

Council of Ministers

(12th Meeting)

11th October 2022**Part A (Non-Exempt)**

All members were present, with the exception of Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter, Minister for Treasury and Resources and Deputy H.M. Miles of St. Brelade, Minister for Home Affairs and from whom apologies had been received.

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter, Chief Minister
 Deputy C.F. Labey of Grouville and St. Martin, Minister for International Development
 Deputy K.F. Morel of St. John, St. Lawrence and Trinity, Minister for Economic Development, Tourism, Sport and Culture
 Deputy S.M. Ahier of St. Helier North, Assistant Minister for Treasury and Resources
 Deputy I. Gardiner of St. Helier North, Minister for Children and Education
 Deputy P.F.C. Ozouf of St. Saviour, Minister for External Relations and Financial Services (for items A1-A2 and B2 only)
 Deputy D.J. Warr of St. Helier South, Minister for Housing and Communities
 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity, Assistant Minister for the Environment
 Deputy J. Renouf of St. Brelade, Minister for the Environment (for items A1-A2 only)
 Deputy R.E. Binet of Grouville and St. Martin, Assistant Minister for Health and Social Services (for item B2 only)
 Deputy M.E. Millar of St. John, St. Lawrence and Trinity, Minister for Social Security
 Deputy T.J.A. Binet of St. Saviour, Minister for Infrastructure
 Deputy K.M. Wilson of St. Clement, Minister for Health and Social Services

In attendance -

Connétable A. Jehan of St. John, Assistant Chief Minister
 Deputy A. Curtis of St. Clement, Assistant Chief Minister (for items A1-A2, A4 and B2 only)
 M.H. Temple, K.C., H.M. Attorney General
 L.-M. Hart, Greffier of the States
 S. Wylie, OBE, Chief Executive and Head of the Public Service, Government of Jersey
 R. Bell, Treasurer of the States
 Sir Derek Myers, Chair of the Covid Review Panel (for items A3 and B1 only)
 Professor M. Rae, Member of the Covid Review Panel (for items A3 and B1 only)
 Sir Richard Gozney, Member of the Covid Review Panel (for items A3 and B1 only)
 I. Hickman, Covid Review Panel (for items A3 and B1 only)
 A. Moore, OBE, Principal Expert Adviser, Our Hospital Review Team (for items A4 and B2 only)

T. Walker, Director General, Strategic Policy, Planning and Performance Department
 S. Perez, Head of Office, Office of the Chief Executive (for items A3 and B1 only)
 P. Bradbury, Head of Ministerial Office
 K.L. Slack, Clerk to the Council of Ministers

Note: The Minutes of this meeting comprise Part A and Part B.

Minutes.

A1. The Minutes of the meetings of the Council of Ministers, which had been held on 13th July (Parts A and B), 22nd July (Parts A and B), 26th July (Part B only) and 28th July 2022 (Part A only), having previously been circulated, were taken as read and were confirmed.

The Council was informed that the intention was to include more items on the Part A (non-exempt), public Agenda going forward and thanks were expressed to the Secretariat Officer Team from the States Greffe, who had prepared the Minutes.

Code of Conduct and Practice for Ministers and Assistant Ministers.

A2. The Council of Ministers, with reference to Minute No. A3 of its meeting of 13th July 2022, recalled that, in accordance with the provisions of Article 18(3A)(b) of the States of Jersey Law 2005, the Chief Minister and Ministers were required to agree a Code of Conduct and Practice for Ministers and Assistant Ministers ('Code') and to present it to the States Assembly within 3 months of being appointed to office, which was noted to be on 12th October 2022.

Ministers received and noted a report, dated 6th October 2022, entitled 'Code of Conduct and Practice for Ministers and Assistant Ministers', together with a draft Code, which had been prepared by Mr. P. Bradbury, Head of Ministerial Office and heard from him in connexion therewith. He indicated that the draft Code had incorporated learnings from previous Councils, other jurisdictions and the views expressed by the current incumbents at introductory sessions. The Head of Ministerial Office explained the changes that had been made to the previous iteration of the Code and Ministers were alerted to the following, notable, additions –

- the adoption of the values of the public service, as agreed by the States Employment Board, which were applicable to public employees;
- decision making based on robust debate, strategic thinking and a coherent shared public position;
- strengthened arrangements to avoid and address bullying and harassment and for managing conflicts of interest;
- clarification of the role of Assistant Ministers;
- safeguarding for Ministers and Assistant Ministers consistent with professional guidelines;
- a commitment to support the ongoing professional development and wellbeing of Ministers and Assistant Ministers as they performed their roles;
- enhanced arrangements for the promotion of professional conduct and strengthened mechanisms for handling concerns relating to Ministers and Assistant Ministers;
- practical amendments to the conduct of and preparation for Council of Ministers meetings; and
- an increased emphasis on transparency, including the publication of more ministerial papers, schedules and agendas and, as referenced at Minute No. A1 of the current meeting, more discussions of Council published as part of the A (non-exempt), public agenda.

