



Corporate Services Scrutiny Panel

Quarterly Public Hearing with the Chief Minister

THURSDAY, 30th JANUARY 2014

Panel:

Senator S.C. Ferguson (Chairman)
Deputy J.G. Reed of St. Ouen (Vice-Chairman)
Connétable D.W. Mezbourian of St. Lawrence
Deputy R.J. Rondel of St. Helier

Witnesses:

Senator I.J. Gorst (The Chief Minister)
Senator P.F. Routier MBE (The Assistant Chief Minister)
Mr. J. Richardson (Chief Executive Officer)
Mr. T. Walker (Director, International Affairs)
Mr. P. Bradbury (Director, Corporate Policy)

Topics Discussed:

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[16:15]

Senator S.C. Ferguson (Chairman):

Good afternoon, Chief Minister.

The Chief Minister:

Good afternoon.

Senator S.C. Ferguson:

Welcome to this meeting of the Corporate Services Scrutiny Panel. First of all, the health warning and the instructions about privileges and procedures of the Panel, which I think you may all have read by now. If you could say who you are and what your position is for the benefit of the people who do the transcripts in New Zealand. First of all, I would like to welcome the public and the official and unofficial press to the meeting. I trust they will find it interesting. Apart from the Interim Population Policy, which will be the subject of a separate focused review, if you would like to summarise what you think have been the main achievements since we last met, Chief Minister.

The Chief Minister:

I think both of those pieces of work are significant achievements and I am pleased that we have been able to get them underway.

Senator S.C. Ferguson:

Sorry, both of which?

The Chief Minister:

The Interim Population Policy and the Long-Term Framework which we launched earlier this week. You will have to just remind me when was the last time we met?

The Connétable of St. Lawrence:

Are they quarterly hearings?

Senator S.C. Ferguson:

Yes, quarterly.

Assistant Chief Minister:

It seems like a quick quarter to me.

The Chief Minister:

I think it was only December.

The Deputy of St. Ouen:

Perhaps it is better to rephrase the question. What are going to be your main priorities in this coming year?

The Chief Minister:

As you know we see part of our role in Chief Minister's is not only doing the work of the department, but encouraging and ensuring that other departments are bringing forward their work because they will make an important whole. So if we take some areas that now fall under my department it is ensuring that we are delivering on the McKinsey recommendations and ensuring that they are being brought forward. We have had a number of meetings of the Sound Business Practice Committee is working. You will know from answers in the States that one of the pieces of work that they are working on is trying to understand how we describe in the first instance what we have referred to as abusive tax avoidance and perhaps if we are able to describe it and how then we try and make sure that Jersey is not used for that sort of structure into the future. They have done a lot of good work on that and I hope that certainly within the next quarter that work will come to fruition, but there are lots of other milestones falling out of the international finance section in my department, which will also be coming to fruition. We are working closely with the J.F.S.C. (Jersey Financial Services Commission) and, as I alluded to in my speech yesterday, at the J.F.L. (Jersey Finance Limited) presentation, there is some work there that government needs to do with the J.F.S.C. just looking at their law to make sure that it is still, shall we use the word, "fit for purpose" for the world that we now live in. It is something like 15 years since that law was put in place and there will be a piece of work starting to look at that with the Commission as well. That is, I think, Financial Services, but if there is anything else we will talk about that. From an H.R. (Human Resources) and Treasury perspective we have been working hard on the new pension arrangements, and was going to suggest, if it is not already on your agenda, that we very shortly, in February, I think, will be asking to come and brief you from a political perspective on those proposed changes so that we can get to the point of balloting trade unions. The enabling law is in the process of being drafted and so that is going to be an important piece of work that is brought forward in the first quarter, which it will be important that it is scrutinised and we will need to think

about when that is going to work. Also, we have got the, which is not the pensions area, machinery of government reforms, which are in the process of being drafted and may shortly be in a position to be lodged. That is work being undertaken not only by my department but also by and in conjunction with P.P.C. (Privileges and Procedures Committee) and the President of the Chairmen's Committee, so that is work that is ongoing. Then we have got all sorts of other work that I am supporting other departments with, making sure the Enterprise Action Plan is launched. The Innovation Fund we know is now up and running. Bringing forward the Skills Strategy; making sure that that comes forward. It goes on. I have not even got on to the legislative list that we can read.

The Deputy of St. Ouen:

In light of the list that you seem to be reading out, I think it would be extremely helpful if you were able to provide the Panel with your business plan for 2014, which we are still waiting for. There is a need to prioritise and we hope you are doing the same, prioritising not only the workload of your department but others, bearing in mind this is election year and elections are happening in October.

The Chief Minister:

I just signed off the forward business plan this morning so that will be, I imagine, due to be published very shortly. The Council of Ministers yesterday morning went through the legislation, which is either due shortly to be launched or to be drafted to prioritise that work, so it might be useful if we sent you a copy of that as well, but that covers all the departments and everything that we are going to hope to achieve from a legislative and States perspective over the next few months until the summer recess.

The Deputy of St. Ouen:

Are we able to hope for a far more measured and managed programme than the mad rush that we have been used to in previous election years coming up to the summer months?

The Chief Minister:

I would like to say that we were but I have to say that it is already looking as though it will be quite busy, to say the least, at the end of June and July over those last three sittings.

The Deputy of St. Ouen:

How does that fit, Chief Minister with your aim of co-ordinating policy and the work of all departments?

The Chief Minister:

I am not sure that they are related. The reason that we get the backlog of work coming forward is simply a result of the 3-year election period. If we want to make sure that we do not have this continual backlog, which we have had, as you rightly say, probably since the beginning of the work of the States and the short electoral terms, then we need to extend them, and I think that is one of the reasons why the extensions are proposed and agreed.

The Deputy of St. Ouen:

Are you suggesting that if the election period turns into a 4-year period that there will not be the same mad last rush to deliver and gain agreement or otherwise on policies of various Ministers?

The Chief Minister:

I am suggesting that it would not be as much of a mad rush. If you look at other places around the world and political commentators, most of them would suggest that from the idea of policy to seeing it properly implemented it takes certainly more than 3 years and anything up to 6 years. While we have a 3-year electoral cycle we are always going to have this problem.

Senator S.C. Ferguson:

Yes, but surely considering that so much of our legislation is legislation that has been passed on to us by the U.K. (United Kingdom) or the E.U. (European Union), is that really a valid criticism?

The Chief Minister:

I am not sure that that is a fair analysis because if I just read out some of the things on the list, we have got Financial Services Ombudsman just been lodged, that is not passed in the U.K., that is a decision of the Assembly. We will have a liquid waste strategy coming forward, again local. We will have perhaps you could say health insurance performers list, that is tied in with changes to G.P.s (general practitioners) in the U.K. so you could argue that one. Changes to the J.F.S.C. law, that is helping us to comply with I.M.F. (International Monetary Fund).

Senator S.C. Ferguson:

Therefore that is an external one.

The Chief Minister:

That is an external one, yes. Jersey Mutual Insurance Law, that is a local one, which has only just been given to Ministers. Residential tenancy, that is a local one. Bonus food costs, that is a local one. Changes to income tax pension provisions, that is a local one. Public Elections Law, that is a local one. Criminal justice issues for young offenders, local one. Looking at Sunday trading, that is local. Social housing is local. Public elections local. Island Plan local.

The Deputy of St. Ouen:

These are all matters, Chief Minister...

The Chief Minister:

Proceeds of crime and terrorism, that again is an international one, I suppose.

The Deputy of St. Ouen:

Chief Minister, just to stop you there. Are these all the pieces of legislation that you are proposing the States consider before the summer recess?

The Chief Minister:

Indeed, and there is lots more.

The Connétable of St. Lawrence:

How does that equate to good government?

The Chief Minister:

Because good government is not just about consideration of the States, although that is important. It is also about appropriate consultation, it is also about appropriate legal advice, and it is also about appropriate review in the formulation of those policies. All those bits of the process need to be taken into account. Then we need to have the Scrutiny process as well. Then we need to have the States agreement process. I go back to the point that when you have got a 3-year electoral cycle that is exactly what is going to happen.

