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12 Deputy K.G. Pamplin of the Chairman of the States Employment Board regarding the recruitment of outside consultants to work for the States of Jersey: (OQ.17/2020)

Firstly, just to correct the previous speaker, it was the Constable of St. Brelade who was asking that written question. I was just worried... if I asked a question I did not know about! Will the Chair explain what processes are in place for recruiting outside consultants to work for the States of Jersey, including the Government, and state who is responsible and accountable for ensuring that such consultants' contracts are kept under review?

Senator J.A.N. Le Fondré (Chairman, States Employment Board):

Procurement of consultants, and that is as opposed to interim or temporary staff, is treated in the same way as all other procurement expenditure and the procedure does depend on value. These procedures can be found in the procurement procedure policy under supporting documents in the Public Finances Manual, which is available on the gov.je website. There is a further piece of work that is currently underway, it is led by the Chief Operating Office to provide additional guidance and clarification for procurement, for recruitment of all resources to the Government of Jersey, and that is expected to be published within the next couple of months. Responsibility for ensuring that consultants' contracts are kept under review sits with the accountable officer for each department who is specifically responsible for ensuring that departmental resources are used economically, efficiently and effectively, and for promoting good management resources and ensuring that they have the necessary staff with the appropriate balance of skills. There is one matter where processes do not seem to have worked, and I am suspecting that is where the Deputy is taking the question, but that commenced before the present States Employment Board, Council of Ministers and heads and senior management were in place.

2.12.1 Deputy K.G. Pamplin:

He is indeed correct that, as reported over Christmas by the *Bailiwick Express*, there was a highly-paid consultant where there was no information on why this appointment had taken place and any acknowledgement the procurement process had not followed procedure. The nature of the work and the variations to the requirements were not documented as would have been expected. So the question really is, as this work is in train, how many more consultants will there be under previous regimes, this regime, and is he confident that we will get a grip of that number instead of us finding it out via the media?

Senator J.A.N. Le Fondré:

Point one here; we are less than impressed as to what has happened. I make the point, it is not an acceptable excuse, but it is a point that it started before the whole team was in place, and I mean politically and at the operational level as well. I believe the contract was commenced in about 2017 and, because it was a rolling-on contract, it never came through or was identified for the approval process subsequently. So where we are in terms of the individual matter is that S.E.B. (States Employment Board) has asked for a full review. Our first report will be next week on the matter. I emphasise the point, we are less than impressed. There is a review of all contracts going on and I do make the caveat that when we are dealing with individuals and employment matters one has to be very careful, but we will ensure that once we have the relevant information together we will be briefing both P.A.C. (Public Accounts Committee) and, bearing in mind my caveat, we will bring some form of briefing to States Members. In the last 18 months we have actually been doing a lot around

tightening processes up and it is now being apparent for very obvious reasons. Part of that is that we now do have a centralised register, which in theory, as things do get tightened up, will stop this sort of thing happening in the future. To answer the last part of the Deputy's question, which you will appreciate I am trying to keep it short, is can we guarantee there are no others out there? Not at this stage. What is being done, there are 2 things, and they all tie into the Government Plan, one is do not forget we were criticised at some point for the amount of extra money going into H.R. (Human Resources) and systems in H.R. That will start addressing this type of thing once it is implemented. But the other point is, within the efficiencies review, there is a review of contracts, we have known that commercially we have not been doing the best thing. We did not know about this contract but I think this serves to illustrate it. To move away from people, we are already starting to see some savings coming out where there have been existing contracts, they have not been challenged, and when they are challenged you do it differently and you save several hundred thousand pounds. That is probably enough said.

2.12.2 Deputy K.F. Morel:

Moving on to matters that absolutely occurred during the tenure of this Council of Ministers, the recent publication of the consultancy report showed that the majority of consultants engaged in that 6-month period in 2019, those engagements were not subject to a pre-consultancy needs analysis and neither were they subject to a post-consultancy assessment. Both of these were recommended by the Comptroller and Auditor General and certainly a pre-consultancy needs analysis is just about working out whether the consultancy is necessary in the first place. Could the Chief Minister give a timeline or explain why these have not been implemented properly and tell us when they will be implemented properly?

