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# STATES OF JERSEY



## **COMMISSIONER FOR STANDARDS: INVESTIGATION OF COMPLAINT OF BREACH OF THE CODE OF CONDUCT FOR ELECTED MEMBERS BY SENATOR K. L. MOORE (R.69/2021) – ADDENDUM**

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**Presented to the States on 14th June 2021  
by the Privileges and Procedures Committee**

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**STATES GREFFE**

## **REPORT**

The Privileges and Procedures Committee has agreed (with the correspondents' approval) to publish the letters that were submitted by Senator J.A.N. Le Fondré, the Chief Minister, and Senator K.L. Moore to the Commissioner for Standards; as an Addendum to the initial report ([R.69/2021](#)) of the Commissioner's investigation of a complaint of an alleged breach of the Code of Conduct for Elected Members.

### **Re-issue Note**

The report has been re-issued to include two further documents on page 4 and page 5, letters from the Commissioner of Standards to Senator le Fondré and Senator Moore dated 31st March 2021.

Chief Minister

19-21 Broad Street | St Helier  
Jersey | JE2 4WE



**Paul Kernaghan CBE QPM**

Commissioner for Standards

BY EMAIL

30 March 2021

Dear Commissioner,

### **PUBLIC STATEMENTS CONCERNING EMPLOYEES**

The States Employment Board met last Thursday, 25 March and considered Senator Moore's appearance on ITV Channel News, aired on Wednesday, 17 March. This was drawn to my attention on Friday, 19 March. In this interview Senator Moore stated that she was 'quite pleased to see that he [Charlie Parker] was going' and then made a number of other comments some of which were in our view factually inaccurate. In the interests of protecting the position of our employees, the Board felt it appropriate that this matter should be brought to your attention, and if appropriate, warrant a ruling from you.

As you are aware, Standing Order 155 is explicit in its direction about how concerns relating to an employee of the States of Jersey should be addressed. This includes not passing comment or remark in public. Public servants do not have the right to reply, particularly in respect of the alleged poor performance that the Senator stated about budget spending and efficiencies, the size and effectiveness of the civil service, and the continued incorrect assertions about the findings of the HR Lounge report.

I am reminded of a finding of fact by you where a member failed to follow the correct procedure (R.118/2019). Similarly, the Board have considered whether in this instance there have been breaches of Section 5 and Section 6 of the Code of Conduct for Elected Members.

Specifically, the list and inferences within the broadcast article were not set within any context and misconstrued these positions and potentially did so in a manner that undermines public confidence in the States. Secondly, the direct disclosure of such allegations and concerns about the out-going Chief Executive where the employee has no right to respond places the Board at risk of potential claims.

The Board has also been reminded that it has a duty to protect the reputation of the outgoing Chief Executive. After deliberation, the Board felt that I should write to you in my capacity (in effect) as 'Line Manager' for the CEO, to raise these concerns, and invite you to respond.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'John Le Fondré', written over a white background.

**Senator John Le Fondré**

Chief Minister

Link: [ITV Channel TV - A Jersey politician has said she is pleased to see Charlie Parker go | Facebook](#)

# Commissioner for Standards

Senator K.L. Moore,  
Hamptonne,  
Rue de la Hague,  
St. Peter,  
Jersey  
JE3 7DB

Our Ref: 1497/99/1(45)

31st March 2021

Dear Senator Moore,

I am writing to advise you that I have received a complaint from Senator J.A.N. Le Fondré, Chief Minister.

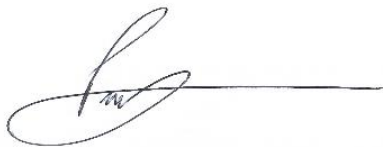
Senator Le Fondré has alleged that you breached the Code of Conduct for Elected Members by reason of your comments broadcast on ITV Channel News on Wednesday, 17th March 2021. I attach a transcript of the relevant comments. He went on to identify Sections 5 and 6 of the Code of Conduct as being those he believed your comments breached.

I have decided that the complaint merits investigation and therefore now require you to respond in writing with a full and accurate account of the matters in question.

I attach for your information a copy of my 'statement' which sets out how I investigate such complaints.

A response no later than 21st April 2021, would assist me in seeking to deal with this matter expeditiously.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'P. Kernaghan', with a long horizontal line extending to the right.

**Paul Kernaghan CBE QPM**  
**Commissioner for Standards**

Encs.

# Commissioner for Standards

Senator J.A.N. Le Fondré,  
Chief Minister,  
Chief Minister's Private Office,  
19-21 Broad Street,  
St. Helier,  
Jersey  
JE2 3RR

Our Ref: 1497/99/1(45)

31st March 2021

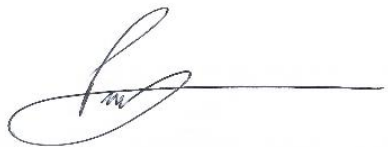
Dear Senator Le Fondré,

I acknowledge receipt of your letter of complaint dated 30th March 2021.

