

3.7 The Deputy of St. John of the Chief Minister regarding the reimbursement of the Chief Executive, Health and Social Services Department for a course of guitar lessons:

Can the Minister advise Members whether the Chief Executive claimed reimbursement for a course of guitar lessons that he missed while working on the department's response to the Haut de la Garenne inquiry and if so, was the reimbursement claim authorised and how much was repaid to the Chief Executive? In fact, this question originally was to go to the Minister for Health, but the Chief Minister rang me at the weekend and asked me if he could answer it due to him being in charge of employment.

The Bailiff:

Is the question accurate? I think the question now should read: "Chief Executive of the Health Department", should it not?

The Deputy of St. John:

It should, but I am reading off the States document that I have in front of me and, therefore, I can amend it. "The Chief Executive of the Health and Social Services Department", if I can put that amendment in.

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

Yes, the Chief Officer, Health and Social Services Department did claim for reimbursement of missed guitar lessons totalling £252. As is normal procedure the claims were authorised by another senior officer in Health and Social Services. They were verified by the guitar teacher and checked against specific work commitments to ensure that they were justified. While the claim was fully justifiable under the Code of Conduct, I have no doubt that it was an error of judgment by the officer concerned and in hindsight he now accepts this. Accordingly, he has not only agreed to refund the money claimed, but also by way of apology agreed to donate a similar sum to a health-related charity.

3.7.1 The Deputy of St. John:

Given the Minister's reply can the Minister confirm that the reimbursement was authorised by the Director of Finance and also confirm that the Director of Finance is a subordinate of the Chief Executive and who, if anyone else, scrutinised the claim and concurred it should be paid? Can the Minister advise if he believes the claim was justifiable? He has done that bit of it, but I have concerns. Can the Minister further advise whether such a claim would be acceptable under the rules of executive expenses in force in the United Kingdom health service?

Senator T.A. Le Sueur:

Firstly, yes, I can confirm that it was authorised by the Director of Finance at Health, but I should add that following this incident I have reviewed the procedures in place for authorising such expense claims. While I am satisfied that the procedures are clear I have asked that they be made more explicit and that any claims of an unusual nature must be referred to the Chief Executive of the States or his deputy. This instruction has now been given to all parties involved. As to the U.K. (United Kingdom) I have no knowledge of what the U.K. code of conduct would say in this particular case.

3.7.2 The Deputy of St. John:

A supplementary on that one, if I may; a continuation. Can he confirm the accountant or accounting officer is a subordinate of the Chief Officer and that being the case what other steps have been in place until now to double-check expenses of the Chief Officer?

Senator T.A. Le Sueur:

Clearly the Director of Finance is subordinate to the Chief Officer. The Chief Officer by definition is the superior officer. The procedure was set out in financial directions set out in the Treasury Code of Directions and applies in the normal case to all expenses of a general nature. As I have indicated, for unusual situations - and this one is clearly more unusual than most - it is now clear that such decisions should not be made by a subordinate officer, but should be referred to the Chief Executive of the States.

3.7.3 Deputy R.G. Le Hérissier:

Would the Chief Minister not accept that this approach is out of tune with current public thinking and will he promise that all the rules will be recast, rewritten and shown to the States?

Senator T.A. Le Sueur:

I do not think there is a need to recast every single rule. Certainly one can and should review the code of conduct for officers and for States Members and we will be doing that. I think what I have indicated here is we acknowledge that this matter does need to be dealt with at a high level and that is now being ensured, that all people are aware of that rule.

3.7.4 Connétable D.W. Mezbourian of St. Lawrence:

Will the Chief Minister give his definition of what claims of an “unusual nature” are?

Senator T.A. Le Sueur:

I think the normal claims one would expect an officer to be putting in would be for routine travel or entertaining or costs of that nature, and those would quite clearly be appropriately dealt with by the Director of Finance or whoever concerned. Where there are matters which the accounting officer considers would not be routine in terms of things like travel and entertainment then if he or she is in any doubt whatsoever he should refer the situation to the Chief Executive. I have no doubt that in the interests of caution any accounting officer will make sure that if he has any doubt whatsoever he will err on the side of that caution and refer it to the Chief Executive.

3.7.5 Senator S. Syvret:

I was not aware it was the taxpayer’s duty to fund mid-life crises, but there you go. Will the Chief Minister recognise the issues that arise out of this in terms of accountability and power? I have had to work for 2 months in the summer of 2007 without taking as much as one whole morning or one whole afternoon off. On several occasions I had to work literally 24-hour days. Some of the work I was doing during that was to identify, make contact with and recruit Professor June Thoburn and I then had to strike an agreement with her that was an absurdly cheap agreement. I could not agree to pay her the monies she deserved because to do so would have required going through all kinds of hoops and hurdles via the financial planning of the department. Has not something gone badly wrong with the system when a Minister cannot employ an internationally renowned child protection expert and the Chief

Executive of the department, who incidentally was trying to obstruct that process, gets his guitar lessons funded?

Senator T.A. Le Sueur:

I think that is a totally irrelevant *non sequitur* and I refute it completely. I do appreciate that the Senator worked hard in that respect and indeed the Chief Executive, Health and Social Services Department has worked tirelessly for the last 18 months and well over and above the course of duty, but that is perhaps not the issue at hand [**interruption**]. I ask the Senator to withdraw that remark.

The Bailiff:

I'm sorry, I did not hear it. What was the remark?

Senator T.A. Le Sueur:

He was talking about bribery.

The Bailiff:

Senator Syvret, did you make such a remark?

Senator S. Syvret:

I did, yes.

The Bailiff:

Will you please withdraw it?

Senator S. Syvret:

For the interests of the Assembly I will withdraw it. I shall put it on my blog and it does concern bribery.

Senator T.A. Le Sueur:

I do not think there is much more that I can usefully add to the fact that the Senator clearly has a different point of view from the majority of us about the ability of States to spend money. As we have seen, Professor Thoburn was indeed appointed by the States. She no doubt accepted the terms and conditions of that contract and I believe that we had an excellent outcome as a result. I do not think it is relevant to the question of guitar lessons.

3.7.6 Deputy M. Tadier:

While it is not my place to defend the Chief Officer in any way I believe we are focusing on the wrong area here. Will the Chief Minister confirm to the Assembly that in fact a decision has already been made behind closed doors to get rid of the Chief Officer and that the *J.E.P.* headlines are simply the first wave of propaganda against the Chief Officer emanating from his department? Would he also confirm what the relationship is between his department and the *J.E.P.*?

Senator T.A. Le Sueur:

No, I do not know where the Deputy gets his information from. I believe he is totally misled. My relationship to the *J.E.P.* and that of other States Members is that of trying to help them provide correct information to the public.

3.7.7 Deputy S. Pitman of St. Helier:

The Chief Minister has spoken of officers' expenses. Would he consider publishing a list of such claims to put taxpayers' minds at rest that their money is being well spent?

Senator T.A. Le Sueur:

Yes, a request has already been made for those expenses to be published and that information is now being collated.