

**WRITTEN QUESTION TO THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 19th JANUARY 2010**

Question

Given the concern at the manner and protracted nature of the suspension of the Chief Officer of the States of Jersey Police, specifically the part played in this by members of the Council of Ministers, will the Privileges and Procedures Chairman explain why the Committee has refused the suspended Chief Officer's request to investigate whether the Code of Conduct procedures were adhered to?

Answer

By way of background, the Privileges and Procedures Committee may consider a complaint from any person that an elected member has breached the code of conduct under Standing Order 156. In order for the complaint to be considered by the Committee, it is clear that the Member concerned must be identifiable and the specific nature of the alleged breach of the Code understood.

Standing Order 157(1) states –

“157 Investigation of breach of code of conduct^[i]

- (1) Where the PPC has information, whether or not received from a complainant, that suggests that an elected member may have acted in breach of the code of conduct it shall, without undue delay, inform the member and investigate the act.”

In his letter to the Chairman, the suspended Chief Officer of the States of Jersey Police has stated that he cannot be clear in his complaint. He stated that there was “difficulty in identifying who is responsible for what, and the possibility that one or more members of the Council of Ministers may or may not be implicated”. The writer suggests that the Committee may agree that the “general complaint against the conduct of Government falls within its remit and merits further enquiry”.

The letter did not make any specific complaint about a named member. For the sake of clarity, it is not within the Committee's terms of reference to consider a general complaint against the conduct of Government. It is also worth noting that a “general complaint against the conduct of Government” alluded to could involve the actions of public employees, former States members as well as current States Members and therefore falls outside the remit of the Code of Conduct for States Members

If a complaint is submitted about a named serving States' member(s) which is specific, and is capable of resolution by the PPC under its terms of reference, this will be placed on the Committee's agenda.

In her response to the Chief Officer the Chairman made it clear that there may be ways to investigate the concerns that he has even though the matters he refers to fall outside PPC's own terms of reference.
