

Corporate Services Scrutiny Panel

Quarterly Hearing with the Chief Minister

TUESDAY, 17th JULY 2018

Panel:

Senator K.L. Moore (Chairman)
Deputy S.M. Ahier of St. Helier (Vice-Chairman)
Connétable R. Vibert of St. Peter
Deputy J.H. Perchard of St. Saviour

Witnesses:

The Chief Minister
Deputy Chief Minister
Director, Corporate Policy

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[14.45]

Senator K.L. Moore (Chairman):

Good afternoon ladies and gentlemen, I am delighted to see so many people gathered here today for this first quarterly hearing with the Chief Minister and Corporate Services Scrutiny Panel, welcome to you all. I just have to draw attention to the witnesses' notice, Chief Minister regarding parliamentary privilege which I am sure you are familiar with. Answers should be as concise as possible please, we do have a lot of questions to get through today, so we would really appreciate that. Ladies and gentlemen, I am sure you are all familiar that we do not appreciate interruptions from the gallery, if you could all remain silent until the end of the sitting. We have got some filming going on for the first 5 minutes of the hearing and then after that they will be asked to leave. We will start by introductions for the record. I am Senator Kristina Moore and the Chairman of the Corporate Services Scrutiny Panel.

Deputy S.M. Ahier of St. Helier (Vice-Chairman):

I am Deputy Steve Ahier, Vice-Chairman.

Connétable R. Vibert of St. Peter:

Richard Vibert, Connétable of St. Peter, member of the Corporate Services Scrutiny Panel.

Deputy J.H. Perchard of St. Saviour:

Deputy Jess Perchard, member of the Corporate Services Scrutiny Panel.

The Chief Minister:

Senator John Le Fondre, Chief Minister.

Deputy Chief Minister:

Senator Tracey Vallois, Deputy Chief Minister, Chairman of the States' Employment Board and Minister for Education.

Director, Corporate Policy:

Paul Bradbury, Director of Corporate Policy, Chief Minister's Office.

Scrutiny Officer 1:

Simon Spottiswoode, Scrutiny Officer.

Scrutiny Officer 2:

Emma Le Ruez, Scrutiny Officer.

Senator K.L. Moore (Chairman):

Great, thank you very much. So Chief Minister in answering a question in the Assembly last week, the Assistant Minister helped you outline your achievements for the first 30 days in office. We were wondering whether you could explain perhaps your priorities for the next 60 days.

The Chief Minister:

The fundamental one is getting the strategic plan lodged at which point I am sure you will all be looking at it. That deadline I believe is the 4th of October, give or take and that is the priority over the course of the summer.

Senator K.L. Moore (Chairman):

That is your sole priority for the next 60 days?

The Chief Minister:

It is the principal priority.

Senator K.L. Moore (Chairman):

Okay, would you not agree that most leaders when assuming a new role have a 90 day plan that they roll out. I would perhaps be a little broader than setting a strategic plan.

The Chief Minister:

As I am sure you are aware, the statutory requirements are that we get the strategic plan lodged. We are dealing with a few negativities and getting structures in place. The principal is that we have got to get the strategic plan lodged for the 4th of October that is the deadline we have got to work on. Therefore that has got to be the main priority that we are focused on. That is something that is produced by the Council Ministers.

Senator K.L. Moore (Chairman):

We will touch later on the issue of culture and particularly the response of the bullying and harassment report. But do you see the culture of the States of Jersey as a priority for your next 90 days?

The Chief Minister:

I think the changing of organisational culture is going to take longer than 60 days. Although it is going to be a very important matter, we have said that. I am sure Tracey will be addressing many questions, as she is on the States' Employment Board that is one of her priorities, so it is pretty high up there. But organisationally, culture takes a long time to achieve that change. So yes, it is a

priority, the principal priority we have got in the next 60 days is the strategic plan. There will be other things that are going to be in that time frame that perhaps we need to build up on and work on.

Senator K.L. Moore (Chairman):

What about perhaps setting the group ethic within your new Council of Ministers and seeing how that develops the work that you do together. What are you going to do to set that agenda?

The Chief Minister:

Sorry, how do you mean?

Senator K.L. Moore (Chairman):

In developing a new team, such as the Council of Ministers and therefore having to work on a major document such as the Strategic Plan, would you perhaps have some techniques and some initiatives in order to bring that team together and start their work as a team that will perhaps lead the culture of the organisation?

The Chief Minister:

The Council of Ministers have had 2 formal meetings, we are having a number of informal meetings which we will be discussing the various objectives from individual ministers and their policy documents, their manifestos. That is being brought together, we have another one of those tomorrow afternoon. That is when that type of discussion is taking place. I am slowly working through my initial round of one-to-ones with Ministers. Then that will go on to Assistant Ministers and other States members. I am doing that, it is happening, and it is going to carry on over the summer. That is basically talking to people and that will and is starting to gel together as the Council of Ministers get to know each other.

Senator K.L. Moore (Chairman):

Thank you.

The Connétable of St. Peter:

Chief Minister, what was your rationale for creating a new ministerial post for International Development given that this is very similar to Jersey Overseas Aid which was not a ministerial role?

