

2018-2022

Legacy Report:

Health and Social Security
Scrutiny Panel

6th May 2022

S.R. 16/2022



States of Jersey
States Assembly



États de Jersey
Assemblée des États

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Chair's Foreword



To have taken the role of Chair of the Health & Social Security Scrutiny Panel has been a privilege and thoroughly rewarding. The Panel was fortunate to have a strong team from the start of this term of office and three members have remained consistent throughout. We have also been able to co-opt members for three reviews and now have another fourth member.

The pandemic has meant that the Panel has spent considerable time reviewing all the legislation brought forward, particularly in the early stages, meaning comments papers turned round by the States Greffe staff is not to be underestimated.

The Panel hit the ground running in July 2018 with the launch of our first review of the Mental Health Service. This was an obvious choice for the Panel as the members all had different experiences of Health and in particular Mental Health. A number of recommendations were made and accepted. However, not all have been completed due to the pandemic and the Panel therefore did a follow up review in 2022. It is worth highlighting that the Panel have continued to pursue the recommendations and are pleased to see that Orchard House facility has improved and Clinique Pinel should be ready by the end of 2022.

The support and level of work provided by the States Greffe has without doubt made our role so much easier and I thank them for their commitment and energy throughout what has been a very busy period.

I would also like to thank the other Panel members who have contributed significantly for the past four years.

Deputy Mary Le Hegarat
Chair
Health and Social Security Scrutiny Panel

Introduction

The Health and Social Security Scrutiny Panel (the Panel) is one of five scrutiny panels working on behalf of the States Assembly to examine and investigate the work of the Government of Jersey. This is achieved through reviews of:

- Government policy
- New laws and changes to existing laws
- Work and expenditure of the Government
- Issues of public importance

This work is important in holding Ministers to account for their decisions and actions, helping to improve government policies, legislation and public services.

The Panel's remit covers the policy and legislation arising from the work of the Minister for Health and Social Services and Minister for Social Security.

“There shall be - a scrutiny panel which is assigned the topics of health, social services and social security”
Standing Order 135(1)(e)

The Panel has reviewed and collated the work it has undertaken since its establishment by the States in June 2018, in order to assist its successor Panel in the next political term.

This report sets out:

- The work undertaken by the Panel during the session 2018 to 2022;
- Methods of working used by the Panel; and,
- Suggestions for issues that a successor Panel may wish to consider in developing its work programme.

The membership of the Panel can be reviewed in Appendix 1.

As detailed below the Panel has worked hard during this term to carry out sufficient scrutiny of items under its remit, we have:



Met over **177** times



Lodged **19** comment papers



Produced **7** reports, made **347** findings and **133** recommendations



Lodged **6** amendments to propositions, **5** adopted and 1 withdrawn



Conducted **47** public hearings

Review output / work undertaken

Reports

The Panel has produced 7 reports in the period of 2018 to 2022:

Scrutiny Report Number	Topic	Number of Findings	Recommendations			
			Total	Accepted	Neither/ partially accepted/ acknowledged	Rejected
S.R.4/2019	Assessment of Mental Health Services	24	21	18	1	2
S.R.13/2019	Government Plan 2020 – 2023	50	9	4	5	0
S.R.5/2020	Review of the Jersey Care Model	60	21	19	1	1
S.R.10/2020	Government Plan 2021 - 2024	49	11	11	0	0
S.R.9/2021	Review of Maternity Services	48	29	23	4	2
S.R.19/2021	Government Plan 2022 - 2025	47	15	15	0	0
S.R.8/2022	Follow-up Review of Mental Health Services	69	27	[To be confirmed]	[To be confirmed]	[To be confirmed]
Totals	7	347	133	90 * excludes S.R.8/2022	11 * excludes S.R.8/2022	5 * excludes S.R.8/2022

Comments papers

The Panel has produced 19 comments papers in the period of 2018 to 2022:

