
STATES OF JERSEY



COMMISSIONER FOR STANDARDS: INVESTIGATION OF COMPLAINT OF BREACH OF THE CODE OF PRACTICE FOR ELECTED MEMBERS BY DEPUTY K.F. MOREL OF ST. JOHN, ST. LAWRENCE, AND TRINITY

**Presented to the States on 4th January 2024
by the Privileges and Procedures Committee**

STATES GREFFE

REPORT

Introduction

1. A complaint was received on 17th July 2023 against Deputy K.F. Morel by Deputy B. Ward. Deputy Ward alleged that on 28th February 2023, after the first day of a Vote of No Confidence debate relating to the Chair of Health and Social Security Scrutiny Panel, Deputy Morel created an intimidating and hostile situation in front of her fellow States Members in the Chamber and failed to show her courtesy and respect.

Commissioner's conclusions

2. The Commissioner concluded that Deputy Morel breached the requirements of Article 5 of the Code of Conduct for Elected Members by behaving in an unacceptable way towards Deputy Ward on 28th February 2023, and in doing so, failed to show her respect and courtesy.
3. Article 5 of the Code of Conduct is set out below:

5 Maintaining the integrity of the States

Elected members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Jersey and shall endeavour, in the course of their public and private conduct, not to act in a manner which would bring the States, or its Members generally, into disrepute. Elected members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process.

4. In concluding the breach of Article 5, the Commissioner recommended that Deputy Morel should apologise to Deputy Ward for his behaviour which led to a breach of the Code of Conduct.

PPC's conclusions

5. Standing Order 158 prescribes what PPC shall do on receipt of a report from the Commissioner for Standards:

158 Outcome of investigation by the Commissioner for Standards

(1) When the Commissioner for Standards has reported the outcome of an investigation to the PPC under Article 9(1)(c) of the Commissioner for Standards (Jersey) Law 2017 in relation to the code of conduct for elected members of the States set out in Schedule 3, the PPC –

- (a) shall review the Commissioner's report;
 - (b) shall give the elected member whose act has been investigated the right to address the PPC, accompanied, if the elected member wishes, by a person of his or her choice;
 - (c) shall form an opinion, on the basis of the information before it, as to whether or not the elected member has breached the code of conduct and what action, if any, should be taken;
 - (d) shall inform the elected member of its opinion with reasons and what action, if any, it thinks should be taken; and
 - (e) may report its opinion and reasons, and any action it thinks should be taken, or which has been taken, to the States.
- (2) When the Commissioner for Standards has reported the outcome of an investigation to the States under Article 9(1)(c) of the Commissioner for Standards (Jersey) Law 2017 in relation to the code of conduct and code of practice for Ministers and Assistant Ministers referred to in Article 18(3A) of the Law, the PPC shall –
- (a) follow the procedure set out in sub-paragraphs (a) to (e) of paragraph (1) in relation to that report; or
 - (b) make the report of the Commissioner for Standards available to the States.
- (3) The report by the PPC referred to in paragraph (1)(e) may be presented to the States in writing or made orally by the chair of the PPC in a statement.

6. PPC invited Deputy Morel to give his response to the report, and he attended upon the Committee (unaccompanied) on 18th December 2023. Deputy Morel acknowledged the Commissioner's findings and the breach of Article 5 of the Code of Conduct. Deputy Morel also accepted the Commissioner's recommendation and confirmed that he would apologise to Deputy Ward.
7. In speaking to Deputy Morel, the Committee recognises the personal toll the process has had on the Deputy, particularly due to the extended process from when the incident occurred in February 2023 to the timing of the complaint made against him (July 2023) and the Commissioner's report being submitted (November 2023). During the meeting, Deputy Morel also raised a number of matters regarding the Committee's communication around complaints and the process followed after a report is submitted by the Commissioner to the Committee. The Committee intends to look into these matters in order to ensure that both the member making the complaint and the member who is the subject of a complaint are clear about the process followed by the Committee.
8. PPC accepts the Commissioner's finding that Deputy Morel breached Article 5 of the Code of Conduct which specifies that Elected Members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process.
9. PPC also concurs with the Commissioner's recommendation that Deputy Morel should apologise to Deputy Ward for his behaviour. The Committee requested the Deputy to take the necessary action accordingly.

