliberative processes in order to encourage democratic engagement.

The PAC has identified a number of concerns regarding the budgeting and operation of Panels, Assemblies, and Juries and has suggested that the Government implements a framework and policy toolkit to improve the functioning of deliberative practises going forward.



Deputy Inna Gardiner
Chair, Public Accounts Committee

Section 2 – Executive Summary

The Public Accounts Committee (the PAC) undertook a review of the Government of Jersey’s use of deliberative democratic methods in Jersey, focusing on the four deliberative bodies established since 2018: the Care Inquiry Legacy Citizens’ Panel, the Citizens’ Assembly on Climate Change, and the Assisted Dying Citizens’ Jury. The PAC also considered the 2015 Citizens’ Panel on Mental Health to understand previous use of deliberative practices in Jersey prior to 2018.

The PAC wanted to understand the way deliberative bodies have been established, facilitated, budgeted, and administrated. The PAC further sought to understand how members were selected for each deliberative body, and how feedback was obtained by the Government of Jersey from both the facilitators it worked with and the members of each body.

The PAC obtained evidence in writing from Government Officers, and the third-party organisations responsible for the facilitation of deliberative bodies in Jersey. The PAC considered the information already within the public domain on each deliberative body, through the consideration of various Scrutiny reports, Freedom of Information requests, written and oral questions from States Members, and the information published by the Government of Jersey on each deliberative body.

The PAC found that the formation of deliberative bodies is a political action, with the responsibility resting with Ministers, with conflicts of interest resolved through relevant Ministerial or States of Jersey codes of conduct. The PAC further found that the Department of Strategic Policy, Planning and Performance was accountable for three of the four deliberative bodies reviewed, with the exception of the Our Hospital Citizens’ Panel, which was led by the Our Hospital Project Team.

The PAC notes that the Citizens’ Panel on Mental Health and the Care Inquiry Legacy Citizens’ Panel were both facilitated with the assistance of the organisation Contact Consulting, whilst the Citizens’ Assembly on Climate Change was facilitated through a consortium consisting of the New Citizenship Project, Involve, and the Sortition Foundation. The latter two organisations were also responsible for facilitating the Assisted Dying Citizens’ Jury, although the Sortition Foundation was only involved in the selection of members for both deliberative bodies. Identities of the external facilitators, speakers, and Members of advisory panels for 3 panels are published.

The PAC found that the identity of the external facilitator for Our Hospital Citizens’ Panel is withheld under Article 25 (Personal information) of the Freedom of Information (Jersey) Law 2011.

The PAC found that submissions and evidence provided to the [Citizens’ Assembly on Climate Change](#) and [Assisted Dying Citizens’ Jury](#) had been published on their respective websites/webpages, whereas the submissions and evidence provided to the [Our Hospital Citizens’ Panel](#) have not been published.

The work of the Care Inquiry Legacy Citizens’ Panel was tasked with considering the question “How can the people of Jersey best remember the [past abuse of children while in the Island’s care system?](#)”, before making recommendations to the Council of Ministers in response to a specific recommendation of the Independent Jersey Care Inquiry which called for “some form of tangible public acknowledgement” to be created.¹

The Citizens’ Assembly on Climate Change and the Assisted Dying Citizens’ Jury also received support from independent advisory panels and relevant experts providing support, advice and evidence where sought.

Minutes are published from the Citizens’ Assembly on Climate Change and of the meetings of the Independent Advisory Panel for the Assisted Dying Citizens’ Jury.

The PAC notes that minutes of the Care Inquiry Legacy Citizens’ Panel and the deliberations of the Assisted Dying Citizens’ Jury were not published but notes the personal and sensitive nature of the subjects considered. The PAC notes that minutes were published of the in-person meetings of the Our Hospital Citizens’ Panel and found through a Freedom of Information Request. The PAC found that these minutes included only limited information regarding the work of the Panel.

The PAC has recommended that sufficiently detailed minutes are published for all future deliberative bodies to ensure that the public understands how each deliberative body arrived at its respective conclusions.

The PAC considered how members of each deliberative body were selected. The PAC was pleased to note the Government of Jersey’s commitment to ensuring anonymous selection in a way that represented the demographic profile of the Island and noted the work of the Sortition Foundation for the Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury. The PAC has identified concerns with the lack of transparency regarding the appointment of the Our Hospital Citizens’ Panel’s Selection Panel. The PAC notes the focus of the Care Inquiry Legacy Citizens’ Panel in ensuring a mix of survivors of the care system and the wider Island community.

The PAC reviewed the budgets and the administration of budgets for each deliberative body. The PAC found that the core costs of the Citizens’ Assembly on Climate Change had more than doubled, with the final cost of the Citizens’ Assembly and related work more than three times the initial cost received by the PAC. since it first received information on its budgeting in February 2022. The costs of the Care Inquiry Legacy Citizens’ Panel increased substantially due to additional phases. The PAC has therefore recommended that the Government of Jersey commits to greater scrutiny of budgeting and clarity of objectives for each deliberative body.

Opportunities to obtain feedback and develop and understand lessons is considered to be a key part of the work of the PAC. The PAC has found that participants in each deliberative body were able to provide feedback of their experience through the respective external facilitator and has concluded that there are opportunities to develop future feedback mechanisms through learnings from the Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury.

¹ [R.59/2017, p.61](#)

The PAC received and reviewed a final draft of the Government of Jersey’s Evaluation Report on the Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury and has considered it and reports published by the Organisation for Economic Co-operation and Development (OECD) and United Nations Democracy Fund regarding the organisation of deliberative bodies. The PAC has recommended that the Government of Jersey commits to additional learning to develop internal exercise to improve value-for-money when seeking to establish future deliberative bodies. This will also allow Islanders to engage with and learn about deliberative processes in greater detail.

The PAC has further recommended that the Government of Jersey develops a policy toolkit to aid Ministers in understanding the establishment and operation of deliberative bodies, and to help identify the most suitable form of deliberative body to use for each respective policy issue, and to develop additional processes to guarantee institutional listening in respect of the outcomes of each deliberative body. Finally, the PAC has concluded that the Assisted Dying Citizens’ Jury should be used as a model of best practice when establishing future deliberative bodies.

Section 3 - Key Findings and Recommendations

Key Findings

FINDING 1 – Each deliberative body is assigned with its own purpose and terms of reference, with Ministerial and Official Codes of Conduct ensuring that they are constituted appropriately and transparently.

FINDING 2 – Learnings from the 2015 Citizens’ Panel in Mental Health were used to inform the delivery of the Care Inquiry Legacy Citizens’ Panel, established in 2018.

FINDING 3 – The establishment of deliberative bodies is treated as a “political act” and requires the decision of either a Minister or the States Assembly.

FINDING 4 – There are currently no formal mechanisms through which deliberative bodies can be established.

FINDING 5 – Each deliberative body has received support from external facilitators.

FINDING 6 – The Care Inquiry Legacy Citizens’ Panel was facilitated by the same external facilitator used for the Citizens’ Panel on Mental Health.

FINDING 7 – The work of the Care Inquiry Legacy Citizens’ Panel was overseen by an Oversight Group made up of key stakeholders representing the Government of Jersey, the external facilitator Contact Consulting, and a representative of the survivors’ community in Jersey.

FINDING 8 – The work of the Care Inquiry Legacy Citizens’ Panel has extended to four individual phases.

FINDING 9 – Contact Consulting’s contract to facilitate the Care Inquiry Legacy Citizens’ Panel was renewed each time on account of the positive trusting relationships formed with members of the Panel.

FINDING 10 – The Our Hospital Citizens’ Panel was overseen by the Our Hospital Project Team and not by a single department.

FINDING 11 – A significant amount of time had passed before the identity of the Accountable Officer for the Our Hospital Citizens’ Panel was clarified to the PAC.

FINDING 12 – Unlike the other deliberative bodies discussed in the report, Our Hospital Citizens’ Panel was not created to develop policy.

FINDING 13 – The material and presentations received and considered by the Our Hospital Citizens’ Assembly have not been published.

FINDING 14 – The PAC is concerned that the public-facing record-keeping for the Our Hospital Citizens’ Panel is not sufficient in providing an audit trail from which lessons can be learnt from operating similar deliberative bodies in the future.

FINDING 15 – The identity, background and experience of the external facilitator used for the Our Hospital Citizens’ Panel has not been made public, or shared with the PAC.

FINDING 16 – The Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury were facilitated through the same consortium of external organisations (the New Citizenship Project, Involve and the Sortition Foundation), with Involve holding full responsibility for the operation of the Assisted Dying Citizens’ Jury.

FINDING 17 – The Citizens’ Assembly on Climate Change was further supported through an Expert Advisory Panel, a Chair-Convenor, and speakers with expertise in relevant areas, with submissions and presentations published on the Jersey’s Climate Conversation website.

FINDING 18 – The Assisted Dying Citizens’ Jury was further supported by an Independent Advisory Panel, a Content Advisory Team, two expert advisors, and speakers with expertise in relevant areas, with submissions and presentations published on the Citizens’ Jury’s gov.je webpage.

FINDING 19 – Speakers and Independent Advisory Panel Board for the Assisted Dying Citizens’ Jury were not remunerated, whereas speakers and the Expert Advisory Panel for the Citizens’ Assembly on Climate Change were.

FINDING 20 – The PAC understands that the publication of minutes of the meetings of deliberative bodies would represent good practice.

FINDING 21 – The deliberations of the Assisted Dying Citizens’ Jury were not minuted due to the personal and sensitive nature of the issues discussed, but minutes have been published of its Independent Advisory Panel.

FINDING 22 – Minutes of the Our Hospital Citizens’ Panel were only published following a Freedom of Information request and do not sufficiently outline the evidence and information received and considered by the Citizens’ Panel.

FINDING 23 – The Sortition Foundation was contracted to facilitate the selection of members of the Citizens’ Assembly on Climate Change and the Assisted Dying Citizens’ Jury.

FINDING 24 – The Care Inquiry Legacy Citizens’ Panel was composed of a balance of members of Care Survivors and the wider Island community, with the selection of members facilitated by Contact Consulting.

FINDING 25 – It is unclear how the Our Hospital Citizens’ Panel Selection Panel Chair was recruited or what officer time was provided to the Selection Panel.

FINDING 26 – The selection of members for the Our Hospital Citizens’ Panel was designed to be representative of the Island as a whole but did not seek the use of expert assistance.

FINDING 27 – The selection of members for the Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury was facilitated through a sortition process that

sought a demographic composition that was representative of the Island while providing weighting to ensure a balance between Islanders who agreed with the principle of Assisted Dying and those who did not.

FINDING 28 – The stratification for the sortition process for the Citizens’ Assembly on Climate Change would have been improved through the inclusion of a 16-17 age category to improve youth presence.

FINDING 29 – There is room for improvement in communicating to Islanders and Members of the States Assembly around how the sortition process works.

FINDING 30 – Budgeting and the financial administration of Citizens’ Panels, Assemblies and Juries are not covered by the Public Finances Manual or similar documentation, and do not require a business case.

FINDING 31 – Deliberative bodies do not have autonomy in controlling and coordinating the use of their respective budgets and funds, with additional costs to be approved by either an Accountable Officer or their respective delegate.

FINDING 32 – Core costs of the Care Inquiry Legacy Citizens’ Panel increased in line with subsequent phases of the Panel’s work.

FINDING 33 – The final costs of the Our Hospital Citizens’ Panel were below £5,000, and therefore did not require a business case, with a scheme of delegation from the Accountable Officer.

FINDING 34 – The final core cost of the Citizens’ Assembly on Climate Change was more than double the original cost provided to the PAC in February 2021, having been subsequently revised in April 2021 and January 2022.

FINDING 35 – The Government of Jersey has committed to researching experiences from other deliberative practices during a commissioning process for a new deliberative body, with expert providers providing relevant experience and “on the job” and occasionally formal training for Government of Jersey officers.

FINDING 36 – It is unclear whether an internal or external evaluation process took place for the Our Hospital Citizens’ Panel.

FINDING 37 – External facilitators of the Citizens’ Assembly on Climate Change have recommended that the Government of Jersey works to improve the clarity of the overall aims, objectives and intended outcomes of deliberative bodies, and ensure that they are adequately resourced with sufficient timescales provided.

FINDING 38 – Quality reviews of the recruitment process were undertaken by the Sortition Foundation alongside Government of Jersey Officers following the completion of the recruitment of both the Citizens’ Assembly on Climate Change and the Assisted Dying Citizens’ Jury.

FINDING 39 – Participants of each deliberative body have been able to provide feedback to the Government of Jersey through external facilitators.

FINDING 40 – The Government of Jersey has developed an Evaluation Report on the facilitation of the Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury, with a second evaluation process to be undertaken following the vote on the Carbon Neutral Roadmap in Spring 2022 and the forthcoming vote on Assisted Dying legislation.

FINDING 41 – Recommendations from deliberative bodies are tracked through initial work plans, published responses, departmental business plans, or by being incorporated into future policy publications.

Key Recommendations

Following the creation of the Government of Jersey’s Recommendations Tracker, which tracks the implementation of recommendations made by the Comptroller and Auditor General and Scrutiny, the PAC has outlined a series of target dates for the completion of the recommendations made in this report.

The PAC would like to note that these are simply suggestions, are not binding, and should be interpreted separately to the recommendations themselves. The PAC notes the potential impact that the June 2022 General Election and related work programmes may have on this. Most recommendations have been assigned an implementation date of Q4 2022, with the expectation that these are included as part of the process outlined in Recommendation 1 and toolkit outlined in Recommendation 29.

RECOMMENDATION 1 – The Government of Jersey should develop a process for formally establishing future deliberative bodies, such as through a specific form that can be elevated to the Council of Ministers and provide clarity around the process undertaken to agree to establish a deliberative body, its objective, and an initial budget, with a mechanism in place to assess the need of a deliberative body against different policy development options. – Q4 2022

RECOMMENDATION 2 – The Government of Jersey should consider developing a protocol for engaging with external facilitators for future deliberative bodies to maintain consistency and ensure a clear audit trail for public record. – Q4 2022

RECOMMENDATION 3 – The Government of Jersey should update the Care Inquiry Legacy Citizens’ Panel website to reflect the four phases undertaken by the Panel. – Q2 2022

RECOMMENDATION 4 – The Government of Jersey should ensure that clear lines of accountability are publicly established for future deliberative bodies, with a single department holding clear responsibility for its creation operation and oversight. – Q4 2022

RECOMMENDATION 5 – A specific part of the Government of Jersey website should be assigned to publish information and details of its deliberative bodies. – Q2 2022

RECOMMENDATION 6 – The Government of Jersey should publish the identity or background and experience of the External Facilitator for the Our Hospital Citizens’ Panel now that its work has been completed. – Q2 2022

RECOMMENDATION 7 – The external facilitator for all future deliberative body established by the Government of Jersey should be made public and carry sufficient and relevant experience in designing and facilitating deliberative bodies and practices. This should be included in the process outlined in Recommendation 1. – Q4 2022

RECOMMENDATION 8 – Consideration should be given to how deliberative bodies are represented following the completion of their work, with a code of conduct to be developed for all participants, advisors, and those affiliated with a deliberative body. – Q4 2022

RECOMMENDATION 9 – The Government of Jersey should ensure consistency across deliberative bodies regarding the remuneration of external support. – Q4 2022

RECOMMENDATION 10 – Minutes of the meetings of deliberative bodies and their respective Advisory Panels should be published in an accessible location, even in redacted form, to improve transparency and public understanding of deliberative processes but should not identify individual members of deliberative bodies. – Q2 2022

RECOMMENDATION 11 – The Government of Jersey should work to communicate and explain how selection methodologies (including sortition) work, to improve public trust in the reliability of these methods. – Q4 2022

RECOMMENDATION 12 – The Government of Jersey should review and evaluate the selection method used following the completion of each deliberative body's work to understand ways of improvement and how they can involve specific, on-Island communities where necessary, with this work to be included in the wider work on developing the process outlined in Recommendation 1. – Q4 2022

RECOMMENDATION 13 – The Government of Jersey should undertake work to improve its accountability and quality of audit trails for the operation of and monitoring of budgets for deliberative practices such as Citizens' Panel, Assemblies and Juries. – Q4 2022

RECOMMENDATION 14 – The Government of Jersey should ensure that it has clearly understood the overall aims, objectives and intended outcomes of each deliberative process before finalising the budget assigned to it. – Q4 2022

RECOMMENDATION 15 – The Government of Jersey should create a methodology for developing a preliminary budget for deliberative processes and record and publish actual costs compared to that budget. – Q4 2022

RECOMMENDATION 16 – The Government of Jersey should work to maximise the transparency of deliberative bodies by publishing their intended cost at the beginning of the process, and include the final, actual cost in the final report of the deliberative body. – Q4 2022

RECOMMENDATION 17 – The Government of Jersey should develop a formal mechanism through which external facilitators for deliberative processes can provide feedback and identify learnings for the Government of Jersey. – Q4 2022

RECOMMENDATION 18 – The Government of Jersey should follow-through on the recommendations made to the PAC by the New Citizenship Project and Involve and:

- 1. Ensure clarity on the overall aims, objectives and intended outcomes of the deliberative process at the start; and*
- 2. Ensure adequate resourcing of the process and ensure sufficient timescales to undertake it appropriately. – Q4 2022*

RECOMMENDATION 19 – The Government of Jersey should seek to build on the feedback mechanisms provided to the Care Inquiry Legacy Citizens' Panel and Assisted Dying Citizens' Jury to develop a template through which to facilitate feedback from members of all future deliberative bodies. – Q4 2022

RECOMMENDATION 20 – The Government of Jersey should incorporate all future deliberative bodies within the Department for Strategic Policy, Planning and Performance, to ensure consistent accountability, audit trails, and develop in-house expertise as the internal experts on the design and facilitation of deliberative bodies and practices, with the assistance of Government of Jersey Officers from other departments where required. – Q4 2022

RECOMMENDATION 21 – The Government of Jersey should publish its evaluation report on the Citizens' Assembly on Climate Change and Assisted Dying Citizens' Jury and provide copies to members of the Citizens' Assembly and Citizens' Jury to provide opportunities for them to review and feedback on the report. – Q2 2022

RECOMMENDATION 22 – The Government of Jersey should formally incorporate guiding principles on deliberative bodies as developed by the OECD and UNDF to improve the quality and democratic impact of this work. – Q4 2022

RECOMMENDATION 23 – The Government of Jersey should ensure that a final report is published by each deliberative body that includes, alongside its findings, recommendations and other outputs, details and documentation relating to its administration, facilitation, membership selection, budgeting, and feedback from members. – Q4 2022

RECOMMENDATION 24 – The Government of Jersey should develop its internal expertise to reduce reliance on the knowledge of external facilitators to reduce costs and ensure value-for-money. – Q4 2022

RECOMMENDATION 25 – The Government of Jersey should work to increase the public's understanding of deliberatively democratic measures through opportunities such as lectures, workshops, and other forms of public engagement. – Q1 2023

RECOMMENDATION 26 – The Government of Jersey should incorporate into its internal guidelines an assurance that the findings and recommendations of each deliberative body are considered and integrated – where appropriate – into future legislation and policy making. This should include a clear demonstration of how they add value to the respective policymaking process. – Q4 2022

RECOMMENDATION 27 - Follow-up reports should be published by the Government of Jersey detailing how the work and recommendations of each deliberative body have been implemented. – Q1 2023

RECOMMENDATION 28 – The Government of Jersey should undertake a wider review of its consultation and public engagement process, following the learnings established from the facilitation of deliberative bodies. – Q2 2023

RECOMMENDATION 29 – The Government of Jersey should develop a framework and policy toolkit for the establishment and operation of deliberative bodies to provide Ministers with a comprehensive understanding of how to establish one, and the most suitable form of deliberative body to use for the respective policy issue. – Q4 2022

Section 4 – Background

Purpose of this Report

The Public Accounts Committee's role is to receive reports from the Comptroller and Auditor General and to report to the States upon any significant issues arising. It also assesses whether public funds have been applied for the purpose intended. This report serves as an overview of the work the Public Accounts Committee has conducted on the operation, administration, and facilitation of deliberative bodies in Jersey, namely, Citizens' Panels, Assemblies and Juries in Jersey.

