

Privileges and Procedures Committee

(13th Meeting)

27th February 2023

Part A

All members were present with the exception of Deputy M.R. Le Hegarat of St. Helier North and Deputies L.J Farnham and L.K.F Stephenson of St. Mary, St. Ouen and St. Peter from whom apologies had been received.

Connétable K. Shenton-Stone of St. Martin
Deputy C.S. Alves of St. Helier Central
Deputy M.R. Ferey of St. Saviour
Deputy L.V. Feltham of St. Helier Central

In attendance -

L-M. Hart, Greffier of the States
W. Millow, Deputy Greffier of the States
Y. Fillieul, Assistant Greffier (Chamber and Members' Support) (Items A4 – A6 only)
Dr M. McCullough, Pan-Island Commissioner for Standards (Item A3 only)
K. Boydens, Principal Committee and Panel Officer
K. Camara, Research and Project Officer

Note: The Minutes of this meeting comprise Part A.

Minutes. A1. The Minutes of the meetings held on the 13th January 2023 (Part B only), 23rd January 2023 (Part A and Part B), 31st January 2023 (Part A only) and 7th February 2023 (Part A) were taken as read and approved subject to a minor amendment to item No. A5 of 23rd January 2023.

Forthcoming business for debate by the States Assembly. A2. The Committee considered forthcoming business for debate by the Assembly at its meeting on 21st March 2023. The Committee decided that it did not wish to make a formal comment on any of the Propositions which had been lodged 'au Greffe' for debate on that date.

Pan-Island Commissioner for Standards. A3. The Committee, with reference to Minute No. A1 of its meeting of 7th February 2023, welcomed Dr. M. McCullough, Pan-Island Commissioner for Standards to the meeting. Dr. McCullough advised that she was delighted to have been appointed to the role. The Committee noted that Dr. McCullough was the current Northern Ireland Assembly Commissioner for Standards. As well as investigating complaints, she was responsible for promoting the highest ethical standards in public life including providing advice and guidance to elected politicians and the Northern Ireland Executive Office. Dr. McCullough explained that, since being appointed to the role in September 2020, she had cleared a three-year backlog of complaints that had accumulated between 2017 – 2020 when the Northern Ireland Assembly was not functioning.

Dr. McCullough advised the Committee that she considered that the Pan-Island role would benefit from a new website in order to promote better public engagement. She also

suggested that the procurement and implementation of a fit-for-purpose complaints handling information technology system would be beneficial to ensure that the complaints system was as seamless as possible. The Greffier of the States advised that the States Assembly website was due to be relaunched later in the year and that Dr. McCullough's vision for the Pan-Island role could be incorporated into the plans.

In relation to the Commissioner's 'statement', which provided guidance on how complaints would be handled, Dr. McCullough advised that she intended to update the document to emphasise that complaints would be handled in a confidential, sympathetic and sensitive manner. This included the addition of an appeals procedure should a complainant not be satisfied with the outcome of an investigation. Dr. McCullough further advised that she also planned to include reference within the statement to unacceptable behaviours including bullying, harassment, sexual harassment and victimisation. She acknowledged that such complaints would likely fall within the scope of paragraph 5 of the Code of Conduct. Due to their sensitive nature, she suggested that in such circumstances the complainant's name and details might not be disclosed within any findings report. The Committee was supportive of the inclusion of such complaints within the Commissioner's remit and the sensitive approach she proposed in relation to the handling of those complaints. The Committee noted that it was Dr. McCullough's intention to provide one statement which would apply in both Jersey and Guernsey. In that regard, Dr. McCullough was due to meet with the Greffier of the States of Guernsey in due course.

The Committee thanked Dr. McCullough for her time, and she withdrew from the meeting. The Committee agreed that it would be beneficial for all States Members to meet the new Commissioner and the Principal Committee and Panel Officer was directed to make the necessary arrangements.

