
STATES OF JERSEY



STATES OF JERSEY COMPLAINTS PANEL REPORT 2024

**Presented to the States on 21st May 2025
by the Privileges and Procedures Committee**

STATES GREFFE

STATES OF JERSEY COMPLAINTS PANEL

REPORT FOR 2024

Re-issue Note

This report has been re-issued to amend the wording of Complaint (7) 1386.2.1.23 (6) on page 28 of the report

FOREWORD BY THE CHAIR OF THE PRIVILEGES AND PROCEDURES COMMITTEE

The Privileges and Procedures Committee is delighted to present the 2024 Annual Report of the Complaints Panel.

The members of the Panel in 2024 were –

Mr. Geoffrey Crill (Chair)
Mr. Chris Beirne (Deputy Chair)(retired September 2024)
Mr. Stuart Catchpole, K.C. (Deputy Chair)
Mrs. Christine Blackwood
Ms. Penny Chapman
Ms. Tina Chatterley
Ms. Sue Cuming
Mr. Gavin Fraser
Mr. Andrew Hunter
Ms. Kerry Leadbetter
Mr. John Moulin (retired September 2024)
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 the work they have undertaken during 2024.

Throughout 2024 the Complaints Panel remained committed to investigating Islanders' complaints and improving service provision across the public sector. In addition to dealing with 19 new cases, 6 ongoing from 2023 and 19 general enquiries, 2024 was the year in which the Panel regrouped and reviewed its processes and procedures, to be better placed to provide an independent and unbiased complaints process for those who feel they have not been treated fairly when accessing public services.

When it became clear that the implementation of a Public Sector Ombudsman was unlikely before the next elections, the Panel established a working party to reflect on where improvements could be made to its existing service provision. A revised set of guidelines and leaflets have been produced, translated into Polish and Portuguese and the Panel has created a more distinct presence on the new States Assembly website. Funding was secured for a Caseworker who has a dedicated phoneline for enquiries and is able to help the public summarise their complaints.

Towards the end of 2024, the Panel was submitted for revalidation as a Complaint Handler Member of the Ombudsman Association (OA). This process involved providing detailed explanations of the Panel's working practices to ensure they continue to meet and promote the OA's specified guidelines and best practices and service standards framework. I am delighted that they were revalidated and continue to serve Islanders by reviewing complaints and providing feedback to improve services across the public service.

Connétable Karen Shenton Stone
Chair of the Privileges and Procedures Committee

STATES OF JERSEY COMPLAINTS PANEL REPORT FOR 2024

Foreword by Mr. Geoffrey Crill, Chair of the States Complaints Panel

2024 was a busy year for the Panel, both in terms of its caseload and also administratively.

As you will see from the Report, over 50 complaints from the public were dealt with in one way or another, be that by telephone discussion, determination of jurisdiction, informal resolution, or Hearing. During the year, we have seen a general improvement in the internal handling of customer complaints within States departments which has in many cases enabled us to refer complaints back to the departmental process for resolution. Nevertheless, there remain inconsistencies in departmental complaints handling and so we remain hopeful that the improvements seen to date will continue.

The Law which governs us permits anyone to make a complaint at any time, and we therefore have jurisdiction even when a complaint is going through the internal departmental process. In such a case, we shall generally hold over consideration of the complaint until the departmental process is concluded, unless circumstances (e.g. urgency of resolution) or a perceived failure or shortcoming of the departmental process warrant our intervention. It is hoped that this degree of oversight provides reassurance to the complainant and incentive to States departments to deal with complaints in a timely and appropriate manner.

On the admin front, the hiatus in the ongoing recruitment of replacement and additional Panel members caused by the proposed timetable for the appointment of a States Ombudsman ended with the decision by the Chief Minister to review that decision. As a consequence, the advertising for new Members produced an overwhelming response of some 27 applicants, from whom we were able to appoint 10 new Members, bringing with them enormous expertise and life experience which can only strengthen and enhance the Panel. We welcome them and thank them for their commitment to public service.

I would also like to welcome Andy Hunter as a Vice-Chair, who replaces Chris Beirne, whose term had expired. I would like to express my sincere thanks to Chris for his immense contribution to the Panel, his calm, conciliatory approach to all matters and his valuable counsel. Whilst the appointment of the new Members and the Vice-Chair took effect from January 2025, I think it is appropriate for me to take this first public opportunity to highlight their appointment.

In addition to giving the opportunity to recruit new Panel members, the deferment of the extinction of the Complaints Panel - and, most importantly, the availability of additional limited funding - has created the opportunity to consider and implement improvements to the quality of the service that the Panel is able to provide. I am grateful to Andy Hunter and to Sue Cuming for agreeing to serve on a working party to consider ways in which we can improve our service to the public and also increase Members' involvement. As a result, we now have a direct email address for complaints, a dedicated phone number and new explanatory leaflets being rolled out in 2025.

The involvement of two Members in the initial consideration of complaints by the Chair will give Members more frequent involvement in the work of the Panel and provide experience to new Members before they are called upon formally to determine complaints. While the initial decision on whether a complaint warrants further investigation

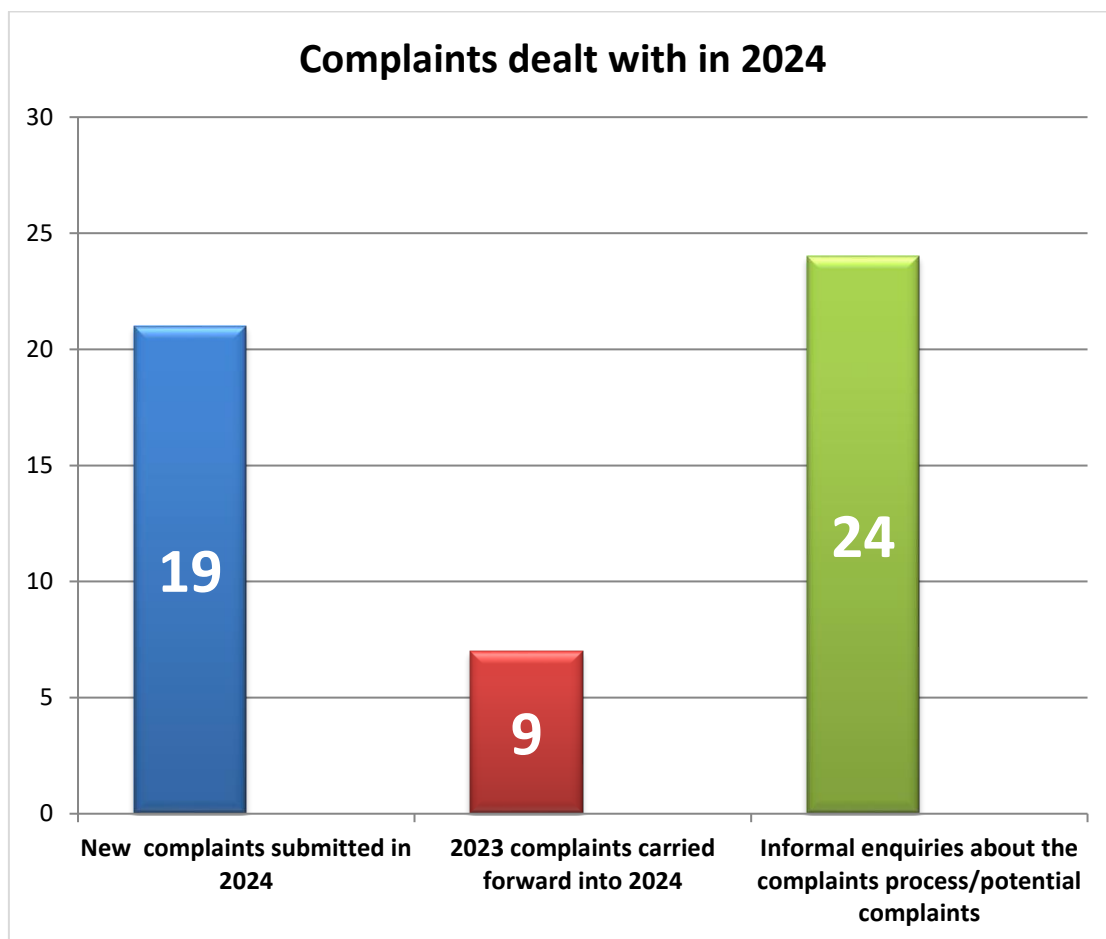
remains with the Chair alone, the deliberations and observations of the additional Members should assist in maintaining consistency and transparency.