The Chief Minister:

I think there are 2 things in that. One is it was one of my priorities and I stated that in my policy vision, as it were at the time I was elected by the States as Chief Minister. It does give greater status to the Chairman of the Overseas Aid Commission. We also have a lot of focus happening on Brexit for the next year, couple of years depending on how things pan out. It is to allow that softer side of

things in terms of international development just to be given a greater emphasis alongside the very detailed and technical work of external relations. It is working in conjunction with, but it is to give a greater status to the work of the Overseas Aid Commission.

The Connétable of St. Peter:

So overseas aid will still form part of our Government Engagement Policy, yes?

The Chief Minister:

Yes.

The Connétable of St. Peter:

Yes. Finally, on that one all other ministers were elected by the States Assembly, why did you not bring this post forward to be elected on at the Assembly?

The Chief Minister:

That was a tricky one. It was interesting, that was the advice that we received, because of the very close correlation between the Overseas Aid Commission and the Minister for International Development and because I had declared it my intention and because the Assembly had elected the chairman, the advice was the way we had done the order was the appropriate way of doing it.

The Connétable of St. Peter:

Thank you.

Senator K.L. Moore (Chairman):

Continuing on the theme of the new Ministerial appointment, I would like to move on to the new Minister for Housing and Children. Could you explain the rationale between positioning this as a Minister for Children rather than a Minister for Families?

The Chief Minister:

Certainly, number one again it is what I had stated I was going to do. Secondly, I believe in terms of the Inquiry but also generally over the last 6 years, if not longer there has been a general call for a Minister for Children. Therefore that was the rationale, I think it is semantics in terms of the phraseology, the point is we are putting something in place to give great emphasis to a very important area and we will see in that role no doubt evolve over time.

Senator K.L. Moore (Chairman):

Personally, I would beg to differ that it is semantics between children and families. Children, most of them grow up in a family and particularly in respect of hardship, they would experience that

potentially and mostly because of the circumstances of the family in which they are brought up in. Therefore, would you consider that in giving the Minister a broader brief of families it would sit sensibly against the backdrop of housing as an issue as well as the wider issue of the family circumstances of a child and the impact it has on their wellbeing.

The Chief Minister:

When I said semantics I meant the actual title for the Minister. Over the course of the summer what gets moved across to the role which is still being finalised and then as that role develops I could certainly see there will be crossovers into family matters. I think the crucial thing is to get the role up and running.

Senator K.L. Moore (Chairman):

Would you commit therefore to considering renaming a board member?

The Chief Minister:

Let us get the thing established and bedded down and then we will see how it evolves and that is really what I am trying to say at the moment is let us get it established.

The Connétable of St. Peter:

Chief Minister, when will you be in a position to publish a full list of responsibilities delegated to Assistant Ministers?

The Chief Minister:

We are working on that and we are just trying to get it right. There are some obvious ones that have come through, so the natural services, Richard Buchannan comes up as one that has already been declared. With the fuller list we are just working on trying to get the right things in the right places. Bear in mind that summer recess is imminent, I would say probably the end of the summer recess.

The Connétable of St. Peter:

Also on that theme, one of those we are aware of is the Assistant Home Affairs Minister. Now, in this instance he has been delegated all of the functions of the Home Affairs Minister rather than specific areas. Is there any rationale behind that?

The Chief Minister:

No, some of the similar functions are being defined as the ministers are building up their relationships with their assistant ministers which is what we want to see. I believe the Minister for Home Affairs has taken that decision and has confidence in his Assistant Minister, as do I, that he is capable of doing that role. I will just say what we tried do or what I would like to try and do is make sure we

have got good engagement generally across the Assembly and within the Executives side. It feels that we are a little bit thin in experience for looking ahead. In other words, at the end of this term, who has got what experience in what areas. That is why I have tried to put a number of the Assistant Ministers on dual roles, really just to get a taste of experience in the different departments. I think that then hopefully serves the future Assemblies better.

Senator K.L. Moore (Chairman):

One of the bigger issues during the election campaigns was that of disabilities. Who do you envisage will carry the responsibility for disabilities?

The Chief Minister:

That is under consideration, not yet decided. There is a whole range of competing responsibilities and priorities if that makes sense. So disabilities are in there, as we have said previously, affordable housing and mental health are also very high up on their agenda. So again I think everybody will see by the end of the summer recess as to who takes on responsibility. At the moment, it would seem very logical that at least one of the assistant ministers would and that would be a matter for that minister.

Senator K.L. Moore (Chairman):

Right, thank you so moving on to the matter of policy boards. This is something that you spoke a lot about in theory when campaigning for the position of Chief Minister. There was not much detail but now that detail is coming forward and we have seen the creation of a Policy Development Board for the Hospital Review. Could you explain for us please how you feel that the Policy Development Board as you have set it up will differ from the roles and responsibilities that are set on a statutory basis and appointed by the Assembly of the Scrutiny Panel that is also created to do a very similar role.

The Chief Minister:

Scrutiny reports to the Assembly ultimately. The advisory boards are meant to give the ministers early advice for the ministers to make a decision. It is up to Scrutiny where it gets involved in terms of what it scrutinises. In the past there has been a reluctance for Scrutiny to get involved as policy has been created. It is normally once their decision has been made in Parliament then the Scrutiny has gotten involved and looked at that decision. What the point of this is, the clue is in the name in terms of development. One of the big issues I would have said was the case over the last number of years is trying to get that cross-engagement across the Assembly at an early enough stage. That was very clear in what I stood on. The majority, between myself and Tracey we have both been fairly strong members of Scrutiny in the past, we do not want to damage it in any shape or form. In fact, I think that applies for the majority of the ministers. What we do want to try and do is just get

that early engagement where possible to allow our non-executive members to express a view. One has got to be careful about managing conflicts of interest and things like that. The principal is about getting that early engagement to inform a minister in arriving at a decision and that gives them a better group of people to get that feedback from.

