

**WRITTEN QUESTION TO THE CHAIR OF THE PRIVILEGES AND PROCEDURES
COMMITTEE**

**BY DEPUTY M.B. ANDREWS OF ST HELIER NORTH
QUESTION SUBMITTED ON TUESDAY 28th MAY 2024
ANSWER TO BE TABLED ON TUESDAY 4th JUNE 2024**

Question

“In respect of the Pan-Island Commissioner for Standards, will the Chair state –

- (a) the number of complaints, if any, made to the Privileges and Procedures Committee about the Commissioner;
- (b) the number of complaints, if any, made to the States Greffe about the Commissioner;
- (c) whether the Committee is aware of any complaints investigated by the Commissioner that have been rescinded by the Commissioner as a result of the involvement of legal representation from investigated parties;
- (d) whether the Committee intends to review the performance of the current Commissioner, and if not, why not;
- (e) whether any concerns have been raised in relation to the competence of the Commissioner and, if so, what actions, if any, the Committee has taken to address those concerns; and
- (f) what consideration, if any, has been given to instances in which the Commissioner investigates any States Members who were responsible for the Commissioner’s appointment and how such circumstances impact on good governance?”

Answer

(a) and (b)

There has been only one ‘complaint’ made to the Committee in respect of the Commissioner for Standards from the Deputy posing this question. No additional complaints have been submitted to the States Greffe.

(c)

The Committee is not aware of any investigation ‘rescinded’ by the Commissioner and wishes to remind Members that any live investigation should not be discussed, especially with third parties.

(d)

The Committee has no intention to review the performance of the current Commissioner as it is the Committee’s assessment that there are no grounds for such a review. The Committee will be considering the results of its recent survey relating to the Code of Conduct, which may lead to amendments to the Commissioner for Standards (Jersey) Law 2017 or perhaps the publication of additional guidance on Members’ behaviours by the Commissioner.

(e)

The only concerns expressed to the Committee in respect of the Commissioner’s competence have come from the Deputy himself. Whilst it is clear that the Deputy does not agree with the Committee’s conclusions that there absolutely is no doubt as to the Commissioner’s competence in undertaking the role, the Deputy

is aware that the Committee has considered those concerns and I have been in correspondence with him about them.

(f)

This was the subject of a previous question from the Deputy to me on 19th March 2024, and I made it clear in my response that it is usual practice for there to be a political representative on the appointment panel for a Commissioner for Standards and generally that representative is the Chair of the relevant Body with oversight of Standards matters. The fact that I sat on the appointment Panel, along with my Guernsey counterpart, does not exempt us from accountability for our actions. I should also highlight that, whilst the Chair of the Committee may sit on the recruitment panel for a new Commissioner, the appointment is undertaken by the Committee as a whole – and a report must be provided to the States Assembly (all States Members) for 2 weeks before the appointment can take effect; we all appoint the Commissioner.

As I stated in that same response, I have no doubt that if I was the subject of a complaint, the Commissioner would investigate the matter in a fair, thorough and transparent manner, as she does with all complaints. Furthermore, if I was found to have breached the Code of Conduct, I would accept those findings, apologise to the Assembly and not seek to undermine the process or the Commissioner for Standards.