



Corporate Services Scrutiny Panel

Quarterly Review Hearing

Witness: The Chief Minister

Friday, 20th September 2019

Panel:

Deputy S.M. Ahier of St. Helier (Vice Chairman)

Connétable K. Shenton-Stone of St. Martin

Connétable R. Vibert of St. Peter

Witnesses:

The Chief Minister

The Assistant Chief Minister for Health and Social Services

The Assistant Chief Minister

Chief Executive

Group Director, People and Corporate Services

Director General, Strategic Policy, Performance and Population

[13:04]

Deputy S.M. Ahier of St. Helier (Vice Chairman):

We ask that there are no interruptions from the public and that we all turn off our electric devices, that would be useful so there are no interruptions. We are being broadcast live, it is available later, as you know. We will just do a quick introduction before we start. I am Deputy Steve Ahier, Vice Chair of the Corporate Services.

Connétable K. Shenton-Stone of St. Martin:

I am Constable Karen Shenton-Stone and I am on the Corporate Services Panel.

Connétable R. Vibert of St. Peter:

Constable Richard Vibert, a member of the Corporate Services Scrutiny Panel.

The Chief Minister:

John Le Fondré, Chief Minister.

Group Director, People and Corporate Services:

I am Mark Grimley, Group Director for People and Corporate Services.

The Assistant Chief Minister:

Constable Chris Taylor, Assistant Chief Minister.

The Assistant Chief Minister, Health and Social Services:

Assistant Chief Minister for Health and Social Services.

Chief Executive:

Charlie Parker, Chief Executive.

Director General, Strategic Policy, Performance and Population:

Tom Walker, Director General for Strategic Policy, Performance and Population.

Deputy S.M. Ahier:

Thank you. Thank you, Chief Minister. Paragraph 12 of the Machinery of Government (Jersey) Law, which was approved by the States Assembly in March 2018, states that: "The Chief Minister shall cause to be established, maintained and covered a consolidated list of the responsibilities for the time being of each Minister and Assistant Minister." Has the list been published and, if so, where can we find it? If it has not yet been published, why has there been a delay?

The Chief Minister:

There is not a timescale set in the law. The list has not yet been published but it is there and it is aiming ... we are hoping to publish it in the next week or so. Essentially there have been a couple of iterations, we have also had a change in the summer recess which required some of the delegations to change and there has been one or 2 very minor issues just to make sure we hopefully get them in the right place. That list is going to Ministers imminently just to make sure they ... you know, it is the final check, as it were and provided they all come back on time, roughly sometime in the next week, we are aiming to get it out as soon as possible thereafter. So it has been on the list to try and get out, it has just taken longer than we had hoped.

Deputy S.M. Ahier:

Will it be easily accessible for members of the public?

The Chief Minister:

Yes, it will certainly be published in R and then it will go into, I guess, the right part of the gov.je website.

Deputy S.M. Ahier:

Will this list also provide an understanding of the responsibilities of the senior civil servants in Jersey and how they interact with the Minister?

The Chief Minister:

It is not intended to, in terms of that it is the ministerial responsibilities, that is what there is a requirement for. If there is a ... I seem to recall there is a structure somewhere on the website which talks about how it all fits together. If you want us to do some further information, we would be very happy to take feedback.

Deputy S.M. Ahier:

So will it show which Ministers have responsibilities over which senior civil servants?

The Chief Minister:

No, it will say where there is a policy what they have got responsibility for. So I will just give you an example. For the sake of argument if I go to Children and Housing, it will say ... gives the name, a brief description and basically lists responsibilities, Children's Services, Children and Adolescent Mental Health Care, it will say which is the lead department, by the way, co-ordinate the policy for children's support or making policies to support housing affordability, that sort of thing.

Deputy S.M. Ahier:

Will it also state where responsibilities have moved from one Minister to another Minister?

The Chief Minister:

Yes.

Deputy S.M. Ahier:

Right, thank you very much.

The Connétable of St. Peter:

Chief Minister, part 4 of this proposition also saw the Assembly deciding in favour of the Council of Ministers becoming a single legal entity called the Government of Jersey. The name has been adopted, however we note that this part has not yet been enacted. Why did this not happen?

The Chief Minister:

Right. I will hand over to Tom for the technical detail side of things, but in essence it requires regulations to be drafted. They are in hand. We are aiming for roughly the end of the year for it to go to Council of Minister, obviously Ministers may then have their own views, we will see where that goes. Part of it is, just bear in mind, we have got minor other things going on like Brexit and other various things about the children's law. If you are into the law drafting and the general officer support in those areas you've got to make a choice as to which it the most urgent. The most urgent in the terminology we are in is Brexit and things like children's services. Tom, do you want to add anything to that?

Director General, Strategic Policy, Performance and Population:

Yes. Officers are working their way through every Jersey law, it requires basically a small adjustment to nearly every law in Jersey and so we've been working our way through that. That process is over half way and should be completed before the end of the year so that Council can consider the regs. So the delay is simply administrative with officers.

The Chief Minister:

So somebody is having the joyful pleasure of going through every law to see where the changes are needing to be done, which is mammoth if you think about it.

The Connétable of St. Peter:

Do you personally believe that there are benefits to moving the Government to a single entity? Are there drawbacks as well?

The Chief Minister:

That is an interesting one. Put it this way, this argument we know is coming at some point and I have not worried about it too much until it gets to us. There are 2 sides and I think overall the issue will be people are familiar with Ministers as corporation sole but it is part of this issue around, to an extent, breaking down the silos and the question is then going to be ... sorry, the concern in the past would be could an Assistant Minister in Health or Social Security, say, sign off on a terrorism order or something in External Relations without necessarily the Minister being aware of it. Tom, again, might want to go through the procedural side but that is not really going to happen. In other words, those type of delegations, in our understanding, cannot be shifted around, it is more around who

can be sued, who can sue type of territory and that it sits under the name of the Government of Jersey. Do you want to expand a little bit more?

Director General, Strategic Policy, Performance and Population:

When the proposals were put to the Assembly there were 2 or 3 different reasons given where the advantages were seen as cultural in that it would help complete the move away from departmentalism into working in a more joined up way for the benefit of Islanders and that was largely a cultural change that the current legal structure prevents you from getting exactly to where you want to be as the legal structure encourages a departmentalist approach rather than a fully joined up approach. There was also benefits around what the O.E.C.D. (Organisation for Economic Co-operation and Development) best practice in this area call strategic agility, by which they mean the ability of us as a jurisdiction to quickly respond to events. To respond to changes on the international stage, to respond to consequences that might come out of Brexit and to move the Government around in a more agile way if you need to in order to make the changes. I think that your first question about the movements of responsibility, you can see that that is still having to be done the old way. The amount of time that it takes to draft up orders for the Minister to sign to transfer one reference in a law to a Minister from one place to another you would lose all of that and that would all be streamlined. Then the third benefit was really around the administration of Government itself, so you would not be forced to have multiple registrations for data protection, multiple registrations for other laws, you could streamline the public service then as well. There are all sorts of benefits to it which were put to the Assembly and making the change through the implementing regulations will enable us to really push all the way through and see those benefits come through for the benefit of Islanders hopefully.

The Chief Minister:

Certainly, as is happening more recently, the fact that we have to do orders in some areas where we want to change the statutory responsibilities around does illustrate some of the positives. We have to keep an eye on the wider picture as well.

The Connétable of St. Martin:

Chief Minister, in the Minister for Economic Development's public hearing with the Economic and International Affairs Scrutiny Panel on 17th September the Minister stated that he planned to move growth in the economy out of the Growth, Housing and Environment Department. When was this decision made and why?

The Chief Minister:

Right, so where we are, we have moved ... as part of the various moving round of responsibilities, we have put more back into the Ministry of Economic Development because there were quite a few that were ... under External Relations and was out of the Chief Ministers Department, for example.

[13:15]

So essentially where it is under ... it was originally set out, I will just give you a date, 3rd July 2019 is the consultation document and was our operating model and there was foreword in there from me and I make specific reference that we have asked for a full review ... and this is around the regulatory side not the planning side but it also makes reference to the economy side. Really, depending on the outcome of that consultation, that will be when things may be moved specifically across to address the issue that you are talking about. Obviously G.H.E. (Growth, Housing and Environment) is large and that was the question about whether that it might be slightly more nimble. We have to consider what the consequences are on that.