Senator K.L. Moore (Chairman):

In the past when such an issue has been constructed is that a political oversight group could have been set up from within the Executive that would have looked at a particular aspect of work and that is what has happened in relation to the hospital. Concurrently, there has been a Scrutiny Panel for the past 5 years looking at the hospital issue off and on and I would suggest that was indeed policy and development throughout that time. You then go on to suggest that this is a way of broadening engagement from States members. However, if their positions on the Development Board then become in conflict with their Scrutiny work and they subsequently decide to resign from the Scrutiny panels or the public accounts committee that they are sitting on, that becomes a quasi-extension of the Executive and is removing members from the Scrutiny function that you have in the past championed so greatly.

The Chief Minister:

I think the point I make, we have been very clear that non-executive members have to be a member of the Scrutiny Panel to go anywhere near any policy development board.

Senator K.L. Moore (Chairman):

But I would suggest that perhaps it is more reasonable for those members who are not members of Scrutiny because by doing so and imposing a conflict for their Scrutiny work, they are being drawn away from the Scrutiny function and into the Executive which would be in contradiction of the rule.

The Chief Minister:

I think the point is, the reason we said that non-Executive members should be on Scrutiny is to ensure people did not get dragged away to boards and neglect their responsibilities to be a fully functioning member of the Assembly. This means if they are not an Executive and they are on the non-Executive side I would like to see them in the Scrutiny function. In terms of the hospital, there will be a couple of projects that are tricky. The hospital I would say in terms of what we are looking at at the moment is a capital project which would ordinarily fall under Environment, Infrastructure and Housing. However, that is not my call and if there is an issue I do not know if the members involved are on the Hospital Review Panel or if the Hospital Review Panel has been re-established or not, I was a member of it previously. As I have said, this is about me as Chief Minister and new Council Ministers seeking to confirm or otherwise matters that the Executive are going to have to

decide on. This is going to inform that decision making process. That is not directly involved within the Scrutiny function, I would have suggested.

Senator K.L. Moore (Chairman):

But would it not be more collaborative to use the Scrutiny function to assist with that consultation process and perhaps helping to engage the hearts and minds of the community who do have a level of cynicism about the project to date because the Scrutiny process itself is separate from the Executive and therefore would bring with it a slightly more independent view.

The Chief Minister:

The point of this is to allow us to make a decision. Using the Hospital Review Panel as an example, if they are then going to scrutinise that decision you have then got something that is your independent check and balance. The purpose the members in our Executive have said is to try and ensure that there is not a conflict of interest. I have said the crucial thing there is the self-review threat.

Senator K.L. Moore (Chairman):

Sorry, I did not catch that.

The Chief Minister:

Self-review threat.

Senator K.L. Moore (Chairman):

What do you mean by that?

The Chief Minister:

Normally, the crucial thing on self-review threat is that you do not want to be looking at something that you have previously been involved in because otherwise you are looking at your own work. You are trying to check and validate the decision being made on something you have been previously involved on. Therefore that is what I am saying, if you have got the Hospital Review Panel re-established, depending on the membership of that if there was somebody involved ... I do not know if there is or not ... on the Hospital Development Board they would have to very carefully consider their position, I would suggest. Equally we have been quite careful to try and ensure that whoever comes on is not part of the Environment Panel because it is a capital project.

Senator K.L. Moore (Chairman):

Also, the Public Accounts Committee perhaps has been suggested to have a potential conflict.

The Chief Minister:

The Public Accounts Committee is about historic events taking place and is also holding officers to account, Tracey could probably tell you more about the responsibility of that.

Deputy Chief Minister:

In terms of the policy boards, there are 2 Machinery of Government Reviews that have been done in the past about how we can involve non-Executive members. I think it is important to reflect on that because there was a lot of engagement not just for the members of the States but across the civil service as well to understand how that would and would not work. Of course, fundamentally, it was thrown out because nobody wants to change anything in regards to ministerial governments. We are in a position where the Chief Minister, the Council of Ministers want to try and include but it is important that we recognise the absolutely vital role that Scrutiny play. I have always been a proponent of Scrutiny, I believe it is absolutely vital, especially for openness and transparency. The question is: where does policy development come in? Under the FOI (Freedom of Information) law for example, you have a clause there with regards to policy and development. You cannot discuss the developing of policy in an open and transparent manner as you would. Rightly so, once the Ministers make a decision on that policy, be able to have that open dialogue with Scrutiny and have it scrutinised effectively by the Scrutiny Panel. You have to manage conflicts of interest, for example the Care of Children Review. It was the last Government who decided that they were going to have an advisory group set up with non-Executive members on which I believe was Deputy Martin, Deputy Macon, I think there was somebody else. They worked with the Chief Minister to develop a way forward with regards to the Care Inquiry report. I, with other members decided to go to the Chairman's Committee and request a review panel to be set up to look openly and transparently and hold the Chief Minister to account for how that plan was going to be actioned. I see the roles quite clearly and quite distinctly but that is because of years of working on Scrutiny and trying to find ways around how we would work. Conflicts of interest is absolutely vital and that has to be recognised, whatever kind of system that you have setup.

