



Corporate Services Scrutiny Panel

Quarterly Hearing

Witness: The Chief Minister

Friday, 13th December 2021

Panel:

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

Senator S.W. Pallett

Senator T.A. Vallois

Witnesses:

Senator J.A.N. Le Fondré, The Chief Minister

Connétable R.A. Buchanan of St. Ouen, Assistant Chief Minister

Mr. P. Martin, Interim Chief Executive

Mr. P. Wylie, Group Director, Policy

Mr. M. Grimley, Group Director, People and Corporate Services

Mr. A. Hacquoil, Group Director, Strategic Finance

[14:01]

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

Good afternoon, everyone. Welcome to the Corporate Services Scrutiny Panel quarterly hearing with the Chief Minister. Normal hearing standards apply. Please make sure that you are on mute when you are not speaking and ensure that your speakers will be shown on video. All speakers will need to introduce themselves and could you please show yourselves as well when you make your introductions. My name is Deputy Steve Ahier. I am the vice-chair of the Corporate Services Scrutiny Panel. I am joined in the Blampied Room today by Senator Steve Pallett, who is a member of the panel. Tracey, if you could introduce yourself.

Senator T.A. Vallois:

Senator Tracey Vallois, member of the panel.

The Chief Minister:

Senator John Le Fondré, Chief Minister.

Interim Chief Executive:

Paul Martin. I am the interim chief executive.

Group Director, Policy:

Paul Wylie. I am the group director of policy.

Group Director, People and Corporate Services:

Mark Grimley, group director for People and Corporate Services.

Group Director, Strategic Finance:

Andy Hacquoil, group director of strategic finance.

Assistant Chief Minister:

Connétable Richard Buchanan of St. Ouen, Assistant Chief Minister.

Deputy S.M. Ahier:

Chief Minister, if we start off with the legislative programme. What are your key priorities for the legislative programme during the last few months of this Assembly?

The Chief Minister:

As I understand it—the panel have had the full details—but the areas that obviously we are dealing with are the Employment of States of Jersey Employees Law, legal aid reform, obviously population policy, although that is not directly legislation, envelope property tax, just to name a few. I think you have the full paper hopefully provided to you when we considered them at C.O.M. (Council of Ministers) in, I think, November.

Deputy S.M. Ahier:

How confident are you that you will be able to keep to this programme?

The Chief Minister:

The ones I have just referred to I think are on track and will be, in some shape or form, delivered or in the process of being lodged. The Employment of States of Jersey Employees Law phase one, we are intending to have that lodged and debated before the elections. The legal aid reform, which

I know is of interest to you as well, I was hoping to have had it finalised at the Council of Ministers this week. We are having an extra Council of Ministers immediately after the Government Plan, so probably Monday, the 20th, so legal aid will go to then. I receive my final briefing on that next week. Subject to Council of Ministers, the various reports will then be lodged and the discussion that has been had with the Law Society, which I am hoping you have been updated on, is that we are aiming for a go live date on 1st March. That seems to be on track as it is subject to final comments at the Council of Ministers. The population policy has been presented to States Members yesterday and to the media today. So that is imminent literally. And envelope property tax is going to be lodged before the end of the year.

Deputy S.M. Ahier:

How are you working to alleviate the risk of significant legislation being lodged too late for it to be appropriately scrutinised?

The Chief Minister:

There will be a point when I think items will be lodged and, if Scrutiny pulls it in, then it will be as we have had previously, it will have to overlap and go into the next Assembly. We are obviously trying to avoid that for the crucial ... when I say the "crucial" items, the more complicated items. But there is a schedule, which I am just trying to find, which at the moment is indicating about 8 or 9 legislative projects per sitting between the 18th January sitting and the last one on 26th April. Obviously we will try and blend that accordingly. Obviously working with Scrutiny as closely as we can. The big debate in that time period will also be the bridging Island Plan.

Deputy S.M. Ahier:

If legislation needs to be delayed to the last possible day in order to provide extra time for officer or law drafters' input, how will you work with Scrutiny to ensure that their work is not negatively impacted by strict deadlines?

The Chief Minister:

We will do our best on it. We have trimmed the programme, as I am sure you are aware, to try and avoid a massive pile-up of legislation in the last 2 sittings. Sometimes events do impact on that. Obviously there will be a point that if Scrutiny come along and say: "If there is legislation we are going to call it in" and that will therefore result in a particular outcome, we will just have to talk and see how we can best manage it, I think. But, as I said, at this stage there is a plan with the aim of smoothing matters. Paul Wylie is with us, who can give some greater information.

Group Director, Policy:

Two points: the first is that we are trying to impose a more rigorous programme management and project management arrangement for this. Developing policy and developing legislation is an iterative process. We are not building bridges here so it is not a waterfall system that you can directly map on to programme management but we are doing our best to, as you say, identify risks and issues and seek to mitigate them well in advance. Secondly, in addition to what the Chief Minister has described, at official level you have 2 governance arrangements. We have got a working group, which is led by myself as the group director for policy but has senior representatives of the Law Officers' Department and the Legislative Drafting Office. Above that we have a programme board where we have mapped all of the legislative projects, we have them on a single system, single version of the truth, and we are able on a monthly basis to identify which are slipping and therefore, as you say, identify the most likely effect which might include some of it as slipping to the right. If that does happen we have also got ongoing discussions with the clerks in the Greffe to support the Scrutiny Panels so that we are being as transparent as we can for its process.

Deputy S.M. Ahier:

If there is any legislation within the pipeline that is unexpectedly delayed until the next Assembly when will we know so that it can be considered for inclusion within the panel's legacy report?

Group Director, Policy:

It is a good question. We are meeting on a monthly basis, the next programme board is on Monday. As yet we have plans for everything that was on the PowerPoint that Scrutiny received and the Council of Ministers discussed on 9th November. From the end of February we should know whether some of those are simply not possible, particularly if for good reason Scrutiny has called it in they will time out.

Deputy S.M. Ahier:

I will now pass over to Senator Vallois.

Senator T.A. Vallois:

This area is on the Employment of States of Jersey Employees Law. P.1/2018, Machinery of Government, that was agreed at the end of last term appointed the chief executive as the principal accountable officer. It was expected that this would be followed up by further legislation to finalise changes to the machinery of government in relation to the powers of the chief executive. However, this legislation has never materialised. Why has this been the case?

The Chief Minister:

The short answer is the impact of 2 issues on COVID and Brexit, which has diverted a lot of resource from policy and law drafting to the areas, for example, dealing with all the emergency legislation that

had to be done under COVID particularly but also then dealing with Brexit. I think the other point in that is obviously what we are doing is it is a 3-phase approach on the Employment of States of Jersey Employees Law, the first phase is dealing with effectively the Appointments Commission that has come to S.E.B. (States Employment Board) literally I think in the last week. We have made some observations. This is on the law drafting instructions. We expect those to be amended and brought back to us during the course of next week in order not to hold up what is quite a tight timeframe. To give an example, the law drafting instructions on that are about 68 pages long. They are quite thorough.

[14:15]

Senator T.A. Vallois:

Can I just clarify then? There was no indication or instruction given to law officers prior to March 2020 with regards to the Employment of States of Jersey Employees Law?

The Chief Minister:

I would have to go back and have a look, to be honest. I know it was raised I am going to say in 2019 - but I cannot recall, Paul can probably add to it - where the impact of P.1 across quite a number of pieces of legislation that a piece of work was being done to review the impact on those different pieces of legislation. That is my understanding. I think Paul will have the detail on that.

Group Director, Policy:

Yes, you are right, Chief Minister. In March 2019 the Council of Ministers agreed that there should be a reform, for all the good reasons that the C. and A.G. (Comptroller and Auditor General) identified. As the Chief Minister said though, it is the same policy people who are the experts at governance and regulation policy who have been at the forefront of the COVID response. On this and the Public Service Ombudsman are some of the areas that are needed to be deprioritised in order to make sure that we are focused on the pandemic response.

