

21.06.08

**5 Senator S.Y. Mézec of the Chairman of the States Employment Board regarding the appointment of the next Chief Executive Officer. (OQ.126/2021):**

What consideration, if any, has been given to enabling the appointment of the next chief executive officer of the Government of Jersey to take place after the next general election and subsequent appointment of a Chief Minister, to ensure that the post-holder will be aligned to the incoming Government's political priorities?

**The Bailiff:**

Connétable of St. Ouen, are you taking this question?

**Connétable R.A. Buchanan of St. Ouen:**

No, I was not aware I was.

**The Bailiff:**

Who is answering this then?

**The Connétable of St. Ouen:**

I believe the Chief Minister is answering it.

**Senator J.A.N. Le Fondré (Chairman, States Employment Board):**

The S.E.B. (States Employment Board) considered the timetable for recruitments of both the permanent and interim chief executive in December 2020 once the departure of the then chief executive was announced. S.E.B. considered it important to bring certainty and stability to the organisation by having the new permanent chief executive in place as soon as it was practically possible without compromising the quality of the process. I think the most important part of this answer then is the fact that the role of the chief executive is not a political one and therefore our intention is to appoint a chief executive that will provide the leadership and deliver the Council of Ministers, whatever the result of the election.

**3.5.1 Senator S.Y. Mézec:**

Of course it is not a political role but the head of the Government is a political role and will have political priorities that they will want a chief executive to pursue and if there is a new incoming Chief Minister they will not have had a role in choosing who that person will be. Does the Chief Minister not consider that to be democratically problematic?

**Senator J.A.N. Le Fondré:**

I think the risk that the Senator is coming to is essentially politicising the role of the chief executive. Any chief executive should be perfectly capable of fulfilling the wishes of the new Council of Ministers and Chief Minister because, if done professionally and properly, the role of the civil service should be neutral and should be to carry out the wishes of Ministers and politicians.

**3.5.2 Deputy M. Tadier:**

I see the advantages of having a chief executive whose term follows the political term as being a way ... there are many advantages. But one of them is surely that you do not have this scenario of golden handshakes where there is some kind of falling out between the chief executive and the Government for whatever reason and that person ends up leaving, as we have seen in the past, and, yet again, with a big golden handshake - very unsatisfactory - and a great deal of public anger - quite

rightly. Does the Minister have another solution to ending this tradition that he has been continuing of very expensive golden handshakes for departing chief executives, if not this?

**Senator J.A.N. Le Fondré:**

There were about 3 questions in there. I think I will deal with the first one which was around changing the sequence, in other words, dovetailing a new chief executive with a new Council of Ministers. I think the problem there is the recruitment time that is required. For example, it is likely that anyone one recruits to a new role ... sorry, I am getting an echo. Can you hear me properly?

**The Bailiff:**

We can hear you perfectly well in the Chamber, Chief Minister.

**Senator J.A.N. Le Fondré:**

If you are going to recruit somebody to that role, they will probably have to give 6 months' notice. There is also the lead-in time to go through that whole recruitment process, particularly if it is wide. Therefore, trying to dovetail it to fit with the new Council of Ministers is very, very difficult. The reality is that by doing the recruitment process now there will not be too much of an overlap and the new chief executive should be in place in time for the new Council of Ministers.

**3.5.3 Deputy M. Tadier:**

The Chief Minister talks about the risk of politicising the executive but do we not in fact have a politicised executive because we do not have politicised politicians and in fact they have to step into the breach often because there is not a direct mandate from the people and the Government that they get. Therefore, you have civil servants continuously setting policy direction and Ministers following and scrambling around whenever there is a crisis to try and do what the chief executive or other policy officers say.

**Senator J.A.N. Le Fondré:**

A lovely sound bite but, no.

**3.5.4 Deputy R.J. Ward:**

Can I ask the Chief Minister, rather than it being a political issue regards the C.E.O. (chief executive officer), is it not a practical issue for an incoming Chief Minister to have input on the contract of the C.E.O. so there is clarity on the role and clarity on how one might end the role or external interests of the C.E.O.? Inherent in that, does it not put the Chief Minister in a rather difficult position at times?

**Senator J.A.N. Le Fondré:**

I do make the point again that the politicians do not get involved in the contracts, or should not be getting involved in the contracts, of employees. It is a matter for the States Employment Board particularly and to delegate authority.