I have conducted a preliminary assessment and believe that an investigation is justified. Therefore, I have written to Senator Moore requiring her to provide a full and accurate account of the matters in question.

Your complaint is now under investigation and it should be treated as confidential.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'P. Kernaghan', with a long horizontal line extending to the right.

**Paul Kernaghan CBE QPM**  
**Commissioner for Standards**

Date: 22 April 2021

**BY EMAIL ONLY TO: -**

Mr. P Kernaghan CBE QPM  
Commissioner for Standards

**Strictly Private and Confidential**

Dear Mr Kernaghan,

**Re: Complaint of the Chief Minister (the “Complaint”)**

**A. Introduction**

1. The purpose of this letter is to respond to your letter of 31 March 2021. I apologise for not providing this response yesterday.

**B. Chief Minister’s Procedural Irregularity**

2. I refer to paragraph 2 of the Commissioner for Standards’ Statement (“**Your Statement**”) which states the following: -

*“If the complainant is a member of the States, the complaint normally should be raised in the first instance with the member complained against.”*

3. The Chief Minister, for reasons which are not wholly clear to me, has not followed the “normal” practice. He has not done me the courtesy of raising any issue regarding my interview with ITV Channel News on 17 March 2021 (the “**Interview**”) prior to his making the Complaint to you. His Complaint has come out of the blue.
4. I will leave it down to you whether you raise with the Chief Minister the basis for his decision to deviate from the normal practice.

**C. Chief Minister’s Complaint: lack of particularity/breach of natural justice**

5. Where a complaint is advanced by a complainant against a complainee it is usual practice for the complainant to identify (a) the complainee’s offending conduct or behaviour and (b) to say how and why the complainant believes that the complainee’s conduct or behaviour breaches or transgresses a particular law, rule or regulation.
6. As best I can tell from your letter, that is not what has happened in this case.
7. It appears to me that you have (a) been provided with a transcript recording comments made by me during part of the Channel Interview and (b) that the Chief Minister has made a bare or generalised assertion that my comments have breached sections 5 and 6 of the Code of Conduct (the “**Code**”) <sup>1</sup>. Yet the Chief Minister has apparently not said how or why I have breached either of these multi-part

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<sup>1</sup> In your letter you say, “He identifies Sections 5 and 6 of the Code of Conduct as being those he believed your comments breached.”

sections. This represents a second deviation from usual or normal practice; the Chief Minister has not particularised the basis for his complaint. It is inchoate.

8. I therefore hope you will understand why when I say that I am a little surprised that you have determined that the *"complaint merits investigation"* and that you have required me to respond in writing with *"a full and accurate account of the matters in question"*.
9. I am left in the somewhat invidious position (when providing this response) of speculating as to how and why the Chief Minister thinks that my comments breach any of the several parts of each of sections 5 and 6 of the Code.
10. With all due respect to you, I should not be put in a position where I have to guess or speculate as to the Chief Minister's *"how and why"*. Such an approach is (a) unfair to me (including procedurally unfair) as it is contrary to the principles of natural justice and (b) contrary to paragraph 14 of the Your Statement which requires you to *"act in accordance with the principles of natural justice and fairness"*.
11. What follows is strictly without prejudice to my position that I should not be required to respond to the Complaint. It should have been dismissed on the basis that it was insufficiently particularised. I now invite you to dismiss it on that basis.

#### **D. The Interview**

12. On the 17th March, the Corporate Services Scrutiny Panel, which I chair, published an interim report entitled *"Covid 19 Response and Recovery, interim Report"*<sup>2</sup>.
13. There was media interest in this report and ITV Channel Television invited me to give both a pre-recorded interview in time for the lunchtime news and a live interview later that day to speak about the report.
14. It had made its way into the public domain that 17 March 2021 would be Mr Parker's (the outgoing Chief Executive of the States of Jersey) last day of work, following which he would be on annual leave for the remaining two weeks of his fixed term employment contract.
15. At the end of the pre-recorded Interview, I was asked, *"How do you feel about Charlie Parker's departure?"*
16. I responded to this question in the manner referred to in the transcript. In so doing, I was variously:
  - 16.1 expressing personally held views/opinions; and
  - 16.2 exercising my rights of freedom of expression under Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (as agreed by the Council of Europe on 4 November 1950), which convention right was given effect in Jersey by the Human Rights (Jersey) Law 2000.
17. In general terms: -

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<sup>2</sup> See: <https://statesassembly.gov.je/scrutinyreports/2021/report%20-%20covid-19%20response%20and%20recovery%20-%202017%20march%202021.pdf>

