

Privileges and Procedures Committee

(11th Meeting)

11th November 2024

Part A (Non-Exempt)

All members were present, with the exception of Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter and Connétable M.K. Jackson of St. Brelade, from whom apologies had been received.

Connétable K. Shenton-Stone of St. Martin, Chair
Deputy C. S. Alves of St. Helier Central, Vice Chair (for a time)
Deputy L.M.C. Doublet of St. Saviour (for a time)
Deputy T.A. Coles of St. Helier South
Deputy S.M. Ahier of St. Helier North

In attendance -

L-M. Hart, Greffier of the States
Y. Fillieul, Assistant Greffier of the States, Chamber and Members' Support
(for a time)
E. Patterson, Assistant Secretariat Officer, Specialist Secretariat
L. Plumley, Senior Secretariat Officer, Specialist Secretariat (via Teams)
K.M. LARBALÉSTIER, Principal Secretariat Officer, Specialist Secretariat

Note: The Minutes of this meeting comprise Parts A and B.

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| Minutes. | A1. The Minutes of the meeting of 21st October 2024, having previously been circulated, were taken as read and were confirmed, subject to a minor amendment. |
| Privileges and Procedures Committee: actions arising from the previous meeting. | A2. The Committee noted a list of actions and outcomes arising from the previous meeting. |
| Privileges and Procedures Sub-Committees: Minutes and actions arising from the previous meeting. | A3. The Committee noted the Minutes of the meeting of 18th October 2024, of the Machinery of Government (MOGR) Sub-Committee and a list of actions and outcomes arising from the same.

It was recalled that it had been agreed that the Committee should receive Sub-Committee Minutes and action lists on a monthly basis so that it was kept abreast of the work which was being undertaken. However, only the MOGR Sub-Committee had met since the last meeting of the main Committee, with other meetings having been rescheduled due to conflicting commitments. |
- The Committee recalled that the MOGR Sub-Committee had recommended revisions to Standing Orders 113 and 115 to deal with challenges which had arisen

around the practical application of the Standing Orders following the adoption of P.1/2024 ('Vote of no Confidence: Chief Minister'). The Committee noted that amendments had been drafted for consideration by the Committee later in the meeting (Minute No. A6 refers).

Risk based
exclusion
policy.

A4. The Committee, with reference to its Minute No. A5 of 21st October 2024, received Ms. K. Wright, Independent Chair of the Violence against Women and Girls Taskforce and Chair of FREEDA (Free from Domestic Abuse) in connexion with the recent decision of the House of Commons to support a risk-based exclusion policy for Members accused of violent and/or sexual offences earlier in the year. The Committee also considered a summary report on the subject.

The Committee recalled that the House of Commons policy aimed to strike a balance between the duty of care to protect the parliamentary community with the right of an elected Member of Parliament (MP) to represent constituents.

A risk-based exclusion policy did not currently exist for States Members. The States of Jersey Law 2005 made provision for the disqualification of a Member convicted of an offence and imprisoned for no less than 3 months without the option of a fine. However, until the individual was convicted, they were able to continue as a States Member. If a Member was arrested and charged with a serious crime, the Committee (or 6 States Members acting as a collective) could seek the approval of the States for the suspension of the Member concerned for a maximum of 28 days. It was noted that no such proposition had ever been lodged 'au Greffe'.

The Committee had previously considered the benefits and implications of introducing a risk-based exclusion policy and had noted that the policy applied in respect of Government employees accused of violent and/or sexual offences was to suspend the employee on full pay whilst an investigation was undertaken. During the suspension period the employee would be denied access to Government premises, unless they were required to visit a building for a specific purpose and were accompanied by a member of staff. Employees would be permitted to access the General Hospital for medical reasons. It was recognised that States Members were not employees and there was a risk that the adoption of such a policy could prevent a Member from undertaking their duties. Reservations had also been expressed with regard to the fundamental legal principle of innocent until proven guilty. The view of the Commissioner for Standards and the wider standards network had also been sought on the matter but had not yet been received.