Senator K.L. Moore (Chairman):

I think that is part of the problem at the moment, that there is not a clear system. It is certainly being developed off the hoof and rather quickly and...

Deputy Chief Minister:

Well, it was not before.

Senator K.L. Moore (Chairman):

In terms of inclusion, the announcement was made that the development board was being created. Then 2 days later, the Chairman asked members when he was on his speech in the Assembly,

asked members off the hoof whether anybody else wanted to join then they might which seemed slightly the wrong way around as opposed to...

The Chief Minister:

I think he is just trying to be open essentially. This is the view of...

Senator K.L. Moore (Chairman):

If it was meant to be open, it would have been done at the outset rather than 2 days after it was announced.

The Chief Minister:

The membership can always be added to. The point is that we are trying something different, we are trying to improve engagement, we are trying to say there was one thing that was critical across the Assembly. As we said in terms of the terms of reference we will review it every so often just see if there are any sort of wrinkles that need to be ironed out. It is a process and it is an early process.

Senator K.L. Moore (Chairman):

Do you have any more questions?

The Connétable of St. Peter:

Yes, I think we have touched on this but how will you ensure that members of Scrutiny Panels are not involved with the policy area within the remit of their Scrutiny Panel?

The Chief Minister:

A fairly obvious one I would hope is we do something on mental health. Bear in mind, this is about advising the Minister, it is again a very key focus within the Council of Ministers about work we want to do. Let us say we agreed that we want to get a board set up which will be across the departments to improve matters and we may pull one or 2 members in. I would have said it was pretty obvious in my mind that you would not take somebody off the Health Scrutiny Panel to be a member of that because then that voice is a direct conflict of interest. If it gets slightly broader we will have to then just gauge that on an individual case basis. It would seem to make sense that for the sake of argument that probably anybody on corporate would not be conflicted, for example, if they wanted to work on mental health.

The Connétable of St. Peter:

So for instance, what is the position of the members of the Public Accounts Committee serving on policy boards? Because they have got quite an extensive remit. Of course, every area of

government, also I think we have got someone from the planning committee on the Hospital Review Board. Are there not conflicts there?

The Chief Minister:

If they were considering a Hospital Board application I think they would have to recuse themselves from that that would be my personal opinion. In terms of the Public Accounts Committee, the crucial thing there is that they are holding officers to account, and it is historic, again, I think it would be as matters arise. If they were suddenly to do a review of the hospital project they would have to consider that at the time I suspect.

The Connétable of St. Peter:

So these policy boards, are they not in some form a return to the Committee style of Government?

The Chief Minister:

No, I do not think so, they are advising on them so...

The Connétable of St. Peter:

Is that not what committee used to do to a large extent?

Deputy Chief Minister:

No, they made decisions.

The Chief Minister:

No, they made decisions.

The Connétable of St. Peter:

They made decisions, but these are advising ministers. There are similarities...

The Chief Minister:

May I say, as I understand it and bear in mind this is before my time, although you might find this on Scrutiny as well. A committee takes a majority decision and then in the old Committee system, that committee was then bound by that decision. I think ministers can always ignore advice, the point is this is an advisory role.

Deputy Chief Minister:

Can I also raise the issue of the Public Accounts Committee? Recognising Public Accounts Committee, holds officers, chief officers, chief accounting officers to account for the way that they

deliver on projects and policy. The policy was about developing that policy to give direction to the officers in order to deliver on public services just to clear that up.

Deputy J.H. Perchard:

You used the phrase 'early engagement with policy' to describe the purpose of the policy boards that you are implementing. However, so far in my short time in office, I have had several induction briefings and experiences on 2 Scrutiny Panels where we have asked specifically to be involved in policy at the earliest possible stage as a Scrutiny Panel. As well as to be made aware of upcoming policy proposals so that we are engaged at the earliest possible stage. We have also been encouraged in our training session by a lady at Westminster to be proactive in our role of scrutiny to identify gaps and encourage ministers to investigate areas that are not currently on the agenda. So with that in mind, I am a little unclear of how we are going to avoid duplication in terms of our work and also function of the Scrutiny panels and the policy boards.

The Chief Minister:

You can always have one minister making decisions having 2 civil servants advising him or her and not doing any engagement. This is meant to be an attempt to try and resolve that problem. I would prefer to have people talking to each other, getting views early, but the issue there is that you cannot have Scrutiny doing that. Otherwise you will have a direct breach of that divide between Scrutiny and Executive. This is trying to find a way that achieves what we are trying to achieve which is hopefully better decisions for the public and better engagement overall. As is said, this is an early stage, there may be wrinkles as we go along that we need to address.

Deputy J.H. Perchard:

So the role of the Scrutiny involvement earlier is simply to scrutinise things as they... One of the problems identified is that if you scrutinise something once it has been proposed there has been so much work done to get to that point that to then put it into scrutinise at that late stage feels like not the most productive way to work. So are you suggesting that the policy boards are there to execute and advise on the policy that is part of the Executive's vision and then that Scrutiny are there to critique that?