The additional funding that I referred to earlier has enabled us to secure the deployment from the Greffe of a dedicated Caseworker who has been able to take much of the time-consuming work from the Greffier. Casey is at the end of our direct phone line, she assists complainants in the submission of their complaints and helping them understand the whole process of complaints handling. She helps to summarise their complaints and compile submissions, as well as putting together bundles with departmental responses for the Panel's consideration. She has also created a diary/flowchart to monitor the progress of complaints, to follow up on Boards' findings and recommendations and generally keeps on top of the Panel's work. We are already seeing the benefits of her contribution, both in terms of the accessibility to the complaints process for the public, and also in the day to day management of the Panel's affairs. She was, for example, critical in securing the Panel's renewal of its accreditation with the Ombudsman Association, which will be essential in supporting our claim to be a real alternative to the proposed States Ombudsman.

At the time of writing, Deputy Scott is conducting a review of public complaints handling, which is due to be completed in the Summer for consideration by the Chief Minister. We have cooperated fully with that review process and await its conclusion. Whatever the outcome, whether it be a resurgence of a push for a States Ombudsman, some wider complaints body or the retention of the Panel, I repeat the view that I have consistently made over the years that the one factor that will make an independent complaints process worthwhile is a fundamental acknowledgement by Government that it will - subject to reasonable provisos - be bound by the outcomes of that process and will give proper consideration to its recommendations. Only by that acknowledgement will the public have faith in the complaints system, and, ultimately, in Government itself.

Geoffrey Crill
Chair, States of Jersey Complaints Panel

2024 IN SUMMARY

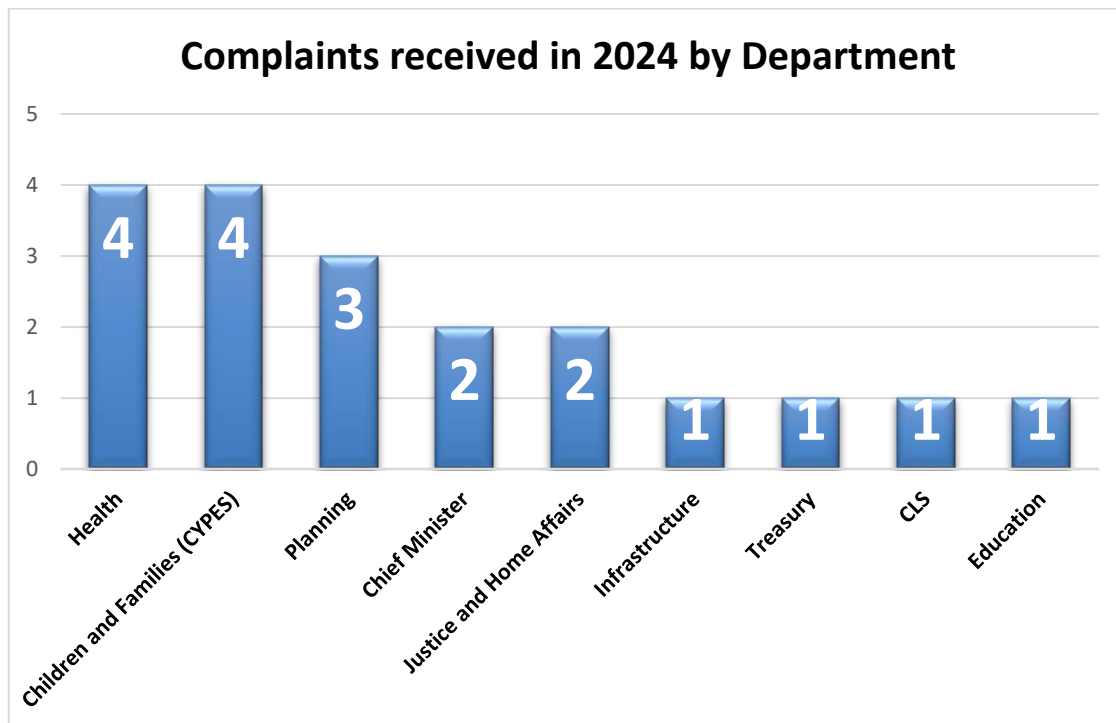


A new complaint is one where the person has made a formal submission.

The Panel received 19 new complaints in 2024 in addition to the 9 cases which were carried forward from 2023.

There were also 24 individuals who contacted the Panel for advice and guidance about their complaints. Often at that stage it is clear it is a matter which falls outside of the Panel's remit. In such cases, we will make every effort to signpost which Body is better placed to deal with the complaint and provide contact details for the complainant.

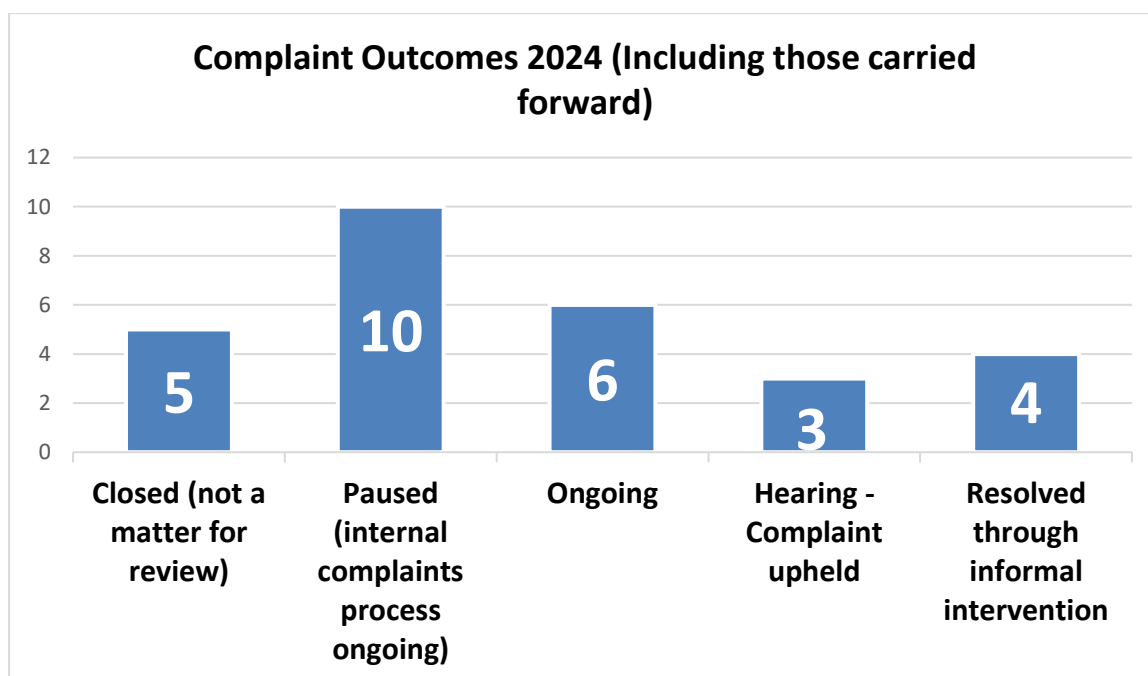
From September 2024, a dedicated Caseworker was employed to deal with enquiries and assist complainants with their submissions.