Date	Subject
16/11/2018	Draft Regulation of Care legislation (P.125/2018, P.126/2018, P.127/2018, P.128/2018 and P.129/2018): comments
24/03/2020	Draft Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 202- [P.21/2020 Com.]
27/03/2020	Draft Covid-19 (Enabling Provisions) (Jersey) Law 202- [P.29/2020 Com.]
27/03/2020	Draft Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 202- [P.32/2020 Com.]
17/04/2020	Draft Covid-19 (Health Insurance Fund) (Jersey) Regulations 202- [P.45/2020 Com.]
20/04/2020	Draft Covid-19 (Mental Health) (Jersey) Regulations 202- [P.46/2020 Com.]
20/04/2020	Draft Covid-19 (Capacity and Self-Determination) (Jersey) Regulations 202- [P.47/2020 Com.]
20/04/2020	Draft Covid-19 (Restricted Trading) (Jersey) Regulations 202-[P.48/2020 Com.]
26/05/2020	Draft Cremation (Suspension and Modification of Regulations – Covid-19) (No.2) (Jersey) Regulations 202- [P.65/2020 Com.]
26/05/2020	Draft Covid-19 (Safe Distancing) (Jersey) Regulations 202- [P.66/2020 Com.]
09/07/2020	Draft Covid-19 (Control of Testing) (Jersey) Regulations 202- [P.87/2020 Com.]
Oct 2020	Draft Shops (Regulation of Opening) (Amendment – General Practitioner Surgeries and Pharmacies) (Jersey) Regulations 202- [P.112/2020Com]
20/11/2020	Draft Covid-19 (Gatherings) (Jersey) Regulations 202- [P.157-2020 Com.(2)]
16/07/2021	Draft Discrimination (Amendment of Law) (Jersey) Regulations 202- [P.58/2021]
10/09/2021	Draft Social Security (Amendment of Law – Minimum Earnings Threshold) (Jersey) Regulations 202- [P.79/2021]

29/10/2021	Draft Social Security (Amendment of Law – Minimum Earnings Threshold) (Jersey) Regulations 202- [P.79/2021 Com.(2)]
22/11/2021	Draft Social Security (Amendment of Law – Minimum Earnings Threshold) (Jersey) Regulations 202- [P.79/2021 Com.(3)]
28/10/2021	Draft Employment (Amendment of Law) (No.3) (Jersey) Regulations 202- [P.88/2021]
18/11/2021	Assisted Dying - [P.95/2021]

Amendments and Propositions

Date of Hansard debate	Amendment	Assembly decision
03/11/2020	Jersey Care Model (P.114/2020): amendment [P.114/2020.Amd] R.121/2021	Adopted
Withdrawn	Draft Shops (Regulation of Opening) (Amendment – General Practitioner Surgeries and Pharmacies) (Jersey) Regulations 202- [P.112/2020 Amd.]	N/A
04/04/2020	Draft Social Security (Amendment of Law No.12) (Jersey) Regulations 202- [P.31/2020 Amd.]	Adopted
03/11/2021	Draft Employment (Amendment of Law) (No.3) (Jersey) Regulations 202- [P.88/2021]	Adopted
14/12/2021	Government Plan 2022-2025: ninth amendment [P.90/2021 Amd] – Mental Health Services	Adopted
14/12/2021	Government Plan 2022-2025: fifteenth amendment [P.90/2021 Amd] - Health Insurance Funding	Adopted
Amendment to Amendment		
14/12/2021	Proposed Government Plan 2022-2025 (P.90/2021): Fifteenth Amendment – Amendment [P.90/2021 Amd.(15)]	Adopted

Other methods of working

Quarterly Hearings

The Panel conducts public hearings with the Minister for Health and Social Services and Minister for Social Security on a quarterly basis, this gave the Panel the opportunity to ask questions in a public forum. Topics discussed cover all aspects of the Panels remit, ranging from ongoing policy to new legislation brought forward by Ministers and the Government of Jersey.

The Panel also conducts specific public hearings to gain evidence as part of its scrutiny reviews. These focussed on the topic of the review as defined by its Terms of Reference.

In total the Panel has held 26 quarterly public hearings. The Panel also held 21 public hearings in relation to reviews undertaken over the course of the electoral term.

Letters

The Panel has sent and received 15 letters (not related to specific review work) over its term. Letters generally include correspondence with Ministers, public bodies and stakeholders, and allow the Panel to pose questions and gain evidence during the course of its work.