PAN-ISLAND
COMMISSIONER
FOR STANDARDS



Report by the Pan-Island Commissioner for Standards on a complaint
against Deputy Kirsten Morel by Deputy Barbara Ward

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Summary

This is a report of my investigation following a complaint received on 17 July 2023 from Deputy Barbara Ward against Deputy Kirsten Morel, Deputy Chief Minister.

Deputy Ward alleges that on 28 February 2023, after the first day of a Vote of No Confidence debate relating to the Chair of Health and Social Services Scrutiny Panel, Deputy Morel violated her personal dignity by creating an intimidating, hostile and bullying situation in front of her fellow States Members in the chamber by his verbally aggressive, threatening and angry behaviour towards her and by failing to show her courtesy and respect.

Deputy Ward alleges that Deputy Morel's behaviour breached paragraph 5 of the Code of Conduct for Elected Members.

I commenced my investigation on 14 August 2023. After considering all of the evidence in relation to this complaint, I found that Deputy Morel's conduct was inappropriate and that he did not treat Deputy Ward with respect and courtesy in breach of Paragraph 5 of the Code of Conduct for Elected Members.

Introduction

1. I received a complaint from Deputy Barbara Ward on 17 August 2023 against Deputy Kirsten Morel, Deputy Chief Minister. The complaint relates to an interaction between Deputy Morel and Deputy Ward which she describes in her complaint as unacceptable, verbally aggressive, threatening, and intimidating behaviour by Deputy Morel towards her.
2. Deputy Ward alleges that Deputy Morel's actions were in breach of paragraph 5 of the Code of Conduct for Elected Members ("the Code").

3. The Code's provision relating to the allegation above is:

"5 Maintaining the integrity of the States

Elected members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Jersey and shall endeavour, in the course of their public and private conduct, not to act in a manner which would bring the States, or its Members generally, into disrepute.

Elected members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process."

4. The Commissioner's statement defines unacceptable behaviour as:

"Any form of unwanted, unreasonable and offensive conduct that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment. Conduct shall be regarded as having this effect only if, having regard to all circumstances and in particular the complainant's perception, it should reasonably be considered as having that effect".¹

Investigation

5. During the course of my investigation, I carried out the following:
 - Reviewed the complaint and all evidence submitted²
 - Requested a written response from Deputy K Morel³
 - Interviewed Connétable K Shenton-Stone⁴
 - Interviewed Connétable A Jehan⁵
 - Interviewed Deputy K Morel⁶
 - Requested confirmation from Reverend Michael Keirle, Dean of Jersey
6. Evidence relied upon to reach my conclusions is included in this report at Appendix A.

¹ <https://statesassembly.gov.je/assemblyreports/2023/r.93-2023.pdf>

² Document 1

³ Document 2

⁴ Document 3

⁵ Document 4

⁶ Document 5

Background and Context

7. Deputy Ward's complaint relates to the behaviour of Deputy Morel following the first day of a Vote of No Confidence debate on 28 February 2023. This was a particularly difficult day for all States Members, and particularly Deputy Ward in respect of the VoNC proposition brought by Deputy Sir Philip Bailhache, as it was directly related to a letter written by Deputy Karen Wilson to Deputy Southern that alleged Deputy Ward had disclosed confidential information in a public meeting. Deputy Ward had co-signed Deputy Bailhache's VoNC proposition.