Having discussed the foregoing, the Council requested that various amendments be made to the draft Code and delegated final approval therefor to Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter, Chief Minister.

Independent
COVID-19
Review Panel
briefing.

A3. The Council of Ministers, with reference to Minute No. B4 of the meeting of 11th January 2022 of the Council, as previously constituted, recalled that, in December 2021, Connétable M.K. Jackson of St. Brelade had lodged an Amendment to the Government Plan to transfer £500,000 from the General Reserve Head of Expenditure to fund the undertaking of an independent review of the Island's response to the COVID-19 pandemic. The Independent COVID-19 Review Panel ('the Panel') had commenced its work in Jersey in early March and had produced its findings in July 2022.

The Council of Ministers accordingly received and noted the Report of the Panel, which was dated July 2022 and entitled 'High Expectations' and welcomed Sir Derek Myers, Chair of the Panel and members Professor M. Rae and Sir Richard Gozney to the meeting. Sir Derek indicated that it had been a privilege for the Panel to familiarise itself with the Island whilst undertaking the review and that the members had read a significant amount of background material, including excellent reports by Scrutiny Panels and the Comptroller and Auditor General. He acknowledged that, in addition to the 129 individuals who had lost their lives as a consequence of COVID-19 infection between early 2020 and 26th May 2022, a further 12 people had since died with the virus. The Council was informed that the Panel could not have undertaken the review without the assistance of the current and former Council of Ministers, Islanders and Government staff, who had prepared self-assessments.

Ministers were reminded that the Panel had been asked to review the Government's pandemic response and to make recommendations that would be relevant to other potential emergencies. Panel members had met 42 individuals and groups, had received 94 submissions through its website portal, had reviewed 13 self-assessments from Government officers and had discussed events with 33 politicians and others holding public office and many employees of the Government. The Panel had visited the States of Jersey Police, the Parishes, the Hospital, the Chefs de Police and various community organisations. Many Islanders had taken the opportunity to impart their experiences to the Panel and it was thought that this had been cathartic for them, as people had been deeply affected by the pandemic. The Government employees, who had prepared the self-assessments, had reported to the Panel that it had been a valuable exercise and it had been helpful to the Panel to be able to compare and contrast those views with lived experiences.

The Panel's findings had been that Islanders' expectations, particularly in Spring 2020, had been very high and that, overall, the Government had performed well, with 36 areas of strength. There were, however, also points of weakness and the Panel had identified 21 areas where things could have been better. As a demonstration that the machinery of Government was working effectively, there had been a strong congruence with the findings of the Panel and that of Scrutiny.

Amongst those areas where the Government had performed well during the pandemic were the test and trace and vaccination programmes, the repatriation of Islanders to Jersey, the community taskforce, work done by the Parishes and the sensible – rather than overzealous - enforcement of COVID-19 rules. Panel members had been interested in how few Islanders had been concerned at the cost involved in the construction of the Nightingale Hospital wing, which had been viewed as an 'insurance policy'. The business support schemes had also been praised.

Conversely, the Panel had identified that the requisite legislation was outdated and not fit for purpose, which had resulted in laws relating to public health being updated over the course of the pandemic. The Government had an incomplete picture of the local population, most notably of those who had not been resident in the Island for 5 years and there had been uncertainty with respect to the responsibility for decision making and the relative roles of the Competent Authority Ministers and the Council of Ministers. The Panel felt that the Scientific and Technical Advisory Cell ('STAC') should have included more people from outside Government and a Chief Scientist and that the delay in making public the STAC Minutes had contributed to a perceived lack of transparency. During the first few weeks of the pandemic, there had been shortfalls in communications and the Panel had not been satisfied that a well thought through and widely shared strategy had been followed.