- 17.1 I referred to how, when I was Home Affairs Minister, I had been supportive of the appointment of Mr. Parker as Chief Executive and the mandate given to him to implement change in the Island's Civil Service. (Mr. Parker's mandate on appointment included (a) reducing the States' budget and (b) reducing the size of the Civil Service<sup>34</sup>. (In order to assist Mr. Parker in "hitting the ground running", a Transition Team was appointed at a cost to the States of Jersey of about £750,000. The Transition Team delivered a report to Mr. Parker identifying areas upon which he might focus in order to achieve *inter alia* these twin key objectives<sup>5</sup>. In its report the Transition Team highlighted that the members of the Civil Service were committed and competent – something which reflects my own experience.)
- 17.2 I referred, on what was the final working day of the "Parker era"<sup>6</sup>, to how I was saddened and disappointed and "quite pleased" that Mr Parker was going (the "**Parker Comments**").
- 17.3 I referred to: -
- 17.3.1 how we had been told that tens of millions of pounds would be saved, that this had not happened, and to how tens of millions of pounds more were being spent (the "**Savings Issue**")<sup>7</sup>; and

<sup>3</sup> See for example: -

<https://www.gov.je/News/2018/Pages/EYFinanceTransformation.aspx>

It is noted that this press Government press release refers to how: -

*"The finance programme is an essential component of the 'one government' transformation, which the Chief Executive, Charlie Parker, has pledged will save tens of millions of pounds from the cost of the public service."*

<sup>4</sup> As Mr. Parker noted in his speech to the Chamber of Commerce on 21 February 2018:

*"We'll be one government service, with reduced management structures... We'll have simple structures, that are easier to understand and to navigate, with clear accountability, responsibility and decision-making at the right level in the organization..."*

*"We'll be cross-cutting and agile – consolidating services and teams where this can support or underpin multiple activities to achieve economies of scale and minimise duplication, reducing overheads..."*

*"...we'll be more commercial and more rigorous in our financial control – ensuring we get the best value for money and return on investment – something that includes conducting ourselves as a business, with good business principles."*

*"I know you want smaller and more efficient government, where public services must be leaner, more cost effective, and avoid duplication. So do I."*

*"I will be intending to streamline senior and middle management."*

*"I can assure you that I have already started to hunt down costs and challenge unnecessary expenditure."*

*"I was appointed to deliver an efficient, effective, modern, value-for-money public service for Jersey."*

*"And I hope you will quickly start to see tangible changes and improvements to the public service offer that Jersey expects and deserves."*

See: <https://www.gov.je/News/2018/Pages/CPChamberSpeech.aspx>

See also a Press Statement issued by the Government on 18 March 2018 in which the following was stated: -

*"There will be a simpler structure, with fewer layers between the most senior management and frontline staff, reduced duplication, more transparent decision-making, greater accountability for performance standards, and a culture based on teamwork, collaboration and getting things right first time."*

*"Overall, there will be three fewer administrative departments and 22 fewer senior roles in the first phase of the restructuring. The initial reduction in senior roles alone will reduce staff costs by more than £1 million a year."*

<https://www.gov.je/News/2018/Pages/PublicSectorRestructure.aspx>

<sup>5</sup> I can supply you with a copy of the Transition Report should you need it.

<sup>6</sup> I have referred to this period as the "Parker era" for convenience. I could just as easily have referred to it as the "Le Fondre era" - Mr. Parker's and the Chief Minister's periods in office have been broadly concomitant; the Chief Minister does, however, continue in office,

<sup>7</sup> Mr Parker began transitioning into his role as Chief Executive in the autumn of 2017. He took up his role in January 2018. Public spending (a) during 2017 was £703.8 million, (b) during 2018 was £759.3 million and (c) during 2019 was £782.4 million. These figures do not reflect delivery by Mr. Parker.



17.3.2 how we had been told that the Civil Service would become smaller and more nimble, to how this had not happened, to how we had instead seen growth in size of the Civil Service and to how decisions were funneled to the very top (the “Civil Service Issue”)<sup>8</sup>.

17.4 I also referred to my concerns about the atmosphere and culture within Government (the “Cultural Issue”).

#### **E. Lack of jurisdiction**

18. Paragraph 8 of Your Statement (“Paragraph 8”) says: -

*“Matters not falling within the Commissioner’s remit include: -*

- *Policy matters or a member’s views or opinions;” [My emphasis added]*

19. Given that the Complaint clearly relates to personally held views/opinions expressed by me during the Interview, in response to a question about how I felt about Mr. Parker’s departure<sup>9</sup>, it is (again with the greatest respect to you) unclear to me on what basis you can claim to have jurisdiction to deal with this Complaint. By reference to paragraph 8 of Your Statement, the Complaint clearly falls outside your remit.

20. What follows is strictly without prejudice to my position that you do not have jurisdiction to investigate the Complaint and should dismiss it on the basis of your lack of jurisdiction.

21. If you wish to maintain that you exercise jurisdiction in relation to the Complaint, then I would greatly appreciate it if you would kindly explain to me the basis upon which you claim to be able to exercise such jurisdiction and how you square any such claim with Paragraph 8.

