

STATES OF JERSEY



VOTE OF NO CONFIDENCE: CHIEF MINISTER

Lodged au Greffe on 2nd January 2024
by Deputy T.J.A. Binet of St. Saviour

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

that they have no confidence in the Chief Minister.

DEPUTY T.J.A. BINET OF ST. SAVIOUR

Note: In accordance with the requirements of Standing Order 22, the following Members are additional signatories to this proposition –

1. Deputy M.R. Le Hegarat of St. Helier North
2. Deputy R.E. Binet of Grouville and St. Martin
3. Deputy A. Howell of St. John, St. Lawrence and Trinity

REPORT

At the beginning of a new year, with a budget for 2024 recently approved, all new States Members now accustomed to the requirements of office, funding secured for the next phase of the new hospital project and more than a full two years to run before another all-Island election, this Proposition seeks to provide the Assembly with the opportunity to review the quality of our leadership over the past 18 months and decide whether a change might be of benefit to the future well-being of our Island.

It is important for Members to be assured that the decision to bring this Proposition has not been taken lightly; indeed, it comes after much thought and discussion over a period of months, a great deal of careful consideration, and following requests for it by several other Members with similar concerns.

Of equal importance is that fact that it has not been taken without due consideration of the possible effects upon, and feelings of, the current Chief Minister, in the event that the proposition proves successful.

Accordingly, the Proposition itself takes a much simpler form than the previous, unsuccessful, vote of no confidence ([P.149/2020](#)) – taken by our current Chief Minister against the former Chief Minister, Senator John Le Fondré, in 2020.

The reason for seeking to deliver this opportunity is relatively straightforward, insofar as many of the heady promises made by our current Chief Minister in that earlier attempt to fulfil the leadership role, and since, have failed to materialise, subsequent to her ambition finally coming to fruition in June 2022.

For ease of reference, P.149/2020 read as follows –

“The purpose of this proposition is to restore faith in the leadership of the Island and to call for the observance of good governance, greater accountability and transparency. If members will support this proposition, they will be voting to rebuild the culture of the organisation that serves the public and to put Jersey back on track.

A vote pour will be a vote for values and integrity. A vote pour will lead to a smooth transition offering certainty, clarity and a vision that will make islanders proud again. In considering the arguments laid out below, states members are asked to consider how this conduct sits within the seven principles of public life, “The Nolan principles”, that call on public servants to act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.”

The proposition goes on to articulate, in some detail, the shortcomings of the then Chief Minister, Senator Le Fondré, as perceived by the then Senator Moore.

Whilst generally undesirable, and as is apparent in P.149/2020, votes of no confidence tend to be messy and rather personal affairs which do little for the reputation of Jersey as a whole, or of those more directly involved. So, it is with this in mind that every attempt has been made here to present a summary of just some of the concerns of the moment, in as simple and uncontentious a manner as possible.

Issues such as levels of morale are often a subjective affair. However, it is clear that morale amongst States Members is very poor, with many longer-standing Members

claiming the current situation to be worse than under the previous government. It is no secret that the same can be said of many members of the public, especially in light of the degree of expectation that stemmed from the most recent election; expectations born (as they were) of the promises of high principle, made by the current Chief Minister, throughout the time of her rise to power.

Having quoted the Nolan Principles, in detail, it seems only right that they should be used, by Members, as a measure against which to judge compliance, in this, and, of course, all future deliberations of this nature.

In a real world situation, it must be accepted that no human being can ever live up to the highest levels expected of these Principles, all of the time. However, in the normal run of events, one would simply maintain an ongoing assessment of the situation and hope that, overall, if not entirely wonderful, the situation would be good, or at least, generally positive.

Sadly, it appears to many Members that this basic threshold has not been reached; It is arguable that “faith in the leadership of the Island” has not been restored. And “good governance, greater accountability and transparency” is no more apparent than before.

One has to ask whether “the culture of the organisation that serves the public” has actually been “restored”. And has our Chief Minister really displayed “values and integrity” and “put Jersey back on track”? Have we witnessed “a smooth transition offering certainty, clarity and a vision that will make islanders proud again”?

Has this Chief Minister acted “with selflessness, integrity, objectivity, accountability, openness and honesty”? Moreover, has the Chief Minister displayed “leadership”?

There can be no doubt that, along with the rest of the world, Jersey is heading into very difficult times, and we carry with us a number of specific problems, not least of which is demographic change. We are heavily reliant on the finance industry which, in turn, is reliant upon the stability of world markets – all of which are under various pressures, the likes of which we have not experienced in our lifetime.

Good leadership will be vital if we are to meet the challenges that await.

All too often in recent times, the quality of leadership that these challenges will require has not been evident. Some failings have been apparent to the general public, and Members alike. But many more will only be known to those who have worked in close proximity. Hence, this proposition.

With regard to the former, in relation to the departure of the former Chief Executive Officer (CEO), Ms Suzanne Wylie, it was clear from the statement made by the Chief Minister that she was being less than honest about the reasons for the move. Ms Wylie’s resignation letter stated the following: “It was never my intention to leave after such a short period, however, my circumstances are now such that I intend to take up a role back in Northern Ireland. This will mean I am closer to my family at this point in our lives.”

In suggesting that Ms Wylie was leaving in order to be closer to her family, rather than that being a consequence of the real reason, the Chief Minister failed to be objective,

open or honest. It also displayed a complete lack of integrity and exemplified the woeful lack of leadership skill that has been evident on many occasions.