The Chief Minister:

Tracey?

Deputy Chief Minister:

I will give an example, because we are in early days with the whole Policy Development Board. An example of what I have suggested to the Council of Ministers with regards to Early Years. We have various different services, provision and policies around Early Years all in different areas and lots of

very good best practise but we are looking at bringing it together. In terms of bringing a holistic policy forward, the way I would see the policy development board working would be to have people that are passionate and believe in taking that forward in the right way. However, then it gives me, as Minister, at the end of it an option in terms of which one I decide to take forward. The option is from that discussion and that political engagement. I make the decision and I hand that information over to the Scrutiny Panel for them to scrutinise my decision. Then there is the discussion about Green Papers and White Papers would work for example, how big is the strategy or how big is the policy on that particular area. Because the States have never been very good at Green Papers and White Papers and it has been fudged left, right and centre. Working with Scrutiny is an important role here in identifying and clarifying rules because it has never been quite clear.

The Chief Minister:

Absolutely.

Deputy Chief Minister:

It is not about us wanting to dissolve the role of Scrutiny.

Deputy J.H. Perchard:

No.

Deputy Chief Minister:

I think it is absolutely vital to have that critical friend in terms of an open and transparent manner. It is at what stage we do that, so am just giving you an example of how would see that engagement but then I make the decision, because I am Minister, I am accountable. Then it is for the Scrutiny Panel to then pull me in and hold me to account for why I made that decision, in what way I made that decision and why I thought that was the best option and then took that forward. This is early stages, but of course...

Deputy J.H. Perchard:

Sure. I think the question is really about the function of the policy board alongside that. Are we suggesting therefore that the policy board is led by the vision of the ministers? Which you may still at the end of that process say I am not going to take that route. But for the sake of clarity for the public as well, I think it is important to say the policy boards are led by the vision of the minister and that the scrutiny panels are intended to critique and offer further insight into that process. When it comes to the Hospital Policy Board, for example, are we saying that that policy board is led by the

vision of the Chief Minister? To then be scrutinised by the Hospital Review Panel? Is that the relationship?

Director, Corporate Policy:

We do need to design a better end-to-end policy process for the States of Jersey. We do need to design one that is more consistently applied across areas and higher standards and that includes consultation, et cetera. The design of the Policy Development Board is just a discrete part of that, it is not designed to in any way interfere with the role of Ministers or with the role of Council or indeed with the Scrutiny other than we have to resolve the conflict point. It is just to bring more advice into ministers. Under the last Council we had advisory groups. In concept, they are not materially different from advisory groups apart from they are more inclusive, they bring in States members. That is how we have tried to design it.

Senator K.L. Moore (Chairman):

I would suggest having listened to your description there that it is somewhat turning Scrutiny into more of a backward-looking process, more like the P.A.C. (Public Accounts Committee) is now looking at something...

The Chief Minister:

It is certainly not intended to. You have got to bear in mind that Scrutiny cannot directly advise the Ministers as far as I am aware because then you get into, as I said, the self-review threat. If you tell me what to do on tax policy, who is going to review it? Who is going to scrutinise that? Because it is your advice, so it is how we get around that bit. What we try to say, that way - bearing in mind as I said last Wednesday, on the hospital it is going to be a decision of this Council of Ministers and this Assembly. Therefore we have got to make sure that we are happy with what has been proposed. That is why I have asked the people to look at it, it is not my vision as such, essentially my vision is to know that I can look the members of the public in the eye and say yes I consider that whatever project it is it is the best value for money for the Island. Their workers have given me some relatively independent assurance, very quick upfront to be able to say that hopefully and I have asked them to go away and do that piece of work.

Deputy J.H. Perchard:

I very much applaud that motive, but I do wonder whether this particular case might have been best served within the remit of Scrutiny. What you have just described for me sounds very much like the role of Scrutiny. It is not to explore development of policy to align with a vision on the Executive side. It is there to be independent and you are very rightly not being involved in that, you are going to listen to the recommendations. However, that feels very much like a scrutiny process.

The Chief Minister:

Let us just say, this is the way we have started things, let us see how it evolves and we will try and make sure there are not any obvious conflicts of interests between that and the Hospital Review Panel which has it been re-confirmed by the Chairmen's Committee?

Senator K.L. Moore (Chairman):

Yes. It had, that happened a couple of weeks ago.

The Chief Minister:

Okay.

Senator K.L. Moore (Chairman):

Will you be publishing the overarching terms of reference for the policy board's structure?

The Chief Minister:

So yes we are going to be publishing and hopefully shortly and you have had a draft?

Senator K.L. Moore (Chairman):

The Chairman's Committee have, yes.

The Chief Minister:

Yes.

Senator K.L. Moore (Chairman):

I thank you for that.

The Chief Minister:

It goes to the Chairman so that can be shared down if that is appropriate.

Senator K.L. Moore (Chairman):

Indeed, thank you. Okay, we will move on to migration.

Deputy S.M. Ahier (Vice-Chairman):

Thank you Chief Minister, the Migration Policy was lodged by the previous Council's Minister's and is due for the debate on the 11th of September. Do you intend to maintain the policy for debate there?