#### **F. Alleged breach of section 6 of the Code**

22. As noted in Section C above, the Chief Minister has not particularised how (by making any of the above referenced comments) I have breached section 6 of the Code. I am therefore left to speculate, albeit against myself. This is plainly unfair and unsatisfactory.

23. One possible interpretation is that the Chief Minister considers that, instead of making the above statements in response to the question put to me during the Interview, I should not have answered the question and, instead, have gone to the Chief Minister on or shortly after 17 March 2021 to raise my concerns about Mr. Parker with his line manager.

24. I refer to R.53/2021<sup>10</sup>. In this Report you (a) stated that a complaint about Mr. Parker should be raised with the Chief Minister (I infer because you, like me, consider that the Chief Minister was at all

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<sup>8</sup> During 2017 the States employed 6754 employees (with 6032 working on an FTE basis). There were 15 directors and 118 senior staff (or 15 directors and 117 senior staff working on an FTE basis). During 2018, the States employed 6786 employees (with 6090 working on an FTE basis). There were 16 directors and 125 senior staff (or 16 directors and 124 senior staff working on an FTE basis). During 2019 the States employed 6889 employees (with 6217 working on an FTE basis). There were 15 directors and 124 senior staff (or 15 directors and 123 senior staff working on an FTE basis). These figures do not reflect delivery by Mr. Parker.

<sup>9</sup> It is clear from the nature of the language that I employed in response to the question that I was expressing personally held views/opinions. I refer by way of example to the words, “After 3 years, I find myself, sadly, disappointed and quite pleased to see that he is going today.” [My emphasis added].

<sup>10</sup> See: <https://statesassembly.gov.je/assemblyreports/2021/r.53-2021.pdf>

material times Mr. Parker's line manager) and (b) observed that *"the Chief Executive's Employment was scheduled to end within a timescale which might render a formal complaint a nugatory exercise"*. You went on to conclude that Deputy Gardiner did not breach the Code of Conduct. In so far as it may be relevant, I add that I was aware from discussions that I had with Deputy Gardiner at the material time (including before I gave my response during the interview) that Mr. Parker (a) had refused to attend a final meeting before the Public Accounts Committee ("**PAC**") on the basis of a claimed lack of availability<sup>11</sup> and (b) that he would be on annual leave thereafter<sup>12</sup>.

25. As a starting point, there is the threshold issue of whether section 6 of the Code was (on its proper construction/interpretation) intended to apply (or be of application) to a situation such as the current one, where: -

25.1 a Chief Executive Officer had already resigned from his post; and

25.2 that the Chief Executive Officer would not (at the time that the question was posed) be undertaking any further actual work for the States, would thereafter be on annual leave and had made it plain that he would not (during his last few days at actual work) co-operate with a request from a States Committee to appear before it, on the basis of other claimed commitments.

It seems to me that the answers are (a) that section 6 of the Code was not designed to cover a situation like the present one and did not apply and (b) that, if section 6 was intended to apply to such a situation it is insufficiently clear and the Code should be amended to provide clearer guidance to States Members as to how to respond to such an unusual situation in the future.

26. By way of expansion, and in so far as 25(a) is concerned: -

26.1 A proper and fair reading of section 6 (and one which reflects its intended purpose) is that it is only intended to apply to States employees that have a prospect of a continuing role with the States of Jersey and not to employees that have completed their last day of actual work for the States. Put a little differently, what would the purpose be of subjecting an employee to a disciplinary or capability process if (i) that employee is not continuing in their role and/or (ii) the process will not be completed before their employment ceases? In relation to (i), if the employee is not continuing in his or her role no purpose would be served by conducting a disciplinary or capability process; such processes are invariably lengthy and usually designed to yield improvements in conduct or performance (as opposed to a dismissal). The undertaking of such an exercise would not be proportionate and would be a waste of the States resources; no tangible benefit would accrue to the States from the time and resource investment. In relation to (ii), it is to be noted that the entitlement to annual leave is contractual; any attempt to conduct a disciplinary or capability assessment during a period of annual leave would amount to an interference with an employee's contractual rights and would, in all but exceptional circumstances, amount to unreasonable conduct on the part of the employer. There were no such exceptional circumstances in this case.

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<sup>11</sup> Notwithstanding his claimed lack of availability to attend before the PAC, Mr. Parker did find time to prepare a detailed article for the Jersey Evening Post, which was published on Saturday 20 March 2021, and in which he made a range of clearly political statements. See Attachment 1.

<sup>12</sup> It is perhaps worth mentioning that the Chief Minister summoned Deputy Gardiner to a meeting on Monday 19 April 2021. Notwithstanding your above referenced conclusions, the Chief Minister, who was accompanied by Constable Buchanan, used the meeting as a forum to challenge Deputy Gardiner's approach of requesting that Mr. Parker attend before PAC.

