

Chief Minister



19-21 Broad Street | St Helier
Jersey | JE2 4WE

Deputy Sam Mézec
Chair, Corporate Services Scrutiny Panel

BY EMAIL

20 April 2023

Dear Chair

Thank you for your letter of 11 April 2023 requesting further information.

Issues arising from senior officers are addressed through their line management. Only when they are formal are they reported to the States Employment Board as, by convention, we do not involve ourselves in individual employment matters other than in the most exceptional cases.

Complaints related to Ministers would be subject to the processes set out in the Ministerial Code of Conduct and Practice (the "Ministerial Code").

As an overview, concerns raised by senior civil servants fall into three categories:

- Concerns about Ministerial / States Members involvement in individual cases (either employment or case work where it would not be appropriate for States Members to be involved).
- Protection from malicious, vexatious, or untrue statements whereby the employee has no right of reply in the forum in which comments are made. This includes comments by members of the public and States Members outside of formal meeting structures.
- The conduct of specific meetings with Ministers present, which includes Scrutiny.

For openness and transparency, and to address your first question: an anonymous allegation of one Ministers' conduct has been previously made. In line with the normal internal processes, an initial review found the allegations to be speculative and not factually correct or substantiated. In addition, another process on a separate matter is expected to be resolved through mediation, in line with the objectives of seeking informal resolution.

The Council of Ministers agreed the Ministerial Code, and I am clear that if concerns are raised, they will be addressed.

In line with your request, I should also mention that the Infrastructure Minister and I have exchanged correspondence and engaged in dialogue regarding our own working relationship. Following this week's States sitting, during which this correspondence was referenced, I think it is appropriate that it is published. Whilst it is not normal practice, I am also content to publish a note of a recent meeting between the Minister and I, which demonstrates the efforts made to resolve disagreements between us. This was a difficult meeting which left me feeling very unsettled.

Discussions with the Chief Executive Officer

In relation to conversation with the Chief Executive about the structure of the role, the proposals put forward by the Democratic Accountability and Governance Sub-Committee of PPC first mooted the idea and construct of the politically led Cabinet Office. This is a proposal I took forward into my manifesto. As the CEO had already been appointed and was in post, she expressed her view that the role of the 'Cabinet Secretary' already fell into the CEO job description and therefore we proceeded to create the Cabinet Office on that basis.

Subsequently, at the CSSP public hearing on 13 October where the structure of the Cabinet Office was a line of questioning, my responses reflected this position and the role of the CEO in the Cabinet Office.

Over the Summer, the States Employment Board (SEB) also considered how to implement the long-standing recommendations of the Comptroller and Auditor General in respect of the Employment of States of Jersey Employees (Jersey) Law 2005. This includes examining the role of the Chief Executive in legislation. The Chief Executive is present at the SEB meetings.

However, there were no plans to change the role and scope of the CEO role as a result of introducing the Cabinet Office throughout these conversations.

Following the resignation of the CEO, we are now taking a considered view of the scope and focus of the CEO role. In her resignation letter, the CEO suggested we take the opportunity to review the role before recruiting permanently. The CEO has been involved in discussions and continues to provide insight into the role.

Yours sincerely



Deputy Kristina Moore
Chief Minister

Chief Minister



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Deputy Tom Binet
Minister for Infrastructure
By email

13 April 2023

A handwritten signature in blue ink that reads "Tom Binet".

Two weeks have now passed since we last spoke. After sharing your views with me you asked to have a few days to reflect. I have seen from your recent statement that you have now had an opportunity to do so and wish to continue as Infrastructure Minister. I have no desire to see any changes in the membership of the Council of Ministers and hope we can now move forward positively together.

As you know, there is much to do in the Infrastructure portfolio. I have valued your contributions as a Minister and appreciate that you are someone with strong views who gives frank and direct advice. When we met on 27th March, we both agreed that our meeting was positive and we were moving forward. You then communicated that publicly, which I appreciated.

For my part, I consider that there is much we agree upon, and I am keen that we focus on continuing in our shared vision to deliver for the public, particularly in relation to much needed new healthcare facilities. I had hoped that we could return to regular, respectful discussion and the direct communication that is usual between colleagues and that I enjoy with all other Ministers and officials. I feel that this has not always been the case in your dialogue with me.