Senator T.A. Vallois:

Chief Minister, you mentioned the phase that is coming through to yourselves next week. When will the panel expect to see either a draft or the lodged finalisation of this phase one?

The Chief Minister:

If we can keep the timing, the intention is to get the phase one debated within the Assembly before the elections because, as you will be aware, the agreements with - certainly I think looking at Mark here - the chair and the vice-chair, at the very least, have been extended into the end of April. Therefore one wants to try and get this first element with the right scrutiny in place, if possible, before

then. My expectation would be that once, as I understand the process, there will be a Ministerial Decision to sign off on the final law drafting instructions. I would have thought that would be a good place when we have things nailed down, for then that to go to Scrutiny. I cannot remember timing but I am expecting some time mid to end of January on the law drafting instructions.

Group Director, Policy:

15 February.

The Chief Minister:

That is the law drafting instructions.

Group Director, Policy:

The lodging.

The Chief Minister:

So lodging we are aiming for apparently 15 February.

Senator T.A. Vallois:

In terms of engagement and stakeholder engagement around this particular area, what involvement have the Jersey Appointments Commission had with regards to developing phase one?

Group Director, People and Corporate Services:

The Jersey Appointments Commission, and I think they briefed this panel previously, they have been briefed by S.P.P.P. (Strategic Policy, Planning and Performance) who are drafting the instructions. They have had an input into that. The States Employment Board met this week to go through the draft instructions and then they were joined after that by the Jersey Appointments Commission chair, who provided feedback from the whole Commission. The States Employment Board will see the next iteration of that on Wednesday next week and we will then formally consult with the J.A.C. (Jersey Appointments Commission), as we would with other parties going out. The J.A.C. have had an input from their lessons learned of the past few years.

Senator T.A. Vallois:

Thank you very much. In terms of the delay to the law, will that impact on the recruitment of commissioners, so the chair and the commissioners themselves and the recruitment of their successors?

Group Director, People and Corporate Services:

We are already working on the plan for the recruitment. We will need to have a shadow chair board in place, so we are already looking at the routes to market. While we are not making assumptions about the status and set up of the J.A.C., that is obviously subject to debate in the Assembly, what we are looking at is quick routes to market. There may need to be an interim chair appointed to allow for that transition but we are also getting a support team in place to make sure that the Commission themselves can get up to speed very quickly.

Senator T.A. Vallois:

Chief Minister, finally from me, the final phases clearly will not be resolved for the Employment of States of Jersey Employees Law by this Government. What particular areas do you believe should be a priority and how would you deal with the balance of power of the chief executive and that of the Council of Ministers and the Chief Minister?

The Chief Minister:

If you tie into what was agreed by the Assembly on P.1, I would have to say that at the moment I think the composition is we were seeking to fully evaluate the implications, and obviously with COVID and Brexit that discussion probably has not fully taken place in the way we would have liked. But phase one, from the point of view of the position around the Appointments Commission, certainly S.E.B. - other than the comments they have raised - I think with the principle are satisfied. I think that is about as far as I can go because, subject to the elections, it could be a new Council of Ministers coming through, which may have a different view.

Senator T.A. Vallois:

Finally on that, before I pass to Senator Pallett, will you be requesting or instructing in any way the policy direction with regards to law drafting instructions around the involvement of the Public Finances Law and the States of Jersey Law for how the Employment and States of Jersey Law works in parallel to the democratic functioning work of our politics?

Group Director, People and Corporate Services:

I think the Chief Minister will have to talk about the democratic functioning but in terms of the policy crossover, we have the Public Finance Law, which obviously drives the Public Finance Manual, and I sit on the board that drafts that and reviews that. Vice versa, I take the proposals related to the Employment of States of Jersey Employees Law to that group. So officers are working in the background to make sure that it is crossed over. The S.P.P.P. policy officers are also cross-referencing a series of other laws, not just the Public Finance Law, where there are potential conflicts between the two. When you look at the subsequent phases but also the J.A.C. phase, the first one, it is slightly more complex than one would expect but officers are working through that to make sure that we pick up all of those dependencies.

The Chief Minister:

I think it is also probably worth making the point that - and I believe you and I are trying to have a discussion at some point before Christmas on the democratic accountability group work that is going on - I think we would welcome the feedback from that perspective as well as part of that deliberation.

Senator S.W. Pallett:

I just have a couple of questions around the Public Service Ombudsman. The provision of a Public Service Ombudsman, an item whose consultation period ended in October 2019, with the consultation report published in February 2020, with an expectation to establish a position in 2021 - that is on page 3 of the report - has now been delayed until quarter 3 2022. Could you explain why there have been further delays in bringing this forward?

The Chief Minister:

I will give you the high-level comment and I will hand back to Paul for the detail. The point being is that it has been one of the casualties. I think your end dates there were quite important when you said things were published in February 2020 and, as we know, come March 2020 the world changed somewhat from our perspective and that has had a huge impact, as we have said, on the legislative programme. Where we are at the moment - I think it is in discussion with the Legislation Advisory Panel as well - is there is some discussion they are having at the moment that even though the legislation itself will not be in a state to come to debate - I think it is quite complex - the idea that is being suggested at the moment is to do an in-principle debate before the elections, which the Assembly can then express its view on effectively the scope of the ombudsman. We think that is eminently achievable. I will hand over to Paul for the detail on that.

Group Director, Policy:

As I said in response to Senator Vallois, it is the same policy experts on governance and matters that were needed to focus on the pandemic regulations. That is the reason and there was a consultation in the middle of last year and the second wave unfortunately put paid to plans to progress that further. What we did do is bring in external support because we know this is a significant priority for the Council of Ministers earlier on in this year, from June onwards. We now have drafting instructions which, as the Chief Minister said, we are discussing with the L.A.P. (Legislation Advisory Panel) as to whether an in-principle debate would be useful and desirable before any election.

Senator S.W. Pallett:

I understand what you said there, Chief Minister, but as much as I think officer time has been taken up on other issues, obviously things can be prioritised. Would you agree in any way that there has been a lack of political will to deliver this particular post?

The Chief Minister:

I do not think it is a lack of political will. I think it has been purely within the programme and all the other issues that have come through but, as I said, with the added and very much unanticipated burden of the amount of legislative time that has been required, legislative time in terms of getting the various regulations, orders and regulatory-making powers sorted out on COVID, and I am looking at Paul. I might be putting him on the spot here but I think it was something like 40-odd pieces of legislation, or something of that order, in a quite short period of time. That obviously added a strain. You then have of course the policy officers who have been diverted into developing the policy for COVID, and that continues. That is basically what happens when guidance is issued, and all that type of stuff. It is the same kind of team that has been pulled in. Then on top of that, as you will recall, we had the extraordinary position the day after Boxing Day last year when the States met to deal with the Brexit legislation. The impact of that continues. As you can see in the national press, fisheries, for examples, continues to concentrate the mind. So you have 2 added pressures in there and quite significant added pressures that have just landed and have impacted upon the programme. Paul, have I missed anything?

Group Director, Policy:

As you say, Chief Minister, we are trying to get through 49 different pieces of law before the election, and that does not take account of the regulations and the orders that are kind of more business-as-usual legislation, which policy officers and legislative drafting officers also needed to focus on. The other thing I would say is that one of my earliest meetings with the Chief Minister this was made very clear it was a priority, hence the reason we took the step to get external support in. Transparent procurement arrived in June and that is the reason that we were able to be in a position where we were able to offer an in-principle debate.

Senator S.W. Pallett:

Could you give me some understanding of potentially your role as Chief Minister in deciding which piece of legislation takes priority over another, just so the public have some understanding of why issues such as the Public Service Ombudsman has not been brought forward to date?

