

3.12 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding proposed changes to the appointment process for senior roles in Health (OQ.131/2025):

Further to the Minister's comments at the Health and Social Security Scrutiny Panel's public hearing on 20th May 2025, regarding appointments to senior roles in Health, will he explain how he intends to change the appointment process and state what advice he has sought on this matter?

Deputy T.J.A. Binet of St. Saviour (The Minister for Health and Social Services):

Strictly speaking, I am unable to answer this question as worded because at no point have I ever suggested that I intended to change the appointments process. From that it follows that I would not have taken advice from anyone on the subject. I think I would probably be quite within my rights to end the response there but I like to be helpful, so I obtained a transcript of the public hearing on 20th May. I simply stated that I would like to see one or more H.C.J. Advisory Board non-executive directors sitting on the Jersey Appointments Commission panel for the recruitment of all senior H.C.J. appointments. I think I would refer the Deputy to a point of clarification that I made, and here I quote: "I cannot interfere with the Appointments Commission but what I can do is make recommendations."

3.12.1 Deputy J. Renouf of St. Brelade:

The Minister said: "I am keen that all further senior appointments with Health contain one or more than one of our advisory board N.E.D.s (non-executive directors)." Then he clarified that he wanted a minimum of 2, when I asked, adding them to the Jersey Appointments Commission for those jobs. That was adding them to the Jersey Appointments Commission for those jobs, which is why I asked the question. Given that the Jersey Appointments Commission is constituted by the Employment of States of Jersey Employees Law and all appointments to the commission are subject to confirmation by the States Employment Board and, indeed, the Assembly, can the Minister explain whether he intends to appoint people to advise the board, as he said in that answer and, if so, whether he would go through this process of appointing them that is mandated in law?

Deputy T.J.A. Binet:

I am not aware that I am in a position to appoint anybody to the Appointments Commission. I did say at that meeting that I would take this forward; I have done exactly that. I have met with the chair of the Appointments Commission. I have explained that I think it would be beneficial to have 2 of our N.E.D.s sitting on future appointments for senior executives. I have not had the confirmation in writing but it seems to me that that suggestion would be doable under the existing laws and that the chair would be quite happy to accept that, certainly for a limited period. There is quite a lot of change going on at Health at the moment and I think that he would be agreeable to that, certainly for a limited period.

3.12.2 Deputy P.F.C. Ozouf of St. Saviour:

Just so that the public can understand what we are talking about, can I ask the Minister to clarify very clearly, is he getting involved himself with the appointment of individuals to the board or not or is it the commission that is doing it on his behalf?

Deputy T.J.A. Binet:

I will requote my words, I cannot interfere with the Appointments Commission. I do not think I can be any plainer than that. I am entitled to speak to the chair of the Appointments Commission, and the chair of the Appointments Commission is entitled to speak to me and listen to what I have to say by way of suggestion. He then interprets that in accordance with the regulations which cover him, and he seemed minded to accept the suggestion that it fits within the regulations for a limited period. I hope that is reasonably clear.

Deputy P.F.C. Ozouf:

I think it is very clear. I am just trying to understand why we are taking up time on discussing something which is clear. The Minister said: "I am not involved but I will talk to people in the process."

The Bailiff:

There is no ...

Deputy T.J.A. Binet:

I will respond by thanking the Deputy.

The Bailiff:

I am sorry, I do not think that was a question, Deputy Ozouf.

Deputy P.F.C. Ozouf:

It was not, it was frustration.

The Bailiff:

Yes, but unfortunately Standing Orders do not provide for venting frustration.

3.12.3 Deputy I. Gardiner of St. Helier North:

Just for my clarification, and it is very simple, following the Minister's response, what discussions did the Minister have with the Jersey Appointments Commissioner? If I understood correctly, the Jersey Appointments Commissioner confirmed or did not confirm that they would welcome 2 N.E.D.s to the appointment process? If my understanding is correct.

