

4. Questions to Ministers without notice - The Chief Minister

The Bailiff:

Very well, that brings time for questions to the Minister for Treasury and Resources to a close and we move on to the next period, which are questions to the Chief Minister. Deputy Pitman.

4.1 Deputy T.M. Pitman:

Could the Chief Minister give any indication that when the report into Lime Grove House is published, the reality is that he will have to come to this House to attempt to remove his Minister for Treasury and Resources?

Senator I.J. Gorst (The Chief Minister):

What was the question there, Sir? It may be I misheard.

The Bailiff:

I think it is were you aware that you would have to come to the House in order to remove the Minister for Treasury and Resources?

Senator I.J. Gorst:

I have not read the report. The report has not been published, as far as I am aware.

4.2 Deputy S. Power:

The Chief Minister will be aware of the importance of the third sector in Jersey, does he have any concerns that some of the 3,000 charities, or almost 3,000 charities that are registered in Jersey, that some or all of their funds are going to their specified causes?

Senator I.J. Gorst:

This is an area in which I have a very keen interest. The Deputy might be aware that we are, hopefully, shortly bringing forward a change to the Charities Law and the description of charity in Jersey based upon the Scottish model. That, to my mind, is a step along the road to improving governance and confidence in what is a first-class third sector within our community. The Minister for Treasury and Resources, in the previous administration, gave money for the Jersey Association of Charities to develop a third sector co-ordinator. I see that new Charities Law and inevitably some type of Charities Commission working together to address any of these concerns while enhancing the credibility of the third sector and thereby enabling a greater confidence and greater giving into the third sector because they perform an absolutely first-class outstanding service to our community. We should be working with them, we should be improving them, we should be supporting them and I am committed to that.

4.3 Deputy M.R. Higgins:

I believe when the Human Rights Law was introduced into Jersey the Chief Minister's Department was responsible and insisted that all Government Departments produced a human rights audit to make sure that all our laws, regulations, policies and procedures were compliant with the Convention. I would like to ask the Chief Minister how confident he can be that States Departments are still being compliant with the law when there has been no further audit being made? When I can get no answer from the Planning and Environment Office; I have asked them to publish the human rights audit that they had to compile at the time when this law came in, that all departments had to do, they will not produce that and they hide behind the fact that they have referred it to the Law Officers' Department. How can I have confidence and the public have confidence that States Departments are complying with the Human Rights Law?

Senator I.J. Gorst:

I would suggest that if that ... and I was not aware of that audit having been undertaken at the point of introduction of the law, if that is when it were but if that was undertaken and that was given the seal of approval, as it were, as being compliant by the Law Officers' Department, then I believe that every Member can have confidence that that is the case. New pieces of legislation brought forward to this Assembly, of course, have a ... I am just trying to think of exactly the wording of the clause ...

The Bailiff:

A declaration.

Senator I.J. Gorst:

A declaration, that is it. Thank you, Sir. A declaration to say that they are indeed compliant with the Human Rights Convention and I believe, therefore, that we can have confidence that they are. If there is a particular issue which the department is seeking advice on then I suggest that we wait to receive that advice that will be considered. If there is an area that needs addressing I have no doubt that the Minister will address that particular area.

4.3.1 Deputy M.R. Higgins:

Supplementary, Sir. The law, yes, there is a requirement, for example, that there is a declaration to say that any laws are compliant with the Human Rights Law but what about the procedures being followed by the departments? Are they following the correct processes in terms of their application of those laws and their regulation? Unless we have another audit or we do a check there is no way of knowing. Would the Chief Minister, please, look into this and make sure that we are complying with Convention rights?

Senator I.J. Gorst:

Certainly, of course, I am more than happy to do so and gather further information. Perhaps with regard to the particular issue that the Deputy has alluded to he could either take that up with myself or with the Planning Department or, indeed, with the Law Officers' Department.

4.4 Deputy J.A. Hilton:

On Friday some details into the inquest of the death of a teenage mum were published. It would seem that there is some discrepancy between some of the evidence given by the professionals and friends of the young lady concerned and what I am seeking from the Chief Minister is that he will support a serious case review into this young lady's death. I understand that Mike Taylor of the Jersey Child Protection Committee will be considering this and I am requesting that the Chief Minister throw his weight behind that serious case review.

Senator I.J. Gorst:

Of course that is not something I would do without reviewing the facts and I have not done that. I believe that it would be the responsibility of the J.C.P.C. (Jersey Child Protection Committee), which I think the questioner referred. I believe that they have an element of independence and if they have concerns then they would ask for that review to be undertaken. I am not certain that it is right for me, as Chief Minister or indeed any politician necessarily, to direct that body down a particular course of action.

