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# STATES OF JERSEY



## STATES OF JERSEY COMPLAINTS PANEL: REPORT FOR 2019

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**Presented to the States on 11th November 2020  
by the Privileges and Procedures Committee**

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**STATES GREFFE**

## REPORT

The Privileges and Procedures Committee would like to place on record its sincere thanks to the Chairman, Deputy Chairmen and all of the members of the Panel for their honorary work dealing with complaints during this very active period. They have been most impressive.

The Committee recognises that they are extremely busy people and generously give their time freely to serve the community, for which the Committee is very appreciative. By providing the opportunity for independent oversight of government administration, their work mirrors that of an Ombudsman and is of great value to the Island but has no cost to the taxpayer.

The Committee wishes to place on record its special thanks to the three members of the Panel who retired in 2019, namely Messrs. Bob Bonney and David McGrath and Mrs Janice Eden. On behalf of all members, I would like to pass on our sincere gratitude to them for the incredible service they have given to the Island on an honorary basis.

The Complaints Panel provides a service to the public by undertaking independent investigations into complaints relating to Ministers and States departments where it is alleged, they have not acted properly or fairly or have provided poor service.

Everyone has a right to expect a good standard of service from Government Departments and to have things put right if they go wrong. When someone believes that something has gone wrong in a decision-making process, Departments and public bodies should manage complaints speedily and properly to ensure that customers' concerns are dealt with appropriately. Good complaint handling is a fundamental part of good administration.

Complaints are a valuable source of feedback for the Government: they provide an audit trail and can be an early warning of failures in service delivery. When handled well, complaints provide an opportunity for the organisation to improve services and its reputation. Moreover, prompt and efficient complaint handling and learning from complaints, can save the Island time and money, by preventing a complaint from escalating unnecessarily and by reducing the number of complaints received in the future.

The Complaints Panel's aim is to ensure that public services are administered in accordance with accepted policies and procedures. Complaints are generally only taken forward by the Panel once a complainant has exhausted the internal complaints procedures available. However, this should not be used as a method of prolonging the processing of complaints by Departments. It is therefore vital that every Department has a complaints procedure, which is accessible and readily publicised, and maintains a register of complaints.

The Privileges and Procedures Committee is very pleased to see that, yet again, informal resolution has played large part in the Panel's work throughout the year. It also supports the Panel's efforts to strengthen its relationship with the Executive, in order to work together to enhance complaint handling and improve the provision of public services in the Island.

In 2019 the Panel consisted of 12 members. This provided a broad base from which Boards could be convened, avoided any conflicts of interest which can understandably be common in an Island community and ensured that complaints were assessed impartially and without bias.

The members of the Panel in 2019 were –

Mr. Geoffrey George Crill (Chairman)  
Mr. Chris Beirne (Deputy Chairman)  
Mr. Stuart Catchpole, Q.C. (Deputy Chairman)  
Mr. Bob Bonney (term of office expired September 2019)  
Mrs. Sue Cuming  
Mrs. Janice Eden (retired from office December 2019)  
Mr. Gavin Fraser  
Mr. David Greenwood  
Dr. Gwyn Llewelin  
Mr. Graeme Marett  
Mr. David McGrath (term of office expired September 2019)  
Mr. John Moulin

The Panel's work in 2019 was particularly impressive, not just because of the large volume of complaints, but because it has operated under its impending replacement by a paid Public Sector Ombudsman. That the Panel members have worked so diligently, whilst their efforts have been depreciated by those calling for something 'better' is a credit to them and demonstrates their dedication as unpaid lay people and we owe them a debt of gratitude.

The Privileges and Procedures Committee is pleased to present the report of the States of Jersey Complaints Panel for 2019.

**STATES OF JERSEY COMPLAINTS PANEL:  
REPORT FOR 2019**

Dear Chairman,

I have pleasure in forwarding to you the report for 2019, which also includes the resolution of the matters outstanding at the end of 2018.

The Complaints Panel deals with complaints from across the whole Government administration, whose complaints processes are quite varied. However, certain principles should be common to all. Good complaint handling should be led from the top, focused on outcomes, fair and proportionate and sensitive to complainants' needs. The process should be clear and straightforward and readily accessible to customers. It should be well managed so that decisions are taken quickly, things put right where necessary and lessons learnt for service improvement.

There still appears to be a sense that Departmental Officers react negatively to complaints and take them as a personal attack. I do appreciate that it can be frustrating that when 99% of the customer base are satisfied with the service, so much focus is put on a minority's experience, but complaints improve administration and ensure good governance so no one should be 'afraid' of a complaint coming in. Departments should also not be afraid of 'owning' mistakes and taking responsibility where things have gone wrong. An apology cannot undo what has been done, but it can help ease the pain and tension of the aftermath and allows relationships to be rebuilt. However, timing is crucial and an apology delayed is an opportunity lost.

This report provides information about the work undertaken by the States Complaints Panel during 2019. It was another exceptionally busy year for the Panel. 6 complaints were carried forward into 2019 and there were 23 new formal complaints received during the year, more than any other year. There were also 3 hearings convened during 2019, at which the complaints heard were all upheld and the findings reports included recommendations for modifications to be made to existing processes to avoid a repetition in the future.

In addition to the 23 formal complaints, the Deputy Greffier received 13 enquiries regarding complaints which were not taken forward. These calls have been logged since 2016, in order to provide a more accurate indication of the level of work undertaken by the Panel. There were a number of matters resolved informally, through the intervention of either the Chairman, one of the Deputy Chairmen or the Deputy Greffier.

The Panel recognises the sterling work undertaken across Government departments and is pleased that in many of the cases dealt with during 2019, Departments have demonstrated best practice in complaint handling processes and have acknowledged mistakes, apologised and sought to amend guidelines and policies to ensure such complaints are not duplicated in the future. We have seen both exceptional complaint handling responses from Departments but sadly there have been incidents of poor performance too.

Customer and Local Services (formerly Social Security) continued to be extremely constructive in their approach to complaints. Swift reviews were undertaken upon receipt of a complaint and great efforts were made by officers to reach out to

complainants to resolve complaints informally, explain their processes and procedures and avoid the need for a hearing. Their approach was exemplary.

Other positive examples include Education's Student Finance Team who, having had complaints against them upheld, were proactive in trying to resolve subsequent complaints informally and also invited the Panel Chairman and Deputy Greffier to meet with that Team to gain a valuable oversight of their administrative processes.

It was also greatly appreciated that staff from the Department for Infrastructure and Planning officers (now both part of Growth, Housing and the Environment) were open to meeting with complainants and provide explanations or apologies where appropriate in order to resolve matters informally.

However, there was a definite deterioration in some Departments' response times to complaints and this was reflected in the number of times where officers failed to meet deadlines set for the submission of summaries and paperwork to the Panel. Not only was this discourteous and disrespectful to the Panel, but it added 'insult to injury' for the complainant. Indeed, as the year progressed, there were several cases where, as a result of delays and poor communication, the Department's deficient complaint handling process was in danger of overshadowing the original complaint and become a basis for a complaint in its own right.

It should also be noted that complainants, apart from exceptional circumstances, can only make a formal complaint to the Panel when they have exhausted the appeals or complaints process within the Department concerned. The Panel has real concerns that the Health Department's current internal complaints procedures prolong matters for a very long time before they are exhausted. Exhausted is indeed the appropriate word as that is how most complainants must feel after months of waiting for some form of closure. Extended 'reviews' over many months, often without regular communication to assure the complainant that they have not been forgotten, is both inappropriate, inefficient, and in no party's interest when handling a complaint, especially when delays and poor communication are often base elements of the initial complaint.

There have been several cases relating to noise nuisances during 2019 and there appears a need for the relevant legislation to be reviewed by the Minister for the Environment. The current 'test' for noise to constitute a nuisance is extremely high and the redress very limited. As our population grows and people are having to live in closer proximity, I am sure the number of complaints of this nature will increase and at present there is very little action which can be taken, despite the fact that such disturbances can have a huge impact on neighbours' physical and mental health.

