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# STATES OF JERSEY



## COMPLAINTS PANEL REPORT 2022

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**Presented to the States on 9th December 2023  
by the Privileges and Procedures Committee**

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**STATES GREFFE**

**STATES OF JERSEY COMPLAINTS PANEL**  
**REPORT FOR 2022**

# FOREWORD BY THE CHAIR OF THE PRIVILEGES AND PROCEDURES COMMITTEE

The Privileges and Procedures Committee presents the 2022 Annual Report of the Complaints Panel.

2022 was another busy year for the Panel, but it should be noted that out of the 14 new cases considered by the Panel, in the vast majority the Panel agreed with the way in which Government Departments had determined matters and did not take the complaint forward, which not only highlights that public administration is generally handled well in Jersey, but also that the Complaints Panel is objective and only escalates matters to a hearing when it considers this to be justified.

The members of the Panel in 2022 were –

Mr. Geoffrey Crill (Chair)  
Mr. Chris Beirne (Deputy Chair)  
Mr. Stuart Catchpole, K.C. (Deputy Chair)  
Mrs. Christine Blackwood  
Ms. Penny Chapman  
Ms. Tina Chatterley  
Ms. Sue Cuming  
Mr. David Curran  
Mr. Gavin Fraser  
Mr. Andrew Hunter  
Miss. Kerry Leadbetter  
Mr. John Moulin  
Mr. Damian Warman

The Privileges and Procedures Committee would like to place on record its sincere thanks to the Chair, Deputy Chairs and all of the members of the Panel for their honorary work dealing with complaints and their unwavering commitment to service improvement across the public sector. Not only does the current Panel represent exceptional value in terms of its negligible cost, but the public also benefits from the wealth of local experience Panel members possess, gleaned from being a part of the Island community.

The Committee would like to pay particular tribute to Mr. Graeme Marett, David Greenwood and Dr Gwyn Llewellyn who retired from the Panel in 2022. The Committee is extremely grateful for the time they have given freely and generously to serve the community during their membership of the Panel and wishes to thank them for their efforts and wish them a very happy and healthy retirement.

**Connétable Karen Shenton Stone**  
Chair of the Privileges and Procedures Committee

# STATES OF JERSEY COMPLAINTS PANEL REPORT FOR 2022

Dear Chair,

I have pleasure in presenting the Panel's Annual Report for 2022. The year saw a slight drop in the number of new cases submitted for review by the Panel, but with 7 cases still ongoing from 2021 and 8 informal enquiries we were still very active in addressing administrative complaints.

The Panel held just one hearing in 2022 which was unusual because it was essentially a reconvening of an earlier hearing relating to a retired firefighter's pension evaluation following changes to the policy. The case is detailed in this report in section B3. There had been no positive response to the Board's findings report presented to the Assembly in December 2021 (R.110/2022) and whilst it was disheartening to have to reconvene a hearing to reaffirm the findings and urge for a resolution to be found, what made matters worse was the challenge made to the Board's jurisdiction in the complaint. The issues raised were of deep concern and importance, both for the complainant and for the proper administration of public sector-related powers and functions in Jersey. Sadly, the general approach of the body concerned was symptomatic of the increasing failure of elected and appointed officials, public servants and public bodies to co-operate with the Complaints Panel. Of particular concern was the refusal to accept findings of fact as determined by the Board which is, it must be remembered, an independent quasi-judicial body.

We understand that our replacement with a Public Sector Ombudsman is looming, but until that person or office is created, the Panel remains Islanders' only recourse, outside the Courts, when they feel that there have been failings in public administration. It is simply unacceptable for the process to be ignored and undermined by Ministers and Departments. In doing so they are disrespecting the public that they serve. Islanders reliant on the existing system are being effectively denied their rights to effective independent oversight of the administrative process.

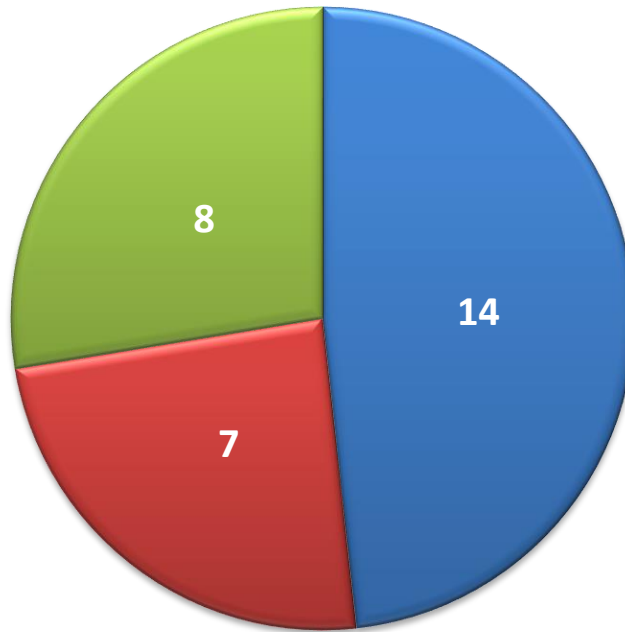
The public has trust in the independence of the Complaints Panel, in part because of the breadth of experience of its members, in part because it is an honorary service and in part through its long track record of holding Government to account. The public is also aware of the regularity with which Government ignores the findings and recommendations of successive Complaints Boards. If the public is expected to accept the replacement of an independent honorary body by an expensive organisation wholly funded by the Government that it is tasked to oversee, then it will have to demonstrate to the public that the funding will ensure something which is presently lacking in the present system, namely formal accountability of Government. To date, there appears to be no indication that is what is envisaged by the establishment of an Ombudsman.