The Chief Minister:

At the end of the day there is what we call a policy pipeline, which is, if you like, a schedule, almost like a building project, where various elements come through. This is a legislation project where various elements are put through and you work out the timing on it. For example, and this is the

schedule you have had, you have things like the U.N.C.R.C. (United Nations Convention on the Rights of the Child) for indirect incorporation, you have the Children and Young People's Law, you have various things including the Domestic Abuse Law, you have review of the minimum wage setting process, and you have the population policy. There are a whole range of those. What you have to turn around and say is you have used the indirect incorporation for the U.N.C.R.C., for example, is that a greater priority than the ombudsman. It depends which group you wish to look to and when you have this quite severe impact on limited resources. But as we said, we did take measures to put in extra resource from outside to try and resolve the problem.

Senator S.W. Pallett:

Okay. In terms of what gets to the top of the policy pipeline, is that a decision that C.O.M. take collectively?

[14:30]

Or is that a decision that you would take as Chief Minister?

The Chief Minister:

Although I will be obviously party to that discussion, and we will go through essentially the legislation that comes through to my areas, ultimately that discussion is held with each Minister who has to prioritise. Then ultimately it is a C.O.M. decision, and Paul can add some more detail to that.

Group Director, Policy:

As the Chief Minister described, there is a process for escalation above those working groups, and just to build on what the Chief Minister was saying in terms of our programme management approach, there are only 3 levers that we can pull here. The first is to delay aspects in order to free up capacity, which is a conscious decision and has been taken in different cases. Second is to reduce the scope and therefore reduce the amount of time it will be required. The third, and this is what we did in this case, is to add additional resource. It is very difficult to do that in terms of civil service because we are a standing army, it would need reprioritisation. So what we have done is established one of the first Government of Jersey procurement frameworks to allow us to go out to agreed high quality pre-vetted consultancy firms who can, from the very next day, commence work on high profile issues such as this.

Senator S.W. Pallett:

In terms of those type of firms, is that resource that you can find on-Island or would you need to go off-Island.

Group Director, Policy:

It was a very transparent process that we ran through the summer. It was a mix of on-Island and off-Island expertise covering a range of different disciplines: education, governance such as this, criminal justice and the economy, et cetera.

Senator S.W. Pallett:

It ended up with somebody on-Island?

Group Director, Policy:

Yes, there are quite a few. It is to the order of 5 or 6.

Senator S.W. Pallett:

I have finished my section. I will hand over to Deputy Ahier.

Deputy S.M. Ahier:

Just one more question on the ombudsman. Once an ombudsman is in place, will consideration be given to a medical ombudsman?

Group Director, Policy:

Yes, within our drafting of the instructions we have asked for a regulation-making power that would allow us to add the health service to that, and a Minister for Health in due course, when that is deemed to be right.

Deputy S.M. Ahier:

I will move on to legal aid reform now. Why does there continue to be a delay to the legal aid reform?

The Chief Minister:

The only position at this stage is there was documentation that came to me ... well, it was due to go to the Council of Ministers this week and, as I said, the delay was purely logistics with the volume of the amendments that have been lodged in the Government Plan. So it will go now to the Council of Ministers on, I think, Monday, 20th, and then after that point, subject to anything that I cannot think of at this stage that will come through, it will then be placed in front of the Assembly. I think it is for 4 weeks and then, in essence, the date that has been agreed with the Law Society is for it to start on 1st March. I think from memory there was an issue in terms of ... I think it was a piece of legislation in order to make sure there is not a double-counting issue but an overlap issue between eligibility for ... costs on legal aid and costs that any legal firm could charge. I am being very simplistic on that.

Deputy S.M. Ahier:

Why was it that the Legal Aid Review Panel were not notified of the current situation regarding legal aid but other stakeholders were?

The Chief Minister:

I cannot answer. I have to say I had assumed that the relevant official had kept you informed, in which case I apologise for that.

Deputy S.M. Ahier:

Thank you, Chief Minister. Have the results of the consultation, which ended in September 2021, been made public, and will all the responses be forwarded to the Legal Aid Review Panel?

The Chief Minister:

The responses can certainly be forwarded to the review panel, and again in which case I will have a follow-up conversation but I had assumed that everything was being supplied to the panel. I shall follow up on that.

Deputy S.M. Ahier:

Thank you very much. I will pass back to Senator Pallett.

Senator S.W. Pallett:

Thank you, Deputy. They are more general questions around the migration policy in relation to the ... perhaps you can explain why the population policy has only today been lodged when Deputy Perchard requested that this important debate should take place by the end of 2021?

The Chief Minister:

Apologies, I have got the question, just to say you were slightly breaking up on the phone call today. But, in essence, I think it was, again, a slight casualty of delays within ... hang on a moment, a bit of background noise, I think we are just making sure that somebody's laptop is not about to die. Okay, I shall keep going. There were some slight delays I think, again, through S.P.3 (Strategic Policy, Planning and Performance), all the officers are involved in getting the population policy in place. You will recall obviously this was an Assembly decision, as a result of the amendment by Deputy Perchard, and obviously we were aiming for, I think, the end of March. The fact it has been lodged before the end of the year ... but you are right, I mean notionally if somebody wanted to have the debate at the end of the Government Plan we could do. I think it is, therefore, scheduled either for the first sitting in February and it is in place with Members before the end of the year.

Senator S.W. Pallett:

Just following on from that, are you convinced that the Government can get the I.T. (information technology) structures in place to be able to record migration in and out of the Island that will inform both the migration controls and population policy? Are you convinced that they can be put in place in the timescales that have been mentioned by the Assistant Chief Minister?

The Chief Minister:

I will hand that over to Paul, who is obviously more appraised on the detail.

Group Director, Policy:

Yes. There are several streams of data that we need in order to better inform both what we think the future economy will be without any interventions but also were we to make artificial steps, for example, to make it carbon neutral. Some of that will be provided by the census, some of that we already have within various databases across the Government, and it is a programme of work to join those databases up and have a better assessment. For example, we already know how many people are renting properties; it does not necessarily join up with how many people are working, et cetera. It is about understanding the data that we already have and manipulating that to allow us to have a baseline. We then also - and this is the work that the future economy programme is doing - need to build a model that can be manipulated in the ways I have said. We need to understand what is the most likely scenario for the future economy, all things being equal, and then allow that model to be able to be amended. Should we artificially change that or should there be some shocks to the system? What that does is you can then have a much better assessment about what skills are needed for the future economy, what you can grow on-Island and, therefore, what you need to invest in terms of C.Y.P.E.S. (Children, Young People, Education and Skills) and the colleges. What you need to bring in in terms of inward migration and if you have got a better assessment of what type of economy you are going to have, you can also provide some assumptions about the type of migrants that will be arriving. If it is a larger construction sector, for example, or hospitality, that is a certain type of migrant that tend to be single adults. If it is a greater finance sector, you can make some assumptions about that and might also bring in partners, children and, therefore, it has a really important effect on our housing stock preparations, on our education preparations, and our healthcare.

The Chief Minister:

I think the other question that the Senator was asking was around the timeframe in terms of the actual project on ...

Group Director, Policy:

This has been agreed with our chief analyst and we think 2025 is realistic.

Senator S.W. Pallett:

I think we are probably maybe a little bit at cross-purposes. What the Migration Review Panel has been told by the Assistant Chief Minister is that there will be a new I.T. system in place within Social Security early in 2022 to allow you to record the data. I just really want you to confirm that that is still on in terms of timing so that you can record that data.

Group Director, Policy:

Yes, that is correct. But, as I said, that is only an aspect of the data that we need in order to have a better system in the future; that is what I was trying to explain.

The Chief Minister:

Yes, the systems that you are referring to, Senator, it is certainly my understanding and what Paul Wylie is also saying, is that is still on track for the delivery dates that have been suggested by the A.C.M. (Assistant Chief Minister).