The Chief Minister:

The position at the moment is there is a Council of Ministers meeting tomorrow. My personal views as of today is that I think it is very likely to be deferred. But then I will be raising that with the Council of Ministers, I think they have either been contacted or are about to be on that front under effectively AOB. I have asked certain things that were in the original proposition to take place or to find out what the state of play is on that. For example, criminal record checking, is there any reason, what would we need to do to put that in place sooner. It seems to me that is a relatively obvious matter that does not need to wait for an over-arching policy. That will be a matter for what are the blocks and then discuss with the Council of Ministers on what we would like to do. One of the other things in the proposition was around modelling and getting some data. I have asked for that to be commenced because there is no reason why we cannot ask for modelling to be done already. That way then, we all can be informed as to what that might look like when we start talking about migration. My personal view at the moment is that is likely to be deferred and hopefully we will be in a position after tomorrow to confirm whether that is the case or not. It will also be a matter for the Council of Ministers.

Deputy S.M. Ahier (Vice-Chairman):

Do you believe that there should be a limit on inward migration yourself?

The Chief Minister:

There is always going to have to be some form of limit or at least a target to limit it at.

Deputy S.M. Ahier (Vice-Chairman):

Which has not been very successful of late.

The Chief Minister:

It has not been successful of late. As you will be aware, the earlier to previous target I think was 325 and I think we have averaged around 1,000 over the last, I will say 4 years.

Deputy S.M. Ahier (Vice-Chairman):

Is that sustainable?

The Chief Minister:

In my view, no. But what I will say is the difficulty we now have is that because the previous policies and the previous Council of Ministers have allowed that level to be maintained, is how you then tackle that without damaging the economy. To me, you are looking for a soft landing which means we have got to get the control right first. Bear in mind, as well, the 30th of March next year, Brexit, we need to manage things taking that into account as well. There is an interesting balancing act that we are going to have to be performing.

Deputy S.M. Ahier (Vice-Chairman):

Surely UK Brexit negotiations should not have anything to do with Jersey's Migration Policy. We make our own decisions.

The Chief Minister:

It is more about having an understanding what the outcome of those Brexit negotiations are and making sure that we do not do anything that would potentially cause any issues within the economy in that period. It is about maintaining certainty at this stage.

Deputy S.M. Ahier (Vice-Chairman):

How about your opinions on work permits and short-term contracts, will that be included?

The Chief Minister:

My personal view again, so again as a matter for the Council of Ministers, my personal view is that there should be some form of work permits. What is very clear is there needs to be better consultation with the key stakeholders and that has not taken place to date. That is another reason why you would be looking a longer timeframe to get it in. Certainly my last discussion when I was sitting on that side of the table there was some call for flexibility within that work permit scenario. My personal view is that I suspect they are still on the agenda, it will be a matter for the Council of Ministers once they have determined what happens with the present proposition and what any future variation looks like.

Deputy S.M. Ahier (Vice-Chairman):

Although I will touch on this later, could you foresee any coalescing of policy between the Channel Islands for migration?

The Chief Minister:

That is an interesting one. The short answer is there is probably no reason why but let us just work out what we need first. There are distinctions between Jersey and Guernsey and there are definite views in industry as to what is more effective and there are slightly different views as to what is more effective. The crucial thing is to maintain in present circumstances making sure the economy can keep some to continue to function well which it presently is.

Senator K.L. Moore (Chairman):

Given that this is quite a large topic, is this another area where you are considering a policy development board?

The Chief Minister:

I would think there will be something that will come through on that subject, yes. I would expect so.

Senator K.L. Moore (Chairman):

Right.

The Chief Minister:

There is nothing written down as yet, let us firstly decide tomorrow from the Council of Ministers as to whether it will be deferred or not and then we will go from there.

Senator K.L. Moore (Chairman):

You will be well aware that there is a Scrutiny Panel that has an obligation to look at such an important area...

The Chief Minister:

You will know the day after I know, so in other words, as soon as tomorrow is clear, and we know exactly, we will be in touch with the outcome, okay?

Senator K.L. Moore (Chairman):

Thank you. So we are going to move on now to some questions in relation to the HR Lounge Reports?

Deputy J.H. Perchard:

The Chair of the States' Employment Board told the Assembly last week that a response to the HR Lounge Report on Bullying and Harassment is being formulated. When will this response be published?

The Chief Minister:

Do you mind if I refer to Tracey?

Deputy J.H. Perchard:

I do not, thank you.

The Chief Minister:

It is her responsibility for that, it is an incredibly important subject though.

Deputy Chief Minister:

The States' Employment Board are yet to meet, our first meeting is due on Monday, but it is on the agenda along with a variety of other areas. There are some things in particular with regards to an independent whistle-blowing line that is already in action. We will be receiving the papers to discuss

it further about how we take it forward and whether we believe it is appropriate and whether it needs to be a bit more hardened in terms of the way that we implement the appropriate requirements to ensure that we change the culture for bullying and harassment.

Deputy J.H. Perchard:

I know that you are waiting for this meeting and these discussions to take place. But are you able to tell us how the highlighted culture within the States, as a main issue in the report, how you intend to take steps to deal with that culture?