Evidence

8. On 28 February 2023, soon after the debate closed for the day, Deputy Morel approached Deputy Ward in the States Assembly chamber.
9. Deputy Ward described in her complaint the exchange that occurred soon after the debate ended on 28 February 2023:

"Deputy Morel crossed over from the far side of the Chamber, stepped up the aisle to where we were standing, invaded my personal space and just commenced making accusations I felt so intimidated by his closeness and aggressive verbal manner that I thought he was going to hit me as he appeared so cross with me. I cannot remember exactly word for word what he said as I just went into survival/ de-escalation mode but what I do remember is that he accused me of lying and found it shameful that I didn't even apologise to the Assembly - as in his opinion there was a pattern to my behaviour of some kind"⁷

10. In describing how the exchange made her feel, Deputy Ward stated in her complaint:

"That evening when at home (I live on my own so didn't have anyone to speak to). I was really upset by this Deputy's targeted unacceptable behaviour. I couldn't sleep as this threatening behaviour really shook me up and wondered why this Deputy waited till the end of what for me had been a rather mentally traumatic day having had to defend myself publicly after being accused of doing something I hadn't done. If the Deputy was not happy with my public response, then he should have spoken up in the States Chamber. However, it appears he wanted to target, bully and intimidate me personally for some reason - only Deputy Morel can explain as to why."⁸

11. In his written response to the complaint⁹, Deputy Morel rejected that he was aggressive or bullying:

"[I] spoke factually, did not raise my voice, shout, make threats, use disparaging names, discriminatory language or use any body language that could be interpreted as aggressive or bullying".¹⁰

⁷ Document 1

⁸ *ibid*

⁹ Document 2

¹⁰ *ibid*

12. Deputy Morel acknowledged that these sorts of debates are emotionally charged and that both he and Deputy Ward had differing views on the matter. Deputy Morel stated in his written response:

“I acknowledge that I was emotionally engaged in the debate and that by going over to speak with Deputy Ward as we broke at the end of the day but still during the debate, I was reacting to the debate and my view that it had many shortcomings and was an unseemly item of business for the Assembly to be dealing with.”¹¹

13. Connétable Shenton-Stone was a witness to the exchange and stated at interview:

“Yes, so Barbara Ward, she must have left her seat and gone to the front, which is where the Greffe sits, and she was in that little area which is in front of the constables' seats. I don't know who she would have been speaking to, but Deputy Morel came across the floor and spoke to Barbara, quite agitated with a raised voice. I was quite taken aback by his demeanour. You're putting all your stuff away in your bag, and it's suddenly like, oh... He was leaning forward into her; I do remember that. He had a raised voice, and he was saying that she was a bully or something, and that she'd been rude to one of the trainers when they... I think she'd received some training on Teams or something like that, and one of the trainers, he was accusing her of being really rude, and he kept saying something about her being a bully. But it was 28th February, and now it's August, so... But it stayed with me because it shocked me and I felt afterwards I should have done something to intervene, but it was one of those times, there was lots of people around, and you know when you're quite taken aback, it's like oh, what's going on. It does stick with me that he did have a raised voice, he had come across quite angry I suppose.”¹²

14. The following exchange at interview with Connétable Shenton Stone clarified the issue further:¹³

Commissioner

Would you term it as something that you would perceive to have been aggressive behaviour?

Connétable Shenton-Stone

Well, it wasn't pleasant. It wasn't a normal exchange. So yes.

Commissioner

Did you discuss the incident with Barbara immediately after it occurred?

Connétable Shenton-Stone

Yes, Barbara was quite shaken by it. I can't remember exactly what I said to her, but it would have been along the lines of, that was inappropriate, and I may have said something to her about, I should've done something. Thinking back, I should have said something, but Kirsten is known for having his outbursts, so.

15. Connétable Jehan was also a witness to the exchange and when asked at interview whether he would describe Deputy Morel's behaviour as aggressive, he stated:

¹¹ ibid

¹² Document 3

¹³ ibid

"I really think that depends on people's tolerance levels and experience. I think if I'd have thought that he was aggressive, I'd have probably stepped in. They didn't agree with each other and my view was the same as Deputy Ward's view, in terms of that particular debate. So, they certainly disagreed. I think - well, it's a long time ago, isn't it, and I'm surprised it's come up now. I think if I'd have felt that he was being aggressive, then I'd have stepped in I would have thought. Karen Stone was with us. I'm not saying that he was warm and cuddly, but equally, I wouldn't have said that he was... Yes, I would have stepped in I would have thought. There wasn't a scene or anything."¹⁴

