

# COMPLAINTS



## How to complain to the States of Jersey Complaints Board

## States of Jersey Complaints Board

Do you have a complaint about a decision or administration process by any Minister, or States department?

We may be able to help.

### What do we do?

We consider and hear complaints from members of the public who have exhausted the complaints procedures available within the States department concerned, to resolve the problem.

### Who are we?

The States of Jersey Complaints Board consists of a panel of impartial, unbiased people, who are known as the Complaints Panel. We are completely **independent**, and we offer our services **voluntarily**. We are not States employees and we aren't States members. If we can't resolve your concerns informally with the department in question, we will listen to your complaint in person.

### Conflicts of Interest

If we find out that a member of the Panel has a conflict of interest with a particular complaint, that member will **not** participate in the hearing.

### Does it cost anything?

No, our services are free of charge.

### How to get in touch with your complaint

**IMPORTANT:** Your complaint needs to be sent to us within 12 months of the incident that you are concerned about.

- Please phone the States Greffe on 01534 441016 and speak to let us know that you would like to make a complaint.
- Send an email or a letter to the Greffier of the States, Mrs Lisa Hart, via [complaintsboard@gov.je](mailto:complaintsboard@gov.je) or post or deliver your letter to the States Greffe, Morier House, Halkett Place, St. Helier, Jersey, JE1 1DD. Please mark the letter as private and confidential.
- Please include your full name and contact details, any useful documents, and all the evidence that you think is important.
- We will let you know that your complaint has been received, and help you to summarise this, before it is provided to the relevant States Department.
- We will then ask the Minister or department concerned to provide their response to the complaint within two weeks.

## What happens next?

Once we receive the response, the Panel Chairman will review all the evidence from both sides. They will decide whether a public hearing should be arranged, to investigate the matter further.

- Sometimes, the Chairman will try and sort out the complaint informally.
- However, if there is to be a hearing, we will ask the Minister or department to provide a full report in response to the complaint. We may also ask you to provide extra papers.
- If your application for a hearing is refused by the chairman, you can **appeal** this decision. You will need to do this within one month.
- Both Deputy Chairmen will then consider your case.

## How does a hearing work?

- If a hearing is required, a Board is chosen from the members of the panel.
- Hearings are usually open to the public, and will normally be held at a Parish Hall, or within the States building. If a hearing is held in private, the report from that hearing will have any names removed.
- To make sure that it's fair, none of the Board members will have any conflict of interest in the matter.
- No new documents may be introduced at the hearing.
- We will ask you tell us who is attending and speaking at the hearing on your behalf, as the only people allowed to speak during the hearing are those that you or the Minister and department have already told us will attend.
- At the hearing, you or your representatives will explain to the Board the most important points of your complaint.
- The Minister or officer of the department will then explain the most important points of their position, and they may also refer to documents that have already been circulated.
- Members of the Board will then ask any questions they may have.
- You may also ask any questions to the Minister / officer concerned and vice versa.
- The hearing will then close, and the Board will consider its findings in private.

## Site visits

- If your complaint relates to property, there will usually be a site visit.
- The hearing of your complaint will be opened and adjourned and you, the Panel and the representative(s) of the department in question will travel to the site in question.
- The Board members will decide when they have spent sufficient time on site.
- At the site, you will be asked to spend a short time explaining the problem that you have, but you will not be able to present any new papers, nor make submissions during the journeys to and from the site.

## What happens after the hearing?

- The Complaints Board will consider what they have heard, make their decision and publish their findings in a signed report.
- This will be sent to you, the Minister / department involved in the complaint, the Privileges and Procedures Committee and the media (who may publish extracts, including names and information provided by you. However, the Panel has discretion to request that certain information is not published by the media.
- If the Board finds in your favour, they will ask the Minister / department to reconsider their original decision.
- They will also ask the Minister / department to let the Board know within a set time what action they have taken as a result.
- If the Board is **not** satisfied that the Minister / department has properly considered or implemented the Board's findings, they may publish a further report which will be presented to the States Assembly by the Privileges and Procedures Committee and be on public record.

## What findings can the Board make?

The Board may find in your favour if it decides that the decision, act or omission which was the subject matter of your complaint –

(a) was contrary to law;

(b) was unjust, oppressive or improperly discriminatory, or was in accordance with a provision of any enactment or practice which is or might be unjust, oppressive or improperly discriminatory;

(c) was based wholly or partly on a mistake of law or fact;

(d) could not have been made by a reasonable body of persons after proper consideration of all the facts; or

(e) was contrary to the generally accepted principles of natural justice.

*(Article 9 of the Administrative Decisions (Review) (Jersey) Law 1982)*

- If the Board finds in your favour for one of the reasons above, it may ask the Minister or Department to reconsider the matter.
- Where a Board asks a Minister or Department to reconsider a decision, it will give them a set time within which to do so. The Minister or Department should then tell the Board what it has done to reconsider the matter and the result of that reconsideration.
- The Board will receive copies of the Minister's reconsideration.

### **What if I'm unhappy with the hearing outcome?**

- If you are not happy with the outcome, you can ask the Board to consider sitting again. You must make this request within one month of receiving the findings of the Board. If the Board decides this is justified, they may ask you to provide further documents.
- If you are still not satisfied, you may approach a States member or a legal representative to help you find another way of taking your complaint forward. If you don't know the name of your Parish Constable or Deputy of the area you live in, their names can be found via [www.statesassembly.gov.je](http://www.statesassembly.gov.je) or in the telephone directory.

### **Current Panel members:**

A list of current panel members may be found on the [website](#).

### **Contact us:**

By letter: States Complaints Board, c/o:

Mrs. L-M. Hart, Greffier of the States  
States Greffe  
Morier House  
Halkett Place  
St. Helier  
Jersey  
JE1 1DD

By email: [ComplaintsBoard@gov.je](mailto:ComplaintsBoard@gov.je)

Tel: 01534 441016 to speak to a Case Officer.