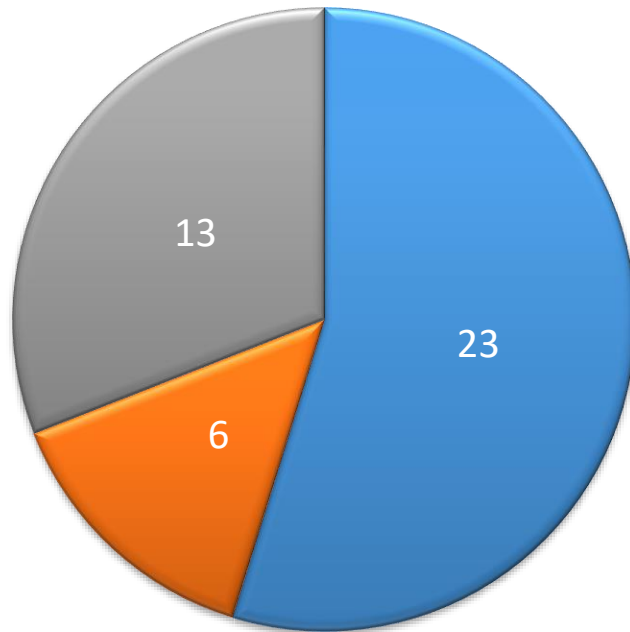
It was extremely disappointing that 2019 saw no progress made in relation to some historical complaints, in some cases years after the Board hearing at which the complaint was upheld. The Panel remains in contact with several complainants who continue to seek the redress recommended by Complaints Boards, ranging from compensation to a simple, but genuine, apology.

In most of the complaints considered by the Panel, a timely and sincere apology, where applicable, could have obviated the need for further intervention. An apology restores dignity, trust and a sense of justice and is often the first step to better understanding in a damaged relationship. It also helps to put the fixed positions of the parties behind

them, allowing a fresh perspective for constructive attempts to resolve continuing issues. We urge Departments to consider this when dealing with future complaints.

Geoffrey Crill  
Chairman, Complaints Panel

### Complaints dealt with in 2019



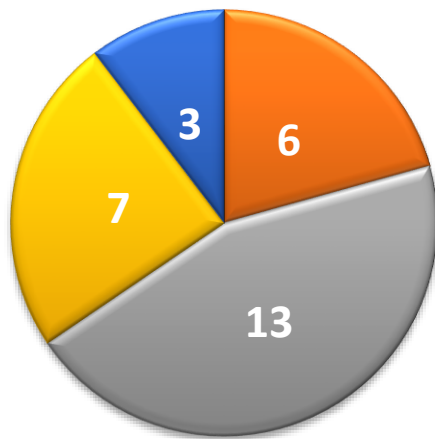
- New formal complaints in 2019
- 2018 formal complaints carried forward
- Informal enquiries about the complaints process/potential complaints

### Complaints received in 2019 by Department



- GHE (Planning)
- GHE (Infrastructure)
- Health
- CLS (Social Security)
- CYPES (Education)
- Other

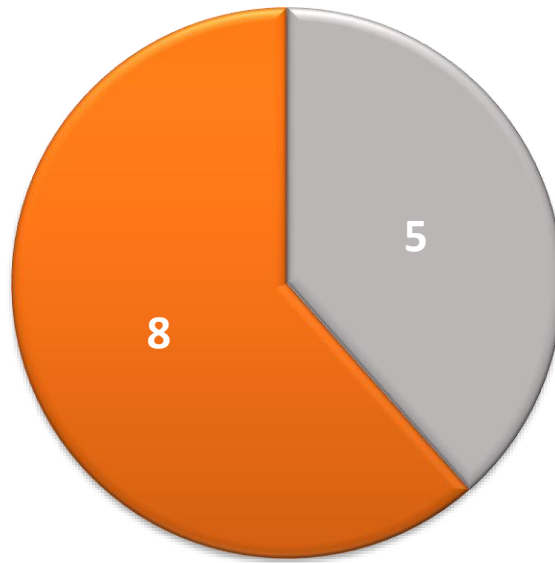
### Complaint outcomes 2019 (including those carried forward from 2018)



- Resolved through Complaints Panel involvement
- Ongoing
- Case closed
- Hearing -complaint upheld

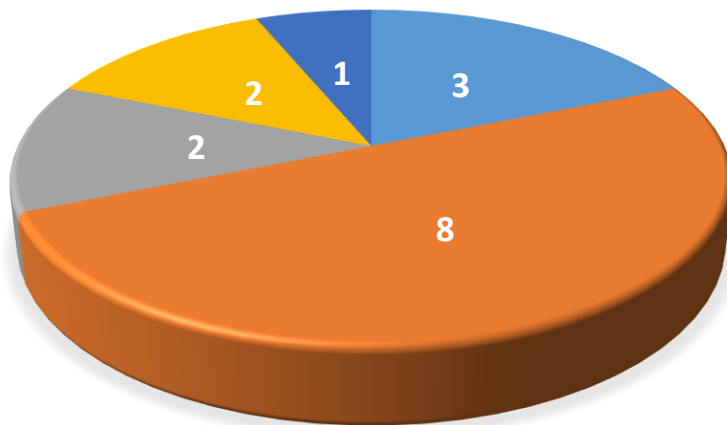


### Ongoing complaints carried into 2020

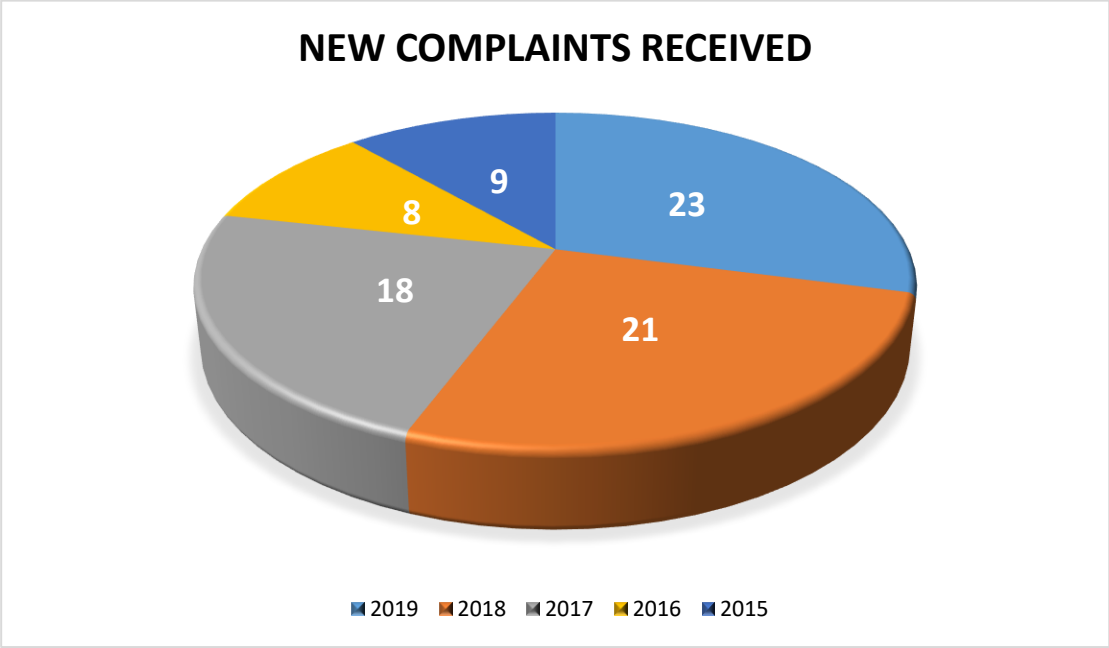


- Referred to Department to complete internal complaints process
- Being processed - awaiting responses

### HEARINGS



- 2019
- 2018
- 2017
- 2016
- 2015



**6 COMPLAINTS WERE OUTSTANDING AT THE END OF 2018 AND  
CARRIED FORWARD INTO 2019**

**(1) 1386/2/1/9(17)**

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

A statement of complaint was received on 12th February 2018.