**Geoffrey Crill**

Chair, States of Jersey Complaints Panel

# 2022 IN SUMMARY

## Complaints dealt with in 2022



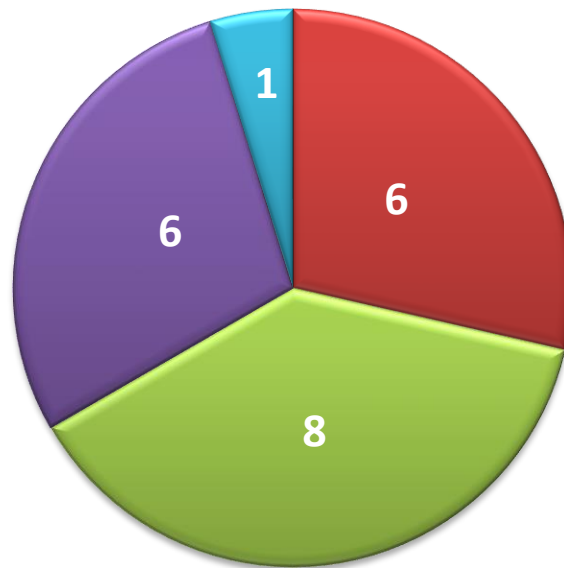
- New formal complaints in 2022
- 2021 complaints carried forward into 2022
- Informal enquiries about the complaints process/potential complaints

## Complaints received in 2022 by Department



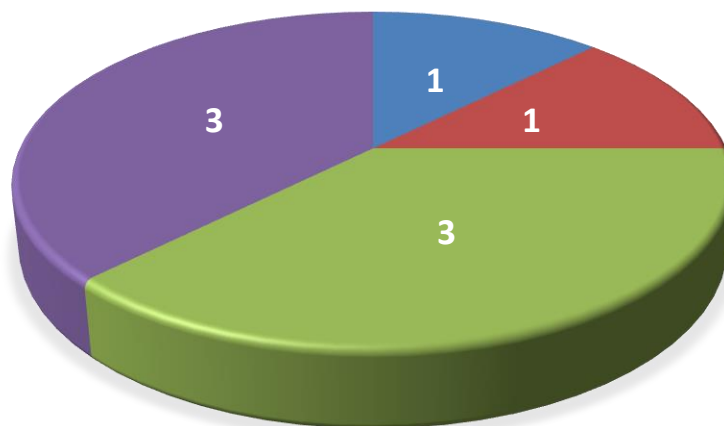
- Planning
- Chief Minister
- Health
- CLS (Social Security)
- CYPES (Education)
- Treasury

### Complaint outcomes 2022 (including those carried forward from 2021)



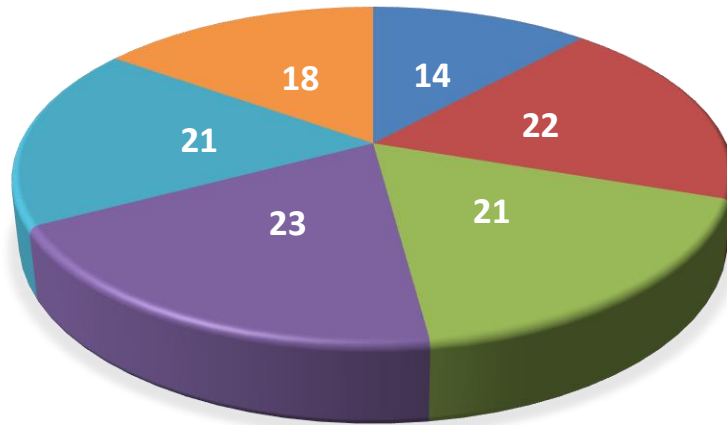
■ Resolved through Complaints Panel involvement ■ Ongoing ■ Case closed ■ Hearing