Deputy R.J. Rondel:

Do you have any pieces of legislation that have to be referred to Privy Council, because they have just closed down for a number of months, have they not?

The Chief Minister:

They do not sit during the summer, that is right. So even if the States agrees them they may not come into force because anything at the end of July, or perhaps even before, will not get to Privy Council until their October meeting. So that bit of government continues even though we have moved into the electoral process.

Deputy R.J. Rondel:

Is there not a quicker process through the Privy Council now compared to what there used to be?

The Chief Minister:

There is, yes, but if the Privy Council is not sitting they cannot consider it.

The Deputy of St. Ouen:

You say you have discussed the workload with the Council of Ministers. Have you had any discussions yet with the Privileges and Procedures Committee with regard to workload?

The Chief Minister:

These discussions took place, they have taken place also with the Greffe to look at managing the workload that will come before the States, yes, but not directly with the Privileges and Procedures Committee.

The Deputy of St. Ouen:

Are you planning to have a discussion with them? Or are you just simply going to...

The Chief Minister:

With regard to?

The Deputy of St. Ouen:

With regard to the work programme and the substantial work matters you plan to bring to the States in the coming months.

[16:30]

The Chief Minister:

The States deals with substantial matters fortnight in, fortnight out, does it not? So although the volume is inevitably increasing, and I have explained the reasons why, I have no reason not to discuss them with P.P.C. but I am not sure the advice that we get about trying to bring things forward, and one of the reason for the discussion at the Council of Ministers was to see if any of the drafting could be brought forward and rearranged so that we can get lodged earlier, so that we do not have quite the pipeline of work. That is the conversation we had with the Law Draftsman and, as I say, in consultation with the Greffier as well.

Senator S.C. Ferguson:

I do not think those were quite the reasons we were given for not giving us the pieces of information, which we asked for from the B agenda. But I will follow that one up because...

The Chief Minister:

What was that question, sorry?

Senator S.C. Ferguson:

You had a prioritisation list on the agenda and we asked for it. We were told that it was outdated and was going to be updated.

The Chief Minister:

That is exactly right, which is why I said that we could send you the list that I have in front of me now because an updated list was presented to the Council of Ministers yesterday.

The Deputy of St. Ouen:

Will that list identify those matters that have fallen out and will not be dealt with?

The Chief Minister:

I think it certainly could do. Such a list exists, does it not?

Chief Executive Officer:

Maybe I can add a little bit of light there. We produced the first list of asking all departments to provide us with their workload and their registration programme and that is probably the list that you refer to. That one was then referred and worked with the Chief Law Draftsman to make sure the work that required law drafting coincided with her work plan, and the list the Chief Minister is referring to is a combination of department's input and her input to make sure that the two tied up, that we were not going to end up overloading her Law Draftsman's Department with unrealistic timescales. If there was any confusion probably that is what it was. There was an initial list from departments, but then they have to collate it with the Law Draftsman's Department to make sure that timing and workload was available.

The Connétable of St. Lawrence:

When did you ask for that list?

Chief Executive Officer:

Just before Christmas. We collated it during January and then worked with the Law Draftsman to ensure it was ready for the Council of Ministers this week.

The Connétable of St. Lawrence:

It seems to me as if the legislative process could be improved because it sounds to me as if all these major pieces of work have almost been left until the end of the 3-year term of office.

The Chief Minister:

I am not really sure it is fair to say that. I have read out two things there, which were from P.P.C. but they have had to have a process to get to the point where they could be also, if I take the P.P.C. work, both of those and the machinery of government work, they were started virtually right at the start of this new government when P.P.C. set up subgroups.

The Connétable of St. Lawrence:

That is what I am trying to establish.

The Chief Minister:

And all that work then has got to the point of us...it is trying to fit in, as I said a few moments ago, what should take a longer time than we have got, trying to compress it all down, get as much achieved as possible in the 3 years that we have. So if we take Housing Transformation, we have agreed the overarching legislation or the enabling legislation, but there is still lots of regulations to come under that. He had to go through his White Paper, his consultation, his drafting, we have that bit done and now we carry on and want to get the regulations approved as well. Then on top of that you have got lots of other things which are just more every day, which are not very big, but they are still there, which need to be done that crop up from time to time. If we take food cost bonus elements they are now, because they were triennial regulations, they existed for 3 years and then once you get to the end of that 3 years you have to put something else in place. It is just timing.

The Connétable of St. Lawrence:

Are you saying that the only way that the legislative process can be improved is by extending the term of an Assembly?

The Chief Minister:

I think that that will help it greatly, yes.

Deputy R.J. Rondel:

Within the Council of Ministers have you had discussions for further C.S.R. (Comprehensive Spending Review) savings and have you agreed these?

The Chief Minister:

I am assuming that your question is arising out of some media coverage of what the Minister for Treasury and Resources has reported to have said, and I was questioned about this by the Deputy of St. Ouen at the last States sitting, if I...

The Deputy of St. Ouen:

Which was not necessarily very clear.

The Chief Minister:

If I remember correctly, my answer remains the same. I think it was clear that as part of the...if I had gone on to talk about other bits of the forward looking work programme, which I think you stopped me from doing - and I understand why, because I was going on - you would have got to the point of thinking about the M.T.F.P. (Medium-Term Financial Plan) 2. You would have got to the point of thinking about long-term income and revenue projections, and I think that is what you would expect us to do. What the Minister for Treasury and Resources was saying, you would expect him to be slightly nearer to it. If you look at the things that Health are doing and have been projected to do for a number of months, if not years, we see that there is cost growth pressures in that department, and there are cost growth pressures in other departments. It will be for Ministers to sit down and to consider those, to look at what the income projections are, with the best economic advice, and to try and come forward and balance those books.

Deputy R.J. Rondel:

But nothing has been agreed at this moment in time?

The Chief Minister:

Nothing has been discussed let alone agreed other than knowing that that piece of forward work has to be undertaken, although I know that Treasury have already put quite a lot of work into those numbers.

Senator S.C. Ferguson:

Where did the figure of £75 million come from then?

The Chief Minister:

That is what I am saying. I know that Treasury have already put quite a bit of work into those numbers, and I am not sure that...because I was not party to the comment, I am not sure whether the £75 million was a figure based on the numbers or just a rough. We have these pressures so we are going to perhaps need to look for this over a period of 3 years.

The Deputy of St. Ouen:

I think the question is: you speak about collective responsibility, co-ordination within the Council of Ministers, and we have a Minister for Treasury and Resources making a statement and, for all intents and purposes, it seems as though no discussion has taken place with the Council of Ministers or any agreement reached on not only the shape and form at this stage but the amounts

that are being quoted and suggested by a Minister for Treasury and Resources. One has to question what authority, when he makes those sorts of statements, can you place on it?

The Chief Minister:

I am not sure that is an overly fair analysis of what was said. I think what was said was that they have been doing some work on these long-term projections and there is work needed to be done to balance the desired, appropriately or not, growth projections and the projected income for the same period. I think perhaps the difficulty is that some in the media want to create a story about what should be just the normal operational forward planning for government.

The Deputy of St. Ouen:

Let us forget about media wanting stories. Are you aware of a statement that has been published by the Minister for Treasury and Resources on his personal website on 17th January 2014?

The Chief Minister:

I am aware that a statement was published, yes.

Senator S.C. Ferguson:

Have you read it?

The Chief Minister:

Do I have it with me and can I recall it...

The Deputy of St. Ouen:

Is that acceptable? For one of your Ministers to publish information that not only covers necessarily his portfolio but perhaps it suggests certain decisions that have been made collectively by the Council of Ministers?

The Chief Minister:

I do not have the statement in front of me so you would not expect me to comment on it, would you?

The Deputy of St. Ouen:

When will you be prepared to comment on it?