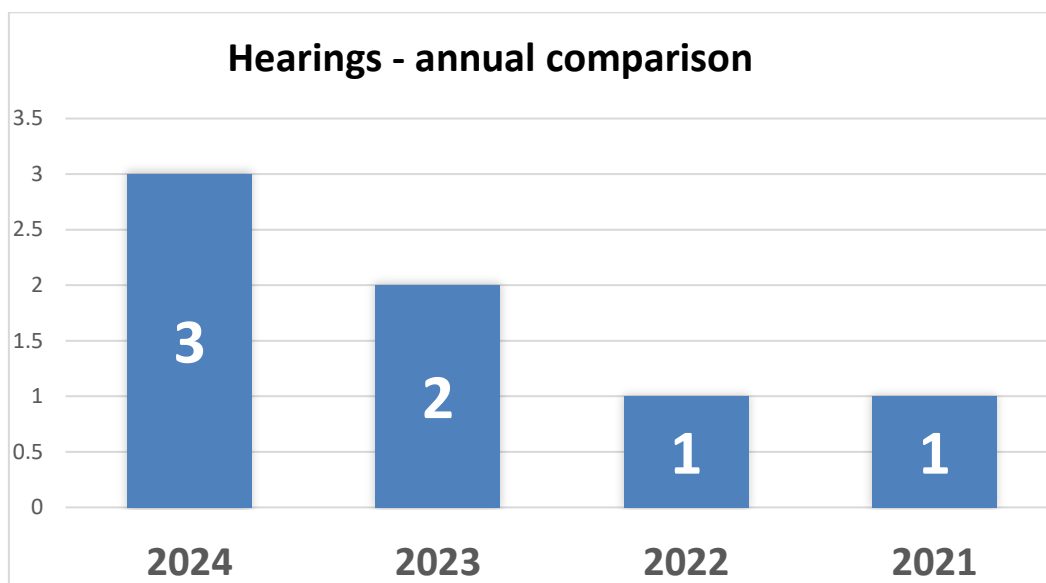
The subject matters of the complaints received in 2024 were varied and many related to specific incidents where the complainants considered that the service they received had not been adequate or that there had been gaps in that service provision. Details of the individual cases are provided later in this Report.

In every case, details of the complaint were sent to the Department and Minister concerned and a request was made for a summary within 3 weeks, outlining their perspective. The documents were then forwarded to the Chair of the Panel in the first instance, along with two other Members of the Panel, to determine whether the matter justified further review or intervention. Although each case was considered in this way, the final decision remained solely with the Chair.

Where the Chair determined that the case did not fall within the Panel's jurisdiction or did not warrant further investigation, the complaint was offered the opportunity to seek a review by the 2 Deputy Chairmen. Although in 2024 they concurred with the Chair's opinion in all the cases referred to them, there have been instances where this has not been the case and the matter has then been the subject to a Hearing. The Panel considers that this process provides the complainant with an appeal route and ensures that the system is fair and objective.



Some complainants become frustrated with delays in the internal Customer Feedback system and choose to contact with the Panel before their complaint has been reviewed at every part of the Government's 3 stage internal complaints process. In most instances the complaint will be logged by the Panel and then paused until the third stage has concluded, at which point, if the complainant remains dissatisfied, they are able to revive their Panel complaint. However, there are some occasions where the Panel intervenes earlier, perhaps because the matter is time critical or there have been long delays in bringing the third Stage to a conclusion. Each case is dealt with on its own merit.



There were 3 Hearings during 2024 and the complaints were all upheld. A Hearing is where a case is considered by a Board made up of the Chair (or a Deputy Chair) and two other Panel members.

A Hearing is usually held in public within the States Building, but complainants can ask for it to be in private. The Report arising from the Hearing can also be anonymised.

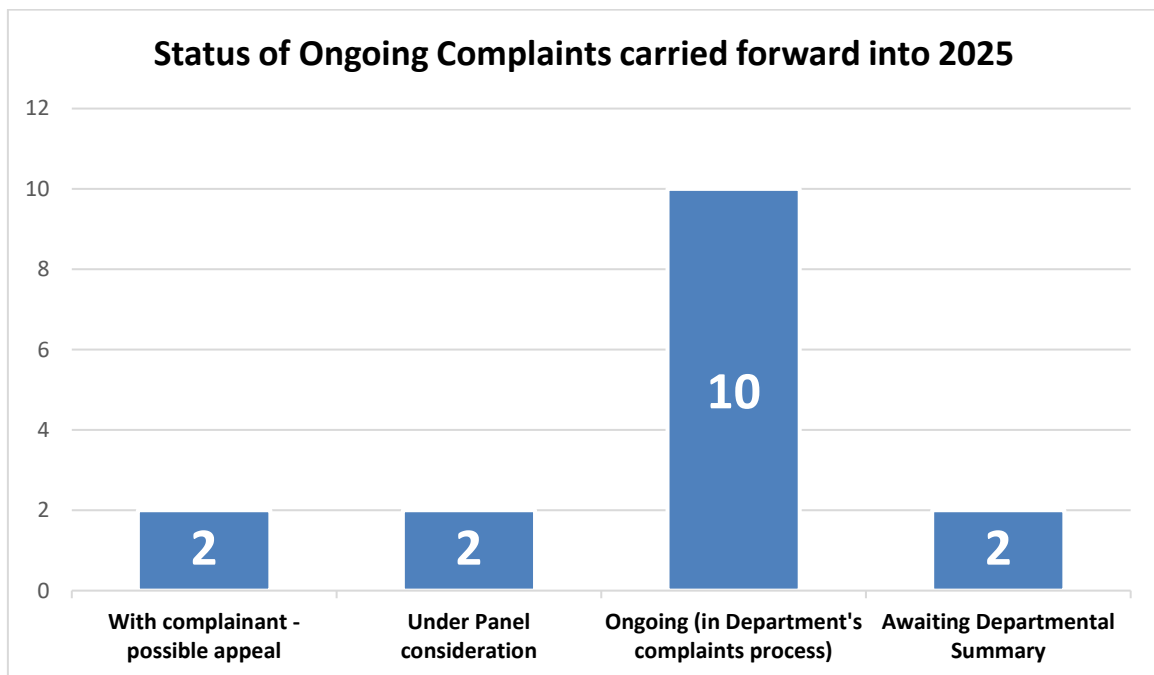
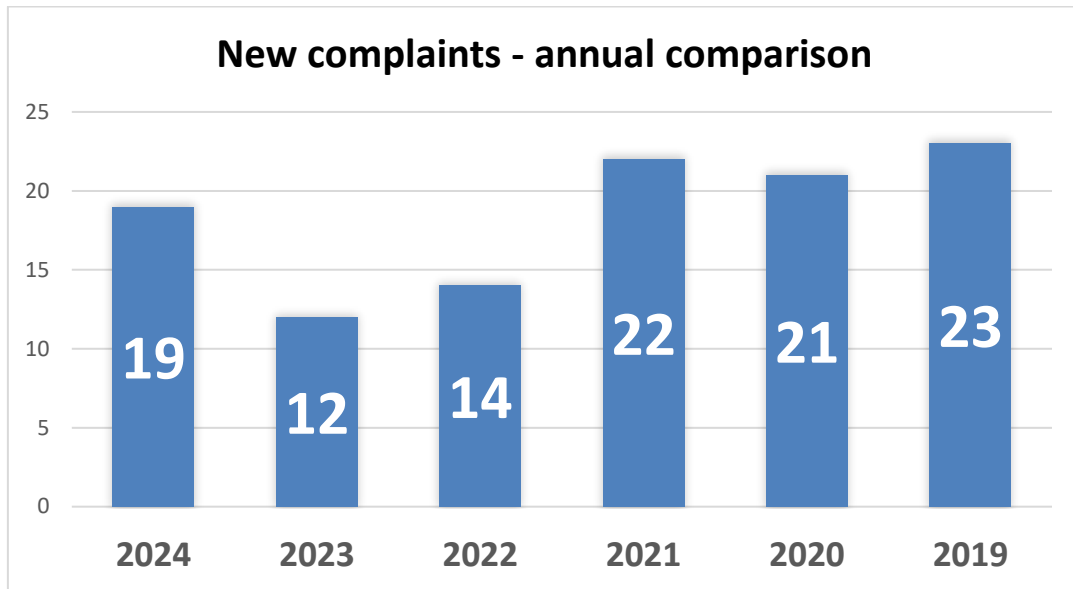
The complainant may invite others to attend the Hearing to support them or speak on their behalf. At the Hearing both parties are able to outline the details of the complaint and ask questions of each side. Members of the Board will also ask any questions they may have arising from what has been submitted or said. When the Hearing closes, the Board will consider its findings in private and then will produce a report giving an overview of the facts and allegations relating to the complaint and this will be sent to all the parties for fact checking.

