

STATES OF JERSEY



VOTE OF NO CONFIDENCE: CHAIR OF THE HEALTH AND SOCIAL SECURITY SCRUTINY PANEL

Lodged au Greffe on 21st February 2023 by
Deputy P.M. Bailhache of St. Clement

STATES GREFFE

PROPOSITION

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

that they have no confidence in the Chair of the Health and Social Security Scrutiny Panel.

DEPUTY P.M. BAILHACHE OF ST. CLEMENT

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

1. Deputy Barbara Ward of St. Clement
2. Deputy Andrea Howell of St. John, St. Lawrence and Trinity
3. Deputy Thomas John Albert Binet of St. Saviour

REPORT

1. As is stated in the Scrutiny/PAC Engagement Code, scrutiny is an integral part of the machinery of government in Jersey. Ideally, Scrutiny Panels should be composed of members of different political persuasions who come together to carry out their functions as a critical friend of the Minister. In that respect, the Health and Social Security Panel, composed of 2 members of Reform Jersey, 1 member of the Jersey Liberal Conservatives, and 2 independent members, comes close to the ideal. Indeed, it has in its short existence been successful in persuading the States to reject the Government's policy in relation to the Health Insurance Fund. It gives me no pleasure to lodge this proposition which I do reluctantly in view of the stance adopted by Deputy Southern which has led me to lose confidence in his leadership.
2. On 3 February 2023 the Chair received a letter of complaint ("the letter") from the Minister for Health and Social Services about the conduct of 2 members of the Panel, namely Deputies Ward and Howell. I have asked the Minister whether she is agreeable to the letter, which is marked "Confidential", being made available to members but she wishes to seek advice and, at the time of lodging, that advice had not been received. If the Minister subsequently agrees to the letter being circulated, it will of course be distributed to members.
3. The Minister made 3 complaints about the conduct of Deputy Ward.
4. First, it alleged that the Deputy had revealed in a public hearing information about the appointment of Professor Mascie-Taylor which had emerged during a prior private meeting with the Minister. That allegation was incorrect. In fact, as the record of the meeting clearly shows, the Minister's encouragement of the Professor's application for the post in question was first put into the public domain by the Minister herself. She was then questioned by Deputy Ward as to a possible conflict, given that the Minister was the appointor, but that was perfectly legitimate questioning.
5. Secondly, it was alleged that the Minister was hearing "anecdotally" that the Deputy was relaying to the Panel information received in her capacity of a member of the States Employment Board. It is not known how that information came into the possession of the Minister because the only discussion of this difficulty arising from dual membership occurred once at a private meeting of the Panel. During a discussion the Panel's clerk warned Deputy Ward and me of the importance of maintaining the confidentiality of each body, and that was immediately acknowledged by both of us. Deputy Ward has not been relaying information derived from the SEB and it is surprising that gossip of that kind should be included in a formal complaint.
6. Thirdly, it was alleged that Deputy Ward was "routinely drawing the Panel away from its purpose" and raising employment matters. The record shows that several members, including the Chair, have seen fit to ask about the difficulties

of recruiting and retaining staff, but in my view that is again perfectly legitimate questioning and relevant to matters within the Minister's responsibilities.

7. The allegation against Deputy Howell was that she had not, in the Minister's view, "always acted in a professional manner towards the public servants responsible for Health and Community Services". An instance was cited when, at a private meeting with the Minister and her officials on 2 February, the deputy's behaviour was "wholly inappropriate" and that officials were "subjected to what I considered to be clear vitriol and disrespect". The conduct was said to be contrary to the Code of Practice for scrutiny panels and the Code of Conduct for Elected Members. I was present at that meeting, and I have to say, with all respect to the Minister, that I do not recognise the conduct of Deputy Howell as bearing any of those hallmarks.
8. At the meeting on 2 February matters came to a head when Deputy Howell was questioning the Chief Officer of the Health Department and stated "You are not listening to the doctors" or words to that effect. The Minister did not let her Chief Officer respond but directed her to leave the room. Deputy Howell was in error – she should have phrased the statement as a question, by adding the words "are you?". Deputy Howell acknowledges this minor transgression, but in my view the Chief Officer, if allowed to do so, could easily have treated it as a question and responded.
9. Having received the letter, the Chair wrote to both deputies informing them of the complaint. They asked to see the letter and on 9 February Deputy Ward collected a copy from the Members' Room. Deputy Southern was there and told Deputy Ward that he did not want her to attend any of the several meetings of the Panel scheduled for the following week, saying that there was a trust issue with her. The same information was apparently conveyed to Deputy Howell and both deputies were asked to consider resignation from the Panel.
10. I was given a copy of the letter and asked to meet Deputy Southern. That meeting took place on 15 February. It was a frank and cordial meeting. We discussed the letter and went through the different allegations as set out above. Deputy Southern did not argue that any of the allegations against Deputy Ward were well founded but he was unwilling to reply to the Minister's letter defending Deputy Ward's position. I expressed the view that senior officials must expect to be challenged and that Deputy Howell's questioning may have been firm but she did not treat the Chief Officer with disrespect. Deputy Southern saw matters differently and we eventually had to agree to disagree. I said that both deputies were new members of the States and had expressed a genuine willingness to learn from any mistakes and asked that the Chair should withdraw his request for them to resign from the Panel. Deputy Southern declined to do so and said that he could no longer work with either of them.
11. Deputy Southern has no power to require members of the Panel to resign but his stance that he is unwilling to work with them creates an impossible situation. I have considered with Deputies Ward and Howell whether we should all resign. That would leave the Panel for the time being inquorate and unable to carry out its functions. My belief is that Deputies Ward and Howell are excellent

members of the Panel. By reason of their experience and knowledge of the medical world they are very well placed to act as members of the Health and Social Security Scrutiny Panel. They have done nothing, in my view, which makes it inappropriate for them to continue as members of the Panel. On the contrary, the Panel would be considerably weaker for their absence.

12. In order to avoid this proposition I invited Deputy Southern to consider resigning from the chairmanship of the Panel and submitting himself to the Assembly for re-election. He was unwilling to agree to that solution, and I have therefore no other option but to lodge this motion of no confidence in his leadership.