

21.03.23

2 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the response of the former Chief Officer of the States of Jersey Police to the Wiltshire Police Investigation Report (OQ.83/2021):

Given that the Wiltshire Police investigation report is currently accessible on the gov.je website, will the Chief Minister also agree to publish on the same website the response of the former chief officer of the States of Jersey Police, Graham Power, to the criticisms of him contained within that report; and if not, why not?

Senator J.A.N. Le Fondré (The Chief Minister):

The difficulty is that the gov.je website to date should only include Government-commissioned reports on it. Because Mr. Power's response is not an official report to date it would not be appropriate for it to be included. However, I note that the response of Mr. Power to the Wiltshire Police report has already been put into the public domain through the independent Jersey Care Inquiry and it did strike me that it would be appropriate for a link to the independent Jersey Care Inquiry site to be on the gov.je website and, frankly, I was surprised that that did not seem to be the case. That will be, I understand, rectified and a link put in place later today, at my specific request. Separately, and without getting involved into individual issues, it also has struck me that it might be appropriate to consider whether there should be a policy in place to deal with circumstances where employees or former employees feel that they need, for want of a better expression, a right to reply. Without making any promises whatsoever to the outcome, I am very happy to take that and I think it is to the S.E.B. (States Employment Board) to consider and, reiterate, make no promises, because I suspect there will be a whole variety of practical difficulties, but equally it would seem appropriate for a proper policy to be in place.

3.2.1 Deputy M.R. Higgins:

Anyone who watched the BBC Storyville programme "Trillion Dollar Island: Garenne" now knows, if they did not know before, that the suspension of the former chief officer was an act of political vindictiveness on the part of the Jersey establishment of the day because they could not get their original target, Lenny Harper. What has happened here is a travesty and Mr. Power was ...

The Bailiff:

I am sorry, Deputy, there must be a question. This is a chance for a supplemental question, not for a speech in the Assembly as to your views. Please could you focus on a question?

Deputy M.R. Higgins:

Yes, Sir, the question is coming.

The Bailiff:

Come quickly please.

Deputy M.R. Higgins:

It is an injustice that has been done. I think what the Chief Minister has said is a step in the right direction but it does not exclude the fact it should be on the States thing. He was a public employee at the time, his answer was given at the time, will the Chief Minister agree to put it on the website?

The Bailiff:

Point of order, Deputy Morel.

Deputy K.F. Morel:

No, thank you, Sir. I withdraw it.

Senator J.A.N. Le Fondré:

I am glad the Deputy considers it a step forward. That was the obvious intention. The conclusion, when I was thinking this through over the last couple of days, is that without going into individual cases what we need is a clear policy on the matter. I am unaware that there is one in place at the moment; if not perhaps it is appropriate for it to be relooked at. What I will commit to absolutely is that we will look at that policy in the round and see (a) if there is a policy, (b) if there is not, what it should be. If there is, whether it needs updating. Then I will revert to the Assembly on that basis. I think what we have to make sure, bear in mind I understand the Deputy's view that this is a very specific circumstance but equally there will be incidents where individuals feel aggrieved in various circumstances, without going into the merits of any particular case, and therefore demand a right of reply essentially. I can see that becoming exceptionally complicated. That said, to me having a policy in place on that matter would be the way perhaps of trying to work our way through this particular difficulty. I am very happy to commit to getting a policy in place or at least updating one, if there is one in place.

Deputy M. Tadier:

Can I ask a point of order? Can I just check who was the Attorney General at the time of the Wiltshire report?

[10:00]

The Bailiff:

At the time of the Wiltshire Report I think I might have been the Attorney General at the time.

Deputy M. Tadier:

I do not mean this disrespectfully, is it appropriate for you to be taking these?

The Bailiff:

All I am doing is ensuring that sufficient time is allocated for each question. Obviously the question has already been allowed. I am allocating the appropriate time for the question, which I have allocated approximately 6 minutes for each question. The number of individuals who have already indicated a desire to ask questions have already pushed us past what inevitably will be that proper allocation and I am conscious of the fact that the Chief Minister is also facing questions without notice and if anything arises, and further people wish to ask questions, the opportunity will be there for them. I do not think, given the duties I am discharging at the moment, that causes me any difficulty. It is not a debate upon the substance of any particular matter.

Deputy M. Tadier:

It is slightly problematic. I did notice you were hesitant about whether or not Deputy Higgins was making a political speech or just contextualising his question, which is what I thought he was doing, and I think it is tough decisions to call for maybe someone who was around at the time.