The PAC has not considered the content of the meetings, or the output, findings, or recommendations made by these deliberative bodies, because these both fall outside of its remit as a Committee, and it is not equipped to make recommendations on these areas.

The PAC investigated whether the governance arrangements; including the planning, implementation, financial management and administration of Citizens' Panels, Assemblies and Juries in Jersey were adequate, and had been properly tracked. The PAC further sought to understand how each body contributes to and influences the development of internal corporate learning relating to deliberative democratic practices in Jersey.

The PAC examined the following four deliberative bodies, as delivered by the Government of Jersey since 2018:

- The Care Inquiry Legacy Citizens' Panel
- The Our Hospital Citizens' Panel
- The Citizens' Assembly on Climate Change; and
- The Assisted Dying Citizens' Jury.

The PAC has also considered the 2015 Citizens' Panel on Mental Health in order to understand previous work on deliberative practices in Jersey, although it notes that consideration has been given to the use of Citizens' Panels in Jersey since at least 2006^{2,3}.

The PAC understands that there are key differences between the Care Inquiry Legacy Citizens' Panel, the Our Hospital Citizens' Panel, the Citizens' Assembly on Climate Change and Assisted Dying Citizens' Jury and notes the significant discrepancies between the Our Hospital Citizens' Panel and the other three deliberative bodies, including a lack of presence from the States Assembly or single department.

As a result, the PAC would strongly urge caution from those reading this report before considering these bodies as a collective whole. However, it nonetheless believes that it is vital to consider all deliberative bodies established since 2018 to determine lessons learned and develop best practices.

The PAC has also reviewed the consideration given to deliberative bodies in the following published Scrutiny Reports:

² [Written Question to the Chief Minister by Deputy G.P. Southern of St. Helier, 28 March 2006](#)

³ [Oral Question to the Chief Minister from Deputy J. Gallichan of St. Mary, 18 July 2006](#)

- the Response to the Care Inquiry: Update Report November 2019 by the Care of Children in Jersey Review Panel⁴;
- Government Plan Review 2020 by the Care of Children in Jersey Review Panel⁵;
- the Future Hospital Citizens’ Panel by the Future Hospital Review Panel⁶; and
- the Citizens’ Assembly on Climate Change by the Environment, Housing and Infrastructure Scrutiny Panel⁷.

The PAC has considered the final draft of the Government of Jersey’s evaluation report of the Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury, after it was shared in confidence with the PAC on 14 January 2022.

The PAC notes the response of the Chief Minister to a written question by Deputy Alves of St. Helier No. 2, tabled on Monday 15 March 2021, that noted that “formal codes of practice... do not exist” due to this area of work remaining an emergent market⁸. The PAC therefore considers that the findings and recommendations outlined in this report may be of use in encouraging the wider development of formal best practice and to improve the Government of Jersey’s creation, facilitation, and administration of future deliberative bodies.

⁴ [Response to the Care Inquiry: Update Report November 2019 \(S.R.12/2019\) – Care of Children Review Panel – 8 November 2019](#)

⁵ [Government Plan 2020 \(S.R.13/2019\) – Care of Children in Jersey Review Panel – 11 November 2019](#)

⁶ [Review of the Future Hospital Selection Process \(S.R.9/2020\) – Future Hospital Review Panel – 13 November 2020](#)

⁷ [Climate Change Citizens’ Assembly process: observers’ interim report \(S.R.10/2021\) – Environment, Housing and Infrastructure Scrutiny Panel – 19 July 2021](#)

⁸ [WQ.99/2021](#)

Conflicts of Interest

The PAC notes that its lay member Dr Helen Miles was a member of the Independent Advisory Panel for the Assisted Dying Citizens’ Jury, and it was therefore agreed that she would not be involved in this review and in developing its findings and recommendations.

The Vice-Chair of the PAC, Constable Karen Shenton-Stone, agreed to withdraw from this review following the lodging of [P.90/2019\(Amd\)\(13\)](#) to the [Government Plan 2022-2025](#) in December 2021, which called for the creation of a Citizens’ Panel on women’s safety and gender equality, although the PAC notes that this was [subsequently amended](#) to:

“facilitate and support the creation of a task force in relation to improving women’s safety, such body to collect views from Islanders and to develop and propose direct and achievable action points, to achieve that objective, to the new government for inclusion in the next government plan.”

Clarification of Identity of the Chief Executive

At the time of publication, the current Chief Executive is Suzanne Wylie, who joined the Government of Jersey on 1 February 2022, replacing the Interim Chief Executive Paul Martin, who served as Interim Chief Executive from 1 March 2021 to 31 January 2022.

The PAC received three submissions from the Interim Chief Executive, who, for purposes of clarity in this report, will be referred to as the “Interim Chief Executive”.

One letter was received from the previous permanent Chief Executive, Charlie Parker, who left the Government of Jersey on 31 March 2021. For the purposes of clarity this submission will be referred to as from the “Former Chief Executive”.

Section 5 – Outline of Each Deliberative Body

The PAC is aware that the relative novelty of deliberative practices in Jersey has resulted in the Government of Jersey approaching each body from a relatively unique perspective, with each providing a different approach to solving its assigned policy challenge.

In order to understand how deliberative bodies operate, the PAC has considered both the work of the Government of Jersey and its partners, in addition to the Organisation for Economic Co-Operation and Development (OECD)’s reporting on these practices and bodies. Deliberative practices are defined in the OECD Report [*Innovative Citizen Participation and New Democratic Institutions*](#) as:

“A randomly selected group of people who are broadly representative of a community spending significant time learning and collaborating through facilitated deliberation to form collective recommendations for policy makers.”⁹

The OECD report further outlines deliberative practices as meeting the following factors:

Number of Participants: *Relatively small (but representative) groups of people, as it is difficult to have deep deliberation among large numbers.*

Types of Participation: *Deliberation, which requires that participants are well-informed about a topic and consider different perspectives in order to arrive at a public judgement (not opinion) about “what can we strongly agree on?”*

Participant Selection Method: *Typically, a civic lottery, which combines random selection with stratification, to assemble a public body that is representative of the public; able to consider perspectives, and not vulnerable to being stacked by representatives of powerful interest groups.¹⁰*

To provide further clarity, the PAC has provided summaries of the area of focus and process for each of the four deliberative bodies it has considered for this review. This is to provide a clear understanding of the activities of the deliberative bodies to members of the public reading this report.

The PAC understands that deliberative practices include a range of options, including Citizens’ Juries, Assemblies and Panels; Consensus Conferences; Town Hall Meetings; Deliberative Polling; Participatory Budget; Study Circles; Planning Cells; and Collaborative Learning. However, The PAC intends to focus on the four deliberative bodies established since 2018 as the key drivers of deliberatively democratic processes in Jersey.

Governance and Oversight

In his submission to the PAC on 12 May 2021, the Interim Chief Executive outlined that a deliberative body will always:

⁹ [*Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave – Highlights 2020 – OECD, November 2020*](#)

¹⁰ [*Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave – Highlights 2020 – OECD, November 2020*](#)

“have its own purpose and terms of reference, which will be established under appropriate political governance and made available to participants, States Members, and other interested parties.”¹¹

The Interim Chief Executive further outlined that conflicts of interests are declared and recorded under the relevant Ministerial or States of Jersey Codes of Conduct¹².

FINDING 1 – Each deliberative body is assigned its own purpose and terms of reference, with Ministerial and Official Codes of Conduct ensuring that they are constituted appropriately and transparently.

Care Inquiry Legacy Citizens’ Panel

Commissioned by	Council of Ministers
Period	May 2018 – September 2021 (<i>overall</i>)
Area of Focus	To initially define and later assist with the implementation of the four-part Legacy Project in response to Recommendation 8b of the Independent Jersey Care Inquiry , to ensure that the views and experiences of survivors of care remain central to this work.
External Facilitator	Contact Consulting
Number of Participants	14
Selection	Mixture of recruitment of members of the Care Survivors Community in Jersey and anonymised stratified selection from invitations sent out to random households in Jersey.
Number of Meetings	The Panel met together in-person over: <ul style="list-style-type: none"> • 5 sessions in Phase 1 • 6 weekends in Phase 2 • 6 weekends in Phase 3, and • 5 weekends in Phase 4 <p>In addition, there were meetings and informal engagement between sessions taking place online, particularly during the peaks of the pandemic.</p>
Supported By	Jersey Citizens’ Panel Oversight Group
Evidence Received	N/A
Minutes	None published, although the PAC notes the personal and sensitive nature of the issues discussed.
Output	The work of the Care Inquiry Legacy Citizens’ Panel was divided into four individual phases. During Phase 1, the Panel met for five sessions to consider the

¹¹ [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 12 May 2021, p.2](#)

¹² [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 12 May 2021, p.3](#)

	<p>question: “How can the people of Jersey best remember the past abuse of children while in the Island’s care system?”, before making recommendations to the Council of Ministers in response to Recommendation 8b of the Independent Jersey Care Inquiry which called for “some form of tangible public acknowledgement” to be created¹³.</p> <p>In the subsequent Phases of work, the Citizens’ Panel was involved in further refining the elements of the Legacy Project and supporting their implementation.</p> <p>The Panel published a report in 2018 outlining its work and recommendations.</p>
Feedback from Members	Facilitated through Contact Consulting
Initial Budget Provided to PAC	£32,125 (first phase)
Total Actual Cost	£153,350 (all phases)

In a [news release published 23 October 2020](#), a statement from the Government of Jersey included the publication of eight “looking back criteria” for the Legacy Project.

A survivor group statement was published on the [Citizens’ Panel’s webpage](#) in September 2021. This described the revised plans for the realisation of the first element of the Legacy Project following the decision not to proceed with the proposed ‘Jersey Care Memorial’ project and the establishment of a wider Steering Group of survivors, including members of the Citizens’ Panel, to lead all future work in this area.

Our Hospital Citizens’ Panel

Commissioned by	Chief Minister
Period	February – March 2020.
Area of Focus	To provide a deliberative civic forum to contribute to the process, engagement, and decision-making for the selection of the site of the Our Hospital Project. The PAC notes that there are grounds to consider this Panels separately to the other deliberative bodies, because it was not established using the same underlying procedures or standards as the other deliberative bodies explored in this report. The purpose of the Citizens’ Panel was to aid decision making, and not to formulate policy.
External Facilitator	<i>Identity Unknown under Article 25 (Personal information) of the Freedom of Information (Jersey) Law 2011</i>
Number of Participants	17
Selection	Anonymised selection process of applications conducted in-house by former Selection Panel led by former Senator

¹³ [R.59/2017, p.61](#)

	Francis Le Gresley to reflect Island’s population.
Number of Meetings	8 (4 online, 4 in person)
Supported By	Our Hospital Project Team
Evidence Received	Interested parties were invited to submit evidence, but this was not subsequently published.
Minutes	Minutes of the in-person meetings were published following a Freedom of Information Request
Output	Site Selection Criteria for the Our Hospital Project – consisting of 24 questions to establish a site shortlist.
Feedback from Members	Facilitated through External Facilitator
Total Actual Cost	£4,868.67

The PAC notes that the Citizens’ Panel was not responsible for selecting the site of the new hospital, or providing direction on design or facilities, but was instead responsible for informing the decision-making parameters and requirements for the new hospital.

Citizens’ Assembly on Climate Change

Commissioned by	States Assembly (P.127/2019)
Period	March – May 2021 <i>Entire process from establishment to publication of final report: Contract signed in February 2020 – completion in May 2021</i>
Area of Focus	To establish a forum of Islanders to contribute to the development of policies and actions to be undertaken by the Government of Jersey to confront the Climate Emergency and become carbon neutral.
External Facilitator	Consortium of New Citizenship Project and Involve
Number of Participants	45
Selection	Sortition (by Sortition Foundation)
Number of Meetings	15 Sessions across 4 Blocks
Supported By	Expert Advisory Panel, SPPP, States Greffe
Evidence Received	Submissions made to the Assembly are published on the Jersey’s Climate Conversation website with speeches delivered to the Assembly uploaded to the Government of Jersey’s YouTube Channel .
Minutes	Published on the Jersey’s Climate Conversation website
Output	Report to the States Assembly (R.95/2021)
Feedback from Members	Facilitated through Involve, results outlined in final report and considered within Strategic Policy, Planning and Performance Evaluation report.
Initial Budget Provided to PAC	£86,086
Total Actual Cost	£190,793

Assisted Dying Citizens’ Jury

Commissioned by	Minister for Health and Social Services
Period	March – May 2021 <i>Entire process from establishment to publication of final report: September 2020 - September 2021 with initial pre-covid set up between January – March 2020.</i>
Area of Focus	To give a representative group of Islanders the opportunity to learn, carefully consider and provide recommendations on a key ethical issue which would be presented to the States Assembly (and subsequently debated), answering the question - <i>Should assisted dying be permitted in Jersey and, if so, under what circumstances?</i>
External Facilitator	Involve
Number of Participants	23
Selection	Sortition (by Sortition Foundation)
Number of Meetings	10 Sessions across 4 Blocks
Supported By	Independent Advisory Panel, Content Advisory Panel, Expert Leads SPPP
Evidence Received	Submissions were uploaded to a gov.je webpage , with speeches delivered to the Jury were uploaded to the Government of Jersey's website .
Minutes	Minutes of the Intendent Advisory Panel's meetings were published, minutes of the Jury’s deliberations were not due to the personal and sensitive nature of the issues discussed.
Output	Initial Recommendations published June 2021, Final Report published September 2021
Feedback from Members	Facilitated through Involve, results outlined in final report and considered within Strategic Policy, Planning and Performance Evaluation report.
Initial Budget Provided to PAC	£62,116 (£54,916 + £7,200 honoraria)
Total Actual Cost	£65,952

Citizens’ Panel on Mental Health (2015)

The PAC notes that the first Citizens’ Panel to be organised by the Government of Jersey was a citizens’ panel that was established in 2015 as part of the larger Mental Health Service Review to “identify key building blocks”¹⁴ for the [Mental Health Strategy for Jersey \(2016-2020\)](#). The PAC further notes that a key conclusion of the Strategy is to “continue to work using engagement and participative approaches such as the Citizens’ Panel and action leaning sets to deliver the priorities identified in this strategy.”¹⁵

¹⁴ [Mental Health Strategy for Jersey \(2016-2020\), p.3](#)

¹⁵ [Mental Health Strategy for Jersey \(2016-2020\), p.8](#)

The PAC considers the work of this Panel to be outside of the evaluative scope of this review, due to it significantly pre-dating the other Citizens’ Panels, Assemblies and Juries outlined in this report, although it notes that other jurisdictions have previously used similar methods, both in policy and in practice.¹⁶ The PAC has considered the Mental Health Citizens’ Panel to understand the Government of Jersey’s previous engagement with Citizens’ Panels prior to 2018.

The PAC received sight of the parts of the contract for the delivery of a Mental Health Service review that considered the use of a Citizens’ Jury, and notes that allocated costs were “approximately £9,000”. This included 12 days of planning and facilitation, and £3,000 non-staff costs that included participant exercises, a voucher system for attendance, room hire, materials, and refreshments.

The Citizens’ Panel was selected through the following system:

- The design of recruitment letters (see Appendix) explaining the project and inviting people to complete a simple one-page form to take part. Completed forms could be returned by post, via e-mail or over the phone.
- As an incentive all applicants were offered a £20 voucher for each session they attended. Applicants were given the choice of an afternoon or evening slot and were offered assistance with travel, childcare or any other support that might make attendance difficult.
- 1,000 recruitment letters were distributed across the Island. This was done randomly through Jersey Post.
- Letters and forms were also distributed through local organisations, including Mind Jersey and the Jersey Alzheimer’s Association.
- Outreach work was also conducted over 2 days at the Bridge Centre and the Contact Centre to increase diversity and reach some people who may not have received the original letter.¹⁷

Contact Consulting’s report on the Mental Health Strategy ([R.122/2015](#)) notes that over 70 applicants were received, and twenty-five people were selected to reflect the diversity of the local population, with all participants except one contacted by phone as preparation.