16. Connétable Jehan further clarified:

"Certainly, was it warm and cuddly? No. Did they disagree? Yes. Did I feel it was aggressive? I wouldn't say that I did. Would Kirsten have been wise to have said to Barbara the following day, sorry about yesterday? Probably, yes. To me, when I do something I think I've made a mistake, I'll put my hand up and say, 'Really sorry, Melissa, I messed up yesterday. I let emotions get the better of me.' Close that door and off we go."¹⁵

17. At interview, Deputy Morel acknowledged that his written response was a bit "muddled" as he was quite shocked to have received the complaint. He expressed that it would have been better for Deputy Ward to have given him the opportunity to apologise before raising a formal complaint:

"Deputy Ward would have had many opportunities to let third parties know of her distress, with a view to letting me know and providing me with a chance to apologise. I say "apologise" because I absolutely would have, because, regardless of the value of what I say to someone, I would never want them to be distressed afterwards and so, I would apologise for provoking that reaction in them, even though I know that that was not my intention.

To my mind, any person is capable of making a mistake, speaking too strongly or appearing aggressive when they had no intention of appearing that way, and so I believe it is only fair that if such an impact occurs, that the right and proper path to take is to offer the opportunity for apology and reconciliation before escalating the matter to a formal complaint to you, the Commissioner of Standards. Regrettably, I have been denied such an opportunity."¹⁶

18. Deputy Morel stated in relation to the exchange:

"I did want to speak to her, and I wasn't happy about the way she presented in the States during that debate. I wasn't happy with the whole debate, to be fair. I do know that Deputy Ward was one of the movers of the debate, and one of the key people behind it. I wasn't happy for the debate, not because of any personal impact, but just purely because I thought it reflected really poorly on the State Assembly as a whole. So, that's why I went across. I stand by, I wasn't bullying Deputy Ward. I was imparting what I understood to be fact about her behaviour. I didn't swear at her. I didn't make accusations against her, beyond what I understood to be fact. I wasn't asking for anything to go on beyond that moment. When I got the complaint, I really felt strongly

¹⁴ Document 4

¹⁵ Document 4

¹⁶ Document 5

that I was being told that I can't go over and speak strongly or robustly to somebody else."¹⁷

19. Deputy Morel explained further at interview:¹⁸

Deputy K Morel

.....So, I appreciate that I can get it wrong. That's what I was trying to say in my letter, is that if I got this wrong, and I'm really sorry if I got this wrong. I've had no opportunity to make amends in any way. I just strongly believe in someone being given that chance, rather than being sent straight to the Commissioner for Standards. I question, where's PPC, why aren't they providing us with an opportunity to, where we have concerns, complaints, why can't we go to them and ask them? That was my only thing, was because I did not intend to make her upset, is the way that she, I'm sure, did not intend to make that trainer cry. That's the truth of it. She made somebody cry, and she probably didn't intend it. I did not intend to make her upset at all. That's what came across. I'm so sorry about that.

Commissioner

I know you are. I read that in your response. I do believe that you genuinely do feel sorry. I do believe that sometimes we can be caught up in something. I understand where you're coming from, put it that way. I mean, did you discuss this incident with anyone at any time after it occurred? Did you feel that something wasn't quite right when you walked away?

Deputy K Morel

No, no, I honestly didn't. I honestly didn't think about it again until I got the complaint from you. I was sitting in my last day of holiday in Mykonos. That's when my heart fell through the floor, because I was genuinely shocked. Really, really shocked to receive that complaint.

Commissioner

I mean, if you think back on it, do you think you let your emotions get the better of you on that?

Deputy K Morel

Yes. I do. I absolutely do. That comes back to, the complaint has made me already learn to calm yourself down, I do get caught up. I enjoy being in the States Assembly, and I can get caught up in debates. There's no question.

Commissioner

Passionate about the debate.