### HEARINGS



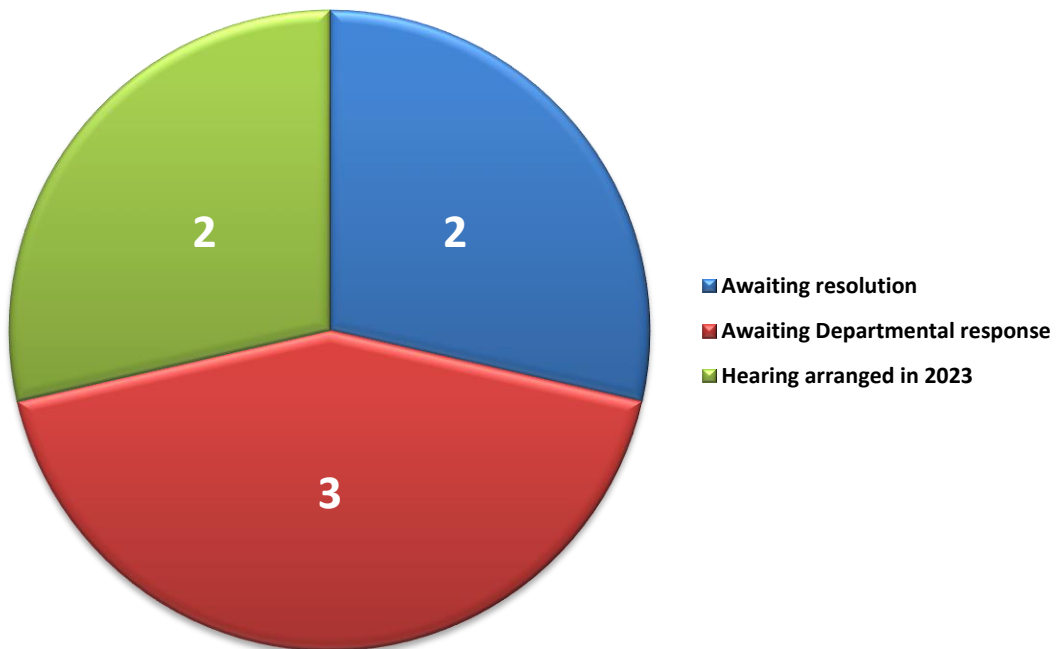
■ 2022 ■ 2021 ■ 2020 ■ 2019

### NEW COMPLAINTS RECEIVED



■ 2022 ■ 2021 ■ 2020 ■ 2019 ■ 2018 ■ 2017

### Ongoing complaints carried into 2023



■ Awaiting resolution  
■ Awaiting Departmental response  
■ Hearing arranged in 2023

# 14 NEW FORMAL COMPLAINTS WERE RECEIVED IN 2022

## **(1) 1386.2.1.9(36)**

**Complaint against the Minister for Health and Social Services regarding the administration of the travel arrangements and support during medical treatment in 2021**

A statement of complaint was received on 25th January 2022.

The complaint concerned the administration of the complainant's treatment plan, travel arrangements and support during medical treatment he had received in 2021. The complainant was due to undergo an operation by a specialist in Germany to remediate major health problems caused by an earlier medical procedure undertaken in the UK years earlier. The complainant was accompanied by a relative to provide support during his recovery. Contrary to the host Hospital's advice, the complainant's accommodation booked by the Department for outpatient treatment was many miles from the Hospital, in a rural location where no transport was available other than expensive private taxis and the costs of meals at the hotel were prohibitive. Due to Covid-19, the host government then put all non-natives on a mandatory quarantine and the operation was cancelled. The complainant and his relative were left in Germany in limbo until the operation could be re arranged, with little financial support and unable to leave the hotel. The operation was eventually rescheduled and, thanks to a neighbour's Go Fund Me initiative, the complainant was able to meet the soaring costs of his recuperation.

A summary was requested from the Department on 26th January 2022.

The Department advised the Greffier of the States on 7th April 2022 that the complainant had received a response directly from them on 23rd February and the complaint had been paused. However, the complainant remained dissatisfied with the response and on 3rd October 2022 revived the complaint, pending the outcome of meetings with officers from Health to ensure that learnings from the case could enhance future service provision.

**Status as at 31.12.2022:  
ON HOLD**

## **(2) 1386.2.1.7(32)**

**Complaint against the Minister for Social Security regarding the advice given in relation to Income Support access during medical treatment in 2021**

A statement of complaint was received on 25th January 2022 as detailed above.

Whilst away in Germany awaiting treatment, the complainant was advised by the Customer and Local Services Department that if a claimant was out of the Island for more than 28 days this could impact upon his Income Support entitlements. This placed additional burden upon him during what was already a very stressful time.