The Chief Minister:

If you had said that you wanted to question me about somebody's personal statement on their blog then I would have considered it in advance, would I not?

Senator S.C. Ferguson:

I do not know. I suppose the thing is that it is not so much a personal...

The Chief Minister:

It is like asking me if I want to comment on a Minister's tweet, is it not?

Senator S.C. Ferguson:

It is not so much a personal statement as really the Government policy going forward that seems to have been published. If you are having collective government does not collective policy come from the Chief Minister?

The Deputy of St. Ouen:

We accept that you have not had a chance to see the statement and...

Senator S.C. Ferguson:

We will obviously ask the Minister for Treasury and Resources why he is announcing your government's policy himself.

The Chief Minister:

It may be that there is no concern at all with the statement, and I could be fully supportive of it, but I do not have it in front of me to say one way or the other.

The Deputy of St. Ouen:

We understand.

Deputy R.J. Rondel:

Thank you, Chief Minister. Could you give us an update...

The Chief Minister:

But equally, we have to remember that the Minister for Treasury and Resources' portfolio does, by necessity, cover all other portfolios as well because it is about the funding. You have to remember that the two most...in Jersey politics you cannot be sure, but the two most influential positions in Government, and wherever you look around the world, is the Chief or Prime Minister and the Treasury Minister or Chancellor. That is how it is and that...not tension but partnership is one of the appropriate checks and balances of government.

Senator S.C. Ferguson:

Yes, but it all depends whether the Finance Director or Minister for Treasury and Resources is running the company or whether it is the Chief Minister who is the Managing Director, does it not?

The Chief Minister:

You are asking me to comment on...I could say that I...

Senator S.C. Ferguson:

Anyway, that is something we shall ask the Minister for Treasury and Resources.

The Chief Minister:

I could say that I might be in a position to say I fully support all the things that are said in that personal statement. But you are trying to indicate that I am not.

Senator S.C. Ferguson:

We are not saying that, we are just saying that it seems...

Deputy R.J. Rondel:

Time to move on.

Senator S.C. Ferguson:

It seems unusual...

Deputy R.J. Rondel:

Would you please be able to give us progress on the delivery of the modernisation programme?

The Chief Minister:

Shall I ask you to do that?

Chief Executive Officer:

I think when we met last time we updated you on the revised government procedure for the modernisation programme, if not effectively the workstream leads by all of the main workstreams: workforce modernisation, termination of employment, Lean, e-government, et cetera, and Corporate Management Board now act as the programme board, so have a formal government structure and I, as Chief Executive, then report to the Political Oversight Group, which is the Chief Minister, Minister for Treasury and Resources, Minister for Economic Development, who is running the reform programme, and we have external advisers supporting the Political Oversight Group, and to try and streamline it, so that we have a fairly structured way, we have developed what we

call a dashboard system. You are welcome to have copies of this. It is the first one we have done so it is very early days, we just started in January. An effect with the dashboard is one simple sheet of paper for each of the main workstreams. It highlights risks, progress, outcomes, any resources it required and delivery against objectives in terms of timelines. It is a fairly simple reporting system, very much one page summary at a glance of where we are going. In terms of governance, it enables the Corporate Management Board to challenge any request for further future funding for projects to be taken forward, subject to Corporate Management Board approving that funding the Political Oversight Group then ask to consider and approve a full business case to support it. Following that it goes to the Council of Ministers. Of course the funding is held within the contingency. There is a fair amount of rigour in terms of managing future expenditure and we report again expenditure against existing budgets.

[16:45]

Deputy R.J. Rondel:

So has that been rolled out?

Chief Executive Officer:

We have rolled out. This is in use now for all reporting of all the reform programme...

Deputy R.J. Rondel:

In all departments?

Chief Executive Officer:

No, sorry, I think you are confusing two items here. The last time I briefed you on H.R. performance. This is separate. This is the performance reporting for all of the projects related to the reform programme. The one I briefed you on last time is a separate one we are just doing as part of the normal management information for all departments. In terms of specifics, I will not go through all of them, but very quickly. In terms of workforce modernisation, policies terms and conditions, new contracts of employment were issued as from 1st January 2014 for all new starters. That includes all of the new policies that are in place that have been agreed. At the end of last year we were very pleased to announce to the States Employment Board that we had a new collective framework agreement with all of the main unions. That is Prospect for civil servants, Unite for manual workers, nurses and teachers unions, where effectively instead of having a second negotiating body for all 4 groups we have one joint negotiating body, which makes the negotiation much better and much stronger partnership agreement between all 4 bodies. A lot of work was done last year to build on that relationship and get it to a point where we were confident that something would not work and certainly it has been a huge piece of work last

year. The importance of that was because that allows us now to move forward with a new employment handbook for staff, so we will replace some of the old handbooks - that is work in progress at the moment - and of course those handbooks will include new terms and conditions of employment and service, so all that is going to go. I will not go on too much longer but there is a lot of work going on there. Also included in that is you may be aware that we had a competency framework in which when we recruit, we recruit against competencies. Those are being updated at the moment to more reflect current modern practices. Job evaluation: that is ongoing, starting with the nurses because on clinical and medical teams it is important we get that right in Health and once we have got that right that effectively is a starting point for moving from these 24 pay groups to a more central pace by it but we would never get to one single pace...

Senator S.C. Ferguson:

Does this mean that you are not using Hay anymore?

Chief Executive Officer:

We are using it at the moment but selectively and we are trying to hold the number of job descriptions that are going through the process. We are having to do a few.

Senator S.C. Ferguson:

Have you had Hay recalibrated?

Chief Executive Officer:

No, because to recalibrate it would mean we would have to then effectively use...it would be such a big job we would have to then be using Hay as our long-term permanent tool because it would be a huge job because our Jersey Hay system is well out of kilter with the current modern e-pay Hay system. So we are going for the changed system, which was used in the Health Service but with a few changes to make it more appropriate. That will cover the vast majority of employees. So longer term we probably will not be using Hay for civil servants. We will have one single evaluation model. Just moving on...

Deputy R.J. Rondel:

When do you expect that to be...

Chief Executive Officer:

The programme for that is...my work plan for the next 6 months. H.S.S.D. (Health and Social Services Department) staff, that should be completed by September this year with a view to being able to get the new pace by Health in the next year. But that is a very big piece of work. You imagine all the employees, job descriptions have to be reviewed. One of the issues we have to

consider, because you may recall there was...you may have read Birmingham City Council have just been fined an enormous amount of money for equal pay for equal work. We have to be careful that we align all of our jobs so that an employee who might be employed on a clinical medical grade job, whose job weighting could be considered comparable to a current civil service job, and if the pay grade for the clinical medical is at one point in financial remuneration but the civil servant's job is a slightly different one, then there is potentially a claim for equal pay for equal work. So that is why we have to make sure we get this right.

Deputy R.J. Rondel:

Who is making those ultimate decisions?

Chief Executive Officer:

Our employee relations team, with our H.R. staff working with the workforce. We are engaging the workforce to do this with us and we have people from the U.K. who have worked through this in the past, embedded in the team to make sure we evaluate it to make sure a level playing field but equally make sure that we do not end up with grade drift and jobs not being evaluated in the right position where we need to be in the future. It is a very complex piece of work and we have to make sure we get this right.

Deputy R.J. Rondel:

When we previously met there was a discussion on e-government and it came up in the report.

Chief Executive Officer:

E-government: as today we are receiving the final business case from KPMG on e-government. I have not seen it because I think the meeting is going on as we speak now but preliminary review of it looks very promising. It identified a number of projects which are, say, quick wins, but they are relatively straightforward to deliver. The good news is we do not have to significantly change all of our technology computer platforms. There is quite a lot of updating and modernising required in order to have the structures, which was to communicate effectively with the public.

Deputy R.J. Rondel:

We were led to believe that the report was due before Christmas. Why has there been a delay?