Disclosure
and Barring
Service
(DBS) checks
for States
Members.

A4. The Committee, with reference to Minute No. A8 of its meeting of 23rd January 2023, considered a paper by the Assistant Greffier (Chamber and Members' Support) on Disclosure and Barring Service (DBS) checks for States Members.

The Committee recalled that it had previously discussed whether the introduction of a voluntary DBS scheme for Members would be of benefit, given that many Members liaised with vulnerable people.

The Assistant Greffier explained that there were currently no requirements for States Members to undertake a DBS check. At the time of their nomination, however, all Members were required to make a declaration of any convictions, including spent convictions which was wider in scope than a basic DBS check.

The Assistant Greffier explained that basic DBS checks were undertaken in the United Kingdom (UK) through the UK Disclosure and Barring Service. Members could apply for their own DBS check, which would cost £18 and then share their certificate with others as appropriate. The Assistant Greffier suggested that Members could pay for a basic DBS check themselves with the option to ask for a reimbursement from the States Greffe via the Members' Resources Team.

The Committee discussed the matter and agreed that an email should be circulated to all States Members setting out what actions they would need to take should they wish to apply for a basic DBS check, the cost of applying for one and the option of being reimbursed. The Assistant Greffier was directed to make the necessary arrangements.

States
Members'

A5. The Committee, with reference to Minute No. A9 of its meeting of 23rd January 2023, received and considered a paper from the Assistant Greffier (Chamber and

Survey
Results 2022

Members' Support) on the results of a States Members' Survey.

The Committee recalled that the survey had been undertaken towards the end of 2022, and that a similar survey had been conducted in 2021. Both surveys had included standard comparative questions as well as ones specific to each individual year and collected feedback on the services provided by the States Greffe Members' Resources Team.

The Assistant Greffier explained that the purpose of the survey was to better understand how Members felt about various themes and services in order to develop and improve services. The 2022 survey had run from 4th November 2022 and responses had been collected up to 12th January 2023. In total, 36 Members had completed the survey which was a response rate of 73 percent, compared to 32 Members (65 percent) completing the 2021 survey.

The Assistant Greffier highlighted several areas for consideration:

- Information technology provision for Members including training, the grant to purchase equipment and dedicated support for Members
- Workplaces including dedicated desk space in the States Building, improved print facilities and constituency offices
- Members' resources including increasing awareness and use of Virtual College (training sources) and the Commonwealth Parliamentary Association Academy
- Members' welfare including enhanced pastoral support provided to Members and the promotion of existing wellbeing facilities

The Committee thanked the Assistant Greffier for the update and agreed that the survey results should be circulated to all States Members. The Assistant Greffier was directed to make the necessary arrangements.

States
Members
Training and
Development
Programme.

A6. The Committee received and considered a paper from the Assistant Greffier (Chamber and Members' Support) regarding a States Members' training and development programme. The Assistant Greffier explained that the programme had been developed to help new and established States Members to improve their professional and personal skills through continuous professional development.

The Assistant Greffier explained that there had been various training and development opportunities for Members in the past, but a more structured and rounded programme had been proposed which could be changed and added to as Members' needs changed and evolved.

The Committee noted the programme which included a range of online and in person options for Members under various categories including:

- Induction
- Professional Development
- Personal Development
- Industry and Non-Government Organisations briefings
- Government briefings
- Specialist Training – Committees and Panels

The Assistant Greffier advised that the programme had been shared with the Scrutiny Liaison Committee at its meeting on 21st February 2023, with particular emphasis on proposals for training provision for Scrutiny Panels and Committees.

The Committee asked whether attendance was recorded at training sessions. The Greffier advised that the Members' Resources team presently kept a record of Members attendance at Commonwealth Parliamentary Association events and training courses, but consideration could be given to maintaining a record of other training sessions.

The Committee endorsed the training programme and looked forward to receiving further updates on training sessions as they were organised. The Committee thanked the Assistant Greffier for his time and he withdrew from the meeting.

