



Care of Children in Jersey Review Panel

Redress and Accountability Systems in Jersey

Witness: The Chief Minister

Monday, 15th March 2021

Panel:

Deputy R.J. Ward of St. Helier (Chair)

Deputy K.G. Pamplin of St. Saviour (Vice-Chair)

Deputy M.R. Higgins of St. Helier

Deputy M. Tadier of St. Brelade

Witnesses:

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

Mr. T. Walker, Director General, Strategic Policy, Planning and Performance

Ms. S. Le Sueur, Group Director, Customer Services

Mr. P. Wylie, Group Director, Policy

Ms. R. Johnson, Head of Policy

[14:32]

Deputy R.J. Ward of St. Helier (Chair):

Good afternoon, everybody. Welcome to what is the third hearing in the Redress and Accountability Systems in Jersey Review. Today it is with the Chief Minister talking about the Government of Jersey. We will introduce ourselves first and then we will let you go through your team. My name is Deputy Rob Ward and I chair the Care of Children Review Panel.

Deputy K.G. Pamplin of St. Saviour (Vice-Chair):

I am Deputy Kevin Pamplin and I am the vice-chair of this panel.

Deputy M. Tadier of St. Brelade:

Deputy Montfort Tadier. I am a member of the panel.

Deputy M.R. Higgins of St. Helier:

Deputy Mike Higgins, a member of the panel.

The Chief Minister:

Senator John Le Fondré, Chief Minister.

Director General, Strategic Policy, Planning and Performance:

Tom Walker, director general for Strategic Policy, Planning and Performance.

Group Director, Customer Services:

Good afternoon. Sophie Le Sueur, group director for customer services.

Group Director, Policy:

Paul Wylie, group director for policy.

Head of Policy:

Ruth Johnson, head of policy.

Deputy R.J. Ward:

Just some generic questions to begin with. We have a very clear terms of reference where we are looking at systems of accountability, complaints and redress throughout government and States of Jersey and all of the services and the groups that the public come in contact with. So we will stick to those terms of reference and their questioning because it helps us in forming an informed report. First, in terms of complaints handling with the Government of Jersey, if a member of the public wants to make a complaint what different channels are open to them and how will they go about making that complaint?

The Chief Minister:

In terms of giving a general overview of the complaints process and answering the question you are raising, if I can hand straight over to Sophie who has quite a lot of data she can share with you and outline the process as well.

Group Director, Customer Services:

In terms of how a member of the public makes a complaint, for us what is really important is that we make it as easy as possible for customers to make complaints, so therefore we accept complaints through a number of channels. We do have a simple online form at gov.je/feedback but equally we

welcome complaints, whether it is in person, by telephone, by email, in writing. We have improved the content of our website significantly over the last few years to really try and make it easy for people to know how to make a complaint. Previously someone would need to know the department within which their service related to around making a complaint. Now the customers are encouraged to just tell us where they have encountered issues, what their problems are, and we will make sure that we triage it and that it is given to the right person who can sort out their complaint. What is really important to us is that we have a focus on trying to resolve complaints at the first point. If we can, we empower our colleagues to try and sort out and fix the complaint there and then for a customer, whether it is on the phone or face to face. But we recognise that this cannot always be done, in which case we escalate through our system and the customer has then got back in touch in the means that they have requested.

Deputy R.J. Ward:

The reality of the COVID situation, the face to face really has not happened because we have been unable to for a significant time now. Do you think that has affected the ability of members of the public to make a complaint, to access those systems that you refer to?

Group Director, Customer Services:

I do not think so. We have seen that our most popular channel since launching the complaints policy has been online, that is both pre-COVID and post-COVID, that a lot of customers do like to make complaints via email or an online form. The number of face-to-face complaints has dropped, although we are still seeing customers across government in face-to-face settings but obviously fewer than pre-COVID, and over the phone there is a lot of interaction with customers. What we have done is try to encourage and make customers know that we welcome feedback. We would rather hear it than not hear it because then once we have heard what someone's problems are, what they face, we can go about looking into it, resolving it for that particular customer but also learning any lessons that are needed to help ... history not being repeated or similar sort of things happening again. No matter which way customers choose to interact with us we take that feedback on board. Probably about half of our complaints at least are coming via the online method.

Deputy R.J. Ward:

How do you track then and manage complaints that are made in that way and how are they recorded? Is there a central register? Given that you have a number of different ways in which it can happen - by phone, in person, online - is there a centralised register of complaints so there is a consistent record?

Group Director, Customer Services:

Yes, Chief Minister, if you are happy I will keep answering this one. So we do. In September 2019 we introduced a new customer feedback management system. So that operates almost across government. Health do use a health specific system called Datex but we do get the outputs of that. The customer feedback system is government-wide and it is where all complaints, whether they come in through the online form or someone takes them over the phone or face to face, they are logged in the system and then through this system they can be triaged. Where sometimes a complaint might relate to more than one area, so that is possible through the system, or it makes sure that it gets to the right area of government for that person to look into.

Deputy R.J. Ward:

In terms of the complaints process, how is that process communicated to the complainant? Do you think that is accessible that they are understanding who they are dealing with, they will know a person to contact, do they have a point of contact?

Group Director, Customer Services:

That is what is important to us, is that the customer knows from the outset of making a complaint. Like I said, we would always rather we can resolve a complaint there and then, if we can. So that would always be we would almost explain what we can do to fix something there and then. If we cannot, what we do is explain to the customer what we are doing, that we are logging the complaint. We would always make sure if a complaint comes in, for example, through where we are not having a direct dialogue over the phone, for example, if it comes in via an email or the online form, we acknowledge that complaint and then we make sure that customers know the timescales within which we will respond, what we are doing to look into it. In some case we will absolutely need to get back in touch with that customer prior to giving a resolution because we need to understand a bit more detail. It might be that we need to ask more questions, understand a bit more about what happened and when. In other cases, it might be that we can go back directly and quickly with almost an answer or a resolution or a clear update in those cases. But it is important that we make sure that customers know the timescales and that we are keeping in touch with them.

Deputy R.J. Ward:

A couple of things from that. If the complaint does not get resolved at source early on, a front line member of staff, what is the process of escalating and then what is the timescale with that? Is that clearly passed on to the person complaining? Because that transparency, certainly without giving anything away, we are seeing is very important to people, that they know where they are, who they are dealing with and that their complaint is being taken seriously.

Group Director, Customer Services:

I agree that is important. That should always be transparent to the person complaining. The timescales are that we, through the customer feedback policy that we introduced in 2019, have a 3-stage complaint process. It should be clear at what stage that complaint is at, at any time, to a complainant. Therefore the timescales associated with that. So a stage one complaint we always aim to resolve within 5 days. If it cannot be resolved it would escalate to a stage 2, which is another 10 days from there. Then it can go ...

Deputy R.J. Ward:

Sorry to interrupt. Is that communicated by letter, by email, by a telephone call?