Events since 27th March have unfortunately caused difficulties. To avoid the risk of our communicating through the media, I have refrained from responding to their requests in recent days following comments you have made to them. My hope is that we can continue a normal working relationship and, where necessary, rebuild and learn from the past. We have already demonstrated that we can do that successfully.

As Ministers, we all need to work in a collegiate atmosphere of mutual courtesy, professionalism and respect as set out in our agreed Ministerial Code of Conduct. This also sets out the expectation that there will be a 'no surprises' approach to communication. This atmosphere must include the Chief Minister's relationship with individual Ministers, which is vital to the smooth running of government. I am pleased to lead a Council of talented individuals, strong personalities and differing views. This is a great strength and enables us to debate issues fully and results in better decision making.

Recognising your strength of feeling on various matters and your stated wish to take time to take stock and consider your views, I have thought it best to pause and was hopeful that you would contact me once you had taken the time to reflect. We have reached a point where there is clearly a need to clarify and resolve this issue, especially in view of the upcoming States Assembly meeting of 18th April.

I have extended an invitation for us to meet which I hope you will be able to accept. I trust you will understand that, as Chief Minister, I cannot allow a situation to continue where disagreements linger and distract us from the task of delivering on the plans that we have a democratic mandate to deliver. This ongoing situation risks that scenario arising. I am sorry that you previously expressed opinions about my leadership and, whilst you are free to hold those views, a working relationship and respect needs to be in place for the office and role of Chief Minister, and those of all fellow Ministers.

I hope that in a further meeting we can discuss ongoing issues that are of mutual interest in our portfolios and talk through any matters where we need to clarify understanding. We can then continue to move forward collectively.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kristina Moore', written in a cursive style.

Deputy Kristina Moore
Chief Minister

Meeting between the Chief Minister and Infrastructure Minister

Time: 5pm (approx.)

Date: Wednesday 29th March 2023

Context

The Chief Minister had made efforts through her Private Office to arrange a meeting with the Infrastructure Minister earlier in the day. This hadn't been possible, and the Chief Minister's Private Office had been advised that a meeting wouldn't be possible until Friday 31st March at the earliest.

At the time of this meeting, the Chief Minister was in her office, without any further diary commitments that day, and the Infrastructure Minister ("the Minister") who had been in the Broad Street office for much of the day, was in the open plan office next door. As the Minister was leaving the office, the Chief Minister asked if he could be invited to have a discussion with her. The Minister returned to the ministerial office and the meeting commenced.

Meeting note

- The discussion began outside the Chief Minister's office. The Chief Minister said that she thought it would be helpful to have a discussion following the events of recent days, and the Council of Minister's meeting on Tuesday 28th March in particular.
- The Minister said that he didn't have much to add to what he had already said, but would have a discussion if that was the Chief Minister's wish and she thought it would be helpful.
- There was a brief discussion as to whether it would be best to postpone the meeting and reconvene at a later date. The meeting continued.
- The Chief Minister said that she thought her and the Minister had had a positive discussion on Monday 27th March, and was therefore surprised with the Minister's conduct in the Council of Minister's meeting the following day.
- The Minister said that he came into the meeting on Tuesday in an anxious manner because the meeting hadn't been in his diary, and he was therefore late (the Chief Minister later acknowledged that there had been issues with the diary invitation, but that a political discussion prior to formal CoM meetings had been a standard practice for some time).
- The Minister felt that he had given a positive interview to ITV on Tuesday 28th March, but that he had come into a hostile environment in the Council of Ministers room. The Minister said that he doesn't want to work in this atmosphere and he doesn't like it.
- The Minister criticised the Chief Minister's leadership and said that he doesn't have confidence in her leadership. He would be taking time to have one-to-one meetings with colleagues.
- The Chief Minister said that she was surprised by the Minister's demeanour at the Council of Ministers meeting and that she didn't recognise the atmosphere that the Minister had described.

- The Chief Minister said that she had been positive about her meeting with the Minister on the Monday and had relayed the positive outcome of the meeting to a number of colleagues. Nevertheless, Ministers had some questions regarding the Minister's decision to speak to the media regarding the CEO's departure.
- The Chief Minister said it was important for the Ministers to work together as part of a team. The Minister said that he had many years of experience of working with teams and knew about the importance of teamwork.
- The Minister asked the Chief Minister what groundwork she had done to develop support for him after their meeting on Monday and his ITV interview. He explained that he didn't feel his concerns are listened to or acted upon (the Chief Minister had relayed that she had been positive about their discussion).
- The Minister re-stated that he didn't agree with the way in which the Chief Executive Officer's departure had been handled and said that he couldn't cope with the way in which the Chief Minister deals with things.
- The Minister did not think the discussion was achieving anything further and left the meeting.