The Connétable of St. Martin:

How will the creation of a new department affect the current structure of the States of Jersey, the Government and current projects such as one.gov? In the upcoming Government Plan these business cases are tied to G.H.E.

The Chief Minister:

It is all under the G.H.E. side and they would be handled under that. We are talking mainly about ultimately ... it is at departmental level but ultimately it is a political responsibility area as well.

Chief Executive:

I think in the consultation document it makes reference to the fact that in the original one.gov consultation that took place in March 2018 it was explained at the time that there may well be a link particularly around the economy function with other parts of what was and is the office of the Chief Executive and that we gave notification that when we were in a better position, particularly in a post-Brexit landscape, we would start to make those decisions in the light of the consultation arrangements for each department. We have always been flexible and ready to be able to, if required, reconfigure some of the organisational structures. But the thing that we will not do is do that in an environment where it disrupts some of the issues that the Chief Minister has raised, so Brexit being one. In terms of the Government Plan we would expect that to roll forward in the current environment and if there were any adjustments we would make them in the new financial year.

The Chief Minister:

If it helps, it might wreck my voice, the relevant section in the ... on the page that he is referring to: “Ministers agree recognise the potential benefit of bringing together the broader functions of the support and guidance economy, including financial services, the digital economy, small business support, hospitality and retail under the Island’s tourism industry. This intention was highlighted in the original One Government consultation that took place in the spring of 2018. However, until the economic landscape is more settled the Government does not want to disrupt the current arrangements at this time and will instigate the arrangements for establishing our future growth and economic operational model once the already agreed work on developing an economic framework for Jersey has started to become clearer.” So, you know, it is not going to happen next week.

The Connétable of St. Martin:

No. It was just quite a surprise announcement so we were wondering why it was not ... as it is so current, why it was not in the Government Plan.

The Chief Minister:

It is a slightly longer-term piece of work.

The Connétable of St. Martin:

During the same public hearing, the Director General for G.H.E. stated that he had just perhaps been told about the move. Should the Director General have been informed of these decisions before the hearing because it sounded ... common decency you would tell somebody.

The Chief Minister:

As I say, this is in the consultation document for G.H.E. so their Director General will have seen that. Also he made reference to not having maybe being formally told. Do you want to address that?

Chief Executive:

I think if you read the transcript from Hansard it is ... the various aspects of the questionings move around and it was an open question that was put: “So have you just been informed?” and he says: “I wasn’t formally informed and I have now been by Scrutiny” I think was the way which the ...

The Connétable of St. Martin:

I have a direct quote of just perhaps being told.

Chief Executive:

Right, yes. However, let us be clear, no formal decision has been made because ... and this is going back to your question, Connétable, about being in the Government Plan. The consultation for the G.H.E. target operating model finished after the Government Plan was submitted. So there is a

question of timing here which is important. We have a responsibility to allow the normal engagement and consultation on employment and reorganisation matters to run their course in accordance with the law.

Deputy S.M. Ahier:

The Public Finances (Jersey) Law requires the Chief Executive to publish a list of accountable officers, has this been done?

Chief Executive:

As far as I am aware it is done at the beginning of each financial year and was done. Any amendments would normally be made as and when that requirement either changes because of personnel change or whatever. I am unaware that there has been any changes to that that was issued at the beginning of the year.

Deputy S.M. Ahier:

The law also requires the Chief Executive to determine the functions of each accountable officer. Has this been as well? This has been incorporated?

Chief Executive:

Yes.

The Chief Minister:

I think you will find it is mainly often done through the accounts.

Deputy S.M. Ahier:

What consultation was conducted with Ministers to determine these functions? Was there any consultation?

Chief Executive:

The accounting responsibilities is not linked to Ministers but where appropriate Ministers are informed and copied in on all the correspondence.

Director General, Strategic Policy, Performance and Population:

Perhaps if I might give an example. The Principal Accountable Officer will write to me appointing me as the Accountable Officer for my department. The functions are not so much functions of government, they are functions of me as an accountable officer. For example, I anticipate the Principal Accountable Officer will write to me shortly in relation to my budget responsibilities for 2020, which would include something like the redress scheme. So a function for which I am

responsible would be the funding for the redress scheme that has just been launched. But they are not functions in a Ministerial sense, they are financial functions.

Deputy S.M. Ahier:

Are these functions subject to regular reviews?

Director General, Strategic Policy, Performance and Population:

Yes, part of the normal kind of internal audit and C. and A.G. (Comptroller and Auditor General) process is to review the functions which are allocated to each accountable officer and at the end of the year, you know, I need to do a governance statement to report back to the Principal Accountable Officer and to the audit function on how I have fulfilled my functions under the Public Finances Law. But I mean if it would help I think we could share an example of a letter between the Principal Accountable Officer and an accountable officer showing their ... designating their functions so that you can see the contents.

Deputy S.M. Ahier:

Yes, to find out how the review process works.

Director General, Strategic Policy, Performance and Population:

Yes, I do not think that would be a problem at all.

Chief Executive:

As the Chief Minister has rightly pointed out, in the preparation of the annual accounts there is an assurance process that has to be agreed through the C. and A.G. that those responsibilities have been discharged in the way that they should be. There is a series of checks and balances within the confines of the accounting and auditing processes that we adopt for our annual accounts.

The Connétable of St. Peter:

Chief Minister, since we last spoke in June, what work have you and the Policy Development Board undertaken on the new migration policy? Is the autumn consultation period still scheduled to take place?

The Chief Minister:

I will hand you directly over the Constable of St. John.

The Assistant Chief Minister:

Thank you. Yes, we met yesterday afternoon and we have agreed the list of consultees. It is not firm and final but any organisation wishing to meet us in addition we will do so. I think we have

found a way of shortening the consultation period, not because of any negative reasons but rather than interviewing them 2 or 3 at a time, we felt probably the best way is to get interaction between the various organisations and industries by holding a session at St. Paul's where we will have tables with industry representatives on each table. For example, and I just use this purely as an example, within the Chamber of Commerce they have a hospitality committee and it is reasonable that the Jersey Hospitality Association, which is a separate association, that they are both consulted. Therefore they will be able to sit on one table and be able to have a more in-depth and connected discussion between all the organisations. Certainly there are going to be 2 sessions and hopefully we can fit everybody in in those 2, if we need a third then we will do so.

The Connétable of St. Peter:

Can we still expect a new migration policy to be lodged in 2020?

The Assistant Chief Minister:

We are currently on target with our timescale, which we have published from the start.

The Connétable of St. Peter:

Do you believe in hindsight that it was the wrong decision to withdraw the previous draft migration policy and not use it as a temporary policy until a new one was developed?

The Assistant Chief Minister:

There is little in the migration policy that was withdrawn last September that would have given us the necessary controls that we are looking for. The main faults I believe that are there is a failure to be able to control rather than change what is there. It is just a greater level of control.

The Connétable of St. Peter:

Thank you very much.

The Connétable of St. Martin:

Chief Minister, what input did you receive from the policy development boards in drafting the Government Plan?

The Chief Minister:

You have to bear in the mind the policy development boards are a little bit more longer term. As Chris was saying the migration population is going to be coming through next year. The housing side is a similar territory. Essentially in terms of, if you use the current plan directly, for housing, what we have done is we have put in a round the figure of 10 million in for 2021, that is just a provision, if you see what I mean. We have not directly taken input for this Government Plan

because essentially it is about developing policy or to advise on developing policy, which probably goes slightly further out, if that makes sense. The Government Plan has been lodged in terms of figures. The Assembly are only being asked to approve 2020, whereas what we are looking at is some long-term deep dive structural issues around those really quite important areas.

Director General, Strategic Policy, Performance and Population:

As the Chief Minister says, essentially the Government Plan is a statement of agreed government policy and in areas like housing and migration the policy development boards are still doing their development work. So the policy is not agreed and therefore what is reflected in the Government Plan are the milestones that the policy development boards are seeking to achieve, because those milestones are agreed by Council and that is the timetable within the key actions that they are looking to do. But the actual policy as such is not reflected in the Government Plan because it is not yet completed.

Chief Executive:

Just as an example, in the Government Plan there are flags for policy work around early years school funding and you will see that reference. Again, as the Chief Minister has made the point, they are markers for the work in the way that the Director General has just identified. There are some direct read acrosses in there.