Briefings

During its term the Panel have received briefings from Ministers and Government Officers on matters relevant to our remit.

At the start of the Panel's term, briefings were provided on matters relating to the previous Panel's review work, for example the [Ministerial Response](#) to the Report on Organ Donation.

Briefings were often provided at the start of a review, to discuss ongoing policy and legislation development, or on one-off matters of importance.

Together with the Scrutiny Liaison Committee, the Panel also conducted regular meetings with the Minister for Health and Social Services and Public Health team during 2020, 2021, and 2022 to discuss COVID-19 cases, vaccination, and public health measures.

Advisers

The Panel appointed expert advisers to assist with 2 of its reviews. They have helped the Panel by providing background information and understanding, briefing notes on topics and evidence received, or assisting with the development of question plans. Advisers met with departmental officers on a number of occasions to discuss relevant operational and policy matters to their work. Advisers were:

- Attain (for the Review of the Jersey Care Model); and
- Attain (for the Review of Maternity Services).

Advisers' reports were appended to the relevant final reports.

Public engagement

The Panel is aware of the value of public engagement as part of the scrutiny process and has used various means to expand this process throughout the electoral term. This included broader calls for evidence during reviews, the use of social media, news releases and the commissioning of qualitative research to promote its work.

A couple of notable examples of public engagement undertaken by the Panel include the following:

- As part of the Panel's Assessment of Mental Health Services review (published as [S.R.4/2019](#)) a survey was developed to collect the views and opinions of as many people who had used Jersey's mental health services as possible, over the previous two years. The survey was created with help from Statistics Jersey, Officers in the Department for Health and Community Services, staff at Mind Jersey, and an individual with lived experience of mental health problems. It was open for 8 weeks from the 10 October to 3 December 2018 and was available online, in hardcopy and in English, Portuguese and Polish. The online version was promoted in the news, on our website and via social media. Hardcopies were offered to people waiting for appointments at some mental health services. When promoting the survey, we encouraged people to share both positive and negative experiences. The Panel received 340 responses.
- As part of the Panel's Review of Maternity Services (published as S.R.9/2021) a targeted survey was created for mums who had given birth in the last 5 years, to capture their views on maternity services. The survey went live on 18th March 2021 and ended on 5th April 2021. In total 655 people responded to the survey and the Panel was pleased that it attracted a significant response from the public.

The Panel regrets that members of the public have not been able to attend its proceedings in person during the course of the pandemic, however, wishes to thank all those who have tuned into sessions, such as public hearings, online and those who have taken the opportunity to forward the views, comments and questions.

Visits

The Panel has undertaken a number of visits during its term of office, including the following:

- Orchard House
- Rosewood House
- Clinique Pinel
- La Chasse
- Jersey General Hospital (both pre-pandemic and also visits to the hospital lab during the pandemic)
- The Nightingale Hospital
- PPE warehouse
- Child and Adolescent Mental Health Services (CAMHS)
- States of Jersey Police Force Headquarters
- Jersey Prison Service, H.M. Prison La Moye

The Panel's ability to conduct visits has been restricted for some reviews (for example Maternity Services) due to COVID-19, which is regrettable.

Suggestions for future work

General Review topics

Mental Health Services

The Panel has undertaken two reviews of Mental Health Services during this electoral term, the Assessment of Mental Health Services ([S.R.4/2019](#)) published on 6th March 2019 and a follow-up Review of Mental Health Services ([S.R.8/2019](#)) published on 22nd April 2022.

The Panel made 27 recommendations as part of S.R.8/2019, however, due to the timing of its publication, it is not possible to confirm the number of these which have been accepted or rejected by the Government and the current Minister for Health and Social Services. The Panel believe that its successor Panel should consider the recommendations and follow up, in order to ascertain the intentions of the new Minister for Health and Social Services and the Government with regards to this work.

Jersey Care Model (JCM)

The Panel presented its review of the JCM ([S.R.5/2020](#)) on 23rd October 2020. Of the 21 Recommendations made, 19 were accepted, one was partially accepted, and one was rejected by the Minister for Health and Social Services.

