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Deputy Geoff Southern
Chair, HSS Panel

BY EMAIL

3 February 2023

Dear Chair

CONFIDENTIAL & NOT FOR WIDER CIRCULATION

Concerns Re: Conduct of Panel Members

Firstly, considering the sensitive nature of this letter, I would appreciate if you would treat this as strictly confidential and not for wider circulation without prior consultation with myself.

I am writing to you regarding the conduct of two members of the Health and Social Security Scrutiny Panel (“the Panel”) - Deputies Barbara Ward of St Clement and Andy Howell of St John, St Lawrence and Trinity. I will outline my concerns for each member separately.

As you will be aware, I wholly respect the scrutiny process and do my utmost to ensure that I, my officers, and my Assistant Ministers are open and transparent in all engagements with the Panel. This approach has on occasion required private briefings to ensure that the Panel are kept abreast of matters affecting my portfolio, recognising that some issues are not suitable for discussion in public. I know that you and I are in agreement that this approach requires trust, a respect of the roles of Scrutiny and Minister, and a responsibility to ensure our individual compliance with our respective code of conducts¹²³.

Deputy Barbara Ward of St Clement

In our private meeting with Professor Mascie-Taylor on Thursday 1 December 2022 - which was held prior to a Quarterly Hearing that same day - you will recall that we discussed the Professor’s appointment to the newly created role of Chair of the Health and Care Board. During the private meeting I was asked about the appointment of Professor Mascie-Taylor and was asked if I had encouraged him to apply for the role. I confirmed that I had suggested that Professor Mascie-Taylor may wish to consider applying for the role considering his wealth of experience and knowledge of global health system and the issues facing our health service⁴.

In the public meeting that followed, Deputy Ward then referenced this discussion very clearly and the matter was then reported on in the media and led to questions in the chamber. While I have no issue with the above being known and reported on, it is how it came to be public with which I am concerned.

“Could the fact, on your own admission, that you did encourage Professor Mascie-Taylor into

¹ Revised Code of Practice for Engagement Between ‘scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’ ([P.50/2022](#)).

² [Code of Conduct for Elected Members](#).

³ Code of Conduct and Practice for Ministers and Assistant Ministers ([R.140/2022](#)).

⁴ Review of Health and Community Services (HCS) Clinical Governance Arrangements within Secondary Care ([R.117/2022](#)).

*applying for the post, that that maybe skewed the independence or your position as making that final decision?*⁵

Another concern I have is that I am hearing, albeit anecdotally, that Deputy Ward is relaying information she is receiving in her capacity as a member of the [States Employment Board](#) to the Panel. I am concerned that if this were the case that the Panel would be privy to highly confidential employment information – information that I am not necessarily privy to considering the requirement in the ministerial code to avoid personal involvement in employment matters⁶ - and draws the Panel, whether intentionally or not, into matters that relate to ‘individual employee disciplinary/grievance’⁷, which as you know should be avoided.

I am also concerned that Deputy Ward is routinely drawing the Panel away from its purpose as defined in Standing Orders⁸, which I understand is to scrutinise health, social services, and social security rather than the realm of corporate services and corporate policies, i.e., employment matters. While of course there are obvious cases when operational matters are of importance to the Panel, being drawn into these topics on a regular basis risk me speaking on topics which are not within my portfolio, i.e., that of the States Employment Board, which I am sure you will agree does not aid the public whatsoever.

Deputy Andy Howell of St John, St Lawrence and Trinity

In meetings, both those in public and in private, Deputy Howell has not, in my view, always acted in a professional manner⁹ towards the public servants responsible for Health and Community Services. However, following the Deputy’s conduct yesterday, Thursday 2 February 2023, in a private meeting with myself and my officers, I feel bound to write to you and strongly convey my concerns as part of my own duties as a Minister and States Member.

As you know and for the sake of posterity, I requested that my Chief Officer withdraw from the meeting as I found the Deputy’s behaviour wholly inappropriate of a person holding public office, and that officers should not be subjected to what I considered to be clear vitriol and disrespect from the Deputy. I consider that the Deputy’s behaviour in no way upheld the requirement to maintain the integrity of the States¹⁰ nor did the Deputy fulfil the requirement to promote and demonstrate leadership¹¹. Instead, the Deputy felt it appropriate to talk to the Chief Officer in such a way that the Deputy disrespected the Chief Officer’s right to be treated with dignity and respect at work under the States of Jersey Codes of Practice¹². The Deputy’s behaviour also clearly infringed on those same rights of those more junior civil servants who accompanied me and the Chief Officer to brief the Panel.

As you know, one of my priorities is to address poor behaviour and culture within HCS, and so when we as States Members are unable to act as standard bearers for model behaviour, it makes this challenge more difficult - accountability and scrutiny, in my view, can be conducted in a way that is respectful and dignified.

⁵ [Health and Social Security Panel, Quarterly Hearing, Witness: Minister for Health and Social Services, Tuesday, 1 December 2022.](#)

⁶ Part 6 (Individual Investigations), Code of Conduct and Practice for Ministers and Assistant Ministers ([R.140/2022](#)).

⁷ Revised Code of Practice for Engagement Between ‘scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’ ([P.50/2022](#)), Section I (Identifying Reviews – Scrutiny Panels), Part 48.

⁸ [Standing Orders, Article 135](#) (Scrutiny Panels: Establishment and Constitution).

⁹ Revised Code of Practice for Engagement Between ‘scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’ ([P.50/2022](#)), Section J (Hearings), Part 54.

¹⁰ [Code of Conduct for Elected Members](#), Part 5 (Maintaining the Integrity of the States).

¹¹ [Code of Conduct for Elected Members](#), Part 3 (Personal Conduct).

¹² [States of Jersey Codes of Practice](#).

I trust that by bringing my concerns to your attention that you will seek to address these as you deem appropriate, whether personally or through the Scrutiny Liaison Committee¹³ - I would like to avoid a recurrence of this behaviour and the need to correspond with the Commissioner for Standards¹⁴.

Yours sincerely

Deputy Karen Wilson
Minister for Health and Social Services

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¹³ Revised Code of Practice for Engagement Between 'scrutiny Panels and the Public Accounts Committee' and 'the Executive' ([P.50/2022](#)), Section V (Compliance), Part 126.

¹⁴ [Complaints about States Members or States Greffe employees.](#)