Group Director, Customer Services:

It does depend on the circumstance. We encourage colleagues to do what is appropriate. When people make a complaint, for example, through the online form they are able to say how they prefer to communicate. So some people choose for email, some people choose for telephone call updates. If we think of the online form, we have the customer feedback policy there and we clearly explain on there the three-stage process as well, so that someone should know what this will go through. We know that in some cases we cannot fully look into, investigate and resolve a complaint within the timescales. We absolutely do our best but for me what is very important in those situations is that we keep in touch with the complainant and we let them know if an extension is needed and almost it is a kind of agreed extension. What I will say with complaints handling is I think we have come a very long way in the last 3 years. If we cast our mind back to how we were before, there was no clear process, there was no standardised process, there was not clear stages, complainants, there was a vast difference in the amounts of time they were given and very little was logged or recorded, so there was not that transparency. Now we have a clear way and we have a corporate view, we have corporate customer feedback manager who sees all of those complaints. It is not their role to get in and resolve each of them because they all have the specialist person resolving but if we see that a complaint is going overdue we can see that corporately and check: "Right, hang on, this complaint is looking like it is going overdue. It is overdue slightly, is there an issue here? Has the complainant been informed?" So having our corporate system certainly helps. I would say I do not think we are perfect but certainly we are a lot better at doing this. But we are continuing to train colleagues and do more advance complaints handling training to make sure that we are getting this right all the time rather than most of the time.

Deputy R.J. Ward:

A final couple of things. Given that you are now starting to track your complaints, you have a central register, are there particular departments where you face more complaints, are there particular departments where they get more complex, are more likely to be escalated? What sort of level of complaint are you dealing with at any one time? Do you know that?

Group Director, Customer Services:

We do. Chief Minister, do you want to ...?

The Chief Minister:

I was going to suggest, Deputy Ward, I do not know if it helps, I know Sophie has a screen shot she can probably show you. If you are happy to share it we can then give it to you later, which then gives you an indication of both the numbers and the tracking. It just gives you an indication that there is something behind it.

Deputy R.J. Ward:

We can do that and we can take that later, yes, that is a very useful thing to do.

[14:45]

While you are doing that, just in terms of the openness and the transparency of the process. You say within the last 3 years it has improved enormously. What about the legacy situations where this was not in place? Do you find that any of those situations are coming into this newer system now, being dealt with more effectively?

Group Director, Customer Services:

With regards to legacy complaints, no. Because this policy was introduced in October 2019 the main thrust of this is around it has been in place since that point, so it is complaints from that point forward. With regards to your point around volumes, this table is hopefully helpful. We do regular reporting, monthly metrics reporting, so both senior leadership and people who are the departmental feedback managers all get to know what the volumes are. What is interesting from this table, it is not a surprise to see that the areas with the highest volume of complaints match those with the highest volume of customer transaction. It still sits at quite a low percentage compared to the volume of transaction. But what for me is important is to look at - the reason I have got on this table - where we have come from, in some cases that historical data unfortunately is not available, so it is slightly patchy. But it is to show that pre-policy our numbers that we were recording was significantly lower. That does not mean that we are getting double the number or triple the number of complaints now. What it means is that we are being far more diligent about recording everything, even complaints that we resolve straightaway at the first port of call. The fact is even though someone has resolved them there still is the opportunity to learn something from it. Whereas previously that would have just been almost done and dusted and no one would have really talked about it again now we are logging it as a complaint and saying: "Well, it should not have happened." In terms of obviously not all of these complaints were upheld. Our 2020 figures I think we are roughly at about 60 per cent of

complaints were upheld or partially upheld. But of those that are upheld or even ones that are not, can we learn something from it that might be a corporate learning or it might be something that a particular process within a department can be worked from. These are the metrics but I suppose it is just about noticing the numbers are not indicative. It is more that we are logging more now to learn more.

Deputy R.J. Ward:

I was going to say that you may not be comparing like with like there but do you feel that there is ... are you confident that the system that you are using there is more robust, that it will track effectively and importantly that staff know that that system is there and are supportive of it? If you like, have bought into the process.

Group Director, Customer Services:

I would say we are significantly further forward. We do still have some way to go in terms of making sure that it is fully used across all departments. But I think we are in a strong place with the system. There are enhancements we want to make to it and that is taking place at the moment. We have had these enhancements, which will make reporting even more robust and will give us greater data that we almost crave to make sure we can do that wider lessons learnt piece. Unfortunately that work was delayed with the systems developers being on other priority COVID system developments but now they are actively working on this. While our system is very good, as always with these things, you learn a lot from when something first goes live you realise there are things that can be done better. That second version, the updates should be live next in Q2 and that will give us even greater ability to report on all of the measures that we think are important because at the moment there are still some restrictions due to the system set up unfortunately.

Deputy R.J. Ward:

I was going to move on to Deputy Pamplin, who is going to talk about some accountability and redress questions. But thanks for that, that is great. We may come back to it later but sending that across will be really useful for us. Deputy Pamplin, do you want to take over for a couple of minutes?

Deputy K.G. Pamplin:

Why not? Thanks, Chair. We are going into the area of accountability of staff and of course we are fully aware of today's news and the announcement of the report but we want to keep focused. Could you just give us a brief overview of the policies, the procedures, that you have in place to hold staff? That is front line, all the way through, right up to senior management, holding them to account for their actions.

The Chief Minister:

Just to be clear, are you referencing the H.R. Lounge report that has just come out?

Deputy K.G. Pamplin:

It was in reference to that, yes. It is a sensitive area but just specifically what is in place, what can you tell us as a brief overview of all the policies, procedures, right through up to the highest level?

The Chief Minister:

I think that is going to be one that is going to go back down to Sophie, I suspect, to then talk us through, and then we will backfill, as it were. But I will let her run through the procedures first.

Group Director, Customer Services:

Yes, I am to fill in on this. This is an area that I can talk in a general way about but it is not my specialist subject. Broadly, we have a range of policies and within that I think there are things like specific policies on disciplinary policies, there is a whistle-blowing policy, bullying and harassment policy, social media, an information governance policy, the Caldicott policy, and allegations against staff. The disciplinary policy rules and code of conduct, which is being taken over by Standards of Public Life shortly, they are in place to hold staff to account for their actions and the other policies that I have referenced, they set standards that feed in to that disciplinary policy and disciplinary rules.

Deputy K.G. Pamplin:

Going on from that, when a member of staff or anybody has been implicated in breach of these policies procedures what processes are in place to deal with that?

Group Director, Customer Services:

Those are all outlined in those particular policies. I am not sure if, Tom, you have more detail on the specifics within that or otherwise.

Director General, Strategic Policy, Planning and Performance:

Yes, happy to assist. As you will know, Deputy, most complaints are opportunities to put things right and make a better service, so most things should not lead to formal H.R. (human resources) action because they are simply opportunities to have another go and put things right from a customer point of view. But on rare occasions it is determined that there has been a breach of the public sector code by a public servant and where that occurs then that follows its usual procedures and those have within them the usual escalation measures that you would expect. So managers hold their staff to account and then if there is a problem with the manager then that would go through to the director, if there is a difficulty with the director that would come through to me. So the H.R.

procedures deal with anything which is deemed to be a breach of the code of conduct for public servants.

Deputy K.G. Pamplin:

How do you ensure that can be consistently applied and then how can you communicate that so it has been consistently applied, to put some faith back right down the chain of everybody involved or those aware of whatever has happened?

