

6. Questions to Ministers without notice - The Chief Minister

6.1 Deputy G.P. Southern:

Will the Chief Minister in his role on the States Employment Board assure Members that new contracts currently being issued to some States employees contain new terms, only in order to comply with the Employment Law and do not introduce reduced terms and conditions in line with the Tribal review?

Senator T.A. Le Sueur (The Chief Minister):

To the best of my knowledge any contracts currently being issued will simply reflect changes to Employment Law but should not, in my view, contain anything which could change the nature of the terms and conditions at this stage when those terms and conditions have not yet been discussed or agreed.

6.2 The Deputy of St. Martin:

I am trying to get 3 into one. This morning the review of the role of the Crown Officers was presented. Could the Chief Minister inform Members why again an embargoed copy could not have been circulated to Members beforehand so when the presentation was made States Members are in a position to ask meaningful question? Secondly, it says P.143 has been lodged. Is this particular review the P.143? Thirdly, can the Chief Minister explain why he has not made a personal statement about the presentation of the review on the role of the Crown Officers?

Senator T.A. Le Sueur:

The panel chaired by Lord Carswell only completed and printed its report over the weekend or late on Friday. It was presented to Members early this morning, embargoed to the media and the public until 12.00 p.m. Members were invited and entitled to come along to a meeting this morning and several Members did and had a chance to meet with Lord Carswell and the panel at that time and ask any questions. I believe that if the Members have read that report they will find it is very clear and concise. I see no reason why the procedure we followed is other than correct. I considered making a statement this afternoon, but I felt there was nothing I could usefully add to the excellent summary provided by Lord Carswell and, therefore, I did not.

6.3 The Deputy of St. John:

Given that many Island residents are having to go to the U.K. both for travel and for medical reasons, some doing this privately and the like... people who are ill are paying £480 for 2 days insurance cover in case they are taken ill while they are off-Island. This in fact was documented in a claim being settled some days ago in another area. Can the Minister tell us when we are likely to get the reciprocal health agreement put back in place so that these Island residents are not being hit with these big charges?

Senator T.A. Le Sueur:

I am grateful for the question from the Deputy of St. John. I made inquiries last week and I am advised that the reciprocal health agreement should be signed and completed before the end of this year. [Approbation]

6.4 The Deputy of St. Mary:

Following on from the previous question about the Code of Conduct and so on, could the Chief Minister let Members know what a Member would do in the hypothetical case of wishing to bring a complaint against the Chief Minister?

The Bailiff:

It seems to be a hypothetical question.

Senator T.A. Le Sueur:

It is a hypothetical question so I will try to give a slightly more positive answer. The Code of Conduct applies to all Members including the Chief Minister. If any Member wished to bring a complaint against the Chief Minister in that respect, they could do that presumably to the Chief Executive or they could lodge it through the Privileges and Procedures Committee who would then be duty bound to forward it I think to the Council of Ministers.

6.4.1 The Deputy of St. Mary:

Firstly, how on earth would the Chief Executive be able to conduct any kind of complaint against the Chief Minister or adjudicate in that matter and how would P.P.C. pass it on to the Council of Ministers? Could the Chief Minister please elaborate on what sound like 2 very peculiar options?

Senator T.A. Le Sueur:

Perhaps I was rash trying to elaborate on a hypothetical question, but I should have made it clear that any investigation of an allegation of disciplinary infringement would be considered not by the Chief Executive but by the Council of Ministers. At any such meeting the Minister concerned - in this case the Chief Minister - would have to absent himself in those discussions.

6.5 Deputy A.E. Jeune:

Would the Chief Minister advise please on what role does the States Employment Board take in ensuring chief officers are accountable, and can he say who carries out performance appraisals of chief officers, how often they occur and to whom the appraiser is accountable?

Senator T.A. Le Sueur:

The primary responsibility in respect of the accountability of chief officers if we are talking about financial matters is for the Treasury in terms of accounting officers. In terms of performance, which may be what the Deputy is asking, a performance review and appraisal of all chief officers is carried out on an annual basis. The appraisal of the Chief Executive is carried out by me personally, assisted by an external adviser. I am accountable to this House for that matter. Other chief officers are appraised by the Chief Executive or by his nominee and are accountable through him.

6.6 Deputy M. Tadier:

It is probably a similar theme. Will the Chief Minister be looking to carry out an independent inquiry into any complaints against staff members, not simply the senior member of Education who was named only a couple of weeks ago in the court, but any staff member who may have had allegations made against them in relation to the historic child abuse and, if not, why not?

Senator T.A. Le Sueur:

The procedure for any disciplinary inquiry for any staff member is quite clearly laid out. In the first instance they are done through the line manager up to the chief officer of that department. A chief officer of that department can enlist the assistance of the States of Jersey Human Resources Department should they require it. It is not a matter for Ministers to get involved in when there are clearly laid down procedures.

6.6.1 Deputy M. Tadier:

When it involves a chief officer himself it would presumably be referred to the States Employment Board; is that correct?

Senator T.A. Le Sueur:

No, in the case of a chief officer himself, should that occasion arise, it would be dealt with in the first instance by the Chief Executive who may wish to bring it to the States Employment Board. It would depend on the nature of any such allegation.

Deputy M. Tadier:

Given the fact ...

The Bailiff:

No, sorry, you have asked 2 questions. I think I have to be fair to everyone, Deputy. If there is time then I can come back to you.

6.7 Deputy D.J. De Sousa:

I wonder if the Chief Minister is going to be looking into bringing an inquiry into Housing's purchase of homes on the Goose Green site? This was in the C. and A.G.'s recent report and he was very critical of this.