Deputy K Morel

Totally. You can lose yourself in it, and I am passionate about things. I'm realising that I need to step back from that passion and that emotion and need to be more rational. That's a learning curve. It helps me learn.

20. At interview, I asked Deputy Morel if he was known to have outbursts:

"I think I have been. Depends what you mean by outburst to be honest with you, I can be passionate. I absolutely accept that. I don't believe I've ever got angry with people, in a way where I'm sitting there, swearing at them, blah, blah, blah, banging my hands on the desk. I mean, this is another element, if you don't mind me saying so. I've seen

¹⁷ ibid

¹⁸ ibid

behaviours amongst other States Members and ministers in the last few years, which far beyond anything I've just done with regard to this complaint. They have never been sent to the Commissioner for Standards. So, there is that immense sense of injustice as well, of seeing much worse behaviour. That's an aside. I know I can be passionate. I don't believe I've ever stepped over the line, which says that was completely outrageous behaviour. You should not have done that. That's not giving me a green light to be passionate or have outbursts. What it is, I understand that I am always learning, and that I know that I can get caught up in debates or get caught up in discussing questions."¹⁹

21. Deputy Morel further clarified:

"I have learned and continue to learn, as I believe we all do, how to control myself, how to make myself step back. I would say, actually, and it's got nothing to do with this complaint, because I was doing it straight away. The first complaint around my answer in the States and everything. The wider bit about the bullying, that people we're talking about and all this, and I was sure in my heart that there had been no bullying that had been alleged. I was thinking, 'Hold it, Kirsten. I can see now how.' This is all after this particular incident. I can see now how easy it is to, in other people's eyes, step across a line. So, I've made a real conscious decision to just keep my mouth shut. That's also when you start feeling slightly silenced. I'm like, that's the price I pay for making sure that I respond, not in an emotional manner. Outburst is a weird thing to describe it as. In scrutiny, I absolutely ask questions that ministers didn't like me asking. In the States, I can speak passionately. I don't believe I have ever caused someone real upset. If I have even got close to that, I've always gone back to apologise."²⁰

"Sorry if I may, sorry, even after reading this complaint, my initial reaction was to want to go and apologise. Of course, I've actually felt that I can't speak to her at all currently. Since, we have actually had a conversation next to a teachers' strike. It was a really nice conversation. It was about the teachers' strike, etc. It was perfectly nice, entirely cordial. I picked up nothing from her, and I don't believe she picked up anything from me. That conversation, then, next to the teachers' strike, in any way related to anything else. So, that was something nice. I was really pleased with that."²¹

Findings of Fact

22. In relation to the specific allegations of this complaint, and on the balance of probabilities, I have found the following facts:

1. On 28 February 2023, Deputy Morel approached Deputy Ward after a debate in the States Assembly.
2. Deputy Morel behaved in way that was perceived by Deputy Ward to be verbally aggressive, threatening, and intimidating towards her.
3. Deputy Ward was distressed by the interaction and spoke with the Dean about the interaction the following day, 1 March 2023.
4. Deputy Morel behaved in an unacceptable way towards Deputy Ward on 28 February 2023, and failed to show her respect and courtesy.

¹⁹ Document 5

²⁰ Document 5

²¹ *ibid*

23. Deputy Morel was afforded an opportunity to challenge any of the above findings before I finalised my report. I did not receive any challenges to my findings of fact.