Director General, Strategic Policy, Planning and Performance:

Consistent application of standards is always important in any profession, whether it is the public service or medical profession or whatever it might be. Branches of public service all have behavioural and ethical standards, which are incredibly important both to show leadership in terms of championing those standards but also to show that they apply right across the organisation and right through that particular area of the public service. That is really important at all levels, that that is reinforced and that people understand the ethical and professional standards that apply to that part of the public service. Which is why for just about all branches of the public service adherence to those codes is contractual and so ultimately breaches can lead to dismissal.

Deputy K.G. Pamplin:

Rob, you wanted in.

Deputy R.J. Ward:

You carry on, and let me develop that question. I think something is coming up.

Deputy K.G. Pamplin:

Going back to the communication of that. I mean obviously you do not want to go into specifics, things are confidential and sensitive, but how do you relate these consistencies to everyone because that brings faith and reassurance for those who may want to bring something forward that a process is happening, and obviously the public's confidence that anything has been handled? Is there a way you can do that? Is there any way around that?

Director General, Strategic Policy, Planning and Performance:

That just comes down to the various branches of the public service and their championing and adherence to the standards that apply to that particular area. That comes down to leadership, that comes down to the public sector ethos and people wanting to adhere to the very high standards of the public services and not to let each other down as much as letting Islanders down as well.

Deputy K.G. Pamplin:

How are investigations into staff conduct carried out within the services? Can you dig into that a bit for us?

Director General, Strategic Policy, Planning and Performance:

It depends on the branch of service and on the severity. If you just take the mainstream civil service then for something that looks like a fairly less serious breach of the code then that will be done by the line manager and they would go through a process. That might lead to a written warning or a verbal warning that is recorded on the individual's personnel file. Then obviously there are scales of seriousness beyond that, where you get right up to somebody being brought in from outside the organisation to do a fully independent investigation that ultimately could lead to that individual's dismissal and everything in between. The process does what you would expect it to do in that it has within it levels of severity and the robustness of the process increases according to the severity of the offence. Then ultimately you have the sanction of dismissal or prosecution.

Deputy K.G. Pamplin:

That covers some of the outcomes I was going to talk on to so I will just quickly add this on about the culture that we are hearing about with this H.R. report I slightly referenced to. These are all general questions that help us with the inquiry but I think it is fair to add that one of the big things around the world, and us here locally, is bullying and harassment and how that has evolved. Could you just react to that question, especially if it is somebody at the very low level and is making you pay at the very high level, how is that handled and then, as a supplementary to that, what is put in place to support all parties with whatever the outcome, people return to work, whatever? What support is there for all when they come back to work, if there is any?

The Chief Minister:

I will do a little bit on the H.R. Lounge side of things, although oddly enough I do not have a copy in front of me so it is from memory. Then I will hand back to Tom. For members of the public, the H.R. Lounge report is about bullying within the organisation essentially and what processes we have in place for it. I genuinely do think we should be - it might sound a bit odd - reasonably positive about what has taken place in there. So the H.R. Lounge is a second visit by some external advisers who come in, they did a very warts and all review - I am going to say 2 years ago, I cannot remember the exact dates - which was not good reading. The same people have come back and we have just published their report today. Essentially, and again from memory so please take principle rather than detail, roughly 28 measures that they had recommended.

[15:00]

I think 20 have been implemented and are in place. Seven are in the process of being done and I think there was one that had not been started yet. Essentially, in essence, the H.R. Lounge themselves were very complimentary about the measures that had been taking place to start addressing this issue around culture, which I would hope none of us find acceptable in any shape or form. I think the kind of measure I was trying to suggest is that we have always said that changing the culture in an organisation is a bit like the old analogy of trying to get an oil tanker to start turning. It takes time to change the culture and, from the H.R. Lounge side, on the bullying side, we have always got more to do but we have got to a better place than we were 2 or 3 years ago, and that is very much confirmed by what the report says is in place. We have more to do categorically and that is about some of the systems and things we are talking about.

Director General, Strategic Policy, Planning and Performance:

Perhaps just to pick up the point about the support available. The H.R. Lounge work made a number of recommendations around the support that should be available to people who are, I guess in terms of your terms of reference, making an internal complaint, a complaint about their treatment within the organisation. Most of those have either been implemented or are well on their way. But one of the most important forms of support is the provision that is in place for people to have like a work friend that supports them through that process. So I have undertaken that role myself on a number of occasions where colleagues have made a complaint about their treatment by somebody else within the organisation and I have supported them through that process as a work friend, to attend the meetings, to ensure that they have a proper support network around them. Because of course it is difficult for both sides in that situation, both sets of employees, the person making the complaint and the person being complained about. Usually both of them need some sort of support through that and quite often the best person to give them that support is somebody from within the organisation that knows it, that understands the situation they are facing, and that gives them that support and that kind of shoulder to lean on when they need to, when going through that process.

Deputy R.J. Ward:

Deputy Higgins has a question. I had one just to put in there as well.

Deputy M.R. Higgins:

One of the problems we have had in the past with the States over many years is a failure to follow the principles of natural justice for people who have made complaints. For example, even if people are accused of something they find that they are not given all the case against them, they are not given a proper chance to answer those things, et cetera. In other words, the principles of natural justice, can you confirm to me that they are now being followed in all cases, in all complaints that have been given about employees?

Director General, Strategic Policy, Planning and Performance:

That is what the procedures provide for. Obviously there are limits to what I can personally guarantee to you but that is certainly what the updated procedures provide for.

Deputy M.R. Higgins:

If they were not followed, and obviously they cause detriment, what action will you take against those people who have failed to follow the principles of natural justice?

Director General, Strategic Policy, Planning and Performance:

Again, I think that where H.R. procedures are not followed exactly then sometimes those result in Employment Tribunal cases brought by the employee. Over the years there have been a number of those historically that have come before the tribunal in order to take a view on whether the failure to follow the correct procedure was detrimental to the employee or not. Then where the failure to follow the correct procedure has an element of intent behind it then that itself would give rise to management action.

Deputy R.J. Ward:

Is the situation where a senior manager may be asked to both bring a disciplinary against a member of staff and also then judge on that disciplinary the outcome, does that still exist or is some action being taken to stop that happening?

Director General, Strategic Policy, Planning and Performance:

I am not aware of that existing and you would not normally want to see that happen.

Deputy R.J. Ward:

I was very aware of that existing, particularly in the Education Department, so I would suggest it is looked at again.

Director General, Strategic Policy, Planning and Performance:

It did use to exist in a number of the parts of the public service. I am familiar with some of those past procedures where it certainly was the case in branches of the public service that you could face the same person who was both bringing the complaint and was determining the outcome of the complaint. A lot of those old procedures did provide for that in certain branches of the public service but I think the point is well made, Deputy, that that is not what you would expect to see nowadays in a modern system.

Deputy R.J. Ward:

Can you confirm that it does not happen or it would not happen?

Director General, Strategic Policy, Planning and Performance:

I am not aware that it would be ... I do not think the new procedures allow for that to happen. So it should not be happening I do not believe, but that is probably a detailed question for the H.R. folk rather than me.

Deputy M.R. Higgins:

In that case, if those procedures are being followed even at the current time, would you like to make a public statement to say they should not be happening and action will be taken against people who do not follow the correct procedures?