Senator T.A. Le Sueur:

I see no purpose in commissioning a further inquiry into the purchase of the sites at Goose Green when the Comptroller and Auditor General has already done and published a very thorough review. I would point out to the Deputy that the price at which the properties were purchased was the identical price to which they were subsequently sold to the individual residents some hours or days later.

6.8 Senator J.L. Perchard:

Could the Chief Minister advise the House when the next actuarial review into the Public Employees Contributory Retirement Scheme and the Teachers Superannuation Fund is due to be reported? Is he aware that the deficits of these combined funds are likely to be greater than the total value of our Strategic Reserve?

Senator T.A. Le Sueur:

I do not recall offhand when the next review dates for the public employees fund and the teachers fund is concerned. I think it is 31st December 2010 but I cannot be certain on that. I am not aware of the precise quantity of the deficit. One has to be very careful in bandying figures around when one knows perhaps not as much as some people think they do. **[Members: Oh!]** The quantum of the deficit varies depending on some of the principles and the presumptions that one makes. If one presumes an ongoing scheme then the deficit at any one given time varies considerably from the deficit which would arise in the event of total closure of that scheme. It is very rash to simply quote one figure as a deficit when there are, in fact, a whole variety depending on which assumptions one takes.

[17:00]

6.9 Deputy J.M. Maçon of St. Saviour:

May I thank the Chief Minister for giving his statement today and giving the unreserved apology? My question is I believe that provision has been made available for victims who might require psychological support, counselling, *et cetera*. Can the Chief Minister please just reiterate what is on offer and, if it is required, how that can be obtained and if it is not, can the Minister give an undertaking that such provision will be made?

Senator T.A. Le Sueur:

To the extent that the people concerned have been identified, counselling has been and continues to be offered to them through I think it is the Social Services Department. The Minister for Health and Social Services could no doubt advise the Deputy in more detail of that but I can confirm that that service is ongoing for as long as required.

6.10 Deputy J.A. Martin:

Just to follow on from Deputy De Sousa. Yes, there has been a review. There are millions of pounds somewhere out there in the ether that when these houses are sold on. The criteria was never established, Homebuy and the Gateway. Is anybody going to be held accountable after such a damning report, firstly, for millions of pounds? Secondly, can the Chief Minister tell us today that nothing will be sold through this scheme until this mess has been sorted out?

Senator T.A. Le Sueur:

For a start the taxpayer has not lost any money whatsoever in terms of Homebuy. As I said in an earlier answer, the price at which the properties were purchased from the developer is the same price at which they were subsequently sold to the ongoing occupants of those properties. Nonetheless, should there be any question about that, the Public Accounts Committee would be the ones who would look into that. I have not been advised but they may well choose to do so. In the meantime the Homebuy scheme at that stage was a trial limited to that scheme. Any further proposals under Homebuy would need to come back to this House for review of that policy.

6.11 The Deputy of St. John:

It was reported in the media last week that Tourism were bringing over a celebrity to turn on the town lights. Given that the bad weather intervened and that the person did not arrive, will that celebrity still be paid? Given the time that we are short of cash within the Island could not a local person have done the job instead of having to bring somebody from off-Island, as happened in the end? Is it right, Minister, if you would like to concentrate on what you are being asked ...

The Bailiff:

Through the Chair.

The Deputy of St. John:

Through the Chair, Sir, given that he is holding another conversation. Is it right that public money whether it is spent by Tourism or whoever should be spent in this manner?

Senator T.A. Le Sueur:

The Chief Minister has to be an encyclopaedia of knowledge of all matters however obscure. I do not have precise details on the cost of the celebrities or entertainers that may have been invited to turn on the lights. I am given to understand that the lights were in fact to be turned on by a local celebrity but that the entertainers who were invited over to the Island were there in order to give some light and colour to a Christmas festivity, which we hope will stimulate tourist and economic benefits to the Island.

The Connétable of St. Helier:

Could I offer some clarification on the question? Miss St. Helier, also known as Miss Battle, was due to come over and do the turn on but she was unable to because of the weather. No costs were incurred.

The Bailiff:

Deputy Tadier, do you wish to ask another question? You indicated earlier ...

6.12 Deputy M. Tadier:

If I can. What I was getting at with the last question is that in the particular case I am thinking of with the person about whom the allegations were made, the Chief Officer was on record on the affidavit of Mr. Power as saying things which implied that he was not necessarily partial and that he would show nepotism - if you interpret it in that way - towards the individual in question. Can I ask the Minister if he shares those concerns? Because these things are already out in the public and there is an element of concern with many members of the public, whether he would

agree to an independent inquiry being taken into the pros and cons about why that individual and maybe similar individuals were not suspended.

Senator T.A. Le Sueur:

I think there are 2 issues here which I would like to comment on. Firstly, I do not think it is appropriate for us in this Chamber to use question time to cast aspersions about individual States employees, be they chief officers or anyone else. If that is to be done, it should be pursued in the proper way. As far as the second part of the question is concerned, I got carried away in my enthusiasm and I have forgotten what that was. But if the Deputy wants to remind me I will try to deal with it.

6.12.1 Deputy M. Tadier:

Can I just say I am not doing this to cast aspersions? It is quite the opposite. Aspersions have been cast in a different forum and they have gone out in the media because of that. It is for that reason that I am asking the question to have our minds put at ease and also so that this individual can have justice seen to be done for him. The second part of the question is simply is an independent to look at this beneficial because I think it is? Does the Minister agree?

Senator T.A. Le Sueur:

I prefer to deal in facts and evidence rather than aspersions and allegations.

The Bailiff:

Very well. There are those who still want to ask questions but time has run out for questions for the Chief Minister.