The final report, complete with findings and any recommendations will then be made public and presented to the States Assembly. Both parties are sent an advance copy. The relevant Minister is then required to respond to the report in the States within a stipulated period and make a statement in the Chamber and respond to any questions Members might have. If the Board is not satisfied that the Minister or Department has properly considered or implemented the findings, it may reconvene and publish an additional report.

Complaint against the Chief Minister regarding the illegal suspension of a voluntary organisation (Jersey Lifeboat Association) R.110/2024		
Recommendations	Key themes	Complaint upheld under Administrative Decisions (Review) Jersey Law 1982
<p>Amend PSO Agreement to identify the circumstances in which the Harbourmaster should communicate with the Minister in relation to the provisions of Part II of the Shipping (Jersey) Law 2002.</p> <p>Submission of regular reports on the Coastguard activities to the Minister</p> <p>Review route for complaints and appeals against the Harbourmaster/Coastguard to provide appropriate oversight.</p>	<p>Improve communication</p> <p>Implement a structured reporting process</p> <p>Review effectiveness of complaints/ appeals process</p>	<p>The decision of the Harbourmaster to commission the Marico Marine report was without appropriate statutory or delegated authority and was therefore contrary to law (Article 9 (2) (a))</p> <p>The suspension of the Declared Facility Status of JLA was unjust, oppressive or improperly discriminatory (Article 9(2)(b))</p> <p>Given that the suspension was based largely on a report commissioned without lawful authority, the Board also found that the suspension was based wholly or partly on a mistake of Law (Article 9(2)(c)), namely that the Harbour Authority had the power to investigate the accident rather than the Minister.</p>

Complaint against the Minister for Health and Social Services from Ms. X regarding the administration process on Stages 2 and 3 of her complaint by the Patient Experience Team. R.39/2024		
Recommendations	Key themes	Complaint upheld under Administrative Decisions (Review) Jersey Law 1982
<p>Review nature and relevance of all communications.</p> <p>Provide a dedicated liaison officer for patients who make complaints to ensure ongoing and clear communications in respect of their complaint and ongoing care.</p>	<p>Improve communication (tone and frequency)</p> <p>Provide support for patients who complain</p>	<p>Failure on the part of the Department to follow its own procedure contrary to the generally accepted principles of natural justice (Article 9(2)(e))</p> <p>Complaint had a material effect on clinical care which was unjust, oppressive or improperly discriminatory (Article 9(2)(b))</p>

Complaint against the Minister for the Environment regarding approval of P/2023/0229 R-143-2024		
Recommendations	Key themes	Complaint upheld under Administrative Decisions (Review) Jersey Law 1982
<p>Review legislative position to address an omission</p> <p>Redefine moveable structures</p> <p>Review the monitoring of compliance/conditions and take enforcement action</p> <p>Publicise procedural changes</p> <p>Produce and publicise updated guidance</p>	<p>Improve communication (of changes and updates to policy and guidance)</p> <p>Address lack of monitoring of compliance</p>	<p>Weakness in Planning legislation identified and omission of right of appeal in respect of moveable structures considered unjust, oppressive or improperly discriminatory (Article 9(2)(b)); based wholly or partly on a mistake of Law (Article 9(2)(c)); could not have been made by a reasonable body of persons after proper consideration or all the facts (Article 9(2)(d)) and was contrary to the generally accepted principles of natural justice (Article 9(2)(e)).</p>



SECTION 1 – 2024 COMPLAINTS

19 NEW COMPLAINTS WERE SUBMITTED IN 2024

(1) 1386.2.1.2 (354)

Complaint against the Minister for the Environment regarding a decision to refuse an appeal against a planning decision

A statement of complaint was received on 15th January 2024.

The complaint related to the refusal of an appeal against a planning decision made by planning officers. The appeal related to an extension which did not comply with the planning permit which the applicant had been asked to resolve. Having received no further update from the Department, the complainant had made contact with planning officers and been advised that the neighbour had appealed the decision, and officers had allowed the appeal. The complainant argued that they had not been allowed to raise evidence in relation to this appeal and asked that the Complaints Panel investigate this matter.

A summary was received from the Department on 11th May 2024 and sent alongside the complainant's submission to the Chair and an independent member of the Panel.

Having considered the matter the Chair determined that a Hearing would not be justified. Whilst he had empathised with the position, he considered that the Department had exercised discretion on enforcement.

Following this, the complainant asked for the matter to be reviewed by the Deputy Chairs, in accordance with the appeals process.

On 20th May 2024, the complainant was informed that the Deputy Chairs had reviewed the case and agreed with the Chair's opinion that a Hearing was not considered appropriate.

Status as at 31.12.2024:

CLOSED – NOT A MATTER FOR REVIEW.

(2) 1386.2.3 (34)

Complaint against the Minister for Children and Families by Mr. X regarding the administrative failings he had endured as a consequence of a failure by representatives of CYPES to provide him with the outcome of an investigation report

A statement of complaint was received on 23rd January 2024.

The complaint related to alleged administrative failings involving CYPES not providing the complainant with an outcome of an investigative report.

A summary was received from the Minister for Children and Families, which detailed that steps had been taken to deal with the complaint internally and the report had been made available to the complainant on 30th January 2024. An apology from the Department was also extended to the complainant in relation to the delay.

As the matter had been resolved informally and the complainant provided no response, the case was closed.

Status as at 31.12.2024:
CLOSED – RESOLVED INFORMALLY

(3) 1386.2.1.9 (44)

Complaint against the Minister for Health and Social Services from Mr. X regarding the treatment that his wife had received in hospital over the last 3 years

A statement of complaint was received on 15th February 2024.

The complaint related to the treatment of an individual by the hospital.

A summary was received by the Department on 23rd February 2024, which outlined that the complainant had raised the complaint outside of usual procedures and communication had been lost as a result. It was noted that an initial complaint had been raised via the appropriate feedback portal in September 2022, however this had been deemed resolved at Stage 1 and closed in November 2022. Further complaints had been noted via website platforms and in-person correspondence with previous Health Ministers, which had been acknowledged by the team, but they asserted that they had not received a response from the complainant to progress these.

The Department confirmed that the complainant had not officially been through the feedback process since his case was closed in November 2022 and encouraged him to log the complaint formally to ensure it was dealt with appropriately.

The Greffier of the States wrote to the complainant on 15th February 2024 advising him of this, having requested that the Department expedite matters once the formal complaint had been logged. As such, the case was paused on 23rd February 2024, although the complainant was advised that, should the matter not be resolved satisfactorily, he should make contact with the Panel again.

Status as at 31.12.2024:
PAUSED – DEPARTMENTAL COMPLAINTS PROCESS ONGOING

(4) 1386.2.1.3 (35)

Complaint against the Minister for Children and Families by Mr. X, regarding failures to provide adequate Special Needs support for a child and address complaints made against certain members of staff

A statement of complaint was received on 31st January 2024.

The complaint related to failures to provide adequate Special Needs support for a child and to address complaints made against certain members of staff.

A summary was received from the Minister for Children and Families on 15th March 2024 that indicated that steps had been taken to deal with the complaint internally.

As such, an external independent investigator had been commissioned to record the complaint and was awaiting a response from the complainant to confirm that his record was an accurate representation of events.