Director General, Strategic Policy, Planning and Performance:

I am sure you appreciate sometimes either employees or the manager do not quite follow the correct procedure. Sometimes that is just a mistake and sometimes there is intention behind that on either the employee or the manager's side. So I think where a manager has sought intentionally and with malice not to follow the correct procedure then of course that would be not in accordance with what the S.E.B. (States Employment Board) requires of them. But obviously that is quite different to where either the employee has intended to follow the correct procedures or the manager has, and they have just done something administratively wrong.

Deputy R.J. Ward:

I recognise, Kevin, you have not finished your questions there and we have gone a little bit over the time we allocated to them, but just to say I think it is procedurally that I am talking about. The procedure there was obviously wrong and if it existed in our public services it could absolutely lead to the sort of situation regards bullying that you have talked about, and with complaints procedures if somebody is both judge and jury, to put it simply, either with a complaint of an employee or a member of the public, that is not a good situation to be in. I think we would agree on that. Just to say I think it would be a reassurance for people if we realised that now that does not happen. It has been recognised and procedures now, the process now, will not allow that to happen; we are right in thinking that. That is the big step forward, is it?

Director General, Strategic Policy, Planning and Performance:

Yes, and indeed part of my time I spend hearing disciplinary cases in completely different areas of the public service. I can see for myself evidence that the separation has taken place because I am asked to chair various hearings and complaints reviews internally because I am not from that area of the service, and so I can bring a degree of objectivity and impartiality to it. If you are looking for reassurance I have the evidence of my own experience and eyes now that that does happen and the separation is used quite often.

Deputy R.J. Ward:

At the risk of Deputy Pamplin - he is virtual so he cannot wallop me on the head now - the issue in terms of redress for those who perhaps fell foul of that failing system very recently, it could only be a year or so ago, that now it has been recognised that having that judge and jury system was not right. Is there a redress for people who may feel that: "Actually I was really hard done by there because it was not a fair trial"? I know it is not a trial but a fair hearing. Do you think that there should be redress for those situations of people because it could have ended their careers, it could have affected lives?

Director General, Strategic Policy, Planning and Performance:

I suspect if that was the documented system at the time then that was the system at the time.

Deputy R.J. Ward:

Okay, so we do have a situation where ... I think it is that natural justice that was being spoken about there. Perhaps it is not as clear as could be. If something is obviously wrong, because the system was wrong at the time, we just let it go.

Director General, Strategic Policy, Planning and Performance:

That is a judgment call. If the States Employment Board and others had a system in place at the time and that was the system, and that was what applied under the terms of your employment contract, then I guess that was the system that applied then.

Deputy R.J. Ward:

Okay, Kevin, I will let you ask some more questions. Sorry, I jumped in there.

Deputy K.G. Pamplin:

That is all right. I am sure everybody was welcome of a break from me. Talking about the redress then, can we just have some outline here: what forms of redress are there in place for members of the public that makes complaints, which is upheld inter-relation into a complaint against anyone in the Government?

The Chief Minister:

I will do the high level and I suspect it might well be Sophie who picks up on it in more detail? But obviously redress can vary between just saying sorry, putting right whatever went wrong. There is some ability in terms of financial compensation or ex gratia payments that would usually depend on the circumstances what one can put around it and, for example, will also be covered by the Public Finances Manual. Things like ex gratia obviously include things like the residential care redress

scheme and things like criminal injuries compensation payments. There needs to be a structure around it. I will pause there and see if either Sophie or Ruth - probably Ruth, thinking about it - want to add to what I have just said.

Head of Policy:

Certainly. As the Chief Minister said, redress takes a multitude of forms. Starting off with simply saying sorry. The most common form of redress with regard to when the Government of Jersey have got it wrong for a citizen, so its customers, would be to seek to put right what we have done right, in the first instance. That is the form of redress that you will most commonly see coming into play. Also, as the Chief Minister mentioned, there is provision in the finances law for an accounting officer to provide an ex gratia payment where there has been loss and an ex gratia payment, of course, is a payment that can be made without having to make recourse to the courts in any way at all for formal compensation.

Deputy K.G. Pamplin:

What about the process and the procedures? What is in place there in order to ensure again that any redress is given in a consistent and fair manner?

Head of Policy:

This kind of straddles a little bit of me and a little bit of Sophie. So where the redress is associated with what I will call a day-to-day form of complaint, where it is usually an apology or it is putting something right that went wrong. That is just part of the day-to-day processes of managing complaints and responding to the complaints handling process.

[15:15]

I do not know if Sophie will want to add to that at all. With regard to if there was going to be an ex gratia payment made by an accountable officer, the Public Finances Manual sets out how those ex gratia payments have to be made and how they have to be approved. What I do not know, and Sophie may be able to add to this, is if there is any way as part of the complaints management process we capture the form of redress provided.

Group Director, Customer Services:

Yes, I am happy to come in on this. At the moment our system does not capture that but it is something as part of the enhancements I talked about. We are looking to capture more detail on the specific outcomes. But what I would add is, I suppose, at that level where we are talking the sort of day-to-day complaints that come in, something we sort of train our staff in from the beginning when taking a complaint is making sure that we understand from the outset that we listen to that

feedback and ask those questions to the person putting the complaint forward about almost: “What would a good resolution here look like to you?” I think that is where in the past again we have probably jumped too quickly to putting our own thinking that we know what resolution looks like. But that is where in some of those cases it is important that we do have a dialogue with that person putting in the complaint to make sure that ... if something comes in, in an email form, or something for example, it is important to look behind the email to really understand what does resolution look like to that customer because it really does differ according to different situations. I would not say we get it right all of the time but that is definitely something we try to train our staff to do and do well.

Deputy R.J. Ward:

I think Deputy Tadier has got a question. Sorry to interrupt you, Kevin. Deputy Tadier, do you want to put it in now? I understand what you mean, that sometimes the questions fit in exactly at the right place.

Deputy M. Tadier of St. Brelade:

I am sorry if it is slightly disjointed in terms of the flow, but does the Chief Minister think that he applies a consistent policy when complaints are made against his own Ministers or Assistant Ministers?

The Chief Minister:

I do and I believe I have done.

Deputy M. Tadier:

Does the Chief Minister think it is acceptable for one of his Assistant Ministers to effectively say that all black people look the same and to say that a very famous black television personality looks like a man in drag?

The Chief Minister:

All I will say is that the Commissioner for Standards has opined on the matter. I had a discussion with the relevant Deputy in the same way as I have had discussions or taken advice from the Commissioner for Standards when other Assistant Ministers at the time made tweets or whatever that caused or were perceived to have caused offence. The same standard was applied. On all occasions I think, or the ones I am thinking of, the Commissioner for Standards came back and said there was no grounds for taking further action. In certain instances words of advice have been passed on and in the particular instance you are referring to, in terms of Deputy Ash, he has taken the tweet down, he has apologised and I have said that is the end of the matter. As I have said, reference has already been made to the Commissioner for Standards and that is the objective measure to again try to take the politics out of it.

Deputy M. Tadier:

I think the Commissioner for Standards has made a decision that he does not investigate opinions that are expressed on social media, but does the Chief Minister agree that there should be a different standard for the ministerial code of conduct? I am not opining one way or another incidentally on the tweet itself, but it is clear to me that just because the Commissioner for Standards does not investigate something does not mean that it is all right to hold certain opinions as a Minister. Does the Chief Minister think that it is very damaging at the moment, especially when there is a bullying report that has just come out, that one of his senior staff members thinks it is okay to put out this kind of language?