Ms. Wright advised that the UK policy position was broad and extended beyond violent and/or sexual offences, also making reference to cybercrime, fraud and corruption. Ms. Wright believed that the development of a clear policy framework would be beneficial for States Members and the public and would serve to increase public trust. She had become aware of a lack of trust in processes, which often acted as a deterrent to making complaints and offered to provide the Committee with high level examples.

Deputy C. S. Alves of St. Helier Central highlighted the potential for long lasting reputational damage arising from unsubstantiated allegations, particularly where these were made public. Ms. Wright suggested that this reinforced the need for a clear policy position and she advised that the corporate approach in such situations involved the neutral act of suspension (thus removing the risk). It was accepted that the discreet suspension of a States Member was more difficult to achieve. The Greffier of the States highlighted the duty of care she had as an employer to her staff, but also acknowledged that responses had to be proportionate based on the element

of risk.

The Committee agreed that work on the development of a risk-based exclusion policy should feed into the ongoing review of the Code of Conduct for elected Members (Minute No. A8 refers). In the first instance, the Committee requested that topic research be undertaken by the States Greffe in connexion with the formulation of a risk-based exclusion policy.

On a related matter, it was suggested by Deputy Alves that consideration be given to revising the Commissioner for Standards' processes so that the Committee was made aware of all complaints against Members, irrespective of whether these were investigated.

Negotiating for better success in politics programme.

A5. The Committee considered a report which had been prepared by Mr Y. Fillieul, Assistant Greffier of the States, Chamber and Members' Support in connexion with the 'Negotiating for better success in politics' programme, a bespoke professional training programme for States Members which had been developed and delivered by the Resolution Centre.

The Committee recalled that the programme, which had been designed in conjunction with Queen Margaret University, Edinburgh, comprised 10 sessions, and additional catch-up sessions, over a 12-month period. 27 Members had enrolled on the programme and 9 had been awarded a Certificate of Achievement for attending 9 or more of the main sessions. The Committee noted that the total cost of designing and delivering the programme was £30,800.

Overall feedback from Members on the content of the programme had been positive. The Committee was advised that it was unlikely that the programme in its entirety could be run again before the 2026 election. Consequently, catch-up sessions for those who had missed sessions were proposed with the option for Members who had not participated at the outset being invited to attend.

The Committee endorsed the proposed approach and agreed that, going forward, the programme should form part of the induction programme for States Members commencing early in the new term. Consideration would also be given to the scheduling of sessions based on experience. The possibility of running the programme twice during the life of the Assembly was discussed and it was recognised that this decision would be led by demand.

Deputy L.M.C. Doublet of St. Saviour advised of the particular benefits she had personally derived from the conflict resolution sessions, which had positively impacted on interactions with others. She suggested a greater focus on understanding diverse perspectives. As someone who held a Psychology Degree, Deputy Doublet suggested expanding opportunities to allow Members to extend their learning to gain a formal recognised qualification. However, it was noted that the programme had been specifically designed with accessibility in mind and it had been felt that a formal examination and qualification might be daunting and deter some Members from participating.

The Committee noted the position and asked that it be kept abreast of developments in the wider context of the induction programme for new Members.

Amendments to Standing

A6. The Committee, with reference to its Minute No. A3 of the meeting considered a report which had been prepared by Mr Y. Fillieul, Assistant Greffier of the States,

Orders 113 and
115.

Chamber and Members' Support in connexion with proposed amendments to Standing Orders 113 and 115.

The Committee recalled that the Machinery of Government Sub-Committee had proposed the amendments to deal with challenges which had arisen around the practical application of the Standing Orders following the adoption of P.1/2024 ('Vote of no Confidence: Chief Minister').

Having considered a draft report and proposition which had been prepared in connexion with the above, the Committee accordingly approved the same and requested that it be lodged 'au Greffe'. In doing so, the Committee agreed that the Chief Minister should be provided with a copy of the proposition prior to lodging.

