

2017.01.17

**12 Deputy M.R. Higgins of the Chief Minister regarding the holding to account of civil servants by Ministers: [1(54)]**

Will the Chief Minister advise how Ministers hold civil servants to account for their actions and state what action, if any, he will take to enhance the means by which Ministers perform this function?

**Senator I.J. Gorst (The Chief Minister):**

Our legislation placed an obligation on chief officers to implement the decisions of their Minister and to follow policy directions. In turn, Ministers are accountable to this Assembly for the actions of their department. However, we have a non-political Civil Service in Jersey, which means it is not Ministers who assess the performance of officers but rather their line managers. In addition, the Public Finances Law places a clear obligation on accounting officers to be personally accountable for the use of public monies, a practice that ensures that clear responsibility always exists for spending. Within this system if a Minister is unhappy with the performance of their chief officer they can raise the matter with the Chief Minister and the Chief Executive. A range of other safeguards exist, including review and appraisal systems, the recruitment of appropriately qualified professionals, internal audit function and, ultimately, the Comptroller and Auditor General, Public Accounts Committee and this Assembly.

**3.12.1 Deputy M.R. Higgins:**

Can the Chief Minister tell us then when the last time a civil servant's employment was terminated because of failures that he has done in office? More particularly, which civil servants have gone without a payoff before the end?

**Senator I.J. Gorst:**

We do not normally talk about individual members of staff but members of staff are leaving the employment of the States all the time. Some of those are leaving of their own accord and some of them are leaving as a result of disciplinary measures.

**3.12.2 Deputy R. Labey:**

Does the Chief Minister think that the present existing legislation is fit for purpose or does it somewhat neuter Ministers in holding civil servants to account?

**Senator I.J. Gorst:**

One of the issues that this Comptroller and Auditor General's report has highlighted is perhaps a deficiency in the system about when roles, responsibilities, political oversights, legal responsibility moves to Ministers, moves across departments, the role of this Assembly in scrutinising that, the length of time it takes to move those functions and we see that there was confusion in this particular case about who was politically responsible, who was legally responsible, who had the legal responsibility to sign which loan when and the division between the Minister's responsibility and the accounting officer's responsibility, the Chief Executive's responsibility and the board's responsibility. I am absolutely committed to ensuring that, in light of this report, all of those areas are simplified and clarified so that people can rightly be held to account for their actions.

**3.12.3 Deputy M.R. Higgins:**

One of the things that has been noticeable is that every time a Member raises concerns or criticisms of civil servants the Ministers back them to the hilt and that the person who is bringing the complaint is wrong. When it comes to a Minister suddenly on the rack because of actions within his

department, it is always the civil servants' fault. When are we going to finally deal with the situation of Ministers are responsible for policy and civil servants are responsible for operations? There is not such a clean definitive line between the 2 and Ministers should accept responsibility for the actions that are going on under their nose, otherwise they are not doing their job. Does the Minister not agree?

**Senator I.J. Gorst:**

Ministers act upon the advice that they are provided and the evidence that is provided with the advice. But I am a little confused about what the Deputy is saying because, as he rightly said then in his question or the preamble to his question, that Ministers are responsible for policy and should be held to account for that policy, and officers are responsible for the implementation of that policy and should be held to account for the implementation of that policy and held to account for the spending of taxpayers' money. I think the Deputy raised the point, there is currently a lack of clarity in that regard and even Members of this Assembly today have asked questions that have crossed that boundary. It has got to be sorted out. It will require legislative change and I am absolutely committed to bringing forward those changes to the Assembly. When I stand in this Assembly, when the next Chief Minister issues letters of instructions to Ministers and Assistant Ministers, this Assembly should know that that responsibility has moved on that letter of instruction and not have the confusion that has arisen because when did it move, did it move, did it not move, was the right decision made? That has got to be clarified so that people, whether it is the political or it is the staff, can be rightly held to account for what they are responsible for.