Election
Observation
Mission
Report 2022.

A7. The Committee, with reference to Minute No. A4 of its meeting of 23rd January 2023, received and considered a paper by the Greffier regarding the recommendations made by the Commonwealth Parliamentary Association Election Observation Mission in its findings report published after the elections in 2022.

The Committee recalled that the report had identified 14 recommendations to enhance the conduct of elections in Jersey and align more fully with international obligations and standards for democratic elections. The Greffier explained that some of the recommendations related to ongoing workstreams, but there were 7 which could require legislative changes across the States of Jersey Law 2005, Elections (Jersey) Law 2002 and Public Elections (Expenditure and Donations) (Jersey) Law 2014.

The Committee noted the paper and agreed that the recommendations requiring law changes should be discussed incrementally over the course of future meetings, along with those of the Jersey Electoral Authority (discussed in greater detail in Minute No. A8 of this meeting). The Greffier was directed to take the necessary action.

Jersey
Electoral
Authority
Report.

A8. The Committee, with reference to Minute No. A3 of its meeting of 23rd January 2023, received and considered a paper by the Greffier regarding the report by the Jersey Electoral Authority (JEA) following the 2022 Elections.

The Committee was advised by the Greffier that some of the suggestions made by the JEA related to process and procedural changes which could be actioned by the relevant stakeholders involved in the elections, including the States Greffe. However, it was noted that there were several which would require legislative changes across the States of Jersey Law 2005, Elections (Jersey) Law 2002 and Public Elections (Expenditure and Donations) (Jersey) Law 2014.

The Greffier advised that there were also recommendations made in relation to the evolution of the JEA itself. The Chair and non-ex officio members of the JEA were all appointed for four-year terms, which meant their terms of office would expire simultaneously, close to the next full public elections. The Greffier explained that they were also unremunerated and the Chair and lay members had considered that the time and commitment required had been greater than they had expected. The Greffier suggested that this should be borne in mind when considering any changes which would extend or increase the role of the JEA.

The Greffier, mindful that the JEA was due to attend upon the Committee on 24th March 2023, invited the Committee to consider in advance of that meeting whether it intended taking forward the legislative changes suggested by the JEA in relation to:

- Extending the term of office of existing JEA members beyond the 2026 elections
- Ensuring that future appointments were made on a staggered basis to avoid significant loss of corporate memory should no members seek, or be eligible for, re-appointment

- Considering some form of remuneration for JEA members
- Reviewing and defining the role of JEA
- Reviewing the powers of the JEA in relation to complaints and/or disputes

The Committee, having noted the foregoing and recognised that these matters would likely be raised by the JEA in March, agreed that the JEA's recommendations requiring law changes should be discussed incrementally over the course of future meetings, along with those of the Electoral Observers Mission (discussed in greater detail in Minute No. A7 of this meeting). The Greffier was directed to take the necessary action.

States
Members'
Remuneration.

A9. The Committee, with reference to Minute No. A1 of its meeting of 31st January 2023, received and considered a paper by the Principal Committee and Panel Officer regarding States Members remuneration. The Committee recalled that it had previously requested that research be undertaken to summarise the changes to Members' remuneration over a 10-year period.

The Committee recalled that the States Members' Remuneration Review Body had been formally established in June 2004, in order to make recommendations on the appropriate level of remuneration for States Members. In 2021, the States Assembly agreed to discontinue the previous arrangements for setting Members' pay, including the Review Body, and established a framework for a new system which had recently culminated in the appointment of an independent reviewer (Ms. J. Long) in 2023. In that regard, the Committee noted that it was due to meet Ms. Long at its next meeting on 13th March 2023.

The Committee received a timeline which indicated the main changes to States Members' remuneration from 2012 – 2023. The Committee noted that the remuneration level had remained the same (£46,600) from 2014 – 2019. It had been increased to £48,000 in 2020 and again in 2022 to £50,000.