Deputy S.M. Ahier:

Do you intend to set up any new policy development boards before 2020?

The Chief Minister:

The only one that is in contemplation is on sports, our sports facilities.

Deputy S.M. Ahier:

In your answer to written questions you said no other additional budget allocations have been made or envisaged for 2019 or proposed in the Government Plan with the policy boards. Does this mean there will be a termination of a policy board programme?

The Chief Minister:

No, it will be as ...

Deputy S.M. Ahier:

Where will the funding come from?

The Chief Minister:

Well, the funding comes through ... there has been funding, I think, put aside but the funding we have been using has been coming out of the 2019 contingency figures I believe, for want of a better expression. It will be as matters develop and the key ones, when we try and hit the ground running, were, as I said, housing, population, migration and early learning is in there, or early years. It is not a policy development board within the Island Plan, it is appropriate that it will be fed by some of the outputs of those and obviously the revenues of the policy board as well.

Deputy S.M. Ahier:

But there is no direct allocation of income in the plan for the policy development boards?

[13:30]

Director General, Strategic Policy, Performance and Population:

There is allocation for the policy work. So, for example, on migration, there is a line in the Government Plan that provides some resources to do migration policy. Now, at this stage in the current year and into next year that investment will be used to do ... to support the work of the policy development board for migration. We anticipate that once that board has finished its work then its recommendations themselves will need more policy work to implement them and so the resource goes across all 4 years of the plan. Early on it is the development boards, later on it is the implementation phase. It is a similar position in relation to education, early years and housing as well. You will see that the resources continue and at the front end it is about the board, at the back end it is about implementation.

The Chief Minister:

If you look at - I had to stretch my memory - page 3 of that document, which for the record is R.91/2019, look at the very top, 4 lines down it says: "C.S.P.3 209 migration policy, 78,000, 76,000, 78 and 78."

Deputy S.M. Ahier:

How about the sport development board?

The Chief Minister:

Part of that, do not forget, is funded by people who already exist, if that makes sense. As I say, that is one that has just been ... it is building on some work that was previously done in 2018. Obviously, you can see you have the initial priorities, which are the ones I have already outlined, this is another one we know where there will bigger work to do going down the line.

Director General, Strategic Policy, Performance and Population:

Also the Government Plan in the reserves section has an allocation which is there to support the Council of Ministers in continuing to develop policy ideas and to innovate. That was put in in recognition that not everything that needs to be done has been started yet, or is necessarily known about because some of the areas that need development, you know, emerge, sometimes through the scrutiny process, sometimes through events that happen. There is an ongoing provision in the reserves section which supports the Council in taking forward new areas and then, through the process, whereby the Government Plan is submitted to the Assembly each year on a rolling basis, so if some of those reserves are used in 2020 to start to develop policy in the sports area and then that needs to be more mainstreamed to future years, then that will be something that will come into the 2021 plan for the Assembly to look at as the 4 year rolls forward.

The Connétable of St. Peter:

Chief Minister, what involvement did you have in the decision of Deputy Labey to withdraw the proposition to change the amendment deadlines for the Government Plan? Did you propose the changes to P.P.C. (Privileges and Procedures Committee) originally?

The Chief Minister:

You mean this is the what I call 3 weeks and 2 weeks?

The Connétable of St. Peter:

Yes.

The Chief Minister:

Essentially, I probably raised it at Council of Ministers at some point as a discussion point, which would have been ... you know, in the past I think we used the Island Plan in the debate, you do sometimes - and we will see if it is what occurs this time around or not - get this massive lodging of amendments coming down the line and having been through it once with the C.S.P. (Common Strategic Policy) you do not necessarily have that much time on our side of the table once the things are lodged to try and work with States Members, whoever they are, to try ... sometimes you can say: "Well, that does not quite work but if you did this you would achieve the same thing." Deputy Wickenden, at that point, did come and talk to us when he was putting his amendments together and we could say well that does not work for such and such a reason, what about this? What about that? That meant, I think, we were able to accept all of his amendments. That was really the aim, to try and just give a bit more thinking time around it. Now, around the Council of Ministers I think we had that discussion and then I fed it up through Chris and Jeremy, who are the executive representatives of P.P.C. and really left it with them. I had a ... I think I had a chat to Russell but it was after it had be lodged and that is where we are, but obviously there was that little bit of pushback in the Assembly and that is where we ended up. So it was not a scurrilous attempt to undermine

democracy or anything along those lines, it was purely ... there are some Members who have been here longer than me, unfortunately there is not that many these days, and you do over your life sometimes see these things happen and you sometimes end up with unintended consequences. I do know, going back to the Island Plan, and again I said it publicly, it had the dubious honour - or whatever the expression is - to be the proposition that had the most amendments ever in the history of the Assembly. There was either 60 or 80. I do not know if you were around at that point, Tom. It did get to the point where it felt like some amendments were being adopted which might have been contradictory to each other or at least, you know, one was adopted and there was a conflict with an earlier one. You are trying to avoid that and that is sometimes the consequence of having this late period. Because although at that moment we are now on a 2 and a one, if something comes in 2 weeks before the date, it will be the Monday or the Tuesday in reality, okay, by the time it has gone through the Greffe, been lodged and got to us that you might lose a day. Then you have to look at it and you have to try and work it out, you send it out to the officer to get some advice on a technical and you will start to lose time straight away. Then really you have only got a week to get that sorted because if you want to do an amendment you want to try to make it constructive, which is the aim of what we are trying to do here, your amendment to the amendment that has been lodged has to be in by the following Tuesday. In reality that means it has to be with the Greffe by the Monday and that probably means signed off by Ministers on the Friday. Essentially, I think that means you have from the Monday or Tuesday that week until the Friday to turn it around. Now, although we are talking about one, if we get 30, say, that could get quite interesting. Then you may well be in this sort of triage setting of saying: "We are going to reject that. That is a die in the ditch, absolutely no way. Well, we could have done that if we had done an amendment but we do not have the time." It will probably only be the more significant ones that will get the attention saying: "Yes, we can do an amendment on that and that is the timeframe we have." It depends, obviously if we get 5 amendments we will be able to handle that. But that was the objective. Now, some of the feedback, obviously the issue about changing the time periods, well, okay, I get that argument. It is something that might be worth arguably P.P.C. coming back. Let us see what happens, thinking about the next time so everyone knows where that time period is. I do make the point we must have raised it in July because it was lodged on 5th August, so we must have raised it through P.P.C. before the Government Plan was lodged. It was not a "Let us do it in September" job.

The Connétable of St. Peter:

Did you expect Ministers to be divided on the issue? Had they made you aware of this during the lodging process?

The Chief Minister:

No, but sometimes we do get this. I am trying to think if the couple of Ministers who expressed their reservations were present when we had the discussions. I have not gone back and checked. But

we did have a little bit of a discussion around - a massive discussion - the table, it was very much let us see if P.P.C. think this is a good idea or not, really. I would not want to read anything into it that was not there. If I can make one point because we have had an issue more recently and I may well say it at the Assembly next week, if Members are contemplating amendments come and speak to us early, really do, because there may be reasons we have done something and we can explain it through, there may be ways of addressing that amendment that will achieve the same aim. It is when someone drops something in which is quite significant at no notice, you know, you do not really want to try and get into that adversarial role, that is what we are trying to avoid if possible.

The Connétable of St. Martin:

Chief Minister, how would you describe your role in shaping the Government Plan and did you have central authority in shaping the plan's scope?

The Chief Minister:

That is an interesting one. I think ultimately, towards the tail end of the process, there were various sign offs that ultimately had been delegated to me or one or 2 Ministers to talk through. But the general principles of ... if you are looking at things like the revenue raising measures and what have you were subject to quite rigorous discussions round the Council of Ministers in separate sessions. We did some sessions up at St. Paul's, for example, or up at Jersey Hospice. In those kind of areas there was definitely a collective discussion. What you then have to do is try to hone down the options and say: "Right, you have 5 choices before you, is that acceptable? Yes, no?" Narrow them down and then get them to ideally the final yes/no choice between 2 options, which is generally how we played it.

The Connétable of St. Martin:

Did the Ministers have full authority of the spending and taxation decisions within in their remit?