The Chief Minister:

If we do not mix 2 things together, the bullying report states: "There remain some issues to address and a way to go yet but you should be complimented on the progress made and the way that you have responded to the challenges thus far" and as I have said, as far as I am concerned I have applied a consistent degree of tolerance to comments that have been made by politicians, in particular Assistant Ministers, at the time and I am not just talking about one Assistant Minister, where offence has been generated in certain quarters. At the end of the day, the politics of it would be that those relevant politicians will obviously face the electorate next year, but they have been referred to the Commissioner for Standards who has basically felt that no further action should be taken. In the most recent instance, the tweet was taken down and in the other instance I am thinking of I cannot recall if the tweet was taken down or not because it was felt that it was political comment rather than causing offence. I think that is the dilemma we end up in, but as I have said, I have been consistent with referring things to the Commissioner for Standards both presently and in the past and that consistency has been applied.

Deputy R.J. Ward:

We will move on to Deputy Higgins but I was going to ask one quick question in terms of redress that I feel we should ask. If there has been a mistake by a department and you say you want to put it right, but that mistake has generated difficulty for a member of the public, be it financial or access to something, does redress go back to that type of issue? So there has not been a formal complaints process but there has clearly been a mistake by the department, is there a process by which redress can be made in that way?

The Chief Minister:

I think that is one for Ruth. Apologies.

Head of Policy:

Are you talking about financial redress or other forms of redress, or both?

Deputy R.J. Ward:

For example, without giving too much away about the evidence that we have taken, although most of it is public, there does seem to be a theme coming through from Customer and Local Services, whereby documentation of all forms has been passed on some time ago but perhaps has been lost or there is not a system for registering that. An outcome has happened for a member of the public that is negative for them, be it financial or they have not received documentation they needed, but that is not part of the complaints process. It could be, but if you take it through that complaints process the only outcome is: "We are sorry, we lost your bit of paper" but the consequence has been significant. Do you think that type of redress needs to be accounted for? Overpayments are a classic example of that, where they happened some time ago and they go back years.

Head of Policy:

The circumstances that you are talking about could apply in a myriad of different ways. I guess in the most general terms, depending on the service being provided, there may well be individual policies or individual legislation potentially even that applies to that particular service, which would therefore deal with what has to happen if a refund or some kind of financial redress was to be made. Also, I think that what you are talking to is part of the rationale for the potential establishment of a Public Services Ombudsman whereby there can be an independent body that provides clarity as to when there should be a recommendation for some form of financial redress.

Deputy R.J. Ward:

Okay, that is great. We have got some questions on that, so I will leave that there because we are a little bit behind where we want to be. Deputy Higgins, do you want to ask your questions now regarding relationships with law officers and the role of the law officers?

Deputy M.R. Higgins:

Regarding your relationship with the Law Officers' Department and the Law Draftsman's Office, can you give us an overview of the current arrangements within these 2 departments in relation to progressing legislation?

The Chief Minister:

I think that is one I will send directly to Paul.

Group Director, Policy:

What we have in Jersey is, as you say, that kind of legislative process. It travels through the Strategic Policy, Planning and Performance team through to the Legislative Drafting Office and on

the way we receive many different types of information, be it statistical or economic, but also from the Law Officers' Department. I am the new group director of policy and we have established a monthly meeting with myself and the directors in the Law Officers' Department and the Legislative Drafting Office so that we have got a much better grip on the pipeline of legislation proceeding through Jersey. Given all of the understandable implications of COVID in terms of regulations and legislation it has meant that our policy pipeline has been not where it was stated to be back in early 2020. We are of course seeking to prioritise those most crucial elements as we go through and, at the same time, set up better arrangements for representing that to the Council of Ministers, to the Greffe and to you in Scrutiny.

Deputy M.R. Higgins:

We are aware that there are delays and especially social legislation seems to always be left behind financial regulation and so on. Will you undertake to engage with Scrutiny as to determining priorities? It should not just be I think up to the Council of Ministers to decide what is important. Surely there should be a consensus?

Group Director, Policy:

Consensus is always striven for, not least because, as you say, Deputy, the decision is with the Assembly and with votes, so that is always our intent. I do not think it is the case that social policy is a second order to revenue. It is about a pipeline, a set of priorities. There are finite limits perhaps to the Legislative Drafting Office or when we are seeking to lodge in the Assembly. Those are finite, but to date those have not been constraining factors. It has been about the capacity of our staff, for good reason, post-COVID, to turn their attention to what unfortunately have to be second order issues compared to COVID.

Deputy M.R. Higgins:

How many law draftsmen are there currently?

Group Director, Policy:

I will have to come back to you on that. It is of the order of about a dozen, but Lucy, the director of the Legislative Drafting Office, is always trying to find capacity, so that is not the limiting factor in our ability to draft legislation.

Deputy M.R. Higgins:

Moving on, questions regarding the law officers for the Chief Minister. Can you explain exactly the relationship between the law officers and the Government? My understanding is that the law officers are there to advise the Government either on policy or on legal matters. Also, if Government

Departments or Ministers wish to take action it is for the Law Officers' Department to take that action on their behalf; is that correct?

Group Director, Policy:

Certainly the first part is absolutely correct, Deputy. They are there for providing constructive criticism, to challenge our intent and to make sure that we have thought about all of the legislative implications before it reaches that crucial stage of vote, so we are not caught out in advance. Secondly, it is about being also a safe space of advice providing better alternatives to that original intent. It might not be the case of whether things are lawful or not, but if there is a better form of Government lever to be applied then that is a conversation that we have with the Law Officers' Department.

Deputy M.R. Higgins:

That is the non-legislative advice that Ministers get in addition to legal advice?

Group Director, Policy:

That is right.

Deputy M.R. Higgins:

What degree of autonomy do the Law Officers' Department or law officers have in dealing in these areas?

[15:30]

Are they following what the Ministers want? Do they always consult or do they have a degree of autonomy?

Group Director, Policy:

Law officers are, as any good civil servant, there to speak truth to power, following the civil service code and, as Tom was describing earlier, good governance. This is about providing the best possible advice without fear or favour. That is an incredibly important attribute to the Law Officers' Department and as it proceeds into the Judicial Greffe as well.

The Chief Minister:

I think it is important to state that obviously the law officers are Crown officers at the end of the day. I think they might balk at the term "civil servants" but they are effectively independent advisers to both us and the Assembly, as you know, and they are very clear about keeping those different roles separate. Certainly and particularly if you wanted to look at, for example, any of the COVID

legislation that has been coming through or has come through in the last 12 months, they are very clear as to the limits one can have around human rights and all those types of areas. They are very clear to us if they think that perhaps law that may have been drafted does not achieve what the objectives may be, or may fall foul of legal principles out there. That is me as a layman putting it across, but they are quite clear as to their independent role as well, I would suggest, and certainly equally any Member can go to them to ask for advice, and that will be kept separate from their formal roles as well.