Deputy Chief Minister:

Okay, well it is an extremely difficult one, culture is very, very difficult to change overnight. However, as I stated in the States, of course the issues are not just about writing a policy and sending it out and hoping everybody reads it. We need to change the culture in terms of the leadership structure, the way that the culture runs from the top as well, ensuring that we are providing the right values and behaviour ourselves in order for it to filter right across the organisation. Not just from politicians but also from senior management teams as well. Respect ultimately at the end of the day, there has to be that robust challenge but in a respectful way. Therefore, it comes from our daily actions anyway, but it is important that we have an appropriate policy to provide the training because I think just pushing forward a policy will not necessarily help. People are under a lot of pressure at the moment in terms of delivering for public services. To be able to sit down and read some of these policies is not really a necessary thing for them. It is engaging with them in training and development in the way that they run their work.

Deputy J.H. Perchard:

When it comes to that training do you envisage that managers will be particularly targeted. Similar the report says, I am just going to read a quick quote, I know you have read it already it says: "We do not believe that managers are especially well equipped or confident in handling these issues, (these issues being complaints about bullying and harassment) and as a result, responses are often ill-considered, inadequate, ill-timed or heavy handed. Matters appear to be handled without due care and in some instances this has exacerbated the sense of injustice and wrong-doing." So given that focus on managers in the report, do you envisage that this training will be targeted at them specifically?

Deputy Chief Minister:

I think the training needs to be specifically targeted at everyone to be honest. Because if you are going to change that human behaviour it needs to be a culture that is driven not just from the top, it is it from the bottom and it comes together. We all need to respect and understand each other. But ultimately yes, that is literally what the report states. I am speaking purely from without the States'

Employment Board having discussed this and because of my knowledge being involved in some of these cases. So it is very much at the heart at a lot of things that I am doing at the moment. Primarily, at the moment it is trying to put it through leadership and action and then trying to have that respect. We are in a flux at the moment, we are in transition there is a lot of uncertainty going on in the public sector at the moment which I think also exacerbates sometimes these types of issues. When you do not have a policy or whistle-blowing particularly at this time, we have got to be very careful.

Senator K.L. Moore (Chairman):

This does relate back to my initial question of the Chief Minister I think about managing a time of transition and cultural change and that is why I asked you Chief Minister what you were doing in terms of your 90 day plan to embed that culture?

The Chief Minister:

To an extent it is the responsibility of the Chief Executive because I would say that it is definitely operational. The top says that the outcomes, for example, as directed in the report are unacceptable. Therefore it needs to be addressed and that is why it has been given to Tracey as Chairman of the States' Employment Board to deal with, it is important. There are a variety of negativities at some point she will make improvement on and there are criticisms.

The Connétable of St. Peter:

Chief Minister, what stage of the process is the OneGov programme currently at?

The Chief Minister:

I believe we have got a briefing with the Chief Executive on Thursday next week to discuss the matter in more detail.

Senator K.L. Moore (Chairman):

It must be said at this point that we had invited the Chief Executive today and he was not able to attend. The Treasurer of the States was offered, and we discovered this morning that he was no longer able to attend. We would like to note publicly our disappointment because we had made it clear that we had questions in relation to this area and it is appropriate for this to be raised in a public hearing. I am sure there are things that are appropriate to be shared at this time. While we welcome the private briefing next week, we would like to ask some questions and I think the public would be interested to hear at what stage - it is a simple question, at what stage is the One Government process?

The Chief Minister:

I will just point out the Chief Executive was not here today as I believe he is still interviewing. So there are still some posts that still he is interviewing for. Therefore it is still under development I would say if that is the right expression as people are still being put into post and some of those changes are still in flux.

Senator K.L. Moore (Chairman):

For example, I am aware that as of the 1st of July the new department titles are being used throughout the organisation.

The Chief Minister:

Yes.

Senator K.L. Moore (Chairman):

So that is an expression of some movement and progression within the process.

The Chief Minister:

Yes. My understanding is that the main structures are in place. If you are looking at the diagram in front of you. But in terms of the operational matters which a lot of this is operational is very much part of the Chief Executive. I can only apologise but the issues as we all know, this is week 5, so the point is that there are still things that are being bedded out. We need to get it all right in terms of appearance and in front of Scrutiny it is important. But there are things that just being bedded down. I think the Treasurer unfortunately is at the fiscal policy panel which I am sure you are aware of.

Senator K.L. Moore (Chairman):

We learnt that when we met them at lunch time, yes. Okay so perhaps you can describe to us when you intend to rejig the ministerial portfolios to fit within the departmental brief?

The Chief Minister:

That is an interesting one because it is one of the problems with the Machinery of Government legislation came through. As a number of us all know, it came through before the elections that it did not do the entire job. If we get the structure bedded down then I understand there is separate legislation that is required to come through. We have not had a decision with the Council of Ministers as to whether the title will be changed or not yet. It will be on the agenda but at the moment we are just trying to get the structures in place, there is still movement happening. HR have just been moved down a floor before they move off to their future location. As you are aware there are potentially physical moves to take place in the future as well.

Senator K.L. Moore (Chairman):

Would you like to elaborate on that?

The Chief Minister:

Not at this stage because as you are aware that was all confidential.

The Connétable of St. Peter:

Chief Minister, some time ago we were made aware that there would be a reduction of 26 posts at the top level. I think that is 26 posts and not 26 individuals so are you able to tell us out of those 26 posts how many of the individuals have taken up alternative positions within the States?

The Chief Minister:

I cannot. That would be a matter you will have to ask on Thursday, I am afraid.