Senator S.W. Pallett:

Okay, thank you very much. The second question is more around the Control of Housing and Work Law. The Control of Housing and Work Law amendments that were promised earlier in the year and are now going to be lodged - I think the Assistant Minister has stated they will be lodged just before Christmas - will they deliver on the commitments set out in P.120/2020, as adopted by the States Assembly, or are any considerations being made to in any way change what was agreed with the Assembly because of maybe some of the issues that have come up around Brexit and COVID?

The Chief Minister:

My understanding at this stage is that what is proposed to be lodged - I have not seen the detail, I hasten to add - is going to be consistent with the decision of the Assembly. I will just say it is going to be consistent with the decision of the Assembly.

Senator S.W. Pallett:

Okay, that is reassuring because the panel were interested to know whether there were any changes. Okay, thank you very much. I think I am handing over to Senator Vallois, thank you.

Senator T.A. Vallois:

Thanks, Steve. Chief Minister, this is around the Public Inquiries Law, is there a possibility that the inquiries law may not be ready in time before the 2022 general election? If so, how are you working to resolve that potential concern and what further support, if any, is needed to ensure that it is done in time?

The Chief Minister:

I am afraid you are going to get the somewhat negative answer on that front, and it is not one I am particularly happy to be giving. I understand the position we are in. But I was pretty clear back in June, I considered the Public Inquiries Law to be very high up on the priority list and although his camera is off you will see that Paul Wylie is heavily nodding at that front. The issue is, again, it has come through as complicated; it is apparently about 80 pages of instruction and this is with an external resourcing applied to it, I believe. For example, one of the issues I would suggest - and I am thinking of all politicians here - is that if there was a public inquiry into the handling of COVID in, let us say, 3 or 4 years' time, whatever it is, a sort of very much a looking-back scenario, some of the issues that I would suggest would need to be considered is that for any Ministers, former Ministers, chairs of Scrutiny Panels, perhaps any Member of the Assembly, any officials that might have retired or whatever should have, firstly, adequate access to the data, so emails and things like that of the time that we are looking at because we are looking at COVID for the sake of argument. Also, the advice that we have had is that because of the nature of these inquiries you are still capable of - I mean bearing in mind for Ministers you are corporation sole at the moment - being prosecuted as a result of evidence you might give at a public inquiry. Therefore, one would suggest, depending on the circumstances, that witnesses might require legal representation. That legal representation, as I understand matters, could not be given, for example, by the Law Officers' Department, so you might want to make sure that there are appropriate arrangements in there, bearing in mind you are looking at retired officials who were being quizzed on the decisions they made when they were in either Government or even maybe non-Executive Members of whatever. The view I have is that that does need to be addressed. There are some suggestions that we are just exploring in the event that the inquiries law does not make it to the Assembly before the election, which I am told is exceptionally likely. There are 2 or 3 options we can do to get some of these issues just covered off before the election by reference either internally or by reference to the Assembly. It might be, for example, a change to Standing Orders or whatever that we need to have a discussion with P.P.C. (Privileges and Procedures Committee) about.

[14:45]

Senator T.A. Vallois:

Okay. In terms of how that would, potentially, affect a public inquiry into the response to COVID-19 - I believe there is an amendment in with the Government Plan around looking into what has happened during COVID-19 - will we expect to see that inquiry law coming forward next term or would you expect the change internally? Is having those discussions with P.P.C. something that would be in assistance to carrying out that review?

The Chief Minister:

There are 2 things. The review is not a public inquiry. The review is a review, it is not a full-blown public inquiry and legally those are very much 2 different issues, which is why we have never had a problem with a review. A public inquiry is a different beast basically. From the perspective of the review there are, as far as we are concerned, no issues whatsoever on that front. In respect of a public inquiry, what we would hope to do - as I said, we probably do have to have a discussion with P.P.C. - is see if there are any measures we could put in place before the elections, just to give some of that protection that is probably required.

Senator T.A. Vallois:

In terms of Scrutiny's function, is there anything in terms of draft papers or anything that we can do as a panel to assist in driving this forward?

The Chief Minister:

This kind of discussion has been happening over the last few weeks, so I think once that has been firmed up we are very happy to come to you with the relevant briefing to see. As I said, if it is a change to Standing Orders, for the sake of argument, we obviously very much have to work with P.P.C. on that front and the relevant panel, and I notice that it is not a question. But, as I said, it is very much just trying to think of the interests of all Members and all officials in this instance, if it was a full-blown public inquiry to make sure it is, essentially, the right level of protection but also without obviously causing any issues around transparency and all the rest of it.

Senator T.A. Vallois:

Okay, thank you. I will pass on to Deputy Ahier.

Deputy S.M. Ahier:

Thank you, Senator. Just a question about funds. When is the proposed legislation on any new funds likely to reach the States Assembly and why was this not confirmed in the Government Plan?

The Chief Minister:

Sorry, I am looking slightly puzzled. Is this, for example, a reference to the Technology Fund?

Deputy S.M. Ahier:

Indeed.

The Chief Minister:

Right. As opposed to a general legislation around funds as a whole?

Deputy S.M. Ahier:

Yes.

The Chief Minister:

Right. The Government Plan position, I do not have the proposition in front of me but it is in the proposition, is that the point was that we put an estimated sum of money aside within the Government Plan - and Andrew Hacquoil can elaborate a bit more in a minute - but it was very clear and it is included directly in the proposition that that would have to come back to the Assembly, and it would always have to come back to the Assembly, as I understand it, unless we had done something very specific in the Government Plan itself and, frankly, timing on that did not permit. That it would have to come back to the Assembly for approval, which basically means the full terms of reference, et cetera, as laid down - and I am going to say it is Article 9 but I might be wrong - of the Public Finances Law and that would have to come back as a separate proposition to the Assembly before any money can be spent. In essence, if you like, we are trying to be open in saying this, giving a heads up here, this is what we would like to do but it is very much subject to the detail and coming back to the Assembly. Andy, what have I got wrong in that?

Group Director, Strategic Finance:

You are very close, Chief Minister. The establishment of funds is Article 6 of the Public Finances Law.

The Chief Minister:

All right.

Group Director, Strategic Finance:

Under that, as the Chief Minister said, there has to be a proposition brought to the States Assembly to approve both the purpose and the terms of that fund; that is what that Article in the law says. He is quite right, in the proposition, and I will just quote it, is: "Noting that the transfer from the Consolidated Fund to the Technology Fund is subject to the Assembly's approval of a proposition to create such a fund in 2022." That is the relevant piece. The fund does not exist and no transfers can be made until that proposition has been approved by the Assembly.

The Chief Minister:

If it helps, and I know we have not properly discussed it, but if you would like a conversation separately that is fine. That is why in terms of the panel's amendment, we have suggested just an amendment to allow a split vote, if the panel are so minded. The additional wording, which is the second part, I think, of the panel's amendment, causes us no problems whatsoever because, effectively, it is what we were expecting to do. We are happy to do the extra clarity, it is not a problem. Obviously, as you will be aware, the suggestion of taking that amount down to zero we

think is problematic and we think it fundamentally sends the wrong message. But the control is very much no money can be spent until the Assembly separately approves the creation of the fund.

Deputy S.M. Ahier:

Thank you. I believe officers will contact you with our decision on that. The F.P.P. (Fiscal Policy Panel) report in November, their recommendation 6 said: "The proliferation of separate funds is undesirable, e.g. the new Technology Fund. Thorough consideration to be given to the consolidation of funds and no further funds should be proposed without strong rationale." Do you concur with the recommendations of the F.P.P.?