The Panel met for four sessions and allowed participants to share their experiences and opinions and develop their knowledge and understanding of mental health care, before providing a set of “building blocks” that were taken up by the Government of Jersey for consideration of the subsequent Mental Health Strategy¹⁸.

In a submission from the Interim Chief Executive on 14 January 2022, the PAC received in confidence an extract of the contract for the 2015 Mental Health Service Review, which included the Citizens’ Panel. The Interim Chief Executive’s view was that the Citizens’ Panel was able to demonstrate the use of a deliberative method to “progress policy and strategy

¹⁶ [Mental Health Strategy for Jersey \(2016-2020\), p.8](#)

¹⁷ [R.122/20215, p.70](#)

¹⁸ [R.122/2015, p.71](#)

locally, in ways that are reflected in the design of the subsequent deliberative exercises¹⁹. The PAC further notes from a submission received from the Director General of Strategic Policy, Planning and Performance on 24 November 2022 that lessons learned from this Panel were used to inform the delivery the Care Inquiry Legacy Citizens’ Panel²⁰.

FINDING 2 – Learnings from the 2015 Citizens’ Panel in Mental Health were used to inform the delivery of the Care Inquiry Legacy Citizens’ Panel, established in 2018.

¹⁹ [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 14 January 2022, p.5](#)

²⁰ Director General of Strategic Policy Planning and Performance to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries – Accompanying Spreadsheet, 24 November 2021

Section 6 – Formation, Purpose, and Administration

Grounds for Forming a Citizens’ Panel, Assembly or Jury

The PAC has sought to understand what mechanisms are used to form these deliberative bodies. In a submission from the Interim Chief Executive on 12 May 2021, it was outlined that the creation of a deliberative body is a “political act” that:

“May occur as the result of a decision by ministerial body, such as a political oversight group of Council of Ministers; as a Ministerial Decision by an individual Minister; or as a decision of the States Assembly.

There may be other appropriate ways to constitute a citizens’ body, depending on its scope, remit and intended influence. Each citizens’ process will have its own purpose and terms of reference, which will be established under appropriate political governance and made available to participants, States Members, and other interested parties. These steps, together with the ministerial and official codes of conducts, ensure that each body is appropriately and transparently constituted.”²¹

The PAC notes the Interim Chief Executive’s comments in his submission of 14 January 2022 that it would not be appropriate to “formalise triggers” that might impinge on the ability of elected politicians to have such a decision²².

In his submission to the PAC on 24 November 2021, the Director General of Strategic Policy, Planning and Performance advised that Ministers are “advised by officers based on the research and professional understanding about the potential for a deliberative process to help ministers achieve their stated aim.”²³ As a result, there is no formal business case that is required to establish a deliberative body.

FINDING 3 – The establishment of deliberative bodies is treated as a “political act” and requires the decision of either a Minister or the States Assembly.

FINDING 4 – There are currently no formal mechanisms through which deliberative bodies can be established.

The PAC notes these comments and does not intend to risk prohibiting access to deliberative processes. However, it would nonetheless suggest that the process of establishing future deliberative bodies by the Government of Jersey may be improved by formally adopting a specific process for Ministers to elevate their decision to the Council of Ministers in a way that identifies the need for this body, its democratic benefits, and a draft outline prior to tendering and/or stakeholder engagement.

This may be represented by a specific form that can be signed by the respective Minister and published on the Government of Jersey’s website to identify and provide clarity around

²¹ [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 12 May 2021, p.2](#)

²² [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 14 January 2022, p.3](#)

²³ [Letter - Director General of Strategic Policy Planning and Performance to Public Accounts Committee re. Citizens' Panels, Assemblies and Juries – 24 November 2021, p.4](#)

objectives, the desired outcome of the deliberative body, and the process undertaken to agree to the formation of such a body. This may also contain the provision of an initial budget included and updated to accurately reflect its resourcing. In turn, the PAC notes that the [States of Jersey's Petitions function](#) may provide a forum for Islanders to suggest new deliberative bodies, providing the opportunity for a bottom-up, rather than top-down, political approach.

RECOMMENDATION 1 – The Government of Jersey should develop a process for formally establishing future deliberative bodies, such as through a specific form that can be elevated to the Council of Ministers and provide clarity around the process undertaken to agree to establish a deliberative body, its objective, and an initial budget, with a mechanism in place to assess the need of a deliberative body against different policy development options.

Use of External Facilitators and Support

The PAC understands that each deliberative body established by the Government of Jersey has received external support from organisations and individuals with relevant expertise in deliberative democracy and the subjects considered by each body. External facilitators were hired through tendering processes, with other external support sourced through means identified later in this report. A brief overview of the external support provided to each deliberative body is as follows:

- **Care Inquiry Legacy Citizens' Panel:**
 - Contact Consulting (external facilitator)
- **Our Hospital Citizens' Panel:**
 - Anonymous, independent facilitator
- **Citizens' Assembly on Climate Change:**
 - Consortium of New Citizenship Partnership and Involve (external facilitators)
 - Sortition Foundation (recruitment of members – also part of consortium)
 - Independent Chair-Convenor
 - Expert Advisory Panel
 - Various Expert Speakers
 - Youth Friendly (public engagement support – not part of design and facilitation process)
- **Assisted Dying Citizens' Jury**
 - Involve (external facilitator)
 - Sortition Foundation (recruitment of members – appointed as part of consortium with Involve)
 - Independent Advisory Panel
 - Content Advisory Team
 - Two Expert Advisors
 - Various Expert Speakers

The PAC notes that it may be of use to the Government of Jersey to develop a protocol for engaging with external facilitators and other forms of external support, to maintain consistency across each deliberative body and maintain a clear public audit trail.

FINDING 5 – Each deliberative body has received support from external facilitators.

RECOMMENDATION 2 – The Government of Jersey should consider developing a protocol for engaging with external facilitators for future deliberative bodies to maintain consistency and ensure a clear audit trail for public record.

Care Inquiry Legacy Citizens’ Panel

The Care Inquiry Legacy Citizens’ Panel was commissioned by the Council of Ministers following the publication of the Independent Jersey Care Inquiry, to deliver recommendations to Ministers around remembering historic abuse and to subsequently support the implementation of the Panel’s recommended Legacy Project as a stakeholder group. A [draft engagement brief](#) for the Panel was published following a [Freedom of Information Request dated 27 June 2019](#), alongside emails from officers and Ministers to clarify the background to the Panel’s formation.

Contact Consulting, an Oxford-based firm with experience in organising and delivering Citizens’ Panels, was recruited to facilitate the Panel following a successful application to tender through an open tender process on the Jersey Portal by the Department of Strategic Policy, Planning and Performance, beginning with a written Expression of Interest in January 2018. These documents have been shared in confidence with the PAC. The PAC notes Contact Consulting’s work in facilitating the Citizens’ Panel on Mental Health in 2015²⁴.

The PAC notes Contact Consulting’s confirmation that the Government of Jersey’s tender “clearly specified” the requirements of the process and its structure²⁵.

A Consultancy Agreement contract was signed between the Government of Jersey and Contact Consulting, which has been subsequently amended and extended to facilitate additional stages of the Citizens’ Panel’s work. The most recent version of the contract, which covered the third phase of this work has been provided in confidence to the PAC²⁶.

In its submission to the PAC, Contact Consulting identified its responsibilities for the Citizens’ Panel as follows:

- Recruitment and liaison with Citizens’ Panel Members
- Identification of external ‘experts’ to present information to the Panel
- Design and facilitation of Citizens’ Panel sessions (in conjunction with Government of Jersey personnel) and production of relevant resources

²⁴ [R.122/2015, p.69](#)

²⁵ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.2](#)

²⁶ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.2](#)

- Liaison with Government of Jersey personnel and other stakeholders support of oversight group and attendance at oversight group meetings and regular report writing and briefings.

Contact Consulting also outlined the responsibilities of the Government of Jersey:

- Close liaison with Government of Jersey departments, personnel and ministers, and where appropriate other local stakeholders
- Local logistics
- Budget management
- Co-design of Panel sessions (in conjunction with Contact Consulting)
- Organisation of attendance at oversight group meetings
- Monitoring project progress²⁷.

Peter Bryant, an associate consultant with Contact Consulting, was recruited as the Lead Facilitator, with the Managing Director of Contact Consulting serving as contract holder and holding responsibility for the oversight of project delivery and quality assurance. Peter Bryant was also responsible for the facilitation of the Citizens' Panel on Mental Health²⁸.

FINDING 6 – The Care Inquiry Legacy Citizens' Panel was facilitated by the same external facilitator used for the Citizens' Panel on Mental Health.

The process design and implementation of the Panel was overseen by an oversight group make up of key stakeholders, meeting on average every two months, and which consisted of the following:

- Tom Walker, Director General for Strategic Policy, Planning and Performance
- Andrew Heaven, Head of Health Improvement
- Michelle Moffat, Senior Policy Officer
- Tracey Ingle, Principal Historic Environment Officer
- Alan Collins, a solicitor acting on behalf of survivors in Jersey
- Contact Consulting's Managing Director Steve Appleton
- Peter Bryant, Associate Consultant to Contact Consulting; and

²⁷ [Letter – Contact Consulting to Public Accounts Committee re. Citizens' Panels, Assemblies and Juries, 16 November 2021, p.3](#)

²⁸ [R.122/2015, p.69](#)

- Claire Mason, Contact Consulting²⁹.

In its submission, Contact Consulting confirmed that all decisions were made jointly between the lead facilitator, government personnel, and the oversight group. Meetings were held regularly with government officers but were dependent on achieving key milestones within the Citizens’ Panel process. Reports were submitted to the Government of Jersey upon request after panel sessions³⁰.

Contact Consulting met regularly with Government of Jersey Officers and Ministers to share feedback and identify lessons learned. Panel Members were able to provide regular feedback through conversations with the facilitators, with this feeding into the process design and being relayed to the oversight panel where appropriate³¹.

FINDING 7 – The work of the Care Inquiry Legacy Citizens’ Panel was overseen by an Oversight Group made up of key stakeholders representing the Government of Jersey, the external facilitator Contact Consulting, and a representative of the survivors’ community in Jersey.

There have been four phases to the Care Inquiry Legacy Citizens’ Panel’s work. The PAC has had sight in confidence of the final amended contract for Phase 2 of the Citizens’ Panel, and the Final Phase proposal from Contact Consulting. The second, third and fourth/final phase has been broken down as follows:

- **Second Phase: 2018-2019, authorised by Director General of Strategic Policy, Planning and Performance**

The Second Phase of the Panel was instigated following the presentations of recommendations made by the Citizens’ Panel to the Council of Ministers on 4 July 2018. Officers were asked to scope the means of implementing the recommended four-part legacy project, and it was considered appropriate to test these proposals with the Citizens’ Panel and involve them in the process of implementation to guarantee a “strong survivor voice” in delivering the Legacy. This led to the Panel being reconvened and a revision to Contact Consulting’s contract.

The decision to reconvene the Citizens’ Panel for the Second Phase of work was shared with the Corporate Strategy Board in September and the Council of Ministers in November 2018. The PAC has received sight of the minutes of the Council of Ministers meeting regarding this decision.

- **Third Phase: 2020, authorised by the States Assembly through the Government Plan 2020-2023**

The Third Phase was instigated when it became evident that the Legacy Project would not be achieved within 2019, with Officers recognising that the involvement of survivors

²⁹ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.2](#)

³⁰ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.4](#)

³¹ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.2](#)

remained integral. A bid was submitted to obtain funding of £60,000 through the Government Plan 2020-2023, which was subsequently approved. This followed the approval of the Minister for Children and Housing and the Council of Ministers.

- **Final Phase: 2021, authorised by Director General of Strategic Policy, Planning and Performance**

In light of the COVID-19 Pandemic, changes in Ministers and Ministerial responsibility and public opposition to the planned Jersey Care Memorial, Officers concluded that the work of the Citizens’ Panel could not be completed in 2020. The Jersey Care Memorial project was paused in late 2020, and additional time was sought to engage with a wider group of survivors in tandem with the Citizens’ Panel to understand whether a consensus could be reached regarding how Jersey should remember past abuse.

The Director General for Strategic Policy, Planning and Performance informed the PAC that progress on other elements of the Legacy Project had also been slowed due to the Memorial and COVID-19. The Oversight Group concluded in late 2020 to extend the contract with Contact Consulting for a final time to finalise the process by the end of 2021. The Care Inquiry Legacy Citizens’ Panel process was formally concluded in November 2021.

The PAC received in confidence the Final Phase Proposal from Contact Consulting, which was presented to the Department for Strategic Policy, Planning and Performance in November 2020, but notes that details of the four phases of the Citizens’ Panel have not been published on its [respective webpage](#).

The second and subsequent phases of the Citizens’ Panel were not submitted for tender due to exemptions agreed in order to renew the contract with Contact Consulting. The Interim Chief Executive noted that survivors on the Panel had formed trusting relationships with Contact Consulting’s Independent Facilitators during the initial phase of work in 2018 and stated his view that it would not have been possible or appropriate, to reconvene the Panel with an alternative provider due to the sensitive nature of the issues under consideration.

The Interim Chief Executive further informed the PAC that the continuity of support provided to Panel Members during and between meetings by Contact Consulting’s Panel Facilitators (Peter Bryant and Claire Mason) was integral to the Citizens’ Panel process.

FINDING 8 – The work of the Care Inquiry Legacy Citizens’ Panel has extended to four individual phases.

FINDING 9 – Contact Consulting’s contract to facilitate the Care Inquiry Legacy Citizens’ Panel was renewed each time on account of the positive trusting relationships formed with members of the Panel.

RECOMMENDATION 3 – The Government of Jersey should update the Care Inquiry Legacy Citizens’ Panel website to reflect the four phases undertaken by the Panel.

Our Hospital Citizens’ Panel

The Chief Minister’s report to the States Assembly on 3 May 2019 outlined that a Citizens’ Panel would be used to contribute to the process, engagement, and decision making for the Our Hospital Project.

In a submission to the PAC, the Director General of Infrastructure, Housing and Environment³² outlined that the idea for using a Citizens’ Panel to support the site selection process primarily originated from the Our Hospital Project Team and was discussed and progressed with support from the Our Hospital Senior Officer Steering Group and the Our Hospital Political Oversight Group.^{33,34} No single department within the Government of Jersey was involved in the creation, facilitation, or oversight of the Our Hospital Citizens’ Panel.

The Director General further noted that a Citizens’ Panel was believed to be “an additional and valuable opportunity to involve Islanders in the process for selecting the site for the island’s largest capital project of a generation”³⁵. A [Terms of Reference](#) was drafted for the Panel, that outlined its:

- Purpose
- Objective
- Responsibilities
- Scope
- Meeting Frequency; and
- Confidentiality.

The lead officer for the formation and operation of the Panel was the former Director of Communications, Stephen Hardwick, with oversight provided by the Our Hospital Senior Officer Steering Group. Unlike other deliberative approaches, the Department of Strategic Policy, Planning and Performance was not involved due to officers not being members of the Our Hospital project team, and the Panel not being convened as a policy development exercise.

The PAC notes that, whilst the Our Hospital Project Team was given clear ownership of the Citizens’ Panel, it was not immediately clear who the identity of the Accountable and Lead Officers for this project were, resulting in the PAC seeking information on the Citizens’ Panel from the Director General of Infrastructure, Housing and Environment.

³² The PAC would like to note that the Director General of Infrastructure, Housing and Environment was not involved in the creation or administration of the Our Hospital Citizens’ Panel but was instead approached by the PAC following the departure of senior officers from the Government of Jersey who were involved in the project.

³³ [Letter – Director General of Infrastructure, Housing and Environment to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries – 1 December 2021, p.1](#)

³⁴ [Letter – Director General of Infrastructure, Housing and Environment to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries – 1 December 2021, p.1](#)

³⁵ [Letter – Director General of Infrastructure, Housing and Environment to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries – 1 December 2021, p.1](#)

The PAC is further concerned that the record-keeping of the Future Hospital Citizens’ Panel is not sufficient in providing an audit trail of its deliberations and recommendations. The PAC would recommend that the Government of Jersey seeks to resolve this concern by ensuring that clear lines of accountability for deliberative bodies are published and that clear audit trails are created when operating similar deliberative bodies in the future.

The Citizens’ Panel was managed by the Our Hospital Project Team³⁶, who provided general administrative support to the Citizens’ Panel once it had been formed. The Our Hospital Project Team also developed papers to support the Panel’s discussions and developed the draft site selection questionnaire.

The Panel was not chaired, and instead functioned on the accords that every member was “of equal standing.”³⁷ The conclusions of the Panel were outlined in the Our Hospital Site Shortlisting Report, published by the Our Hospital Political Oversight Group. The PAC understands that members of the Citizens’ Panel requested that they be anonymised to avoid external pressures.

The PAC notes that, whilst the [Terms of Reference](#), [Selection Methodology](#), site selection criteria as agreed by the Citizens’ Panel³⁸ and the application of its criteria as an Outcome Matrix³⁹ was published in the Our Hospital Site Selection Report, the material it considered and the presentations it received during the process have not been published on its [webpage](#).

FINDING 10 – The Our Hospital Citizens’ Panel was overseen by the Our Hospital Project Team and not by a single department.

FINDING 11 – A significant amount of time had passed before the identity of the Accountable Officer for the Our Hospital Citizens’ Panel was clarified to the PAC.

FINDING 12 – Unlike the other deliberative bodies discussed in the report, Our Hospital Citizens’ Panel was not created to develop policy.

FINDING 13 – The material and presentations received and considered by the Our Hospital Citizens’ Assembly have not been published.

FINDING 14 – The PAC is concerned that the public-facing record-keeping for the Our Hospital Citizens’ Panel is not sufficient in providing an audit trail from which lessons can be learnt from operating similar deliberative bodies in the future.