26.2 The correctness of this analysis is supported by the analysis of how (when viewed objectively) the Chief Minister would have responded to a complaint by me on 17 March 2021 or thereafter, about the performance of Mr Parker. (In order that matters are seen in context, it is appropriate to record that Mr. Parker and the Chief Minister have a deep mutual appreciation for one another)<sup>13</sup>. The Chief Minister's reaction would have been as follows: -

- He would have firmly rejected or alternatively refused to progress the complaint.
- He would have made the points that (a) no purpose would be served, on the basis that Mr. Parker had completed his actual work for the States and had no continuing role, and (b), in the circumstances, it would not be proportionate to devote the States' resources to such a process.
- He would also have adopted the position that, in all of the circumstances, it would be wrong and unreasonable for the States to interfere with Mr. Parker's contractual entitlement to annual leave for the purpose of subjecting him to an unnecessary disciplinary or capability review.
- He would, in my respectful view, have gone further and been critical of me. In keeping with his approach to me in relation to other matters, he would have characterised any such complaint against Mr. Parker as an example of my either (a) playing political games or (b) seeking to pursue a political agenda against him<sup>14</sup>. He would have been cognizant of how the observations which I made during the interview represented a criticism of his (in my view poor) oversight of Mr. Parker. He would also, no doubt, have referred to how very similar issues had been ventilated by me during the course of the debate of a Vote of No Confidence Proposition, which I brought against the Chief Minister last year<sup>15</sup> and to which I refer again below.

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<sup>13</sup> See below in relation to the Chief Minister's comments about Mr. Parker. In Mr. Parker's resignation letter he stated *inter alia*: -

*"I am tremendously proud to have worked with you and lead all this, as Chief Executive...*

*I also want to thank you again for your leadership as Chief Minister. The relationship between the leader of the Government and the leader of the public service is crucial if the ambitions of Ministers are to be delivered. Our relationship has been based on mutual respect, trust, honesty, clarity of purpose, loyalty and support. I am grateful to you for your integrity as Chief Minister and your personal support to me at this most difficult time in my career.*

*Doing the right thing isn't always popular but it is important that public leaders show integrity in the face of adversity. You've done that in spades. Those close to you know how hard you have worked for this Island over the last year as we have dealt with unprecedented times."*

A full copy of this resignation letter is at: -

<https://www.bailiwickexpress.com/jsy/news/government-ceo-charlie-parker-standing-down/#.YIBl6JBKhdg>

As is apparent from an article that appeared in the Bailiwick Express on 8 December 2020, Mr. Parker was later to say to the PAC that his resignation: -

*"...was unfortunately something I was asked to do and then there was going to be some decisions that were made that I couldn't agree to, so I felt it was appropriate for me to step down."*

See: <https://www.bailiwickexpress.com/jsy/news/still-no-departure-date-outgoing-ceo/#.YIAvg5BKhdh>

<sup>14</sup> This has sadly become a recurrent tactic deployed against me by certain members of Government. See my further comments about this below and, in particular, at paragraph 36.3 below.

<sup>15</sup> See: -

<https://statesassembly.gov.je/assemblypropositions/2020/p.149-2020%20vote%20of%20no%20confidence%20-%20chief%20minister.pdf>

- He would also have been unwilling to accept any criticism of Mr. Parker. As is apparent from what follows, his approach has been one of giving ringing endorsements of Mr. Parker's work.

26.3 When viewed through the lens of how the Chief Minister would have (inevitably) reacted to any such complaint (had I made it), I am drawn to the sad but inexorable conclusion that the Chief Minister is (by alleging that I have breached section 6 of the Code) (a) acting in a manner which is on the one hand vexatious and (b) on the other politically motivated and therefore an abuse of the complaints' procedure. Put a little differently, if I had made a complaint to the Chief Minister about the performance of Mr. Parker, he would have rejected it. So what purpose is served by the Chief Minister making the Complaint, in order to complain about my not having made a complaint to him about the performance of Mr. Parker?

27. By way of expansion of 25 (b), it would in my respectful view be quite wrong for me to be held to have breached a provision of the Code (in this cases section 6), in circumstances where it is unclear that such a provision is of application.

28. Having made these points (i.e., that section 6 is either (a) not of application or (b) unclear as to its application in these circumstances, with the consequence that I should not be found to be in breach of it), I record that I have made my concerns regarding Mr. Parker's performance known, including (a) my views as to his failures to deliver on the Savings Issue and the Civil Service Issue and (b) my view that the Chief Minister has failed to effectively oversee Mr. Parker and the Island's Civil Service.

29. These issues have been ventilated by me during the course of Mr. Parker's annual appraisal process. I have contributed to this process twice – once for Mr. Parker's 2018 annual appraisal (issued in 2019) and once for Mr. Parker's 2019 annual appraisal (issued in 2020). On each occasion I have spoken with Dr. Nicholson, who conducted the appraisals. I note the following: -

29.1 The appraisal process was conducted by references to six "*strategic*" performance indicators<sup>16</sup> that the Chief Minister agreed with Mr. Parker.