The Department advised the Greffier of the States on 25th April 2022 that they had met with the complainant and had acknowledged that the communication could have been better. The delay of his operation was due to covid restrictions in Germany and having to isolate on arrival and then the surgeon was on leave (both out of his control). The Department accepted that it could have provided the complainant with assurances that his benefits would not be impacted, had he exceeded the 28 days out of the Island and



the issue had been raised at management level to ensure clear understanding of when a Ministerial Decision could be used to make provisions in exceptional cases in the future.

The complainant advised that he was content with this outcome and did not wish to pursue the complaint further.

**Status as at 31.12.2022:  
RESOLVED**

**(3) 1386.2.1.2(349)**

**Complaint against the Minister for the Environment regarding the decision made by the Minister to uphold an appeal against the decision to approve planning application**

A statement of complaint was received on 1st February 2022.

The complaint concerned a decision made by the Minister to uphold an appeal against the decision to approve a planning application. The former property had been used as a military training site during the Occupation and the farmhouse and sheds had been completely destroyed. After the war ended, the complainant's family had moved to South Africa and had made several planning applications to rebuild on the land. The most recent was approved by the Planning Committee in 2015, but was then the subject of an Appeal to a Planning Inspector. In 2021, the Minister determined that the site could not be developed.

A summary was requested from the Department on 7th February 2022 and a response received on 25th February 2022. The papers were sent to the Chair and an independent member of the Panel on 2nd March 2022.

The Chair, having carefully considered the papers submitted, was very sympathetic to the claimant's situation, but was not convinced that the Complaints Panel was the right body to review the case, unless the complainant in some way amended the complaint so that it was not seeking to overturn the Minister's decision to uphold the Third-Party Appeal.

The complainant was advised of the Chair's decision on 15th March 2022 and did not pursue an appeal against the Chair's decision.

**Status as at 31.12.2022:  
CLOSED**

**(4) 1386.2.1.9(37)**

**Complaint against the Minister for Health and Social Services regarding the treatment provided to the complainant's son by the Adult Special Needs Service**

A statement of complaint was received on 22nd March 2022.

The complaint concerned the treatment that the complainant's son had received within the Adult Special Needs Services. The Greffier send an e-mail to the Feedback Team on 27th April 2022 asking them for an update on the case. The Feedback Team advised that no formal complaint had been logged and advised that they would open a formal complaint in order for it to be investigated.

On 24th June 2022, the Greffier was advised by the Feedback Team that a response had been sent to the complainant on 22nd June 2022. The complainant advised they remained dissatisfied, and an update was subsequently requested on 25th July 2022. On 2nd August

the Feedback Team advised that the matter had been progressed to the second stage and they would advise the Greffier as soon as they had any further information.

A further e-mail was sent to the Feedback Team on 3rd November asking for an update and a response was awaited from the Feedback Team.

**Status as at 31.12.2022:**  
**ONGOING**

**(6) 1386.2.1.2(30)**

**Complaint against the Minister for Treasury and Resources regarding the complainant's pension**

A statement of complaint was received on 19th April 2022.

The complainant concerned the amount former public sector employees were able to take as a lump sum payment when they retired and the payment of tax in relation to the remainder through the Public Employees Contributory Pension Scheme.

A summary was requested from the Department on 4th May 2022 and a response received on 6th May 2022. The papers were sent to the Chair and an independent member of the Panel on 11th May 2022. The Chair, having read the submissions of the Complainant and of the Minister, could see no prima facie basis for taking the complaint further. The Greffier advised the complainant of the Chair's decision on 11th July 2022.

On 12th July 2022 the complainant submitted an appeal against the decision of the Chair. The Greffier sent the papers to the Deputy Chairmen for review on 13th July 2022. The complainant advised the Greffier on 13th July 2022 that he wished to withdraw his complaint and undertook to pursue it directly with the Director General of Pensions.

**Status as at 31.12.2022:**  
**CLOSED**

**(7) 1386.2.1.7(33)**

**Complaint against the Minister for Social Security regarding an application for long-term incapacity allowance**

A statement of complaint was received on 29th April 2022.

The complaint related to an application for long-term incapacity allowance which had been subject to inconsistent Departmental responses and delays.

A summary was requested from the Department on 5th May 2022 and a response received on 12th May 2022. The Department contacted the complainant directly and addressed all of the concerns which had been raised. The complainant therefore considered the matter closed.

**Status as at 31.12.2022:**  
**CLOSED**

**(8) 1386.2.1.3(31)**

**Complaint against the Minister for Children and Education regarding an appeal to allocate a place at Les Quennevais School**

A statement of complaint was received on 6th May 2022.

The complaint concerned an appeal to the Education Department regarding a senior school allocation for the complainant's child. A summary was requested from the Department on 11th May 2022 and a response received on 1st June 2022.