Chief Executive Officer:

Because we wanted to make sure that this is a very big piece of work that is going to be incredibly important for the future and they were not quite complete with their business case because the business case has to demonstrate what we are going to deliver, by when, how much is it going to

cost to deliver and how can we be sure that delivering it will provide a return. So we were not prepared to go forward with something until we were confident that we had all the information.

Deputy R.J. Rondel:

So they have only just presented it to you?

Chief Executive Officer:

There was a 4-week delay. It is coming in today.

Senator S.C. Ferguson:

What happened at the beginning of January with the manpower returns?

Chief Executive Officer:

Manpower returns was prior to e-government implementation. It was set up on the tax return system and it came in but effectively the volume it came in, in the very early period - I will ask Paul because he was probably closer to it than I was - very simply it overloaded the system for a few days and we had to engage with telecoms to upgrade the speed of the network. It was a technical problem that we had to put some more black boxes on to upgrade the speed.

Deputy R.J. Rondel:

That was not anticipated, was it?

Chief Executive Officer:

I think it is fair to say that the volume was higher than we anticipated in terms of quantity coming in but it was a lesson that said, again, when we go into this we have to get it right. I think we apologised to the public for any inconvenience it caused but we recognise that we did need to upgrade the speed and we have to make sure our network and speed of our network is capable for delivering this type of service in future.

Senator S.C. Ferguson:

I thought you were already up on fibre.

Chief Executive Officer:

I do not know the technical complexities of it. I know we want to increase speed as part of our network.

Director, Corporate Policy:

It is fair to say there were learning points for us. For example, band width: band width on a normal day would be okay but then you would have high spikes at lunchtime or a Sunday evening, and it could not cope with the high spikes we had, and the manpower is based around the income tax website, which is slightly separate to the Information Services Department. We have got some really good learning points out of that, which is around income tax and I.S. (Information Services) working closer together and we can learn that for the June return. We can have a more reliable, more robust system in terms of the band width in and also we will have a better website as well. What we have learned as well is from users using it, many of them, they have found different areas where they think the user experience should be better. So what we have said is June will be better, December we have got it in, and we are getting lots and lots of good data that we can use in the Control of Housing And Work Law in terms of potential non-compliance. So we have a good pipeline of non-compliance. We have got the website up. It will be better in June.

The Deputy of St. Ouen:

So the problem is now resolved?

Director, Corporate Policy:

The band width has been significantly increased. Lots of changes have been put through to the website so if people call us we can put a change through quite quickly. We will have a debrief again at the beginning of February and then we will begin the programme of work to make it better again next time.

The Deputy of St. Ouen:

How confident are you that you have captured all the information that you required employers to present?

Director, Corporate Policy:

The data, as it comes in to the income tax system, then gets fed through to the Population Office system. Our compliance staff are now working through it so we have got it in our system.

Senator S.C. Ferguson:

For instance, giving people a password when they have registered online, what is the turnaround on that?

Director, Corporate Policy:

It is a learning point for us as well. You can register, complete your return, then request a P.I.N. (Personal Identification Number) number, but equally you can request a P.I.N. number and then

there is a turnaround for that to come out. Income tax learnt than what they got - and it is a good thing in a way - they got lots of people wanting to sign up to do their I.T.I.S. (Income Tax Instalment System) returns online. It was a bad thing also that it took them longer than we would have hoped to get those P.I.N. numbers out, so if I recollect it could...

Deputy R.J. Rondel:

Is there no automatic system like most places you go and order something you put a password in, you get within seconds?

Director, Corporate Policy:

We have asked these questions, and they are quite technical questions.

Senator S.C. Ferguson:

You can set your own password with most people.

Director, Corporate Policy:

Would you want somebody just logging in saying: "I am so-and-so", us emailing the P.I.N. and then them getting into somebody else's tax details?

Chief Executive Officer:

Can I just take that back? One of the absolutely crucial parts of getting e-government right, if we want to transact properly with the customer in the same way as many of us probably transact with our bank, then the level of security goes up 4 or 5 steps and if we are going to set that up we have to make sure we set that up at a corporate level so that whether it is accessing data or income tax, social security or ultimately clinical medical reasons, it will be a similar level that you have to go through for a bank account. That is not a simple process. That is one of the workstreams that will come out of e-government. If we want to move to a platform of transacting with the public in that way we have to move the whole system and have security across the whole range because the whole essence of it is that data from within our various systems can then move to the customer. In doing that we have to make sure that security prevents anyone else capturing that data at any point in that transaction cycle. We also have to make sure that we verify that the customer asking for that data is the customer who is eligible to have that data. It is very complex.

Deputy R.J. Rondel:

But a customer does not want to wait a whole week.

Director, Corporate Policy:

No, they do not. It is a bit of a throwaway example but the bank will send you the P.I.N. number in the post just to absolutely make sure it is you. So we send it to the address. Yes, we need to be quicker but there are good reasons.

Chief Executive Officer:

It is no different to registering with your bank for internet banking, then they will send you your new credit card and P.I.N. number, they will send you the credit card in the post and then a few days later you will get your P.I.N. number in a separate envelope. That is the level of security we have to move to.

Deputy R.J. Rondel:

I think Senator Ferguson was worried she is becoming computer illiterate having to wait so long.

The Chief Minister:

Let us be fair, she is right. It is a good question. It was taking too long...

Senator S.C. Ferguson:

Well, my return is going to be late because my things have not come through, but never mind. I will beat up Paul later.

The Chief Minister:

We would be understanding in that regard.

Deputy R.J. Rondel:

So there are still some issues to sign up, which you...

The Chief Minister:

I think the system is now working but there are changes that we are going to make to improve it again for the next return.

Assistant Chief Minister:

I think the positive thing with that is there have been more people who are now going to be doing tax returns...people who are just doing manpower returns online, it has encouraged people to sign on for tax and social security returns online. So it has been a really positive thing in that way.

Deputy R.J. Rondel:

Just going back to the U.K. e-report. What is your attention to do with that?

Chief Executive Officer:

That has to go through the formal governance process, so the workstream leads are looking at it today as being received. That has to come through to the Corporate Management Board to look at it in terms of what does it mean for departments and how is it going to be delivered. What is the delivery plan? What is the funding route and funding requirements for it? I do not know what they are yet. Once we have seen that we then have to prepare a report, which will go to the Political Oversight Group who will again challenge it and make sure they are comfortable with it, and make sure that accountability and deliverable point of view is realistic and subject to funding requirements that will go to the Council of Ministers.

Deputy R.J. Rondel:

Do you see the report being presented to the States Assembly and the public?

[17:00]

Chief Executive Officer:

The report definitely will not be.

Deputy R.J. Rondel:

The KPMG report.

Chief Executive Officer:

No, the e-government report will not because that is commercially sensitive. Commercially that would not be publicised at all. But the outcome in terms of what we are going to deliver, how we are going to have to deliver it and when we are going to deliver it, I think will have to be something which is publicised because we need to be telling the public how we want to move from our current systems to the future.

Senator S.C. Ferguson:

It would help if the public knew what they were meant to be doing in words of one or two syllables. Who is the Political Oversight Group on this one?

Chief Executive Officer:

It is led by Senator Maclean, who is looking after the reform programme, Chief Minister, Minister for Treasury and Resources, and I think that is it.

The Chief Minister:

Is there not the Minister for Social Security as well?

Chief Executive Officer:

I think it is.

The Deputy of St. Ouen:

Will it not be Deputy Bryans?

Deputy R.J. Rondel:

Deputy Bryans, is he...?

Chief Executive Officer:

Deputy Bryans is assisting Senator Maclean, looking at reform. Senator Le Gresley, sorry. Then we have external advisers as well supporting with experience in this type of reform programme.

Deputy R.J. Rondel:

When do you anticipate e-government will be set up and running in Social Security?

Chief Executive Officer:

That, in many ways, will certainly be starting to run already but I think we have got to get the...the whole of the business case has to be understood and then we have got to show what the delivery plan is. I think from memory the aim is subject to all the approvals need to go through, that delivery rollout will start in, I think, April; just after Easter.