Enhanced
Disclosure and
Barring
Service checks
for States
Members/
election
candidates.

A7. The Committee, with reference to its Minute No. A5 of 21st October 2024, considered a report which had been prepared by Members' Resources in connexion with enhanced Disclosure and Barring Service (DBS) checks for States Members' and election candidates.

The Committee recalled that it had recently considered the above matter in the context of wider discussions relating to a risk-based exclusion Policy (Minute No. A3 of the meeting refers).

The Committee had requested that consideration be given to enhanced DBS checks for election candidates, a matter which had been considered in 2023, by the Committee as previously constituted. It was recalled that enhanced checks applied to certain professions, as set out in the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002, and that the role of States Member was not included.

It was further recalled that Members could obtain basic DBS checks via People Hub and that 14 Members had done so in 2023. Basic DBS checks could be required by any employer or service provider and these detailed unspent convictions. 9 Members had secured enhanced DBS checks via People Hub, which detailed spent and unspent convictions and other relevant intelligence. It was recalled that a Member of the Committee had independently obtained an enhanced DBS check having been advised by People Hub that States Members did not qualify. However, People Hub had recently confirmed that enhanced DBS checks could be secured for States Members who were 'left alone with vulnerable adults/children'. It was noted that this might occur during the course of school visits, constituency work or involvement with the Youth Parliament, although such instances would be relatively rare.

Turning to the question of enhanced DBS checks for election candidates, the Committee was advised that, should it wish to pursue the same, this would have to be agreed with candidates in the full knowledge that there was no legal justification for doing so. People Hub would facilitate the checks on the basis that these could not be secured independently by candidates. Consideration would have to be given to whether the cost would be covered by the States Greffe or the candidate. Attention was drawn to the position in other jurisdictions, with some political parties requiring candidates to undergo basic DBS checks. In Guernsey it had been concluded that DBS checking for candidates was unreasonable, costly and undeliverable ahead of the next election.

The Committee noted the time frames associated with securing a DBS check (4 – 6 weeks) and the costs (basic - £30/enhanced £50).

It was recommended that, in the first instance, the Committee seek legal advice on the question of whether to request election candidates to undergo enhanced DBS checking as part of the nomination process.

Having discussed the matter, the Committee agreed that it would wish to offer election candidates the opportunity to undergo enhanced DBS checking on a voluntary basis. This could be facilitated by the States Greffe via People Hub and the cost borne by candidates, who would be reimbursed if elected. The Committee noted that the candidate nomination form would be amended to reflect its decision and that this would be presented to the Committee at a future meeting.

Review of
Code of
Conduct for
Elected
Members.

A8. The Committee, with reference to its Minute No. A7 of 9th September 2024, considered a report which had been prepared in connexion with the results of a survey of Members on the Code of Conduct for Elected Members.

The Committee recalled that Members had initially been consulted during April and May of 2024 and, following a lacklustre response, again in July and September of 2024. It was noted that a total of 18 responses had been received and the Committee considered the views which had been expressed.

Having reviewed the responses, the Committee requested that an additional meeting be arranged during December 2024, to focus specifically on the Code of Conduct.

Assise
d'Heritage (use
of States
Building).

A9. The Committee, with reference to its Minute No. 11 of 21st October 2024, considered a summary report outlining correspondence from the Greffier of the States to the Chief Officer of the Bailiff's Chambers in connexion with certain issues which had arisen in relation to the use of the States Building during the recent Assise d'Heritage ceremony.

