

**STATEMENT TO BE MADE BY THE CHIEF MINISTER
ON TUESDAY 3rd MAY 2011**

I would like to take this opportunity to update Member on the programme for appointing a new Chief Executive to the Council of Ministers.

The Council of Ministers has reviewed the current Chief Executive's role and responsibilities and has decided that it would be appropriate to restructure the role. We have also considered the current structure of responsibilities of the Council of Ministers, Ministers and Accounting Officers. This is particularly relevant since the Public Accounts Committee has also reviewed the structure and published its report on the 16th March. The Council of Ministers believe that the current structure needs to be reviewed with the intention of creating greater clarity and accountability. We intend to lodge a report and proposition setting out draft terms of reference and a structure for this review with the intention of securing a debate in June or July. This will be a significant review and any changes would need to be thoroughly explored and enshrined in Law changes. It is therefore likely to take up to 3 years to review and implement.

The Council of Ministers therefore intends to appoint the new Chief Executive on a 3-year contract in order to mirror the likely length of the proposed review.

The current Chief Executive will be leaving at the end of May and I have therefore appointed John Richardson, who is the current Deputy Chief Executive, as the Interim Chief Executive in order to allow the appointment process of the 3-year Chief Executive post to proceed. I have every confidence in Mr. Richardson as the Interim Chief Executive and I thank him for agreeing to take on this role.

The States needs a top class Chief Executive to deal with the challenges of the next 3 years ; these include CSR, supporting a new Council of Ministers and maintaining performance. However I and the Council of Ministers believe that in the first instance the job should be advertised locally with the intention of appointing a Jersey person to be the Government's most senior official. The post will be advertised this week with the intention of completing the selection process by early July.

I should make it clear that whilst we are seeking a local candidate, we will only appoint someone who can meet all of the requirements of the role. The Appointments Commission will be participating and overseeing the process and the Chairman is determined to ensure that the appointed person is fully capable of fulfilling the role.

I will keep Members informed of progress.

5. The Chief Minister - statement regarding the appointment of a new Chief Executive to the Council of Ministers

5.1 Senator P.F.C. Ozouf (The Deputy Chief Minister):

I would like to take this opportunity to update Members on the programme for appointing a new Chief Executive to the Council of Ministers. The Council of Ministers has reviewed the current Chief Executive's role and responsibility and has decided it would be appropriate to restructure the role. We have also considered the current structure of responsibilities of the Council of Ministers, Ministers and accounting officers. This is particularly relevant since the Public Accounts Committee has also reviewed the structure and published its report of 16th March. The Council of Ministers believe that the current structure needs to be reviewed with the intention of creating greater clarity and accountability. The Council intends to lodge a report and proposition setting out the draft terms of reference and a structure of this review with the intention of securing a debate in June or July. This will be a significant review and any changes would need to be thoroughly explored and enshrined in legal changes. It is therefore likely that it would take up to 3 years to review and implement changes. The Council of Ministers therefore intends to appoint the new Chief Executive on a 3-year contract in order to mirror the likely length of the proposed review. The current Chief Executive will be leaving at the end of May and the Chief Minister has therefore appointed Mr. John Richardson, who is the current Deputy Chief Executive, as the Interim Chief Executive in order to allow the appointment process of a 3-year Chief Executive to proceed. The Chief Minister has said he has every confidence, as I do, in Mr. Richardson as Interim Chief Executive and we thank him for agreeing to take on this role. The States needs a top class Chief Executive to deal with the challenges of the next 3 years. These include the Comprehensive Spending Review, supporting a new Council of Ministers and maintaining performance. However, the Chief Minister and Council of Ministers believe that in the first instance the job should be advertised locally with the intention of appointing a Jersey person to be Government's most senior official. The post will be advertised this week with the intention of completing the selection process by early July. The Chief Minister wishes to make it clear we are seeking a local candidate so will only appoint someone who can meet all of the requirements of the role. The Appointments Commission will be participating in overseeing the process and the Chairman is determined to ensure that the appointed person is fully capable of fulfilling the role. The Chief Minister will keep Members informed of progress.

5.1.1 The Connétable of St. Mary:

The Deputy Chief Minister has made reference to what amounts to a further machinery of government review. Can he firstly confirm whether the Council of Ministers would intend to consult with P.P.C. on this proposal prior to lodging? Furthermore, does he acknowledge that any potential changes to the machinery of government would need to be considered by the Electoral Commission which we are in the process of setting up? Perhaps, in fact, these processes should be co-ordinated and therefore how does he see the proposal would affect the setting up of the Commission.