The Chief Minister:

I think we do have a strong rationale in that, firstly, if you like the digital industry or the technology industry on-Island, our position as an island with the digital infrastructure we have got is unique, quite literally, unless it has changed in the last couple of weeks. We are the fastest globally, so the first in the world in terms of internet speeds. We are also very high up in that ranking because we are 100 per cent connected now in terms of connectivity. We have a place that in terms of when you are promoting the Island, that it does strike people quite considerably as to where we are. I do not know what the second-placed jurisdiction is but the second-placed jurisdiction is about 30 per cent slower than us and that was a piece of information I was given - I have not checked it - a few weeks ago. But, equally, the U.K. (United Kingdom) is something like placed at number 41 or 43 in that ranking. Equally - well I have certainly been told - we have, therefore, a competitive advantage at present from the sandbox island, being aware of our position and the ability to move swiftly and all the other things that go which are making Jersey really great. We have got about 6 years to be able to invest in that lead and exploit that lead before an awful lot of other jurisdictions start catching up and that unique selling point, as it were, gets definitely less strong, shall we say; definitely weakened? Bearing in mind as well that part of this ties into things like productivity that can tie into population and how to basically make the Island more efficient and, hopefully, therefore, in the longer term having less need for inward migration. I would suggest that there is very much a strong message for having a Technology Fund and for indicating quite closely our willingness to invest in that industry. If people decide not to make that investment you will be doing one or 2 things. Firstly, we are saying it is sending a message that we are not interested in diversifying the economy, that we are not interested in providing different jobs for youngsters and other Islanders to look at. Secondly, I think you will be sending a message saying we are going to sit on our laurels and not build on the decisions that were made of our predecessors in putting this Island into a very good place. The point was that obviously the dividend that came out from Jersey Telecom was split into 2; one part of it is going to I.T. within the States/Government for Jersey and the other half, the other £20 million, I have suggested should be kept separate. By keeping it separate it goes into this fund. It does then enable, I would suggest, a greater level of transparency and oversight and also then

commentators, et cetera outside can say: "Right, that is what the money is being directly spent on", rather than going through the normal reporting and it being lost in the 300-page set of accounts, for the sake of argument. I do not know if either of the Pauls or if Paul wants to add to that but that is the kind of logic at this stage. Obviously that will be a matter for the Assembly. But we very much think that if we do not show the investment and relatively it is a ... not probably for most, I think any of us around the table but relatively in government terms it is not a huge sum of money. But very much it will be, I think, a marker and I know, speaking to some of the commentators and stakeholders in that side, they are very keen to see this money invested and think it will send the right message. Paul, do you want to add?

Interim Chief Executive:

Yes, I mean the only thing I will add to that, Chief Minister, is that what you have just said and mentioning the stakeholders, I know that what you have said is supported by our arm's length organisation, Digital Jersey, which of course has expertise specifically in this area. We are working very closely with Digital Jersey and have done in the development of that particular proposal.

Deputy S.M. Ahier:

Thank you. We can move on now to envelope property tax. The envelope property transaction tax is expected to be lodged on 20th December this year; is this still on track?

The Chief Minister:

As far as I am aware, potentially bar a few days, I am not aware of any slowdown but it is certainly intended to be lodged either on that date or ... on 20th December, so, yes, we are still carrying on with that. Yes, it will be very much a matter for the Assembly. I think you were briefed on it, hopefully, today.

Deputy S.M. Ahier:

Indeed, we were this morning. How are you working to support the Minister for Treasury and Resources and her officers in ensuring that this legislation is lodged and given adequate time to be scrutinised before the 2022 general election?

The Chief Minister:

I hope by obviously giving you the briefing, which is obviously not quite 2 weeks ahead of lodging, and obviously with the lodging time and I believe at the moment it is aiming for a February date, end of February date, 8th February date; that might change slightly obviously. I would hope that gives sufficient time. Obviously it has been in the programme, again with the usual caveat of delays as a result of COVID, I think, but we put it into the previous 2 Government Plans, I think, as a piece of work that we wanted to do, from memory. It first went out for consultation in 2019, I believe.

Deputy S.M. Ahier:

It did and there were only a very few responses to that consultation. Do you think that there was an adequate response?

The Chief Minister:

I have not gone into that level of detail, I have to say. As I said, the feedback I had had on the briefings I have had is there was not much of a response at all in 2019, that when the detail went back there has obviously been a somewhat different reaction for one aspect of the envelope property tax.

Deputy S.M. Ahier:

Thank you. We will move on to the Government Plan now. Do you believe that States Members, outside of the Council of Ministers, have had an adequate level of input into the design and budgeting of the Government Plan lodged by your Government, and how could this be improved by the next Assembly?

The Chief Minister:

In terms of an adequate level of input, obviously decisions of the Assembly previously, if they have had a financial impact, will hopefully have been incorporated into the plan. Obviously we have done the briefings, et cetera. I would suggest that, on the basis that we do have 26 amendments, there obviously is quite a lot of input coming into the plan at the level and timing one would usually anticipate. In terms of what can be learned going forward, there is a lesson-learned exercise that will be done, I think, early next year to examine the outcomes of the plan. I have got no issues with sharing that with Scrutiny, if that was appropriate.

Deputy S.M. Ahier:

How do you believe the presentation and understanding of the Government Plan by politicians, officers and Islanders has changed since the publication of the first plan in 2019?

The Chief Minister:

How it has changed I am not too sure, to be honest. It is always difficult from this one because the tricky bit is, is how much Islanders pay attention to it, even though it is a hugely important document. Standing back from that, there were some quite appropriate articles, if that makes sense.

[15:00]

In other words, they summarised the information quite well on My Media and on the printed media when the Government Plan was lodged. Obviously we have done one, if not 2 sessions, I think it was, online in the Ask the Ministers format, if you like, pre-pandemic and in fact I think it was when we did ... I cannot remember if it was the C.S.P. (Common Strategic Policy) or if it was the first Government Plan, they did do what we used to call the Parish Hall tour, so you tried to go to a number of Parish Halls and present the plan. I cannot remember if I am getting mixed up between the plan and the Common Strategic Policy. But it was very much the case one had about 20 or 30 people turn up if you were lucky and a number of them were duplicates in the nicest possible way. You would see them once or twice already from previous Parish Halls. Whereas on the virtual side, I do not have the figures in front of me, but the virtual presentations we have been doing have been getting several thousand viewers at differing times during the time we have been doing. In terms of engagement obviously that is after the event and I think it is something still we are learning but I would say the level of engagement has been quite significantly different and I would say probably much better in terms of reaching out and getting in contact with individual Islanders. Obviously there are statistics there, you might have 600 or 700 accounts that are following you at any one time but it is how often they dip in and out. There are various algorithms that can apply to how they translate that into numbers but I am fairly certain we do still have that data and I am sure we could provide it if that is of interest. But the engagement level, so in terms of how that has changed, the engagement between the old standard way of doing things and the engagement through technology has significantly changed, I would suggest.

Deputy S.M. Ahier:

That is fine for those who are online but for some of the elderly who are not, they have had difficulty in obtaining hard copies of the Government Plan. Do you think there was an adequate amount published?

The Chief Minister:

I was not aware of anybody particularly who had had a problem trying to get hold of a hard copy through the book shop. Do you have any statistics on that in terms of the numbers of people that were unable to ...

Deputy S.M. Ahier:

No, we only got contacted by a couple of people who said they could not obtain one.

The Chief Minister:

Right, and, hopefully, their needs were addressed in due course.

Deputy S.M. Ahier:

Even some Members of the Assembly ended up without a hard copy.

The Chief Minister:

That bit I can tell you why because I believe there were sufficient numbers and a slight overlap produced for all Members, and I believe a number of them ended with Scrutiny officers instead and other officials, I should add. I think that might be a slight lesson learned. But one of the aspects that I find, and it varies according to different people's profiles and preferences, is that a lot of documentation these days, both for environmental and financial reasons, obviously is not printed in order to try and reduce our environmental impact and our waste impact and try and get more people working digitally online. Bear in mind, in most cases officials do have access to printers and things that they can produce them themselves if they need to. That might be something that we might just have to address under the lessons-learned session that we will do in the early part of next year.