The Committee recalled that both Connétable K. Shenton-Stone of St. Martin, Chair and Deputy C. S. Alves of St. Helier Central, Vice Chair had written to the Bailiff's Chambers on the above matter. Considerable noise and disturbance had been experienced by Members in a meeting being held in the Blampied Room and some Members had also been treated discourteously by a member of staff, who had initially been thought to be from the Bailiff's Chambers but was now believed to have been a member of staff from Victoria College. In her capacity as Assistant Minister for Education and Lifelong Learning, and having had a direct interaction with the individual concerned, Deputy C.S. Alves of St. Helier Central advised of her intention to write to the school. During the event, the security system in the building had been disabled, exits and entrances to rooms blocked, a number of doors wedged open and heavy ceremonial robes hung from fragile light fittings. Members had also been unable to use certain rooms and there had been no advance notice of the event. Whilst the Greffier had yet to receive a response, the Chair had been advised by the Chief Officer of the Bailiff's Chambers that this was being prepared and would be received later in the week.

The Committee was disappointed that issues such as those experienced recently prevailed despite attempts to draw attention to the difficulties which arose in the absence of proper communication and appropriate consideration of the dual use of the States Building. It was hoped that the response from the Bailiff's Chambers would include the details of arrangements designed to overcome the significant challenges faced by Members during the above event and on other occasions.

Forthcoming
business.

A10. The Committee considered items which had been lodged 'au Greffe' for the meeting of the States Assembly, which was scheduled to commence on 10th December 2024.

The Committee discussed a proposition entitled 'Public Election: Extension of eligibility criteria' (P.65/2024), which had been lodged 'au Greffe' by Deputy M. Tadier of St. Brelade on 26th September 2024. The proposition proposed removing the requirement for those standing for election as a Connétable or Deputy to be British citizens and requested the Committee to bring forward the necessary legislative changes to facilitate the same in time for the 2026 election. In support of his argument, Deputy Tadier had cited, among other things, changes to the eligibility criteria for Jury Service.

The Committee noted that a comment would be prepared for its consideration and approval via an electronic meeting ahead of the debate. Deputy L.M.C. Doublet of St. Saviour requested that the comment reference the work of the Diversity Forum and she undertook to seek views on the proposition from Members of the Forum. She also requested a briefing paper (with links to previous debates in the official report (Hansard)) on the subject.

The Committee also discussed the upcoming 'in-Committee' debate in response to a petition which sought to exempt old age pension payments from Income tax. The Committee noted that correspondence published in the Evening Post on 11th November 2024, from Mr. P. Troalic incorrectly stated that the debate would be held behind 'closed doors'. It was noted that Mr. Troalic had also contacted the Greffier expressing concerns in this regard. The Greffier undertook to respond to Mr. Troalic and it was agreed that the Chair should write to the Editor of the Evening Post confirming that the debate would not be held in private and that Members of the public were free to attend the States Chamber. It was acknowledged that this letter would likely be published after the debate but agreed that it was important to clarify the position with regard to 'in-Committee' debates.

Online
subscription to
the Evening
Post for States
Members.

A11. The Committee noted a request from Deputy L.M.C. Doublet of St. Saviour to provide States Members with an online subscription for the Evening Post.

The Greffier of the States advised that physical copies of the newspaper were already provided in the States Building for Members, but Deputy Doublet stated that these were not always available.

The Greffier agreed to ascertain the cost of providing an online subscription for Members, but understood that only a few individuals could access the online version at a time, which could require multiple subscriptions at considerable cost.

Deputy S.M. Ahier of St. Helier North advised that he did not support the purchase of online subscriptions to the Evening Post for Members and felt concerned about the public perception of the same.

States
Members'
Christmas
lunch.

A12. The Committee noted a request for a Christmas lunch for States Members on 11th December 2024, over and above the Christmas meal arranged for Members on the evening of 5th December 2024. This would afford those Members unable to attend on 5th December another opportunity to mark the festive season with colleagues.

The Greffier of the States advised that the States Greffe would make the necessary

arrangements for the Members' lunch on 11th December. She also informed the Committee that staff at the States Greffe were arranging a Christmas Wreath making event on 12th December 2024, and that Members would be invited to attend. A modest charge for materials would be made together with a donation to a local charity.

Date of next meeting.

A13. The Committee noted that the next scheduled meeting would be held on 9th December 2024, at 10.00 am in the Blampied Room.