Comment

The Chief Minister noted that the meeting was tense throughout and that the Minister had acted in an aggressive manner, both in language and actions. The Chief Minister also noted that she remained calm throughout the meeting.

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Dear Kristina

It is with considerable regret that I find myself compelled to write to you on a delicate, but extremely important matter.

As you will recall, we came into contact several times last week, namely at the Our Hospital Political Oversight Group meeting on Wednesday 28th September, a meeting between us, joined by Constable Jehan, on the evening of Thursday 29th, and again on the morning of Friday 30th, immediately before the meeting of the Council of Ministers at 10.30am.

On each occasion I left feeling extremely stressed, to the extent that, as a consequence of your approach to me at the last of these, I had to leave before the meeting commenced and cancel all other meetings for the remainder of the day.

I should add, that instead of catching up on my work over the weekend, my state of mind was such that I felt unable to function constructively as I wrestled with the dilemma of how best I should deal with the situation.

That said, of perhaps more importance than my own wellbeing is that of the extensive team who attend to our requirements and who rely on their jobs for their livelihoods. Whilst you may not always be content with their performance, I feel that they deserve to be treated with the same respect as we would hope to receive from them. Sadly, this courtesy was not apparent at the meeting of Wednesday 28th.

In closing, I would like to assure you that I understand the need for, and importance of unity, and remain fully committed to working to that end.

With this in mind, I hope I can be assured that, going forward, I, and all other colleagues, may proceed with their work in an open, relaxed and polite atmosphere where we can contribute and indeed 'thrive' as we are hoping to ensure that the rest of our community is able to do under this government.

Yours sincerely

Tom

Letter in advance of meeting CM to MIF - Friday 7th October

Dear Tom

I appreciate you taking the time to write to me and for setting out your position following our meetings last week. I reciprocate your note of regret, and it is indeed a matter of great disappointment for me to receive a letter such as the one you have deemed necessary to write to me.

I was delighted that you accepted the challenge of the Infrastructure portfolio in July, and it is clear to me that you are working effectively and positively with your team of officers. The feedback I have received from officials is very positive. I am conscious that all Ministers and their officials have worked extremely hard in our first three months, and I am grateful to everyone for their considerable efforts. We have already secured a number of significant achievements and set the path for a positive term in Government.

It is inevitable that, from time-to-time, we will have disagreements on policy matters and in how we are seeking to achieve our collective objectives. I am sure you recognise that my role is to set the strategic direction for the Council of Ministers and the whole organisation, and to that end I will always seek to provide my views, as constructively as I can, on matters of importance to Islanders and our public services. Central to the public's expectations of us is a greater level of openness and far greater communication than our predecessors. It is therefore important to me that I guide the team to ensure that we meet those expectations and engage clearly with the public that we are here to represent.

At all times, but particularly when engaging with all colleagues, I agree that it is important that we demonstrate the values of public service that we have agreed to adopt. We must all meet the highest of standards, by showing each other respect, treating others appropriately, with politeness and supporting other members of the team. This is important for safeguarding all our wellbeing. As the leader of the Government I consider it essential that I strive to demonstrate an even higher standard of myself than I would of others. This is a responsibility of which I am always conscious and aware.

We are all learning, and to that end, it was in my view a shame that you felt unable to join in the meeting on Friday which was an opportunity for the team of ministers to discuss how we can work together most effectively in the structure that we have. My hope and ambition is that we will all support each other as a team in good times and through our collective challenges. This will require openness from all of us, and us taking the time to talk through any temporary differences we may have in respect of a particular issue, rather than sharing those concerns with a wider circle. Such communication is critical to our long-term success.

I am therefore pleased that we have agreed to meet later today for a discussion, which I hope will include the outcome of last week's meetings, and how we are progressing with the review. I welcome and fully share your sentiments in respect of unity and commitment, and in terms of your work I have no doubts in that respect.

Yours sincerely
Kristina

Deputy Kristina Moore
Chief Minister