RECOMMENDATION 4 – The Government of Jersey should ensure that clear lines of accountability are publicly established for future deliberative bodies, with a single department holding clear responsibility for its creation operation and oversight.

RECOMMENDATION 5 – A specific part of the Government of Jersey website should be assigned to publish information and details of its deliberative bodies.

³⁶ [S.R.9/2020, p.33](#)

³⁷ [Letter – Director General of Infrastructure, Housing and Environment to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries – 1 December 2021, p.2](#)

³⁸ [P.123/2020, p.32](#)

³⁹ [P.123/2020, p.36](#)

Use of an External Facilitator for the Our Hospital Citizens’ Panel

An External Facilitator was sourced from the UK to support the Citizens’ Panel in its work, with an invitation of interest extended to members of the UK-based Association of Facilitators. The identity of the facilitator is not known to the PAC, but received assurances from the Director General of Infrastructure, Housing and Environment that the candidate appointed possessed “the most health-related experience.”⁴⁰

The independent Facilitator was chosen by a selection panel consisting of:

- Richard Bannister, Project Director
- Carl Walker, Communications and Engagement Lead; and
- Director of Local Services, Sean McGonigle

In a response to an [FOI request on 23 October 2020](#), the Government of Jersey noted that the identity of the Independent Facilitator was unknown to the Senior Officers Steering Group or the Political Oversight Group in order to maintain their necessary independence.

The PAC further notes that the identity is specifically withheld under [Article 25 \(Personal information\) of the Freedom of Information \(Jersey\) Law 2011](#), and that publishing it would also “compromise their anonymity from Senior Officers and Politicians and also compromise any reappointment to work with the Citizens’ Panel again in the future, should it be necessary”. However, the PAC notes that the work of the Our Hospital Citizens’ Panel has been completed and would recommend that the Government of Jersey makes public the identity of the independent facilitator to ensure that a commitment to making each deliberative body as transparent as possible is upheld for each deliberative body.

FINDING 15 – The identity, background and experience of the external facilitator used for the Our Hospital Citizens’ Panel has not been made public, or shared with the PAC.

RECOMMENDATION 6 – The Government of Jersey should publish the identity or background and experience of the External Facilitator for the Our Hospital Citizens’ Panel now that its work has been completed.

RECOMMENDATION 7 – The external facilitator for all future deliberative body established by the Government of Jersey should be made public and carry sufficient and relevant experience in designing and facilitating deliberative bodies and practices. This should be included in the process outlined in Recommendation 1.

Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury

The Citizens’ Assembly on Climate Change was established following the adoption of the Carbon Neutral Strategy 2019 by the States Assembly ([P.127/2019](#)), which provided the mandate for a Citizens’ Assembly on Climate Change under Appendix 3.⁴¹ The PAC notes that a considerable level of work has already been undertaken by the Environment, Housing

⁴⁰ [Letter – Director General of Infrastructure, Housing and Environment to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries – 1 December 2021, p.2](#)

⁴¹ [P.127/2019, p.93](#)

and Infrastructure Scrutiny Panel on recording the work of the Citizens’ Assembly, as exemplified by the publication of its Observers’ Interim Report ([S.R.10/2021](#)) in July 2021.

The Assisted Dying Citizens’ Jury was established at the request of the Minister for Health and Social Services, to consider the issue of assisted dying in Jersey, namely: “Should assisted dying be permitted in Jersey, and if so, under what circumstances?”

The Citizens’ Assembly on Climate Change (Citizens’ Assembly) and Assisted Dying Citizens’ Jury (Citizens’ Jury) have been grouped together because of these two deliberative being facilitated by the same organisation – Involve – which was part of a consortium alongside the Sortition Foundation and led by the New Citizenship Project to undertake these projects, with the New Citizenship Project as the lead bidder within the consortium.⁴²

The consortium responded with a bid to an invitation to tender published by the Government of Jersey in late 2019. Representatives of the Citizens’ Assembly consortium visited Jersey on 4th February 2020 following the conclusion of the tender evaluation on 10th December 2019, but ahead of the signing of a contract.⁴³

The New Citizenship Project and Involve had joint responsibility for the operation of the Citizens’ Assembly. The New Citizenship Project provided overall project management and direction. Design of the overall processes and detailed design of the Citizens’ Assembly’s workshops were undertaken jointly by all consortium partners, with day-to-day participant liaison and administration provided by Involve. Weekly meetings between Involve and the Government of Jersey were held to review overall progress of both projects, with meetings during each project often taking place at least once a day.⁴⁴

The partnership met regularly with the Government of Jersey’s project team to provide guidance, with specific contacts provided. A project timeline was agreed, and key milestone tracked by both the consortium and client teams.⁴⁵

Involve had full responsibility for the operation of the Citizens’ Jury along the same principles outlined above.⁴⁶

In its Evaluation Report, the Department for Strategic Policy, Planning and Performance outlined its role in the Citizens’ Assembly as follows:

- Practical arrangements – booking/coordinating planning/design meetings with consortium and advisory panel and taking notes
- Liaison with speakers around brief and presentation requirements (following agreement with Advisory Panel)
- Attendance at Assembly meetings as observer and to answer Government of Jersey-specific questions

⁴² [Letter – New Citizenship Project and Involve to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 19 November 2021, p.1](#)

⁴³ Email from Director General of Strategic Policy, Planning and Performance, 7 February 2022

⁴⁴ [Letter – New Citizenship Project and Involve to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 19 November 2021, p.2](#)

⁴⁵ [Letter – New Citizenship Project and Involve to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 19 November 2021, p.2](#)

⁴⁶ [Letter – New Citizenship Project and Involve to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 19 November 2021, p.1](#)

- Support for engagement with Ministers and Scrutiny function
- Climate Conversation and Gov.je webpage updates
- Planning and delivery of Climate Conservation activations and online dialogue
- Provision of support to Assembly Members that required additional assistance; and
- Updating the Minister.

The Department also outlined its role for the Citizens’ Jury:

- Practical arrangements – booking/coordinating planning meetings, taking minutes in IAP meetings
- Liaison with speakers around brief and presentation requirements (following brief from content oversight team)
- Attendance at Jury meetings as observer and to answer Government of Jersey-specific questions from the Jury
- Support for engagement with Ministers and Scrutiny functions
- Liaison with Government of Jersey Communications function
- Gov.je webpage updates
- Minister, as commissioner, briefed on project updates and took output (recommendations from Council of Ministers), but no further role.

FINDING 16 – The Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury were facilitated through the same consortium of external organisations (the New Citizenship Project, Involve and the Sortition Foundation), with Involve holding full responsibility for the operation of the Assisted Dying Citizens’ Jury.

External Support to the Citizens’ Assembly on Climate Change

In his submission of 12 May 2021, the Interim Chief Executive noted the utility of expert panels to advise on the right information and the evidence to advise, whilst acknowledging that this may involve a restriction of stakeholder access to ensure a balance of views⁴⁷.

An Expert Advisory Panel was formed to assist the Citizens’ Assembly in ensuring and assuring the maintenance of the independence of the Citizens’ Assembly and its ability to receive high quality evidence. These were summarised in the Environment, Housing and Infrastructure Scrutiny Panel’s Interim Observers’ Report as follows:

⁴⁷ [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 12 May 2021, p.3](#)

- Provide overarching advice on what the key issues are for the Citizens’ Assembly to consider and the approach taken to present and explore these issues
- Review and consider the quality and credibility of the evidence that is prepared for submission to the Citizens’ Assembly
- Ensure both the approach taken to prepare evidence for the Citizens’ Assembly, and the evidence provided, is objective, accurate and robust
- Review and comment on the longlists and finalised shortlists for the roles of those who present for the Assembly, assist with ensuring the widest possible positive engagement with the Citizens’ Assembly through involvement in communications as required.⁴⁸

The Expert Advisory Panel was jointly appointed by the Government of Jersey’s Sustainability and Foresight Team, the States Greffe, and the facilitators (Involve and the New Citizenship Project), and comprised of the following experts:

- Professor Liz Bentley, Interim Chief Executive of the Royal Meteorological Society (Chair)
- Fod Barnes, ex-Financial Conduct Authority (UK) and ex-Oxera (leading their provision of economic advice to the Government of Jersey)
- Jim Hopley, Chair, Jersey Energy Forum
- Rachel Harker, Head of Technology, Digital Jersey
- Rebekah Diski, Lead of Just Transition Projects, New Economics Foundation; and
- Toby Park, Principal Advisor, Energy, Environment and Sustainability, Behavioural Insights Team.

The Chair of the Expert Advisory Panel was unanimously elected during the first meeting of the Expert Advisory Panel.

The mandate provided by the Carbon Neutral Strategy required the appointment of a Chair-Convenor by the Government of Jersey. Following a successful amendment by the Environment, Housing and Infrastructure Scrutiny Panel, the Chair-Convenor was appointed subject to the consent of the Citizens’ Assembly. A recruitment process was undertaken, with the position advertised in the local media and shared on social media.

Three shortlisted candidates were interviewed by an appointments panel consisting of Simon Nash (Chair), Reverend Jonathan Scott (independent), the States Greffier, and Dr Louise Magris of the Department for Strategic Policy, Planning and Performance. The preferred candidate was selected by the appointments Panel, with further approval coming from the Chair of the Jersey Appointments Commission.

⁴⁸ [S.R.10/2021, p.26](#)

Following the selected candidate’s attendance of the first meeting of the Citizens’ Assembly, its members voted to confirm the appointment of the Chair-Convenor, Emelita Robbins, by a majority of 33 votes to 1.

Speakers with expertise in relevant areas were invited to give presentations to the Citizens’ Assembly as part of its sessions. The selection of speakers was facilitated by the Independent Advisory Panel, with a list of speakers and their respective topics provided in Appendix 3 of the Citizens’ Assembly’s report.⁴⁹

Youth Friendly, a public engagement firm, were also tasked with providing accessible summaries and videos with simple explanations of the Citizens’ Assembly process, and its recommendations.

FINDING 17 – The Citizens’ Assembly on Climate Change was further supported through an Expert Advisory Panel, a Chair-Convenor, and speakers with expertise in relevant areas, with submissions and presentations published on the Jersey’s Climate Conversation website.

Public Engagement of Chair-Convenor Following Citizens’ Assembly

The PAC notes that, following the conclusion of the Citizens’ Assembly’s work, its Chair-Convenor has undertaken interviews with local media outlets.⁵⁰ The PAC understands that Citizens’ Assemblies can be considered as forms of “mini-publics”; institutions where randomly selected citizens are tasked with reasoning together about an issue of public concern.

The PAC would, therefore, consider that this inherent focus on collective reasoning and anonymity of membership may conflict with sustained media engagement following the conclusion of the Citizens’ Assembly’s work (the PAC notes that the Chair-Convenor was appointed separately to the actual members of the Assembly).

The PAC notes that it does not wish to discourage former members or affiliates from speaking or campaigning for issues they believe in, rather, it would recommend that affiliation to a Citizens’ Assembly or similar deliberative practices should receive careful consideration to make it clear that the views expressed may diverge from the views of other members of said Assembly or other deliberative practice. The PAC notes that a code of conduct for future Chair-Convenors and similar roles to support deliberative bodies may be of use.

RECOMMENDATION 8 – Consideration should be given to how deliberative bodies are represented following the completion of their work, with a code of conduct to be developed for all participants, advisors, and those affiliated with a deliberative body.

External Support to the Assisted Dying Citizens’ Jury

The Assisted Dying Citizens’ Jury received support from several additional bodies. An Independent Advisory Panel was appointed by the Minister for Health and Social Services to

⁴⁹ [Achieving Carbon Neutrality – Report of Jersey’s Citizens’ Assembly on Climate Change \(R.95/2021\) – 1 June 2021, p.72](#)

⁵⁰ [‘Call for body to promote climate goals’ – Jersey Evening Post, 15 December 2021](#)

provide an “objective voice and check and challenge the proposed process”⁵¹, and were provided with a [Terms of Reference](#). The members of this Panel consisted of:

- Gillian Arthur MBE. Co-Founder of Every Child Our Future and Trustee of Jersey Community Partnership
- Michael De La Haye, OBE, former Greffier of the States
- James Le Feuvre, Executive Director, Mind Jersey; and
- Dr Helen Miles, Visiting Research Fellow at the Hillary Rodham Clinton School of Law, Swansea University, and former Director of Criminal Justice for the Government of Jersey.

The Independent Panel met five times across the Citizens’ Jury’s existence to discuss the design and facilitation of the Citizens’ Jury, receive updates on stakeholders and communications, and consider providing areas of further support to the Citizens’ Jury (including acknowledging managing expectation of jury members following the publication of its report⁵²). The minutes of the five meetings of the Independent Advisory Panel have been published on the [Citizens’ Jury webpage](#).

The Independent Advisory Panel also provided a foreword to the final report of the Assisted Dying Citizens’ Jury.⁵³

In tandem to the Independent Advisory Panel, three independent subject matter experts were appointed as a Content Advisory Team to ensure that the Jury was designed to be balanced, robust and comprehensive “in terms of the overall content, selection of speakers and the evidence presented to Jury members.”⁵⁴ They were selected through a mixture of subject expertise and a range of personal positions on assisted dying (one in favour, one against, one neutral). This group consisted of:

- Professor Richard Huxtable, Professor of Medical Ethics and Law, and the Director of the Centre for Ethics in Medicine, in the Medical School at the University of Bristol
- Professor Emily Jackson, Professor within the Department of Law at London School of Economics and former Deputy Chair of the Human Fertilisation and Embryology Authority; and
- Professor David Jones, Director of the Anscombe Bioethics Centre, Oxford and Research Fellow at Blackfriars Hall, University of Oxford, and Professor of Bioethics at St Mary’s University, Twickenham.

Two expert advisors were also appointed to support the design of the sessions in a more ‘hands on’ role.⁵⁵ These two advisors attended jury sessions to support participants with questions and clarifications on the subject. The two advisors were:

⁵¹ [Assisted Dying Citizens’ Jury Independent Advisory Panel Terms of Reference, p.2](#)

⁵² [Independent Advisory Panel meeting minutes – 16 February 2021](#)

⁵³ [Final Report from Jersey Assisted Dying Citizens’ Jury - Involve - 16 September 2021, p.3](#)

⁵⁴ [Jersey Assisted Dying Citizens’ Jury webpage](#)

⁵⁵ [Jersey Assisted Dying Citizens’ Jury webpage](#)

- Dr Alexandra Mullock, Senior Lecturer in Medical Law at the University of Manchester; and
- Professor Suzanne Ost, Professor of Law at Lancaster University.

In a submission to the PAC from the Director General of Strategic Policy, Planning and Performance, it was noted that these stakeholders were identified through work with Involve during the initial design process, alongside work with the Independent Advisory Panel.⁵⁶ Full details of the Content Oversight and Expert Advisor roles were published on the [Citizens' Jury's webpage](#) as a [briefing document](#).

Speakers with expertise in relevant areas were invited to give presentations to the Citizens' Jury as part of the 10 Jury Sessions. The selection of speakers was facilitated by the project team and the content oversight team. The selection criteria for these speakers were as follows:

- overall balance and diversity of views / experience / backgrounds across all selected speakers
- experience (lived or professional)
- profile and / or professional expertise of speaker
- location: inclusion of local and international voices, including jurisdictions where assisted dying is currently permitted
- openness: being open to responding to a brief and engaging with participant questions; and
- presentation skills: ability to present their view/argument clearly and concisely to the Jury.⁵⁷

Speakers were further asked to provide context to the Jury, explain whether they were speaking in a professional capacity, and whether they were giving their personal views or representing groups or cohorts of people (including faith groups, campaign groups, etc.).⁵⁸

Presentation slides and written submissions have been made available on the [Assisted Dying Citizens' Jury meetings webpage](#), and recordings of these presentations have been made available on the [Government of Jersey's YouTube channel](#).

The PAC further notes that the mental health charity Mind provided a breakout space at each session to support any Jury member that needed it, and to signpost them to additional support when needed.

The PAC understands that speakers for the Citizens' Assembly on Climate Change were remunerated, but the speakers for the Assisted Dying Citizens' Panel were not. The PAC

⁵⁶ [Director General of Strategic Policy Planning and Performance to Public Accounts Committee re. Citizens' Panels, Assemblies and Juries – 24 November 2021, p.5](#)

⁵⁷ [Jersey Assisted Dying Citizens' Jury meetings](#)

⁵⁸ [Jersey Assisted Dying Citizens' Jury meetings](#)

would recommend that the Government of Jersey seeks to ensure continuity across future deliberative bodies decide on whether speakers presenting at future deliberative bodies should or should not be remunerated, and on what grounds remuneration should be provided for.

The PAC further notes the use of Independent Advisory Panel’s for the Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Panel and would recommend consideration of a set of guiding principles should be developed for the Independent Advisory Panel’s and other forms of external support to future deliberative bodies, to provide clarity and cohesion across deliberative bodies.

FINDING 18 – The Assisted Dying Citizens’ Jury was further supported by an Independent Advisory Panel, a Content Advisory Team, two expert advisors, and speakers with expertise in relevant areas, with submissions and presentations published on the Citizens’ Jury’s gov.je webpage.

FINDING 19 – Speakers and Independent Advisory Panel Board for the Assisted Dying Citizens’ Jury were not remunerated, whereas speakers and the Expert Advisory Panel for the Citizens’ Assembly on Climate Change were.

RECOMMENDATION 9 – The Government of Jersey should ensure consistency across deliberative bodies regarding the remuneration of external support.

Minutes

The Interim Chief Executive noted in his response to the PAC on 14th January 2022, that it is “good practice to publish minutes of the meetings of deliberative bodies”, with publication following standard practice regarding content and the timing of their release relative to policy development. The minutes of the Citizens’ Assembly on Climate Change plenary sessions were published [online under their respective blocks](#).

The PAC note that the Citizens’ Jury was not minuted due to the personal and sensitive nature of the issues discussed, but that notes of the jury discussions in the final two sessions were published in its [final report](#). As previously noted, the minutes of the five meetings of the Citizens’ Jury’s Independent Advisory Panel have been published on the [Citizens’ Jury webpage](#).