The Panel has received regular quarterly updates from the Minister for Health and Social Services and the Director of Improvement and Innovation with regards to the development of the JCM.

Due to the Panel's [Amendment](#) to the 'Jersey Care Model' ([P.114/2020](#)) (which was further [Amended](#) by the Minister) and recommendation 12 of [S.R.5/2020](#), an independent non-executive oversight board (the 'IOB') has been established to review the JCM work. At the time of drafting this legacy report, the IOB is expected to shortly publish its report into the Tranche 1 (2021) work in relation to the JCM. Part of the remit of the IOB was to report to both the Minister for Health and Social Services and the Panel.

Related to this, the Panel highlights that the Minister for Health and Social Services has confirmed that a review of sustainable healthcare funding will be undertaken in 2022. This wider funding review will include an assessment of the role of the Health Insurance Fund (HIF), which is managed by the Minister for Social Security. The Minister for Social Security has also committed to undertaking an actuarial review of the HIF in 2022.

The Panel also highlights its [Amendment](#) (number 15) to the Government Plan 2022-2025, which requested a number of additional measures be incorporated in order to ensure transparency and safeguards in relation to both the establishment of the JCM and any transfers of funds out of the HIF. This included the commitment that there would be a specific consideration to repaying the HIF (from the Consolidated Fund) for funding withdrawn for the establishment of the JCM and its related digital strategies if no sustainable healthcare funding is operational by 2025.

The Panel believes that the JCM is a key piece of work for the future of healthcare in Jersey and therefore its successor Panel should establish a dialogue with the Minister, and also a working relationship with the IOB, at the earliest opportunity in order to monitor developments in this area.

Maternity Services

The Panel presented its review of Maternity Services ([S.R.9/2021](#)) on 6th July 2021. Of the 29 Recommendations made, 23 were accepted, three were partially accepted, one was acknowledged, and one was rejected by the Minister for Health and Social Services.

The Panel's findings included concerns about the continuity of care provided to women, the inadequacy of the maternity facilities, and lack of a system-wide maternity strategy. Furthermore, the Panel highlights that the review created significant public interest (with 655 survey responses) and suggests that its successor Panel should consider a follow up to assess progress and the improvements planned for the service.

COVID-19 Health Service Recovery Project and the new Health and Social Recovery (HSR) Fund

The Panel notes that, as per the Government Plan 2022-2025, there was new funding provided for:

- Health Service Recovery during 2022, in the sum of £1.296 million; and
- A HSR Fund across 2022 and 2023, investment in the sum of £8 million.

The HSR funding will be used to address backlogs of referrals, assessments and preventative screenings created as a result of the 2020 lockdowns and pandemic measures. The Panel suggests that its successor continues to monitor waiting list updates, work with GPs and request staffing updates (including overtime).

Additionally, the newly established HSR Fund will sit under the Strategic Policy, Planning and Performance (SPPP) Department and will include projects which span the remit of several departments and Ministers. The projects include work around the Long-COVID response, children's dental health, early years nursery places, children and young people's education and health, and the Connect Me service. The HSR Fund is overseen by a political oversight group. The Panel recommended (in [S.R.19/2021](#)) that there should be regular reporting on each project within the HSR Fund (to each of the relevant scrutiny panels) during 2022 and 2023.

The Panel highlights these areas of recovery work to its successor Panel, should it wish to review the COVID-19 recovery.

Rehabilitation Services

Following the approval in the States Assembly of the 'Re-opening of Samarès Ward' ([P.115/2021](#)), the Minister for Health and Social Services subsequently [announced](#) that rehabilitation services would return to Samarès Ward in July 2022 and would remain at that location until Christmas 2022.

The medium-term plan would then be for the rehabilitation services to move to Plemont Ward in the General Hospital, which would undergo refurbishment during the period July – December 2022. The long-term plan is for the delivery of an integrated, bespoke rehabilitation service in the new hospital at Overdale in 2026.

Radiotherapy unit

The Minister for Health and Social Services presented ‘Radiotherapy Options in Jersey’ ([R.57/2022](#)) on 25th April 2022. The report stated that it would be for the next Council of Ministers and the next States Assembly to decide the best way forward and whether any new options, including the possibility of on-Island radiotherapy treatment could be explored.