The Panel had made 16 recommendations, which it considered would render Jersey stronger and more resilient if they were accepted, but had not suggested how they should be implemented. The recommendations were grouped into 9 themes, as follows –

Prepare for threats

The Government was noted to have an underdeveloped risk identification and mitigation system at both operational and strategic levels and it was recommended that an improvement programme for risk management should be initiated by the Chief Executive across Government. Exchange of ideas with comparable jurisdictions, which were likely to face similar threats, was recommended, as was rehearsals for emergency planning on an annual basis, involving Ministers and senior officers.

Understand the Jersey population in depth

In order to be sensitive to the needs of different communities in the Island and to protect the most vulnerable, the Government needed a greater understanding of the population, including those living on the margins of society, those with mental health issues and, as aforementioned, those who had been resident for fewer than 5 years. It was believed that these groups would be adversely impacted in a crisis and it was recommended that the Government should commission research on the population in between censuses.

Ensure the best advice was available

It was recommended that Government should draw guidance from other sectors of the economy and that a Chief Scientist be appointed to co-ordinate the necessary advice to mitigate threats and exploit opportunities. This role could also be responsible for devising STACs for each crisis and ensuring a good balance of professional disciplines.

Keep the Government in good repair

As previously referenced, the States had entered the pandemic with outdated legislation and it was imperative to ensure that it and no essential services became unfit for purpose. It was recommended that the Chief Executive should provide advice to Ministers on an annual basis with respect to the minimum levels of provision for essential services.

Make decisions better

It was important to define the roles of Ministers, senior staff and stakeholders to avoid duplication and provide clarity around accountability. It was recommended that the new Civil Contingencies Law should be prioritised for completion and clear procedures drawn up to obviate the use of ad hoc arrangements in the future.

Form alliances of assistance

The importance of considering mutual aid arrangements to provide resilience in emergencies was emphasised. This could include involving senior non-Government individuals in the Island and the need to avoid appearing to adopt a ‘bunker mentality’ with respect to offers of assistance was key. It was suggested that supply lines and options to import from France in an emergency should be explored. All of the foregoing could be difficult to achieve at short notice, so should be put in place at an earlier juncture.

Sort out the sharing of data

It was acknowledged that the sharing of data in an era of General Data Protection Regulation (GDPR) could be complex, but in an emergency there could be compelling reasons to do so in order to mitigate significant risks or save lives. It was recommended that the exceptional circumstances under which this would be permitted should be set down before the next emergency situation arose.

Communicate better

It was noted that the high expectations of Islanders with respect to timely communications had not been met during the pandemic, most notably during the first few months. It was recommended that a crisis communications plan should be developed, including training for spokespeople, mutually defined expectations with media outlets and additional resources.

Keep up the good work

Mindful that COVID-19 continued to pose a threat, it was recommended that work on the vaccination programme should continue with targets set for coverage in all boosters and other vaccinations and that the Government should remain alert to the emergence of any new variants of concern. The Panel proposed that the Chief Executive should develop a Crisis Resilience Improvement Plan to ensure that the recommendations were integrated and executed.

The Council was informed that none of the recommendations would have a significant financial cost, whilst accepting that staff time would be needed to implement them. The only potential exception was the appointment of a Chief Scientist. The Council noted the position accordingly.

The Chief Minister thanked Sir Derek, Professor Rae and Sir Richard for attending and they withdrew from the meeting.

Our Hospital
review
timeline.

A4. The Council of Ministers, with reference to Minute No. A1 of its meeting of 23rd August 2022 recalled that, as part of the new Government’s 100-day plan, it had been agreed to review the process and scope of the Our Hospital project, led by Deputy T.J.A. Binet of St. Saviour, Minister for Infrastructure, in consultation with other Ministers, officers and experts, including an external advisor with a lengthy background in the delivery of health capital projects. The Council accordingly welcomed Mr. A. Moore, Principal Expert Adviser, Our Hospital review team, to the meeting via video link and heard from him in relation to the review.

Mr. Moore informed the Council that the review had been slightly delayed as a consequence of the death and funeral of Her late Majesty Queen Elizabeth II and that the first interviews had taken place on 22nd September 2022. He had interviewed individuals who had previously been involved in the Our Hospital project, as well as the clinical community, in order to best understand their requirements. Ministers were informed that the anticipated cost of £804 million for the build at the Overdale site was likely to be even greater now, due to the currently volatile economic climate. Accordingly, if Overdale was no longer acceptable and

the build cost would be even greater than anticipated, it was important to consider alternative solutions.

The Council noted the position and expressed its gratitude to the Minister for Infrastructure and Mr. Moore for their work in this regard.