The papers were sent to the Chair and an independent member of the Panel on 1st June 2022. The Chair could see no prima facie basis for the complaint and acknowledged that the decision to deny a place at the school appeared to have been in accordance with established policy regarding admissions, and that the policy itself appeared reasonable and fair.

On 5th August 2022, the Greffier of the States wrote to the complainant advising them that that the Chair did not believe that the admission/allocation policy was unfair or had been misapplied. The complainant was offered the option of seeking a further review by the Deputy Chairmen, but did not take up that invitation.

**Status as at 31.12.2022:  
CLOSED**

**(9) 1386.2.1.2(31)**

**Complaint against the Minister for Treasury and Resources regarding the administration of the Co Funding scheme**

A statement of complaint was received on 6th May 2022.

The complaint concerned the administration of the Co-funded Payroll Scheme, established by the Government of Jersey in March 2020, in response to the impact on the economy of the COVID-19 Pandemic and the subsequent calculation of overpayments.

A summary was requested from the Department on 19th May 2022 and a response received on 10th June 2022. The papers were sent to the Chair and an independent member of the Panel on 20th June 2022.

The Chair concluded that the circumstances of the complaint justified review and asked that a Complaints Board Hearing be scheduled.

The Greffier, on 21st November 2022, advised the Minister and the complainant that a date for the Complaints Board Hearing had been set for 6th January 2023.

**Status as at 31.12.2022:  
ONGOING – HEARING IN 2023**

**(10) 1386.2.1.2(350)**

**Complaint against the Minister for the Environment regarding an unannounced visit by a Planning Department Enforcement Officer to the complainant's home address**

A statement of complaint was received on 23rd May 2022.

The complaint concerned an unannounced visit by a Planning Department Enforcement Officer to the complainant's home address.

A summary was requested from the Department on 30th May 2022. On 8th June 2022, the Department contacted the Greffier to advise that they had reviewed the complaint and had been in contact with the complainant directly.

The Greffier sent an e-mail to the complainant on 14th June 2022 asking if the complaint had been resolved to their satisfaction. No response was received.

**Status as at 31.12.2022:**

**CLOSED**

**(11) 1386.2.1.2(351)**

**Complaint against the Minister for the Environment regarding the unapproved development of agricultural land over the past 12 months**

A statement of complaint was received on 21st June 2022. The complaint concerned the redevelopment and use of a glasshouse site which did not appear to have been subject to planning permission

A summary was requested from the Department on 22nd June 2022 and the Department advised that the matter had been discussed with the complainant but not taken forward as a formal complaint. The matter then was considered as part of the Department's internal complaints process but the complainant remained dissatisfied and on 12th October requested that her complaint be revived. A summary response was received on 2nd November 2022 and the papers were then sent to the Chair and an independent member of the Panel on 3rd November 2022.

The Chair was very sympathetic to the complainant's situation but did not consider that the matter should go to a Complaints Board Hearing. There were no specific conditions attaching to the 2007 permit that would restrict the use or development of the glasshouse. There was also no restriction on internal alterations, so the concreting of the internal area of the glasshouse, obscuring of the glass and the creation of internal partitions did not require prior consent. The Chair therefore could not see any prima facie basis to take this complaint further.

The Greffier wrote to the complainant on 15th November 2022 advising of the Chair's decision.

On 12th December 2022, the complainant advised the Greffier that she wished to appeal against the decision of the Chair and details of the case were sent to the two Deputy Chairs to undertake a review.

**Status as at 31.12.2022:**

**ONGOING**

**(12) 1386.2.1.5(29)**

**Complaint against the Chief Minister regarding the illegal suspension of a voluntary organisation (Jersey Lifeboat Association)**

A statement of complaint was received on 7th August 2022 and concerned the suspension of the Jersey Lifeboat Association as a Search and Rescue asset. The initial complaint had been made directly to the Chief Minister in March 2022 but had not been acknowledged.

A summary was requested from the Department on 9th August 2022 and a response received on 26th August 2022, advising that a meeting with the key stakeholders was to be arranged in order to build relationships.

The papers were sent to the Chair and an independent member of the Panel on 31st August 2022. In considering the matter, the Chair requested further information from the Chief Minister, primarily to determine whether the Panel had jurisdiction in this matter. The Greffier sent e-mails to the Chief Minister on 13th September 2022 and 17th October 2022 requesting this information.

As of 31st December 2022, the Greffier was still awaiting a response from the Chief Minister and no reconciliatory meeting had been arranged.