The Deputy of St. Ouen:

April...?

Chief Executive Officer:

April this year we will start to demonstrate what we can deliver by when. Some of it is very easy, but some we are doing already. So e-forms are already going out and we do not need any change to our systems. Something which is more complicated, as I have described the security issues, then those have got to be looked at as part of the delivery plan.

The Deputy of St. Ouen:

Can you just confirm whether or not funding has been allocated within the current Medium-Term Financial Plan to allow this to be delivered?

Chief Executive Officer:

There is funding in the Medium-Term Financial Plan for reform but that is held in Central Contingency, which is why we have to go through, as I have explained, a very rigorous process

and it is only the Council of Ministers who can then agree and recommend to the Minister for Treasury and Resources that that funding is released.

Deputy R.J. Rondel:

You mentioned Lean and the Panel were very pleased to have had a visit to the Social Security Department, which I think was very impressive. When do you expect it to be rolled out further?

Chief Executive Officer:

Health are running already so the timetable at the moment is the first tranche of Lean is running now, and that is Chief Minister's, Economic Development, Education, Sport and Culture, Environment, Treasury and Resources. Lean awareness is going on in January. February to May is the yellow belt training and the green belt training for members of staff in those departments. Tranche 2 starts in May, and that is Home Affairs, Transport and Technical Services and non-ministerials. We are happy to give you a timetable. I will give you a full pack of this.

The Chief Minister:

In tranche 2 the leadership for Lean starts in March but it starts for all staff in May.

Deputy R.J. Rondel:

Have you had any results through from the Health Department yet?

Chief Executive Officer:

I think we have publicised quite openly some of the projects which have shown huge results, they turned the restaurant round from loss-making to making surplus. The Emergency Department in terms of customer care was a huge turnaround, very positive from both clinical and medical team as well as the patient receiving the treatment. Those are just two examples which have been very successful. I know there are several in Social Security that are also looking at the same certainly Lean training; they have not got any specific projects.

The Chief Minister:

They have some projects that they are working on but not...until they are totally satisfied they have not wanted to publicise them because they are slightly behind where Health are. If you went down to see the café or restaurant we would see what they have done. It is fascinating to see it because it goes down to as basic as were they providing too much food to everybody that they were serving? Were the portions the right size and when they asked people, no, they were too big, and they ended up having...previously they had had food left so they have been able to reduce the portions therefore reduce the input costs and at the same time increase their profitability, and it is incredible.

Senator S.C. Ferguson:

It is really what the proponents, the John Seddon argument, look at the workflow and the costs will come down. Do not concentrate on your target because while we are not going to ask questions about productivity and population, I would bring up the comment in the population - it is connected with Lean - document the talk that we will need to have more migrants because one of the reasons is to keep productivity up but if we are doing something like Lean, which demonstrates how productivity can be improved, should we not be doing that first?

Assistant Chief Minister:

I think we need to do both. We need to do everything we possibly can because I think in the presentation we gave the other day it talked about if we were to keep things on an even keel we would probably need to have about 3,000 immigrants to keep things going to support our population generally. But we are not doing that. We are typing up on the number of people coming into the Island but also having to do all these other things, like Lean and...

Senator S.C. Ferguson:

Yes, but the whole point, if you will excuse me, we have seen demonstrations done at Social Security, who have been doing a great job on this, where they can cut down the time taken for a transaction from 18 days to 3. If that is not improvement in productivity I am a Dutchman.

Assistant Chief Minister:

No, you are right.

The Chief Minister:

No, it is. You are right.

Senator S.C. Ferguson:

So it is that sort of thing we should be doing. It is that sort of thing surely that we should be encouraging instead of waving a white flag and saying: "Come to us all you"...

The Chief Minister:

We are not going to do it now because it is a much more in-depth conversation, but when you look at the numbers in that report they clearly show that you cannot solve the problem in just one way. We absolutely agree with what you are saying about improving productivity because the numbers do not add up unless we do that as well as this limited migration. You are absolutely right.

Senator S.C. Ferguson:

I am concerned that it does not look as if we are really applying enough emphasis on the productivity side, instead of waving our hands and saying: "Oh dear, productivity is going down"...

The Chief Minister:

No, we are absolutely not doing that. As I say, if you look at the numbers, the number of those over 65 in relation to those working, you need...

Senator S.C. Ferguson:

Yes, but where are you pushing productivity?

The Chief Minister:

You need the productivity in...

Senator S.C. Ferguson:

We are doing it in the Lean but where are you pushing productivity elsewhere?

The Chief Minister:

I suppose H.A.W.A.G. (Housing and Work Advisory Group) talk about that with employers all the time.

Director, Corporate Policy:

The conclusion from the Interim Population Policy was the ageing demographic is coming and you cannot solve that by bringing in more migrants. You solve that by focusing on productivity, so economic growth and diversification strategy and more thereafter. Those are the conclusions.

Chief Executive Officer:

If we are looking at productivity within the public sector then Lean, the examples we have already used, you then roll that out across all the departments and that is the whole intention, is that all departments will go through it. That is one of the key tools we are using to improve productivity. Then we start looking...e-government will also look at productivity because what we know is going to come out of it is at the moment customers have to transact with individual departments. If the customer can transact with one route into the States then their data will then go to all the departments, so the productivity means you do not have to be transacting with every department and every department have to manage that same data. It will be managed.

Senator S.C. Ferguson:

So where does all this slot into your reform programme? You were describing the reform doing this, that and the other but somehow...what is the reporting line on the Lean side and the productivity side of the reform?

Chief Executive Officer:

The reporting line is through government structure so every...Lean has been headed up by one Chief Officer, who is running the Lean workstream on behalf of all of the chief officers and all of the departments. There is only person running it. One chief officer running e-government. You have one chief officer running the workforce modernisation and a lot of staff, all the departments, supporting them. They report to one chief officer who is overseeing all of that work, and that group, as the workstream leads, and the government structure, then reports to Corporate Management Board and it is our job to make sure that governance is applied, which is through the reporting mechanism and we then report to the Political Oversight Group. So in terms of productivity, we expect to see through the delivery of Lean and then through the delivery of e-government that we will be able, because that is where the internal investment will come from, to see how those initiatives and projects will be able to deliver the benefit. There is a section at the bottom which is called "Benefits Realisation". So we are saying it is no good starting a project off unless you can demonstrate at the end that we will get benefits realisation coming out of it because some of the earlier projects started off to demonstrate: "Ooh, this is very successful" but then when we asked: "What have you got out of it?" they had to go back and try and find out what the benefits were, so we said: "No, no, in future when you start a project you have to demonstrate what you get out of it at the other end." So we are being quite strict to make sure that we do not start until we can be sure it delivers a good outcome both from customer experience and an efficiency point of view.

Senator S.C. Ferguson:

We shall certainly look forward to seeing Lean being applied to the orthopaedic waiting list. No, I think it is very essential, it is not a joke.

The Chief Minister:

It is not a joke at all because they applied it to Accident and Emergency and what they did there was they looked at whether the condition the person presenting had, where was that best dealt with and that was one of the ways they were able to do it. It could be dealt with more effectively and efficiently over here or here or here, and they have seen a transformation; so you are absolutely right, it can be applied to all their processes.

The Connétable of St. Lawrence:

E-government, Paul has just referred to the ageing population and we have seen all the demographics, but e-government is very technical. How are we going to deliver it to those people, particularly members of our ageing population, who do not have the skills perhaps to use it and may be frightened of it?

Chief Executive Officer:

We have always recognised that we can never get 100 per cent of the Island citizens on to e-government for that very reason, so there will always be a mechanism for them to manually transact. But as time goes by, more and more people who are currently perhaps in their 50s who are e-literate who become in their 60s, so as the ageing population starts to grow hopefully it is those people who are perhaps coming towards the latter end of their careers who are now e-literate will be going into a more elderly state and will remain e-literate to transact with us. But those members of the public who are currently perhaps in later years it is understandable that they will not be and we have to make provision for them.