The Chief Minister:

How do you mean?

The Connétable of St. Martin:

It is widely believed that it is a case that some Ministers did not have much authority over their remit so I just wondered if you could just dispel that.

Director General, Strategic Policy, Performance and Population:

I will let the Chief Minister deal with the politics of it but the law is very clear, it is the Council of Ministers' plan. There is no provision in the Public Finances (Jersey) Law for one Minister to veto. It is very clear, it says: "The Council of Ministers has to submit a draft plan." Ultimately, regardless

of your personal portfolio of responsibilities, of your remit, the Council are required to sit around that Council table and come to an agreement about a plan.

The Chief Minister:

We had a lot of discussions around the plan. It is one of those that post-summer recess you have forgotten what went through in the whole run up to it, but there were some points where one or 2 Ministers raised certain bits towards the end and we looked to see if we could accommodate them, which we generally did, but in the earlier parts of the process I would say we went through it pretty rigorously to be honest. Now, bear in mind of all the Ministers around the table, there is no one there who ... everyone had the opportunity to speak and there is no one there that I would say is someone who is not going to voice their opinion. Some more than others but that is usually pretty well the case. I think on that point of view, if you look at things like tax policy, obviously tax policy generally sits under Treasury but we had that discussion, all the measures in the Government Plan were done on a vote through the Council of Ministers. I am probably going to regret saying all at some point but that is my recollection.

Deputy S.M. Ahier:

When will you be publishing the information on the efficiencies in the Government?

The Chief Minister:

Right, obviously Scrutiny at their briefing yesterday, although I do not believe it was terribly well attended ... so Scrutiny have information and obviously we are sticking to the time that was set for publishing but Scrutiny now have information on the efficiencies up to the 33 million.

Chief Executive:

Yes, and there some agreement with Scrutiny as a consequence of yesterday's meeting about some further details in a format that meets and enables Scrutiny to be able to do its job as effectively as it can. That process is being finalised today for additional information to be circulated for next week. That will, I think, ensure that we cut information both by departmental, ministerial and cross-cutting in a way that helps Scrutiny get to a position of understanding the numbers.

Deputy S.M. Ahier:

The efficiencies have been agreed already?

[13:45]

Chief Executive:

The first tranche of efficiencies - you will recall the Chief Minister has written to the Chairman around this matter - was identified in the Government Plan and that is just under 20 million. An additional tranche of just under 13 million has been further identified and passed through, having gone to C.O.M. (Council of Ministers) on its last meeting on Wednesday. Then the final tranche will come through in October, and as part of that then all of the efficiency projects and proposals will be put into a plan for presentation as a single document. But in order to help Scrutiny and give it the maximum time to ensure that it can discharge its responsibilities, we are providing the detail as it is been approved and gone through by the Council of Ministers.

Deputy S.M. Ahier:

Will Ministers have input into these efficiencies?

The Chief Minister:

We had a long discussion around the efficiencies and the stage we are at on Wednesday and the idea is ... sorry, we made very clear that all Ministers had had a briefing prior to coming to Council of Ministers.

Deputy S.M. Ahier:

Do the Ministers have the final decision or do you make the final decision about where the efficiencies are coming from?

The Chief Minister:

The Council of Ministers.

Deputy S.M. Ahier:

The Council of Ministers?

The Chief Minister:

Yes.

The Connétable of St. Peter:

Much of the next question has been answered, however there is perhaps one point, do you agree that the detail in many of the investment bids was inadequate and do you accept that publishing a 7-word explanation for a £20 million funding for I.T. (Information Technology) assets was inadequate?

The Chief Minister:

This is Deputy Morel's favourite page, is it not? Can you remind me what page that it on?

Deputy S.M. Ahier:

Page 114. No, no, it is not 114, I beg your pardon.

The Chief Minister:

The reason I am looking for it is because there is a point that it was a part of a section on I.T., if I recall correctly. That is why I am looking at the page. Other than that ... to be honest, I am looking through and I would have said that was the one example out of what I would consider to be a pretty detailed set of information. I would also say that compared to what I had seen previously, the flow of information that comes through here it probably the clearest I have ever seen. It is interesting that - I will not tell you who - I was speaking to an external third party today and she just happened to say in passing: "Actually, I really like the Government Plan because you can see how it plays through." I think we have to give credit there to how that has been done. Now, the 7 words and the 20 million ... it would help to know the page number because I cannot find it at the moment. I think if you look a number of pages ahead you will see a description of heads of expenditure and information technology. It does kind of give an overall issue that we have a problem in the I.T. section. The replacement costs of various I.T. infrastructure assets does what it says on the tin. There is the breakdown if Deputy Morel wants it, if he has not already had it, that no doubt will give the breakdown to that. It is replacement of existing assets, which I would say probably is sufficient. If you go through certain of the other areas, I thought there was quite enough detail there to give an understanding without deluging with lots of paperwork as to what each one is for.

Chief Executive:

In the commentary which accompanied the tables, there is a very big section on I.T., which does describe some of the infrastructure problems around what, in effect, is covered in that section of the annexes. In addition to that, we have, prior to the Government Plan being issued, given a briefing to scrutiny about some of the limitations and issues. It is not as if it should be seen in isolation, there has been a regular dialogue to try and set the scene for why there has been a need to look at significant investment in the I.T. infrastructure.

Deputy S.M. Ahier:

The estimate is about 100 million over the next 4 years, is it not?

Chief Executive:

That is right.

Deputy S.M. Ahier:

Why is it so necessary to incorporate it within the next 4 years? Why could you not have extended it over the next 8 years?

The Chief Minister:

It is at a high level and Charlie can dive in. Potentially the spend could have been a lot higher and the point is what they have had to do, they have had to take the priority projects, so they have honed it down from I cannot remember how many but they have honed it and honed it and these are the most critical ones.

Deputy S.M. Ahier:

So if these are the most critical ones over the next Government Plan we are expecting to see equal expenditure of 100 million, is that correct?

Chief Executive:

No, so what the Chief Minister rightly pointed out is there is a raft of capital infrastructure requirements on I.T. which was a significant number. I think Scrutiny have been provided with that, which was over £400 million. What we have done is prioritised those key components of what is critical for government business. By way of example, our compliance under cyber security, the follow up work that we have to do around our financial management, H.R. (Human Resources), procurement and payroll systems, the work that we have to do on the replacement for D.S.S. (Department for Social Security) and also tax systems. These are decisions that have been deferred over many years which have now created a real problem for us on 3 fronts. One is the amount of money that we are having to spend in terms of the uneconomical way in which we have to support these systems. The description has been given we often get something keyed into one system, we then have to print it off and then there has to be a human keying in process into the next before you can get a system to be able to do the work of what should be a relatively straightforward transaction process that some form of technology could do. The C. and A.G. has been very critical of us about that and, indeed, we presented that in the due diligence work that I undertook when I first came in about the human cost and what that was doing for taxpayers in terms of the amount of money we were spending that was not value for money. The second bit is that it takes a while to implement some of these so we have staggered the phasing of these key initiatives over the 4 years in order to be able to achieve some real efficiencies longer term, which is critical to supporting I think taxpayers' requirement that we are good value for money. Thirdly, we have some systems which are now obsolete with no legacy remnants of support. If, for example, we were not compliant with cyber security there are some quite widespread ramifications that have been talked through to Scrutiny in private briefings but J.D. Edwards is the biggest example where our payroll, procurement and all of those systems do not talk together. J.D. Edwards is now no longer supported and we are in a very precarious position if that was to go down what that would do for States revenues.

The Chief Minister:

I have almost completely lost my voice. If you think about it that is one of the real structural supports of the entire States reporting system.

Deputy S.M. Ahier:

If we could go back to the efficiencies. The Comptroller and Auditor General's latest report highlights her concern that the identification of efficiencies progressed slowly. Do you agree with the Comptroller and why is the identification of efficiencies taken us so long?