A résumé was received from the Department and referred to the Chairman, in order that he could consider whether the matter justified a Complaints Board hearing. In accordance with the Panel's procedures, the papers were also sent to a member of the Panel for consideration. Having discussed the matter with his colleague, the Chairman decided that there was justification for a hearing, and this took place on 4th October 2018. The Report associated with this case was published in early January 2019 ([R.4/2019](#) refers).

Mrs. X had been awaiting further treatment following an operation in the UK. During her initial time in the UK she had experienced both physical difficulties as a consequence of the travel requirements, and financial difficulties in meeting additional travel costs, which had not been covered by the Department. She had made it clear to the Department that she would not be able to consider further treatment outside of the Island unless full financial support was given. Furthermore, the timing of any treatment would need to take into consideration her childcare needs.

The Board believed that the Department either wilfully ignored what Mrs. X had told it, or its record-keeping was so poor that the information was not recorded and retained. On many occasions, Mrs. X was informed, or was led to believe, that she would be contacted by the Department and was continuously let down. Some of the information which she was given was unclear and confusing. The Board considered this to be unacceptable. It was of vital importance that people under the care of the Department should be communicated with in a timely and professional manner, especially when they may be very ill and therefore vulnerable.

The Board was very disappointed to note the dismissive attitude of some of the staff in the Department, and the lack of action taken in response to the report of the independent UK investigator, who had upheld Mrs. X's complaint, regarding the inappropriate language, style and tone used by staff in electronic mail exchanges. The Department's behaviour at this time was at best extremely discourteous, and at worst cruel and potentially negligent. The Board recommended that the Department put measures in place to ensure that no other patient was ever ignored in this way again.

After the hearing, the Department issued an apology and provided Mrs. X with funding, equivalent to the cost of the treatment in the UK and associated travel and accommodation, to enable her to source her own treatment. Whilst a cash payment may have provided some sort of resolution to Mrs. X's situation, the Board was surprised and concerned that the Department should, to all intents and purposes, 'buy off' the problem which was of its own making.

The Board 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 (<https://statesassembly.gov.je/assemblyreports/2019/r.4-2019res.pdf>). Since that date Mrs X has met several times with the Chief Minister, the Minister for Health and Social Services and the Group Director, People and Corporate Services, in order to resolve matters and allow her to move forward. Yet again she has experienced lengthy delays and deadlines missed. The States Employment Board engaged Jonathan Cooper OBE to conduct a review and he recommended that Mrs X 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. On 17th December 2019, Mrs X and the Deputy Greffier met very briefly with the Minister for Health and Social Services at which he offered an apology, but admitted that he did not know the details of the case and therefore was not sure what the apology related to. He gave an undertaking that a response to Mrs X's specific questions about her case would be forthcoming. Mrs X was also assured at that brief meeting that her access to further treatment in Jersey would be regarded as a priority. A few days later she received a letter advising that her appointment with a Consultant would be 29th April 2020. Following an intervention by the Chief Minister this was then brought forward to 29th January 2020.

The Board members were the Chairman of the Complaints Panel, Geoffrey Crill, Janice Eden and David Greenwood.

**Status as at 31.12.2019:**

**ONGOING: REPORT PUBLISHED: STILL AWAITING FORMAL APOLOGY AND RESOLUTION**

**(2) 1386/2/1/21(12)**

**Complaint against the Department for Infrastructure (now Growth, Housing and the Environment (GHE)) regarding the installation of water services connections**

A statement of complaint was received on 14th September 2018, and the Department was contacted for a résumé, which was then referred to the Chairman and another independent Panel member for consideration. The Chairman concluded that this was not an appropriate case for a hearing by a Board.

However, this view was unacceptable to the complainant, who requested that the matter be considered by the Deputy Chairmen. Having reviewed the papers sent to them, the Deputy Chairmen requested further information from the Department.

Following receipt of additional documents, informal resolution was suggested. The complainant met with officers from GHE on 13th November 2019 and outlined his concerns. He was advised that there clearly had been a failure by the Department to communicate any changes in their planning, which changes were made after Jersey Water had arranged the works and had agreed those with the Department.

The Department was sympathetic to the complainant's grievances and suggested that he should be compensated. The complainant was subsequently sent a cheque and contacted the Complaints Panel in the following terms:

*“In my view this strengthens the raison d’etre for the States of Jersey Complaints Board which serves a much-needed purpose.....This successful and most satisfactory outcome was undoubtedly enabled by the earlier involvement of the Complaints Board, and I am very grateful to your goodself and to the Board.”*

**Status as at 31.12.2019:**

**CASE CLOSED/INFORMALLY RESOLVED.**

**(3) 1386/2/1/9(19)**

**Complaint against the Planning Department (now Growth, Housing and the Environment (GHE)) regarding the processing of Planning applications by the complainants and the various companies in which they had significant interests**

A statement of complaint was received on 20th September 2018, and the Department was contacted for a résumé which was then referred to the Chairman and another independent Panel member for consideration. The Chairman concluded that this was not an appropriate case for a hearing by a Board. However, this view was unacceptable to the complainant, who requested that the matter be considered by the Deputy Chairmen. There was a slight delay as one of the Deputy Chairmen was conflicted. Having reviewed the papers sent to them, the Deputy Chairman and independent member requested that the submission be redrafted to focus solely on the administration of the applications. This was then re-presented and it was agreed that the case warranted further investigation and a hearing was convened on 19th June 2019. On 27th September 2019, the Privileges and Procedures Committee presented to the States the findings of the Complaints Board Hearing (*see* [R.125/2019](#)).

The complainants alleged that over the previous 5 or 6 years, the Planning Department had treated applications for planning permission, made by the Complainants, as ‘sport’. This had concluded in the 2018 decision to refuse the Complainants’ outline application (PP/2017/0034) to demolish a shed containing a workshop and 3 staff bedsits as well as 13 polytunnels at West Point Farm and to construct an agricultural shed to the south of the site and four 3-bedroomed staff accommodation units. The complainant described the refusal decision as ‘quite outrageous’ and informed the Board that it was at this point that he and his sister had realised that they ‘might as well not bother applying for anything’. They had been reluctant to make a formal complaint, but had felt that they had been left with no choice.

The complainants had focused on what they referred to as “misleading information”, “inaccurate statements”, and “untruths” by Planning Officers contained within the report put before the Planning Committee and which they argued materially influenced that Committee’s decision to reject their application.

The Board recognised that Planning Officers’ reports influenced and assisted the decision-making process of the Planning Committee. The Department had a responsibility to ensure those reports were factually correct, supported by evidence, and present sustainable recommendations. The Board considered the Department failed to do so in this case.

The Board also expressed concerns in its findings regarding the lengthy 13-month delay between the submission of the application and its consideration by the Planning Committee. The Board welcomed the current review of the existing Island Plan,

particularly in respect of the Green Zone policy, which it considered to be unworkable and out of date.

The Board was of the opinion that the current Green Zone policy was based on an assumption that agriculture was in decline, whereas there had been a resurgence and renewed buoyancy in the industry due to diversification. The Board was hopeful that the revised Island Plan will acknowledge the need for investment in the capital assets of an evolving industry, balanced with the continued protection of our countryside.

