

2.19 The Deputy of St. Martin of the Chief Minister regarding the cost of the investigation into a complaint against a senior civil servant:

Will the Chief Minister inform Members of the cost of the investigation into my serious complaint against a senior civil servant and, given that the *Wiltshire Report* was put into the public domain, will the investigator's report be made public and, if not, why not?

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

In view of the fact that there were allegations that I could be conflicted in in this matter at the time of the investigation, I delegated the investigation to the Deputy Chief Minister and I think it is more appropriate that he responds to this question on my behalf.

The Deputy of St. Martin:

With respect, the question is being asked of the Chief Minister. I believe the Chief Minister should answer it, particularly as he is the Chairman of the States Employment Board.

Senator P.F.C. Ozouf (The Deputy Chief Minister- rapporteur):

I dealt with the entire disciplinary matter as the Deputy Chief Minister and it is appropriate, I think, that the Chief Minister does not answer questions of which he has no knowledge, because I dealt with the matter.

The Deputy Bailiff:

On the face of it, it, unless specific request for the Chief Minister is made, it would be normal to allow the question to be delegated.

Senator P.F.C. Ozouf:

The cost of the independent investigation into the complaint in question was £6,013.91. The investigator's report cannot be made public because the investigation was commissioned under the terms of the Chief Officer's Disciplinary Code. Under that Code proceedings are confidential which is in accordance with the employer's contractual duty of care to the employee. As the Deputy knows, the circumstances relating to the *Wiltshire Report* were entirely different. I should also say that the investigator found that there was no substance to the complaint that the Deputy made.

The Deputy of St. Martin:

I feel it is rather unfair that the Minister for Treasury and Resources is answering this question because I think the question should be to the Chief Minister. Will the Assistant Chief Minister then inform Members what was the difference between the *Wiltshire Report* which itself was highly confidential, why was that able to be put in the public domain and not the investigator's, because I do not see the difference?

Senator P.F.C. Ozouf:

I am answering this question as in my capacity as the Deputy Chief Minister, nothing to do with Treasury. Also the Deputy will know that the issue with the *Wiltshire Report* was not a matter for the Chief Minister's Department. That was a matter for the Minister for Home Affairs. The Deputy will know that was different, as I am advised by the Minister for Home Affairs, that he had complete discretion as to what he did with the *Wiltshire Report* once the disciplinary process has been completed. The Minister chose to exercise his discretion in favour of openness and that was the

reason why it was put into the public domain. They were an entirely different set of circumstances in relation to the issue of the disciplinary procedure which the Deputy is asking and unfortunately he continues to pursue his accusations against this senior individual in the States where I have commissioned an independent report and there has been no substance found in the complaint and that I think should be the end of it. I regret the fact that there is a continued attempt to cast aspersions on this particular individual.

The Deputy of St. Martin:

The complainant made some serious allegations and, despite what the Deputy Chief Minister saying, 2 of them were in actual fact substantiated. Given the seriousness of the allegations and also the person's position, has the matter been referred to the States Employment Board? If not, why not?

Senator P.F.C. Ozouf:

The matter is very simple. An allegation was made. An independent investigator was appointed. The investigator found that there was no substance in the complaints and, therefore, a decision to refer it to the States Employment Board was not relevant. There was an investigation; no substance in the complaint. That ends the matter.

The Deputy Bailiff:

It also ends oral questions and we now come ...

The Deputy of St. John:

On that point I have an oral question at 22. Could that question be answered by a written response, please?

The Deputy Bailiff:

That will be a matter for the Minister.

Senator A.J.H. Maclean:

Yes, I will answer that.