The Chief Minister:

Sorry, I am just trying to see if I can get my voice to work, which is a bit worrying. I think the point is that we would have all preferred it to be all done a lot earlier. You have to bear in mind that we have got a major transformational set of initiatives, as it were, going on, one of which is the efficiencies programme. I think it is certainly the intention by the next Government Plan is to get ahead of the curve so that efficiencies for 2021 are addressed and sorted by that March/April time next year. Looking at it in that context, yes, of course we would like to be done earlier, however we have also been very clear, and I think that has probably added to the issues around identifying them, that we do not want a cuts programme, we want genuine efficiencies. I have also said this in the past. I have seen previously, I think it was under Durrell, we had a lovely programme around a decision tree analysis where we can identify what services we run, should the States be doing them, should someone else be doing them, should we not be doing them? It was all for me, as somebody who has been wanting to see cultural change and this type of stuff in the organisation for so long, it was really music to my ears. I am going back a bit. Then just at the very end the then Chief Executive, I think it was, stood up and said: "Just hypothetically, what we could do, because this is an awful lot of effort and work, we could just take 10 per cent of everybody's budget" and that is what happened. For me, that is effectively a cuts programme. It does not matter how big a department is, it is take 10 per cent off and that was it. Also it did not really look at the kind of cross-cutting, as it were, savings or efficiencies that can be made across the departments by doing things differently. I keep emphasising that this for me, having seen at least 2 or 3 of these programmes in my political life, has the feel of something completely different and the feel of what I certainly have been looking to see more efficiencies for so long. It does not mean we will get it perfect, it does not mean there will not be mistakes and there will not be iterations and things changing but compared to what I have seen in the past ... even the last one where I think, when I was sitting in your seats, we did identify the risks of where some of the big fundamental savings can be achieved. One of the reasons we had the 30 million deficit, in our forecast originally, was because that some of the savings or efficiencies were not going to be achieved. That is part of the risk. I think there has been a lot of validation around here trying to make sure that what has been proposed is achievable and there has

been a lot of challenge in that. The other one in that process is the issue, I suppose the jargon is data analytics, of having the information in the right form to be able to do a deep dive into the data, into the systems, which can then easily identify areas of concern or not, or areas that are fruitful for achieving efficiencies. We just do not have that. It is interesting, I am sure we will go into this further at the hearing next week, but certainly the relevant officer is saying to me in his experience he has never come across something quite like it in terms of the lack of information to be able to do this type of work.

Chief Executive:

I think there are 2 other bits to efficiencies, which again I am sure we will expand upon, but in the context of timings, going back to your question about I.T., one of the drivers for part of the efficiency programme that will be achieved towards the back end of the period up to 2023 is through the use of technology. But unfortunately you have to have a lead in period because there is a lag between how that technology is implemented before you see the benefit of it. Being pragmatic, I think in the past has been the jam today rather than tomorrow analogy. People have said: "If you spend X on technology you will get a return tomorrow." We are being very pragmatic about that and saying: "No, you have to put it in, you have to do it properly, it takes time and then you reap the benefit." But in order to be able to put the efficiencies programme in, you have to get the Government Plan approved to get the monies for the technology approved. Again, we have made that point in previous briefings for Scrutiny, both here and at P.A.C. (Public Accounts Committee) in order to be able to ensure that the consequences of some of the Government Plan are seen to reflect where we can then make some more effective use of technology to drive out costs and to improve the effectiveness of services. The second exercise, which is flagged in the Government Plan, and very much at the behest of the Chief Minister, but agreed by the Council of Ministers and endorsed again this week, is the commitment to a zero-based budgeting exercise.

[14:00]

That is a very complicated and long term arrangement. To do the zero-based budgeting we have to get the organisation budgets recalibrated into the new departments and also make all the transitions as outlined in the transition report earlier this year. You could not do that until we had settled on the final outcome of both the department's structure, the budgets that go with it and then the efficiencies that will be agreed off it. At that point you then drive through the zero-based budgeting exercise and reappraisal of your costs, both unit cost and, to pick upon the Chief Minister's point about use of data and data analytics work, to ensure that there is a very clear correlation about how much we are spending on whatever activity or service. That is a proper exercise that will take a good chunk of 2020 to report for the period 2021 to 2023. We never said that we could do that in 2019 because we were going through the transition for the organisation. I think the Chief Minister

made that clear. There is a reference in the report, and I am sure when we go through this in part of the scrutiny for the Government Plan and the efficiencies, hopefully Members will be able to see from the Assembly that there is a coherence here to why we are structuring the efficiencies programme as we are. To finish my point, in the previous M.T.F.P. (Medium Term Financial Plan) period, we had significant numbers attached to activity running out of departments where, for whatever reason, those numbers were not met. The programme of efficiencies was then backloaded and still not met. What ended up being a decision to balance the budget was a bottom line accounting process was committed where you just took out a cost. Going back to the point, that is a really arbitrary way of looking at controllable expenditure. Unless you change that, you will end up with a lack of understanding and intelligence about what is really costing taxpayers money and how best to structure your services going forward. We have a lot of duplication. We have a lot of services where there is overlap, we do not do things in cross-cutting ways, we do things up and down in departmental structures. We need to do something different and a good example of that is all the work on early years, on intervention, on health prevention, and this is a big area where the model of healthcare that is being developed is looking at how do you avoid all of those double costings and where you get activity which is basically costing us more money because we are not looking at things in the round.

Deputy S.M. Ahier:

Will this inevitably lead to a reduction in overall staffing numbers?

Chief Executive:

I think, if I am being honest, the Council of Ministers was very clear at the beginning that this is not about a headcount reduction process, this is about an efficiency programme that looks at the effectiveness, the cost, and in some cases that will mean staff. Going back to my point about automation, if you do not use technology appropriately ... so we do not have at the moment a hospital record system that is electronic. It does not talk to G.P.s (General Practitioners) record system, does not talk to the Social Security record system where you may have health benefits. As a result of having paper based systems, we employ lots of people to move files around the hospital on trolleys. Taxpayers will not thank us for not being able to join up the system and being more effective and efficient. That is a back office improvement. It is not about frontline services. There may well be some job displacement but there is also a programme of redeployment and work about ensuring that we try and not hit jobs but hit all the inefficiencies that are in the system at the moment. You cannot say no but what I think the Council of Ministers have been clear about is the first priority should not be a cuts programme, which is all based on head count.

Deputy S.M. Ahier:

So are you expecting a large increase in G.V.A. (Gross Value Added)?

Chief Executive:

I believe the productivity of public services over the next 4 years of this Government Plan will be improved significantly. What I cannot account for is where the economy goes, so when you look at G.V.A. you have to look at a whole series of inputs in the wider economy before you can measure that and in a post-Brexit environment I do not think anybody can crystal ball-gaze that.

The Chief Minister:

I might get Mark to touch on the H.R. side of things, but particularly we have the issue of the number of people who are going to retire over the next 5 to 10 years, which is significant, and then also in all of that lot, if you are going to go down the efficiencies route, I think we spend something like £7 million a year on overtime, about £14 million on absence and sickness and about £21 million on agency, so if you can do something to manage the sickness, and that might be working with people to maybe move them into a more appropriate role where they can be productive, you might also not only reduce your sickness pay but you might also be reducing your agency pay which you are doing to cover that role, so that gives you an indication.

Deputy S.M. Ahier:

Is this agency pay concerning the hospital?

The Chief Minister:

It can be just general. It can be other places as well. Do you want to add to that, Mark?

Group Director, People and Corporate Services:

So in terms of agency usage, the hospital is one of the largest users, but one of the things that they are doing and as the Chief Executive was talking about efficiencies in order to reduce that bill they are doing 2 things. One is increasing the amount of banked time available to staff employed by the Government. The second is they are looking at their roster system, so they are identifying areas where they have got surplus capacity and redeploying those into areas where they need the work done so as the Chief Executive said it is not just about cuts. It is about getting the information and being smarter about that. With agency usage we are looking at that in terms of efficiencies in 2 ways. The first is around the rates that suppliers charge us, so we have done a lot of work around that and looked to renegotiate the rates, particularly where there is longer-term agency usage and that would come particularly on projects, so we know how long those assignments will last, so we should not be paying a fixed rate throughout the whole contract. We should pay a lower rate because the agency will benefit from that. The second is much more discipline about how and when we deploy agency staff. At the moment, and I think the Assistant Minister in the States talked about zero hours contracts and agencies, they are quite high because of the T.O.M. (Target Operating

Model) work. That means that we can redeploy people and avoid and mitigate compulsory redundancies. These are just some of the measures that we are trying to be much more effective in managing the workforce.

The Chief Minister:

Do you want to just touch on the retirement profile as well?

