

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY R.J. WARD OF ST. HELIER
QUESTION SUBMITTED ON MONDAY 15th FEBRUARY 2021
ANSWER TO BE TABLED ON MONDAY 22nd FEBRUARY 2021**

Question

Will the Chief Minister outline the process for declaring and documenting conflicts of interest that arise during any decision-making process, both for Ministers and for employees; and will he advise the Assembly how many decisions, if any, have been taken where a conflict of interest has been identified, specify what any such decisions were, and describe the steps that were taken to mitigate any risks arising from such conflicts of interest?

Answer

In addition to the obligations placed on all Members under Standing Orders in relation to the register of interests and the “Code of Conduct for Elected Members”, the “Codes of Conduct and Practice for Ministers and Assistant Ministers” (the “Ministerial Code”) clearly outlines that Ministers and Assistant Ministers must abide by the seven principles of public life, and thereon scrupulously avoid real or perceived conflicts of interest in the discharge of their public duties. This includes declaring those interests in relation to any topic discussed at the Council of Ministers, as a matter of long-established practice. These declarations are recorded in the relevant “A” or “B” minutes (they are not separately collated).

Ministers and Assistant Ministers, ultimately however, are accountable for their own compliance with the Ministerial Code, making appropriate declarations and reporting any breaches to the Chief Minister or the Privileges and Procedures Committee. However, it should be noted that any directorships and other significant interests are set out in the Register of Interests as held by the Greffier of the States. These interests are held on respective members’ pages on the States Assembly website.

Employees are bound by the Public Finances Manual where accountabilities and requirements are set out in relation to spending and contracts. Accountable Officers are defined within the Public Finances Law and are typically Director Generals or the most senior person in non-governmental departments. They are responsible for identifying actual or potential conflicts of interest and mitigating such conflicts through steps such as declaration or register, requesting for a temporary substitute and resignation, depending on the type of conflict identified. In doing so, they are provided with an annual letter of appointment and make an annual return from their individual areas. These annual returns are returned to the Principal Accountable Officer (the Chief Executive) and the Treasurer, where material they are declared in the Annual Accounts. The Public Finances Manual goes on to highlight this requirement in relation to Arm’s Length Organisations and grants. Commercial Services have specific requirements in relation to declaring conflicts during procurement processes. All activities are subject to Internal Audit at any time. Internal Audit activity is specifically planned to detect any potential instances of corruption.

During the recruitment of employees, declarations are made by the panel (who undertake shortlisting and interviews) with the chair of the panel responsible for maintaining the records. Should any declaration be made for a potential or actual declaration of interest, officers within People and Corporate Services will be consulted.

For senior appointments, the Jersey Appointments Commission oversees and audits the declarations. Each panel member must complete a declaration form.

Accountable Officers are required to confirm that any conflicts of interest identified have been managed appropriately. Across Government there is a wide range of decision-making processes that exist, each has

differing types of conflict of interest. There is a central register in relation to directorships and conflicts of interest. Subject to the introduction of the new Code of Practise, which is due to go to the States Employment Board this week, an expanded register will be implemented in due course.

There are no known instances of decisions being taken where an unmanaged conflict was subsequently identified.