The Connétable of St. Lawrence:

So we are going to have parallel systems?

Chief Executive Officer:

Yes.

The Chief Minister:

There comes a point where we then start to have to ask ourselves: is it better for the State to provide e-literacy and sometimes the capital equipment hardware to help those individuals to be able to transact electronically rather than always having a parallel system. But right at the start you have to do that. I suppose the difference with the manpower returns performing you could make a reasonable assumption that businesses have some sort of e-ability but very quickly we were able to provide an alternative anyway to those that perhaps for some reason are unable to.

Senator S.C. Ferguson:

Have you done any research as to where you could access or you could provide the training for some of the more senior citizens? Has anyone been to talk to the Bridge, for instance?

[17:15]

The Chief Minister:

There are all sorts of ways that it could be...

Senator S.C. Ferguson:

Because the classes there are oversubscribed.

The Chief Minister:

Or through working with the Connétables and the Parishes, there are all sorts of ways that we could do it. There are a lot of people interested in perhaps helping to provide that.

Chief Executive Officer:

As the opportunity exists then we have to look at any of the providers for the elder citizens where we know that a lot of elder citizens take up computer lessons later in life and we need to make sure that if they are provided those lessons then it is tailored towards how they can access the sort of service we can be offering.

Deputy R.J. Rondel:

Do you anticipate doing that?

Chief Executive Officer:

We will be doing it. The main aim is to get the system running, get online and make it work for the bulk of the citizens and then start looking at how others can come online. I think there are a number perhaps in older years who are already computer literate. I know of one in particular.

Senator S.C. Ferguson:

I beg your pardon. Charming.

The Connétable of St. Lawrence:

I would like to ask a few questions on Freedom of Information and firstly, how is this work progressing?

The Chief Minister:

That is another operational issue.

Chief Executive Officer:

We have the procedures set up now for reviewing records. We are in the process of recruiting staff on temporary contracts. I have to start doing the records management review so that we can start looking at records. The core team of staff through a project board are now setting protocols for retention schedules and that probably is a key document that all departments have to work to, so they will then have protocols to work to, then there are the employees that we bring in, which will be using, certainly working with back-to-work teams, bringing the staff in, will then work with

colleagues in departments, start looking at all of the manual and all of the electronic record systems to make sure they are in compliance with protocols. We are at that starting point now. The team is set up, starting to roll it out and there are, as you can imagine, a number of larger departments. We have got a lot work so we have had to prioritise resource to those departments.

The Connétable of St. Lawrence:

So all of this work, of course, is being done in advance. Will you remind us of the date that this comes into effect?

Chief Executive Officer:

1st January 2015.

The Connétable of St. Lawrence:

We understood that there may be some amendments required. Is that the case?

Chief Executive Officer:

There are some amendments. There are small amendments to the primary legislation and there will be some smaller ones which are coming forward being worked up at the moment for regulations that have to come forward.

The Connétable of St. Lawrence:

How have they been identified?

Chief Executive Officer:

It was the project managers and the workstreams...the managers who are starting to look at applying the legislation to the practice that identified one or two smaller areas, certainly the Law Officers' Department identified one or two complexities that needed ironing out.

The Connétable of St. Lawrence:

What are the amendments?

Chief Executive Officer:

I have not got the list, I am sorry, with me but I would rather give you the exact detail than just trying to give you the overview, but there are a couple of fairly small ones.

The Connétable of St. Lawrence:

So you will just let us know?

Chief Executive Officer:

Yes.

The Connétable of St. Lawrence:

That is fine, thank you.

The Chief Minister:

Because I think the law drafting of them has been signed off so you probably could just see that decision and the law drafting brief that changes.

The Connétable of St. Lawrence:

I suppose the main question is: will we be ready?

The Chief Minister:

That is I suppose an operational and a political issue. From a political point of view John knows that it is the target that we have set ourselves. It is a commitment that we have given and therefore it has to be delivered upon. But I suppose equally from a political point of view I do not underestimate the challenge it is from an operational perspective.

Chief Executive Officer:

I think the onus is on departments and all of us now to make sure that resources available, everyone makes use of that resource because the more that records can be put in compliance with the protocols the easier it will be when F.O.I. (Freedom of Information) requests come in.

Senator S.C. Ferguson:

Presumably the next stage is to have all correspondence scanned if it comes in on paper.

Chief Executive Officer:

It is not essential as part of the records management as long as the paper...

Senator S.C. Ferguson:

As far as cutting down the cost of storage.

Chief Executive Officer:

I think that comes from the government. Scanning has not proved always to be quite as easy as initially thought. A letter coming in is very easy but when it comes in with quite heavy attachments, having tried it and trialled it in the department, it proves not to be quite as simple. It is getting easier with modern technology, et cetera, but it is not quite as easy as everyone thinks.

Senator S.C. Ferguson:

The private sector has been doing it for years.

Chief Executive Officer:

Where it is straightforward information coming in from paper format on letters, yes. But when it comes in with a lot of attachments it is not always as easy. If you can get it electronically it is absolutely fine.

Director, Corporate Policy:

Many of the high volume areas do scan so Social Security do scanning, Population Office do scanning in terms of high volume applications.

Chief Executive Officer:

Where it is straightforward paper transactions, but when attachments come in that is when it starts to get difficult, but we have to go in that direction without question.

The Chief Minister:

And there are some documents that Social Security still do not scan because of that, so a booklet application is very difficult to scan.

The Deputy of St. Ouen:

Just coming back to a comment you made earlier: it was suggested that it was planned to be implemented in January 2015, then you made quite a significant statement, which made me believe that it was not going to be delivered by that date. Is that what you are saying?

The Chief Minister:

No, that is not what I am saying. I am just being open with you. I am saying politically we are committed to it being delivered and officers know that we made political commitment to it being delivered but equally I recognise, and I do not underestimate the difficult operation that it is to deliver. We have put the resource there, we have made the commitment and officers are working to deliver it.

The Deputy of St. Ouen:

It may not be delivered by January.

The Chief Minister:

But it is not an easy task. No, not at all. I am just telling you what it is.

The Deputy of St. Ouen:

Why are you raising these concerns if you are certain that it can be delivered by January?

The Chief Minister:

Because otherwise you would accuse me of spinning.

The Deputy of St. Ouen:

There are obviously issues which you identify or have been identified, which may cause some delay, is that what you are saying?

The Chief Minister:

No, I do not expect that they will cause delay, what I am saying to you is: as Chief Minister we are committed to ensuring it is delivered but I am equally saying to you, we have put the resources in place, that involves money and people, we are amending the law, we can see those legislative changes, but it is not an easy task.

The Connétable of St. Lawrence:

Chief Minister, you have just said again the resources have been committed and, John, you said that we have taken on temporary staff. How many staff have we taken on for this?

Chief Executive Officer:

I think the number was about 25 staff we have taken on at the moment.

The Connétable of St. Lawrence:

Are they on short-term contracts then?

Chief Executive Officer:

Short-term contracts, fixed-term contracts, yes.

The Connétable of St. Lawrence:

But presumably some of them will still be retained into 2015?

Chief Executive Officer:

Some of them will be required into the future, absolutely yes. And some will be required as additional staff in some of the departments who are likely to be the major recipients of F.O.I. requests?

The Connétable of St. Lawrence:

Who do you expect to be those major recipients?

Chief Executive Officer:

Three are probably going to be Health, Police and Education. That is based on U.K. experience. Those are the 3 expected to be the major recipients.

The Connétable of St. Lawrence:

Did you say that the current staff within all departments will be trained to deal with requests?

Chief Executive Officer:

Yes, we have got a training programme. We have had 60 staff already been through basic training. The key is to make sure that all staff understand these protocols in future. So when we do have a protocol for a filing system, with data coming in, be it electronic or manual, it is filed in the same way so it is easier to access.

The Connétable of St. Lawrence:

On the practical issue, will every department require the request to be in writing? Presumably they will be. Will every department have a similar request form?