29.2 The benchmarks by reference to which the Chief Minister agreed with Mr. Parker that Mr. Parker's performance would be tested were, in my view, unsatisfactory. For example, and surprisingly, they did not commit or tie Mr. Parker to delivery of actual savings in terms of (a) pounds, shillings and pence and (b) a number for the reduction in headcount in the Civil Service.

29.3 During the course of my discussions with Dr Nicholson (who conducted Mr. Parker's annual performance reviews) in relation to the 2018 appraisal and the 2019 appraisal, it is my recollection that I raised with Dr. Nicholson the same issues that I raised during the Interview, namely the Savings Issue, the Civil Service Issue and the Cultural Issue. (I have not been able to locate my notes relating to my discussions with Dr. Nicholson in relation to the 2018 appraisal but have been able to check my notes relating to the 2019 appraisal). My impression, from my discussions with Dr. Nicholson, was that he was not best placed to be conducting Mr. Parker's performance appraisal; to my surprise Dr. Nicholson spoke of Mr. Parker in affectionate terms and I was left with the impression that they had a prior and, in

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<sup>16</sup> The performance indicators were to (a) deliver One Government and modernise public service, (b) lead organisational change and secure culture change through Team Jersey, (c) develop a stronger focus on customer services, (d) continue to build and develop good working relationships with the Council of Ministers, States Members and Scrutiny panels, (e) deliver effective financial, performance and business management and (f) promote and support the economy of Jersey both internally and externally.

the circumstances of Dr. Nicholson conducting Mr. Parker's performance appraisal, an inappropriately close relationship.

29.4 Concerns were publicly expressed by States Members (who were members of Scrutiny) both as to the independence and as to the lack of objectivity attached to the Mr. Parker's performance appraisal process<sup>17</sup>. I shared these concerns. Deputy Tadier went further and, on 2 November 2020, when in the Assembly he asked the Chief Minister whether Mr. Parker was "writing his own report"<sup>18</sup>.

29.5 Sadly, I do not feel that my comments or views were properly reflected by Dr. Nicholson in either appraisal report.

29.6 The concerns that I have had about the lack of delivery by Mr. Parker on the objectives that had been set for him when he took up his post are widely shared by members of the public and the press, who have been gravely concerned by Mr. Parker's lack of apparent concern as to the rate at which he has been spending islanders' money<sup>19</sup>. PAC and other scrutiny panels have both been concerned about the delivery of savings and the streamlining of the Civil Service and raised questions with Mr. Parker and the Chief Minister about these issues.

30. As Chair of the Corporate Services Scrutiny panel, I have the opportunity to question the Chief Minister as to the performance of his role. In that context, I endeavoured to remind the Chief Minister of his duty to be objective when assessing the performance of Mr. Parker. On the 1 October 2020 during a public hearing of the Corporate Services Scrutiny Panel, we had the following exchange:

*"Senator K.L. Moore Right. So we will move on to other matters relating to the States Employment Board. As we are all aware, yesterday the long-awaited appraisal of the Chief*

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<sup>17</sup> See for example:

<https://jerseyeveningpost.com/news/2019/07/01/deputies-question-charlie-parkers-glowing-appraisal/>

<sup>18</sup> See paragraph 4.21.5 on page 58 of Hansard. Deputy Tadier asked the Chief Minister the following questions: *"...does the Chief Minister agree that all of these things taken as a whole...that there is an increasing perception with the public of Jersey, which may or may not be true, that the politicians, and in particular the Chief Minister, is no longer the one in control and that we now have a Chief Executive who has not only been writing his own report and doing his own homework, but he has also, in this case, been writing his own press releases, it would seem and not bothered showing them to the Chief Minister? If this is a perception the Chief Minister is aware of, does he realise that he needs to put a firm message out about who is in control and the C.E.O. works for Government and not the other way around?"*

See:[https://statesassembly.gov.je/assemblyhansard/2020/2020.11.02%20states%20-%20edited%20transcript%20\(final\).pdf](https://statesassembly.gov.je/assemblyhansard/2020/2020.11.02%20states%20-%20edited%20transcript%20(final).pdf)

<sup>19</sup> See for example: -

[https://www.bailiwickexpress.com/jsy/opinion/reader-letter-i-think-charlie-parker-has-misread-his-contract/#.YH3c\\_2dKhDh](https://www.bailiwickexpress.com/jsy/opinion/reader-letter-i-think-charlie-parker-has-misread-his-contract/#.YH3c_2dKhDh)

See also Gary Burgess' article of 17 March 2021 (published the same days as the Interview) entitled "Goodbye Charlie Parker" which is at: -

<https://www.itv.com/news/channel/2021-03-17/gary-burgess-goodbye-charlie-parker>

In Mr Burgess's article he stated *inter alia*: -

*"During the Parker years there have been workplace modernisation programmes, the appointment of former colleagues and acquaintances of Charlie Parker to key roles, and a proliferation in the use of consultants to the tune of tens of millions of pounds a year.*

*Departments have been rearranged, the government 'organogram' looks quite different, but the transformation is very much a work in progress*

*When I ask senior officials in government to mark Mr Parker's work, the recurring theme is a propensity to spend eye-watering amounts of money on consultants without strong evidence to show it is either value for money or making a tangible difference." [My emphasis added].*

Mr. Burgess is a highly respected local journalist.