Senator P.F.C. Ozouf:

I think the Chairman is absolutely correct that first of all there is a requirement and an intention to consult with P.P.C. on this. It should be very much a joint working party. There are crossovers in relation to the Electoral Commission and the issues concerning changes to machinery of government do need to be looked at in terms of the composition of the States, the States of Jersey Law, the Public Finances Law and everything together. Certainly there may well be some grounds... we need to look at the terms of reference of the agreed proposition for the appointments for the Electoral Commission and to see how these things can be brought together so that there could be one overall review looking at the structure of the States, looking at the

accountability and dealing with one overall review rather than 2 separate reviews. But I am sure the Chief Minister will be in touch with the Chairman shortly in order to discuss that.

5.1.2 Deputy R.G. Le Hérisier:

A related question. Would the Chief Minister agree that given the comments of P.A.C. (Public Accounts Committee) that without something approximating to or appears like a party system, there is not the glue to hold the system together to provide for enforceability of policy and therefore to provide for a clear role for the Chief Executive. While we have a fragmented system, such as we do have, an apparent inability to bring discipline to the system, does he truly think it can be reformed to give the Chief Executive real power?

Senator P.F.C. Ozouf:

Yes, I agree. The system that we are currently working in certainly is an improvement. I know that Members do not universally agree with this, but having worked in the committee system I think the current system is a lot better than the committee system but, no, it is not working optimally. I certainly have had my sympathies for the Chief Executive who was recruited on a certain ideal of Ministerial government and accountability but, in fact, this Assembly on amendments which were, at the time, mainly promoted by former Senator Syvret effectively meant that the Chief Executive has not been able to do his job but there is a delicate balance between the Chief Executive's ability to run departments and to be responsible for Chief Executives in the rest of the department and the Minister's requirement to overall also see policy. There are some changes that have to be made. The current system is not working optimally and it does need to be improved and it does need to be strengthened so that we can deliver better services, better value for money and that this Assembly and the esteem in which it is held in the public has improved because the nonsense that goes on in politics sometimes is also not doing any of us any good, and not doing the Island and our reputations good, but we can now work to solve this.

5.1.3 Deputy R.G. Le Hérisier:

Does the Deputy Chief Minister therefore think that the system is not working because the Chief Executive cannot give direct orders across all areas to the chief officers of departments?

Senator P.F.C. Ozouf:

I think that it is very difficult to respond to a question of direct orders because ultimately there is an important difference which I know that many Members, including myself from time to time, struggle with in terms of being responsible. I am clearly the Minister responsible for policy and oversight but I am not responsible ultimately, I do not think, for ensuring performance if I am a Minister in a certain department of the Chief Executive. The Chief Executive should be responsible for delivering performance improvements with individuals. The current almost unclarity in relation to reporting structures is not helping. I think that that is one of the reasons why we have not seen any improvements in performance in the States that we should have seen over the last few years. Members know which departments have not been performing well and it is, I think, because of the structure in part.

5.1.4 Deputy J.A. Martin of St. Helier:

I would just like the Deputy Chief Minister to clarify, are we talking about one thing here? I think the first ... and I am going from the Chairman of P.P.C., are we just talking about the Chief Executive's role or changing the whole structure? What worries me, we are talking about setting out a proposition of draft terms and reference for debate in early June. Could he give me at least one or 2 - and they must have discussed this around the Council of Ministers - what these terms of reference will cover, because I think we really need a proper statement and that first paragraph

should be a 2-page statement on the whole role of the machinery of government and not veiled in secrets or little, little terms of reference. I want to know the draft terms of reference and what is going to be discussed in June or July. If the Minister cannot give me any today, will he say that he will bring forward another statement by the next sitting?