**Status as at 31.12.2022:  
ONGOING**

**(13) 1386.2.1.2(352)**

**Complaint against the Minister for the Environment regarding the Jersey Property Holdings' conduct in the planning application for a 3G pitch at Plat Douet School**

A statement of complaint was received on 3rd October 2022. The complaint related to a planning application to install an artificial playing surface to the east of Plat Douet school site with associated fencing which was approved in October 2020. No objections had been received. In November 2021 the complainant highlighted to the Planning Department that floodlights were being installed and a compliance case was opened. The investigation resulted in a notification to Jersey Property Holdings and a retrospective application was then submitted in December 2021. 15 letters of objection were received and the matter was subsequently determined by the Planning Committee which granted permission in March 2022. The complainant then submitted a Third Party Appeal and the resulting Planning Inspector's Report recommended that the appeal should be dismissed, but amended and additional planning conditions applied. The complainant argued that Environmental Health had failed to respond adequately to his enquiries.

A summary was requested from the Department on 10th October 2022 and a response received on 25th October 2022. The papers were sent to the Chair and an independent member of the Panel on 31st October 2022.

On 21st November 2022, the Greffier of the States advised the complainant that, having carefully considered the papers submitted, the Chair was very sympathetic to his situation but did not consider that the matter should go to a Complaints Board Hearing. There was no doubt that the Minister, the Inspector and the various officers involved had sought to take into account the level of noise which would arise were the application to be granted, hence the conditions attached. The Chair therefore saw no grounds for the complaint to be considered further. The Complainant was advised of the decision and did not take up the opportunity of an appeal via the Deputy Chairmen.

**Status as at 31.12.2022:**  
**CLOSED**

**(14) 1386.2.1.9(39)**

**Complaint against the Minister for Health and Social Services regarding a complaint logged with the hospital on 21st February 2022**

A statement of complaint was received on 24th October 2022.

A summary was requested from the Department on 3rd November 2022. On 17th November 2022, the department advised that following a protracted length of time Stage 1 of the complaint had been responded to and closed on 7th November 2022.

The Greffier advised the complainant on 22nd November 2022 that the Complaints Board would pause the progression of the complaint, until the complainant had exhausted the internal process with Health and Social Services.

**Status as at 31.12.2022:**  
**PAUSED**

**(15) 1386.2.1.23(5)**

**Complaint against the Chief Minister regarding the administration of the complainant's complaint on PFAS poisoning**

A statement of complaint was received on 7th December 2022.

The complainant participated in a blood test study in Autumn 2022, along with other residents of the St. Ouen's Aquifer area contaminated by the discharge of PFAS by the Airport Fire Service in the 1990's and early 2000's. The complainant was told they would receive the results via their GPs before there was a public statement made, but the media received and reported on them first. Before a meeting scheduled with residents in December, the complainant emailed the Chief Minister twice expressing disquiet at the choice of venue, the timing of the meeting and referencing the release of residents' test results. The complainant received no reply to her emails.

A summary was requested from the Department on 12th December 2022 and as at 31st December 2022 a response was awaited from the Chief Minister.

**Status as at 31.12.2022:**  
**ONGOING**

## **7 COMPLAINTS WERE OUTSTANDING FROM 2021 AND CARRIED FORWARD INTO 2022**

### **(1) 1386.2.1.9(17)**

#### **Complaint against the Health and Community Services Department regarding the way in which a complaint was processed**

The Report associated with this case was published in early January 2019 (R.4/2019 refers). In that Report, the Board had made a number of recommendations and asked the Minister for Health and Social Services for a response before the end of March 2019. This was published on 22nd March 2019 (R.4/2019 Res.).

The States Employment Board then engaged Jonathan Cooper OBE to conduct a review and he recommended that the complainant be given an ex-gratia payment by way of compensation for the anxiety and stress she had experienced. He also recommended that she receive an official apology and that efforts be made to re-engage with her and provide a care plan.

Throughout 2020 and then again in 2021 the complainant experienced lengthy delays and deadlines were missed whilst she awaited the three recommendations made within the Cooper Report to be actioned. She and the Deputy Greffier made various attempts throughout the year for responses from both the Minister for Health and Social Services and the Chief Minister. In June 2022, the Chief Minister, having given assurances that this matter would be resolved before the elections, arranged for an ex-gratia payment to be made to the complainant by way of compensation.

**Status as at 31.12.2022:  
CLOSED - RESOLVED**

### **(2) 1386.2.1.9(27)**

#### **Complaint against the Health and Community Services Department regarding standard of care, failure to address concerns and poor communication**

A statement of complaint was originally received on 18th February 2019.

The complaint related to the care that the complainant's late mother had received whilst in a care home. The Department had investigated the complaints and the findings were sent to her in February 2019. Procedurally the next step was the commissioning of an external independent review by Guernsey, and this was progressed during 2019 and the findings of that Review were received by the complainant in October 2019. She remained dissatisfied and subsequently had meetings arranged with the Group Medical Director. She also submitted a complaint about the Feedback Team and the poor communication she had experienced.

