

2.4 Deputy J.A. Hilton of St. Helier of the Chief Minister regarding a severance payment made to the former Chief Executive Officer of the Health and Social Services Department:

Would the Chief Minister explain why the former Chief Executive Officer for the Health Department received a payment of £129,000 when in a media release it was reported he was leaving for personal reasons? Who made the decision regarding the payment and why?

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

The former Chief Officer of Health and Social Services Department left the employment of the States by mutual agreement. The decision was made by the then Chief Executive on the basis of a delegated authority. The reasons are confidential, due to the nature of the compromise agreement. This was, however, one of the agreements reviewed in the recent Comptroller and Auditor General's Report.

2.4.1 Deputy J.A. Hilton:

The Chief Minister said that the former Chief Executive Officer left by mutual agreement. Does he consider that the whole idea of a pay-off of £129,000 was appropriate in this case when you consider that the former Chief Executive Officer presided over a department that involved the loss of 2 people's lives and various child protection issues? Does he think that the answer he has given me is acceptable? Do you not feel that the public have a right to know exactly why it was agreed?

Senator I.J. Gorst:

I think that my answer is acceptable. I was not party to the original decision-making process. I hope that the Member can take some comfort from the work that the Comptroller and Auditor General has done in his review of the use of compromise agreements. This was one of those that the Comptroller and Auditor General looked at. I do not wish to unnecessarily paraphrase the Comptroller and Auditor General, but I think that he found that the use of the compromise agreements, the ones that he looked at, were appropriate in those instances.

2.4.2 The Deputy of St. Ouen:

It would be confidential, but perhaps the Chief Minister could indicate whether or not any issues over the performance of this Chief Minister were raised and, if so, by whom, prior to his departure?

Senator I.J. Gorst:

Unfortunately, we enter the territory, as we have done before in answering these questions, where I am being asked about information that might have been passed to a previous incumbent of this post to which naturally Members would not expect me to be a party. However, perhaps what I could say is that if Members cast their mind back to media reports around the time of these occurrences that might throw some light upon the issues to which they appear to be seeking.

2.4.3 The Deputy of St. Ouen:

I am struggling to understand the Chief Minister's reluctance to comment on the performance of a particular Chief Officer when we already know that annual performances are undertaken as a normal practice. I would reiterate my question and ask the Chief Minister to identify whether any issues regarding the performance of this Chief Officer were raised prior to his departure?

[10:15]

Senator I.J. Gorst:

It is rather difficult for me to have a public debate about individual performance appraisals or performance management. Perhaps when the P.A.C. (Public Accounts Committee), who I hope will shortly be publishing their report and publishing the transcripts of their hearings, Members will be far clearer on what my view is with regard to where we are in relation to performance appraisal

and performance management. I believe that a lot of work needs to be undertaken and they need to be improved. I talked yesterday about some of those improvements and some of the dilemmas that we face. But, it is not appropriate for me to be talking in public forum about individual performance issues.

2.4.4 Deputy M. Tadier:

We have had 4 questions this morning and we have had 4 answers, all of which so far have involved the word “confidentiality” and “cannot give an answer because of” and words to those effect. What steps with the Chief Minister be taking to make sure that confidentiality in future does not stop him being able to answer this question or questions which are similar to this?

Senator I.J. Gorst:

I am sure that the Deputy has read the recent published report that I, on behalf of, lodged with this Assembly where we made it quite clear the times when we would seek to use a confidentiality clause and when we would not. We said in that report that presumption is that we will not. Therefore, in future, these issues... we will be unable to talk about them in public. But, we should, of course, even if confidentiality clauses are not included, be aware of individual circumstances and that it is not right that we act almost as a court in relation to employment issues around individuals that are employed by the States.

2.4.5 Deputy T.M. Pitman:

I totally support Deputy Hilton’s question to the Minister. I also acknowledge that he, of course, was not the incumbent at the time. But, could the Chief Minister clarify, does he not think that being this is taxpayers’ money - I think back to a year or so ago when I managed to draw out that there were 6 other Members who shared £255,000 between them - does not public interest override this confidentiality when it is such huge amounts of money?

Senator I.J. Gorst:

The point raised by the Deputy is the very reason why the current States Employment Board have said that they will be loathe and it will be in exceptional circumstances that we would wish to sign or to include a confidentiality clause in agreements. That is right and proper. However, in these instances, confidentiality clauses were included. As the Member will be aware, I have approached the former Chief Executive Officer and the former Chief Officer of Health and Social Services and asked if I could release the amount that was paid. They agreed to that and that is why I was able to release it. But, it is not right that where we have entered into a contractual agreement that we then renege on that agreement.

2.4.6 The Deputy of St. Ouen:

Could the Chief Minister indicate whether there were any similarities between the reasons for this particular officer leaving and that of the former Chief Executive of the States?

Senator I.J. Gorst:

I suppose the similarities are that they both left and they both got a pay-off.

2.4.7 Deputy J.A. Hilton:

Does the Chief Minister believe that it is appropriate practise for the Chief Executive Officer, under delegated powers, to have the authority to negotiate these substantial pay-outs without reference to the States Employment Board?

Senator I.J. Gorst:

No, Sir.