Minutes of the in-person meetings of the [Our Hospital Citizens’ Panel](#) were published in response to a [Freedom of Information Request dated 3 November 2020](#). The PAC is concerned that these minutes do not clearly identify the evidence and information received and considered by the Panel.

The PAC further notes that it has not been easy locating these minutes and would strongly urge the Government of Jersey to make the location of minutes and additional details regarding the Our Hospital Citizens’ Panel significantly more accessible to provide a clear and accessible public audit trail. The PAC has not received evidence regarding the minuting of the Care Inquiry Legacy Citizens’ Panel.

To understand the oversight of the Our Hospital Citizens’ Panel, the PAC requested, received, and subsequently reviewed in confidence the minutes of the 20 meetings of the Future Hospital’s Senior Officers’ Steering Group held between May 2019 and November 2020.

The PAC would recommend that consideration should be given to the creation of anonymised minutes of deliberative bodies to demonstrate transparency and openness but acknowledges that this will not always be possible given the highly sensitive issues considered by previous deliberative bodies in Jersey. However, PAC also notes that deliberative bodies are considered as ways to represent the public, and that, where possible, the publication of minutes of deliberative bodies may help Islanders to understand how the views of the members of these bodies developed over the course of each deliberative bodies' lifespan and how they came to their respective conclusions.

FINDING 20 – The PAC understands that the publication of minutes of the meetings of deliberative bodies would represent good practice.

FINDING 21 – The deliberations of the Assisted Dying Citizens' Jury were not minuted due to the personal and sensitive nature of the issues discussed, but minutes have been published of its Independent Advisory Panel.

FINDING 22 – Minutes of the Our Hospital Citizens' Panel were only published following a Freedom of Information request and do not sufficiently outline the evidence and information received and considered by the Citizens' Panel.

RECOMMENDATION 10 – Minutes of the meetings of deliberative bodies and their respective Advisory Panels should be published in an accessible location, even in redacted form, to improve transparency and public understanding of deliberative processes but should not identify individual members of deliberative bodies.

Section 7 – Selection and Membership

Use of the Sortition Foundation

The Sortition Foundation was responsible for facilitating the selection of members of the Citizens’ Assembly on Climate Change and the Assisted Dying Citizens’ Jury. The Foundation worked with the Government of Jersey, Involve and the New Citizenship Project to co-create a specification outlining the desirable targets for each event and recruited randomly selected Jersey residents to satisfy these targets as closely as was feasible. The mechanisms used are outlined later in this chapter. Following the selection and recruitment of members, the Sortition Foundation did not provide any further support with either project.⁵⁹

In an email to PAC Officers on 7 February 2022, the Director General of Strategic Policy, Planning and Performance outlined that Government of Jersey Officers had held a call with the Sortition Foundation on 10th October 2019 as part of pre-procurement market testing to understand the role it had played in the UK Climate Citizens’ Assembly, and to obtain an overview of the sortition process. Breakdowns of the demographics for the Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury can be found as appendices to the submission received by the PAC from the Sortition Foundation.⁶⁰

FINDING 23 – The Sortition Foundation was contracted to facilitate the selection of members of the Citizens’ Assembly on Climate Change and the Assisted Dying Citizens’ Jury.

Care Inquiry Legacy Citizens’ Panel

The Care Inquiry Legacy Citizens’ Panel was formed through a mixture of random and targeted invitations, to create a balance between survivors and the wider Island community. The Panel itself was composed of 14 members.

Invitations to recruit Islanders were sent out to 500 households, at random (weighted by the number of homes in each parish) and using Jersey Post, with targeted invitations organised by officers and intermediaries with the community. A media recruitment campaign was also undertaken to encourage engagement. Members of the Jersey Care Leavers Association, including Alan Collins, a solicitor who represented the Jersey Care Leavers Association at the Independent Jersey Care Inquiry,⁶¹ assisted in reaching survivors.

The intention was for most of the Panel to be composed of survivors, with the remaining membership composed of those from the wider community who had expressed an interest in or had a connection to the care system applicants. Each applicant completed an online form provided by Contact Consulting to select the Panel on an equal weighting of age and gender.

A news release was issued during the second phase of recruitment to invite survivors to apply to join the Panel, alongside further media engagement and a gov.je webpage. Copies of the

⁵⁹ [Letter – Sortition Foundation to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021](#)

⁶⁰ [Letter – Sortition Foundation to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.4](#)

⁶¹ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.4](#)

invitation letters and application forms sent to [survivors](#) and the [wider Island community](#) were published following a [Freedom of Information Request on 1 July 2019](#).⁶²

Applicants who were unable to attend all sessions and those from over-represented age groups were taken from the long list to give a short list of 19 people who were invited to the first session. The main group of 14 people included seven males and seven females and had representation from all the following age groups: 16- to 19-year-olds, 20- to 35-year-olds, 36- to 45-year-olds, 46- to 60-year-olds, and people older than 60.⁶³

Selection was finalised using Contact Consulting’s shortlist and was based on applicant availability to attend all 5 sessions after controls applied for over-represented age groups. A Chair was not appointed as part of this process. The Government of Jersey supported the process of recruitment by developing printed and online collateral and acting as a point of contact for initial enquiries about the process.

FINDING 24 – The Care Inquiry Legacy Citizens’ Panel was composed of a balance of members of Care Survivors and the wider Island community, with the selection of members facilitated by Contact Consulting.

Our Hospital Citizens’ Panel

The PAC understands that there was no external facilitator involved in the co-design of the sortition process for the Our Hospital Citizens’ Panel, and that this was performed almost entirely in-house by the Government of Jersey. Selection was overseen by an independent Selection Panel Chair, Francis Le Gresley, who approved the first stage selection process before it was undertaken. The other members of the Selection Panel were the Our Hospital Project’s Communication and Engagement Lead and a member of People Services.

The Panel selection process was not minuted due to its focus on randomly selecting anonymised numbers compared with demographic characteristics.

The PAC notes that it has not received a breakdown of the recruitment process used to select Francis Le Gresley, or details on why this position was not advertised. The Interim Chief Executive outlined in his letter to the PAC on 14th January 2022 that Francis Le Gresley was approached on the recommendation of the Our Hospital Political Oversight Group as “a member of the community of impeccable standing and services”, and that a full, traditional recruitment process would have been “disproportionate given that the role was non-remunerated [in] nature and scope and focused on [a] specific task of very limited scope and duration, and in light of the clear recommendation from the Political Oversight Group”⁶⁴

The Interim Chief Executive further confirmed in his submission that he did not know what officer support had been received by the Selection Panel.⁶⁵

⁶² [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.4](#)

⁶³ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.5](#)

⁶⁴ [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 14 January 2022, p.6](#)

⁶⁵ [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 14 January 2022, p.7](#)

The Director General of Infrastructure, Housing and Environment informed the PAC that the Our Hospital Project Director and its Communications and Engagement Lead joined a range of Government of Jersey colleagues in a scoping session with the Sortition Foundation regarding the establishment of Citizens’ Panels. The Sortition Foundation confirmed in an email to the PAC that there was no involvement “at all” with the Our Hospital Citizens’ Panel.⁶⁶

FINDING 25 – It is unclear how the Our Hospital Citizens’ Panel Selection Panel Chair was recruited or what officer time was provided to the Selection Panel.

As outlined in the [Selection Methodology for the Our Hospital Citizens’ Panel](#) on the Government of Jersey’s website, a recruitment campaign was undertaken to recruit an “impartial and representative” group of Islanders between 11 to 29 November 2019, including a social media campaign. Applications could be made either online or in writing, with forms available in Parish or Government of Jersey offices. Young Islanders between the ages of 15 and 24 were specifically asked to join, with an opportunity to register their interest running until 23:59 on Friday 24 January 2020.⁶⁷

Panel participants were selected anonymously, with consideration given to data protection, safeguarding, and other relevant governance issues. Applicants advanced to the next stage of selection if they did not meet any of the following criteria:

- Had an unspent criminal conviction
- Display a likely conflict of interest, defined as:
 - Being a sitting politician
 - Being a journalist
 - Being an employee of Health and Community Services
 - Currently involved in a formal dispute, grievance or other material process with Health and Community Services
 - Has a current or potential future financial interest in the Our Hospital programme
 - Was directly involved in the previous Future Hospital Project.
- Has a stated preferred site for the Hospital or has taken a prior public position on other issues materially significant to the development of the Our Hospital or any of the previous hospital projects in Jersey.⁶⁸

Once candidates that met any of these criteria were removed, a longlist was created, with each applicant asked to confirm their:

- Age Band

⁶⁶ Email – Sortition Foundation to Scrutiny Officers, 4 January 2022

⁶⁷ [Under 25s urged to join Our Hospital Citizens’ Panel – News Release, Government of Jersey, 20 January 2020](#)

⁶⁸ [Our Hospital Citizens’ Panel – Selection Methodology](#)

- Gender; and
- the Ethnic Group that they consider themselves to belong to.

The PAC notes that the recommended membership by age was published as follows⁶⁹:

Age	Population	Percentage of Total Population	Recommended Number of Panel Members
15-24	11,439	12%	2-3
25-44	25,529	30%	6
45-65	27,247	28%	6
65+	14,473	15%	3

The Selection Methodology further recommended that, of the Panel Members:

- 50% should be women and 50%
- Six should be drawn from St Helier and the rest from other Parishes; and
- One should identify as being of Portuguese origin and, ideally, one should identify as being of Polish origin.

If the longlist was identified as under-representing, or not representing at all, any of the above categories, a further targeted recruitment campaign was undertaken, as seen with the targeted recruitment of 15-24-year-old members.

Once a sufficiently broad list of applicants was identified from these criteria, the Selection Panel moved to Stage 3, where anonymous applications were allocated, a category based on their demographic information. Applications were then randomised, and a sufficient selection was made from each criterion to establish the Panel. Successful applicants were then contacted. Any applicants who declined to join the Citizens’ Panel were then substituted by another applicant taken from a randomised sample.⁷⁰

FINDING 26 – The selection of members for the Our Hospital Citizens’ Panel was designed to be representative of the Island as a whole but did not seek the use of expert assistance.

Citizens’ Assembly on Climate Change

The Government of Jersey engaged with the Sortition Foundation to recruit members of the Citizens’ Assembly. A more detailed account of this process can be found in the Environment, Housing and Infrastructure Scrutiny Panel’s Interim Observers’ Report on the Climate Change Citizens’ Assembly Process⁷¹ and in Appendix 1 of the Citizens’ Assembly’s report.⁷²

45 participants were selected through a process of stratified, random selection. A total of 9,000 households were selected at random by Statistics Jersey through the Jersey Land and

⁶⁹ [Our Hospital Citizens’ Panel – Selection Methodology, p.3](#)

⁷⁰ [Our Hospital Citizens’ Panel – Selection Methodology, p.4](#)

⁷¹ [S.R.10/2021, p.12](#)

⁷² [R.95/2021, p.69](#)

Property Index using a random number generator, with each household invited to take part in the process through an invitation package, consisting of an invitation card, letter, and FAQ inside specifically designed envelopes.

Participants were required to be above 16 years of age and living in the invited household, provided they had been continuously resident in Jersey for the previous 6 months, with residency totalling at least 5 years. Only one member of each household was allowed.

476 households responded to the invitation (a total of 5.3%) and provided details of their respective demographics. A stratified random selection process was then used through the Sortition Foundation’s software Stratify Select to match responders to specified demographics. These were as follows:

- Age (Source: Opendata.gov.je 2018 Population Estimate)
- Gender (Source: Opendata.gov.je 2018 Population Estimate)
- Location (Source: Jersey Opinions and Lifestyle Survey 2020)
- Socio-Economic Status, based on housing tenure (Source: Jersey Opinions and Lifestyle Survey 2020)
- Place of Birth (Source: Jersey 2011 Census Data)
- Attitude Towards Climate Change (Ipsos MORI Climate Change Polling, August 2019)

This process ensured that any skewed sampling from the responses was mitigated, to make the Citizens’ Assembly represent a microcosm of the Island’s population. Particular weighting was given to ensure that the Citizens’ Assembly was balanced between individuals who were concerned about climate change, and those who were not.⁷³

The Sortition Foundation then called the successful candidates to inform them of their selection as a member of the Citizens’ Assembly. If participants chose to drop out at this stage, then substitutes would be identified. The PAC notes evidence previously received by the Environment, Housing and Infrastructure Scrutiny Panel that finding exact matches proved to be challenging, leading to a slight divergence to the target as a result.⁷⁴

The Sortition Foundation provided the PAC with a breakdown of the demographic composition of the Citizens’ Assembly, which have been outlined as follows⁷⁵:

Stratification Criteria		Jersey Population %	Respondents %	Assembly Members %
Sex	Male	49.6	46.6	48.9
	Female	50.4	51.1	51.1
	Other	0	1.3	0
Age	16-29	19.9	17.6	20
	30-44	25.4	34.9	26.7

⁷³ [Letter – Sortition Foundation to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.6](#)

⁷⁴ [S.R.10/2021, p.17](#)

⁷⁵ [Letter – Sortition Foundation to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, pp.5-6](#)

	45-64	34.3	37.5	33.3
	65+	20.4	13.7	20
Urban/Rural	Urban	35.3	35.6	35.6
	Rural	42	42.2	44.4
	Semi-Rural/Urban	21.2	22.2	20
	Unknown	0	1.5	0
Tenure	Owner-Occupier	58	62.6	55.6
	States, Housing or Parish Rent (Social Rent)	12	6.1	13.3
	Qualified Private Rental	17	22.9	17.8
	Other, Non-Qualified Accommodation (including Lodging House and Staff Accommodation)	13	8.4	13.3
Place of Birth	Jersey	50	47.5	46.7
	British	31	34	33.3
	Portugal/Madeira	7	1.3	8.9
	Elsewhere	12	17.2	11.1
How concerned, if at all, are you about climate change, sometimes referred to as 'global warming'?	Very Concerned	52	68.7	57.8
	Fairly Concerned	33	29.4	28.9
	Not Very Concerned	9	0.6	2.2
	Not At All/Other/Don't Know	6	1.3	11.1

Assisted Dying Citizens’ Jury

The selection process for the Assisted Dying Citizens’ Jury was largely similar to the process used for the Citizens’ Assembly, with selection facilitated through the Sortition Foundation, with demographic breakdowns provided in the final report.⁷⁶

As with the Citizens’ Assembly, households were randomly selected using the Jersey Land and Property Index. A total of 4,600 invitation packages were sent to households, with 477 residents registering an interest in the Citizens’ Jury, a total of 10.4%. The Sortition Foundation notes that this was its best-ever response rate.

The specified demographics used to perform random stratified selection for the Citizens’ Jury were as follows:

- Age (Source: Opendata.gov.je 2018 Population Estimate)
- Gender (Source: Opendata.gov.je 2018 Population Estimate)
- Location (Source: Jersey Opinions and Lifestyle Survey 2020)

⁷⁶ [Final Report from Jersey Assisted Dying Citizens’ Jury - Involve - 16 September 2021, p.10](#)

- Socio-Economic Status, based on housing tenure (Source: Jersey Opinions and Lifestyle Survey 2020)
- Place of Birth (Source: Jersey 2011 Census Data)
- Attitude Towards Assisted Dying (Source: British Social Attitudes Survey 34 (2017))

Successful candidates were then called and informed of their selection, with substitution undertaken if necessary. The recruitment of these participants was overseen by the Citizens’ Jury’s Independent Advisory Panel.

The demographic composition of the Assisted Dying Citizens’ Jury was published in the final report of the Citizens’ Jury and has been reproduced below⁷⁷:

Stratification Criteria		Jersey Population %	Respondents %	Jury Members %
Sex	Male	49.6	32.1	47.8
	Female	50.4	67.7	52.2
	Other	0	0.2	0
Age	16-29	19.9	15.9	17.4
	30-44	25.4	27.7	30.4
	45-64	34.3	37.5	26.1
	65+	20.4	18.9	26.1
Urban/Rural	Urban	35	34.6	34.8
	Rural	43	43.4	43.5
	Semi-Rural/Urban	22	21.4	21.7
Tenure	Owner-Occupier	58	61.6	65.2
	States, Housing or Parish Rent (Social Rent)	12	8.4	13
	Qualified Private Rental	17	21.6	8.7
	Other, Non-Qualified Accommodation (including Lodging House and Staff Accommodation)	13	8.4	13
Place of Birth	Jersey	50	43.4	43.5
	British	31	39.4	34.8
	Portugal	7	1.5	8.7
	Elsewhere	12	15.7	13
Should Assisted Dying be Permitted?	Definitely	50	52	52.2
	Probably	29	40	30.4
	Probably Not	8	3.6	8.7
	Definitely Not	12	4.4	8.7

The PAC notes that Jury members were not required to possess prior knowledge about assisted dying but were expected to be willing to listen to information presented and share views with other Jury members, and to respect the anonymity of other members. The PAC

⁷⁷ [Final Report from Jersey Assisted Dying Citizens’ Jury - Involve - 16 September 2021, p.10](#)

further notes that identifiable details about the participants will only be made public if an individual chooses to publicly share their details.⁷⁸

FINDING 27 – The selection of members for the Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury was facilitated through a sortition process that sought a demographic composition that was representative of the Island while providing weighting to ensure a balance between Islanders who agreed with the principle of Assisted Dying and those who did not.

Lessons Learned

In response to a letter from the PAC, the Sortition Foundation noted that stratification would have benefitted from a 16-17 age category, as opposed to the standard range of 16-29, to ensure youth presence. The Sortition Foundation noted that this “was felt particularly important” for the Citizens’ Assembly on Climate Change.⁷⁹

The PAC recognises that the practice of sortition within a deliberative body is a relatively new innovation in Jersey, and notes that concerns were raised by several States Members about the selection of the Citizens’ Jury and the legitimacy of its recommendations in contrast to Islanders approaching States Members to provide their own testimony during the States Assembly debate on Assisted Dying on the 25⁸⁰ and 26⁸¹ November 2021.