New Hospital

During the course of this term, the reviews in relation to the new General Hospital have been undertaken by the Future Hospital Review Panel, established by the Scrutiny Liaison Committee (SLC).

It will be a matter for the incoming SLC as to whether a specific review panel is established to examine any aspects relating to the new hospital, or whether this will fall into the remit of the standing Health and Social Security Scrutiny Panel.

Financial Independence in Old Age

The Panel received a briefing from the Minister for Social Security and Government Officers in February 2022 in respect of the Financial Wellbeing in Old Age project that the Minister for Social Security had commissioned with external pension consultants DP3 Global Pension Consulting. This was later published as the [‘Report on Financial Independence in Later Life’](#) on 4th April 2022. From its review of the Government Plan, the Panel is aware that work on this project was delayed in the current electoral term due to the redeployment of staff to tackle the COVID-19 pandemic in 2020.

The Panel understands that suggestions from the current government had been for the implementation of a scheme to encourage all Islanders to save for their retirement, for example, automatic enrolment into a workplace pension scheme that would help employees save additional pension savings on top of the old age pension. It will be for the next Minister for Social Security and the next Council of Ministers to progress this work and the Panel suggests that this would be a suitable area for its successor to consider as a review.

Disability Social Inclusion

The original Disability Strategy was published in 2017, however, updates and changes have been required to take account of developments since that time, such as COVID-19 and the agreement to establish the Jersey Care Model. A Disability and Inclusion Strategy end of year [report](#) for 2021 was published in March 2022, and this included the next step plans for embedding change. The Panel believes that its successor should continue to request progress updates about this important work.

Crematorium

The Panel learned in its Government Plan review for 2022-2025 that the Crematorium facility in Jersey requires replacement, irrespective of the new hospital at Overdale. An estimate of

£5 million across 2024-2025 has been budgeted to review and relocate this service for the Island. The Panel understands that the crematorium legislation is under the remit of the Minister for Health and Social Services, but the responsibility for the operation of the Crematorium has been transferred to Customer and Local Services¹. The Panel is of the opinion that there will be high levels of public interest in this work and could therefore be a potential area for review.

Respite Care for Children and Young Adults

The Panel believes that arrangements for the respite care of children and young adults in Jersey could be an area on which its successor may want to consider for review. In 2021 the Panel considered a review of this matter as a follow up to the review published by a previously constituted Panel in 2012, however, did not progress the work with a full review.

The Panel wrote to a number of key stakeholders from the 2012 review requesting their views on the respite care offering in Jersey. A number of key themes were identified which included *inter alia*; a lack of suitable facilities, shortages of trained staff, and communication issues. At the time, the Panel also wrote to the relevant Government Ministers and received responses from the Minister for Health and Social Services and the Minister for Children and Education.

Forthcoming legislation

Parental Bereavement Leave

The Minister for Social Security presented 'Proposals for the Implementation of Parental Bereavement Leave' as [R.41/2022](#) on 7th April 2022. The Minister's proposals include changes to the Employment (Jersey) Law 2003 (Employment Law) that would provide an entitlement to time off work for all parents who suffer the death of a child under 18. It was also proposed that there would be the development of a payment scheme for parents, so they are not impacted by a loss of income during the statutory period of leave.

The Panel understands that the changes to Employment Law could be lodged for debate in the latter half of 2022, by the next Minister for Social Security, therefore, the Panel may want to examine this in further detail.

Long-Term Care, including Care Needs at Home Project

The Panel also understands that parts of the Long-Term Care (Jersey) Law 2012 (the LTC Law) are to be reviewed in 2022² and an actuarial review of the Long-Term Care Fund is being undertaken in 2022 (this has been delayed due to COVID-19).

In relation to this, the Care Needs at Home project was assigned funding in the 2020-2023 Government Plan which would be used to develop proposals to support disabled adults living at home and their informal Carers. A pilot project – under the remit of the Minister for Social Security - had been planned for 2020 but this was delayed due to the COVID-19 pandemic and was expected to be undertaken in 2022. Further detail is required on the outcome of the pilot scheme, and this may be an area on which the successor panel wishes to follow up if there is further legislative work planned on this matter.

