

4. Questions to Ministers without Notice - The Chief Minister

4.1 Deputy M.R. Higgins:

The Chief Minister has stated on numerous occasions in the past that he believes in inclusive government. I was going to say that he also believes in transparency but I think I am probably mistaken on that point. However, does the Chief Minister agree with the Economic Development Department's use of blanket confidentiality agreements to all the information it gives to the Economic Affairs Scrutiny Panel and in particular I am talking about the depositor compensation scheme as the first example, and last Friday on our sub-panel review on Harbours and Airports where they want the entire contents of the file to be kept confidential. The precise question is does he believe this is the way that we have open and transparent government?

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

I believe that open and transparent government has to work both ways and where confidential agreements are being given to a scrutiny panel or any third party it should be given under terms that panel respects that confidentiality. If the parties are prepared to abide by full confidentiality then it should be full openness.

4.1.1 Deputy M.R. Higgins:

A supplementary, if I may. The document concerned is the entire file, not particular documents. We have rejected it and sent it back to the department and said we wish to know the specific documents. We have also referred it to P.P.C. (Privileges and Procedures Committee) because we believe it is an obstruction of Scrutiny and it is trying to prevent proper accountability.

The Deputy Bailiff:

Is there a question there?

Deputy M.R. Higgins:

Does he feel that entire files should be confidential? We accept some items can be and we are quite prepared to work within that but entire files?

Senator T.A. Le Sueur:

I have no idea of the precise situation involved but it may well be that there are difficulties in trying to extract information from a detailed file and it could be better achieved in a better way. I would point out to the Deputy and to Members that if any Scrutiny Panel has concerns about the lack of information being provided by any Minister or any department there is a right of report to myself as Chief Minister built into the code of conduct which I am happy to abide by.

[12:00]

4.2 The Deputy of St. Martin:

Last September, rather than accept my proposal, the Chief Minister was able to persuade the States to appoint one of his own internal experts to review the suspension of the hospital gynaecologist. The review was supposed to be carried out within 4 to 6 weeks. Could the Minister explain why 6 months later the report has not been produced to the States and how much has that review cost to date?

Senator T.A. Le Sueur:

I share the Deputy's disappointment that that review has not been as forthcoming as quickly as I would like. I did inquire as late as a couple of hours ago of the current position but I was hoping it would come to the States Employment Board next week. I am advised there are still a few matters of legal detail to check-up in respect of the content of the report and it may not come to S.E.B. (States Employment Board) next week but it will come certainly within the following month. As to the costs to date, it is still within budget.

4.3 Deputy D.J. Sousa:

Can the Chief Minister inform the House how many new civil servant positions have been created by his department in the past 12-18 months?

Senator T.A. Le Sueur:

Off hand immediately the answer is no, but I would remind the Deputy that States manpower numbers are published twice a year, every 6 months in fact, giving details of every department's movements in terms of both temporary and permanent part-time and full-time staff. I refer the Deputy to those documents.

4.4 Deputy S. Pitman:

On 23rd February the Chief Minister informed the Assembly that he had implemented an internal investigation into recent allegations raised about actions of the States Chief Executive Officer. Will he clarify for the Assembly whether that investigation was carried out by one of the C.E.O.'s (Chief Executive Officer) subordinate employees and, if so, does the Chief Minister contend that such an investigation can have any creditability?

Senator T.A. Le Sueur:

I am not sure if the Deputy is talking about the original review, which was carried out by an officer in the States Personnel Department some 18 months ago or if she is talking about the review now to be carried out into procedure as agreed by the States when it debated Projet 9 last month. If it is the latter, that will be carried out by an external person who has been selected and is in the process of being appointed.

4.5 Deputy G.P. Southern:

The Chief Minister in his answer to question 5183 on estimated costs to States revenues produced by redundancies suggests that there is a gain of £719 over a 6-month period for supplementation not being paid. Is it not a fact that those made redundant now have their whole contribution made credited to the Social Security fund and this is therefore a cost?

Senator T.A. Le Sueur:

In the answer, which I tried to give as truthfully as I could, I was talking about the immediate financial implications of any such payments; credits which may be given in respect of Social Security contributions are not cash payments as such. They will have a possible effect on the overall state of the Social Security fund but I took it the Deputy's question related primarily to States expenditure.

4.5.1 Deputy G.P. Southern:

Is the Minister stating that those credits are not real money and that there is an impact on the Social Security fund thereby? Surely that is likely to damage the state of the Social Security fund.

Senator T.A. Le Sueur:

That is a question probably better asked of the Minister for Social Security but I do confirm that if we are talking about credits here, which are not actual cash payments at that time, it may affect the overall balances of funds and that will be a far longer-term issue than one of the immediate cash differences.

4.6 Deputy P.V.F. Le Claire:

Can the Chief Minister please explain why the Council of Ministers agenda is circulated so narrowly to certain Members in the States and the media and why it is continuing to be mainly made up of a Part B agenda?

Senator T.A. Le Sueur:

The agenda for the Council of Ministers is publicly available to any interested party. It is broken up into 2 parts and only the Part A agenda details are published, although there is generally an indication of what might be included in Part B. Items under Part B are there because they are simply in the course of development in most cases or come under other reasons within the code of confidentiality. But there is a standing arrangement at every Council of Ministers meeting, at the end of that meeting any B agenda items which can be transferred to the A agenda are so transferred.