The Board maintained that the purpose of the Planning Officer's report was to influence and assist the decision making process of the Planning Committee and, whether or not it did in this case, the Department had a responsibility to ensure its Reports were factually correct, supported by evidence and presenting sustainable recommendations. It failed to do so in this case and, therefore, the Board upheld the complaint insofar as concerns the submission of the Report to the Planning Committee, which it considers to have been in breach of Articles 9(2)(b), (c) and (e) of the Administrative Decisions (Review) (Jersey) Law 1982, in that it -

- (b) was unjust, oppressive or improperly discriminatory;
- (c) was based wholly or partly on a mistake of law or fact; and
- (e) was contrary to the generally accepted principles of natural justice.

The Board considered that the Department made judgements about the application within the boundaries of its authority, but it was concerned that the scope for such judgements within the current Island Plan was very wide and allowed broad, subjective, professional adjudications to be made. The Board was keen to see firmer objective universal standards detailed within the revised Island Plan, which would ensure the Department would be free from any accusations of subjective bias in the future.

The Board acknowledged that exceptional circumstances to development in the Green Zone could apply and that the Complainants should have been asked to prove the exception was warranted. Had the Department wished, it could have requested specific supporting evidence and highlighted the areas within submissions which were considered insufficient in detail. However, the Department chose instead to elongate the application process for no apparent reason and present a mostly inaccurate and substandard Report. The application was described within that Report as 'major' and the Board believed that, as such, it should have been processed in a timely fashion and with the utmost attention to detail. The Board recommended a review of the way in which pre-application advice was given and urged a more proactive approach to be taken, especially in relation to the Island's key industries. Every effort must also be taken to process applications within the agreed timelines and any delays caused by the Department should have to be adequately justified.

The Minister, having reconsidered the decision as required by the Board under Article 9(9) of the Law, presented his response to the States on 5th December 2019 (*see* [R.125/2019 Res.](#)).

The Board decided to respond to his response in the following terms –

*“In his response, the Minister stated that “the key issue in this case is the restrictive policy framework regarding the creation of staff accommodation and large agricultural buildings in the countryside”.*

*With respect, that was not the key issue, nor even an issue as far as the Complaints Board was concerned. The presumption against development in the countryside is a matter of clear and unambiguous policy within the constraints of which applicants have to work.*

*As applicants have to work within the constraints of the Island Plan, so too must the Department and the Planning Committee. The Complaints Board maintains its view that officers concerned themselves far too much with the ownership of the site in question, the ownership of the business operating from the site, and the applicants' other interests. The Board further maintains its view that the Department's report containing its recommendations to the Planning Committee was marred by what amounted to anecdotal gossip (the occupancy of the proposed accommodation) and unsupported conjecture (the environmental and traffic consequences of an approved development).*

*The Board notes that, in his Response, as with the Department's report to the Planning Committee, and indeed in the submissions to the Complaints Board hearing, the Minister reiterates –*

*“If the Department and the Committee are to be convinced that a development in the countryside should be allowed, they need compelling evidence that it is needed **for the business** (my emphasis)”.*

*That is not what the Island Plan requires. Nowhere in the Plan is the test as to whether development in the countryside should be permitted the needs of the business of the applicant. Rather, the Plan expressly refers to the needs of the **industry** (in this case agriculture), thus making the relationship of the applicants with the business operating from the site irrelevant. The strong argument put forward by the business operator in support of the development was an industry argument, but the Department in its report played that down to the extent of ignoring it, preferring instead to dwell on the fact that the applicants were separated from the business – what should have been an irrelevance.*

*The Board accepts, of course, that the Planning Committee does not slavishly follow the recommendations of the Department, but that does not in any way absolve the Department from its requirement to present a factual and supported report, based on the requirements of the Island Plan. The Department's preoccupation with the applicants' history, their involvement with other sites and their lack of involvement with the business pertains from the site in question was unreasonable and inappropriate in the context of the benchmark test for development in the countryside. The unsupported comments regarding traffic and environmental impact were shoddy and slapdash, but contributed to recommendations which the Planning Committee was hardly likely to ignore.*

*The Board maintains its findings and its conclusions, notwithstanding the Minister's Response.”*

The Board members for this hearing were the Chairman of the Complaints Panel, Geoffrey Crill, Chris Beirne and Janice Eden.

**Status as at 31.12.2019:**

**CASE CLOSED: COMPLAINT UPHELD – MINISTER UNDERTOOK TO OBTAIN INDEPENDENT PLANNING INSPECTOR’S REVIEW OF THE CASE. NO FOLLOW UP RECEIVED.**

**(4) 1386/2/1/9(19)**

**Complaint by the residents of Ville du Bocage, St. Peter against the Infrastructure and Planning Departments (now Growth, Housing and the Environment (GHE)) regarding the management of the Hospital catering relocation project by Jersey Property Holdings**

A statement of complaint was received on 2nd October 2018, and the Department was contacted for a résumé, which was then referred to the Chairman and another independent Panel member for consideration. The Chairman concluded that this was not an appropriate case for a hearing by a Board. Whilst he and the independent member appreciated that the development of the Hospital catering unit was causing considerable disturbance and, indeed, distress to neighbouring residents, the Panel was only able to consider complaints against executive decisions and administration. They considered that the complainants were essentially complaining that JPH were not managing the redevelopment contract in a manner that adequately took into account the interests of the residential neighbours. The Chairman was of the opinion that there was nothing material in the manner of the administration of the building contract by JPH, on behalf of the Minister, that warranted a hearing under the Administrative Decisions legislation.

However, this view was unacceptable to the complainants, who requested that the matter be considered by the Deputy Chairmen. Having reviewed the papers sent to them, the Deputy Chairmen concurred with the Chairman’s view, but one of the Deputy Chairman then offered to chair an informal meeting, bringing all those involved around a table to discuss a way in which the various problems associated with the development and the ongoing use of St. Peter’s Technical Park could be resolved.

The Deputy Chairman convened three meetings with all of the main stakeholders throughout 2019, at which various assurances were given. However, the complainant remains dissatisfied with the level of enforcement applied by Planning and the dispute is ongoing.

**Status as at 31.12.2019:**

**ONGOING: INFORMAL RESOLUTION BEING PROGRESSED**

**(5) 1386/2/1/9(23)**

**Complaint against the Health and Community Services Department**

A statement of complaint was received on 2nd October 2018, and the Department was contacted for a résumé. This prompted the Department to respond to advise that the complainant had yet to fully exhaust the internal complaints procedure, and that steps would be taken to make contact and address the issues raised.

There was no further contact with either the Department or the complainant in 2019 and the case was closed.



**Status as at 31.12.2019:  
CLOSED**

**(6) 1386/2/1/9(24) Complaint against the Health and Community Services Department regarding the complainant's family's involvement with staff within the Children's Service and failings to provide accurate and timely records of meetings**

A statement of complaint was received on 15th November 2018, and the Department was contacted for a résumé. This prompted the Department to respond to advise that the complainant had yet to fully exhaust the internal complaints procedure, and that steps would be taken to make contact and address the issues raised.

There was no further contact with either the Department or the complainant in 2019 and the case was closed.

**Status as at 31.12.2019:  
CLOSED**

**23 NEW FORMAL COMPLAINTS WERE RECEIVED IN 2019**

**(1) 1386/2/1/9(25)**

**Complaint against the Health and Community Services Department regarding the standard of care provided to the complainant**

A statement of complaint was received on 13th January 2019.

A résumé was received from the Department and referred to the Chairman, in order that he could consider whether the matter justified a Complaints Board hearing. In accordance with the Panel's procedures, the papers were also sent to a member of the Panel for consideration. Having discussed the matter with his colleague, the Chairman decided that there was not justification for a hearing. Whilst sympathetic, the Chairman determined that the complaint centred on clinical decisions rather than administrative ones and it fell outside of the Panel's remit. The complainant requested that this decision be reviewed and the case was forwarded to the two Deputy Chairmen for consideration. They concurred with the Chairman's view, but offered to be involved in an informal resolution process which took place in July 2019. The complainant received an apology from the Department.