¹ [Transcript – Government Plan 2022-2025 Review Hearing with the Minister for Social Security – 13th October 2021, p.35](#)

² [Comptroller and Auditor General, 'Long-Term Care Fund', 28th February 2022, p.31](#)

Assisted Dying

The Jersey Assisted Dying Citizens' Jury made recommendations which were authored by Involve and published on 16th September 2021. Further to this, in November 2021, the States Assembly approved the in-principle development and provision of an assisted dying service, within certain parameters and with specific safeguards in place.

The proposed timeframe will see detailed proposals about an assisted dying service to return to the Assembly for debate in November 2022. Draft legislation would be prepared November 2022 to March 2023, with any debate on draft legislation to take place in May 2023.

The Panel notes that many of the required legislative changes for permitting assisted dying in Jersey would fall under the remit of the Minister for Home Affairs, rather than the Minister for Health and Social Services. However, any cross-panel work on this matter would be for the consideration of the SLC.

Public Health Law

In 2021 the Government undertook a consultation to develop a new public health law, to replace the current Loi (1934) sur la Santé Publique. The Panel understands that the law could be changed so that it adopts a broader approach to public health, for example, including health improvement aspects related to non-communicable diseases.

In the 'next steps' of the [Public Health Law consultation feedback report](#) it was advised that further public consultation following the development of law drafting instructions would be pursued and that feedback would be used to refine the proposals for law drafting. It is anticipated that the future Government will progress the further consultation and bring forward this legislation in order to update the law.

Incapacity Review

The Minister for Social Security published the 'Review of Jersey's Incapacity Benefits' ([R.189/2021](#)) on 22nd December 2021. The next steps in this report state that "*detailed proposals will be available early on in the next Ministerial term. This will allow the next Minister to consider costings and any legislative changes.*"³ The Panel notes from the report that any changes to the incapacity benefits could be a significant piece of work and therefore suggests that its successor will want to review this accordingly.

Sustainability of the Social Security Funds

From its review of the Government Plan for 2022-2025, the Panel is aware that the Social Security Fund (which is used to provide old age pensions, maternity, incapacity and other benefits) will have an actuarial review in 2022.

In normal times the Social Security Fund receives an annual States Grant from the Consolidated Fund, however, this has changed in order to re-prioritise funds for the COVID-19 response and it has, instead, been funded by the Social Security (Reserve) Fund. The long term sustainability of the fund was going to be reviewed in 2021 (as per the [Government Plan for 2021-2024](#)), however, this did not happen.

³ Minister for Social Security, 'Review of Jersey's Incapacity Benefits' ([R.189/2021](#))

The Panel expects that the long-term sustainability of the Social Security Funds will need to be reviewed by the next Minister for Social Security, therefore this may be a matter the Panel's successor wishes to follow up on.

Regulation and Inspection of Care

The regulation of previously unregulated environments across Jersey's health and social care sector started with the Regulation of Care (Jersey) Law 2014 ([P.95/2014](#)). There has been a phased approach to regulating different sectors, most recently with the additional regulations capturing 10 categories of social work and mental health services provided to children and young people (as per [P.45/2022](#)).

The Panel is aware that it is the intention for further Regulations to be brought to the Assembly for debate which will seek to extend the independent regulation and inspection across the health and social care sector in phases which will include:

- (a) social and community care services, and mental health services for adults, including inpatient mental health services provided to children;
- (b) hospital services, ambulance services and services provided in independent clinics;
and
- (c) community medical and dental services.

Appendix 1

Panel Membership



Deputy Mary Le
Hegarat (Chair)



Deputy Kevin
Pamplin (Vice-Chair)



Deputy Carina Alves



Senator Sam Mézec –
joined the Panel 4th
November 2021



Deputy Trevor Pointon –
Resigned Panel
membership 26th
November 2020



Deputy Geoff Southern –
Co-opted member for
the Review of the Jersey
Care Model



Senator Steve Pallet –
Co-opted member for
the Follow-up review of
Mental Health Services



Deputy Louise Doublet –
Co-opted member for
the Review of Maternity
Services