Director General, Strategic Policy, Planning and Performance:

I think that is a very good summary from both Paul and the Chief Minister. They do fulfil those different roles but as they are headed up by Crown officers appointed by the Crown then they can do that role, as Paul says, entirely without fear or favour. They are in a much stronger position than perhaps legal advisers to Government elsewhere, in that they do have that full separation and the ability ultimately to be held to account only by the Crown.

Deputy M.R. Higgins:

Deputy Ward is going to ask a question in a second and I will just finish up on this thing about autonomy. We have had examples in the past where a law officer was going to the Royal Court to strike out a civil action while we are waiting for a criminal investigation to conclude. That would have meant an injustice to the person concerned. I might add, the law officer did not consult with the department that he should have consulted with, and was doing it independently. Do you believe that is the right course of action that should be taking place or not?

The Chief Minister:

Without getting into specifics, other than to say that I believe that matter has been partially resolved, there are times where in terms of the complaints process and the redress system that might be an area that we would welcome some recommendations and comments, if we think there are some gaps there. We know there are some gaps, as Sophie has referred to, in other areas; part of which will be addressed under the next phase that is coming through and others that we are all very keen to sort out. The summary is I would be open to recommendations on those sorts of areas.

Deputy R.J. Ward:

I was going to ask a question that was in the middle there regarding what is called the policy pipeline. I think that is the other area. One of the accountability things that we are looking at is the accountability for legislation, which is the Government. Can you explain where the responsibility for the policy pipeline rests and how it is prioritised in line with the time of the Legislative Drafting Office and Law Officers' Department? I suppose it is what comes first, the time of the law officers and the

legislative officers or the policies themselves and what that relationship is in terms of the control of that policy pipeline. Perhaps it is for the Chief Minister.

The Chief Minister:

I think the detail does land on Paul. In essence at various times, although I do have to say COVID has put a coach and horses through a whole variety of processes, mainly through time and availability, but the principle was that Ministers would be presented essentially with the list of various pieces of legislation and other matters and policy that had to be produced and then essentially would set the priorities within their own areas, which would then go up ultimately in a consolidated form for the Council of Ministers to oversee. I do make the point that with COVID having caused so much demand on resources that is something we are coming back and slowly addressing, to look at what we can do before the elections of next year, within those priorities. That is the principle. In essence, it is a large schedule of programming that you are trying to do, to try to work out your time constraints. Some elements might be very straightforward. It might be a few hours and you can push that through relatively easily. Other matters may be significantly more convoluted, may have weeks of work involved in that, and that is a resources issue. That is the overview and I will hand to Paul for the detail.

Deputy R.J. Ward:

Before you do, is it the Ministers who give the overall drive for the policy pipeline and then you are saying that they rely upon the officers in the Law Draftsman's Office to give advice on what is realistic in terms of the time it takes? I think for the vast majority of people who have said: "How long will it take to draft this piece of legislation?" they could only really guess.

The Chief Minister:

Yes. That would be the summary position and certainly it is the view that I take and certainly as it has been presented. I take the point that if the Assembly, for the sake of argument, has passed some form of proposition that has an impact on policy development that ultimately will land in a Minister's area. It will be all propositions and policies that come under that particular area, that department or that Minister, which the Minister then prioritises. Usually one would expect that, for example, Assembly propositions would be higher up the timing.

Deputy R.J. Ward:

That is good to hear. I think you have covered the answer to my question now. Mike, did you want to ask anything else before we move on?

Deputy M.R. Higgins:

I have one more question. I will move on from the law officers to the judiciary. Chief Minister, one of your titles is I believe you are the Minister for Justice. If that is the case, can you tell us what that means and what the role is?

The Chief Minister:

I am trying to think back. It is not one that I have had to reflect too much on recently. It is making the distinction. Apologies, I am just trying to think through my responsibilities. It is where, for example, obviously non-mins and probation and things like that come through to me, it is around liaising through the judicial side and keeping the separation between that and effectively what Home Affairs will do, which is dealing with the police, for example. It is trying to keep a separation in there, so I look after the judicial side and Home Affairs will look after the front line and emergency services side, including the police.

Deputy M.R. Higgins:

The problem with that, though, is if we ask you questions about the judiciary, which normally States Members are reluctant to do, you cannot really provide us with any answers, can you?

The Chief Minister:

The usual thing, it will depend on the question. It will include, for example, things like legal aid and access to justice. That comes under my area. Apologies, my brain is somewhere else at the moment, but that comes under my area as opposed to landing on the Minister for Home Affairs and the establishment of a Minister for Justice was put in place by an Assembly proposition, I am not sure how long ago, but certainly 4 or 5 years ago at a guess. In fact, I might be able to refer to my notes in a second to give you a date, but that made the distinction between the roles.

Deputy M.R. Higgins:

I will follow up with one supplementary and then I will hand over. Do you think there is a case for a Minister for Justice, for example, who is responsible for the resourcing of the court system and the judiciary but not involved with anything to do with determination of court actions, very much in the same way that we have the Minister for Home Affairs who is responsible for resourcing of the police but the chief of police is responsible for operational matters? In the same way if you had a Minister for Justice the judges could be responsible for the operational side of the courts but you could have someone looking after the resource side, et cetera?

The Chief Minister:

I am very leery about politicians getting involved at all in the judicial side, or the courts. I think that is for me a no. The way it is safeguarded at the moment, in the same way as the States Assembly and the Comptroller and Auditor General and others, as I am sure we all know, is through the non-

ministerial point and therefore for resourcing if a non-ministerial body thinks it needs more resources it has the absolute right to require a sum of money to be put into the Government Plan. If the Council of Ministers does not agree with it the Council of Ministers has to bring an amendment to its own Government Plan effectively to take that out or essentially to ask the Assembly to vote that down. The point being that there is no choice by the Executive, by the Ministers. It has to be included and I think that is quite a strong safeguard and resource. Obviously what you want to make sure is that you have got governance and accountability around that, which is also covered under their areas.

Deputy M.R. Higgins:

Thank you. I will leave it at that.

Deputy R.J. Ward:

I was going to ask some questions about the customer feedback policy. You have already answered some of that with the statistics that you have given so I will précis the ones and it gives us the opportunity to ask more on some other areas, which is good. How many of the complaints in the new system of customer feedback have been resolved? I think you said 60-40 were upheld, so can you give an indication of what level of resolution there are to complaints? How many might still be ongoing for a longer time?

The Chief Minister:

Definitely one I should pass to Sophie and I can see she is poised to respond.

Group Director, Customer Services:

Yes. Typically if we look at our 2020 complaints this data is something again that we are working on improving. This is taken from those complaints that we have that detail on where it has been logged in the system, 60 per cent were upheld or partially upheld, 21 per cent of complaints from last year were not upheld and 12 per cent of complaints were referred to a different process. This would be an example of where a complaint has come in using the online form or something like that, maybe someone has called up, and we have logged it because it is a complaint but it is not being handled under the customer feedback policy. It might be more appropriate for a tribunal or for the whistle-blowing policy or for the bullying and harassment, something like that, so it is then passed through a different process, which may well have different timescales and 5 per cent of complaints last year were withdrawn by the complainant when we were having discussions with them.

Deputy R.J. Ward:

Does that include those that have been escalated to the Complaints Board? I want to ask some questions around the Complaints Board.