As the process was still at Stage 3 of the Government of Jersey complaints policy, the complaint was paused, however the complainant was advised that he could contact the Panel again should he be dissatisfied with the outcome of the internal process.

Status as at 31.12.2024:

PAUSED – DEPARTMENTAL COMPLAINTS PROCESS ONGOING

(5) 1386.2.1.9(39)

Complaint against the Minister for Health and Social Services from Ms. X regarding her complaint logged with the hospital on 21st February 2022

A statement of complaint was received on 7th February 2024. It was noted that this related to a matter raised with the Panel in 2022, which had been paused pending the completion of the Departmental complaints process. Due to the complainant not receiving any significant progression in the case, she had requested that the complaint be revived.

The complaint related to the lack of resolution regarding a complaint logged in February 2022.

A summary was received from the Department on 5th March 2024, which detailed that the complaint had been closed in November 2022 at Stage 1, when the complainant had made a claim of medical negligence against the Minister for Health and Social Services. It was noted that the Legal Services Manager for Health was due to write to the complainant to update her on the status of the claim.

Upon further consideration, the Department acknowledged that there had been communication issues in relation to the complaint and subsequently offered to reopen the case at Stage 2. To do so, the Department required further information from the complainant.

On 29th May 2024, the complainant advised that she had not yet received an update from the Department. Having been pressed by the Greffier to respond, the Department contacted the complainant on 6th June 2024 confirming that the claim was being investigated by legal representatives.

Status as at 31.12.2024:

PAUSED – DEPARTMENTAL COMPLAINTS PROCESS ONGOING

(6) 1386.2.1.3 (36)

Complaint against the Minister for Education and Lifelong Learning by Mr. X, regarding the treatment of a child and failing to support the child's disabilities.

A statement of complaint was received on 31st January 2024.

It is noted that this complaint was made alongside case number (4) 1386.2.1.3 (35) and was split into two parts; the first being for the Minister for Children and Families regarding social care, and this case being in relation to education and therefore directed to the Minister for Education and Lifelong Learning.

A summary was received from the Minister on 15th March 2024, outlining that the complaint had not previously been investigated due to external factors. Following further review in March 2024 the Department concluded that the matter should now be investigated and the complainant was subsequently advised that an independent investigator would be in contact. As such, the complaint was now considered to be at Stage 3 of the internal process.

On 18th March 2024, the complainant was advised that the complaint had been paused, but that he could contact the Panel again should he be dissatisfied with the outcome of the internal process

Status as at 31.12.2024:

PAUSED – DEPARTMENTAL COMPLAINTS PROCESS ONGOING

(7) 1386.2.1.9 (45)

Complaint against the Minister for Health and Social Services from Mr. X regarding failure to provide an adequate care package and ongoing support following a spinal injury

A statement of complaint was received on 4th March 2024.

The complaint related to alleged failures by the Department to provide adequate care to a patient following a spinal injury.

A summary was received on 25th March 2024, which acknowledged that work was required on the Spinal Cord Injury pathway. Whilst this had commenced following the complainant's feedback in 2019, it had halted during the COVID-19 pandemic in 2020. Further evidence of meetings with the complainant and personal care plans were shared with the Panel. In conclusion, the Department asked to meet with the complainant to discuss further care plans.

The submissions were sent to the Chair of the Panel and an independent member for consideration and it was determined that a Hearing would not be justified. Whilst the Chair did not find that there had been a failure to follow policy, it was noted that there had been progress, following the States Complaints Panel's involvement, in developing an ongoing care plan for the complainant.

Status as at 31.12.2024:

CLOSED – RESOLVED INFORMALLY BY THE PANEL

(8) 13862.1.7 (36)

Complaint against the Minister for Social Security regarding access to benefits

A statement of complaint was received on 4th March 2024, relating to case number (7) 1386.2.1.9 (45) regarding access to benefits and support following injuries.

A summary was received by the Department on 27th March 2024 detailing the case, which noted that there had been a comprehensive review of the complainant's benefit entitlement and that there were additional allowances for which the complainant would be eligible to apply.

The case was sent to the Chair and an independent member of the Panel on 11th April 2024, and it was determined that a Hearing would not be justified.

It was noted that the Chair could not find any basis for pursuing the complaint on the grounds of a breach in law, failure to follow policy or discrimination and unfairness. The Chair also could not find that there had been a failure to follow policy, and it was noted that there had been progress from the Department following the States Complaints Panel's investigations.

The complainant was advised of this outcome on 16th April 2024 and did not seek to appeal the decision.

Status as at 31.12.2024:

CLOSED – RESOLVED INFORMALLY BY THE PANEL

(9) 1386.2.1.3 (37)

Complaint against the Minister for Education and Lifelong Learning by Ms. X regarding the outcome of an appeal to her son being denied a place at a specified secondary school

A statement of complaint was received on 21st May 2024.

The complaint related to the outcome of an appeal after the complainant's child was denied a place at a selected secondary school.

A summary was received by the Department on 11th June 2024 which outlined the steps taken to resolve this matter internally.

The case was then sent to the Chair and an independent member for review. It was determined on 14th June 2024 that, whilst the Department had followed the correct procedures, the address attached to the child in question had been uploaded in error and therefore the Chair asked for a swift informal resolution to this matter, rather than a Hearing.

On 21st June 2024 it was confirmed that the matter had been informally resolved and the child had been offered the requested place.

The complainant wrote to the Greffier of the States to express thanks to the Panel noting:

"I just wanted to say I can't thank you enough for all your help with the appeal / complaint. It has been such a relief to us that they finally could offer [my child] the place he deserved"

Status as at 31.12.2024

CLOSED – RESOLVED INFORMALLY BY THE PANEL

(10) 1386.2.1.2 (355)

Complaint against the Minister for the Environment regarding a failure to supply Minutes of the Planning Committee

A statement of complaint was received on 25th June 2024.

The complaint related to attempts to obtain a copy of the Minutes of the Planning Committee.

Further complaints were received from the complainant regarding administration failures by the Department. These were all considered, and a submission was requested.

The Department's submission, along with the complainant's evidence, was sent to the Chair of the Panel and an independent member, and it was determined that there was no justification for a Hearing.

This decision was appealed by the complainant and reviewed by the 2 Deputy Chairs. They determined that the matter could be resolved informally and suggested that a meeting be established between the parties with a member of the Panel present to mediate. This was communicated to the complainant, but there was no response to the offer of a meeting.

Status as at 31.12.2024

CLOSED – INFORMAL RESOLUTION OFFERED: NO RESPONSE FROM COMPLAINANT

(11) 1386.2.1.9 (46)

Complaint against the Minister for Health and Social Services from Ms. X regarding the outcome of surgery performed in September 2018.

A statement of complaint was received on 3rd July 2024 regarding a complaint relating to the care of a patient and alleged errors during a surgical procedure in September 2018.

A summary was received from the Department that outlined that the complaint was still at Stage 3 of the internal complaints procedure. The Greffier of the States requested that the complainant pursue the complaint internally before seeking recourse to the Panel. The complainant agreed to this measure, sought independent legal advice, and requested that the complaint be paused in the meantime.

On 26th August 2024, the complainant contacted the Panel again, asking to progress the complaint, as there had been no resolution. Due to the long-standing nature of the complaint within the internal system, the Department was requested to provide its submission for review by the Panel on 25th October 2024.

As at 31st December 2024 the summary of the complaint from the Department had not yet been finalised. It was noted that further responses from the Department to the complainant had been received, however the complainant still wished to progress her complaint with the Panel.

Status as at 31.12.2024:

ONGOING – AWAITING DEPARTMENTAL SUMMARY FOR PRESENTATION TO THE PANEL

(12) 1386.2.1.17(10)

Complaint against the Minister for Justice and Home Affairs from Mr. X regarding the lack of policies or procedures to complain about a States of Jersey Police Chief Officer or Deputy Chief Officer of Police

A statement of complaint was received on 30th July 2024.

The complaint related to the handling of his resignation as a States of Jersey Police Officer and the lack of complaints procedures which were available in relation to the process followed.