4.4.1 Deputy J.A. Hilton:

Sir, supplementary. Again we have details or reports presented at an inquest that are not being made public and I think it is very important, when you have the death of a young person whose child was removed from her care 2 months before she committed suicide, that those questions are asked and answers are found. If those departments dealing with that young lady have failed in

some way to prevent her death then it is important that we take steps to make sure that that does not happen again and that was why I asked the question.

Senator I.J. Gorst:

Which seems to be, perhaps, a stand alone issue and is a fair issue that the Deputy raises. However, I would perhaps have an element of caution; these are, by very nature, extremely difficult issues and judgment calls and sometimes from the outside it can appear that something is which is not. But, of course, if any member of staff is acting in a way which is unprofessional or inappropriate that must be addressed.

4.5 Deputy G.P. Southern:

Does the Chief Minister have a 'Plan B' should the States Employment Board fail to negotiate reduced terms and conditions with professionals employed by the States, such as nurses, doctors and teachers, given the competition issues or recruitment or retention with the U.K.?

Senator I.J. Gorst:

I am absolutely committed to modernising the public sector and, therefore, if the Deputy means will I be swayed from modernisation and from transformation, the answer is no. Will that be quite in the way that I might have initially thought of when I started out or the States Employment Board thought of, then inevitably these things will change because they need to involve all employees? They are around what is desirable, what is achievable, what is in the best interest of our community. The important thing is being committed to the change and the transformation without being necessarily set or firm in ones view of what the ultimate outcome or service might look like.

4.5.1 Deputy G.P. Southern:

Notwithstanding that answer, does the Minister accept that if terms and conditions in Jersey differ markedly from those in the U.K., retention and recruitment issues will continue?

Senator I.J. Gorst:

Of course that is a challenge that we always face, that for many of our professionals that require skills and experience that must, by necessity, be gained elsewhere, then we must have terms and conditions that are comparable from the major jurisdictions from which we will be recruiting.

4.6 Deputy S. Pinel:

The Chief Minister has already declared his commitment to the third sector, in answer to the question from Deputy Power. But would the Chief Minister advise the Assembly as to the progress of the introduction of a Charities Law and when this long overdue law may be introduced?

Senator I.J. Gorst:

Not quickly enough, in my mind, in answer to the final part of that question. I have passed this responsibility now to my Assistant Minister to ensure that there is some political will placed behind the lodging of this particular law and I know that a meeting has now been scheduled with Ministers at high level to ensure that any potential issues are addressed and thereby allowing it to be lodged in very short order.

4.7 Deputy S.G. Luce of St. Martin:

There are a large number of local people applying for jobs on the Working for Jersey website on a daily basis. Those applicants are informed, when they go on the site, that they will hear nothing within a specific time and if they have heard nothing they will assume that the application has not been successful. Would the Chief Minister agree with me that this method of non-communication is unhelpful, unnecessary and discourteous and the applicants deserve better?

Senator I.J. Gorst:

Yes, I would. This is an issue that I have had drawn to my attention independently as well. Individuals who are seeking employment and applying for jobs are perhaps not communicated with by the employers in a way that is helpful. We know that if an individual continually, rightly, looks for work and applies for jobs and there is no helpful or positive feedback on perhaps why the application has failed, issues that they need to address, then that is ... I do not want to use the word depressing but it compounds the problems that that individual is facing.

[11:45]

Therefore, I would encourage, where possible, all employers to respond to applications, even it is simply to say that there were other people with other skills who were better suited to the post.

4.7.1 The Deputy of St. Martin:

Specifically on the jobs that are advertised by the States of Jersey, given that all applications are made via the internet, will the Chief Minister agree that it cannot be complicated to reply to all applicants by email and will he agree to implement something, at the earliest opportunity, that will make the change necessary?

Senator I.J. Gorst:

Sorry, I had not quite realised that the questioner was asking me about States jobs. That being the case I am disappointed to hear what he is saying and I will certainly go away and ensure it is addressed.

4.8 Deputy J.H. Young:

Is the Chief Minister aware of the inequality of resources available to ordinary citizens in the Island who exercise their rights of appeal under various Government laws and find themselves having to appeal to the Royal Court as litigants in person against decisions made by Government Ministers and departments in a situation where the Minister has available the Solicitor General, legal assistants, staff of departments, where the ordinary citizen has only themselves to be able to deal with these important matters affecting their lives? If he is not aware will he agree to look at it and if he is aware could he, please, undertake to try and remove that inequality?

Senator I.J. Gorst:

I think there are some things, as the Americans might say, are above my pay scale. Of course if an individual does find themselves in disagreement with the decision of a Minister or a department surely the first instance would be to approach the Board of Administrative Appeal and for them to review the decision. Other than that I think that if we are talking about representation in the Royal Court and how our judicial system works then perhaps that is an issue that the Deputy must take up elsewhere.