*Executive was published. In your accompanying statement, Chief Minister, you praised the Chief Executive for completing another successful year, yet the report does identify quite clearly that there are 2 camps, one which sees Mr. Parker's work in a positive light and another which is less enthusiastic and even concerned by some actions and management. Why do you as the person responsible for holding the Chief Executive to account think that there is such a divide of opinion on this matter?*

*The Chief Minister: I think one should ... let us just stand back a moment on 2 or 3 areas. One is, which I think is very important to note, that the appraisal process for the Chief Executive has probably been the most transparent I can think of in my entire time in the States. I am not aware of appraisals having previously been published for the previous C.E.O.s (chief executive officers). I am not even aware, certainly when I was in your role, Senator, that I was ever involved in any appraisal process, which obviously you are. I am not aware that ... in fact, I do not even know if there was an appraisal process in place. So I think the fact that there is one and this is the second year should be taken in a positive light. It is a warts and all document. We have published the entire document. So you are going to get some people who agree and some people who did not agree, but I think it is fair to say that from the executive summary, which is what I have just turned to, the quote is: "It demonstrates an impressive record of delivery against performance targets in most areas." So that is the appraiser's view, having taken everything in the round. Now, as we have said in ...*

*Senator K.L. Moore: So our job is to hold you to account for holding him to account, yes?*

*The Chief Minister: Sorry?*

*Senator K.L. Moore: You are familiar with this role, having held it yourself, so our job is to hold you to account and to look at how you are holding the Chief Executive to account. So my question ...*

*The Chief Minister: Which I was just getting to, yes.*

*Senator K.L. Moore: ... if I could push the point, is you have taken one approach but when you can see that there is effectively a divide in opinion, how do you justify your approach? Do you see that divide in opinion?*

*The Chief Minister: The point I will make is that within there are some comments that are there. There are some that are very positive and you are right, there are some that are less positive. However, I make the point that in the round I think the Chief Executive has done an excellent job. What I will also say, and I will put it on record again, I think the Island owes a debt of gratitude to the Chief Executive and his team for how we have come through COVID. Part of that is because of the restructuring and the measures that were put in place before, so during the last 2 years, because I do not believe the previous structure of government would have coped as well as it did with what we had to face. So, from that perspective, my job is to look at it overarching. No one, any of us in this room, has had a perfect record in anything, but in the round, as I said - and in the round is too low a statement - we should be very, very satisfied with the performance of the Chief Executive in where we are. One of the frustrations I had in politics was the culture of the organisation, the failure in*

*a whole range of areas to deliver all sorts of things. The fact that we were talking about the office strategy, that has been on the boil for at least 10 years. I am hoping to receive the next stage in that probably in the next 3 weeks. So from that perspective, I can see, bearing in mind we have had the delays from COVID, significant changes in the culture of the organisation. I think the way the organisation has worked during the last few months since COVID kicked off and even before, I think even references to things like diversity, empowerment of women, all that type of stuff, has all come through and the gentleman to my right is one of the main drivers behind that change in the operational level of the culture of the organisation.” [My emphasis added]*

The following points arise: -

- 30.1 As I have noted at paragraph 26.2 above, the Chief Minister has been in the habit of giving ringing endorsements of Mr. Parker.
- 30.2 As is apparent from the quotes above, even after being reminded of the (reasonable) proposition that there was more than one school of thought as to the performance of Mr. Parker, the Chief Minister was unable to accept this saying that Mr. Parker had done an “*excellent job*” and that “*we should be very, very satisfied with the performance of the Chief Executive*”.
- 30.3 Even after Mr. Parker had resigned, having breached the terms of his employment contract and, I understand, authorised the issue of a false press release (see further below), the Chief Minister issued a press release in which he continued to heap praise on Mr. Parker<sup>20</sup>. He stated variously: -

*“The progress we have made, and the plans set out ahead, have been steered by Charlie as Chief Executive and I would like to pay tribute to his determination on behalf of the Government.”*

*“He and the public service are great assets to any Chief Minister and Council of Ministers.”*

*“To me, his commitment to the Island and Government has never been in doubt.”*

*“His leadership and skills in handling the response to the Covid-19 pandemic has exemplified his capability, capacity and tenacious ability to get things done in the most challenging of environments.”*

- 30.4 On one view, the Chief Minister lost his ability to objectively analyse the performance of Mr. Parker. Another more cynical view is that the Chief Minister is sufficiently politically savvy to recognize that it is not in his political interests to accept any criticism of Mr. Parker’s performance; if the Chief Minister accepts criticism of Mr. Parker, he accepts criticism of himself.