Group Director, Customer Services:

Yes. To get to the Complaints Board, a complainant must have gone through our 3-stage complaint process. We have complaints that go to stage 3 and it might be at stage 3 it depends on the individual complaint. It might be that we feel that complaint has been resolved, or in some cases we have resolved it as best as we can but if the complainant still feels they want it to be escalated further that would be where the States Complaints Board would appropriately step in and have a hearing on that.

[15:45]

What we are conscious of is that there is naturally a lag time by the time a complaint has gone through our full process and then been looked at by the Complaints Board as to whether it should progress with a hearing. What I am hopeful of is now that we have got a far more robust policy with doing complaints handling much better the volume of complaints that reach that Complaints Board should be dropping off, if we are doing things well and good complaints handling within government, but it is important that that route is still there for customers.

Deputy R.J. Ward:

Do you think that by tracking in a more effective way you will have more of the themes that arise from complaints that may also be passed on to the Complaints Board, i.e., the ones that do not get resolved or there is a pattern to those that do not get resolved? Also, do you think there is enough power or teeth for the Complaints Board to enforce outcomes once an outcome has been made by them, or is that something for the Chief Minister? I will ask you that first point there.

Group Director, Customer Services:

Yes, I will answer on the first one around themes. That is something that we have definitely moved forward on, since having this system it means that we are able to draw out themes. We know for example from our 2020 complaints data key themes were around things like response times, consistency of information and almost how customers felt and the quality of that service. It has meant that we are able to do some cross-government looking at how we can improve things. It is something again we are looking to improve on even more with this next system release to bring in some enhancements so that we can do even more automatically, but that theming of complaints for us is important because then we can corporately look at improvement projects and do things across the board that might not have been a big problem in their area but people can put things in place that stop things going forward.

Deputy R.J. Ward:

Before we move on to the Chief Minister for that second question, just so you know, many of the submissions we have had have identified that not being informed of timelines is a big issue. I think there is still an issue there to work on and we will report back on that and perhaps make recommendations around that, and we hope you will be constructive and improve things.

Group Director, Customer Services:

Absolutely. I think with this customer feedback policy it is still relatively new. It is something that we know we are learning on. The ethos of this whole policy is about learning from feedback, so we encourage feedback on almost how well we are doing with complaints too, so this is the sort of thing we would welcome and put steps in place, so that anything we learn we improve on and see how we can go from there.

Deputy R.J. Ward:

For the Chief Minister, and my last question before I hand on to Deputy Pamplin. We are about on time but we have lost a little bit. In terms of the Complaints Board, do you believe it has enough power or teeth to enforce outcomes? For example, we have seen that sometimes there is an outcome that is advisory but then is not enforced and it can be frustrating for the complainant for a Complaints Board to say: "Yes, you are absolutely right. You have got a good point there" but there is no enforcement power there at times.

The Chief Minister:

I think there is more work to do in this area and it is one of the issues that we are grappling with at the moment and will be coming through once we get to the ombudsman territory, because it is basically how do you give teeth and ultimately where it lands? Also ultimately it is all very well having enforcement powers over a Minister, but it can I think, from some of the discussions we have had, run into issues in terms of the primacy of the States Assembly as well. I think it applies both within the Complaints Board's structure and also how we deal with it on the ombudsman structure. There is no point in having an ombudsman if they do not have the ability to push through their decisions. Equally it is suggested to date that the more formal structure of an ombudsman and the status that goes with it would hopefully reduce the incidences where you do get this tension between a finding of the complaints body, whether it is the Complaints Board or the ombudsman, and the Minister usually acting on behalf of the department against which the complaint has been made. Personally I think there is more to do in that area and, you are right, we have had some incidences where the Complaints Board has made findings in a certain way and those have not been resolved in perhaps a way that might have been more expedient. I will say as well that what a Minister should usually be doing is taking account of the legal advice they receive. Sometimes one can end up in a position where we have got legal advice on the one hand and the findings of the Complaints Board on

another, and sometimes there are potentially tensions between the 2. That is where sometimes we end up in the positions that I think you are referring to.

Deputy R.J. Ward:

Okay. I am going to hand over to Deputy Pamplin but before I do I will say as a panel I can state we are very keen to see the Public Service Ombudsman work developing, that is the amendment to the Government Plan. Deputy Pamplin, do you want to ask your questions? We have got about 10 minutes left and we might get them going.

Deputy K.G. Pamplin:

Yes, we will give it a go. My next question is around the C. and A.G.'s (Comptroller and Auditor General) report on complaints handling. We note from the report on the handling of complaints that responsibility for the management of complaints rests mostly with designated officers with the department, and we have heard a bit of that today, with a small corporate team providing an element of co-co-ordination but without a defined supervisory role. Could you update how you are addressing this finding, especially in relation to the supervisory aspect?

The Chief Minister:

On the basis that she has got her screen on, Sophie is poised for that area, and then after that will be Tom.

Group Director, Customer Services:

In terms of the report, we have got focused resource and we are doing a lot of work, working through those recommendations, improving things on the basis of those. We do have a corporate customer feedback manager and her role is she has been a key person in helping us improve how we do things across Government, so in terms of working with departmental feedback managers. The key thing there is her role is not about getting into the nitty-gritty of dealing with a complaint. It is about making sure that she does the initial triage when things come in online and knows who is the right person to sort it out. It also is around making sure that we are doing things with the right quality, we are responding within the right timescales, and being that person who can be the go-to, who knows the customer feedback policy inside out, can help with training, help with system and that sort of thing. The responsibility for each complaint area still does absolutely rest with that department. While the corporate customer feedback manager is there to support if it is something within the health system, absolutely that is where that oversight still rests. That is working as a way forward.

Deputy K.G. Pamplin:

Tom, did you want to come in?

Director General, Strategic Policy, Planning and Performance:

The system, as Sophie has described it, works at that departmental level, but it was to add in that there is also an oversight of the system as a whole and of the learning lessons across the executive leadership team as a whole. Sophie and the team bring regular reports to us at the executive leadership team and we review that as a whole organisation. We are seeking to get the best of both worlds in that complaints are owned where they are arising, but equally we have got mechanisms to make sure that we learn the lessons organisationally and that we have got good oversight at a corporate level of the whole system as well.

Deputy K.G. Pamplin:

You mentioned the owning and valuing because the C. and A.G. found that while the direction from senior leadership is visible the culture of valuing and learning from complaints, and I probably would push that as far as contrition and ownership of things, is yet to be embedded, not just in the public sector, but definitely from what we are seeing. How can you address this and what timescales and plans have you identified to realistically put in place so that they can be embedded?

Director General, Strategic Policy, Planning and Performance:

Yes, I think that is a fair point from the C. and A.G. in that, as Sophie has explained, the system is still really quite new and so the C. and A.G. likes to see a track record and likes to see a length of evidence. We have the systems in place, we have the corporate approach at the executive leadership team in place, we give this the time and attention nowadays that this requires, but I think that the C. and A.G., when she comes back and looks at this in the future, will be saying: "Well, is that sustained? Has that been continued? Can I see that over the last couple of years really taking place in an embedded way?" That kind of evidence of embedding is the sort of stuff that occurs over time and hopefully when the C. and A.G. reviews this in years to come then they will be able to see the difference.