**3.5.5 Deputy R.J. Ward:**

What is the role of the political part of the S.E.B. chaired by the Chief Minister and the Assistant Chief Minister if not to be understanding and influencing what that contract would look like for the States Assembly, given that the C.E.O.'s role is to serve the States Assembly?

[10:30]

**Senator J.A.N. Le Fondré:**

The C.E.O.'s role is to manage the public sector but the point I was trying to make is that the Deputy was referring to the Chief Minister getting involved in the contract for an employee which would not be appropriate. For the S.E.B. that will depend under the roles and responsibilities but it is certainly not appropriate for the Chief Minister to be doing it as Chief Minister.

**3.5.6 Deputy K.F. Morel:**

Would the chair of the States Employment Board advise the Assembly as to whether the States Employment Board itself or the recruitment panel charged with interviewing the prospective candidates for the role of chief executive, whether either of those 2 bodies have made any decision with regard to excluding Jersey-based candidates in advance of any recruitment process taking place?

**Senator J.A.N. Le Fondré:**

No. The process is live at the present time, so I obviously do not want to comment too much on that process; however, Jersey candidates have applied.

**3.5.7 Deputy K.F. Morel:**

Has the S.E.B. or the interview panel discussed at all at any point in this process the possibility of favouring off-Island candidates over on-Island candidates?

**Senator J.A.N. Le Fondré:**

The whole point is that it is aimed at a selection process; therefore, that would not be appropriate to favour one sector or other, if that is the right way to put it, over the other. It is very much based on merit and equally considerations are taken into account. A whole range of factors are taken into account when making the selection process but particularly it is based on merit, it is not in favour of one sector or another.

**3.5.8 Deputy I. Gardiner of St. Helier:**

The C. and A. G. (Comptroller and Auditor General) found the States Employment Board is not fit for purpose and there are several recommendations that need to be addressed going forward, which will take time. I understand the recruitment process takes time and, as the Chief Minister indicated, we do need stability. Would the Chief Minister reassure the Assembly that there is enough time to do a States Employment Board restructure to review terms and conditions and make sure that the new contract will avoid the situation that we have found ourselves in several months ago?

**Senator J.A.N. Le Fondré:**

In terms of the overall time that we have, time is what it is, we have had, as we know, all sorts of delays because of COVID, but in terms of seeking to get as much done before the elections as possible, we continue to work on that. In terms of the contents of an individual contract, bearing in mind we are only partway through the process, I am obviously not going to make any comments on the contents of any contract at all, particularly as we have not even got to that stage.

**3.5.9 Deputy I. Gardiner:**

Would the Chief Minister agree that the preparation work can be done by this Government but if the final decision and a contract will be signed by the new Government, it can avoid the situation that the new Government would say: "It is not us, the contract was signed by the previous States Employment Board"?

**Senator J.A.N. Le Fondré:**

The intention is to do the recruitment this year, as I said, to allow for the possibility of the organisation to carry on and that is critical. That was one of the things we spent some time trying to bed down after the events of the last few months. But unfortunately the suggestion of the Deputy is assuming that is a solution, which I do not think it is, but also requires then the timing which I do not think would work at this stage.

**3.5.10 Senator S.Y. Mézec:**

This Chief Minister took office with a C.E.O. (chief executive officer) in place that his predecessor had been involved in appointing and presumably this Chief Minister had no say in the matter. Perhaps he could confirm whether that is the case or not. But, more broadly, could the Chief Minister say whether any lessons have been learned from that experience of taking office with a chief executive already in post who had an ambitious programme for public sector reform, which did not appear to alter whatsoever the new Government coming into office. Did he receive any feedback from his Ministers about that process and whether they felt that the chief executive was aligned to their priorities?

**Senator J.A.N. Le Fondré:**

There are a lot of questions in there. I think the start of it was, yes, I did appoint the former C.E.O. and I think the shorter answer, trying to keep answers brief, was that ultimately the priorities of the Council of Ministers were put together both with the C.S.P. (Common Strategic Policy) and the Government Plan. That is what the Assembly to date has either unanimously or significantly endorsed. Therefore, I would suggest that the policies and procedures that have been put in place have come from Ministers and have been approved by this Assembly.

**The Bailiff:**

Members will note that in the chat Senator Gorst has asked to have his question taken next as he has to leave the Assembly on an urgent matter. It is not within my gift as the Order Paper is fixed. Does any Member wish that they wish to object to me taking that question very quickly now? Very well, I will take that question.