

KS/SC/045

PRIVILEGES AND PROCEDURES COMMITTEE

(86th Meeting)

6th February 2018**PART A (Non-exempt)**

All members were present, with the exception of Deputy S.M. Wickenden of St. Helier, from whom apologies had been received.

Connétable L. Norman of St. Clement, Chairman
 Connétable D.W. Mezbourian of St. Lawrence
 Deputy J.A. Martin of St. Helier
 Deputy K.C. Lewis of St. Saviour
 Deputy S.Y. Mézec of St. Helier (not in attendance for item B1)
 Deputy S.M. Brée of St. Clement

In attendance -

Dr. M. Egan, Greffier of the States
 L.M. Hart, Deputy Greffier of the States
 W. Millow, Assistant Greffier of the States
 K.L. Slack, Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A and Part B.

- Minutes. A1. The Minutes of the meetings held on 5th December 2017 (Part A and Part B), 8th January 2018 (Part B only) and 11th January 2018 (Part A only) were taken as read and were confirmed.
- Welcome – Trident student. A2. The Committee welcomed Gabriel Carter, a student, who was shadowing the Greffier of the States as part of the Trident work experience scheme.
- Forthcoming business for debate by the States Assembly. 465/1(210) A3. The Committee received a list of forthcoming business for debate by the States Assembly at its meetings on 20th February 2018, 6th March 2018 and 20th March 2018 and considered whether it wished to make a formal comment on any of the Propositions that had been lodged ‘*au Greffe*’ for debate on those days.
- The Committee decided that it wished to comment on the Proposition of the Chief Minister entitled: ‘Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law 201- (P.1/2018), which was the subject of item B4 of the current meeting.
- In relation to its Proposition ‘Jèrriais: optional use in the States Chamber’ (P.4/2018), the Committee noted that Deputy M. Tadier of St. Brelade had lodged an amendment thereto, to the effect that where a Member used Jèrriais during proceedings in the States Chamber, the presiding officer might request the Member to provide a translation into English or French, whereas the Committee’s Proposition, as lodged, had required the provision of a translation into English only.
- Deputy S.M. Brée of St. Clement opined that Deputy Tadier’s amendment had the potential to disadvantage those Members of the States who were not fluent in French

and proposed that the Committee should lodge an amendment to Deputy Tadier's amendment to require any Member speaking in Jèrriais to provide a translation into both English and French.

The majority of the Committee agreed with Deputy Brée's suggestion and instructed officers to take the necessary action. Deputy S.Y. Mézec of St. Helier requested that his dissent be recorded, on the basis that Members of the States currently had the option to speak in either English, or French, in the States Chamber and the proposed amendment to Deputy Tadier's amendment would remove this element of choice.

The Committee was mindful that there were a large number of items to be dealt with at forthcoming meetings of the States, so it was suggested that the meetings scheduled for 6th March and 20th March should commence at 2.45 p.m. on the preceding Mondays. It was further proposed that the meeting, which was due to commence on Tuesday 10th April should, in fact, start at 9.30 a.m. on Monday 9th April and continue until 6.30 p.m. at the latest on Tuesday 10th April, on the basis that the nomination meeting for Senatorial candidates was due to be held on that evening. The States would not then meet again until after the elections. It was agreed that this should be proposed by the Chairman at the next meeting of the States, but communicated to States Members by electronic mail in advance thereof.

States of
Jersey
Complaints
Panel Annual
Report 2017.
1386/6/1(2)

A4. The Committee, with reference to its Minute No. A1 of 16th October 2017, received and considered the States of Jersey Complaints Panel's Annual Report for 2017.

The Deputy Greffier informed the Committee that she and the Complaints Panel ('the Panel') had met with the Chief Executive of the States and the Chief Operating Officer during the week commencing 29th January 2018. The meeting had been positive and both parties had been in agreement that they wished to see an improvement in the way in which departments handled complaints. The Chief Executive had mooted the introduction of a 3-tier process, whereby once a Department's internal complaints process had been exhausted, a complaint would be considered by a centralised complaint handling body, before being dealt with by the Panel if the complainant remained dissatisfied.

In respect of the Annual Report, the Committee noted that 18 new complaints had been received by the Panel during 2017 and that 3 complaints had been carried forward from 2016. In addition, the Deputy Greffier had received 11 enquiries regarding complaints, which were not taken forward. Of the 18 new complaints, 6 had related to the Planning Department and the remaining 12 to a variety of other Departments.

Two hearings had been convened during 2017. The first had been a complaint by Mrs. X. against the States' Employment Board ('SEB') regarding the way in which her request for ill-health retirement had been handled. The Complaints Board ('the Board'), which had conducted the hearing, had supported the complaint made by Mrs. X. in relation to the way in which her ill-health retirement had been assessed and had requested that her case should be subject to a retrospective review. On 24th July 2017 the SEB, having reconsidered the decision as requested by the Board, had presented its response to the States. The Chairman of the Board had subsequently formally responded that he found the SEB response to be poorly balanced, highly selective and that it ignored the context of the events surrounding the decision.

The second hearing had been a complaint by Mr. and Mrs. A. against the Education Department regarding the payment of a higher education grant to their son. Although the Board had not upheld the complaint, it had made a number of recommendations for improvements to the system. The Minister for Education had

presented a response on 23rd November 2017, in which he had set out the actions which had been taken by the Department as a result of these recommendations in order to improve the grants system.

On a related matter, the Committee was advised that a request had been received from the Legislation Advisory Panel, seeking a response in relation to the recent Jersey Law Commission topic report, entitled 'Improving Administrative Redress in Jersey'. It was agreed that the response which had been sent to the Jersey Law Commission from the Chairman could be forwarded to the Legislation Advisory Panel for its information.

The Committee indicated that it wished for its thanks to be expressed to the members of the Panel for their dedication, expertise and depth of interrogation. It approved the Panel's Annual Report for 2017 and agreed that it should be presented to the States in the Reports series at the earliest opportunity, once the Chairman's foreword had been appended thereto. It instructed the Deputy Greffier to take the necessary action.