Group Director, People and Corporate Services:

Yes, so we have done some work around the planned and expected retirements. Over the next 5 years we will have between 700 and 800 retirements. Over the next 10 years it will be about 21 per cent of the workforce. At each point where we know there are planned retirements or anticipated retirements we can do a number of things. The first is we can look at whether or not that role is needed in the future, so we can plan for that and that is part of our succession and workforce planning. The second is, is that type of work needed in the future or is it going to be done differently as we introduce technology? The third is, can that work be done by a different type of grade, so can it be reconfigured into other work, bearing in mind that we also have to reconfigure our workforce at the lower end, so 10 per cent of our workforce is under the age of 30? That needs to be much higher if we are to mitigate. So in retirement we can also look at entry level schemes that are at lower cost so we can slow up the wage inflation.

Chief Executive:

So without trying to prolong it for the panel, this is why if we are looking at the efficiencies programme properly it is this sort of thinking, work and research that needs to be done to ensure that it is not just a slash and burn process. Too many budget processes are driven as I say by just looking at controllable expenditure. If we are serious about making our services more fit-for-purpose and more relevant to Islanders you have got to look at things very differently, but we do have some big challenges, so the demographics is one and our age profile and what that means then for growing talent, for developing our staff, for giving ladders for employment and career advancement. These are big things that if you recall you and other Members of the Assembly have been quite keen to ensure that we build that into the future sustainability of our workforce. If you take a sledgehammer to it, by just chopping off jobs and headcount without understanding those sorts of key drivers, you will end up with a workforce that is not fit-for-purpose, that cannot and is not going to be sustainable and is not going to look to the future. We have a lot of experience of showing that we have taken too many short-term decisions without understanding the long-term consequences. That is why it is important to understand it is called an efficiencies programme, not just a cuts programme.

The Connétable of St. Peter:

Chief Minister, we are moving on to S.E.B. (States Employment Board) now. Why was the investigation report into the conduct of a senior civil servant not provided to the Minister for Home Affairs when he asked for it, and were you involved in that decision, either in your capacity as Chief Minister or the Chair of S.E.B.?

The Chief Minister:

Okay. I am just looking for a bit of timeline stuff here. I could speak this morning, which is a bit worrying. I am going to be quite careful here because I am going to be saying something about this in the Assembly next week. I have a question on the matter. You have got to remember that ordinarily, and for very good reason, we do not talk about individual personnel matters in public and that is predominantly because we, as the employer, have a real responsibility and a duty of care to that individual. The policy to date, and Mark might want to cover it, has been that if an issue arises there are some policies in place and they cover that if that investigation that takes place essentially exonerates that individual that is the end of the matter. Now, what in this particular instance took place and also we are still in part of that process, it was raised with me I think briefly just literally the day before the summer recess, but then on my return it then got raised with me by the Minister. I had quite a long discussion with the Minister, I had quite a long discussion with the Chief Executive and then I sought some independent advice. So as of last Tuesday I was still just waiting for that independent advice, which I have subsequently received. We then had a discussion at S.E.B. and so there are 2 issues that came out of that. One is that we have agreed a process forward to resolve that particular issue and we are in the middle of that process at the moment and, secondly, then we will just bring some clarity on the policy around that area to avoid this happening in the future. Let us be very clear, the individual in question ... so we put some measures in place in terms of further assurance on the independence of the report that is done. That is in play but I am happy, from what I have seen so far, the outcome of that independence assurance, that everything was done and done in a proper way. Do not forget, the individual was exonerated and what then happened, if you look at the media reporting, that media reporting was not particularly respectful or recognised ... well, the media do not have to recognise the duty of care of the employer to the employee. Do you want to add to that, Mark?

Group Director, People and Corporate Services:

Just so far as it is normal for S.E.B. governance to receive a summary report of incidents of bullying, harassment and of serious disciplinary cases. That is already built in to the governance of S.E.B. and they receive that at summary level. There is a role for S.E.B. particularly in senior positions where they may be asked to act as an appeal board, so it is important that S.E.B. gets the appropriate information but do not prejudice the outcome of any investigation nor fetter any of their likely decisions in the future, if it is needed.

The Connétable of St. Peter:

So can we ask when S.E.B. was formally notified of the investigation?

The Chief Minister:

I would have to go back and check when formally notified. We obviously did have a meeting and discussed it this last week. I think we were aware of it significantly beforehand as well.

[14:15]

The Connétable of St. Peter:

So if there were similar circumstances again do you believe that departmental Ministers should have the authority to access and read reports investigating the conduct of senior civil servants within their departments?

The Chief Minister:

Yes. I mean, there are 2 issues. One, do not forget, is that the S.E.B. are the employer, not the Minister and that is a fundamental one. The second point is that Ministers are entitled to understand any issue that affects the running of their department. That could include an oral briefing on any serious matters and how any investigation is progressing. That might not be the same as seeing the full detail of the report.

The Connétable of St. Peter:

So as S.E.B. are the employer should they not have seen the full report?

The Chief Minister:

As I just said I sought some independent advice on that front, because it is a complicated area, because it covers basically operational policy, it covers things like data production and it covers the right of access to information, bearing in mind all in the context of a duty of care to the individual. Now, the process we have put in place is one that I did discuss with the Minister, who by the way is away at the moment, so my understanding is that he should be happy with the process. This is what I suggested we might be able to achieve before he went away, and S.E.B. are also happy with the process that we agreed.

The Connétable of St. Peter:

So had this occurred outside the States of Jersey it would be highly unusual for an employer not to see an investigation into a member of their staff, so S.E.B. are the employer so they should have the relevant facts?

Group Director, People and Corporate Services:

That is not correct. So S.E.B. as a body corporate are the employer. S.E.B. have approved the codes of practice and the policies and the policies state who has what access to information. In the case of an investigation we appoint an independent investigator, we have a commissioning officer and then we will have a more senior officer who, if necessary, will take forward that action. If there is a case to answer then a panel will see that information. It is not a blanket approach for anyone to have access unless they are part of a decision-making process, and this is normal in other jurisdictions. In the case of the S.E.B. they will get anonymised information about the nature of the complaint, the progress of the complaint and the outcome of the complaint. If there is a case to answer the decision-makers are the ones who have access to that information.

The Connétable of St. Peter:

I would still say that outside the States of Jersey a private employer, if there was an investigation into a member of staff, would have access to that report, irrespective of the outcome.

The Chief Minister:

There is a slightly different set-up, because a lot of what we do politically is in the public domain, whereas if it is a private employer it would not necessarily be in the public domain. That is when you then go back to the duty of care to the individual. I think you have got to bear in mind where an individual is concerned, particularly if they have been exonerated, the way they are reporting in the media in those days after last Tuesday, basically ... I will not say "misrepresented" because they no doubt reported things as far as they were concerned accurately but it gave a certain picture which was not accurate, because they are only seeing part of the story, and that is the problem. As soon as it goes out to the public domain you have no control and how do you ensure that you have met your duty of care to that employee if they have been exonerated? That is where it should have gone up to the States Employment Board, and what we have done is we have agreed now to some principles of how we are kept informed and we want a process put in place around that but the original policy was in place up to that point, which is what Mark has outlined.

The Connétable of St. Peter:

Are you able to tell us in future if S.E.B. will be able to have the full details of an investigation? This will be confidential, so in confidence they should have details of an investigation into a member of States staff.

Chief Executive:

So just to give you an example of where there is some real challenge, we have a process that protects anonymity. It is in our policies. So balancing anonymity, so if you are a member of S.E.B. ultimately you may be, if there was a disciplinary process, the appeal body for any case relating to

that. If you provide evidence in the wrong way at the wrong time in that process you compromise the role of S.E.B. and also the integrity of a process. So in the same way that our disciplinary processes outline the rules and regulations, you have to keep a separation at key points in that process before you allow individuals access to information in case you prejudice the process and then subject the States to a tribunal and unfettered costs.

The Connétable of St. Peter:

I agree that there has to be anonymity, however that exists in employment outside the States and that does not prevent employers from having information about their employees and in this case S.E.B. was the employer and should have had details. Do you not consider that the case?

Chief Executive:

I think there are 2 distinct issues. The role of S.E.B. as the employer as the Chief Minister said is body politic and the role of people to not be proven guilty and their innocence therefore has to be maintained.