Deputy S.M. Ahier:

How has your understanding and approach to the Government Plan changed over the years?

The Chief Minister:

There is the life of the Government Plan and then its predecessor documents. We have had the annual business plan, I think it was, when we came through in 2005, 2006-ish, I might be misremembering there. Then we have the Budget and then obviously it then switched into a Budget and the Medium Term Financial Plan. I think for me, and it was interesting, an external commentator who deals with these kind of areas was complimenting us on what they felt the coherence with the Government Plan, particularly of the kind of line that flows through from the C.S.P. through to the Government Plan, and, as we know, onwards in terms of holding people to account. It will then feed into how the implementation is going into the mid-year review and into the performance framework and the K.P.I.s (key performance indicators) are on there. The idea is there is a direct link all the way through from the initial strategy that is agreed by the Assembly through to the annual Government Plans and then down to holding people to account to how those are monitored. I am sure there will always be improvements that can be done, and I will reference one comment but compared to, I think, previous structures I have seen it does feel a lot more pieces than what we have had previously. The one caveat, I suppose, in the M.T.F.P. (Medium Term Financial Plan) what we did see is Assembly Members, so, essentially, what used to happen is the Assembly used to vote on the expenditure and then vote separately a few weeks later on the Budget; so on the money and the taxation that was due to be raised. On the expenditure side, so the theory would have been you set your expenditure and then you fitted your income to match it; perhaps it might have been better to do it in the reverse order. But what happened was that Members were sometimes asked to vote on and did support something that might have been a nice-to-have, shall we say; it was very politically attractive and obviously added a few million pounds to the expenditure

total. Of course within that we said we will bring a proposition, the Member or the Minister, if it was, will bring a proposition to the Budget, which would, therefore, increase some form of charge or some form of tax or impôts, whatever it was to compensate. Of course 3 or 4 weeks later or 8 weeks later we get to the Budget and everybody has completely forgotten their commitments previously and then voted out the income-raising measures that were going to fund the new expenditure that had been put in there. Whereas before I came in to the Assembly in 2005 I remember - I will not name them because they are no longer with us - but I am fairly certain that a particular Member, for example, might have put 1p or 2p on the price of a pint of beer to pay for T.V. (television) licences for pensioners, for the sake of argument, irrespective of one's view one way or the other that balanced in terms of the overall impact on the bottom line in the Assembly or the bottom line in the States. It was a balanced approach; you increased the expenditure and you paid for it. The M.T.F.P. put a split in that and the theory behind the Government Plan is it brought it back together and you can see where there are unfunded propositions, i.e. the proposer has dropped a proposition in but has left us to try and find out where it should be funded from. Some of those, I think we have been successful and we can cover them because some of them are minor or what have you. Obviously some of the more significant ones we have not been able to. That will be a decision of the Assembly because one of the key things here is you cannot lodge a Government Plan - and Andy can give me the exact terminology - but, essentially, puts the Consolidated Fund into deficit. I will say to date I have seen far better behaviour from Members in terms of understanding that coherence, that relationship between income and expenditure and finding proposals, they have to find something, but I think we might have slipped back slightly in the last Government Plan before the elections in certain significant and material areas.

Deputy S.M. Ahier:

Thank you. What advice will you give to the next States Assembly and Council of Ministers regarding the use of Government Plans?

The Chief Minister:

When you say in terms of use of Government Plans, do you mean as and whether the terms of the structure and the format or should we do something different?

Deputy S.M. Ahier:

Yes, if you should do something different, yes.

The Chief Minister:

As I have said in my quite longish answer there, I felt the cohesiveness and the linking through from the Common Strategic Policy through the Government Plan, i.e. how are you going to fund it? Breaking it down to the individual objectives and those individual lines then tying into as the

performance measures and things like that; if it is used properly I think it is quite a powerful tool. It might be worth asking Paul, who has obviously come new into the system, and see what he thinks of it.

Interim Chief Executive:

Thank you, Chief Minister. What jurisdictions generally are trying to achieve is an integration between policy and finance. Not many political administrations are able to achieve that but typically financial decisions sit separately from the development of policy intent. I think what Jersey has done, which is really quite impressive, is to achieve a level of integration between its policy intentions and financial allocations in a single integrated process and document. Of course it is not perfect, and nothing in life ever is, but I think it is what other places are looking to achieve. I guess, listening to your question to the Chief Minister: what might be good advice to the future Council of Ministers and the future Chief Minister? I think probably to build on what has already been achieved would be the starting point of the advice. I think in terms of public consultation and public comprehension, which you have been exploring just now in your questions, I think that it is helpful to see that as not wholly related to the Government Plan as a process and a document - it needs to be about that of course - but rather as a constant process that underpins all of the decisions and developments that the Government and the States Assembly is taking. Rather than see the public consultation as something that might happen in, I do not know, the autumn months around about the time of the lodging of the draft Government Plan, I think it might be more helpful to see it as a constant process. We should be in continuous dialogue with our Islanders and utilise the outcome of that feedback in the published Government Plan. Perhaps what the Government Plan in the future could be doing is to more effectively illuminate the feedback from Islanders and consultation is driving the policies and the priorities of the Government.

Deputy S.M. Ahier:

Thank you. Chief Minister, was the proposal to create a Department for External Relations rejected by the Council of Ministers during the creation of the Government Plan?

The Chief Minister:

I think the only comment I can make on that is the only discussion the Council of Ministers had on the subject was in considering an amendment, and I think that discussion was yesterday. It was not previously rejected because it was not previously raised.

Deputy S.M. Ahier:

Given the citation of the Island identity report as justification for the creation of a new ministry, do you believe that the use of published reports and policy documents over 2021 have been clearly signposted in the Government Plan and how could this be improved in 2022?

The Chief Minister:

I think in relation to this issue, because obviously there is a structure that has to build around this, which is around consultation and also making sure that one does not change terms of employment and things like that, so there are some processes that one has to go through. It is always helpful to note there too, if you like, signpost and plan for those changes and do it in a fully structured way. In terms of improvements going forward, as I said, we continue to live in unprecedented times and if you use the Minister for External Relations and Financial Services as an example, I think in the last 4 weeks he has been to the U.A.E. (United Arab Emirates), he has attended with me on the British-Irish Council, then he has been in the U.S. (United States) and at the moment he is dealing with fisheries and Brexit. I think the literal example is a comment is his feet probably have not touched the ground for quite some time and, therefore, one continues to live in pressurised times when we at present have to respond accordingly, and sometimes we have to react in a different way to what would maybe sometimes be a more considered way.

Deputy S.M. Ahier:

Thank you, Chief Minister. I will now pass over to Senator Pallett.

Senator S.W. Pallett:

Thank you, Deputy. We have just got a few questions now on the people and culture review. Do you believe that the level of scrutiny and challenge that the States Employment Board receives is adequate?

The Chief Minister:

I would have said so, to be honest. There has been a fair degree of challenge at various points on employment policies over the last certainly 2, 3, 4 years.

[15:15]

As we know, if one is doing quite a significant part of a cultural change, then that is going to happen. It is very much, I would also suggest, down to the relevant panels of the level of challenge they want to do. Mark, do you want to add in there? Sorry, Richard, I do not know if you want to add anything ...

Assistant Chief Minister:

Yes, I think, as vice-chair, I can say that the level of challenge has certainly been good. I think particularly the most recent report that was published was very helpful. We did not agree with all the recommendations that were made but, nevertheless, I think it shone a light in areas where it

should be shone and gave us some good guidelines as to what the panel were thinking. Yes, I think that was a useful bit of engagement. I think also the use of an external H.R. (Human Resources) consultant was helpful as well because I think it brought a different perspective to the report. Yes, certainly from my perspective ... I mean I am only a first-time member, so it is a little difficult for me to comment, but certainly I feel that the level of scrutiny challenge has been good all the way through.