The Bailiff:

Thank you for the observation and I understand the spirit in which it is made however my concern about Deputy Higgins' supplementary question lay in the length of it, given that I have allowed 6 minutes nominally for each question. It was the length of that that caused me to be concerned that it was veering towards a speech. It was not the content of what was being said, it was the length of the statements leading up to an eventual question. But I appreciate what you say but I am afraid it is impractical to make any different arrangements at this point, so we have to proceed with this question.

3.2.2 Senator K.L. Moore:

Given the comments made in the Chief Minister's previous 2 answers, would the Chief Minister agree that the policy might be more easily affected if he were to accelerate the moves towards the setting up of a Public Sector Ombudsman who might be able to deal with this matter?

Senator J.A.N. Le Fondré:

On the basis that the issue on the ombudsman is also to allow us to bring in health matters, which was not previously the case, it is the usual thing about resource. If the Senator considers that this is of such criticality that we accelerate the ombudsman forward I have no issues with that but something obviously has to give in its place. But obviously the law in relation to the ombudsman will be with this Assembly before the elections, i.e. it will be the Assembly that sets it up.

3.2.3 Deputy M. Tadier:

Given that the Chief Minister said he was prepared to put a link to the Committee of Inquiry, would he put a link up to the section of the Committee of Inquiry report, which takes the internet user directly to Graham Power's statement?

Senator J.A.N. Le Fondré:

As I said, the point was that it was a step forward because the link obviously to the official inquiry is absolutely appropriate. What I think there is a risk - and I just emphasise a risk - of then it becoming about an individual rather than about the transparency of the inquiry, which takes us back to the issue of the policy. Let us get the link in place. I was surprised that there was not one there, not that we could find anyway. That is a step forward and I will undertake that we will consider that in the consideration of any policy and see what the views are.

3.2.4 Deputy M. Tadier:

It seems to me that the context is of the website and the juxtapositioning is critical because if you have the Wiltshire report being published and then a link to the Committee of Inquiry somewhere separate, which would not automatically take anyone to the response, it seems irrelevant. Would the Chief Minister give serious consideration to make it user friendly so that somebody who is studying the Wiltshire report and all the context around it can find the subsequent response easily if they want to?

Senator J.A.N. Le Fondré:

I have asked for the link to be in at least 2 places, one of which is connected with the Wiltshire inquiry. The other one is if you are doing a search hopefully on the inquiry as a whole you will pick up a link to the website. Slightly ahead of the Deputy on that one, i.e. the link should be in 2 places on the website.

3.2.5 Senator S.Y. Mézec:

Deputy Higgins made clear that his question arises out of having watched the Storyville documentary on BBC Four last week. Could the Chief Minister therefore inform the Assembly whether or not he has watched that documentary and whether it assisted him in coming to any view or learning any lessons as a result of what it revealed about the Wiltshire investigation?

Senator J.A.N. Le Fondré:

As I have maintained a number of times, my priorities at the moment are dealing with the pandemic, et cetera. The Storyville is on my recommended viewing for this weekend, when I hope it will be slightly quieter than the previous 2 weekends.

3.2.6 Deputy R.J. Ward of St. Helier:

My questions have sort of been asked. I just ask the Chief Minister whether he has a general comment to make on the Wiltshire report and any learning that has come from it.

Senator J.A.N. Le Fondré:

No, I am not going to be drawn into making general comments around reports that are obviously from some years ago. As I have said, we have got the Government position on the recommendations out of the Care Inquiry. There is lots of work, as the Deputy should be aware, of continuing to do things like Children's Services, et cetera, as a result. I do not think I have any other comment to make other than that.

3.2.7 Deputy K.G. Pamplin of St. Saviour:

Will the Chief Minister outline, further to his original answer to Deputy Higgins' first question, that part of that review will look at any outstanding apologies that may be needed to any former current members of staff under the States of Jersey who are owed an apology due to an upheld complaint and then those apologies are there in the public domain?

Senator J.A.N. Le Fondré:

The Deputy's observations probably fall under either the policy or perhaps even the ombudsman territory and that would be the appropriate place for that to be considered.

3.2.8 Deputy M.R. Higgins:

Considering the injustice that has been to Mr. Power, will the Chief Minister give us an indication of how soon he thinks this link could be established and will he also please see whether he can get it put on the official website as well?

Senator J.A.N. Le Fondré:

My understanding in terms of the link I referred to, it should be hopefully today. That is what I have asked for and unless there are any technical issues about that I have been informed that that is possible for today. I am not quite too sure of the other part of the question but no doubt the Deputy will raise that with me separately.