**Status as at 31.12.2019:  
CLOSED: RESOLVED INFORMALLY**

**(2) 1386/2/1/7(25)**

**Complaint against the Customer and Local Services Department (formerly Social Security) regarding the processing of an application for the Housing Gateway**

A statement of complaint was received on 14th January 2019.

A résumé was received from the Department and referred to the Chairman, in order that he could consider whether the matter justified a Complaints Board hearing. In accordance with the Panel's procedures, the papers were also sent to a member of the Panel for consideration. Having discussed the matter with a colleague, the Chairman decided that there was not justification for a hearing. The Chairman was very sympathetic to the complainant's situation, but considered that the Department had administered his application in accordance with its usual procedures, and although he acknowledged that there could have been a greater effort made to contact the complainant, essentially there was no legal or procedural requirement for them to do so. The issue regarding whether the application was 'doctored' was unlikely to be resolved and it would be impossible for a Board to adjudicate on this when the Department's and the complainant's own views on this were firmly entrenched.

Although the Chairman did not consider this complaint warranted a hearing by a Board, he suggested that the Department amend the application forms to clearly identify the address that was to be used for all correspondence with an applicant, be that a postal address or e-mail. That way there should be no argument about notifications not being received in the future.

**Status as at 31.12.2019:  
CLOSED: RESOLVED INFORMALLY**

**(3) 1386/2/1/9(26)**

**Complaint against the Health and Community Services Department regarding standard of care, poor communication and the amount charged for treatment as a private patient**

A statement of complaint was received on 6th February 2019 concerning a complainant's treatment in December 2018.

The Department were contacted and advised that the matter had yet to be fully investigated. Further correspondence between the Hospital and complainant requested a meeting to try and resolve the matter informally. However, in June 2019 the complainant wrote to the Department advising that he was unwilling to enter into discussions with them about the matter. The Deputy Greffier advised him that the Complaints process was predicated upon meeting with those involved and provided a forum for questions to be raised. However, the complainant disengaged with the process and made no further contact with the Complaints Panel.

**Status as at 31.12.2019:  
CLOSED: UNRESOLVED**

**(4) 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 received on 18th February 2019.

The complaint related to the care that the complainant's now deceased 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 has a complaint about Feedback Team and the poor communication she has experienced which is to be submitted in 2020.

**Status as at 31.12.2019:**

**ONGOING: AWAITING INTERNAL COMPLAINTS PROCESS TO BE EXHAUSTED**

**(5) 1386/2/1/3(26)**

**Complaint against the Education Department (now CYPES) regarding the way in which an application for a student maintenance grant was administered**

A statement of complaint was received on 20th February 2019.

The complainant's child was due to start university in September 2019, but the funding had been based on the whole family income, when one of the parents had then been imprisoned. The Student Finance Regulations invites parents to appeal if they are facing 'exceptional circumstances' and the complainant did so, but the appeal was rejected on the grounds that 'insufficient reason' had been given to disregard the income from the previous year. The Chairman contacted officers within the Department with a view to seeking an informal resolution of this matter and avoid a public hearing. Initially there was no response and so a hearing was convened but after the Panel contacted the Minister, the matter was swiftly addressed and a cheque for additional funding for the current year was sent to the complainant as well as assurances that the funding would be guaranteed for the following academic year also. The Chairman recognised that this had been a difficult case for the Student Finance team and they had applied the orders as they saw fit. It was noted that as a consequence of this case, the procedures were amended and in future it would be the Departmental Leadership Team, chaired by the Director General, who would determine whether the case was exceptional or not. This will hopefully provide another layer of governance on any decisions before they go to appeal.

The complainant responded to the Panel as follows –

*“Thank you for all your help with my complaint. I am satisfied that it has been completely resolved.... I hope that lessons have been learnt here, not just about the meaning and operation of the law, but how to deal promptly and fairly with people and to understand the ultimate goal of states departments, which is to help and serve the public. My life has been one battle after another and what I've learnt is that there is always a lot of law and not always a lot of justice. I hope that my little battle will help others in some way. With gratitude and kind regards.”*

**Status as at 31.12.2019:**

**CLOSED: INFORMALLY RESOLVED**

**(6) 1386/2/1/2(338)****Complaint against the Planning Department (now Growth, Housing and the Environment (GHE)) regarding the enforcement of planning conditions**

A statement of complaint was received on 18th March 2019.

A résumé was received from the Department and referred to the Chairman, in order that he could consider whether the matter justified a Complaints Board hearing. In accordance with the Panel's procedures, the papers were also sent to a member of the Panel for consideration. Having discussed the matter with his colleague, the Chairman decided that there was justification for a hearing, and this took place on 28th May 2019 (R.99/2019 refers).

The Complaint concerned the conditions imposed on Planning consents in relation to Tamba Park, and the Department's alleged failure to enforce them. There had been a gradual shift and expansion of the activities on the site and this had been accepted by Planning without constraint, simply because they were tourism related. The Board considered that some efforts should have been made to limit the scope of the activities whilst considering the wider business needs. As the offering developed, additional controls should have been applied. There were clearly questions regarding how such evolutionary development should be regulated.

The Board considered there to have been a combination of shortcomings in the Planning and Building (Jersey) Law 2002, a failure of the Planning Department to enforce the Law, and material shortcomings in the internal systems and resources of the Planning Department.

The Board found it concerning that conditions could be imposed, but then be unenforceable. Not only did it appear to be an empty gesture, made at the time at which Planning permission was granted, and used to pacify objectors and give false hope that some of their concerns would be addressed, but it also was a very ineffective method of regulating planning.

The Board did not wish to discourage the provision of much needed facilities for tourists and local young people alike but considered that in this instance Planning allowed that provision to override the need to protect the amenities and occupiers of neighbouring properties. There is absolutely no point including design statements as part of an approved permit if they are not binding. This, like unenforced conditions, provides neighbours and objectors with an artificial source of comfort and simply confuses the issues for all concerned.

In summary the Board made the following recommendations to the Minister for the Environment -

- communication should be improved and anyone complaining about unauthorised activities should expect to receive an acknowledgement from the Department and a follow up response within a reasonable timescale;
- there should be changes to the legislative framework to provide the Planning Department with powers to stop unauthorised activities immediately (not just for 7 days as is the position currently) and

- conditions imposed as part of the planning process should be clear and specific and design statements should not be included as part of an approved permit unless they are to be binding.

The Minister for the Environment's response to the findings Report was published on 18th November 2020 (<https://statesassembly.gov.je/assemblyreports/2019/r.99-2019res.pdf>). The Minister broadly accepted the findings and concluded with the following statement –

*“I will be encouraging the team to make positive changes wherever possible, and to take account of the Board's comments.”*

The Board members for this hearing were the Chairman of the Complaints Panel, Geoffrey Crill, Sue Cuming and John Moulin.

**Status as at 31.12.2019:  
CLOSED: COMPLAINT UPHELD**

**(7) 1386/2/1/2(14)**

**Complaint against the Department for Infrastructure (now Growth, Housing and the Environment (GHE)) regarding the maladministration of the taxi plate allocation process**

A statement of complaint was received on 29th March 2019.

The complainant, a taxi driver, alleged that on 28th September 2018 he had presented his new vehicle for inspection. He had applied for a purple plate P142 (allowing him to work on the public rank) but a white plate had been attached to his car (date of issue was stated as 27th September 2018 to expire 27th September 2019).

On 29th January 2019 he received revised licence documentation which stated that he had been issued with a purple plate date of issue 26th October 2018. The complainant was unhappy as he had 'lost' several months where he could have been working on the public rank and he believed the error to have been deliberate.