Although the PAC is satisfied with the quality of the sortition process used, it would suggest that the Government of Jersey explains selection methodologies, including Sortition, and how it can be used to reflect the Island’s ideological and demographic backgrounds more clearly.

The PAC understands that the method of selection for each deliberative body was bespoke, in order to facilitate the unique requirements of each body. The PAC would, therefore, recommend that the work on selection for each body should be recorded and analysed by Officers within the Government of Jersey to further develop an in-house understanding of establishing deliberative bodies and the processes involved. However, the PAC is concerned regarding the lack of transparency regarding the recruitment process for the Our Hospital Citizens’ Panel Selection Panel, and its Chair.

The PAC is of the conclusion that the Care Inquiry Legacy Citizens’ Panel will be of particular importance to any future deliberative bodies seeking to include specific, on-Island communities alongside the wider public. As a result, the PAC would recommend that the Government of Jersey should reflect on the selection method used to establish each deliberative body following the conclusion of their respective work, in order to understand ways to identify improvements and develop a toolkit to assist Ministers in deciding on the framework for future bodies.

FINDING 28 – The stratification for the sortition process for the Citizens’ Assembly on Climate Change would have been improved through the inclusion of a 16-17 age category to improve youth presence.

⁷⁸ [Final Report from Jersey Assisted Dying Citizens’ Jury - Involve - 16 September 2021, p.11](#)

⁷⁹ [Letter – Sortition Foundation to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.3](#)

⁸⁰ [Hansard – States Assembly - 25 November 2021](#)

⁸¹ [Hansard – States Assembly - 26 November 2021](#)

FINDING 29 – There is room for improvement in communicating to Islanders and Members of the States Assembly around how the sortition process works.

RECOMMENDATION 11 – The Government of Jersey should work to communicate and explain how selection methodologies (including sortition) work, to improve public trust in the reliability of these methods.

RECOMMENDATION 12 – The Government of Jersey should review and evaluate the selection method used following the completion of each deliberative body's work to understand ways of improvement and how they can involve specific, on-Island communities where necessary, with this work to be included in the wider work on developing the process outlined in Recommendation 1.

Section 8 – Budgeting and Financial Administration

Administration of Budgets

The PAC has sought to determine how public funds were spent on the establishment of Citizens’ Panels, Assemblies and Juries, and how the use of public funds was monitored. In his submission to the PAC on 14 January 2022, the Interim Chief Executive noted that there is “no single process for identifying additional spend that is specific to all deliberative exercises”, and that every deliberative exercise was bespoke and additional expenditure “might be required for a wide range of reasons and identified in many ways.”⁸²

The PAC further notes from the submission made by the Director General of Strategic Policy, Planning and Performance on 24 November 2021 that “policy development exercises do not usually require the development of a business case,” and that “research, analysis, consultation and other similar exercises that are necessary to support ministers to formulate policy are commissioned as part of business-as-usual management activity.”⁸³ The Director General further confirmed that the management of budgets for deliberative processes were “business-as-usual management activity.”⁸⁴

The PAC notes that all Citizens’ Panels, Assemblies and Juries to date have been funded from resources identified either for an associated programme or for general policy development.

The PAC inquired as to how additional work for each Citizens’ Panel, Assembly or Jury can be commissioned. The PAC notes the Interim Chief Executive’s response that additional work can be identified by the commissioning department or Minister, or by associated advisors of the deliberative body itself. Related costs or additional expenditure would then be assessed and, where appropriate, be granted additional authorised expenditure by an appropriate official as defined by the Public Finances Manual and the relevant department’s scheme of delegation⁸⁵.

The PAC further notes that the Minister for Treasury and Resources and the Treasurer of the States would be involved to agree to the provision of additional investment, should it become necessary to transfer between heads of expenditure or if additional investment is sought through the Government Plan.⁸⁶ The PAC notes that this approach has only taken place once; to authorise the funding of the third phase of the Care Inquiry Legacy Citizens’ Panel, which was subsequently agreed by the States Assembly.⁸⁷

In the same submission, the Interim Chief Executive confirmed to the PAC that deliberative bodies do not have autonomy in controlling and coordinating the use of their respective

⁸² [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 14 January 2022, p.1](#)

⁸³ [Director General of Strategic Policy Planning and Performance to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 24 November 2021, p.4](#)

⁸⁴ [Director General of Strategic Policy Planning and Performance to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 24 November 2021, p.4](#)

⁸⁵ [Director General of Strategic Policy Planning and Performance to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 24 November 2021, p.4](#)

⁸⁶ [Director General of Strategic Policy Planning and Performance to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 24 November 2021, p.2](#)

⁸⁷ [S.R.13/2019 \(Section 7\), 11 November 2019, p.56](#)

budgets and other funds. Instead, where bodies indicate that they wish to create additional costs, these costs are required to be approved by either an Accountable Officer or their respective delegate in line with public finances procedures. However, the Interim Chief Executive noted that, to provide deliberative bodies with a degree of flexibility to self-direct their enquiries, these requests should generally be supported.⁸⁸

FINDING 30 – Budgeting and the financial administration of Citizens’ Panels, Assemblies and Juries are not covered by the Public Finances Manual or similar documentation, and do not require a business case.

FINDING 31 – Deliberative bodies do not have autonomy in controlling and coordinating the use of their respective budgets and funds, with additional costs to be approved by either an Accountable Officer or their respective delegate.

RECOMMENDATION 13 – The Government of Jersey should undertake work to improve its accountability and quality of audit trails for the operation of and monitoring of budgets for deliberative practices such as Citizens’ Panel, Assemblies and Juries.

Care Inquiry Legacy Citizens’ Panel

Core Costs (all phases): £153,350

Original budget (first phase): £32,125

The PAC understands that the Care Inquiry Legacy Citizens’ Panel originally received a budget for the first phase of work of a total of £32,125. Following the extension of the contract with Contact Consulting for an additional three phases, core costs rose to £153,350.

The funding for each phase of the Citizens’ Panel was provided as follows:

- **First and Second Phases:** Drawn from the allocated contingency funding for the implementation of the Care Inquiry’s Recommendations. The PAC received in confidence a breakdown of the budgeting for the Second Phase
- **Third Phase:** Funding of £60,000 was obtained through the Government Plan 2020-2023 under CSP1-3-12⁸⁹; and
- **Final Phase:** Funded from the Strategic Policy, Planning and Performance Departmental budget. The PAC received in confidence a breakdown of the proposed budget for this phase.

Presentations of the additional phases were provided to the Council of Ministers regarding the work of the Citizens’ Panel, and to the Corporate Strategy Board which is ordinarily attended by the Treasurer of the States.

The PAC understands that the Government of Jersey officer resource requirements varied with each stage of work. The Director General of Strategic Policy, Planning and Performance

⁸⁸ [Director General of Strategic Policy Planning and Performance to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 24 November 2021, p.2](#)

⁸⁹ [R.91/2019 – 24 July 2019, p.19](#)

informed the PAC that an average officer resource time over the course of the Panel’s life was 0.25 FTE a week⁹⁰.

The PAC notes that the third phase was reviewed by the Care of Children Review Panel as part of its review of the [Government Plan 2020-2023](#). The PAC notes that the Review Panel raised concerns regarding the potential need for further funding to be provided in the future to facilitate the Citizens’ Panel but noted the flexibility within Government Plan cycles to amend budgeting⁹¹.

The Review Panel previously recommended in its [November 2019 Update Report](#) on its review of the response to the Independent Care Inquiry that the Minister for Children and Housing should assume responsibility for the budget of the Care Inquiry Citizens’ Panel to ensure the implementation of recommendations arising from the Citizens’ Panel’s report⁹².

This recommendation was rejected in the [Ministerial Response](#) to the report on the grounds that there was a “clear line of officer responsibility for budget currently allocated to delivering the Citizens’ Panel’s recommendations.”⁹³ The PAC would welcome public-facing clarity on whether and how recommendations made by the Citizens’ Panel have been implemented.

FINDING 32 – Core costs of the Care Inquiry Legacy Citizens’ Panel increased in line with subsequent phases of the Panel’s work.

Our Hospital Citizens’ Panel

Core Costs: £4,868.67

The PAC received a breakdown of the costs of the facilitating the Our Hospital Citizens’ Panel from the Director General of Infrastructure, Housing and Environment, and has reproduced this information below⁹⁴:

Item	Cost (£)
Room Hire	1,518.70
Materials	74.67
Facilitator Fee	2,800.00
Facilitator Travel	231.00
Facilitator Subsistence	244.30
Total	4,868.67

The PAC notes from the Director General of Infrastructure, Housing and Environment’s submission that the budget fell below £5,000, and therefore did not require a business case, with funding coming from the overall project budget. There were no outstanding costs⁹⁵.

⁹⁰ Director General of Strategic Policy Planning and Performance to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries – Accompanying Spreadsheet - 24 November 2021

⁹¹ [S.R.13/2019 \(Section 7\) – 11 November 2019, p.56](#)

⁹² [S.R.12/2019 – 8 November 2019, p.33](#)

⁹³ [S.R.12/2019 Res. – 7 February 2020, pp.7-8](#)

⁹⁴ [Letter – Director General of Infrastructure, Housing and Environment to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 1 December 2021, p.5](#)

⁹⁵ [Letter – Director General of Infrastructure, Housing and Environment to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 1 December 2021, p.5](#)

In an email to the PAC, the Director of General of Health and Community Services outlined that she was the Accountable Officer for the overall Future Hospital Project resources, with schemes of delegation in place for day to day spend⁹⁶.

FINDING 33 – The final costs of the Our Hospital Citizens’ Panel were below £5,000, and therefore did not require a business case, with a scheme of delegation from the Accountable Officer.

Citizens’ Assembly on Climate Change

Core Costs: £190,793 for the Citizens’ Assembly (including a £19,650 honorarium for participants), with a total spend of £394,544 for the full *Jersey’s Climate Conversation* deliberative process.

The PAC was provided with an initial figure of £86,086 for the Core Costs of the Citizens’ Assembly, and an Honoraria of £30,900 by the Former Chief Executive in his letter of 2 February 2021.⁹⁷

The PAC received the following breakdown of the core costs of the Citizens’ Assembly in the Evaluation Report developed by the Department for Strategic Policy, Planning and Performance, which was shared with the PAC on 14 January 2022:

Core Cost Independent Design and Facilitation	172,580
Payments to CA Participants and Expert Advisors	84,436
Explore Phase Additional Costs	26,307

The PAC understands that all costs were met from the Climate Emergency Fund, except for £7,356 (the cost of printing invitations), which was met from the Strategy and Innovation Budget in Strategic Policy, Planning and Performance.

The PAC received a full breakdown of costs from the Director General of Strategic Policy, Planning and Performance on 24 November 2021, including the costs of design and facilitation, advisors, speakers, and related projects. The core cost of the Citizens’ Assembly was £172,320. The PAC understands that these were not the final costs, due to the Citizens’ Assembly’s continuing activity.

In his letter of the 12 May 2021, the Interim Chief Executive outlined that there had been an increase in the core cost of the Citizens’ Assembly because of Citizens’ Assembly members requesting an additional session to have more time to consider the recommendations. This resulted in increased honoraria, facilitator time and support for Citizens’ Assembly members. The Interim Chief Executive further noted that a need to make greater use of paid expert speakers was identified to meet the context requirements⁹⁸.

⁹⁶ Email – Director General of Health and Community Services to PAC, 4 January 2022

⁹⁷ [Letter – Former Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 2 February 2021, p.3](#)

⁹⁸ [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 12 May 2021, p.4](#)

P.A.C.1/2022 – Use and Operation of Citizens’ Panels, Assemblies and Juries in Jersey

A final core cost of £190,793 was disclosed in a briefing paper to the PAC provided by the Interim Chief Executive on 14 January 2022, and in the Department for Strategic Policy, Planning and Performance’s Evaluation Report as received by the PAC. For the sake of transparency, the costs provided in February 2021, November 2021 (drafted in April 2021) and January 2022 are provided separately below:

February 2021

	Cost (£)
Total	£86,086

April 2021

	Cost (£)
Participatory Democracy – CA and Explore Phase 2020 and 2021	
Independent Design and Facilitation	172,320
Payments to CA Participants and Expert Advisors	79,561
Explore Phase Additional Costs	26,307
Additional Resources	110,821
Total	389,008

January 2022 (final)

	Cost (£)
Participatory Democracy – CA and Explore Phase 2020 and 2021	
Independent Design and Facilitation	172,580
Payments to CA Participants and Expert Advisors	84,436
Explore Phase Additional Costs	26,307
Additional Resources	111,221
Total	394,544

The Interim Chief Executive explained in the briefing paper on costs that the Citizens’ Assembly’s core costs were a combination of the Independent Design and Facilitation, and the Payments to Citizens’ Assembly Participants and Expert Advisors. A breakdown of these two costs is provided below:

	Core Citizens’ Assembly Costs (£)
Early development work	13,357
Preparatory work for Assembly process	7,650
Assembly Process	85,350
Independent Design and Facilitation	106,357
TOTAL	
Facilitator overtime	1,339
Creative and production fees rate card costs	660
Printing and postage for invitation	7,913
Accessibility including participant #1	4,280
Honorariums for participants	19,650
Stationery	39
Expert speakers	23,570
Advisory Panel	22,000
Design of recommendations report	4985

Payments to CA Participants, Speaker and Expert Advisers Total	84,436
Core Costs Total	190,793

A breakdown of the Explore Phase Additions and Additional Resources (additional internal staff resources used to support the Citizens’ Assembly) is provided below:

Explore Phase Additions

Spend Area	Community Engagement on Climate Change (£)	Wider Deliberative Democracy Development (£)
Jersey’s Climate Conversation Microsite	16,325	
Participation Platform – Dialogue/Citizen Space		7,495
Climate Conversationalists	2,263	
Translation of Video	104	
Social Media Advertising	120	
Explore Phase Additional Costs Total	18,812	7,495
Final Total	26,307	

Additional Resources

Spend Area	Cost (£)
Secondment IHE Uplift	27,366
Contract Staff x 1	24,444
Temp Staff x 2	30,462
Internal Design Recharge Costs for Activations	28,960
Additional Resources Costs TOTAL	111,221

The PAC notes that this was originally estimated to be £110,821 but has since been revised up to £111,221 to include an additional £400 internal recharge for design time.

The Interim Chief Executive provided a table outlining the revisions made to the reported Citizens’ Assembly costs since February 2021, with blue cells identifying initial budgeting and green cells identifying additional costs not already budgeted for:

Spend Area	Value (£)	Explanation
Creative and production fees rate card costs (£960/£880 per day dependent on task)	660	
Printing and postage for invitation	7,913	
Accessibility budget	4,280	Hilary House (ALX training suite) needed sessions and pre work. Training costs for all participants and SIM card rental.

Honoraria for participants	19,650	Final costs, including for additional Citizens’ Assembly session.
Stationery	39	Post-it notes for all participants. No other stationery costs anticipated.
Expert speakers	23,570	Payments made for content provided by external economic advisors, greenhouse inventory specialists.
Advisory Panel	22,000	6 Advisory Panel members. 5 received £500 per day, includes cost of those advisory panel members speaking.
Design of recommendations report and animation	4,985	External design agency designed the report and produced the short animation summary
Total	84,436	

The Interim Chief Executive further explained that a further review was taken of the costs undertaken for the Citizens’ Assembly, with the following two variances identified:

- The spreadsheet totalled the final core costs of the Preparatory Work for the Assembly Process to £93,000 rather than the budgeted £86,086, a variance of £6,914. The design and delivery of the additional Citizens’ Assembly contributed £4,150 to this, with small due to additional costs also accruing for facilitator and content training.
- Some project initiation costs were accrued prior to the COVID-19 Pandemic and were captured as “early development work” totalling £40,070 and was incorrectly assigned in the February 2021 costs reporting. The cost of pre-work was apportioned evenly across the three workstreams, creating an increase of £13,357.

This, therefore, led to variances accounting for £86,086 for the ‘core costs’ provided to the PAC in February 2021 and £106,357 for the independent design and facilitation. The PAC is grateful to the Interim Chief Executive and Strategic Policy, Planning and Performance for providing a comprehensive breakdown of the differences in costs presented to the PAC.

The PAC further notes that some of the figures received related to the Jersey’s Climate Conversation project and include projects related to Explore Phase activations that would have been run by Eco Active regardless of the wider process. The PAC would therefore recommend that the Government of Jersey clearly separates out the cost of the Climate Assembly itself from the wider costs of the deliberative and public engagement activities in order to avoid miscommunication, noting that the final cost of these activities raises the total cost to £394,544, despite not being part of the actual, deliberative process of the Citizens’ Assembly.

The estimated Government of Jersey officer resources provided consisted of 3 FTE officers working on the Climate Assembly from January to May 2021 on both its design and delivery, as well as the accompanying Climate Conversation. These officers were sourced from the Strategy and Innovation Team working on the climate response.

However, the PAC is of the view that the sharp increase in the total costs of the Citizens’ Assembly included significant increases in honoraria payments and the payments to external support such as expert speakers may have been averted through improved budgeting for contingencies. The PAC further notes the recommendation made by the New Citizenship Partnership and Involve in their submission on 19 November 2021 that the Government of Jersey should:

“Ensure clarity on the overall aims, objectives and intended outcomes of the deliberative process at the start”; and

“Ensure adequate resourcing of the process and ensure sufficient timescales to undertake it appropriately”⁹⁹.

The PAC would strongly recommend that the Government of Jersey applies these recommendations to the budgeting of future deliberative bodies, in order to avoid more than doubling its planned spending.

FINDING 34 – The final core cost of the Citizens’ Assembly on Climate Change was more than double the original cost provided to the PAC in February 2021, having been subsequently revised in April 2021 and January 2022.

Assisted Dying Citizens’ Jury

Total Costs: £65,952

Original Budget: £62,116

The PAC notes that the original cost provided by the Former Chief Executive on 2 February 2021 was £62,116, and that the PAC received the core same cost of £62,116 from the Director General of Strategic Policy, Planning and Performance on 24 November 2021.