A summary from the Minister for Justice and Home Affairs was received on 15th August 2024, which outlined the procedure for complaints.

On 22nd August 2024, the Chair, noting that the complainant had left his position several years earlier, determined that this matter did not fall within the remit of the Panel due to the length of time since the incident. The Complainant was offered the opportunity to appeal this decision but did not make this request.

Status as at 31.12.2024:
CLOSED – NOT A MATTER FOR REVIEW.

(13) 1386.2.1.2 (35)

Complaint against the Minister for Treasury and Resources regarding the alleged mismanagement of a States of Jersey capital project and subsequent failure to address a claim for a special payment

A statement of complaint was received on 7th May 2024.

The complaint related to an alleged historic failing of a Government Department to fairly oversee a capital project. The complainant wished to have access to the paperwork provided as part of the initial Departmental submission and discussions in relation to this delayed the commencement of the complaints process.

A summary from the Minister was received on 17th September 2024, with an agreement from the Minister that this could be shared with the complainant.

All documents were forwarded to the Chair and an independent member of the Panel. The Chair determined that there was no basis for pursuing the complaint under the remit of the Panel. This was conveyed to the complainant and he was offered the option of a review of the Chair's decision by the Deputy Chairs.

Status as at 31.12.2024:
ONGOING – AWAITING REQUEST FROM COMPLAINANT FOR A REVIEW

(14) 1386.2.1.8 (16)

Complaint against the Chief Minister (Chair of the States Employment Board) regarding failings in the administrative process followed when the case was considered by the Resolution Panel

A statement of complaint was received on 14th June 2024.

The complaint related to failings in administrative processes followed when the Resolution Panel considered the complainant's case.

A summary from the Department was received on 11th September 2024 which outlined the complaint and suggested alternative routes for resolution of the claim.

The Chair of the Panel reviewed the case and determined that, as this was an employment matter, not a matter of public administration, it did not fall within the remit of the Complaints Panel and therefore he did not recommend a Hearing.

The complainant requested a review of the Chair's decision, and the matter was sent to the Deputy Chair and an independent member for review. The Deputy Chair agreed with the Chair's decision but asked that a letter be written to SEB to reinforce the remit of the Panel for future cases.

The complainant was informed of the result of the review on 24th December 2024.

Status as at 31.12.2024

CLOSED – NOT A MATTER FOR REVIEW.

(15) 1386.2.1.17 (11)

Complaint to appeal a decision by the Chief Minister (Population Office) to not allow the complainant to bring his father to Jersey in order to reside in a care home.

A statement of complaint was received on 24th October 2024.

The complaint related to a request to appeal a decision made by the Population Office in relation to the complainant's father not being given leave to come to Jersey to reside in a care home.

A summary was received from the Chief Minister on 7th November 2024, advising that the complaint had to be formally submitted to the Population Office in the first instance.

The complainant was advised on 12th November 2024 that he should make contact with the Population Office for the matter to be reviewed, but that, should the matter not be resolved satisfactorily, he could make contact with the Panel again.

Status as at 31.12.2024

PAUSED – DEPARTMENTAL COMPLAINTS PROCESS ONGOING

(16) 1386.2.1.11 (12)

Complaint against the Minister for Justice and Home Affairs regarding improper treatment during imprisonment at HMP La Moye

A statement of complaint was initially received on 12th October 2024, although further evidence and a request for the complaint to be raised formally was made on 26th November 2024.

The complaint related to alleged improper actions by the Prison following an injury sustained by the complainant whilst in custody.

A summary was received from the Minister for Justice and Home Affairs on 10th December 2024 which outlined the internal actions taken to address the complaint.

These submissions were then sent to the Chair of the Complaints Panel, and to 2 independent members for their views.

Having considered the matter, the Chair determined that the complaint related to allegations of medical negligence. It was noted that the Panel could not consider clinical or operational matters of any government Department, as these fell outside of its jurisdiction.

The complainant then asked for the matter to be reviewed by the Deputy Chairs as part of the appeals process.

Status as at: 31.12.2024

OPEN – UNDER REVIEW BY THE DEPUTY CHAIRS

(17) 1386.2.1.12 (18)

Complaint against Driver and Vehicle Standards Department, regarding the recommendation to revoke the complainant's PSV License and Badge

A statement of complaint was received on 14th November 2024.

The complaint related to the impact of the revocation of a PSV license on future applications.

A Departmental summary of the case was received on 9th December 2024 which outlined steps taken to resolve the matter internally.

The Chair, having considered all the evidence, determined that the complaint did not fall within the Panel's jurisdiction and therefore the matter was refused.

Following this, the complainant requested that the matter be reviewed by the 2 Deputy Chairs.

Status as at 31.12.2024:

OPEN – UNDER REVIEW BY THE DEPUTY CHAIRS

(18) 1386.2.1.3 (38)

Complaint against the Minister for Children and Families regarding Children's Social Care Services and ongoing safeguarding failures

A statement of complaint was received on 27th November 2024.

The complaint related to the alleged safeguarding issues related to the care of a child.

After asking the Department for their submission, a response was received on 20th December 2024, which noted that the case was currently at Stage 3 of the internal process and an independent investigation had been commissioned, which was due to take a few weeks to complete.

Having received this update, the complainant was contacted and informed that he should first try to resolve the complaint internally and await the outcome of the investigation. Should he find that the complaint was not resolved or if further issues were encountered, it was asked that the complainant should contact the States Complaints Panel again.

Status as at 31.12.2024:

PAUSED– INTERNAL COMPLAINTS PROCESS ONGOING

(19) 1386.2.1.2 (356)

Complaint against the Planning Department and Committee members regarding the administrative dealings of a recent planning application

A statement of complaint was received on 11th December 2024.

The complaint related to the administration of a recent planning application by the Department.

On 26th December 2024 the complainant provided their final submission and asked that the complaint be progressed.

On 27th December 2024 the States Complaints Panel wrote to the Minister for the Environment asking for a summary response.

Status as at 31.12.2024:

ONGOING – AWAITING MINISTER’S SUBMISSION

SECTION 2 – COMPLAINTS CARRIED FORWARD

9 COMPLAINTS WERE OUTSTANDING FROM 2023 AND CARRIED FORWARD INTO 2024

(1) 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 originally 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 then 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 and as a result the complaint was effectively paused.

However, at the end of July 2023, the complainant asked to revive his complaint, advising that he had not had any contact from the Chief Minister in the intervening period. The Greffier of the States wrote to the Chief Minister and received no response. At the end of September 2023, the complainant again made contact, following the publication of R144/2023 (the Panel's Annual Report) and the matter was again referred to the Chair of the Complaints Panel. There followed further communications on this matter between the Chair and Government and, following the appointment of a new Chief Minister, the Chair decided that a Hearing should be arranged.

A States of Jersey Complaints Board Hearing was held on 8th May 2024 and the complaint was upheld.

The Chair of the Complaints Panel stated: *"The Board recognises that the Jersey Coastguard holds responsibility for the day-to-day organisation of maritime search and rescue facilities in Jersey's territorial waters and for the appropriate application and modification as necessary of the Framework, including the maintenance or otherwise of the Declared Facility Status of any independent rescue boat organisation. However, while the Board has no reason to impugn the findings and recommendations of the Marico Marine report, we were concerned with the manner in which the report was produced and ultimately published."*

He added: *"The Board was extremely concerned about the inclusion of witness statements as appendices to the draft (and final) report. The inclusion of the witness statements resulted in certain information being 'leaked' to the media, even though that content had absolutely no bearing on the accident investigation."*

The Board made several recommendations for improvements including a clearer distinction as to when the Harbourmaster, in his capacity as Chief Coastguard, should communicate directly with the Minister, with particular regard to the provisions of Part II of the Shipping (Jersey) Law 2002, and for there to be an appropriate route for complaints or appeal against an action or decision of the Harbourmaster/Coastguard directly to the Minister.