Deputy T.J.A. Binet:

For limited senior health executives for a limited period of time.

3.12.4 Deputy I. Gardiner:

It was the confirmation from the Appointments Commissioner that they are content with this process?

Deputy T.J.A. Binet:

Yes.

3.12.5 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:

I was not in the Scrutiny Panel hearing, so I was just wondering if the Minister could explain why he thinks it is important that he would suggest he would like N.E.D.s for a short period of time. What is the benefit that he sees in this? Why is he suggesting this?

Deputy T.J.A. Binet:

I have got a transcript of what I said and explained it. We are very fortunate to have some extremely experienced non-executive directors on our advisory board. I trust their judgment very much; they have been extremely helpful to me. I thought it was sensible because I think

it is very important when you are making significant change in any area that you have the right people in the room. I think these people have got a particular ability in selecting the right people. It is pretty straightforward stuff.

3.12.6 Deputy H.L. Jeune:

I was just wondering if this is a standard practice within the Government in general and if he thinks that this would be useful for other Ministers to suggest in future for other areas of Government.

The Bailiff:

I think that is far too general. What this Minister may think about what should be applied across the board in Government is really nothing to do with his express Ministerial responsibility at all.

Deputy H.L. Jeune:

Could I ask the first section, has it been done before in this role with Health?

The Bailiff:

“Has it been done within your Ministry?” Yes, I would accept that as a supplemental question.

Deputy T.J.A. Binet:

I have no idea, sorry.

3.12.7 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter:

Would the Minister explain why it would be limited, both in scope and in time period, please?

Deputy T.J.A. Binet:

The scope, the Appointments Commission probably only gets involved in relatively senior appointments, in any event. I think as regards the time period that the chair was keen not for this to set long-term precedents. I think he was mindful of the fact that there was quite a lot of change happening at the moment, was sympathetic to that, and thought that for the time being that was appropriate but did not want to have that cast in tablets of stone. I thought that was a very sensible approach.

3.12.8 Deputy L.K.F. Stephenson:

Given that it would still set some kind of precedent going forward, and not just for the Health Department, I wonder if I could request, would the Minister be willing to take that point away and maybe use the conversations he has been having to feed back that it might be helpful to have some very clear set guidelines about why it is limited, and the time period, so that we do not end up with just a very murky area, I suppose, that does set potential precedents for all sorts of things in the future?

Deputy T.J.A. Binet:

I do not think there is anything murky about it at all. There are very clear guidelines as to what can and cannot be done. I think there must be an element of discretion for the chair, and that was the discretion that he exercised. He checked and it fitted within the regulations that govern his conduct.

3.12.9 Deputy H.M. Miles of St. Brelade:

I was always under the impression that the whole purpose of having an independent Appointments Commission was to insulate the process from political interference. Is the Minister concerned at all that his proposal risks undermining that principle?

Deputy T.J.A. Binet:

Not at all.

3.12.10 Deputy H.M. Miles:

Will the Minister be nominating the N.E.D.s that he would like to see as part of the appointment process?

Deputy T.J.A. Binet:

No.

3.12.11 Deputy M. Tadier of St. Brelade:

Following on from Deputy Miles's question, really, when the Minister said that when he spoke to the Appointments Commission, I believe he said, that he was not interfering but he was seeking to influence. Can he clarify what the difference is between those 2 and in fact whether seeking to influence is a form of interference?

[11:15]

Deputy T.J.A. Binet:

I have made it quite clear that I do not consider that a form of interference at all. I do not think there is much else I can say. It seems quite remarkable that when one is doing something in the interests of making sure that people get a really good Health Service that it becomes deemed to be tantamount to a crime. I am quite amazed. Of course, we live in a democracy and people are entitled to make whatever comments they want, but I would remind people that my courses of action generally aim to try to make sure that people here, and their families, get an improved Health Service. I would like them to bear that in mind when they are asking future questions.