The PAC notes that the final cost was subsequently revised to £65,952 in the final draft of the Government of Jersey’s Evaluation Report. The PAC understands that the difference in figure is a result of the inclusion of printing, postage, and participant support costs, plus honorarium payments, as well as Involve and the Sortition Foundation. The costs of the Citizens’ Jury were provided to the PAC by the Interim Chief Executive on 14 January 2022 as follows:

Resource	Cost	Detail
Sortition Foundation	£8,191	Recruitment and screening of participants via civic lottery (random stratified selection process)
Involve	£46,725	Design, facilitation, participant support, etc.
Printing costs	£1,533	Printing 4,600 invites and envelopes
Postage costs	£2,254	Postage of 4,600 invites
Participant support	£49	Loan of webcam for 1x participant

⁹⁹ [Letter – New Citizenship Project and Involve to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 19 November 2021, p.2](#)

Honoraria	£7,200	£300 per participant x 23, plus administrative costs
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A payment of £300 was made to each participant, to “recognise and reward their significant involvement” as part of the Citizens’ Jury.¹⁰⁰ The estimated Government of Jersey officer resources provided consisted of one full-time Senior Policy Officer working on the project for 19 weeks, and one full-time Head of Policy for 3 weeks.

Lessons Learned

The PAC considers the need for consistent clarity around the identity of the accountable officer with responsibility for any Government of Jersey project. It would recommend that the Director General of Strategic Policy, Planning and Performance assumes the role of Accountable Officer for any future deliberative body, to avoid the issues such as those encountered by the PAC in trying to identify the Accountable Officer for the Our Hospital Citizens’ Panel.

To minimise unexpected costs, the Government of Jersey has committed in its evaluation report to plan in ‘free sessions’ for the respective deliberative body that would then allow for the anticipation of likely additional costs at the budgeting stage, with consideration given to the provision of a contingency budget for associated additional speaker and other costs.

In his submission of 24 November 2021, the Director General of Strategic Policy, Planning and Performance noted that “a reasonable conclusion” to facilitate increases in core costs would be to provide “an element of contingency in future budgets in case other deliberative exercises generate the need for additional sessions.”¹⁰¹

The PAC considers that a strong accuracy in budgeting is essential to the successful delivery of projects and the maintenance of public trust. The PAC would urge the Government of Jersey to consider why the final cost of delivering the Citizens’ Assembly on Climate Change more than tripled between February 2021 and January 2022 and use the learnings from this to improve the administration and clarity around the budgeting of future deliberative practices, particularly around the accuracy of budgeting, to avoid extreme rises in cost and maintain a careful audit trail.

The PAC would recommend that, upon considering the budgeting of the Citizens’ Assembly and Care Inquiry Legacy Citizens’ Panel, the Government of Jersey should identify where costs may potentially increase and agree to earmark reserve funds to improve the auditing of core costs following the completion of the deliberative process.

FINDING 35 – The Government of Jersey has committed to researching experiences from other deliberative practices during a commissioning process for a new deliberative body, with expert providers providing relevant experience and “on the job” and occasionally formal training for Government of Jersey officers.

RECOMMENDATION 14 – The Government of Jersey should ensure that it has clearly understood the overall aims, objectives and intended outcomes of each deliberative process before finalising the budget assigned to it.

¹⁰⁰ [Final Report from Jersey Assisted Dying Citizens’ Jury - Involve - 16 September 2021, p.8](#)

¹⁰¹ [Director General of Strategic Policy Planning and Performance to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries – 24 November 2021, p.5](#)

RECOMMENDATION 15 – The Government of Jersey should create a methodology for developing a preliminary budget for deliberative processes and record and publish actual costs compared to that budget.

Section 9 – Learning from Deliberative Processes

The PAC was interested in understanding how the Government of Jersey sought to learn lessons from each of the four deliberative bodies, and how these are then applied to the organisation of future deliberation.

In his response to the PAC on 12 May 2021, the Interim Chief Executive considered that feedback and learning loops were “an important part of a well-run process, and it is good practice to undertake an evaluation” but noted that stakeholder engagement varied “depending on the exercise followed.”¹⁰²

The PAC further notes in the submission from the Interim Chief Executive on 6 September 2021 that, since the formation of future deliberative bodies are, at the strategic policy level, political decisions for individual ministers to make, it is not possible to know whether they may be used in the future¹⁰³. Nonetheless, the PAC notes the Government of Jersey’s development of an evaluation report and would make the case that additional learning processes will provide significant long-term benefits to organising any future deliberative exercises.

The PAC is aware from the submission it received from the Director General of Strategic Policy, Planning and Performance that experiences from other deliberative exercises are “researched and considered” when commissioning deliberative practices, and that expert providers give relevant experience and “on the job” training for Government of Jersey officers, with some exercises including more formal training in areas such as relevant facilitation skills, although the overall focus is on good process management and execution.¹⁰⁴

FINDING 35 – The Government of Jersey has committed to researching experiences from other deliberative practices during a commissioning process for a new deliberative body, with expert providers providing relevant experience and “on the job” and occasionally formal training for Government of Jersey officers.

Feedback and Learning from External Facilitators

The Director General of Strategic Policy, Planning and Performance noted in his submission to the PAC that the Oversight Group of the Care Inquiry Legacy Citizens’ Panel had provided “an ongoing forum to monitor the process and ensure effective communication”, and that the Panel itself had “resulted in the first steps to create a local Survivor-led Network.”¹⁰⁵

In its submission to the PAC, Contact Consulting noted that it had not yet undertaken any exit interviews or engaged in feedback opportunities due to its work being unfinished. It is unknown whether such opportunities have been provided at the time of publication, although feedback between Contact Consulting and the Oversight Group was, as previously noted, made possible in meetings between the two during the Citizens’ Panel’s operation.

¹⁰² [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 12 May 2021, p.3](#)

¹⁰³ [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 6 September 2021, p.2](#)

¹⁰⁴ [Director General of Strategic Policy Planning and Performance to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries – 24 November 2021, p.3](#)

¹⁰⁵ [Director General of Strategic Policy Planning and Performance to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries – 24 November 2021, p.7](#)

Contact Consulting identified three key lessons from its work on the Citizens’ Panel:

- The importance of trauma informed practice when working with survivors
- The challenges of working with politicians who may not understand the value and structure of a deliberative process and how such processes can fit with and support representative democracy; and
- The challenges of designing a safe space for survivors that ensures anonymity (where requested), supports the mental health needs of those taking part and does not negatively impact on people’s wellbeing¹⁰⁶.

Training opportunities were not provided by Contact Consulting due to poor levels of attendance as observed through previous experiences. Instead, learning was offered through briefings, publicity, reports, and the working of the oversight group.¹⁰⁷

In his submission to the PAC on 1 December 2021, the Director General of Infrastructure, Housing and Environment noted that the organisation and use of the Our Hospital Citizens’ Panel was deemed a “success.”¹⁰⁸ Questions on the lessons learned from this process were not answered by the Director General on the grounds that they were considered to not be “within the remit” of the Our Hospital Project.¹⁰⁹ The PAC has not received evidence to suggest that any internal evaluation process was undertaken for this Citizens’ Panel.

The PAC notes this lack of internal learning, and considers it, alongside the lack of assigned department during its facilitation, to present a strong case in favour of all future deliberative bodies being organised and operated centrally by the Department for Strategic Policy, Planning and Performance, with expertise seconded from other departments where necessary. This is expanded upon later in this Section.

As previously noted, New Citizenship Project and Involve made the following recommendations to the Government of Jersey in its submission to the PAC, which is repeated below:

- *“Ensure clarity on the overall aims, objectives and intended outcomes of the deliberative process at the start”*; and
- *“Ensure adequate resourcing of the process and ensure sufficient timescales to undertake it appropriately”*¹¹⁰.

¹⁰⁶ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.6](#)

¹⁰⁷ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.7](#)

¹⁰⁸ [Letter – Director General of Infrastructure, Housing and Environment to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 1 December 2021, p.7](#)

¹⁰⁹ [Letter – Director General of Infrastructure, Housing and Environment to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 1 December 2021, p.8](#)

¹¹⁰ [Letter – New Citizenship Project and Involve to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 19 November 2021, p.2](#)

The PAC further notes that the consortium of Involve, the New Citizenship Partnership and the Sortition Foundation participated in the Government of Jersey’s evaluation process through working sessions to identify learnings. Involve also provided facilitation training to a “larger group” of Government of Jersey officers, with some of these officers later running break-out sessions as part of the Citizens’ Assembly process.¹¹¹

The Sortition Foundation further noted that it organised and carried out quality reviews of the recruitment process and invited partners and relevant Government of Jersey staff to participate, after completing the recruitment for each deliberative body.¹¹²

FINDING 36 – It is unclear whether an internal or external evaluation process took place for the Our Hospital Citizens’ Panel.

FINDING 37 – External facilitators of the Citizens’ Assembly on Climate Change have recommended that the Government of Jersey works to improve the clarity of the overall aims, objectives and intended outcomes of deliberative bodies, and ensure that they are adequately resourced with sufficient timescales provided.

FINDING 38 – Quality reviews of the recruitment process were undertaken by the Sortition Foundation alongside Government of Jersey Officers following the completion of the recruitment of both the Citizens’ Assembly on Climate Change and the Assisted Dying Citizens’ Jury.

RECOMMENDATION 17 – The Government of Jersey should develop a formal mechanism through which external facilitators for deliberative processes can provide feedback and identify learnings for the Government of Jersey.

RECOMMENDATION 18 – The Government of Jersey should follow-through on the recommendations made to the PAC by the New Citizenship Project and Involve and:

- 1. Ensure clarity on the overall aims, objectives and intended outcomes of the deliberative process at the start; and***
- 2. Ensure adequate resourcing of the process and ensure sufficient timescales to undertake it appropriately.***

Feedback and Learning from Participants

Contact Consulting noted that the relationship between facilitators and participants is “at the heart of the project” and should be “based around the needs of the citizens themselves.”¹¹³ Contact Consulting identified a formal, text-based evaluation for participants as “inappropriate”, due to some members of the Panel not being fully comfortable with the written word.¹¹⁴

¹¹¹ [Letter – New Citizenship Project and Involve to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 19 November 2021, p.5](#)

¹¹² [Letter – Sortition Foundation to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.4](#)

¹¹³ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.6](#)

¹¹⁴ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.6](#)

As a result, Contact Consulting focused on building trust and obtaining regular feedback from participants through face-to-face and phone/zoom meetings, with this information then fed back into the process design and (where appropriate and anonymised) to the Oversight Panel.¹¹⁵

Members of the Our Hospital Citizens’ Panel were able to provide feedback via the independent facilitator. An understanding of the mechanism for this and how feedback has been listened to has not been received by the PAC. Four members of the Our Hospital Citizens’ Panel also met in confidence with the Future Hospital Review Panel on 30th September 2020 to discuss the overall process. The findings of the Review Panel were presented as follows:

“The Citizen’s Panel fed back that overall, they found that the process was well organised, independent, professional and focused on problem solving. The members also explained that they were comfortable in just setting the criteria and were not involved in any way in the selection process. The members went on to say they did not feel there was enough engagement with the Public as to the role of the Citizen’s Panel and explained that one of the reasons for them choosing to remain anonymous was to avoid any public discontent resulting in a blame situation against the members”¹¹⁶.

The Citizens’ Assembly on Climate Change provided opportunities for its members to feedback on recommendations during each block, with breakout groups consisting of Citizens’ Assembly members continuing to refine and feedback on these recommendations.¹¹⁷ Reflections and feedback were also provided by the Citizens’ Assembly following at the end of its operation, with the views of Members recorded in Appendix 6 of the Citizens’ Assembly’s report.¹¹⁸

At the start of the final block of its sessions, members of the Assisted Dying Citizens’ Jury were asked to reflect on their experience as part of the Jury. Members of the Jury were also asked by the delivery team (Involve) for feedback at the end of each block of Jury sessions, to allow for “real time” improvements to be made and completed a final evaluation of the whole process after the Jury sessions. The results are provided in Chapter 5 of the Citizens’ Jury’s report.¹¹⁹ The scores from a feedback survey given to Members of the Citizens’ Assembly is presented in the Government of Jersey’s evaluation report.

The PAC notes that the public presentation of feedback within the Final Report from the Assisted Dying Citizens’ Jury is a significant improvement upon participant feedback reporting as presented in the reports of other deliberative bodies.

FINDING 39 – Participants of each deliberative body have been able to provide feedback to the Government of Jersey through external facilitators.

RECOMMENDATION 19 – The Government of Jersey should seek to build on the feedback mechanisms provided to the Care Inquiry Legacy Citizens’ Panel and

¹¹⁵ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.6](#)

¹¹⁶ [S.R.9/2020, p.33](#)

¹¹⁷ [R.95/2021, p.77](#)

¹¹⁸ [R.95/2021, p.81](#)

¹¹⁹ [Final Report from Jersey Assisted Dying Citizens’ Jury - Involve - 16 September 2021, p.32](#)

Assisted Dying Citizens’ Jury to develop a template through which to facilitate feedback from members of all future deliberative bodies.

Evaluation Report

The PAC notes the letter from the Former Chief Executive on 2 February 2021, which outlined that the Government of Jersey was seeking to ensure that “there is a programme for knowledge transfer” for future deliberative bodies, with the aim to “learn and adapt good practice and any learning is taken on board” and develop “some short guidance on these best practice arrangements.”¹²⁰

Following the completion of the work of the Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury, the Department for Strategic Policy, Planning and Performance has begun to undertake an evaluation process of these two deliberative bodies. This evaluation process considers the following, with the first of these explored in its Evaluation Report¹²¹:

- Learning about the more mechanistic elements of the two exercises, including matters of cost and logistics, structure and process and the experience of those involved: and
- Learning about how these citizen processes worked with and influenced our existing policy making systems.

The PAC has received a final draft copy of the Evaluation Report and is pleased to note that the Government of Jersey has committed to analysing how it delivers deliberative practices in Jersey, and notes that the report provides a comprehensive breakdown of the delivery of the Citizens’ Assembly and Citizens’ Jury, including costs, officer time, and details of its facilitation. The Report further considers recommendations around the necessity of “taking politicians along the journey with us” and includes an appendix outlining questions to consider when considering a deliberative democracy process.

The PAC has considered this appendix and would recommend expanding it to form a policy toolkit for future deliberative bodies. This is expanded upon in the conclusion to this report. The PAC further notes that the evaluation report represents the development of an institutional understanding of the design and delivery of deliberative practices, and would, therefore, recommend that the Government of Jersey seeks to identify officers within the Department for Strategic Policy, Planning and Performance who can lead on future deliberative practices, and centralise the delivery of deliberative practices by the Government of Jersey within the department under the guidance of these officers.

The PAC would recommend that the Government of Jersey publishes the Evaluation Report to demonstrate transparency and a commitment to further improvement and expand the home-grown literature on this issue. The PAC is aware that a second stage of the evaluation process will examine the influence of deliberative democracy exercises on decision-making processes following the vote on the Carbon Neutral Roadmap in Spring 2022, and the forthcoming vote on Assisted Dying legislation.

¹²⁰ [Letter – Former Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 2 February 2021, p.1](#)

¹²¹ [Letter – Former Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 6 September 2021, p.2](#)

The PAC considers that it may also be in the Government of Jersey’s interest to provide a copy of this report to members of the Citizens’ Assembly and Jury to allow them to review and feed-back on the findings and recommendations presented.

FINDING 40 – The Government of Jersey has developed an Evaluation Report on the facilitation of the Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury, with a second evaluation process to be undertaken following the vote on the Carbon Neutral Roadmap in Spring 2022 and the forthcoming vote on Assisted Dying legislation.

RECOMMENDATION 20 – The Government of Jersey should incorporate all future deliberative bodies within the Department for Strategic Policy, Planning and Performance, to ensure consistent accountability, audit trails, and develop in-house expertise as the internal experts on the design and facilitation of deliberative bodies and practices, with the assistance of Government of Jersey Officers from other departments where required.

RECOMMENDATION 21 – The Government of Jersey should publish its evaluation report on the Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury and provide copies to members of the Citizens’ Assembly and Citizens’ Jury to provide opportunities for them to review and feedback on the report.

OECD and UN Guidelines

The PAC notes the ongoing work of the OECD into Innovative Citizen Participation and the recommendations it has published to strengthen the design, facilitation, and administration of deliberative bodies such as Citizens’ Panels, Assemblies, and Juries.

Although the PAC notes that external suppliers such as Involve are likely to consider and integrate principles developed by the OECD and other institutions, the in-house delivery of the Our Hospital Citizens’ Panel gives the PAC reason to strongly recommend that the Government of Jersey formally incorporate these principles either through internal guidelines, such as a good practice guide, or through other means, and for a formal evaluation process to be undertaken following each deliberative process.

Further, PAC notes that the Government of Jersey has already given consideration to the OECD report [*Innovative Citizen Participation and New Democratic Institutions*](#), published June 2020, in its Evaluation Report. The PAC further notes the report’s inclusion of a series of good practice principles for deliberative processes.

The PAC agrees with these OECD guidelines and has provided additional wording to tailor them to the work that respective Ministers and the Department of Strategic Policy, Planning and Performance should undertake when establishing new deliberative bodies, with OECD guidelines provided in italics:

1. *The task should be clearly defined as a question that is linked to a public problem.*

The public policy problem be clearly identified, and the intended use of contributions made by the deliberative body should be clearly articulated from the outset, with a clear understanding of why a deliberative process is appropriate for the intended outcome.

- 2. The commissioning authority should publicly commit to responding to or acting on recommendations in a timely manner and should monitor and regularly report on the progress of their implementation.*

Following the publication of recommendations, a report should be presented to the States Assembly clearly outlining how each will be responded to and acted upon within a set timescale and how it adds value and additional benefits to policy development, with updates published on how these recommendations are being acted upon and implemented.