The Connétable of St. Peter:

Likewise, we have the new Director General Post.

The Chief Minister:

Yes.

The Connétable of St. Peter:

Which is a new Executive level on top of those original posts. Are we able to guarantee to the public that there will be cost savings from this structure?

The Chief Minister:

Certainly I have asked that question and I am waiting for the profiling to be delivered to find out what the potential overall saving is coming out of the whole restructuring and what it will look like. I am expecting those in September and as soon as I have seen them I am sure you will have access to them. There is certainly an expectation that there will be tangible savings because otherwise why would we be doing it.

The Connétable of St. Peter:

That is why I asked the question, because these are going to be highly paid positions, they are above the original chief officers of those departments and they are all external appointments.

The Chief Minister:

We are in the same place.

The Connétable of St. Peter:

Yes so you are in the same place, but I am sure the public will want to know that. There is nothing else without the Chief Executive being here unfortunately we cannot...

The Chief Minister:

Yes, hopefully you will be able to grill him, I appreciate it is in private, but you can grill him on Thursday, no doubt that might give rise a public hearing.

The Connétable of St. Peter:

But it is not quite the same.

The Chief Minister:

No.

Senator K.L. Moore (Chairman):

So we are not able to ask about the 6 month report that the Chief Executive published?

The Chief Minister:

Well he wrote that so in terms of delving into any detail I would suggest that is going to be a matter for him. I understood it was made fairly clear and I appreciate it is unfortunate that he could not attend.

Senator K.L. Moore (Chairman):

We were offered an alternative but they at the last minute decided to go elsewhere it appears. With regards to the announcement about a new building, are we to anticipate that in the near future? That was referred to in the 6 month report...

The Chief Minister:

I think as all States members will be aware that they have been informed of a matter and until that goes public I am not making comments.

Senator K.L. Moore (Chairman):

Okay. And the IT Programme I am presuming there is nobody here who is able to discuss that? Okay, I note that the member of the External Relations Team has not arrived yet and we were anticipating that they would respond to questions about the joint work of Guernsey?

Director, Corporate Policy:

I was not aware there was a member of External Relations coming?

The Chief Minister:

I was not aware, I do not think we were aware that a member of External Relations had been invited.

Mr Spottiswoode:

I was advised you were expecting from about 4.00 o'clock.

Senator K.L. Moore (Chairman):

Okay, do you want to kick off? Perhaps the Chief Minister might be able to answer some of these?

Deputy S.M. Ahier (Vice-Chairman):

What do you hope to achieve through the joint working group with Guernsey?

The Chief Minister:

Ultimately we have all known that we are 2 islands of at least reasonably similar natures, cultures et cetera. We are facing some issues and problems and therefore it makes sense to work together. Hopefully out of that lot you get better economies, I would hope as an accountant we get some savings. Overall it should be better to give that to the public at a more efficient rate.

Deputy S.M. Ahier (Vice-Chairman):

Things like G.D.P.R. (General Data Protection Regulation)? Obviously we have slightly different regulations, would you be working towards amalgamating those at some point?

The Chief Minister:

I do not know if I can give you a definitive response. I think the point is to find common ground now where we can work together, Health has been one of those and potentially IT as well. I know some of the IT Team are going across next week to have some discussion with their counterparts to see where there are some synergies or where there are some future projects. For example, we could do that as a joint tender process essentially which would then hopefully arrive in potentially a better economy and a better price across. So it will be those types of things that they are looking to explore. I think it is something that we have had a very good meeting for and there is a will on both sides to try and achieve something that should be good for both islands.

Director, Corporate Policy:

Just in terms of G.D.P.R., we did have a pan-Island protection commissioner. We moved away from those arrangements at the back end of last year and I cannot recount the arguments. The Chief Executive has been really clear that we do want to bring things like that back together in due course. Equally, he has been clear that his pan-Island board and structure exists to keep things that are

pan-Island now on track to find the opportunities to bring things into a pan-Island basis wherever possible. The point I am trying to make is the board helps ensure that in future, we keep pan-Island institutions pan-Island which is what we did not do on G.D.P.R. and we need to do elsewhere.

Senator K.L. Moore (Chairman):

For example, would that mean a re-look at regulations which have not become slightly divergent?

Director, Corporate Policy:

I touch upon the migration question you asked earlier about joint working. So we do have different systems, but we do confer, and we do learn from each other. Part of the migration policy that was put forward last term was based on listening and learning from Guernsey in terms of their work permit regime and their terms of reference, they also have short, medium and long term. So there is policy collaboration, you might not always see it because they will be separately led pieces of legislation but that does not mean they are not developed in consultation.

Deputy S.M. Ahier (Vice-Chairman):

On such things like G.S.T. (Goods and Services Tax) was that debated at all?

The Chief Minister:

No we did not get on to taxes.

Deputy S.M. Ahier (Vice-Chairman):

Okay, thank you.

Senator K.L. Moore (Chairman):

Okay. Well as we do not have anybody who is able to answer our main questions we will draw this hearing to a close and thank you all for your attendance and your answers. We appreciate the concision.

The Chief Minister:

No problem.

Senator K.L. Moore (Chairman):

Thank you very much to the ladies and gentlemen who have taken their time to be in the gallery today and shown interest, we hope that you have found it a helpful and interesting exercise. So thank you, I close the meeting.

[16.00]