During 2020 the complainant was advised that the external review from Guernsey's Committee for Health and Social Care had been completed and she was given a summary of the findings. In February 2020 she met with the Interim Hospital Director and this was followed up in April, but, despite repeated requests, the complainant still was not provided with the actual evidence upon which Guernsey had based its findings. The complainant revived her complaint in 2022 and a summary was requested from the Department on 13th April 2022 and a response received on 29th April 2022.

The papers were sent to the Chair and an independent member of the Panel on 5th May 2022.

The Chair, having carefully considered the papers submitted, agreed that the complaints process has been interminably drawn out, and the level of communication between the department and the complainant had been poor. It had been over 2 years since the findings of the Guernsey Review had been sent to the complainant but there had been little effort to engage with her, despite the fact that a letter of 17th January 2020 had confirmed that the Department would be acting on the recommendations contained in the Review, including making a full apology to her, which had not been actioned. The Chair invited the Department to acknowledge that the complaint had taken an unreasonable amount of time to process, that its communication had been poor throughout and that they should apologise to the complainant for the additional distress that had been caused and which could have been avoided.

The Chief Nurse wrote to the complainant on 16th September 2022, giving a full apology and the Chair determined that no more could be achieved by progressing to a hearing. However, on 10th October 2022 the complainant submitted an appeal against the decision of the Chair and the matter was referred to the Deputy Chairmen for review.

Having carefully considered the complainants case file and the response from the Chair and in light of the letter of apology which was sent to the complainant in September from the Health and Social Services Department, the two Deputy Chairmen agreed with the Chair that nothing more would be achieved by holding a Complaints Board Hearing.

**Status as at 31.12.2022:  
CLOSED**

**(3) 1386.2.1.22(5)**

**Complaint against the Treasury/States Employment Board regarding the administration of transfer valuations and subsequent calculation of pension benefits in respect of a former employee**

The findings of the Complaints Board hearing, which took place on 10th September 2020, were published on 9th December 2020 (R.139/2020 refers).

The complainant had worked for the States for 28 years as a firefighter and had taken a year's sabbatical in South Africa in December 2017 to care for his mother. While in South Africa, he started to plan for early retirement. In February 2018, he had sought pension advice and had subsequently emailed his line manager, the Chief Fire Officer, to obtain a valuation of his pension on his behalf. Advice received in early April 2018 had been that no valuations were being undertaken until 'post 15th or mid-May' as a result of changes being made to the Public Employees Contributory Retirement Scheme ('the Scheme').

Previous changes to the Scheme had always been subject to consultation with members. This did not happen in 2018. The Scheme's Committee of Management had decided to place all requests for valuations received in March 2018 on hold until 1st May 2018, because the Scheme was undergoing a re-evaluation exercise and they did not wish for members to receive 'inaccurate transfer quotations whilst the changes were being implemented'. This process was changed later in 2018 when it was decided to revalue pensions on the basis of the criteria applicable before 1st May 2018, in those cases where the person concerned had requested a valuation before that date. The complainant's request for such a revaluation was rejected. The determining factor had been that the



Department had no record of any phone calls relating to his case made before 29th May 2018 and therefore had assessed him at the post evaluation rate which had resulted in him receiving a pension some 25% lower than it would have been.

In its findings, the Board made a number of recommendations, including that there should be clear guidance provided to Members in future outlining the difference in approach to active and inactive employees in respect of the service delivery, and that there should be clear communication and consultation whenever changes are proposed. It also recommended that the complainant's case should be re-evaluated according to the actuarial principles applicable prior to 1st May 2018.

A response to the Report was presented in 2021 and, following a change to Standing Orders, the Minister concerned was required to make a statement in the States Assembly. In that statement, made on 8th June 2021, the Minister advised that a Working Group of the Committee of Management had been established to review findings. The group, comprising employer and member representatives had concluded that no new or material evidence had been presented which would cause the Committee to alter its original decision.

The Deputy Chair of the Panel, who had chaired the hearing, subsequently wrote to the Minister for Treasury and Resources in August and November of 2021 urging reconsideration of this decision and seeking further information regarding the way in which the 'review' had been undertaken. Consideration was then given to taking the unusual step of reconvening the Board hearing in relation to this matter in 2022. There then followed challenges from the PECRS Committee of Management that the Board had no jurisdiction over the case. Eventually the reconvened Board hearing took place on 9th March 2022.

At that hearing, the Board concluded that the Treasury and the Committee of Management should implement the findings and recommendations and, by whatever means was lawful, should provide the complainant with appropriate financial redress for the manifest injustice to which he had been subjected. The findings were published as R.110/2022 in August 2022.

