

2.8 Deputy T.M. Pitman of the Chief Minister regarding

Given any additional monies/severance payments outside of the contractual entitlement paid to the former Chief Officer of Health and Social Services would have been made from public funds, what justification can the Chief Minister give for not divulging the contents of the agreement to the Assembly in his written response on 23rd February, particularly in the interests of accountability and transparency as outlined in the Ministerial code of conduct?

Senator T.A. Le Sueur (The Chief Minister):

The reason why I am not able to provide the Assembly with any details concerning the departure of the former Chief Officer of the Health and Social Services Department is because the terms of his departure were subject to a confidentiality agreement. There is nothing unusual about this. All of the individual employee agreements facilitated by the Jersey Advisory and Conciliation Service, for example, contain confidentiality clauses. This would also normally be the case in the private sector.

2.8.1 Deputy T.M. Pitman:

Bearing in mind that the former Chief Officer was criticised by Verita, if he had done it deliberately why must he receive additional payment; likewise if the former Chief Officer was asked to leave why did he receive additional payment with the monies from the public purse. Surely it should be in the public interest to have that revealed.

Senator T.A. Le Sueur:

The Deputy seems to be aware of payments which may or may not have been made. I am not sure where he gets his information from or how reliable it is. As I say, it is a confidentiality agreement with both parties and any comments of that nature are purely speculation.

2.8.2 Deputy R.G. Le Hérissier:

Would the Chief Minister not acknowledge that his previous statement was slightly disingenuous that the private sector does not reveal these facts? Would he not acknowledge that because of shareholder restlessness in places like the U.K. the terms upon which chief officers are appointed and the terms upon which they leave, if they do leave, are now known because shareholders insist that they be known?

Senator T.A. Le Sueur:

This will entirely depend on the nature of the agreement between the parties concerned. Where there is a confidentiality agreement, it would be a matter of interpretation whether that can be overridden by any other judgment or decision of shareholders. But normally a confidential agreement is just that.

2.8.3 Deputy R.G. Le Hérissier:

Would the Minister not acknowledge that he is hanging on to procedural ways out of this situation and that it would be much better, given the large sums we are paying people often linked to performance in their position... given those large sums it would make for much more credibility if we had some mature discussions about them instead of trying to always hide them?

Senator T.A. Le Sueur:

I disagree entirely. The Deputy makes comments about large sums. Frankly, if one is talking about a principle here whether the sum is large or small is immaterial. But really, this is not a procedural way out. This is a matter of good employment relations and is consistent with Jersey Advisory and Conciliation Service practice.

2.8.4 Senator S.C. Ferguson:

Given the moves to disclose all the payments made to council executives and senior members in the U.K. and a general policy that is coming on of transparency and disclosure, does the Chief Minister not think it is perhaps time to review this and to modernise these arcane procedures?

Senator T.A. Le Sueur:

I point out to the Senator that details of salaries paid to chief officers are already published in the States financial statements. What the question is asking is about a severance payment or additional monies outside of the contractual entitlement. That is a different matter entirely.

2.8.5 Senator S.C. Ferguson:

I would perhaps ask the Chief Minister why, when in business these sums are disclosed and we are trying to run an efficient States organisation... surely we should be bringing these efficiencies and transparency into the States system.

Senator T.A. Le Sueur:

I am not sure what the Senator means by “these sums are disclosed”. If she means sums paid for in the event of a cessation of employment that is not necessarily always disclosed and it will depend on the circumstances.

2.8.6 Deputy T.M. Pitman:

Having taken advice from Data Protection before I shaped my question, does the Minister not concede that it would be better to get the figures out in the open now rather than wait for people perhaps like Senator Ferguson who will be going through the accounts in a month’s time with a fine toothcomb? Because we will get these answers eventually.

Senator T.A. Le Sueur:

This is not a matter for Data Protection. This is a matter of commercial contractual arrangements. As to what the Public Accounts Committee or any other committee may look for in the future, they I trust will also abide by and respect any confidentiality which may be overriding a general contract.