The findings were presented to the States Assembly by the Privileges and Procedures Committee on 25th June 2024 ([R.110/2024](#) refers). A response was published on 17th

September ([R.147-2024](#) refers) and a statement was made by the Chief Minister in the States Assembly on 1st October 2024.

Status as at 31.12.2023:

CLOSED – COMPLAINT UPHeld AND FINDINGS REPORT PUBLISHED

(2) 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 originally 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 of the States 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.

On 24th January 2023, the Greffier was advised by the complainant that they had received Stage 2 documentation, that they were going to progress these with Health and had sought financial compensation. On 26th January 2023, the Head of Patient Experience had acknowledged the complaint, but no further contact had been made.

On 14th June 2023, the complainant had raised a letter of claim. On 21st November 2023 and again on 13th December 2023, the complainant had contacted the Legal Services Manager but had received no response.

On 7th February 2024, the complainant advised that they still had not seen any progression of the complaint internally. On 27th February 2024, the Greffier wrote to the Minister requesting their submission.

The Department advised that a claim for medical negligence was in place, meaning that the feedback complaint was not able to run in tandem, and as such the complaint had been paused.

On 11th April 2024, the complainant advised that they had heard nothing further from the Department.

Upon pressing the Department, the Complainant received an apology for the time taken by the Department to respond and received confirmation that investigations had commenced.

On 20th June 2024, the Department advised that the Minister was seeking legal advice, and the Department would revert to the complainant in 2 weeks' time.

Considering this, the complainant chose to pause the complaint.

Status as at 31.12.2024:

PAUSED – AWAITING OUTCOME OF INTERNAL COMPLAINTS PROCESS

(3) 1386.2.1.9 (41)

Complaint against the Minister for Health and Social Services from Ms. X regarding the administration process on Stages 2 and 3 of her complaint by the Patient Experience Team

A statement of complaint was received on 24th May 2023.

The complaint related to the alleged mishandling of a complaint by Health and Social Services in Stages 2 and 3 of the internal feedback process.

A summary of the case was received from the Department on 13th July 2023 which outlined that the complainant had exhausted the complaints process. It was acknowledged that responding to the complainant had taken longer than stipulated in the policy, however the Department argued this was necessary in relation to some cases where there were multi-faceted issues. The Chair had determined that a Hearing would be appropriate and this was convened on 25th January 2024. The subsequent report was published ([R.39/2024](#) refers) and the complaint upheld on the grounds that Ms. X had been treated in a manner that was contrary to the generally accepted principles of natural justice and had been unjust, oppressive or improperly discriminatory.

The Chair said: *“The Department must maintain a constant awareness of the fact that a patient is, by definition, unwell and that the way in which they are communicated with can have an emotional impact.”*

He added *“The Board was particularly concerned about the Department’s complaints process, which was not followed and the fact that once Mrs. X had been categorised as a ‘complainant’, this appeared to have had a material effect on her clinical care. It is just unthinkable that a patient’s care could be impacted because they have filed a complaint.”*

The Board made several recommendations for improvements including a review of communications to ensure that they focused on patient care and were of an appropriate tone. *“The Department should take patients’ personal circumstances and health into consideration when communicating with them.”* said the Chair.

The Minister for Health and Social Services published his response ([R.39/2024 Res](#) refers) and made a statement in the States Assembly on 11th June 2024.

Status as at 31.12.2024:

CLOSED – COMPLAINT UPHELD AND FINDINGS REPORT PUBLISHED

(4) 1386.2.1.2. (353)

Complaint against the Minister for the Environment regarding approval of P/2023/0229 granted to La Mare Vineyard

A statement of complaint was received on 2nd August 2023.

The complaint related to the approval of a marquee installation at La Mare Vineyards which the complainant viewed as unjust and discriminatory. The complainant argued that the 'temporary' marquee was in fact a permanent structure that had impacted the well-being of those neighbouring the site.

A summary from the Department was received on 24th August 2023, which maintained that the application and complaint had been fully and properly reviewed and the decisions made by the Department were reasonable.

Due to conflicts of interest, Mr. J. Moulin stepped in as Acting Deputy Chair, and considered the matter and wrote to the Minister for the Environment to express that he was minded to further review the case. Rather than convening a Board, he sought informal resolution.

The complainant lived 56 metres from the site, which fell 6 metres out of the perimeter within the Law for appeals to be considered. The Acting Deputy Chair considered that the complainant and her neighbours were effectively being denied the right to appeal against any applications that took place on the site, however disruptive or overbearing they may be. As such, he asked whether the Minister could exercise a degree of flexibility to enable the complainant's appeal to be considered.

Having sought legal advice, the Minister for Environment wrote to the Greffier of the States to advise that he was unable to relax the distance as specified in law.

Following further consideration, it was determined that a Complaints Board Hearing be convened on 14th August 2024. The Board upheld the complaint against the Minister for the Environment and identified a significant weakness in the Planning and Building (Jersey) Law 2002, which did not appear to make provision for appeals against the granting of planning consent for moveable structures, such as marquees.

It was further noted that, whilst neighbouring residents had submitted objections to the original planning application, a little-known decision of the Planning Committee to increase the number of representations to trigger a referral to the Committee meant that the application had been determined by officers without the opportunity to address elected members at a public Hearing.

Given the rural location of the application site, the Board recognised that it might not always be possible to generate the 6 representations required to meet the threshold for a Hearing by the Planning Committee. Residents had subsequently been incorrectly advised by the Planning Department that they could submit a third-party appeal, which would result in a review by an Independent Planning Inspector. However, it transpired that this was not possible, due to the aforementioned omission in the Law of the right to appeal against planning permission for moveable structures. The situation had been further exacerbated by the fact that the conditions of the permit were not being enforced and this was having a detrimental effect on the wellbeing of residents.

The Acting Chair of the Board, commented: *"The Moveable Structures (Jersey) Order 2006 defines a moveable structure merely as something other than a caravan which remains on the same land for 28 days or more in a period of 12 consecutive months. In this case, permission for the marquee was granted in perpetuity without any end date, which could result in it becoming a permanent fixture without all the usual checks and balances."*

The Board recommended that the Minister consider re-defining moveable structures, addressing the omission in the Law which prevented appeals against consent for moveable structures and updating and publicising guidelines for the public to help navigate complex planning processes. Mr. Moulin added: *“In this case, residents had been completely disenfranchised at every turn, which is contrary to the principles of natural justice.”*

[R-143-2024](#) was published on 10th September 2024, outlining the findings of the Board and its recommendations.

On 23rd December 2024, the Minister for the Environment published his response in which thanked the Board and the complainant for bringing this matter to his attention. He proposed to amend the Law to allow third party appeals for decisions relating to moveable structures and advertisements. However, he rejected the recommendation to redefine the meaning of a moveable structure and the 50-metre limitation was to remain, which essentially meant that the complainant would still have no right of appeal.

Subsequently, the Board are monitoring the situation and writing to the Minister as part of their ongoing recommendations project.

Status as at 31.12.2024:

CLOSED – COMPLAINT UPHELD AND FINDINGS REPORT PUBLISHED

(5)1386.2.1.3 (33)

Complaint against the Minister for Children and Education regarding the process by which places were allocated at a Secondary School

A statement of complaint was received on 14th August 2023.

The complaint related to the process by which places were allocated at a Secondary School for the Year 7 intake.

The Minister for Children and Education provided a summary of the case on 7th September 2023, which outlined the internal procedures followed by the Department of Children, Young People, Education and Skills (CYPES).

The Chair considered this case and wrote to the complainants on 1st November 2023 to advise that this matter would not proceed to a Hearing. It was noted that the decision by the Department was consistent with the stated policy and criteria. Having said this, the Chair advised that he was to write to the Minister expressing concerns that there was not a check in place of a child's actual residence, which appeared to be a fundamental failing in the system.