The Connétable of St. Peter:

But that happens with any employer. All employers respect that. I have to say all employers respect that and if we are going to say S.E.B. are the employer then they should have the details.

The Chief Minister:

I have just said we have agreed a process. We are in that middle of that process.

The Connétable of St. Peter:

I asked a question that was not answered, will that ensure the S.E.B. get the full details in future?

Group Director, People and Corporate Services:

I think the answer is S.E.B. have a defined role within legislation. They are a body corporate, so therefore people when we go to employment tribunals name S.E.B. In terms of the appropriateness of information, as the Chief Executive has already set out there are other regulations that we have to look at including data protection and G.D.P.R. (General Data Protection Regulation). People who are viewing personal information about individuals must do so for a reason. S.E.B. would only do that where they are a decision-making body in a particular case. Other than that any case is either redacted or withheld and a summary provided. We provide a summary as is normal governance here. I will give you an example. So I am privy and I see all the cases that come up throughout the Government. I am not entitled, and nor do I ask for, the reports on every employee. It is only at a point where I am asked to take a decision that I am privy to that information.

The Connétable of St. Peter:

Okay. That does not answer the question but I am going to leave it there.

The Connétable of St. Martin:

Can I just ask one? Just for clarity's sake, and maybe I am being really stupid here, but who is the ultimate employer here? I totally agree with ...

Group Director, People and Corporate Services:

The States Employment Board is the employer of States employees.

The Connétable of St. Martin:

Yes, so they are the ultimate employer?

Group Director, People and Corporate Services:

They are and ...

The Connétable of St. Martin:

So as the ultimate employer they should have information.

Group Director, People and Corporate Services:

If the States Employment Board are being asked to either defend a particular case or if they were being asked to take a decision on that they would require the information for that particular case in order to direct the case or take advice on that. That is an appropriate time for them to have the information.

The Chief Minister:

As I said, it is complicated because there are certain competing policies and conflicts in those policies.

The Connétable of St. Martin:

But would you agree maybe it is complicated because it has had too many layers put in to make it complicated? I just think it should be much more straightforward that the S.E.B. are the ultimate employers and they should have been given the information.

The Chief Minister:

It is at what level of information and yet the main argument was around was it the full report, so we put something in play, and that has been dealt with. Let me put it this way: I am in the middle of that process.

Deputy S.M. Ahier:

May I ask, how many investigatory reports into Directors General have there been? Is this a common occurrence?

Chief Executive:

It depends what you mean by “investigatory reports”. There are lots of senior public servants, not just Directors General where there are regular issues raised, some anonymously, some not, about aspects of either conduct or other issues relating to roles, which we get all the time and I mean all the time. Some of those have no veracity at all. Some of those require you to take further action to test the veracity of the grievance and complaint. It depends at what level you are talking about. If we include all senior personnel because the States Employment Board is the employer for every public servant across all of Government, including non-ministries, we would be in quite an interesting set of statistics but in reality a large proportion of those statistics are unfounded when you investigate the number of potential, and I say only potential, claims. I do not know those numbers because it is not appropriate for that.

Deputy S.M. Ahier:

Okay, we will leave it there.

The Chief Minister:

If I can make the point, if you try to change the culture of an organisation and part of that is around the bullying and harassment territory you do want people coming forward, being prepared to make those complaints. They have got to be happy that those complaints are going to be handled properly, but also that their anonymity is maintained. Obviously you have also got to protect the anonymity of the individuals that a complaint is made against until they are found wanting. One of the issues within all that lot is that sometimes one might want to suggest that maybe the workforce does not always trust politicians to respect their confidentiality, so they have got to have faith in the system to be able to report the bad behaviour that we want to clamp down on, because that is another area of the organisation that we know we have got far more improvement to do. That is one of the reasons around as well this duty of care bit, that it is a balance, so it is not as clear cut as we might all have originally thought. That is all I will say.

The Connétable of St. Peter:

Are we able to say in this case if the complainants were happy about the method of investigation? Have we done anything since then to establish if they are happy with the outcome?

Group Director, People and Corporate Services:

The investigation was received anonymously.

The Connétable of St. Peter:

It was received anonymously?

The Chief Minister:

Yes, so we do not know.

Deputy S.M. Ahier:

Okay, thank you. Now that the Civil Service Union has rejected the pay offer what are you going to do as Chief Minister and Chair of S.E.B. to resolve the dispute?

The Chief Minister:

We met the unions I think last Monday and also again last Wednesday. We met again on Thursday. Unfortunately 2 of our members were not available because of other States business that they are on, so they are going to be briefed early next week and then there is going to be a further meeting with the unions thereafter. We are trying to see and explore what action needs to be taken next.

Deputy S.M. Ahier:

Do you think a conclusion with the Civil Service Union is in sight?

The Chief Minister:

I am going to see where those discussions go over the next 2 or 3 days. There are 2 or 3 options available that we are exploring.

Deputy S.M. Ahier:

The Connétable of St. Ouen said that the union: "... should bring forward practical suggestions for discussions." What do these envisage? What do they look like?

The Chief Minister:

I am not entirely sure if we have had too many practical suggestions to date. I make the point there is another meeting I believe with the unions towards the end of next week and we will just see how it all plays out. At this stage I think there probably is a way of achieving what we all need to achieve.

Deputy S.M. Ahier:

Moving on to the future hospital, what is the Our Hospital project's relationship to the Government Plan and how will the funding for the new hospital be allocated?

[14:30]

Chief Executive:

I can help the Minister. So you will recall that there was a report presented to the Assembly from the Chief Minister that outlined a requirement for the next phase of the Our Hospital project for £7.8 million. That money was agreed in part to be funded this year and next year and if you look in the Government Plan there is a budget line that talks about some of the feasibility work in the capital programme for taking forward the development of the hospital. In addition this year out of unallocated reserves some money has been agreed for the first phase of work that we are currently undertaking that was reported in the Our Hospital report to the Assembly of a couple of weeks ago, and we outlined how much of that money had been spent and the drawdown of how that has taken place, which was in accordance with the recommendations of the original report from the Chief Minister at the behest of the Minister for Treasury and Resources in tranches of £500,000. So in the Government Plan there is money for taking us through 2020. For 2019 expenditure it has come out of unallocated reserves and that process I think has been reported to the Assembly accordingly and also to Scrutiny.

The Chief Minister:

Do you want to add anything, Hugh?

Deputy S.M. Ahier:

Will all roles and functions that need to be filled in the project be advertised in Jersey?

The Assistant Chief Minister, Health and Social Services:

We have agreed with everybody that we need to look at all the posts and I can give you an example. We are in the process at the present time of going through about 4 or 5 different posts and I think it is probably best read to you so that you know exactly where we stand: "Our Hospital project team will be advertising internally across the G.O.J. (Government of Jersey) as secondment opportunities next week. All the posts will be there. This is consistent with the team assembly approach that has previously been discussed and agreed at P.O.G. (Political Oversight Group)." These posts, these roles, will be going out next week and they will go solely to Jersey before we have to go outside the Island if we cannot get people for those posts.

The Chief Minister:

Certainly one of the posts in the team has been appointed locally.

The Connétable of St. Martin:

What was the rationale for appointing the non-Ministers Connétable Le Sueur and Deputy Huelin to the Political Oversight Group and what skills are they able to bring to the P.O.G. to fulfil their respective roles within selecting, building and procuring the site and community engagement?

The Assistant Chief Minister, Health and Social Services:

Well, if I take them in order as you have said, Constable Le Sueur as you know his background is in building and he has worked for 2 or 3 large companies here in Jersey. He has never built a hospital but on the other hand he is very aware of procurement and how to deal with builders and the like and we thought he would be an excellent person to be on board. If I take Deputy Huelin and I will admit also, because we had a private meeting with Scrutiny last week, we took the view with Deputy Huelin that while he had nothing to do with the hospital prior to coming into the States he was vociferous in many conversations that he had had and I promised to go back to setting out the reasons why. One of the reasons was we felt that while we was very vocal he could also put this citizens' panel together - and I think that is the reason for the question really - and that was one of the reasons. We have taken the view that we are looking at it, and I hold my hands up to say, that we are making that decision to go forward because it was made very vociferously to us last week. I totally understand the reasons why. If I may on this particular theme bearing in mind you have asked the question of the Chief Minister, because we are going back to the private meeting we had with Scrutiny, we will come back to you. There are 2 pluses here because one of the most difficult things if you put somebody in charge of something like the citizens' panel, if you want to call it that, we have not come up with a really appropriate name, it is very difficult to get 12 or 24 people that do not have an opinion about the hospital on an Island of this size. We wanted to look at it again and if I may, Chief Minister, this is one of the reasons why we felt that we should come back.