Chief Executive Officer:

The aim at the moment is that requests under F.O.I. will probably come in to a central department who will then farm that request out to the department who have the information and then that information will be collated centrally to send out.

The Connétable of St. Lawrence:

Presumably requests will be accepted if they come in, somebody writes a letter and says they want information or will...what I am trying to get at is will they have to complete a form?

Chief Executive Officer:

I do not know. The answer with this, it could be a form or a letter but certainly if someone writes in, even now, and says they require information under the code then we would treat that as a formal request. Sometimes you have to go back and clarify exactly what they want because the letter or request might not be detailed enough but that is a starting point of a formal request being made.

Deputy R.J. Rondel:

Just to clarify: the extra staff you have taken on, 25 or so, did you say they were on short-term or zero hour contracts?

Chief Executive Officer:

Short-term, fixed-term contracts.

Deputy R.J. Rondel:

Government reform: when we will...

The Chief Minister:

Which way did you vote?

Deputy R.J. Rondel:

When will the Assembly have an opportunity to debate the changes you would like to be made for the workings of the Executive?

The Chief Minister:

I am just going to turn to Tom because he can give you exactly the detailed timetable.

Director, International Affairs:

The short answer to your question is when P.P.C. lodge it, which is the simple answer. The current timetable that the clerks at P.P.C. are working to is that they are lodged towards the end of February.

Deputy R.J. Rondel:

Is there any further consultation to happen before it is delivered to the Assembly?

Director, International Affairs:

As you know, the process at the moment is that a steering group has been formed, chaired by Deputy Maçon, involving Deputy Tadier, Senator Gorst and Deputy Vallois. There has been a period where following the in-Committee debate each of those individuals have gone back and then done a second round of discussions with P.P.C., Chairmen's Committee and Council of Ministers respectively. Looking at what was said during the in-Committee debate and then trying to refine 49 recommendations down to those that gave a broad consensus of support, that process is almost complete. I think it is complete for the Executive. It is almost complete for Scrutiny, although I understand that there is a little more work to be done around the discussion that the Chairmen's Committee have had about the proposals that were made by the machinery of

government review for Scrutiny. There is a little more work to be done then. Then the steering group will have a final meeting to ensure that they are satisfied that that does represent a good compromise between the different interests and reflects the in-Committee debate, and then that goes back to P.P.C. for final consideration before P.P.C. then lodge that as a package.

Deputy R.J. Rondel:

You have spoken about collective responsibility for the Council of Ministers is required. How do you see this working?

The Chief Minister:

It was what was recommended in the Machinery of Government Sub-Panel. It is what was expected from Clothier. I expect it to work in the same way that it works elsewhere in the world.

Director, International Affairs:

Perhaps just to add, I know that Senator Ferguson in the past has asked whether it is possible to reflect that commitment in the primary law and at the moment the law draftsmen are looking at that and they think that it is possible to write into the primary law that the Council of Ministers should work to the principle of collective responsibility and that that should be reflected or so in the ministerial code. But hopefully when it comes through you should see that.

The Deputy of St. Ouen:

The issue of collective responsibility seems one that you have raised quite regularly.

The Chief Minister:

I think you raised it with me earlier this afternoon.

The Deputy of St. Ouen:

We are now talking about since you have been Chief Minister. Can you give us examples of why you have felt the need to actively promote and encourage this enforcement of collective responsibility within this current Council of Ministers?

[17:30]

The Chief Minister:

Because it is about trying to have the best system of government for the community in which we live in and if Ministers are not seen to be acting together in a co-ordinated and collective way I think it undermines Government and confidence in Government in the public mind. It is quite

straightforward and it helps a Chief Minister deliver that co-ordinating function that I think is what the public expect of the Chief Minister.

Senator S.C. Ferguson:

Leaving aside the question of the Minister for Planning and Environment, which is obviously the prime example, what other examples are there where you felt that there was a lack of collective responsibility?

The Chief Minister:

Chairman, do you think I am going to fall into that trap late on a Thursday afternoon? **[Laughter]**

Senator S.C. Ferguson:

I just wondered if there was any particular policy where you felt particularly frustrated that you could not push it through.

The Chief Minister:

I think there are a number of policies where we could have reached agreement earlier, and that is important.

The Deputy of St. Ouen:

One issue that I would like to raise with you, and possibly you can explain to us. On the one hand you talk about collective responsibility and a need for you, Chief Minister, to quite properly be in charge and oversee the policies that the States develops by other means. Yet, we have seen since you have been Chief Minister the responsibilities given to the Minister for Treasury and Resources, solely to the Minister for Treasury and Resources, expanded quite greatly. How does that square with this view of collective responsibility and the need for all Ministers to work together with you ultimately in control?

The Chief Minister:

I do not think it is at odds with that at all. I do not think those two facts are at odds with it at all. I think, as we said earlier, it is right that there is a good working relationship with a Chief Minister and a Minister for Treasury and Resources because you would expect the Minister for Treasury and Resources' functions to involve each department because they are involved in providing funding and the way that happens means that a Treasury Department rightly...if you look at any government around the world the two most influential offices are the office of the Prime Minister or Chief Minister and the Department of Treasury. That is understandable because one is hopefully controlling the Executive and the other one is controlling the purse strings.

The Deputy of St. Ouen:

You are quite happy to have, if you like, ultimately the person who holds the cheque book to have the greatest power?

The Chief Minister:

That is not the way it is. I did not say that at all. I would suggest that if you were concerned about a Treasury Department that you felt was too strong the thing you would wish to support would be collective responsibility because that would balance the power between the Treasury and the person that you are expecting to be in charge of the Executive. So it would be the reverse of what your argument is.

The Deputy of St. Ouen:

I hear that but I then come back to my question: why then through different propositions and debates within the States, amendments to the States of Jersey Law, increase the powers of the Minister for Treasury and Resources without having those checks and balances that you seek to introduce.

The Chief Minister:

I am seeking to introduce them.

The Deputy of St. Ouen:

After the event.

The Chief Minister:

Not really after the event, within the same political term.

Senator S.C. Ferguson:

The concern I suppose...

The Chief Minister:

If I could have made it quicker then I would have done but a process was put in place by P.P.C. and it is right that that process has been drawn to its conclusion in the way that it has.

Senator S.C. Ferguson:

What would you say then to the people who have said that they feel the collective responsibility argument would emasculate the rest of the Legislature?

The Chief Minister:

It would not at all and it would not in a Jersey system because at the same time I support the Troy Rule in making sure that the Executive is in the minority and we are only talking about collective responsibility around the Council of Ministers' table, so that currently stands at 11 Members. I am not quite sure how any big pieces of legislation is still in the hands of the Legislature and in Jersey governments bring most big issues, and a lot of small ones, to the Legislature for approval anyway because of our independent system. So I do not think it emasculates at all in our system because we have a system where the Legislature is very powerful.

Senator S.C. Ferguson:

Given that Assistant Ministers vote usually with their Ministers, would that not...

Assistant Chief Minister:

Have you looked at the voting records?

The Chief Minister:

I do not have the records in front of me but I would be surprised if that were the case.

Senator S.C. Ferguson:

It is perceived that they would vote as part of the Executive because they are part of the Executive.

Director, International Affairs:

The Machinery of Government review recommended that Assistant Ministers should vote with the Minister to whom they are attached, so that means that the collective vote on any one item would be the Council of Ministers plus those Assistant Ministers attached to the Minister who is proposing the idea. So there is a double lock in the system. On the one hand there is the Troy Rule, which the Machinery of Government review recommended should be retained and the Council of Ministers agreed, which means that Government can never be in the majority. It is mathematically impossible but even within that there is a second lock which is those that are bound to vote together is only ever the Council plus a couple of Assistant Ministers. So it is a smaller number even than the Troy Rule which says that the total of the Executive, i.e. all of the Assistant Ministers plus Ministers, have to be a minority. So it is a minority of a minority.

Senator S.C. Ferguson:

So the collective responsibility you are recommending is purely the Executive?