Having carefully considered the papers submitted, the Chairman concluded that this was not an appropriate case for a hearing by a Board. The Chairman acknowledged that the policy and the process about these licenses - although incredibly convoluted - appeared to have been applied even-handedly and lawfully. The Administrative Decisions Law was not designed to arbitrate in cases where it is essentially one person's word against another, and it was not possible for the Panel to resolve that sort of claim.

The complainant was advised of the Chairman's decision by e-mail on 24th May 2019. He did not seek further review by the Deputy Chairmen.

**Status as at 31.12.2019:  
CLOSED.**

**(8) 1386/2/1/3(27)****Complaint against the Minister for Education regarding the way in which student finance was been administered**

A statement of complaint was received on 25th March 2019.

The complaint concerned the assessment of the fee's payment in respect of a student which had changed without any notification, leaving the parents with a large and unexpected amount to pay. The initial income statement form had been sent to the Student Finance team in May 2018 for the 2018/19 academic year. The assessment had been entered onto the database and the notification letter, which advised students, parents and the university how much the department was paying and how much the parent/student would be responsible for had been sent, dated 30th July 2018, stating that the Department would be paying £6,910 towards the fees.

The complainant was subsequently contacted by the university concerned regarding an overdue payment of £3,700 and was advised by Student Finance that there had been an administrative error which had led to there being no parental contribution recorded. A letter which the Department maintained had been sent advising of this error had not been received by the complainant.

The Chairman concluded that this was an appropriate case for a hearing by a Board. However, he was keen to try and resolve the matter informally. As a consequence, Student Finance met with the complainant on 1st July 2019. An explanation was provided for the administrative error and the Department apologised unreservedly. On the student finance database there was a field which, when left unticked, allowed the department to pay more than the standard £9,250 towards tuition fees but still allowed for the Higher Child Allowance (HCA) to be removed and then ignored the parental contribution. In this case, this field was left unticked and the notification letter dated 30th July 2018 showed the department would be paying £6,910 towards the fees. This error was identified two days later and rectified and the Department had produced a new notification letter on 2nd August 2018 which was sent out to each party showing the reduction of the departments' contribution from the incorrect £6,910 to the correct £3,210. It appeared that this was not received by the complainant. It was noted that this error was a result of a system logic that had not been picked up and there were several students who unfortunately had been similarly affected. The Department had made system changes as a result to ensure that this did not happen again for students whose parents were contributing towards fees.

All staff had also been briefed on this issue and an extra step had been put into the approval process to mitigate the risk of a similar isolated occurrence.

The Chairman and Deputy Greffier were also invited to meet with the Student Finance Team on 24th July 2019 to gain a valuable oversight of the Student Finance process. The efforts of the Student Finance team to address the complaint, resolve the issue and learn from mistakes made were applauded by the Chairman.

**Status as at 31.12.2019:**

**CLOSED: RESOLVED INFORMALLY**

**(9) 1386/2/1/3(21)**

**Complaint against the Department for Infrastructure (now Growth, Housing and the Environment (GHE)) regarding poor communication and failure to respond to concerns raised regarding the need for road safety measures along La Rue des Sapins, St. Peter.**

A statement of complaint was received on 20th March 2019.

The complainant was concerned about speed limits along La Rue des Sapins, St Peter and the potential for fatal accidents to occur as a consequence. The complainant argued that the road should have a reduced speed limit...

Having carefully considered the papers submitted, the Chairman concluded that this was not an appropriate case for a hearing by a Board. Whilst the complainant's campaign for what they regarded to be essential road safety improvements was admirable, there really was no basis for a complaint under the Panel's powers.

The Minister has a policy for Island-wide review in cooperation with the parishes. The Chairman believed that the policy appeared reasonable, lawful and was being progressively applied. The Minister appeared to have given reasonable consideration to the complainant's contention that the road should be regarded as an exceptional case, and had decided not to. Again, the Chairman considered that appeared to be a reasonable decision to have been made.

The complainant also argued that the Minister was in breach of his duties, because he had not responded as quickly to his many communications as the complainant might have wished, or in the manner expected. The Chairman could not see any basis for that: the Minister had explained his policy, his reasons not to regard Rue des Sapins as a special case, and he did not believe that he needed to repeatedly restate his position. However, the complainant was advised to pursue this with the Commissioner for Standards as this matter fell outside of the remit of the Complaints Panel.

**Status as at 31.12.2019:**

**CLOSED: REFERRED TO COMMISSIONER FOR STANDARDS**

**(10) 1386/2/1.7(26)**

**Complaint against the Social Security Department (now Customer and Local Services) regarding the redetermination of Income Support payments**

A statement of complaint was received on 3rd April 2019.

The complaint concerned the reassessment of the complainant's classification by the Customer and Local Services Department as Actively Seeking Work. In the past the complainant had been exempt from job seeking due to the submission of medical certificates (STIAs). However, the complainant did not meet qualifying criteria to claim any health benefit, due to opting out of paying contributions through the married woman's election.

Although her STIAs did not attract any benefit payment, they were accepted previously as evidence of her claim that she was unfit to work or to seek work. This changed in

2018 when the Disallowed STIA procedure was brought in and the Back to Work Team advised her that additional evidence was required in order to make an assessment of her ability or otherwise to look for work. The STIAs were now no longer accepted in isolation to support her claim that she was unable/unfit to work.

The complainant had subsequently received job-seeking sanctions due to non-attendance of appointments, which resulted in the closure of her Income Support claim on 22/11/18. She maintained that she was unfit for work or to look for work and had been unfairly treated.

Having carefully considered the papers submitted, the Chairman concluded that this was not an appropriate case for a hearing by a Board. The Chairman was very sympathetic to the complainant's situation, but the Complaints Panel had to assess whether the Department strayed from their policies and procedures when dealing with the case. It was his view that the Department administered the application in accordance with its usual procedures.

Although the Chairman did not consider this complaint warranted a hearing by a Board, he contacted the Back to Work (BTW) team to see if this situation could be resolved. BTW agreed to start the claim process again, in the hope that the complainant would now engage with them, attend interviews and so on.

The Complainant was advised of the foregoing and did not make further contact to appeal the Chairman's decision.

**Status as at 31.12.2019:  
CLOSED: RESOLVED INFORMALLY**

**(11) 1386/2/1/9(19)**

**Complaint against the Planning Department (now Growth, Housing and the Environment (GHE)) regarding the non-enforcement of Planning conditions relating to Unit 1, Field J1007, St John**

A statement of complaint was received on 1st May 2019.

The complaint related to the lack of enforcement action taken in respect of the conditions applied to the Building Permit associated with Unit 1, Field J1007, St. John.

The complainant had rented a storage facility to a company which had then commenced cooking operations within the Unit and had made alterations to the structure to support this activity. The complainant, who had a long history of entanglements with the Planning Department, was concerned that the unauthorised use of the area could impact on his insurance, particularly as there had already been an incident to which the Fire Service attended, and he also questioned whether a Planning permit was required for an extractor fan which protruded outside of the store and did not appear on the original plans submitted in 2017.

An Enforcement Notice had been issued on 3rd June 2019, in relation to the breaches of development controls at the Unit, where alterations to create a food preparation station had not been fully discharged. The tenant had only contacted the complainant



seeking permission on 17th July, some 44 days after the Enforcement Notice was served and he was concerned that, given his experiences with the Department in the past, the matter had not been addressed with quite the same intensity as had been evident when he had been the applicant. He was worried that his tenant's continued failure to comply with the Planning and Building (Jersey) Law 2002 would have ramifications for him as the owner.

The Deputy Greffier wrote to the Department, who responded confirming that Planning permission was indeed required for the extractor fan and this had been logged as a planning complaint and would be acted upon by the planning compliance team in due course. Legal advice had been sought in relation to the non-compliance of the enforcement notice and the Department gave assurances that all reasonable steps were being taken to secure compliance.

The complainant was advised of this response which was sufficient to alleviate his concerns.