Senator S.W. Pallett:

Thank you. What consideration have you given to the Comptroller and Auditor General's latest report on annual reporting and its good practice? How are you incorporating this into the future annual reporting of the States Employment Board?

The Chief Minister:

Mark, do you want to pick up on that?

Group Director, People and Corporate Services:

The C. and A.G.'s report suggested changes of format to all States bodies that have to produce annual reports, so trend reporting, a case of transparency, setting out how policy objectives are being met. We are already drafting the annual reports for 2021; that will incorporate the recommendations from the C. and A.G. It is a little bit strange with the States Employment Board because they do not control the budgets but they do have a policy agenda. The report itself looks at the performance and the outcomes. What the report will show this year is how the States Employment Board and their policy agenda in 2018 when it started, particularly around resolving public sector pay. Then you will see a transition through to the recommendation the people and culture review said around facing forward and looking towards a strategy. You will see how they have gone from recovering from a position that they inherited to setting out a longer-term strategic plan that will have more structure to it. That, I think, will also allow members to scrutinise the States Employment Board further because it is more about the plans that they have set out, rather than the things that they are doing or having to recover from.

Senator S.W. Pallett:

Thank you. I am pleased you have mentioned the future because do you have a timeline for the implementation of improvements to key policy areas within the people strategy? If not, how will you track progress?

The Chief Minister:

Definitely Mark.

Group Director, People and Corporate Services:

Yes. We have agreed a new policy framework, which we have set out to the panel. I think it was broadly welcomed by the panel and by your technical experts. There were 5 big key policies that we said that we would draft and get done by the end of the year; they are on my desk and then will go to the States Employment Board early in January for approval and then the disciplinary agreements, the capability, probation and whistleblowing. For the remainder of next year - and this is the point that I made to your technical adviser - sometimes it is not as easy as just writing a policy. There are 2 parts to that, the first is that you have to embed the policy and make sure that people are aware of how to approach that. We are doing that by stripping back a lot of the complexities and sometimes the conflicting nature of policies. The other is that we are a really complex organisation, so when you look at, let us take for example, disciplinary, it is not as simple as writing a disciplinary policy for the organisation because different parts of the organisation will be regulated. Nurses, doctors will have a regulator or their professional bodies who require us to do it in a certain way. The police have certain legislation that require us to do it in a certain way. Sometimes one policy is not enough and you may need to write several iterations of it, depending on the type of workforce that you have got. Next year we will have a pipeline of policy changes, we are stripping back the number of policies to make sure that we can deliver on that pipeline. They are all linked to the recently launched people strategy, which is that we are trying to focus on the positives, so resolution, as opposed to complaints, trying to resolve people's performance early, putting in place a performance culture. We are shifting the policy agenda into the positive language that has been set out in the people strategy.

Senator S.W. Pallett:

Thanks. You mentioned 5 policies that you are currently considering: have you got a timeframe for implementation of those policies and how will you communicate those policies to your workforce?

Group Director, People and Corporate Services:

We hope to send them to the States Employment Board for approval under the codes of practice in January and February. We have got 2 tranches to take, so quite significant. Alongside these - and this is why the policy takes a little bit longer - we are developing toolkits. What we have done is we have stripped out a lot of the prescription in the policy and we have shifted into guidance and examples of how managers may want to interpret that because we are not a one-size-fits-all organisation. Alongside that we have also got a management development programme called World Class Manager, which is putting back into place the discretions and the decisions that managers may take at a local level. Because what we are trying to do is make sure that the policy was at high level, allows managers to look at the local position and not try and force them down a particular route. I will give you an example, if I may, Senator, which is our policies were quite prescriptive that said that you must do certain steps. Not all of those steps are appropriate. It is quite another thing in fact to go through those and sometimes employees and managers get really frustrated at having

to go through a process, rather than reach an outcome. What we are trying to do is develop a lot more discretion for managers. They will be accountable for that as they go along, so as part of the toolkits we will give training on that. We have launched espresso sessions, which are half hour or one-hour lunchtime sessions where managers dial into regular issues like sickness management, performance conversations and there is a whole lot of work being done to make sure that we are building competence within the organisation and then the communication to employees about the changes.

Senator S.W. Pallett:

One very last quick question before I hand over to Senator Vallois. In terms of training and irrespective of the level that somebody is within the organisation, I presume this is training that staff have to do, it is compulsory. I am just thinking we have had reports in the past of managers ducking out of particular types of training. How will you deal with that?

Group Director, People and Corporate Services:

We are trying to create a culture where people take responsibility for their own performance, their own skills and the World Class Manager is a really good example of how that is working. We are now in our third cohort; so the first 140 managers went through the first 2 cohorts and we got really good feedback. And what that has done is create an environment where people want to participate. In the States Employment Board's response to the cultural review, there was an aversion to mandatory training for everything. Because if we looked at what we could make mandated training, we could take managers out for almost the best part of a working month. That might be disproportionate but what we are doing is looking at where we have got spots of training, so whether it is sickness absence that is going up or regular complaints or grievances going in, we will target those areas, and that is a much better use of resources. But the training itself is available at all times for managers. When we put in the integrated technology solution we are able to track who is doing that and who is not. We are also able to make sure that it is available to people at all times. If it is part of their supervision it is raised that they need more training on a particular area, they can flag that within the system and we either signpost it to online training or develop a particular package for an area or a topic.

Deputy S.M. Ahier:

Thank you. I am just conscious of time, so I will hand over to Senator Vallois.

Senator T.A. Vallois:

Yes, thank you, Steve. What opportunity do trade unions have to regularly meet with the States Employment Board itself, as opposed to officers and how regularly do these meetings take place?

Group Director, People and Corporate Services:

The vice-chair on regular occasions when questioned in the States Assembly has offered those meetings, he has offered to meet with trade unions on behalf of the States Employment Board. The board themselves only meet once per month and there is a heavy agenda. What they have done is they delegate to the chief executive as the head of the public service, and to me the regular one-to-one meetings, but there is nothing that stops the trade unions from raising concerns directly to the States Employment Board. In order to maintain that link between the States Employment Board and employee representatives they receive a regular report around the issues, whether it is collective grievances, complaints or the briefings that we give trade unions. But trade unions meet every 2 weeks with officers and if they have concerns the vice-chair has always said in the Assembly that they can raise them directly with him.

Senator T.A. Vallois:

Okay, thank you. You were referring to monitoring and managing progress, or whether that is sickness management or training requirements. The people dashboard that is being developed, how is this progressing and how are you tracking progress?

Group Director, People and Corporate Services:

It is coming on really well. We have got a lot to do around data cleansing, so there are always caveats with the data at the moment. But what we are able to do is you have got a number of tabs that then starts to look at the number of staff we have got, the wage bill, potential overtime issues that we have got, vacancies, turnover, compliance with probation, compliance with performance management. We are starting to see where all the data is and pulling it together. We have introduced new reporting tools. One of the recommendations from the People and Culture Review was around the use of trend data. We are building up that trend data but we started from a very low base, so we could not rely on previous data. But we are getting much more consistent data, so we are starting to show those trends.

Senator T.A. Vallois:

Okay, thank you. I will pass over to Deputy Ahier.

Deputy S.M. Ahier:

Thank you, Senator. The panel notes that finding 8 and recommendation 7 of the Comptroller and Auditor General report were framed to encourage the States Employment Board to consider expanding the range of advice it receives. Will you provide any advice succeeding States Employment Board regarding the use of advisers?