Director, International Affairs:

Collective responsibility is as recommended by the Machinery of Government review group, which is the Council at all times and then Assistant Ministers vote with their own Minister when it is their Minister bringing the proposition.

Senator S.C. Ferguson:

States Employment Board: we have to ask you because we cannot...the Connétable says nothing.

The Chief Minister:

You need to change seats. [Laughter]

The Connétable of St. Lawrence:

I have to declare an interest or a conflict.

The Chief Minister:

Now you are on my side of the table.

Senator S.C. Ferguson:

We understand that you are currently undertaking work in regard to the States Employment Board. What is it? When is it likely to be completed and presented to the States?

The Chief Minister:

Yes, John will tell you about that. Can I just ask: have you seen any of the drafts of what has been presented to S.E.B. (States Employment Board) or...?

Chief Executive Officer:

No, I briefed the Scrutiny Officer last week and I have a document ready, which is the...I have got a document which is 27th November S.E.B. meeting, which I hope is on my desk when I get back, which is the document I think you asked for today, so I will get that to you.

Scrutiny Officer:

Yes.

Chief Executive Officer:

In essence, the functions of the States Employment Board are broken down into two key elements under the legislation. The second element provides a potential for States Employment Board members to become involved in operational matters and it also means that there is not clear accountability in terms of being able to hold departments to account or managing the people

function, which is after all what that law is about. We have been running now with the Finance Law for nearly 3 terms of office and the Finance Directions, which are very clearly prescribed in law, and set out very clear mandatory and advisory procedures for managing finance, have worked extremely well. So the principal change we want to make or recommending to make is that the States Employment Board tighten up the functions so it is very clear in terms of the policy functions that they administer but also they enshrine in the legislation the use of...I think we are going to call them Codes of Practice to make them different from Finance Directions. Those Codes of Practice will then be formally delegated through the States Employment Board to me and from me to the chief officers of each department. So there is a clear line of accountability under the law, exactly the same as Finance Directions, which means that the Codes of Practice very clearly set out the requirements for managing people, in exactly the same way as Finance Directions very clearly set out how we manage money in departments. That is the principal change we are trying to make. So it is very clear in separation between the States Employment Board, political members' position in terms of setting policy, major policy, accountability for holding the officers to account, and also then through clear delegation the ability for S.E.B. to hold me to account and for me to hold chief officers to account for the proper administration of employment matters.

The Deputy of St. Ouen:

Can I ask, Chief Minister, whether you are planning to change the position of each individual Minister being corporation sole? Because I struggle to understand how the system as described will work but the fact that you are going to have some States employment directing via whoever, the Chief Officer of a particular department to undertake particular actions that the Minister is ultimately responsible for.

The Chief Minister:

No, because currently the Minister is not ultimately responsible for employment matters now.

The Deputy of St. Ouen:

No, but currently the States Employment Board do not direct the Chief Officer.

The Chief Minister:

They do and they do not and the problem is it needs to be clear. Politicians on the States Employment Board should not be getting involved or being asked to comment or get involved in individual employment decisions. It is operational. What they should do is be developing the policy and then telling officers to go and deliver it and if they do not deliver on it then there should be appropriate sanctions in place that says Employment Board make sure of being acted upon. It is that clarity that needs to be delivered.

The Deputy of St. Ouen:

We will wait with interest for the paper.

Chief Executive Officer:

In direct answer to your question, under the current States of Jersey Employees Law, all employees are under employment of the States Employment Board, so the S.E.B. do have control over all employees and the functions they perform. They do not have control over the policies, which is the Minister's responsibility, but employment matters, good employment practice, do come under S.E.B.

The Deputy of St. Ouen:

And that will not change?

Chief Executive Officer:

That does not change.

Senator S.C. Ferguson:

Whistleblowing policy?

Chief Executive Officer:

All that will come under one of the Codes of Practice.

Senator S.C. Ferguson:

Just a quick one, Minister. You went to Brussels recently, what actions or agreements arose from your visit?

The Chief Minister:

The visit was about talking about Jersey, helping those in various parties in Brussels to understand Jersey's constitutional position. The interest that Jersey has in Europe and particularly just to raise awareness about how important it is the way that the European Union institutions deal with third countries because largely we are a third country for our relationship outside of Protocol 3 with the European Union. So a lot of the visits that I take are about raising awareness and talking, as I say, about our constitutional position about how we are compliant with relevant international standards and helping those institutions understand the effect of the decisions that they might make, particularly in regard to third country access issues. It was one of those visits as opposed to a visit perhaps where I might be signing an agreement. But it was a very good visit. On some occasions we talked about the French issue and that is viewed...we were able to talk about how we positively implement international standards and if there are problems with other countries,

members of the European Union, as we have just seen over the course of the end of last year, that we are prepared to make changes and to deal in a co-operative fashion. So it was useful from that side alone to reinforce that message, and that was a message that was well received.

[17:45]

One of the other things that we did, which is the first time that Ministers have done this, was to meet with parliamentarians in the European Parliament and to help extend that engagement there, because I think probably as we sit here one of the places that we are least well understood is in the European Parliament. The Commission over the work of the Brussels office and the Member States Council are developing a good understanding of Jersey but in the European Parliament I do not think we can say that is the case so it was a good start for that engagement.

Senator S.C. Ferguson:

Would it perhaps have been a good idea then to have made a statement to the States when you got back with some good news?

The Chief Minister:

You make a very good point. Yes, I could have done that and maybe that would have been a good thing to do.

Senator S.C. Ferguson:

Perhaps next time.

The Chief Minister:

Yes, that is a very good suggestion.

Senator S.C. Ferguson:

We try to be constructive. Was there anything else you would like to say? No.

The Chief Minister:

Something that I wish to say perhaps in response to the comments that the Deputy of St. Ouen kindly raised about the Minister for Treasury and Resources' statement on his personal blog and the publicity that that received, or there was media publicity at the end of the week. What I read in the media about the long-term income plan and long-term revenue plan and various other comments were nothing other than what I had already said earlier in the week at a Chamber lunch. It just maybe happens that the media picked up one particular comment of one Minister rather than the comments that I made hidden in a long speech where I was talking about lots of economic

issues and the work done that we were facing as a Government. Perhaps that just puts it into a little bit of context.

The Deputy of St. Ouen:

Just to pick up on that point, though, just to clarify. The question was more whether you, as a Chief Minister, were happy for individual Ministers to be using personal websites, not ministerial websites, departmental website, to express views that may or may not, and I am not suggesting it was not in this case, government policy?

The Chief Minister:

If they are promoting government policy in a positive light I am happy for any Member of the Assembly to do so on their personal blog site.

The Deputy of St. Ouen:

So you are supportive of that, regardless of whether you are aware of what statements they are making or not, which is obviously the claim you made initially, which is why you now looked at your iPad to see...

The Chief Minister:

I have not looked at my iPad at all. I was aware that he was going to make that statement.

Director, International Affairs:

The Deputy is making a point that links back to our earlier discussion on collective responsibility in that in our current system of government it is perfectly possible for each of the Ministers around the Council of Ministers' table to hold a separate policy and to legitimately broadcast that policy. That is the way our law is set up. I think I suppose what we are hinting at is a possible future where the government only has one policy and can only have one policy, which then can only be the line that those Ministers seek to promote via Twitter or...

The Chief Minister:

That is right, but I suspect that if I were to re-read that statement I would find that it was perfectly in line with government policy and not saying anything that I had not previously said anyway.

The Deputy of St. Ouen:

I think it is just about whether the Minister for Treasury and Resources' website or the Minister for Treasury and Resources using his own personal one, and I am not pointing the finger at the Minister for Treasury and Resources, but you can equally have another Minister choosing to express views of a personal nature.

The Chief Minister:

I think you said he was discussing government policy in a positive light which is a...

Senator S.C. Ferguson:

Thank you very much indeed, Chief Minister.

The Chief Minister:

It has been a pleasure, Chairman, as always.

[17:50]