3.12.12 Deputy M. Tadier:

Nobody is accusing the Minister of a crime but I also think we cannot simply accept that the ends justify the means, which sounds like what he is saying. The simple question is: if a board is supposed to be independent, should they not be arriving at their own decisions and conclusions without the need for a Minister to intervene and say what he or she thinks? If he in this case is doing that, does that not overstep the mark?

Deputy T.J.A. Binet:

I am more sympathetic now than I was with Deputy Ozouf's comments. I will state again. I state quite clearly I cannot interfere with the Appointments Commission. I cannot. The chair was at liberty to tell me to get lost when I spoke to him. He is governed by a set of rules and he is applying those rules. If anybody here thinks he is not applying those rules, then they should perhaps take him to task. I think, certainly from what I can see, he is behaving in an orderly manner and I believe that I am too, and I make no apology for it.

3.12.13 Deputy J. Renouf:

This is not a disagreement about making a better Health Service, we all want a better Health Service, it is a disagreement - if there is a disagreement - about the role of the Minister influencing appointments. The clear point here is that the Appointments Commission is set up to be independent of politicians but the Minister has held meetings with them to try and change the normal process. Can he please publish and describe in more detail what it is that he intends

to do and which appointments this will cover, so that we can see the scope and the process that is going to be followed, so that we can understand whether the fears that might arise from changing the appointments process are justified or not.

Deputy T.J.A. Binet:

I do not know if I am allowed to do this, I would like to request that that question be disallowed. I have not at any point in time attempted to change the process. I have been accused of that in the question. I believe I was at liberty to sit down at the end of the initial response because I clarified that at no point had I commented that I intended to change the process. I am being accused of that again and I am afraid I am going to refuse to answer that question because that is not what I have said at any point in time. We have had no evidence to that end.

The Bailiff:

Is the answer not that you are refusing to answer the question, Minister, but that your answer is the same? You have never stated that you are going to change?

Deputy T.J.A. Binet:

It is exactly the same as my very first answer where I clarified that I have never stated that that was my intention.

Deputy J. Renouf:

Am I allowed to ask a point of order or clarification of the Minister?

The Bailiff:

Well you can certainly always ask a point of order, not a clarification.

Deputy J. Renouf:

The question was because the process has been changed in respect of the addition of 2 people to be added to a normal appointment panel, does that therefore not qualify as a justified and legitimate question to ask the Minister?

The Bailiff:

Well, I am afraid now you would have to repeat to me the question in the form that you would like to have asked it with that background so that I can make a ruling on it.

Deputy T.J.A. Binet:

As a point of clarification ...

The Bailiff:

No, I will hear from the Deputy first.

Deputy T.J.A. Binet:

Sorry.

Deputy J. Renouf:

The question was about whether the Minister would publish more details about the scope of the change that he is proposing to the appointments process and the time-limited nature of it so that we could understand whether it is indeed a significant change or not; the point being that it is a change in process, unlike the Minister's claim that it is not a change in process.

The Bailiff:

Well on the basis that there are 2 premises, I suppose, within that question, that it is different now than it was then, is probably the essence of the question. Will you provide published details as to the way in which it is different now than it was then?; is that a fair characterisation without using tendentious words relating to change or process?

Deputy T.J.A. Binet:

For the umpteenth time, I will repeat, I do not intend to publish anything at all. I am not going to be drawn into this nonsense. It is time-wasting nonsense; nothing has changed. The Appointments Commission operates as it does. We are not putting any additional people in there. I think before the Deputy asked the question, he would have done well to read the terms and conditions of the Appointments Commission because clearly he does not understand them, and it would have saved people a lot of time. The chair can select a number of different people and if he chooses to add 2 N.E.D.s to the panel as part of the panel that would have been in place, that is a matter for him. He will be operating within the regulations. I think the Deputy would have done well to do his homework before he has wasted everybody's time.