Assistant Chief Minister:

Can I just come in there? It is good that you raise that point because at the most recent States Employment Board meeting we discussed the taking on of a second adviser to provide us with a wider scope of advice. We are well-served with our current adviser, who has a huge amount of experience in U.K. public bodies union disputes at the hospitals and environments. But we felt that we ought to look at the wider range of advice we might like to receive, and we have asked officers to draw up a specification of a second adviser, which we will pass on to the next States Employment Board so that they can consider whether they feel it appropriate to have that second adviser once they have considered what advice they are already receiving. But it is a matter that we looked at very carefully, so that we need to be sure that we are receiving the full spectrum of advice based on-Island and off-Island. But, yes, we considered this matter at the most recent States Employment Board and instructions to draw up a spec had been issued.

Deputy S.M. Ahier:

How do the States Employment Board and its officers work to provide a range of viewpoints and expertise on key issues, rather than relying on the same groups, individuals and stakeholders for each issue?

Assistant Chief Minister:

Do you want to come in on that, Mark?

Group Director, People and Corporate Services:

The States Employment Board is made up of 3 members from the Council of Ministers, 2 members nominated by the States Assembly. The officers who attend, it is normally the chief executive as head of public service and he is the principal adviser. I would be the adviser on the policy matters and then at any point the States Employment Board can bring in law officers for legal matters. The Treasurer attends as standard and each of us have specific roles and duties in terms of the advice that we give and the objectivity of the advice. The S.E.B. itself can also commission external advisers. I will give an example of this, where there was a pay review for those outside of the civil service and to allow independence of that pay review they commissioned 3 people with experience in a particular sector to do that, rather than officers. The States Employment Board have the ability to go for external advice on specialist matters or on any matters that they see fit.

Deputy S.M. Ahier:

Thank you. How do you intend to provide future resources to drive the elimination of bullying and harassment from the workplace? How will this be reflected in future policy documents and statements from the board?

Group Director, People and Corporate Services:

In terms of the policy and the resources, within the Government Plan last year, this year and next year, the investment in People Services has made a significant impact on our ability to mature as an organisation. There are still cases of bullying and harassment but they are reducing and the ability to investigate that we also externalised to make sure that they are independently done. In the most recent report around mental health services that was publicised, the Government was praised for the progress it had made on bullying and harassment; so that was one of the areas of concern within health that we had. We are making really good progress. Where necessary, individual cases do come to me or to the auditors about giving anonymity.

[15:30]

Every case is investigated, every case is reviewed and we also seek to resolve that. What you will see is in the policies next year as we release those, is that we are introducing an approach that tries to resolve early any complaints. Because very often when you get someone complaining about bullying you will then get someone on the other side saying: "Well, no, there is also this in mind." You always end up with 2 sides and then once you have investigated and resolved that through investigation, you have still got 2 people on 2 different sides. What you will see is a greater emphasis on early resolution, rather than just investigation. We hope that what that will do is allow people to come forward more confidently without necessarily creating a combative environment.

Assistant Chief Minister:

Can I just add quickly to that? The 2 things that we are concentrating on which will address this is, firstly, as Mark has alluded to, we are providing a greater level of training to our managers because in most organisations I have worked in, bullying in the workplace is often a symptom of poor management - not only of management - not being able to identify the problem and sometimes they can be the source of bullying themselves when they do not have the management techniques to deal with difficult situations. As Mark said, we are investing a lot of time and effort into our training programme and I am sure that will bear fruit in that direction. But the other thing that we are doing is a more subtle approach through what one would call probably soft skills and through Team Jersey, which is introducing or promoting a culture within our organisation where individuals feel valued and they also understand that the organisation will not tolerate in treating other individuals without the due respect that they are due. It is only by engendering that sort of culture into an organisation that you eliminate problems like this. We are obviously setting out the values of the organisation as part of Team Jersey. But going forward those values will eventually become part of P.1 (phase 1) performance agreement and, as such, they will be assessed on how they behaved in terms of the cultural aspect of the organisation. From a strategic level we are also addressing it at that level, as well as the points that Mark made.

Group Director, People and Corporate Services:

Deputy, could I also just add to those? There has been a lot of focus on bullying and harassment in the workplace within government services and the public service wider. It is right, it is both the Team Jersey phase 1 report and the HR Lounge report has focused on those and action was taken. But I have to say that the impression that I get now is, broadly, that we are building a much better culture; that the culture where things were covered up has gone. We are very clear with the support of the States Employment Board that everything will be investigated and people will be treated with respect when they speak up. I do think it is part of a legacy perception from 2018 where those reports were very hard-hitting but we have moved on a long way from that. I think a lot of colleagues would want to see that it is recognised that the culture that we are building is beyond that environment that was seen in 2018 and good progress has been made.

Deputy S.M. Ahier:

How are you working to with the implementation of recommendations from the panel's report with the implementation of recommendations from the Public Accounts Committee's review of the 2020 annual report and account, particularly in regard to the chief executive?

Group Director, People and Corporate Services:

The States Employment Board in their submission, when the States Assembly debated the appointment of the chief executive and whether to pause that, set out very clearly that in the Comptroller and Auditor General's report they had concluded all of those recommendations. In terms of the P.A.C. (Public Accounts Committee) report, there are a couple of recommendations in there that require long-term change or would require the next chief executive to be in post before we can close those off. But all those recommendations are tracked through the Public Accounts Committee. We have an audit tracker. I think in that particular area I have got 19 open, only 4 of those, I think, relates now to the Comptroller and Auditor General and the Public Accounts Committee, so we have made really good progress closing those off. All of those, in terms of the C. and A.G., were closed off prior to the appointment of the next chief executive.

Deputy S.M. Ahier:

Thank you. I know we are running short of time but if I may just ask the Chief Minister one more question. The panel notes a public statement that was published this week by the States Employment Board apologising that an individual had been treated differently and unintentionally discriminated against as a result of their hidden disability following a claim for disability discrimination against the States Employment Board. Would you, in your capacity as chair of the States Employment Board, be able to shed any light on this matter?

The Chief Minister:

I think in a public domain, not because this is a legal matter, I am probably better off passing that back to Richard and to Mark if they want to comment any further. Richard, do you want to make a comment?

Assistant Chief Minister:

The only comment I will make is that, as we have said in the statement, we cannot set out or talk about specifics but clearly it is a regrettable lapse and we have taken steps to make sure that it does not happen again. To the individual concerned, I should just like to, once again, publicly apologise that they were put through that and to assure them that we have done everything we can to ensure there will not be repetition of that event. One must be realistic in any organisation with 7,000 employees, life is never going to be perfect and there will always be incidents where things happen that we regret. The key thing is that we have taken action as quickly as we can and we have apologised to the individual concerned and lessons that have been learned have been learnt and will be acted on.

The Chief Minister:

Mark, do you want to add anything?

Group Director, People and Corporate Services:

Yes. It is unusual for a case to get to the States Employment Board but they considered this one very carefully because it is important to the States Employment Board around diversity and inclusion. This was escalated to them to understand the nature of the case. While we cannot go into the individual because they are protected in the case and protected by the Tribunal, what we can say is I met personally with the individual on behalf of the States Employment Board and we sought to resolve the nature of the complaints. The individual themselves is very, very sensible about what they were expecting from the States Employment Board, and that was just to make sure that people were aware that particularly hidden disabilities should not be taken for granted, nor should people make assumptions about how best to work with people with hidden disabilities. In this particular case, what we have done is been able to support the individual, have conversations with the managers who were involved. They are ongoing and I am facilitating those. With the individual, we have found a way to ensure that they can enjoy the workplace, so it is a positive outcome to this. A statement from the Board that was heartfelt is a very disappointing situation. I think it is first really for the Board to make such a public statement because they do not want to hide away from the fact that a mistake has been made. They are very clear about the diversity and inclusion approach. To that end they are signing off a new diversity and inclusion strategy next month, as part of that NeuroDiversity is going to be one of the groups that has been set up and we are actively working with neurodiversity organisations on the Island to draw up that aspect of the work that we are doing.

Deputy S.M. Ahier:

Thank you very much. Thank you very much, Chief Minister, and all officers and my panel and officers for attendance today and I hereby close the meeting.

[15:37]