Senator J.A.N. Le Fondré:

I do not have that particular report in front of me, so without going back to those details all I will say is we are tightening up the processes and procedures for various reasons. The question would be is whether, depending on the value of the contract, such a pre-assessment or post-assessment in the formal way was required. I do not know. Also as in around value, because you do not employ a consultant just for the whim of it, you will have made some form of assessment to say that we need to get someone to do the work. But what I will say is that if the Deputy would like to give me some specific examples, I am very happy to go away, find out and come back to him.

2.12.3 Deputy K.F. Morel:

These are not requirements under Financial Directions, which is why they are not taking place, they are recommendations of the Comptroller and Auditor General and should be implemented as a result of that because they were accepted by the Government of Jersey. So would the Chief Minister explain or tell us when those measures will be introduced?

Senator J.A.N. Le Fondré:

I am having a memory issue here, when were they recommendations of the C. and A.G. (Comptroller and Auditor General)?

Deputy K.F. Morel:

In the Comptroller and Auditor General's report on the engagement of consultants in Jersey, by the Government of Jersey, I believe that was 2017 or thereabouts.

Senator J.A.N. Le Fondré:

In which case I will endeavour to find out why those recommendations were not followed through. I was thinking it was a much more recent report and that might have explained why it had not been implemented at that point. If it is not in Financial Directions then that obviously does explain one matter and probably means that Financial Directions need updating. I will find out the position and come back to the Deputy and the Assembly.

2.12.4 Deputy M.R. Higgins:

As this consultant issue was certainly the second of 2 issues relating to [Name redacted], I do not know what her title is so I cannot use it [former Chief Officer for Health and Social Services], she was the person who caused the States a great deal of loss by upgrading members of staff and telling them to keep quiet and not tell others and we have had this one. Is there any legal way that the States can try to recover some money back from her if she has not followed the correct procedures?

The Deputy Bailiff:

You must be careful not to name individuals, Deputy Higgins.

Senator J.A.N. Le Fondré:

The likely position is almost certainly no. Let us do first step one; let us get the information first and then see what actions can or cannot be taken. One has to remember one other action we have taken, and it is the second year running, is that accounting officers have been written to again this month to remind them of their responsibilities and so the position is that accounting officers are directly responsible for these matters and that includes under law. But let us get the facts first and then work our way forward.

2.12.5 Deputy M.R. Higgins:

Can the Chief Minister come back to us and tell us if there is any mechanism where we can try to claw back money from people who have failed us so abysmally?

Senator J.A.N. Le Fondré:

What I did say is I am committed to make sure we give a full briefing to P.A.C. and, bearing in mind about the issues of employment matters, we will give a briefing to States Members in as full a way as we can once we have the information.

2.12.6 Deputy K.G. Pamplin:

In listening to many of the answers, it seems obvious, does it not, this is coming down to a question of accountability and transparency, especially in the view of the public. Will he assure us going through this review process that every appointment is made clear of who appointed it and what the terms of reference are? Again, we have seen recently appointed consultants in the world of health again out of the blue, one would assume. So again it is part of the transparency because, as the time is ticking, we will just keep on this train. We must get accountability of the accountability; would he agree?

Senator J.A.N. Le Fondré:

In short, yes. I remind Members that obviously what we have been doing in the last 18 months is tightening up the approval process. That does not mean one will not employ a consultant and it does not mean, depending on the circumstances, that consultant will not necessarily, and it depends always on peoples' perspectives, will not be perceived as being expensive. But what one has to make sure is that the process does demonstrate value for money and that there is a requirement to

do that work. We have had some very good examples of people coming in and doing pieces of work and then leaving and potentially, either because it has been a short-term appointment, short notice tends to be expensive because you need someone in rapidly, or it is a fixed piece of work and then they go, but that generally you get benefits out of that. The intention certainly, from the pieces of work and the way the organisation is starting to change, it is about improvements in culture in terms of the organisational culture, the morale, all those type of areas, and obviously trying to generate savings as well. So we must keep focused on the overall thing. But in this instance particularly it is unclear what the approval process was, it was definitely before our time, that is not an excuse, and therefore we are trying to identify how, what and who did what. Once we have that information we will come back, both to P.A.C. (Public Accounts Committee) and to Members, as I said, to reiterate my first point, we are less than impressed on this matter in terms of the process.