The complainant asked to appeal the Chair's decision, and the case was sent to the Deputy Chair and temporary Deputy Chair for review. On 13th February the Deputy Chair noted that whilst he agreed with the Chair's conclusion that the decision and the appeal were made in accordance with the published policy, he argued that the complaint related to procedure. As such and noting that the Chair of the Panel had already written to the Minister expressing concerns, he asked that a hybrid approach be taken to the case. In this instance, the Deputy Chair decided that the complaint should be allowed to proceed and CYPES be invited to respond to his further questions. Once a response had been received, the papers would then be viewed again alongside further evidence to see whether a Hearing was required.

On 19th March 2024, the Minister for Education and Lifelong Learning responded to the Panel's further questions. Following on from this it was advised that the child in question had now been offered a place at the secondary school. As such, the Deputy Chairs decided not to proceed with the Hearing due the satisfactory response to their further questions.

The complainants were advised of the appeal decision on 11th April 2024.

Further to the above the Chair of the Panel also met with the Minister for Education and Lifelong Learning regarding this case and the informal resolution.

At this meeting the Department further explained the policy of allocation and complications arising when headcounts are exceeded. It was noted that the Panel appreciated the complexities of applying fair policy and were not questioning or criticising this, but suggesting that clear policy to manage parental expectations was required. The Minister agreed to investigate ways to improve communication with parents, highlighting the variables in policy and making clear that catchment areas may change to make the allocation policy work. The suggestions and discussions arising from this meeting were considered valuable for both parties.

Status as at 31.12.2024:

CLOSED – RESOLVED THROUGH INFORMAL INTERVENTION

(6) 1386.2.1.2 (34)

Complaint against the decision of a Revenue Officer not to allow a late application to revoke an election for 'Separate Assessment' for the 2019 Year of Tax Assessment

A statement of complaint was received on 21st August 2023.

The complaint related to a request for joint tax assessment for 2019 and the Department's subsequent actions in dealing with the complaint and appeal of decisions.

A summary of the complaint was received from the Comptroller of Revenue on 24th August 2023, which outlined previous correspondence between the Department and the complainant, including a letter from the Comptroller of Revenue dated 24th August 2023 to the Complainant.

Having considered the response from the Department and provided all correspondence to the Minister for Treasury and Resources in the intervening period, the Greffier of the States wrote to the Complainant on 1st November 2023 to advise them that the matter of a decision not to allow a retrospective application to revoke an election for joint taxation was categorised as a 'tax dispute' and would fall within the ambit of the Commissioners of Appeal for Taxes. The complainants were therefore advised that their complaint was not a matter for the Panel. Following further correspondence with the complainant, the Chair reiterated that it was not within the Panel's jurisdiction and re-directed them to the Tax Commissioners. This was communicated to the complainant by the Greffier of the States on 3rd January 2024.

Status as at 31.12.2024:

CLOSED – NOT A MATTER FOR REVIEW.

(7) 1386.2.1.23(6)

Complaint against the Chief Minister regarding the handling of complaints in relation to the emergency response and patient handling following the explosion at Haut du Mont (the incident) on 10th December 2022.

A statement of complaint was received on 28th November 2023.

The complaint related to the expression of serious concerns by bereaved family members regarding the emergency response to the incident at Haut du Mont and the clinical treatment received at Jersey General Hospital in December 2022.

Correspondence between the family and the Medical Director for the Medical Care Group followed, with an email from the family dated 19th May 2023 to the Health and Community Services feedback service. A detailed response was received from the Medical Director on 12th July 2023.

On 23rd November 2023, the complainants sent a complaint to the Greffier of the States for submission to the States Complaints Board, which was duly reviewed by the Chair.

On 1st December 2023, the Greffier advised the complainants that the matter fell outside of the jurisdiction of the Complaints Panel at that time, but that the Chair would write to the Chief Minister to request that, following the conclusion of existing investigations, consideration be given to the establishment of an independent Inquiry. This was communicated by the Greffier, at the request of the Chair, on 11th December 2023, and acknowledged by the Chief Minister following consultation with officers and fellow Ministers on 21st December 2023.

Following the election of a new Chief Minister in January 2024, the complainants advised that they had not received further updates with regard to a future independent Inquiry and the Greffier reminded the Chief Minister's office of previous correspondence on 3rd April 2024. On 5th April 2024, a point of contact for the family was identified and they were advised that they would be given support to shape the terms of reference for an independent, external investigation, whilst apologising for the delay in being able to appoint an expert in this regard.

Status as at 31.12.2024:

CLOSED – FUTURE INDEPENDENT EXTERNAL REVIEW TO BE HELD.

(8) 1386.2.1.9 (43)

Complaint against the Minister for Health and Social Services regarding a follow up appointment with the eye clinic and the subsequent administration of a complaint by the Patient Experience Team

A statement of complaint was received on 10th December 2023.

The complaint related to alleged maladministration by Hospital services, where an out-patient was discharged without receiving their full treatment.

On 30th January 2024 the Department advised that the complaint was still at Stage One, with no response from the complainant.

As such, the Greffier advised the complainant of this and asked that, should they not receive a timely resolution to the matter, that they contact the Greffier again to raise this issue with the Panel.

Status as at 31.12.2024:

PAUSED – DEPARTMENTAL COMPLAINTS PROCESS ONGOING

(9) 1386.2.1.17 (9)

Complaint against the Minister for Justice and Home Affairs regarding an appeal on the decision to charge Vehicle Emissions Duty on her motorhome

A statement of complaint was received on 11th December 2023.

The complaint was in relation to the imposition of increased charges on Vehicle Emissions Duty following the Budget on a motor home. The complainant had been unaware that Budget duty increases took immediate effect and was unhappy that this had not been communicated to her beforehand or published on the Government's website.

On 29th February 2024, the Minister advised that a timeline had been prepared to resolve the complaint internally.

On 4th March 2024, the matter was sent to the Chairman of the States Complaints Panel for review. On 18th March 2024, the Chairman advised that a Hearing was not justified.

On 20th March 2024 the complainant appealed this decision to the Deputy Chairs of the Panel, who also determined that a Hearing was not appropriate.

Whilst the Deputy Chairs decided not to progress the complaint, they asked that a letter be written to the Minister to request that future tax increases were published more widely and in a more accessible manner to ensure that this did not happen again.

Status as at 31.12.2024

CLOSED – NOT A MATTER FOR REVIEW.

THE PANEL WROTE TO MINISTER WITH RECOMMENDATIONS AND HAVE RECEIVED AN ACKNOWLEDGMENT OF THIS

24 INFORMAL ENQUIRIES WERE LOGGED DURING 2024

3 x Health and Community Services

- Complaint regarding the hospital
- Complaint regarding the delay in resolving a complaint at Stage 2.
- Complaint against unfair dismissal of a Health Department employee.

1 x Education

- Complaint regarding escalating a matter to Stage 3 regarding insufficient education provisions for a child.

3 x Customer and Local Services

- Complaint regarding potential delays to Student finance applications due to Vote of No Confidence
- Complaint regarding an ongoing case
- Complaint regarding CLS incorrect payment.

2 x Children's Service

- Complaint regarding safeguarding issues at a children's care home.
- Complaint against social services that had yet to be lodged internally.

1 x Housing

- Complaint regarding the failure of Andium Homes to deal with an antisocial neighbour.

1 x Environment

- Complaint regarding nuisances that has not yet been resolved by the Environment Department.

1 x Infrastructure

- Complaint regarding lack of response to an issue by the Highways Department.

2 x Home Affairs

- Complaint regarding police misconduct

- Complaint regarding a death of a member of public in psychiatric care

Matters not within the remit of the Complaints Panel

- Complaint regarding bullying and harassment within the workplace
- Complaint against a court decision
- Complaint against the Law Officers' Department
- Complaint against a previous Government employee
- Complaint against the Greffe regarding publications available.
- Complaint relating to Comité des Connétables – resolved.
- Complaint relating to the Jersey Office of the Information Commissioner
- Complaint regarding parish-level issues.
- Complaint relating to Medicann, not within the States Complaints Panel's remit.