**Status as at 31.12.2019:  
CLOSED: RESOLVED INFORMALLY**

**(12) 1386/2/1/9(28)**

**Complaint against the Health and Community Services Department regarding the administration of a patient's treatment plan (10601958)**

A statement of complaint was received on 15th May 2019.

The complaint spanned over 23 years of interaction with healthcare in Jersey and elsewhere. The Deputy Greffier wrote to the Department that day requesting a summary of the case and was advised by the Feedback Team that the complaint was still under investigation and the internal complaints process had not been exhausted. She followed up on the case in July to see what progress had been made. She was advised that given the timeframe and because he outlined continued health issues, the Hospital Director had requested a review of the care provided to the complainant from his medical records. This was undertaken from the records in the absence of being able to speak to key officers named in his complaint but who were no longer working in the Department.

The review covered 1986 to present day and was undertaken by a senior experienced doctor working in the Quality and Safety Team. The report from this review was shared with the complainant on 19th August 2019 via email. The Deputy Greffier was advised that a meeting was subsequently to be convened between the complainant and the Hospital Director. This eventually took place in November (the reason for the delay was due in equal part to the complainant) and he was advised in December 2019, that consideration would be given to the large amount of documentation he had presented at that meeting and there would be further contact once that information had been absorbed. It should be noted that this was the same documentation which had been submitted by the Deputy Greffier to the Department in May 2019.

**Status as at 31.12.2019:  
ONGOING: AWAITING INTERNAL COMPLAINTS PROCESS TO BE EXHAUSTED**

(13) 1386/2/1/2(340)

**Complaint against the Environment Health Department (Growth, Housing and the Environment (GHE)) regarding responses to a complaint and administration of that complaint**

A statement of complaint was received on 11th June 2019.

The complaint regarded the way in which the Environmental Health team responded to the complainant's concerns of noise nuisance caused by his neighbour's dogs.

The complainant had initially made contact with his Parish Duty Centenier on 22nd February 2019, to report excessive noise from his neighbour's dogs. The situation with the animals had been ongoing for many months. However, on this occasion the complainant had recently been discharged from Hospital and was in very poor health and the noise was adversely impacting upon him. As a consequence of his call to the Honorary Police, a connection was made with the Environmental Health Team who visited to assess the noise nuisance. The complainant was subsequently contacted by telephone by a Social Worker who had been given his personal details, including his ex-Directory telephone number, by officers from Environmental Health via an e-mail exchange.

Notwithstanding the complainant's disappointment that seemingly nothing had been or could be done to abate the noise nuisance from the neighbouring dogs, he was understandably unhappy that his details were released to a third party without his consent and that an unsolicited intervention was made in relation to his health. Furthermore, he wished to know the grounds on which this unofficial referral was made. The Deputy Greffier wrote to the Department in June 2019 and followed this up with a further email in early August 2019 to try and ascertain whether the matter could be resolved informally as she was not certain the case sat within the remit of the Complaints Panel and really should be referred to the Office of the Information Commissioner for further consideration. She advised the Department that the complainant sought an apology for the disclosure of his details and asked that consideration be given to providing some form of conciliatory letter which could help the situation.

Having advised the complainant that he should expect a response from the Department in due course, the Deputy Greffier suggested he contact the Office of the Information Commissioner if he remained dissatisfied. There was no further contact from the complainant in 2019.

**Status as at 31.12.2019:**

**CLOSED: COMPLAINANT ADVISED TO CONTACT THE OFFICE OF THE INFORMATION COMMISSIONER**

**(14) 1386/2(97)**  
**Complaint against Children's Services (Health and Community Services)**

A statement of complaint was received on 7th June 2019.

The complaint related to an incident which had occurred in 2018; the complainant was keen to make contact, in order to ensure the case was registered by the Panel within the one-year timescale for consideration. However, the complainant had not exhausted the internal complaints process, and his case was being reviewed by Guernsey, which was the usual process for Health-related cases. The Deputy Greffier advised the complainant that he would be able to make an approach to the Panel if he remained dissatisfied with the outcome of the internal review.

There was no further contact in 2019.

**Status as at 31.12.2019:**  
**ONGOING: AWAITING INTERNAL COMPLAINTS PROCESS TO BE EXHAUSTED**

**(15) 1386/2/1/7(22)**  
**Complaint against the Social Security Department (now Customer and Local Services) regarding the lack of response in relation to a request for an appeal by the Social Security Tribunal in relation to the classification of an individual by a determining officer**

A statement of complaint was received on 24th June 2019.

The complaint concerned an ongoing dispute between a company and Customer and Local Services (CLS) (formerly Social Security) regarding the classification of its shareholders since November 2016.

CLS had maintained the position that all shareholders had substantial control of the company and that as such they were all classified as Class 2 for Contribution purposes. Even without the legislation in place for a redetermination, the Department had conducted one on behalf of the company, the outcome of which was that the position was maintained that they were Class 2 for Contributions purposes.

The company had then engaged lawyers who wrote to the Department and subsequently challenged the decision. The Operations Director sought Law Officers advice and subsequently responded in February 2018 clarifying the Department's position. The Department acknowledged the Human Rights Compliance issue that had been highlighted and gave a commitment to getting the legislation updated. In March 2019 the Minister had signed the Social Security (Miscellaneous Provisions No. 6) (Jersey) Order 2019, which introduced redetermination and appeal rights in regard to classification (although this did not offer redetermination rights on previously made decisions).

It was noted that if a significant change in circumstances was presented by the shareholders to CLS then there would be the option of a review of the classification for the shareholders, plus the option for a redetermination of the classification, and thus the

right of appeal to a Tribunal should they remain unsatisfied with the decisions made by CLS.

The Chairman's initial view which was conveyed to the complainant in October 2019, was that the removal of the prohibition of appeals by the amendment to the Law had created an opportunity for the company to seek a Tribunal. The Department's stated position was that they needed "new circumstances" to warrant a review of a decision made before the amendment of the Law. It appeared that the amendment of the Law could itself constitute the "new circumstances", in that it provided an avenue that wasn't available previously. He was minded to offer the prospect of a hearing on a very narrow point, but not a ruling on whether the original decision should be upheld. A Tribunal decision would at least expose the argument on which the Department relied and would enable the company to decide whether there was sufficient case to take to Court.

However, having discussed the matter further with the Department and having had an opportunity to consider their response, the Chairman had revised his position. The Department had discussed the case with the Minister, and reviewed the request for a tribunal hearing.

The Department maintained the view that there had not been a change in circumstances of the directors' shareholding, which would invoke the opportunity to request a redetermination of the classification and to then request a tribunal hearing. The officers argued that, had there been a change in circumstances, the Department would have happily conducted another review, and this review would have then carried redetermination rights, and then subsequently the opportunity for a tribunal hearing. The Department highlighted that discussions had been ongoing since 2017 in relation to this matter and it was noted that an informal second review was conducted, despite it not being in the legislation at the time, to ascertain that the correct decision had been made. The Department appeared to have remained consistent throughout in its advice regarding the classification of the directors as Class 2 contributors.

The Chairman considered that this response was compelling. A Complaints Board cannot hear complaints based solely on points of law, nor can it be used as a vehicle to circumvent what is clearly stated in the law. The Chairman therefore decided, in accordance with Article 3 (5) of the Administrative Decisions (Review) (Jersey) Law 1982 that a review of this case was not justified.

The complainants were advised of this decision on 27th November 2019. They did not proceed with an appeal to the Deputy Chairmen and the case was therefore closed.

**Status as at 31.12.2019:  
CLOSED: NOT PROGRESSED TO A HEARING**

**(16) 1386/2/1/9(29)****Complaint against the Health and Community Services Department regarding the administration of travel arrangements for a patient's UK Consultancy appointment and subsequent response to that complaint**

A statement of complaint was received on 30th July 2019.

