
STATES OF JERSEY



COMMISSIONER FOR STANDARDS: INVESTIGATION OF COMPLAINT OF BREACH OF THE CODE OF CONDUCT FOR ELECTED MEMBERS BY SENATOR S.C. FERGUSON

**Presented to the States on 19th March 2018
by the Privileges and Procedures Committee**

STATES GREFFE

INTRODUCTION

The Privileges and Procedures Committee has received a report from the Commissioner for Standards into an alleged breach of the Code of Conduct for Elected Members by Senator S.C. Ferguson, by failing to disclose an interest in relation to propositions that she brought before the Assembly.

The Commissioner for Standards has found that Senator Ferguson did breach the Code of Conduct for Elected Members.

Senator Ferguson has accepted that the complainant was correct that she had not declared, or acknowledged, her involvement with the Jersey Lifeboat Association before bringing 2 Propositions before the Assembly.

The Committee has received a letter of apology from Senator Ferguson, accepts the Commissioner's report, which is attached, and considers that no further action is necessary.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT OF THE COMMISSIONER FOR STANDARDS

Submitted on 9th March 2018

Introduction

1. Mr. Andrew Jones [the complainant] submitted a complaint by means of an e-mail dated 22 February 2018. I acknowledged the complaint on 28 February 2018.

Summary

2. Mr. Jones' complaint was that Senator Ferguson had breached the provisions of the Code of Conduct for Elected Members by failing to disclose an interest in relation to propositions she brought before the Assembly.
3. I wrote to Senator Ferguson on 28 February 2018 setting out the alleged breaches and highlighting the relevant provisions of Section 3 of the Code of Conduct. I invited her to provide a full and accurate account.

The facts

4. The facts of this case are not in dispute, in that Senator Ferguson in her response dated 3 March 2018, accepted that Mr. Jones was correct in asserting that she had not declared or acknowledged her involvement with the Jersey Lifeboat Association.

Senator Ferguson's response

5. Senator Ferguson expressed her gratitude to Mr. Jones for bringing the matter to her attention. She set out in detail her connection with the Jersey Lifeboat Association and highlighted her 'involvement as a politician' from November 2017 onwards. She acknowledged that she had been involved in two propositions put before the Assembly, but that her involvement with the association had effectively ended in March 2018. She had no ongoing interest of a financial or of any other nature.

Analysis and findings

6. Mr. Jones rightly identified a failure by Senator Ferguson to declare a relevant interest when placing propositions before the Assembly. However, on being advised of the complaint, Senator Ferguson immediately acknowledged her fault and apologised for the oversight.
7. I have carefully considered the complaint and Senator Ferguson's response. In my judgement this complaint is exactly the type of situation which was envisaged by paragraph 23 of my 'statement' as to how I would discharge my functions. Namely, that in cases where the complaint, though justified is minor and is acknowledged by the Member concerned, remedial action may be appropriate. On that basis I invited Senator Ferguson to submit a formal letter of apology, setting the record straight. That letter is addressed to the Chairman of the Privileges and Procedures Committee.

8. I find the complaint to be justified but am satisfied that the remedial action agreed, namely a formal letter of apology to the Chairman of the Privileges and Procedures Committee, is an appropriate outcome in all the circumstances. I wrote to Mr. Jones on 9 March 2018 advising him of the outcome of my investigation. My attention has been drawn to a newspaper article by Mr. Jones which essentially repeated his complaint against Senator Ferguson and placed it in the public domain. Section 5 of my 'statement' makes it clear that any complaints made to my office should not be publicised until the complaint has been finally determined. However, as I omitted, on this occasion, to supply Mr. Jones with a copy of my statement when acknowledging his complaint, I feel it would be unfair to criticise him for writing his newspaper article. It remains policy that complainants should not publicise their complaints pending the outcome of my investigation.

Paul Kernaghan, C.B.E., Q.P.M.

Commissioner for Standards