4.7 Deputy A.E. Jeune:

Referring back to the question asked by the Deputy of St. Martin, does the Chief Minister believe that the review takes into account whether the surgeon was blocked or prevented from keeping his surgical skills updated?

Senator T.A. Le Sueur:

The review which is being carried out under my aegis refers to the procedures carried out by the Health Department rather than the medical activities. It is in that respect that the person will be reporting.

4.8 Deputy G.P. Southern:

In his document R.22/2010 referring to Public Employees' Contributory Retirement Scheme actuarial valuation the Minister in point 3 says: "Proposals for dealing with a deficiency need to be agreed between the C.O.M. (Committee of Management) and the States Employment Board before being submitted to the States." Then in paragraph 4 he says: "Negotiations between the States Employment Board and the Public Employee's Pension Joint Negotiating Group have so far been unsuccessful." Can the Minister clarify where agreement needs to be made before increases in the pensions are reduced, which is what he is proposing?

Senator T.A. Le Sueur:

The matter is governed by Regulation. Where the actuary, at the end of a review of the scheme, sees that there is a deficit which is not of a temporary nature but an ongoing deficit, there is an obligation on the scheme to rectify that deficit. The deficit can be varied in a number of ways and the options for the best way to remedy it is left in the hands of those who are members of that scheme, in other words the employees. That is done with the joint negotiating group of the Public Employees' Scheme in conjunction with their Committee of Management. Should that body fail within the stipulated period to come up with a solution, then the matter reverts to the States where the States have an automatic fall-back position of reducing benefits payable in the future. So it is only if no agreement is made by the employees concerned within this relevant period that the States would get involved directly in setting the amended benefits for the future.

4.8.1 Deputy G.P. Southern:

Supplementary? Can the Minister inform Members what exactly is the problem producing a stalemate after 6 months of negotiation?

Senator T.A. Le Sueur:

No, I cannot. It is simply that the employees have not yet come to a satisfactory conclusion among themselves.

4.9 The Very Reverend R.F. Key, B.A., The Dean of Jersey:

In the contracts between the Government, the States and the community does the Chief Minister agree that there is a fine line between necessary confidentiality and unhelpful secrecy? In this time of recession where people are so quick to want someone to blame, will he do all he can to

make sure as much information as possible is placed in the public domain so as to increase community confidence in this House.

Senator T.A. Le Sueur:

Yes, absolutely. I am perfectly willing and anxious that the public should be properly informed and fully informed. But one does, as the Dean rightly says, have to balance that against certain cases where there are confidentiality agreements which have to be respected. In balancing that respect with the obligation also to be helpful and transparent wherever possible that I will, wherever I can, err on the side of transparency.

4.10 Deputy M.R. Higgins:

I was asking a very similar question to the Dean but I will put it anyway. We have been told that comprehensive spending review will include a review of the terms and conditions of employment of States employees. Will the Chief Minister consider in the review a review of the proliferation of confidentiality agreements to exceptionally well paid senior officers which are unsatisfactory in an open and transparent society and certainly not conducive to public confidence in the States?

Senator T.A. Le Sueur:

Yes, there are 6 major reviews being carried in the context of the comprehensive spending review and each of those major reviews is intended to be totally broad-ranging covering every aspect of terms and conditions of employment. So I imagine that, along with a variety of other matters, will be addressed and if it was felt that there are better arrangements to be made by varying those terms and conditions of employment then I am sure that they will be proposed and no doubt, if approved by the States, implemented.

4.11 Deputy G.P. Southern:

On the same theme, given that terms and conditions are to be brought to the States for implementation will the Chief Minister guarantee to Members that proposed changes in terms and conditions will be agreed with representatives of employees first and not imposed as the pay freeze was?

Senator T.A. Le Sueur:

One of the conditions of the latest pay offer to States employees of 2 per cent for this year and 2 per cent for next year - which as I said I believe is a very favourable offer in the current conditions - is one that they should participate fully in a review of those terms and conditions of employment. So I hope that they will indeed do so and we will take into account their comments.

4.11.1 Deputy G.P. Southern:

Is it not the case, does the Chief Minister not accept, that the mechanism is that any changes in terms and conditions will be brought to the States and not necessarily negotiated with the representatives?

Senator T.A. Le Sueur:

Detailed terms and conditions are normally a matter between the employer and the employee directly and not a matter for political discussion because it is this House who set policy for wages and employment conditions. Those policies will be discussed by the States, precise details will generally be a matter between the employer and the employee concerned.

4.12 The Deputy of St. Martin:

Could I ask the Chief Minister, did the Council of Ministers discuss P.9 - the suspension of the Chief Police Officer - before lodging its comments and, if so, when were the discussions held and will the Chief Minister make the minutes available to all States Members?

Senator T.A. Le Sueur:

I have already responded to the Deputy who previously questioned that by email but for the sake of other Members, the matter was discussed by the Council of Ministers, it was part of the B agenda items, it was not considered appropriate to transfer that one to the A agenda and so it remains a B agenda item. It was discussed last month before the debate was held on projet 9.