The Chief Minister:

I think it is also important, picking up on the culture and it is worth making the point in the wider context, I said it earlier in terms of trying to change the culture of the organisation and recognised by the H.R. Lounge survey back in whenever it was, 2018, if not just before, and also the one that was done prior to the last elections, which was the overall staff survey, which is one of the first ones that have been done for a long time, that there were massive problems that needed addressing within the organisation as a whole. That is going to take time and I am going to guess it is a 3 to 5-year timeframe and bear in mind we have just had a year of pandemic as well, or are still dealing with a pandemic. There is a lot of work that has been done but by no means have we got far enough yet. If you think about it that is why a lot of the measures were put in place in the last 2 Government Plans around investment in H.R. and people and all that sort of stuff. It is a start of getting that

cultural change that I hope we all want. We are seeing improvements but we know we have got further to go as well. I want to make that point. It is a long-term game. It is not a one-month or a 2-month fix. It takes a long time to embed this into the system and to make sure it is then part of business as usual.

Deputy K.G. Pamplin:

On that finally, before I hand over, because I know we are running out of time, but culture does start from the top, so the tone is set from the people right at the very top, so from a political sense that would be whoever the Chief Minister is, and then the chief executive. What lessons can you learn there for whatever happens in the next election, if it is yourself or whoever next and from the incoming C.E.O. (chief executive officer)? How important is that to stress? All this work can be undone like that if one person walks in and does not want to bring that cultural change. It is difficult in the political sense because we have elections and that is down to the public and then how we all work together, but when recruiting for senior management roles and the C.E.O. how can you impress that the next person coming in will not unravel this work that we have all just been talking about?

The Chief Minister:

There are at least 2 if not 3 strands to answering your question there. Tone from the top is critical. I think there is tone from the Chief Minister and the Ministers and whether it is a thought or not I try to remain as diplomatic as possible and not get too much into hyperbole, which occasionally politicians are accused of doing. I think there is a lesson that we as an Assembly need to think about, which is about public comments and how they are phrased. That is not just in the last few days; it is in the wider context and I think that is important because it is the usual thing about agreeing and disagreeing, it is also about respect.

[16:00]

It is also not about impugning motives where there are not motives, if you see what I mean. There is a tone from the top but there is also a tone from the Assembly. There is then, as you say, going to the organisation. There are recruitment processes where we are quite clear we need to continue the investment in our people and in the organisational culture, and that will be one of the remits that is required of the new C.E.O. because we have to continue doing it. Let us just be clear; I have seen very clear bullying behaviour and I am not talking about in my term as Chief Minister but in my term as a politician by other politicians against staff, and that is not acceptable in my book. I do not think sufficient credence was given at the time, even though when you work through the various reports that were done at the time it is identified as bullying behaviour in the context of an Employment Tribunal. There is a lot there where that is not acceptable so I am pleased with the H.R. Lounge side of things, i.e., we are making progress but tone from the top is important. There

is a lot more to talk about in that area but I hope that gives a flavour, and that basically I am agreeing with quite a lot of what you said.

Deputy K.G. Pamplin:

Good stuff. I will hand back to the chair.

Deputy R.J. Ward:

We are at the end of the time. We will put some questions in writing that we had left in terms of the Public Service Ombudsman, but it is good to see their commitment to that. Deputy Higgins, did you have a question you wanted to ask at the end? Just being aware that we are over time now.

Deputy M.R. Higgins:

I will be quite brief. Chief Minister, you mentioned that in your role as Minister for Justice that you had responsibility for access to justice. When we talk about complaints procedures and trying to get redress one of them is the court system. Do you believe that it costs too much for people to get access to the law, whether it is the cost of lawyers or the processes, and what can be done to improve on access to the law?

The Chief Minister:

At the risk of stepping on the toes of another Scrutiny Panel or review panel chaired by Deputy Ahier, the access to justice reference is what the revised scheme for legal aid is. I am quite clear that my stance is if somebody is charged, prosecuted by the state, and I am probably going to use all the wrong legal expressions, and is found not guilty in my view they should not be worse off than they were before that prosecution was brought, for example. At the moment there have been risks, and certainly it has been said in the past that potentially even if one is found not guilty financially one could be in a worse position. That gives a flavour but it is very much an area that we are trying to address under the proposed legal aid scheme, which is the one that I refer to as access to justice. That may be a longer discussion, but bearing in mind the time. If I could just add very briefly, and then I would like to say one thing just as you wrap up, in terms of the ombudsman we are all in favour of getting it in place. Do not forget, irrespective of implementation date, the legislation on that is we always wanted and still do want to see that brought to the Assembly before the elections so that it is this Assembly that works on it. That is something that I am sure you will hold us to account on, but that is very much a priority.

Deputy R.J. Ward:

Did you want to add anything else, or was that the point you wanted to add?

The Chief Minister:

When we have finished on questions can I just make one comment?

Deputy R.J. Ward:

Yes, I think we have finished on questions in the time that we have available.

Deputy M.R. Higgins:

If I can ask a last question: do you have any idea when we are going to see the changes to the legal aid system?

The Chief Minister:

Essentially there are 2 timeframes. One is an appointed Act has to be lodged and approved by the Assembly, after which a clock starts ticking - I cannot remember if it is 3 months or 6 months, I think it is 6 months - by which time a scheme has to be presented. Sorry, I will have to go back and check the terminology. I have had a draft scheme presented to me and I am just going through the process informally of understanding it, of taking some informal submissions now so that we do not start the clock ticking until we think it is all in the right place. I am due to have another meeting on that this week, although I do have an issue on COVID at the moment, which may mean it might need shifting a few days. Essentially we are taking informal soundings and understanding the proposals that have come through and also then obviously arranging for Scrutiny to receive informal and formal updates. Bearing in mind Easter is rapidly approaching, sometime hopefully by the end of April and that is a give or take; I cannot remember the timeframe we put out there. Hopefully I will have my head around the proposals as they have been submitted to me and then we can go through the next stages, which is then ultimately getting the appointed Act in place, which I think then formalises the process, which then means we can formally take it all to Scrutiny and get it through. It has to happen this year, let us be clear, and this is all subject to COVID obviously. I have a limited number of weeks that I can go through the informal side of things and then we will have to get the appointed Act in place. What I want to make sure is that I have got my head around making sure there are no obvious anomalies, for the sake of argument, before I go through the formal process. There are some questions I have asked around some further information that is required, including for example understanding the financial implications for all parties involved as a starting point, which I think you would all expect me to understand before I go anywhere near presenting that sort of information to the Assembly.

Deputy R.J. Ward:

That is the end of the questions and we have run out of time. I do not know what it was you wanted to say.

The Chief Minister:

It is very simple. It was just to thank you very much because you have been reasonably to time. I am not being funny here. I commend all of you on having what I would call a very constructive Scrutiny hearing. You have had objective questions; they have not been too pointed. We may disagree or agree on outcomes but as a hearing I think I would like to commend you on a professional approach and that is very much appreciated.

Deputy R.J. Ward:

As an ex-teacher I cannot possibly go over the lesson time. I am just hoping that you all did your homework. I would like to thank everybody for coming along today and we will call the hearing to an end and say thanks to everybody for participating.

[16:07]