- 3. Anyone should be able to easily find the following information about the process: its purpose, design, methodology, recruitment details, experts, recommendations, the authority's response, and implementation follow-up. Better public communication should increase opportunities for public learning and encourage greater participation.*

All information relating to and developed as part of each deliberative body should be published by the Government of Jersey on a designated part of the gov.je website in a clear and accessible format, and also included as part of the final report to be published by each deliberative body.

Accessible and clearly publicised opportunities should be made available to all Islanders to engage in public learning and participation about the deliberative body and wider deliberative democratic practices and theory.

- 4. Participants should be a microcosm of the general public; this can be achieved through random sampling from which a representative selection is made to ensure the group matches the community's demographic profile.*

The Government of Jersey should recruit members of each deliberative body by randomly selecting Islanders using methodology that guarantees that each body reflects the demographic profile of the Island and accommodates a range of views.

- 5. Efforts should be made to ensure inclusiveness, such as through remuneration, covering expenses, and/or providing/paying for childcare or eldercare.*

Inclusivity and the wellbeing of members should be central tenets of each deliberative body. This should include consistency in remuneration to cover, for example, expenses, childcare and eldercare, and the availability of mental health and disability support throughout the process.

- 6. Participants should have access to a wide range of accurate, relevant, and accessible evidence and expertise, and have the ability to request additional information.*

A wider range of high-quality, accessible, and relevant evidence, with readily available access to expertise and additional evidence where required, should be provided to members of each deliberative body with an Independent Advisory Panel and/or Content Advisory Panel providing support to this function and allow members to be empowered to work as an informed collective.

7. *Group deliberation entails finding common ground; this requires careful and active listening, weighing, and considering multiple perspectives, every participant having an opportunity to speak, a mix of formats, and skilled facilitation.*

The Government of Jersey and the external facilitator it works with for any deliberative body should ensure that space is provided for careful and active deliberation, listening, weighing, and considering multiple perspectives and is appropriately formatted to be responsive to the work and needs of each respective deliberative body.

8. *For high-quality processes that result in informed recommendations, participants should meet for at least four full days in person, as deliberation requires adequate time for participants to learn, weigh evidence, and develop collective recommendations.*

Careful consideration must be given to the format and design of sessions of each deliberative body, with a clearly established timescale and the opportunity and budget provided for a deliberative body to hold additional sessions if requested by members, to ensure that space, time, and resources are readily available to develop collective recommendations.

9. *To help ensure the integrity of the process, it should be run by an arm's length coordinating team.*

The day-to-day facilitation of the deliberative body and interaction with its members should be undertaken by a third-party organisation, with the Government of Jersey providing support where required.

10. *There should be respect for participants' privacy to protect them from unwanted attention and preserve their independence.*

The identity of members of each deliberative body should remain confidential, with their privacy upheld by all responsible bodies and relevant safeguards to ensure independence.

11. *Deliberative processes should be evaluated against these principles to ensure learning, help improve future practice, and understand impact.¹²²*

An evaluation process should be undertaken following the conclusion of each deliberative body with full involvement from body's members and its external facilitator, to understand opportunities for learning, improving best practice, understanding its impact, and identifying policy opportunities raised by the deliberative body, with the final evaluative report to be published on the gov.je website.

The OECD published the report [Evaluation Guidelines for Representative Deliberative Processes](#) in November 2021. Having considered this report, the PAC would recommend that the evaluation principles it outlines are formally adopted by the Government of Jersey in the same way as the principles outlined in the previous paragraphs. The principles are summarised by the OECD as follows:

¹²² [Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave – OECD, June 2020, Executive Summary](#)

- *Maximum degree of independence of evaluation should be ensured, appropriate to the scale and length of a deliberative process.*
- *The selection of the evaluators and the evaluation process itself should be clear and transparent.*
- *Evaluations should be based on valid and reliable data, collected through a variety of methods, such as surveys, interviews, observation, and a review of materials used.*
- *Evaluators should have access to sufficient financial resources and all necessary information required to assess a deliberative process.*
- *The evaluation should be constructive and focus on quality and impact.*¹²³

The PAC also notes the publication of the United Nations Democracy’s Fund (UNDF) and the newDemocracy Foundation’s 2019 report [Enabling National Initiatives to Take Democracy Beyond Elections](#), which may be of use in developing policy tools and methods for engaging with deliberative bodies in the future.

The PAC further notes the publication of the OECD report [Eight Ways to Institutionalise Deliberative Democracy](#) in November 2021. Although the PAC has no view on whether the Government of Jersey to continues to organise Citizens’ Panels, Assemblies or Juries, or other deliberative practices, it would recommend considering this report as a way to continue monitoring the OECD’s work in this area. The PAC further notes that Involve and the New Citizenship Project are both members of the [OCEDs Innovative Citizenship Partnership Network](#).

RECOMMENDATION 22 – The Government of Jersey should formally incorporate guiding principles on deliberative bodies as developed by the OECD and UNDF to improve the quality and democratic impact of this work.

RECOMMENDATION 23 – The Government of Jersey should ensure that a final report is published by each deliberative body that includes, alongside its findings, recommendations and other outputs, details and documentation relating to its administration, facilitation, membership selection, budgeting, and feedback from members.

Continued Learning and Public Engagement

The PAC wishes to restate, although it does not carry an opinion on deliberative democracy itself and is unable to pass judgment on this practice beyond the implementation of it as policy, it has concluded from the information provided to it that there is scope for improvement regarding the Government of Jersey’s internal understanding of deliberative practices and the wider concepts of deliberative democracy as theory and as practice.

The PAC notes that the Government of Jersey has already shared its experience of the Citizens’ Assembly on Climate Change with the online [Knowledge Network on Climate Assemblies](#), funded by the European Climate Foundation.

¹²³ [Evaluation Guidelines for Representative Deliberative Processes – OECD, November 2021, Executive Summary](#)

The PAC notes that the Government of Jersey’s Evaluation Report makes note of the use of [The Deliberative Democracy Handbook: Strategies for Effective Civic Engagement in the Twenty-First Century \(Wiley, 2005\)](#), and has made use of the information provided by the global public participation platform [Participedia](#), alongside the aforementioned OECD reports and [Involve’s own knowledge base](#), to develop an internal understanding of deliberative practices.

However, the PAC also notes that there is a significant and growing quantity of high-quality literature on this subject – both academic and public-facing – and, whilst it does not intend to advance any political agenda, it would recommend that officers of the Government of Jersey consider and conduct a literature review to identify ways to improve its internal knowledge base for deliberative practices and functions in Jersey. Consideration should be given to its administration, policy development, and wider public participation, thereby improving expertise and, in turn, the expected value-for-money of future deliberative bodies, whilst reducing the overall cost.

The PAC notes the publication of a list developed by the [Participatory and Deliberative Democracy Specialist Group of the Political Studies Association](#), and believes that the Government of Jersey may wish to consider some of these alongside the OECD reports:

- [Bächtiger, A., Dryzek, J.S., Mansbridge, J. and Warren, M.E. eds., 2018. The Oxford handbook of deliberative democracy. Oxford University Press.](#)
- [Bächtiger, A. and Parkinson, J., 2019. Mapping and measuring deliberation: Towards a new deliberative quality. Oxford University Press.](#)
- [Elstub, S. and Escobar, O. eds., 2019. Handbook of democratic innovation and governance. Edward Elgar Publishing.](#)
- [Landemore, H., 2012. Democratic reason. Princeton University Press.](#)
- [Landemore, H., 2020. Open democracy. Princeton University Press.](#)
- [Parkinson, J. and Mansbridge, J. eds., 2012. Deliberative systems: Deliberative democracy at the large scale. Cambridge University Press.](#)
- [Saward, M., 2021. Democratic Design. Oxford University Press.](#)

The PAC would further recommend that the Government of Jersey seeks to explore and understand the practical applications of deliberative democracy in other jurisdictions, in order to advance its own, internal knowledge base regarding different approaches to best practice and to share its own learning with others.

The PAC further notes the potential emergence of new political parties in Jersey that will contest the 2022 General Election, and notes that studying other examples may provide insight into how party politics impacts on deliberative practices. Examples may include:

- The [Irish Citizens’ Assembly](#), which considered topics including Abortion, the Ageing Population, Climate Change, Referendums, Fixed-Term Parliaments, and Gender Equality

- The [Newham City Council Citizens’ Assembly](#)
- The [Oregon Citizens’ Initiative Review](#)
- The [Ostbelgien¹²⁴ Citizens’ Council and Citizens’ Assemblies](#)
- The [Parisian Standing Citizens’ Assembly](#);
- The [Citizens’ Assembly of Scotland](#) and [Scotland’s Climate Assembly](#); and
- [University College London’s Citizens’ Assembly on Democracy in the UK](#).

Consideration may also be given to the encouragement of independent, academic research into the design and facilitation of deliberative measures in Jersey, to further refine the Government of Jersey’s approach to deliberative practices and allow Jersey to become a model for similar small states interested in pursuing forms of deliberative democracy. The PAC further notes that, in its submission, Contact Consulting expressed a willingness to provide input into the developing of good practice for future government processes¹²⁵.

The PAC notes its previous recommendation around providing Islanders with a clearer understanding of sortition-based selection method. The PAC would further recommend that the Government of Jersey recognises that, if it wishes to continue to pursue deliberative practices such as Citizens’ Assemblies, it should provide for a more public and actively inclusive approach to understanding deliberative democratic measures.

This could take the form of public lectures, workshops, PSHE lessons, for example, and should aim to improve the public’s understanding of how deliberative democracy works and ensure that Islanders are kept well-informed and engaged.

RECOMMENDATION 24 – The Government of Jersey should develop its internal expertise to reduce reliance on the knowledge of external facilitators as a means to reduce costs and ensure value-for-money.

RECOMMENDATION 25 – The Government of Jersey should work to increase the public’s understanding of deliberatively democratic measures through opportunities such as lectures, workshops, and other forms of public engagement.

Institutional Listening

The PAC considers the provision of a clear, comprehensible golden thread between policy recommendations and the implementation of policy to be a key factor in ensuring effective and efficient policy development. In his submission of 12 May 2021, the Interim Chief Executive outlined that the process for responding to recommendations are outlined in the deliberative

¹²⁴ The German-Speaking Community of East Belgium

¹²⁵ [Letter – Contact Consulting to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 16 November 2021, p.7](#)

body’s respective Terms of Reference, noting the mandate of the Citizens’ Assembly on Climate Change¹²⁶.

The Interim Chief Executive further noted that recommendations from deliberative bodies could be tracked through initial work plans, published responses or departmental business plans, or by being incorporated into future policy publications¹²⁷.

The PAC notes that the States Assembly approved the proposition of Assisted Dying ([P.95/2021](#)) following the recommendations made by the Assisted Dying Citizens’ Jury¹²⁸. The PAC further notes the publication of the Carbon Neutral Roadmap Preferred Strategy Report¹²⁹, which directly follows on from the final report presented by the Citizens’ Assembly on Climate Change, the application of the Our Hospital Citizens’ Panel’s development and approval of the Our Hospital Selection Criteria¹³⁰, and the publication and work to implement the recommendations of the Care Inquiry Legacy Citizens’ Panel.¹³¹

The PAC is of the understanding that deliberative practices in Jersey have no law-making or policy-making powers themselves. However, the PAC would recommend that the Government of Jersey works to demonstrate the democratic value of these bodies and includes within any future internal guidelines a commitment to demonstrate how findings and recommendations of deliberative practices add value, and where they have been considered and integrated into future legislation and policymaking as appropriate.

The PAC considers it essential that future deliberative bodies do not become a ‘box-ticking exercise’ and that they play a fundamental role in responding to the public policy challenge they are designed to address, with members of deliberative bodies engaged and empowered by the Government of Jersey to understand how their recommendations have been implemented, and how this could be improved in any subsequent update reports. This may be improved by ensuring that the reports of all deliberative bodies are tested against their initial objectives, to evaluate their respective outcomes, with clear and regularly revised guidelines to encourage and obtain additional feedback.

The PAC would further recommend that the implementation of deliberative recommendations and recommendations made following evaluative reports of deliberative practices should be integrated into the Government of Jersey’s Recommendations Tracker and Jersey Performance Framework, to demonstrate instance of institutional listening.

FINDING 41 – Recommendations from deliberative bodies are tracked through initial work plans, published responses, departmental business plans, or by being incorporated into future policy publications.

RECOMMENDATION 26 – The Government of Jersey should incorporate into its internal guidelines an assurance that the findings and recommendations of each deliberative body are considered and integrated – where appropriate – into future legislation and

¹²⁶ [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 12 May 2021, pp.3-4](#)

¹²⁷ [Letter – Interim Chief Executive to Public Accounts Committee re. Citizens’ Panels, Assemblies and Juries, 12 May 2021, p.4](#)

¹²⁸ [Hansard – States Assembly - 26 November 2021](#)

¹²⁹ [Carbon Neutral Roadmap Preferred Strategy Report – 2 November 2021](#)

¹³⁰ [P.123/2020](#)

¹³¹ [The Jersey Citizens’ Panel – July 2018](#)

policy making. This should include a clear demonstration of how they add value to the respective policymaking process.

RECOMMENDATION 27 - Follow-up reports should be published by the Government of Jersey detailing how the work and recommendations of each deliberative body have been implemented.

Section 10 – Conclusions

Overall, the PAC is pleased to see that deliberative bodies in Jersey have been delivered with a strong sense of engagement from their participants and have delivered strong working relationships between the Government of Jersey and external facilitators. However, the PAC would highlight its concerns regarding the quality of budgeting for the Citizens’ Assembly on Climate Change, and strongly recommends that the Government of Jersey evaluate this process and incorporate learnings into all future deliberative bodies, to avoid significant increases in budget.

The PAC is of the understanding that the Our Hospital Citizens’ Panel was a comparatively anomalous project because of the concerns raised regarding its lack of transparency and accountable officer, and that the concerns raised in regard to this Panel should not impact on the successes of other deliberative bodies.

The PAC notes that these concerns over budgeting and further concerns regarding the transparency of the administration of the Our Hospital Citizens’ Panel may be useful for consideration as part of a wider review by the Government of Jersey of its consultation and public engagement process, in order to improve best practices for other forms of engagement with the public on key issues, particularly in light of the proposed new [Public Inquiries Law](#).

All future deliberative bodies should be undertaken by a single department with a clearly identifiable accountable officer, a named external facilitator, and an accessible and transparent audit trail through which to identify learnings around administration and facilitation, as well as policymaking. This will ensure that deliberative bodies and processes can be run efficiently using the internal expertise developing within the Government of Jersey, with guidelines and processes to be considered and revised where appropriate following the completion of each deliberative body’s work.

The PAC notes that each deliberative body was bespoke and designed to appropriately tailor to the questions and tasks they were assigned. This has allowed the Government of Jersey to experiment with deliberatively democratic practices in Jersey. Following the completion of the Assisted Dying Citizens’ Jury, the PAC would recommend that the learnings from each of the four deliberative bodies should be compiled to develop a framework and a policy toolkit that provides Ministers with a comprehensive set of recommendations for the setup and delivery of new bodies.

This toolkit may include a decision tree that includes, for example, considerations of the type of deliberative body, size, and budget, to improve the opportunities for Ministers to understand the options available to them if they wish to pursue a deliberative approach, although all areas of administration and facilitation will need to be considered. The PAC would further recommend that this toolkit should provide the options to easily map which model of deliberative practice onto the task it would be assigned.

The PAC is of the conclusion that the Assisted Dying Citizens’ Jury represented the most successful example of a deliberative process in Jersey, due to its transparency, facilitation, availability of presentations and evidence provided to the Citizens’ Jury, minimisation of overspend, and the clear and structured feedback provided by its members. As a result, the PAC would strongly recommend using this as the best practice model for future deliberative bodies.

Finally, PAC notes that all Islanders should have the opportunity to understand and benefit from new forms of democratic engagement in Jersey. As a result, the Government of Jersey should aim to take Islanders “along the journey” with them and ensure that the opportunity to learn about and consider new deliberative processes is given serious consideration and rolled out with equal respect to detail and accessibility, whilst ensuring that the States Assembly is provided with the space to discuss and consider deliberative practices in Jersey.

RECOMMENDATION 28 – The Government of Jersey should undertake a wider review of its consultation and public engagement process, following the learnings established from the facilitation of deliberative bodies.

RECOMMENDATION 29 – The Government of Jersey should develop a framework and policy toolkit for the establishment and operation of deliberative bodies to provide Ministers with a comprehensive understanding of how to establish one, and the most suitable form of deliberative body to use for the respective policy issue.

Appendix 1 - Public Accounts Committee Membership

Deputy Inna Gardiner, Chair



Connétable Karen Shenton-Stone, Vice-Chair



Senator Tracey Vallois



Connétable John Le Maistre



Connétable Andy Jehan



Non-States Members (independently appointed):

Dr Helen Miles

Mr Adrian Lane

Mr Graeme Phipps

Mr Paul van Bodegom

Appendix 2 – Evidence Collected

The PAC received the following submissions from key stakeholders for this review:

Chief Executive:

- [2 February 2021](#)
- [12 May 2021](#)
- [6 September 2021](#)
- [14 January 2022](#) (including draft Evaluation Report and Briefing Paper on Costs)

Director General of Strategic Policy, Planning and Performance:

- [24 November 2021](#) (including costs spreadsheet outlining spending for the Citizens’ Assembly on Climate Change and a spreadsheet outlining the details of the Care Inquiry Legacy Citizens’ Panel, Citizens’ Assembly on Climate Change, and Assisted Dying Citizens’ Jury)

Director General of Infrastructure, Housing and Environment:

- [1 December 2021](#)

Contact Consulting:

- [16 November 2021](#) (including original bid, proposal for design and delivery of a Citizens’ Panel, Phase 2 Amended Contract, and Final Phase Proposal)

New Citizenship Project and Involve:

- [19 November 2021](#)

Sortition Foundation:

- [16 November 2021](#) (including demographic breakdowns for Citizens’ Assembly on Climate Change and Assisted Dying Citizens’ Jury)



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