The Connétable of St. Peter:

Can I just add, for one reason or another I had to visit the hospital quite a number of times recently and the day after the citizens' panel was announced in the *Jersey Evening Post* - and I did not start these conversations - 2 members of the hospital staff said to me with absolute dismay that they felt that having the citizens' panel if it was not appropriately run was just adding further people into the mix and further delay. Could you comment on how you are going to avoid that?

The Assistant Chief Minister, Health and Social Services:

Connétable, we were trying to almost please everybody, because as you know I have had absolutely nothing to do with the previous set-up with regards to the hospital. One of the biggest complaints that we had is that obviously we did not speak to the clinicians, that was fairly clear, and we wanted to make sure that the consultants and everybody was on board. One of the other problems was that with the media and everything else there were a lot of people who were voicing their opinions. All of us felt that it would be good to have a committee and, as I say, and I make no bones about it,

there is no point. I have run enough committees, to get, as I say, 24 people with everybody with an opinion, we are never going to please everybody, but I do feel that it is an opportunity for the people to look at the work that has been done. I suppose that was another annoyance of mine, is that there has been so much work going on and, with all due respect, a lot of the comments that were coming back was that it would be good to have a panel that could give an opinion from outside that were not part of the professional set-up, and that was one of the main reasons.

The Connétable of St. Peter:

How are those people going to be selected?

The Assistant Chief Minister, Health and Social Services:

That is a very good question because again we were going to suggest ... there are a couple of companies in Jersey. We were looking at those companies and that becomes very difficult because I think that they will have their set patterns. If you go outside then almost we will be accused of going outside to use a company to get ... in the present time the process is not definitive. I think we wanted to get the Jersey Care model into place, which is into place on 3rd October, next week, which the Ministers and everybody will have. Once we have got that into place we are looking at ways of doing it. My view is that I would certainly, which I have gone through recently over the last 14 days, let everybody know how we are going to deal with it. Again, I know it sounds as if we are not there, but we just want to take the views, which is what most people are saying, to make sure that we get it right. I will say one thing, and I keep repeating it, you are never going to please everybody.

The Connétable of St. Peter:

Well, that is true. If I can just say one more thing, I mean from the public's perception do you not think that it would have been better to have appointed someone to perhaps liaise with the citizens' committee who did not already hold strong views on the hospital project? I mean somebody who is independent. Do you not believe that from the public's perception this is not perhaps a good idea?

The Assistant Chief Minister, Health and Social Services:

From the conversations that I have had and again from the conversations that I had had with the private Scrutiny panel in hindsight yes. I think that we were trying to ... there were 3 of us that were pulled together, and they said that we needed somebody to make sure ... which the Chief Executive has just said, and that is somebody like Deputy Ash has gone on because he is Assistant Minister, so he is going to watch every penny we spend. We then took the view that if we had something like the Deputy you are talking about who had got involved with the hospital but had not then probably in hindsight I might agree with you, but there is no question that we are looking at this and as I said I did promise to come back.

The Connétable of St. Peter:

When you say you are looking at that, would there be the opportunity to change perhaps the person ...

The Chief Minister:

Hang on a moment. The whole point of having Roland in there in the first place is it provided a link to Chris's previous panel. Also, it was to give the challenge and therefore hopefully by having that challenge internally initially - and do not forget this is an early days one - internally as well as from Scrutiny, hopefully will avoid some of the mistakes that took place in the past. Your citizens' panel point is about public engagement and is about just again doing things slightly differently and getting, hopefully, greater public involvement early. That is the point. It is not about delay. If anything, I would say, we obviously need to get the reporting slightly better, but in terms of the pace of work that has been going on it has been, I think, quite impressive. A lot of it is structural. A lot of it is around getting the processes in the right place, getting the documentation sorted out. Health, in terms of the Jersey Care model, I think you have had 40 meetings in the last 6 to 8 weeks with all sorts of organisations ranging from Mind to whoever. Now, that means there is quite a pace of work going on and so on top of that with the engagement with the commissions there has been some quite key elements that have to be done before we start getting on to what all of it looks like. If the Jersey Care model changes that change is what needs to go into the hospital. In the round, it was about bringing people in who were not politically conflicted and, depending on which panel they sat on, that is the principle of the boards. In that instance it is a case of making sure there would be a challenge and also, having said all that, had been through it and had a knowledge from quite a lot of the work that was done on the early Policy Development Board on the hospital, if that helps.

The Connétable of St. Peter:

So if we made that clear to the public then perhaps that would be a good idea, because I think the public needs to see the citizens' panel as being totally independent and that there should be no preconceived ideas from anybody.

Chief Executive:

Just to help members, the citizens' panel arrangements would be independent and they would be facilitated independently. The Deputy's role is about being an advocate for the process and principle of engagement. That is slightly different. He is not, by way of example, the facilitator and/or the instigator of the activity of that panel. It is independent, and that is why the Chief Minister decided to set that up, in order to provide a challenge back from people who are not users, not staff members, and/or other interested parties, because we are consulting them, as the Chief Minister said. I think some 3,000 people have already been engaged in the consultation, so that is not what the role of

the citizens' panel and the Deputy's engagement piece is about. I would fully understand your point ...

The Connétable of St. Peter:

That is excellent to hear that. I think that needs to be made clear because questions are already being asked about that.

Chief Executive:

Yes, I think the Deputy will be looking at that.

The Connétable of St. Peter:

I think that really does need to be made clear because there are already questions out there about this.

The Assistant Chief Minister, Health and Social Services:

I fully take that on board, Constable.

Deputy S.M. Ahier:

The electronic patient record database for the hospital will be developed at a cost of £13 million. Why does this project form part of the Our Hospital project rather than being started now?

Chief Executive:

Part of the reason is because depending on what type of care model and how and what we deal with in terms of the electronic arrangements for record-keeping we felt that we would bring it together as part of the single project, so in the context of designing and developing a new hospital arrangement, whatever it is, campus, single building, a series of things, we then have to build into it all the necessary infrastructure to support how you would deal with the records system. Leading up to that, we also have to take the paper-based system and do all the digitising of that, so there is a lead-in period that coincides with the timelines linked to the hospital. I think the Chief Operating Officer has made this clear in previous conversations and I am happy if necessary for a further note to be provided to you as to the rationale of why we are doing that.

Deputy S.M. Ahier:

We met the Chief Operating Officer in a recent hearing and I was emphasising to him my suggestion that the estimate of £13 million is too low. The recent Epic system that was incorporated into U.C.L.H. (University College London Hospital) which went online in April this year cost £100 million plus and I am very concerned that we will not have allocated enough funds and this may be detrimental to us providing a service to the public.

Chief Executive:

I do not have the technical detail behind the decision-making, Deputy, but I am very happy to come back to the Scrutiny Committee with some answers to that, and I do not know what the Chief Operating Officer said to you in response to your question ...

Deputy S.M. Ahier:

Nothing.

Chief Executive:

... but I am happy to get that information to you.

Deputy S.M. Ahier:

Thank you very much. Finally, can we expect the new hospital to be larger, smaller or the same size as the current hospital?

The Assistant Chief Minister, Health and Social Services:

I can honestly say at the present time we have never discussed it and I will just end up if I may, as I was telling the Ministers earlier on, by saying I have just come back from the Isle of Man and they built a hospital 10 years ago. The one thing that they were absolutely pleased about was that they have got so much land they could have built 10 hospitals, but it is amazing, they have built a new hospital all on one level, in other words they did not go up, but they put the buildings in the wrong place. So even when you have got plenty of land to do it you have got to look at the circumstances and that is why it is essential - and we keep pointing out - that we have got to know what people are saying inside the building that are working before we decide where, what, when and how.

Deputy S.M. Ahier:

Thank you. On that point I would like to call the hearing to a close. Thank you.

The Chief Minister:

I apologise for my voice.

[14:45]