

STATES OF JERSEY



Jersey

DRAFT AMENDMENT (No. 51) OF THE STANDING ORDERS OF THE STATES OF JERSEY

**Lodged au Greffe on 23rd March 2021
by the Privileges and Procedures Committee
Earliest date for debate: 20th April 2021**

STATES GREFFE

REPORT

The Complaints Panel's aim is to ensure that public services are administered in accordance with accepted policies and procedures. Complaints are only taken forward by the Panel once a complainant has exhausted the internal complaints procedures available.

The Panel consists of 17 lay members – ranging from a QC to a shop owner. This provides a broad base from which Boards can be convened, avoids any conflicts of interest which are understandably common in an Island community and ensures that complaints are assessed impartially and without bias.

In 2020 the Panel processed 22 new complaints although only 3 went as far as a Hearing. After a Hearing, a findings Report is published, including recommendations for service improvement. Ministers are asked to provide a formal response to those findings, often within a 3-month timescale. However, there does remain a sense, in certain Departments, that the Complaints Boards' findings are not supportable, unless they uphold the Department's position. Moreover, it appears at times that the responses are often a repetition of the arguments made within the Hearings themselves, rather than a reflection on the recommendations and ways of improving services.

Following discussions with the Chair and Deputy Chairs of the Complaints Panel, the Committee consider that when Ministers respond to a Board's findings, rather than simply presenting this as a Report, they should be required to make an official statement and face questions thereafter. This will enable them to justify their position, especially if they have chosen to reject the Board's findings and will also allow Members to raise questions about the issue with the Minister concerned. Making it mandatory for a response to be presented within 12 weeks of the Report's publication will also ensure that Ministers give adequate consideration to the recommendations made therein and are less likely to ignore the findings.

It is proposed that the simplest way to achieve this would be to put in a completely new Standing Order which mirrors the wording used in Standing Order 68 relating to statements, but makes an explicit provision in relation to the Complaints Board.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this Draft Amendment to Standing Orders.

EXPLANATORY NOTE

This new standing order provides that if the findings of a States of Jersey Complaints Board are reported to a Minister, for the Minister to present a report to the States, within 12 weeks, responding to those findings.

When presenting that report the Minister must also make a statement outlining his or her response and any action proposed and standing order 68 applies as if that statement were a statement on a matter for which the Minister has responsibility under that standing order. This means that when that statement is made the Minister must arrange with the Greffier for distribution of the text of the statement before or as soon as possible after it is made. 15 minutes of questions are to be allowed for members to question the Minister on the statement, which may be extended by a further 15 minutes if so proposed by a member.



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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES make the following Amendment to the Standing Orders of the States of Jersey¹ under Article 48 of the States of Jersey Law 2005² –

1 Standing Order 68AA inserted

After standing order 68 of the Standing Orders of the States of Jersey³ there is inserted –

“68AA Statement to be made in response to findings of Complaints Board

- (1) Where a States of Jersey Complaints Board constituted under Article 6 of the Administrative Decisions (Review) (Jersey) Law 1982⁴ has reported its findings under Article 9(1) of that Law to a Minister, that Minister must present a report to the States within 12 weeks responding to those findings.
- (2) Upon presentation of that report, the Minister must also make a statement outlining his or her response and any action proposed
- (3) The provisions of standing order 68 apply to any statement made under paragraph (2).”.

2 Citation and commencement

This Amendment may be cited as Amendment (No. 51) of the Standing Orders of the States of Jersey and comes into force on the day after it is made.

ENDNOTES

Table of Endnote References

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| <u>1</u> | <i>chapter 16.800.15</i> |
| <u>2</u> | <i>chapter 16.800</i> |
| <u>3</u> | <i>chapter 16.800.15</i> |
| <u>4</u> | <i>chapter 16.025</i> |