Analysis

24. My investigation focussed on the exchange between Deputy Ward and Deputy Morel on 28 February 2023.
25. I am satisfied that Deputy Ward raised this complaint because she felt Deputy Morel's behaviour towards her was inappropriate and led to her being very shaken and upset by what she perceived to be verbally aggressive, threatening and intimidating behaviour.
26. Deputy Ward first spoke of this interaction when I interviewed her in relation to another investigation (202300005). Deputy Ward became visibly upset recounting the matter to me. Soon after, Deputy Ward decided to submit a formal complaint. As I stated to Deputy Morel at interview, I do not believe this complaint was politically motivated.
27. Deputy Morel expressed great concern that Deputy Ward had not sought to resolve the issue with him prior to going to lodging a complaint with the Commissioner. As I explained to Deputy Morel, Deputy Ward was under no obligation to provide Deputy Morel an opportunity to apologise; it could be argued that he should have known himself to apologise soon after the event. It is understandable that Deputy Morel would have preferred a resolution prior to Deputy Ward submitting a complaint, but to suggest that Deputy Ward was in any way wrong to lodge a Code of Conduct complaint before trying to resolve the issue, especially given the details of this complaint, is misguided. Deputy Ward clearly felt the best option for her was to submit a complaint to the Commissioner; I think this was an entirely appropriate course of action for Deputy Ward to have chosen to take.
28. Connétable Karen Shenton-Stone, a witness to the exchange, stated that Deputy Morel appeared angry and had a raised voice; she said it shocked her and that afterwards thought perhaps she should have intervened. Connétable Andy Jehan did not view the behaviour as aggressive, but said that it "depends on people's tolerance levels and experience". He stated that it was something Deputy Morel would have been wise to have apologised for the next day.
29. Based on the evidence, it is my view that Deputy Ward's perception of Deputy Morel's conduct towards her, that he was verbally aggressive, threatening and intimidating, could reasonably be considered to have the effect of violating her dignity and creating an offensive environment, in line with the definition of unacceptable behaviour (paragraph 4 above).
30. Deputy Morel expressed regret that he had upset Deputy Ward and expressed a genuine self-awareness in relation to understanding the issues raised by Deputy Ward. He agreed that he let his emotions get the better of him in his interaction with Deputy Ward. Deputy Morel stressed that he did not set out to intentionally upset Deputy Ward.

31. Deputy Morel expressed a sincere desire to apologise to Deputy Ward since receiving the complaint, but refrained from doing so as the investigation was ongoing and he knew it would be inappropriate.
32. I am quite satisfied that Deputy Morel has reflected on this matter, has realised now “how easy it is to, in other people's eyes, step across a line” and has made positive changes to ensure he keeps his emotions in check to avoid similar incidents occurring.
33. It is my view that Deputy Morel’s behaviour towards Deputy Ward on 28 February 2023 was inappropriate and should not have occurred. In relation to my consideration of this complaint, the fact that Deputy Morel did not intend to upset Deputy Ward, that he appears to understand and reflected on the matter, and that he says he has since made a determined effort to change his behaviour and keep his emotions in check are all mitigating factors.

Conclusions

Allegation 1: Paragraph 5 of the Code of Conduct

34. Paragraph 5 states that “Elected members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public’s trust and confidence in the integrity of the States of Jersey and shall endeavour, in the course of their public and private conduct, not to act in a manner which would bring the States, or its Members generally, into disrepute. Elected members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process.”
35. It is my view that Deputy Morel behaved in an unacceptable way towards Deputy Ward on 28 February 2023, and in doing so, failed to show her respect and courtesy in breach of paragraph 5 of the Code of Conduct for Elected Members.

Recommended sanction

36. Deputy Morel should apologise to Deputy Ward.

Observations

37. Whilst it is desirable that members might be able to resolve their differences through dialogue, there are undoubtedly occasions where, for a variety of reasons, it is not possible or thought feasible. This complaint illustrates, in my view, the importance and benefit of raising complaints of this nature – notwithstanding that it can be difficult for all concerned. It empowers members to stand up to what they reasonably perceive to be unacceptable behaviour and, in doing so, provides an impetus to change behaviour and culture in a positive way. As seen in this case, reflecting on and becoming more aware of how one’s behaviour can impact others can lead to positive changes in behaviour and in working relationships.

6 November 2023
Dr Melissa McCullough
Pan Island Commissioner for Standards

Annex A: Document List

Document	Description
1	Complaint from Deputy B Ward
2	Response to complaint from Deputy K Morel
3	Interview transcript Connétable K Shenton-Stone
4	Interview transcript Connétable A Jehan
5	Interview transcript Deputy K Morel
6	Response from the V Reverend Michael Keirle, Dean of Jersey