The newly appointed Minister for Treasury and Resources did not present a formal response to the findings, but had written to the Board on 9th December 2022, indicating that, following the publication of the findings, the PEPF Committee of Management had undertaken a further review involving new members of the Committee, as a consequence of which it maintained the view that it would be a breach of its primary fiduciary duty to the whole membership if it were to pay a further transfer value to the complainant. The Minister had also averred that the matter was at an end.

In a letter, dated 15th December 2022, the Board had written to the Minister for Treasury and Resources, indicating that two Complaints Boards had found that Mr. Newman had been treated unjustly, unlawfully and unfairly by people for whom the Minister was responsible, namely the PEPF Committee of Management. The Minister had been reminded of the provisions of Article 9(6) of Administrative Decisions (Review) Law 1982, which enabled the Board to reconvene if it was of the opinion that a response justified further consideration and had invited him to attend a hearing on 20th January 2023.

**Status as at 31.12.2022:**  
**ONGOING – HEARING IN 2023**

**(4) 1386.2.1.3(30)**

## **Complaint against the Minister for Children and Education regarding the services provided by the Children's Service**

A statement of complaint was received on 29th September 2021.

The complaint concerned the provision of support services to the parent of an adopted child by the Children's Service.

A summary was requested from the Department on 4th October 2021 and a response received on 22nd October 2021. The papers were sent to the Chair and an independent member of the Panel. The Chair advised that he was conflicted, so the papers were passed to the Deputy Chair for review.

Following review of the papers, the Deputy Chair requested more information from the Department, which responded to this request on 10th December 2021.

Having studied the report submitted by the complainant and the Departmental correspondence, the Deputy Chair of the States of Jersey Complaints Panel concluded that the circumstances of the complaint did justify a review and a Hearing was arranged for 22nd March 2022. However the Department advised that an independent investigation was to be undertaken and as a consequence the Board Hearing was adjourned, pending the outcome of that process.

**Status as at 31.12.2022:  
ONGOING**

### **(5) 1386.2.1.2(347)**

## **Complaint against the Minister for the Environment regarding the process of the public consultation underpinning the formulation of the Island Bridging Plan**

A statement of complaint was received on 4th November 2021.

The complaint concerned the process of the public consultation which had underpinned the formulation of the Island Bridging Plan strategy.

A summary was requested from the Department on 25th November 2021 and a response received on 13th December 2021.

The Department advised that the complainant had not raised the complaint directly with them and therefore no internal complaints process had been either initiated or concluded. The complainant had been advised that the complaint would therefore be paused.

On 14th December 2021, the Department wrote to the complainant directly. The complainant acknowledged the comprehensive response to their complaint by the Department and accepted the explanation.

**Status as at 31.12.2022:  
CLOSED -RESOLVED**

**(6) 1386.2.1.2(25)**

**Complaint against the Minister for Social Security regarding the way in which a Social Security classification was administered**

A statement of complaint was received on 12th December 2021.

The complaint concerned the complainant's request to the Social Security Department to review their employment status.

A summary was requested from the Department on 21st December 2021.

On 4th January 2022, the complainant advised the Greffier of the States that they wished to withdraw their complaint on the basis that they had received a satisfactory apology from the Department.

**Status as at 31.12.2022:  
CLOSED - RESOLVED**

**(7) 1386.2.1.2(348)**

**Complaint against the Minister for the Environment regarding the administration of the Planning application for the installation of Padel Tennis Courts at St. Clements Golf and Sports Centre directly adjacent to residents' properties**

A statement of complaint was received on 23rd December 2021.

The complaint concerned the erection of floodlit, canopied Padel Tennis courts directly adjacent to the complainant's property at St. Clement; the way in which the application was progressed and the fact that the complainant had been timed out of requesting a judicial review.

A summary was requested from the Department on 24th December 2021 and a response received on 21st January 2022. The papers were sent to the Chair and an independent member of the Panel on 26th January 2022.

On 13th April 2022 the Greffier of the States wrote to the complainant advising them that, having carefully considered the papers submitted, and reviewed the explanation provided by the Minister concerning what appeared to be confusing relevant dates, the Chair was satisfied that the notice of appeal was submitted too late to comply with the Law and therefore the Planning decision must stand. The Complaints Panel did not have any jurisdiction over the Tribunal Service.

**Status as at 31.12.2022:  
CLOSED**

# **8 INFORMAL ENQUIRIES WERE LOGGED DURING 2022**

## **2 x Health and Community Services**

- Complaint regarding the backlog of inquests
- Conduct of officers

## **1 x Children's Service**

- Complaint regarding data breach

## **2 x Children, Young People, Education and Skills**

- Help domestic violence victims
- Unsupervised in-school bullying incident

## **1 x Infrastructure, Housing and Environment**

- Planning application at Plat Douet School

## **1 x Judicial Greffier**

- Delay in receiving documentation

## **1 x Justice and Home Affairs**

- Complaint regarding customs and immigration officers and police officers