The Principal Committee and Panel Officer invited the Committee to discuss the direction for the remuneration review in preparation for its meeting with Ms. Long. The Committee agreed that the review should focus on pay, including allowances and how tax and other matters impacted the amount of remuneration Members received. The Committee also agreed that the scope of the review should include the provision of compensation for failure to secure re-election.

The Principal Committee and Panel Officer advised the Committee that the matters identified for inclusion in the review would be sent to Ms. Long before the meeting on 13th March 2023.

Compliance
with States
Decisions.

A10. The Committee, with reference to Minute No. A4 of its meeting of 21st November 2022, received and considered a letter from the Chief Minister regarding compliance with States Decisions.

The Committee recalled that a States' decision log ('tracker') of all non-Ministerial Propositions had been developed by the Members' Resources Team. The intention of the tracker was to make it easier for Members and the media to question Ministers about implementation of States decisions and to scrutinise the reasons given for any delay.

Although a draft tracker existed, there had been challenges around its format, where it would be held and how responses would be collated. This had led to the current prototype resembling a record of decisions as opposed to a live tracker on which the Government reflected its position.

The Committee recalled that it had written to the Chief Minister inviting a discussion about the use of a tracker and seeking to find a resolution on the challenges around its format. The Chief Minister was in agreement that there should be greater transparency in reporting progress in implementing decisions and, where there were issues likely to result in delays, on alerting the Assembly at the earliest stage.

The Chief Minister advised that she would be content to fully engage with the trackers' development and for the Government to contribute to its maintenance. The Committee agreed that the States Greffe would administer the tracker and liaise with the Government so that officials could assist with its delivery and maintenance. The tracker would be a quarterly exercise which would embed some form of alert system for Members.

The Committee tasked the Principal Committee and Panel Officer to respond to the Chief Minister's letter summarising its deliberations.

Complaints Board:
complaint by Mr S. Newman against the Treasury and Exchequer Department.

A11. The Committee, with reference to Minute No. A1 of 3rd December 2020, of the Committee as previously constituted, considered the publication of a States of Jersey Complaints Board Report in respect of a complaint by Mr. S. Newman against the Treasury and Exchequer Department regarding the valuation and calculation of pension entitlements.

The Committee recalled that the document had been circulated over the preceding weekend in order that it could be approved for publication at the extant meeting, in accordance with Article 9(9) of the Administrative Decisions (Review) (Jersey) Law 1982. It was understood that the Minister for Treasury and Resources intended making a statement in relation to the positive resolution of this complaint in the States Assembly the following day.

The Committee, having considered the Report, endorsed its content and directed the Greffier of the States to make the necessary arrangements for it to be presented to the Assembly as soon as practicable.

Update on the work of the Sub-Committees.

A12. The Committee received and considered a paper by the Principal Committee and Panel Officer regarding an update on the work of the Sub-Committees. The Committee noted the following:

Political Awareness and Education Sub-Committee: The Sub-Committee was exploring ideas for a 'Citizenship Day' or ceremony when individuals became eligible to vote.

States Members' Pensions Sub-Committee: The Sub-Committee was due to meet on 28th March 2023 when it would receive an update on the pension scheme.

Diversity Forum Sub-Committee: The Sub-Committee had made plans for a press notice to be issued for International Women's Day on 8th March 2023. The Sub-Committee was also due to meet with Dr J. Smith, author of the report entitled 'Effective and Inclusive Parliaments'.

Constituency Office Sub-Committee: The Sub-Committee had discussed its Terms of Reference and had made a number of minor amendments which would be shared with the Committee in due course. The Sub-Committee was next due to meet in March 2023 when it would discuss the availability of States owned buildings in each parish.

Work Programme

A13. The Committee received and considered a work programme produced by the Principal Committee and Panel Officer outlining its workstreams for 2023. The

2023. Committee noted the work programme accordingly.