Senator P.F.C. Ozouf:

The aim is to make a statement today concerning the interim arrangements that need to be put in place to deal with the Chief Executive's departure. The Chief Minister will need to explain all of the terms of reference of effectively the changes that he believes, and the Council of Ministers believe, are going to need to be reviewed. Ministerial Government has been in place now for 6 years - since 2005 when we brought it in - and there does need to be some changes to it. All is not well in terms of the detailed structures of reporting lines, and this review is designed to encompass all of the issues in terms of the way that the Council of Ministers work. Yes, I think it needs to look at issue about the rules of Scrutiny and we need to be really honest with ourselves about what has worked well and what has not. This is a machinery of government review looking at all the issues 6 years after Ministerial government came in. The Deputy will be aware - in fact I think she is a supporter in some ways of the issues - that Clothier was not completely implemented, for better or for worse there are issues that were taken out and there are some issues about reporting structures, accounting officer instructions, as we were talking about with Deputy Le Hérisier, are not working and some changes need to be done but it needs to be an inclusive review, it needs to be a properly open review with as many Members involved and this will guide the future of effectively the structure of the Assembly and the structure of Ministerial government for probably the next 5 to 10 years.

The Deputy Bailiff:

Minister, can I remind you that the answers should be crisp and concise. Senator Ferguson.

5.1.5 Senator S.C. Ferguson:

The Interim Chief Executive has up until now been responsible for the supervision of the C.S.R. which is a full time occupation in itself, it is unlikely that he will be able to continue in this role as well as dealing with the overall operations of the States. What plans are there to deal with the ongoing management of the C.S.R.?

Senator P.F.C. Ozouf:

A very good question. I will answer it in 2 ways. It is unfortunate that we are losing a senior person with oversight but the C.S.R. is now much more progressed than it was a few months ago and now also the new Treasurer is in place. She will be taking a much more direct involvement in terms of monitoring C.S.R. and delivering.

[12:00]

We still have some discussions about the structure of the Chief Executive's Department, the Chief Minister's Department and the Treasury. For example, procurement may well now sit better directly into the Treasurer as opposed to the Deputy Chief Executive. So there are some changes that we can make and we are going to have to work with the structure that we have.

5.1.6 Deputy M. Tadier:

Regarding the last paragraph, in what ways will a local candidate be sought, given that it goes on to say that only somebody who meets all the requirements will take up the role, irrespective of whether they are local or not?

Senator P.F.C. Ozouf:

I think the point the Chief Minister was attempting to make in the statement is after having consulted the Appointments Commission the first interview or the first advert will be locally and there will be an attempt to appoint somebody locally. If that is not successful then there is going to have to be a wider trawl in terms of a candidate. The Appointments Commission is independent, they are fiercely independent and that is a very good thing, and they will be overseeing the appointment. We need the right person to discharge what is going to be a very huge amount of work for a 2- or 3-year period. I hope Members would welcome the fact that the Chief Minister is directing that this recruitment should be done on-Island if possible. If it is not successful then we will have to go outside the Island.

5.1.7 Deputy M. Tadier:

Supplementary. Will the advert that is placed locally say that those with 5-year residency will be given preference or will it not say that?

Senator P.F.C. Ozouf:

I have not seen the advert but, yes, the assumption is that it is local resident. I have got nothing further to add. I think it is obvious.

5.1.8 The Deputy of St. Mary:

The Minister talked earlier about the failings of the present structure as if that is where the failings lay and thereby diverted attention away from political failings within the present Council of Ministers. My question follows on from that. Does he not think that there is a danger in persuading all of us to think, or trying to persuade all of us think that the answer lies in a really powerful Chief Executive who can tell departments ... call them to heel and so on and make sure they do this and that. In fact the problems are deeper than that, and that we are being, in a sense, sold a false dawn.

Senator P.F.C. Ozouf:

I would say 3 things: first of all, we constantly live in a world ... I almost think that Jersey has been through a black cloud in the last few years. Everything is wrong; we talk about failures and things going wrong everywhere. My approach to life is that there are always opportunities to do better. Yes, we can do better. This Assembly can do better. We can do better in all of the areas that we do, we can become more productive, we can be better. So we say the word failings as though everything is wrong. Everything is not wrong in this Island, everything is not wrong in this Assembly, but we can do better. I do not seek my own position on a Chief Executive, it is not a powerful dictator Chief Executive that you want, you want a Chief Executive who is looked up to, who is a motivator of the public sector, who is a defender of the public sector, who is modern in their approach, who understands the local context. You win, ultimately, debates in any organisation by charm and persuasion as opposed to dictats.

The Deputy of St. Mary:

But the failings ...

The Deputy Bailiff:

No, thank you, Deputy, that brings an end to questions of the Deputy Chief Minister in relation to that statement.