

3.8 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the allocation of a 1(1)(j) category licence application in respect of the wife of the former Chief Executive of the Health and Social Services Department:

Would the Chief Minister advise whether, following the resignation of the former Chief Executive of Health and Social Services Department, it was determined that a 1(1)(j) category licence application should be made in respect of his wife, working within the Human Resources Department, and, if so, whether this was granted?

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

The short answer is no, not at this stage. Before releasing any personal data as to whether this or indeed any individual application was approved, and therefore going into this person's housing and employment status, the legitimate rights of an individual employee to privacy need to be balanced against the legitimate rights of the public to information. In particular, in the absence of a statutory framework, there must be a pressing public interest case for personal circumstances to be disclosed. Any such deliberation must take into account the nature of the question, the seniority of the employee and the expectation of privacy that could reasonably be held. In this particular case, I cannot see what pressing public interest could exist in confirming the housing status of such an employee. Until such time as I know this, I am not prepared to disclose the information. I am happy for the Member to explain his specific concerns which can then be considered. Finally, I can assure Members that decisions as to housing status are taken with rigorous regard to published procedures and policies and I am confident they are properly applied.

3.8.1 Deputy M.R. Higgins:

I believe that there is a public interest in this particular housing category. The lady in question did not come to the Island and was given a 1(1)(j) category in her own right, but came as a result of coming with her husband who resigned, if we remember correctly, for personal grounds before 2 damning reports on the Health and Social Services Department were tabled. I think many members of the public will be surprised to learn that he is still living in the accommodation after having thought that he had left the Island, as I say for personal reasons, and also when the public believed that he received a considerable enhancement for going. So, I think this is a case of where there is one rule for certain members of the senior civil service and one for everybody else.

The Deputy Bailiff:

Is there a question there, Deputy?

Deputy M.R. Higgins:

Yes, Sir. Is that not the case that there is a definite public interest and the public should know this because it seems you are getting around the situation of trying to maintain the housing conditions of the previous Chief Executive?

Senator T.A. Le Sueur:

The interest of the Deputy seems to be more in that of a former States employee rather than the current person of whom the question is asked. On that basis I fail to see how this takes into account the public interest of this particular employee.

3.8.2 The Deputy of St. John:

Can I ask the Chief Minister whether or not strings have been pulled to allow a transfer of a 1(1)(j) cat essentially employed person to occupy accommodation from a husband to a wife?

Senator T.A. Le Sueur:

I find the suggestion that officers would be involved in string-pulling and manipulation to be abhorrent. Certainly, as I said, decisions are taken with rigorous regard to public procedures and policies.

3.8.3 Deputy F.J. Hill of St. Martin:

Will the Chief Minister inform Members - or confirm maybe - that it is very, very rare for anyone living in the Island to be given a 1(1)(j) category? Normally 1(1)(j) categories are given to those who have come to the Island to do a specific job. Will the Minister confirm that?

Senator T.A. Le Sueur:

I have got no information to know whether that is a fair comment or not.

The Deputy of St. Martin:

Could I ask the Minister to check and make that information available to all States Members, because I believe that what I am saying is correct?

Senator T.A. Le Sueur:

It may be correct, but I fail to see how it can be relevant to the particular case.

3.8.4 Deputy J.A. Martin:

If the Minister is very reluctant to answer the case specific; is the job in Human Resources Department able to be done by anyone that is not a 1(1)(j) category?

Senator T.A. Le Sueur:

I am sure if the job could be done by someone local then the Minister for Housing would not have gone to 1(1)(j) category licence in this particular situation.

3.8.5 Deputy M.R. Higgins:

Perhaps in fact I should be asking the Minister for Housing for his reasons if he has granted one, but I do think it is quite scandalous.

The Deputy Bailiff:

That was not a question.