

4.9 Senator J.L. Perchard of the Chief Minister regarding the publication of the name, job title, grade and salary level of senior civil servants with salaries of more than £150,000:

This question has been superseded a little by the events of the publication of P.73 - I think it is - overnight. But I will still ask it because there is an important supplementary to ask. Following the publication on 1st June 2010 by the U.K. Cabinet Office of the name, job title, grade and salary level of senior civil servants with salaries of more than £150,000, will the Chief Minister undertake to do the same in Jersey and, if not, why not?

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

As Members are no doubt aware, I have now published at the same time as the annual financial report and accounts for 2009, the salaries of all post-holders with annual salaries of £100,000 and above. Members will be aware that limited information has already been provided for some years in the annual financial report. As the former Minister for Treasury and Resources, I had already decided on a greater level of detail in the accounts with the introduction of generally accepted accounting principles. I had initially been of the view that this new level of disclosure was sufficient but I am now satisfied that greater levels of disclosure are possible and they are set out in R.70 which is on our desks today. In accordance with practice in the U.K. civil service, and in the light of advice on data protection, salaries will be shown in £5,000 bands for each employee concerned.

4.9.1 Senator J.L. Perchard:

The U.K. Government has recently promised to deliver a Complete Online Information Service to be known as C.O.I.N. which, I understand, will include placing online information from the whole spectrum of government business. Is the Chief Minister aware of the U.K.'s new C.O.I.N. initiative, and will he take similar action to provide transparency and open data in Jersey, and does he agree that this open data policy is the best method for third parties to hold its government to account for the levels of public expenditure and direction?

[12:30]

Senator T.A. Le Sueur:

I have to say I was not aware of C.O.I.N. but I am grateful to the Senator for bringing it to my notice. I will look at it with interest and I think it does sound a very good initiative and it may well be the best way in which to hold the Executive to account. Once I have had a look at the system, I will be in a better position to answer that, but the general answer is one of support for that.

4.9.2 Deputy T.M. Pitman:

I have to say, I share Senator Perchard's concern on this issue but, in this new spirit of openness and transparency that the Minister has mentioned, would he consider also moving towards revealing all details of pay-offs when senior civil servants leave the service?

Senator T.A. Le Sueur:

I have said that one of the restrictions or considerations in publishing figures like this is the contractual obligation which one has to employees. The same comments would apply in relation to details of any termination payments as to whether or not they are

bound by details, by clauses of commercial confidentiality. Subject to that, if there are no such restrictions, then I would accept that those details should be disclosed.

4.9.3 Deputy M. Tadier:

I apologise if my question has been answered but I was temporarily distracted. The question I would like to ask is what is to stop, rather than bands, just having the actual wages printed on the internet or in public access to the actual figures of everybody who is a States employee?

Senator T.A. Le Sueur:

Did the Deputy refer to all employees or all employees over £100,000?

Deputy M. Tadier:

All employees and I would add the fact that when jobs are advertised in the paper, I think they are advertised with a specific salary. So what is the problem, seeing as they are public employees, just to print the actual salaries that everyone gets in a given year?

Senator T.A. Le Sueur:

I think it is a matter of proportionality. The job advertisements are normally advertised in bands according to salary grade. The information and advice I have in respect of data protection and, as I say, in common with the U.K., is that bands are the way in which it is currently done. But it is an evolving situation. It may well be in the future that there will be more and greater specific details rather than just those £5,000 bands. But I think for the purposes of reasonable analysis of anyone's salary, that level of detail should be sufficient to make a fair judgment.

4.9.4 Senator S.C. Ferguson:

Is the Chief Minister aware that the United States Government has been publishing all contracts for some years? C.O.I.N. is actually now available on the U.K. Treasury website and very interesting it is too. The U.K. have published the salaries of chairmen of quangos and senior civil servants and all the council details of the Chief Executives and so on have been available for some time. Does the Chief Minister not think that it is perhaps time for some transparency as to how taxpayers' money is being spent?

Senator T.A. Le Sueur:

I think it is and that is why, in R.70 here, we have more transparency than we previously had. We have had disclosure in the past. We have greater disclosure now and I am happy to have further disclosure if it is appropriate in the future. As to the salaries of people involved in quangos, they are normally provided within the accounts of those particular organisations.

4.9.5 Deputy J.A. Hilton:

I do not believe this question has been asked but the report has been published today, R.70. The question I really wanted to ask was we have the salary bands in the report but it is excluding pensions. Also, I was wondering why it did not give the whole picture, including pensions and housing, any housing benefits or relocation benefits that some employees might be in receipt of.

Senator T.A. Le Sueur:

It really depends for what purposes the report is intended to be used. In terms of comparisons, it is very difficult and dangerous if we are not careful to make comparisons which are misleading. If one, for example, is comparing with salaries in the U.K., then pension contributions in Jersey differ from those in the U.K. If one is comparing salaries in Jersey in the public service and the private sector, again, there are different elements of pension contributions and other benefits. So it is very difficult to make adequate, meaningful comparisons. By publishing what we have published today, which is just the bare salaries, they are capable of comparing on a like for like basis with other organisations, both in the private and public sector, and hence, I believe, more meaningful and less susceptible to misunderstandings.

4.9.6 Deputy J.A. Hilton:

Sorry, just a follow-on question. I think for the sake of openness and transparency, the total package should be in the public domain. I think taxpayers have a right to know exactly how much public servants are being paid.

The Bailiff:

Is that a question, Deputy?

Deputy J.A. Hilton:

Yes, sorry. Would the Chief Minister consider publishing the whole package so the public are aware of exactly the total amount?

Senator T.A. Le Sueur:

Yes, I think I made it clear earlier that it is an ongoing discussion and I am happy to consider further details for further levels of disclosure of these matters in conjunction with appropriate advice and appropriate constraints.

4.9.7 Senator J.L. Perchard:

I would like to follow up on Deputy Trevor Pitman's supplementary which I thought was a very, very good one. The Chief Minister said confidentiality clauses exist as a part of the contractual agreements between the States of Jersey Employment Board and the employee and consequently the employee is entitled to some confidentiality over settlement agreements should they terminate their employment early, otherwise known as "payoffs". Can I remind the Chief Minister that he is the Chairman of the States Employment Board who will draft the agreement with any employee? Can I ask him, from now on, to take seriously the need for the public to be able to access this type of information and no longer include, as a part of a contractual agreement with any future employee, a confidentiality agreement that allows them to disappear with a large sum of money that no Member of the States or member of the public who pay their taxes for these types of agreements to be made to ensure that this contractual agreement no longer exists in any future arrangement with any public employee.

Senator T.A. Le Sueur:

As a fellow Jerseyman, I share the Senator's probable distaste for paying money for work which has not been done or not been properly done and if there are elements of payment in terms of termination settlements which seem to be unusual, then I share that desire to keep that to a minimum. But in achieving that desire of keeping it to a minimum, there are sometimes compromises which are necessary and it may well be that in going for total openness and revealing details of the payoff, the negotiations may take the form of a higher level of payoff. If that is a consequence, then my

primary objective is to limit that to a minimum. It would be nice to think that one could terminate an employment without any costs whatsoever. Where that could possibly happen, that would be certainly very much my policy and the S.E.B.'s (States Employment Board) policy and, I am sure, all our policies. The nature of terminations varies from one to the other and so it is hard to give a blanket answer for all of them but I do indicate that confidentiality may be something which is a way of saving the States significant monies.