

### **3.7 Deputy N.B. Le Cornu of St. Helier of the Chief Minister regarding the whistle-blowing policy:**

Does the Chief Minister agree that an effective policy in respect of the rights and obligations of whistle-blowers in the public sector, is an essential feature of any modern democracy committed to transparency and integrity in government and, if so, will he produce such a policy and bring it to the Assembly for approval before publishing it on the gov.je website?

**[Approbation]**

#### **Senator I.J. Gorst (The Chief Minister):**

May I also congratulate the Deputy on his election to this Assembly. The States of Jersey is committed to the highest possible standards of openness, integrity and accountability. There are already mechanisms in place for whistle-blowers to raise matters of concern and confidentiality. Employees can find the existing policy on the States intranet or directly get it from Human Resources. The current whistle-blowing policy has been under review by the States Audit Committee and officers during 2013 and there have been consultation with interested parties. A revised framework is now being finalised and will be relaunched as part of a wider review of human resources policy. This updated policy will be considered by the States Employment Board in due course.

#### **3.7.1 Deputy N.B. Le Cornu:**

The supplementary would relate to the “in due course”. How quickly could we expect such a policy to be available for consideration? I would say that Jersey is an Island where it is often described as paranoid and claustrophobic and those who would wish to whistle-blow must be given the confidence that they can do so and that confidence should come from the very top that they have a right and possibility and channel to do so.

#### **Senator I.J. Gorst:**

That is a good question: when. I do not have the timeframe in front of me but I do have what appears to me a draft document, which does not seem to need much work on it, but I need to find out exactly what the result of the consultation was and the proposed changes to that. I hope that within a couple of months we can have it finalised and agreed by the States Employment Board and then it will be made public.

#### **3.7.2 Deputy M.R. Higgins:**

The Chief Minister has told us that he has consulted with people. As it is such an important issue, the whole idea of transparency in the public sector is important, why has it not been put out to all States Members and to the public as well? Could he first of all tell us who he has consulted with and explain why it has not been wider?

#### **Senator I.J. Gorst:**

I do not have the list of consultees but I can certainly provide it to the Deputy. If the Deputy has any issues that he would like to raise about a whistle-blowing policy, we will be quite happy to hear them and receive them.

#### **3.7.3 Deputy T.A. Vallois:**

Would the Chief Minister not agree that it is not necessarily the policy that is the issue but the way it has been implemented and whether he would give his views as to whether it is appropriate for a Comptroller and Auditor General to be the final port of call for whistle-blowing?

#### **Senator I.J. Gorst:**

The Deputy is absolutely right and I know that her committee have been, I think, involved in the consultation, although as I said, I am not aware of the full list of consultees. The implementation of the policy and the commitment given from the top of an organisation to ensuring a policy is implemented so that staff feel confident to use the policy is extremely important. I do not think it is appropriate that the Comptroller and Auditor General is the last port of call in regard to dealing with such a policy.

[10:30]

**Deputy T.A. Vallois:**

Can I just clarify? It is not my committee, it was myself that was interested in the whistle-blowing policy.

**3.7.4 Deputy J.M. Maçon:**

Deputy Vallois has stolen some of my thunder but on that point, the Comptroller and Auditor General in the serious concerns policy was seen as an independent body that States employees could approach. Is the Chief Minister able to confirm whether or not that position will continue and if not, who is going to be that independent body that States employees can approach, or has that matter not been decided yet?

**Senator I.J. Gorst:**

I do not have the detail with me as to whether that has been decided or not. I am concerned that putting such a requirement on the Comptroller and Auditor General might drag the Comptroller and Auditor General from a position of independence to being conflicted, and it is very important that we do not arise at that position.

**3.7.5 Deputy R.G. Le Hérissier:**

Again, a variation on that theme. Would the Chief Minister not agree that any references to anyone in the line of authority, for example, the Minister for Home Affairs said recently that a person working in a prison wishing to whistle-blow could go to the Chief Officer of Home Affairs? Does he not think that is totally wrong?