Having witnessed the highly inappropriate treatment of the CEO (and others), by the Chief Minister, and the resulting deterioration of the CEO's frame of mind over the course of the eight or so months that she worked under the current regime, there is no doubt as to the real reason for the departure.

Indeed, a very measured and carefully worded letter to that effect was submitted to the Chief Minister at the time. And this became public following a request, made in the Assembly, for the publication of correspondence between the complainant and the Chief Minister.

Other Ministers were aware of the situation and it was disappointing that only one voice was raised to draw attention to behaviour that, in any other employment situation, would very likely have led to firm disciplinary action. Sadly, power can be an intimidating force which suppresses personal courage in subordinates, especially when used incorrectly.

This particular incident may have been some time ago, but these are important matters and are wholly indicative of an individual's culture or modus operandi.

Concerning the latter, one has to be cautious to avoid revealing matters which, in the public interest, would usually be best left unsaid. However, previous leadership and management experience brings with it the knowledge that failure to address the continued recurrence of seriously worrying traits eventually results in disaster.

It is for this reason, and this reason only, that, by way of example, mention must be made of the two highest risks that have been suffered by the New Hospital Facilities project to date; that of the Chief Minister's poor and inconsistent leadership and her strong, unwavering, support for a Health Minister (technically, the client) whose attitude towards the project, and whose conduct throughout, has been nothing short of shameful.

In the first instance, despite a clear strategy (from the Minister with political responsibility for the project), of offering as much information as possible (both practical and financial) as soon as possible, to the widest audience possible, a great deal of effort was made to prevent the schedule of cost that appeared in the Government Plan for 2024 from being revealed.

Instead, great pressure was exerted to insist that we only request the £52 million needed to get the project to the end of summer 2024, when further details would be revealed.

Worryingly, this coincided with suggestions, by the Chief Minister, that the decision to site the acute unit at Overdale and the Ambulatory at Gloucester Street/Kensington Place, should be reversed – despite all the evidence pointing, very clearly, to the contrary and agreement having been reached by all others involved – save for that of the Health Minister, whose discontent has simmered close to the surface but whose thoughts on the matter are, apparently, yet to be conceived and whose tepid acceptance of the current scheme has only been obtained, recently, and grudgingly.

Fortunately, a series of meetings was then arranged, again by the Minister with political responsibility, to insist that the funding requirements for the acute project could be made public. That open, transparent, approach was accepted, eventually.

More, and equally unfortunate errors of judgement were apparent in November when it emerged that the Health Minister intended to extend the contract of the Chair of the Health and Community Services Advisory Board. Following profound reservations about the cost of the Board, it had long been understood by many Members that this would prove to be the last straw for Assistant Chief Minister, Constable Andy Jehan.

His intended resignation was made known to the Chief Minister (by Constable Jehan himself) in plenty of time for the Chief Minister to alter the situation to his satisfaction. Yet, instead of standing by a man renowned for his support for her, and responsible for managing her previous election campaigns, she accepted this highly principled resignation which must have been a very painful, personal blow to him.

It may only be speculation, but many onlookers were left with the impression that the resignation of a highly capable and trustworthy supporter was easier to manage than the difficult business of taking a decision to remove and replace an inappropriate Minister.

Moving to other, more recent matters, and purely by way of additional example, one needs look no further than the conduct relating to the Les Sablons planning application, where the issue was personalised rather than being dealt with procedurally. Enough said, perhaps.

Most recently, it has emerged that the Health Minister has been found, by the Commissioner for Standards, to have abused the powers of her position. Whilst this comes as no surprise to some Members, the issue that gave rise to that finding, provides yet another example of the Chief Minister's poor judgement and lack of leadership.

It is clear from the Commissioner's report that the 'untruths' contained in the letter from the Health Minister to the Chair of her Scrutiny Panel were made known to the Chief Minister during the course of the saga. Yet, not only did she fail to intervene in order to bring the matter to a more seemly, and just conclusion, but she stepped back completely and recommended to her Council of Ministers that they abstain in the vote of no confidence.

Fortunately, the matter was referred to the Commissioner for Standards so that the injustice created by the Health Minister and condoned by the Chief Minister, could be highlighted and brought to public attention.

More instances and details could easily be made available, but the points above should suffice to provide at least some indication of the lack of clarity, integrity and leadership that have been displayed by the Chief Minister, and her absence of judgement about the consequences of indecision and/or poor decision making.

The past eighteen months have been a depressing affair for many, close to the centre of power, and this includes those involved from a civil service perspective. It has also been a time of disappointment for the people of Jersey.

Our present Council of Ministers consists of a good number of capable people, but they lack the one thing that (in most cases) could bring out the best in them. And that is

leadership. In recent times more fractures have emerged with no sign whatever of matters improving. Indeed, they worsen by the week.

If Jersey is to face an uncertain and challenging future successfully, that needs to be corrected without further delay.

Accordingly, all Members are urged to leave aside their own interests, take an objective look at what is genuinely in the best interest of the Island and vote to provide the Assembly with the opportunity to elect an alternative leader.

Financial and staff implications

There are no direct financial or manpower implications for the States arising from this Proposition.

Child Rights Impact Assessment

A Child Rights Impact Assessment (CRIA) has not been prepared in relation to this proposition as a CRIA is not required, in accordance with Schedule 2 to the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).