

2.19 Deputy M. Tadier of the Minister for Education, Sport and Culture regarding Scrutiny access to examination results:

Will the Minister explain why the Scrutiny Panel was refused access to examination results which were subsequently released to a member of the public under the Code of Practice on Public Access to Official Information?

Deputy J.G. Reed of St. Ouen (The Minister for Education, Sport and Culture):

At no time have I refused to provide any information required by the panel to conduct a review. Furthermore, until recently the Scrutiny Panel, of which the Deputy is a member, has never made a formal request to access the information released to a member of the public in January this year. However, on 2nd March I did receive an email from the Scrutiny Panel chairman asking for the data to be made available to the panel. The following day my department acceded to the request and 2 of my officers attended the panel's lunchtime meeting held on 3rd March to answer any preliminary questions they might have.

2.19.1 Deputy M. Tadier:

I think the key word there is "formal" because on several occasions in the past, before the information was released, the committee did ask orally to the Minister and to the department for access to this information. We were told that we could not have it and, indeed, we were given that information only after it had become publicly available. But, initially, does the Minister not acknowledge that he was sceptical? He even said to me that he wanted to know why the Scrutiny Panel wanted the information first of all before they would give it. So does the Minister not think that this kind of practice undermines Scrutiny and will he endeavour to make information which is available to the public also available to Scrutiny in the future?

The Bailiff:

I do not think the Minister is responsible for undermining Scrutiny, so it is not technically in order.

The Deputy of St. Ouen:

I would just like to make a couple of comments. I am sure, as the Deputy knows, the Scrutiny Panels are required to follow procedures as laid out in the Code of Practice which requires the panel to identify a particular area they choose to review, produce the terms of reference and then request information from the department to support that review. Until that happens we cannot, what I would call, enter into a guessing game, and that is why the process is laid down and it is expected that both my department and the Scrutiny Panel should follow that process.

2.19.2 Deputy R.G. Le Hérissier:

Would the Minister not accept that there was an initial resistance when I approached him and we had an exchange, both verbally and of notes? There was a resistance, but eventually the department did, following a formally phrased application, release the information. Would he not accept that this was the process and would he not accept that he is now going to become much more transparent in his approach and the misguided policy he has previously implemented will be put to rest?

The Deputy of St. Ouen:

No, I have always maintained that transparency, and accountability is paramount in whatever work I have been engaged in throughout the 8½ years I have been in the States, including the responsibility that I now undertake as Minister for Education, Sport and Culture. I think that the Deputy's memory is somewhat vague in his recollection of events because, yes, there was a short conversation that was undertaken through the notes process. When the Deputy asked for the information to be released to his panel the question that I sent back was: "Are you considering undertaking a review on the matter? If so, please let me know all of the information you require." We have aimed at all times to be very supportive of Scrutiny and encourage the panel to engage with my department at every opportunity, and I propose that that is continued as long as I am Minister of the department.

2.19.3 Senator J.L. Perchard:

The Minister just informed the Assembly that he has always maintained transparency and accountability is important. At the last sitting of the States I asked the Minister to publish the 4 reports that were recently conducted into the fee-paying schools' value for money and performance. He said he would not. Can I ask him, again: will he publish these reports that have been paid for by the public or shall I ask a member of the public to ask him for them?

The Deputy of St. Ouen:

As I think I explained last time, these reports are in shared ownership between the individual schools concerned and the department and, as such, there are confidentiality agreements in place. If the Senator chooses to discuss the matter with me further I am more than keen to try and address his concerns but I am not, at present, aiming to publish those reports as I am unable to make that decision.

2.19.4 Deputy T.M. Pitman:

Much on the line of Senator Perchard's question; does the Minister not concede that the approach taken by his department has undermined Scrutiny and made us look very stupid, given that a member of the public could obtain these far easier than the Scrutiny Panel charged with monitoring the Ministry? Does it make any sense to him and does he think it is appropriate?

The Deputy of St. Ouen:

Not in the very least. I have always made my view clear on whether league tables should be published. An individual member of the public - one individual, I hasten to add - chose to request a large amount of raw data from my department that related to G.C.S.E. (General Certificate of Secondary Education) results in both O level and A level. That was provided to him. It is indeed unfortunate and has confirmed my concerns that the publishing of some form of league table has had a detrimental effect and a divisive effect by identifying certain schools that are faced with some unique challenges because of the selective nature of our education system. I think that it just reinforces my view, and that of the States, that these league tables are not and should not be produced in the future.

2.19.5 Deputy M. Tadier:

It is ironic that for a Minister who encourages informal dealings with the Scrutiny Panel, which we agree sometimes can work, we are being caught out here because he is saying that we have not put a formal request in. Certainly as a Scrutiny Panel we

have learned our lesson not to deal ever again on an informal basis with the Minister's department. Will the Minister tell us what lessons he has learned from recent weeks?

The Deputy of St. Ouen:

What I have learned is, in view of the questioner and the questions being asked, that unfortunately there is an attitude by some members of Scrutiny that is not helpful when dealing with and addressing some of the main issues that this Island faces. I have endeavoured over the last couple of years to encourage the Scrutiny Panel not only to properly understand what issues we are required to deal with at the department but to engage in constructive dialogue in many different ways. The panel has chosen to be selective in its approach and it saddens me to hear one member believe that their effort and that of mine are not compatible.

[11:45]