**Senator I.J. Gorst:**

No, I do not. There needs to be a hierarchy of individuals that one can whistle-blow to. We put in place managers, they have appropriate training. It is them that will give confidence to individuals within a department that the policy is working and individuals need to have confidence in their direct line management. The policy currently being considered however will have, we might call it an escape valve of the Internal Audit Department, if staff do not have that confidence but what we need to do is engender confidence in staff that they can go to a line manager and that it will be dealt with appropriately and that there will be appropriate feedback upon the dealing of the issues raised.

**3.7.6 Deputy R.G. Le Hérissier:**

Would the Chief Minister not acknowledge that the lack of confidence in the line managers is indeed often the issue?

**Senator I.J. Gorst:**

If that is the case then, as I said, there should be an appropriate hierarchy. If it is an issue raised with regard to the direct line manager then of course the process would allow the whistle-blower to talk to the Chief Officer, or if that is not appropriate or felt inappropriate, then there is of course the Internal Audit function.

### **3.7.7 Deputy M. Tadier:**

At the last sitting the Minister for Home Affairs was asked whether or not there was a whistle-blowing facility at the prison. The Minister said: "I am not aware as to whether or not such a facility already exists within the prison. I simply do not know whether there is a whistle-blowing facility within the prison." Can the Chief Minister agree with me that if his Ministers do not even know whether or not whistle-blowing apparatus are in existence within their departments, that it is also a problem for the public to be expected to know that? Will he make sure that effective mechanisms are available, particularly in the context of the prison, where we have still got that email that has not been dealt with, as far as I know, from last ...

#### **The Bailiff:**

Sorry, concise question ...

#### **Deputy M. Tadier:**

I will leave the question there. But will the Minister agree that we need to have clarity and will he be giving a briefing to his own Ministers to let them know whether or not whistle-blowing facilities exist in their department?

#### **Senator I.J. Gorst:**

As I said, there is a States-wide whistle-blowing policy. I think the Minister is referring to whether there is a specific variant of such a policy or one simply for the prison. These are matters for staff to deal with. It is not necessarily about Ministers. As I said, there is a States-wide policy that anyone across the organisation can currently use but there is a recognition that that needs to be updated and that is a process that I have been talking about, and that update is in progress.

### **3.7.8 Deputy J.H. Young:**

Would the Chief Minister accept that the lack of confidence, which the people have over the absence of whistle-blowing facilities or clarity in it, is also indicative of a lack of confidence in complaints procedures generally? Will he ensure that his policy, when he brings it forward, will ensure that all such matters have proper independent procedures where people are not required to complain to the very people they are complaining about?

#### **Senator I.J. Gorst:**

Complaints is a different policy altogether and we should be clear of that and the amended Code makes that absolutely clear. I do not have a copy of the complaints policy in front of me because it is not directly related to this question.

### **3.7.9 Senator S.C. Ferguson:**

Would the Chief Minister not consider that a properly set-up complaints policy is an integral corollary of a whistle-blowing policy and as chairman of the S.E.B. (States Employment Board) should not the responsibility and review of complaints registers and whistle-blowing reports be reviewed by the S.E.B.?

#### **Senator I.J. Gorst:**

The Senator makes a very good point. She knows that part of the reform process is reviewing any number of employment policies and that, I suspect, is also one which needs to be reviewed in due course. Any issues which are raised rightly should be considered by the States Employment Board when it comes to employment policies.

**3.7.10 Senator S.C. Ferguson:**

Does the Chief Minister not understand that in a former life I was an auditor and we assessed the health of an organisation by the turnover of staff and a review of the complaints register? Does he not understand the importance of the register and the policy?

**Senator I.J. Gorst:**

Some Members always wish Ministers to be involved in operational matters rather than in developing policy and setting policy, and it is important that we understand the role of the States Employment Board. As the Senator says, I have no doubt whatsoever that Internal Audit review these registers and the Public Audit will be concerned about reviewing such registers along with all other sorts of risk registers as well.

**The Bailiff:**

Deputy Le Cornu, do you have a final question?

**Deputy N.B. Le Cornu:**

I do not have a further question but I would thank the Chief Minister for his comment for an issue that has now been given a degree of priority.