The complaint related to the way travel arrangements were administered for a recent appointment in the UK and the responses of certain staff when a complaint was made. A separate complaint was ongoing with the Department concerning his failed eye operations, which was being addressed by lawyers.

The Deputy Greffier wrote to the Department and on 16th August 2019 was advised that in both instances the internal Complaints Procedure had not yet been exhausted. It was noted that on 5th March 2019 the complainant had first initiated a complaint via a telephone call to the Department's Feedback and Complaints Officer concerning his recent eye operation. He had submitted a second complaint regarding the administration of travel arrangements for his UK Consultancy appointment, to the Department on 22nd July 2019. He had subsequently met with a senior manager of the Department on 9th August 2019 and actions had been agreed. This matter was currently at the First Stage, therefore the internal Complaints Procedure had also not yet been exhausted in regard to the administration of travel arrangements complaint.

The Deputy Greffier wrote to advise the complainant that his case would be put on hold until the internal Complaints process had been exhausted. There was no further contact in 2019.

**Status as at 31.12.2019:****ONGOING: AWAITING INTERNAL COMPLAINANTS PROCESS TO BE EXHAUSTED****(17) 1386/2/1/7(23)****Complaint against the Customer and Local Services Department regarding the withdrawal of Income Support for full time students.**

A statement of complaint was received on 15th August 2019.

The complaint concerned five mature students who had been told they were not permitted to be supported financially by Income Support whilst studying on the foundation degree course in Psychology/ Criminology leading on to an honours degree in Social Sciences.

Student finance had agreed to fund the cost of the degree to the final year of the Social Sciences course and consider them for maintenance grants, but the Customer and Local Services Department had advised that the Adult Component of their Income Support would not be paid whilst they studied full time. The Student Finance maintenance grant would not be enough to live on and raise their families.

The students had had to join job club and start work or risk financial penalties. The reason given for this decision was that the pathway had been not been deemed as a 'critical skill degree', even though they had received confirmation that the pathway would lead the students on to employment within the same sectors that were currently understaffed (for example mental health, the police and social services).

The Deputy Greffier advised that the problem was a political policy issue, rather than an administrative issue which could be considered by the Complaints Panel. There would need to be an exception made to the Student Finance rules to extend the level of maintenance grant to take account of the dependents of an approved student. Alternatively, the Income Support rules would need to be amended to provide that the Adult Component would continue up to the difference between the current Income Support grant and the amount of the maintenance grant provided by Student Finance. The complainant was advised to contact certain States Members for assistance, given that one of the Common Strategic Plan aims was to encourage and nurture home grown talent and the complainant also started an online petition.

**Status as at 31.12.2019:**

**CLOSED: REFERRED TO STATES MEMBERS FOR SUPPORT**

**(18) 1386/2/1/9(30)**

**Complaint against the Health and Social Services Department regarding the administration of Ms. X's granddaughter's care by the Children's Service**

An initial statement of complaint was received on 20th August 2019, but further information was requested before the formal process could be progressed. This was eventually received on 6th December 2019 and a letter was then sent to the Department seeking a case summary.

**Status as at 31.12.2019:**

**ONGOING: AWAITING SUMMARY FROM DEPARTMENT**

**(19) 1386/2/1/9(31)**

**Complaint against the Health and Social Services Department regarding procedural failures**

A statement of complaint was received on 27th September 2019.

The complaint concerned failures by staff to follow suicide watch procedures and delays in providing the necessary documentation for the inquest into the circumstances surrounding the death of the complainant's father.

A letter was sent on 30th September to the Department and the Feedback Team e-mailed to flag up the fact that the complaint into the administration of this matter had not been registered with them.

On 14th October 2019 the Deputy Greffier wrote to advise the complainant that the Panel was only able to investigate a matter once the internal complaints process within the Department concerned had been exhausted. However, she was keen to avoid the complainant being caught in another bureaucratic tangle, so had asked them to accept his letter to her, which she had forwarded to them as part of the process, as his formal

submission. She had also urged them to expedite their investigation into his complaint as quickly as possible and asked them to provide an update in a month's time. An e-mail was sent to the Feedback Team on 22nd November 2019 seeking an update.

**Status as at 31.12.2019:**

**ONGOING: AWAITING INTERNAL COMPLAINTS PROCESS TO BE EXHAUSTED**

**(20) 1386.2.1.17(6)**

**Complaint against the States of Jersey Police regarding a failure to investigate a case fully**

A statement of complaint was received on 8th November 2019.

The complaint related to a complainant's concerns that her allegations against an individual were not properly investigated by either the police or the Police Standards or the Police Complaints Authority. Whilst recognising this was not normally an area for the Complaints Panel, the Deputy Greffier wrote to the Minister for Home Affairs and the Chief of Police to request that they conduct a review of the case and give consideration to the neutrality of the current police complaints process when there were perceived conflicts of interest.

**Status as at 31.12.2019:**

**ONGOING**

**(21) 1386/2/1/7(28)**

**Complaint against the Customer and Local Services Department regarding the way in which changes to benefit entitlement was communicated**

A statement of complaint was received on 5th November 2019.

The complaint concerned the way in which changes to benefit entitlement was communicated.

Having carefully considered the papers submitted, the Chairman and independent member concluded that this was not an appropriate case for a hearing by a Board. The Chairman advised that, other than the failure of the Department to respond according to the "feedback" process, there appeared to be no breach of policy or the Law in the way the complainant's benefits were determined.

The Chairman acknowledged that the Customer and Local Services Department did not appear to have properly implemented its Complaints Policy and believes the complainant should have received a full response from them. The Chairman wrote to the Department to express his concern that this process was not followed but did not consider that this justified a full review of the case.

The complainant was sent a letter outlining the Chairman's decision on 16th December 2019 and offered the opportunity of appealing this outcome.

**Status as at 31.12.2019:**

**ONGOING: AWAITING RESPONSE FROM COMPLAINANT**

**(22) 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**

A statement of complaint was received on 11th November 2019.

The complaint concerned the administration of a former employee's request for a pension calculation made when he had taken early retirement.

A summary was requested from the Department and the papers were sent to the Chairman and an independent member of the Panel on 23rd December 2019.

**Status as at 31.12.2019:**

**ONGOING: AWAITING RESPONSE FROM CHAIRMAN**

**(23) 1386/2/1/21(16)**

**Complaint against the Department for Infrastructure (now Growth, Housing and the Environment (GHE)) regarding the recent suspension of a driver's taxi licence**

A statement of complaint was received on 25th November 2019.

The complaint related to an allegation made by the complainant, a taxi driver, that the reasons given for his recent suspension were not founded.

A summary of the case was requested from the Department.

**Status as at 31.12.2019:**

**ONGOING: AWAITING DEPARTMENTAL SUMMARY**



**13 ENQUIRIES WERE LOGGED DURING 2019 WHICH DID NOT TRANSITION INTO FORMAL COMPLAINTS.**

**3 x Customer and Local Services**

- Complaint regarding Income Support claim – advised to contact CLS directly
- Complaint regarding Income Support claim – advised to contact CLS directly
- Complaint about -Income Support – no submission made

**2 x Health and Social Services**

- Complaint regarding treatment by Children’s Services – no submission made
- Complaint about noise – referred to Environmental Health

**3 x Education**

- Complaint regarding Student Funding –no submission made
- Complaint regarding Student Funding –no submission made
- Complaint regarding a secondary school transfer – advised of appeal route

**4 x Planning**

- Complaint regarding outcome of Planning application process – advised to consider a Third Party Appeal and referred onwards
- Complaint regarding outcome of Planning application process – advised to consider a Third Party Appeal and referred onwards
- Complaint regarding outcome of Planning application process – advised to consider a Third Party Appeal and referred onwards
- Complaint about lack of enforcement – no submission made

**1 x Housing**

- Complaint regarding behaviour of neighbours – referred to Andium Homes