31. These issues have been ventilated by me in the context of a vote of no confidence that I brought in the Chief Minister in November 2020. As can be seen from the report which I filed in support of the Vote of No Confidence (the “**VONC Report**”)<sup>21</sup>, I *inter alia* raised the issue of the Chief Minister’s

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<sup>20</sup> See: <https://www.gov.je/News/2020/Pages/ChiefMinisterAnnouncement.aspx>

<sup>21</sup> See: <https://statesassembly.gov.je/AssemblyPropositions/2020/P.149-2020%20Vote%20of%20No%20Confidence%20-%20Chief%20Minister.pdf>

ability to discharge his role as Mr. Parker's line manager. I respectfully invite you to read the whole of the VONC Report. I draw particular attention to the following paragraphs: -

- 31.1 The first paragraph on page 1, in which I identified the purpose of the Vote of No Confidence, as including (a) a call for *inter alia* the observance of better governance and greater accountability and (b) a need to rebuild the culture of the organization that serves Jersey.
- 31.2 Numbered paragraph 1 on the bottom of page 4, by which I raised the Chief Minister's "*lack of ability to hold senior office holders to account and, in so doing, demonstrating that the highest levels of integrity are to be upheld in the Civil Service.*"
- 31.3 Numbered paragraph 5.1 on page 6 of the Report, by which I raised the Savings Issue.
- 31.4 Numbered paragraph 5.2 on pages 6 and 7 of the Report, by which I raised the Civil Service Issue.
- 31.5 Numbered paragraph 6 on the bottom of pages 5 and 6. I am referring you to this paragraph by way of example of the attitude of the Government. The Income Tax Department has been the subject of significant problems: islanders received incorrect tax assessments<sup>22</sup>, there were concerns arising from staff departures and a high number of unfilled vacancies. If Mr. Parker (as head of the Civil Service and the civil servant with ultimate responsibility for the Income Tax Department) had done his job properly, he would not have allowed the Income Tax Department to fall into disarray. If the Chief Minister had been properly holding Mr. Parker to account, as his line manager, he should not have been saying that Mr. Parker had done an "*excellent job*" and that "*we should be very, very satisfied with the performance of the Chief Executive*".

32. I make the following points in relation to the Vote of No Confidence: -

- 32.1 By bringing the Vote on No Confidence, I took the ultimate step of holding the Chief Minister to account and, in so doing, raised Mr. Parker's non delivery in relation to the Savings Issue and the Civil Service Issue.
- 32.2 In the lead into the Vote of No Confidence, one minister (Senator Mezec) and two assistant ministers (Senator Pallot and Deputy Tadier) resigned. My understanding is that Senator Mezec resigned *inter alia* because he felt that his policy decisions were being frustrated and were not supported by the Chief Minister<sup>23</sup> (an example of decisions being taken at the top rather than at departmental level). I further understand that Deputy Tadier's decision to resign was in part motivated because a decision was taken to cut £4 million worth of previously agreed funding from a previously agreed project for the renovation of Elizabeth Castle without his being consulted, despite his role as Assistant Minister for Culture<sup>24</sup> (a further example of decisions being taken at the top rather than at departmental level).
- 32.3 In the lead into the Vote of No Confidence, I understand that: -

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<sup>22</sup> See:  
<https://www.channel103.com/news/jersey-news/pressure-piles-on-pinel-over-tax-problems/>  
<https://www.bailiwickexpress.com/jsy/news/islanders-outraged-following-sudden-tax-rises/#.YIEPwJBKhdg>

<sup>23</sup> See:  
<https://www.channel103.com/news/jersey-news/mezec-resigns-as-minister-to-back-vote-of-no-confidence/>

<sup>24</sup> See:  
<https://www.bailiwickexpress.com/jsy/news/its-really-dangerous-when-government-starts-ignoring-assembly/#.YH6DQGdKhdg>



- The Council of Ministers met on Sunday 1 November 2020 and made it clear to the Chief Minister that Mr. Parker had to resign his directorship of New River REIT plc (“**New River**”) in order to be able to continue in office as the Chief Executive.
- On the afternoon of Monday 2 November 2020, the Chief Minister told the States that he asked the Connetable of St Ouen to conduct an investigation as to how a press release had come to be issued which falsely stated that both the Chief Minister and the Deputy Chief Minister had approved Mr. Parker’s appointment as a director of New River<sup>25</sup>.
- The Council of Ministers met on Thursday 5 November 2020. The Council of Ministers again made it clear to the Chief Minister that Mr. Parker had to resign his directorship of New River in order to be able to continue in office as the Chief Executive.
- On the evening of Monday 9 November 2020, and a matter of hours before the Vote of No Confidence against the Chief Minister was to be debated, a press release was issued by the States confirming that Mr. Parker would be resigning.<sup>26</sup>
- Full details of Mr. Parker’s financial severance arrangements have not been made public.

32.4 The Vote of No Confidence was lost. 19 States Members voted for the motion. 29 voted against it. Senator Vallois abstained. The impression and understanding that I had at the time from discussions that I had with other States Members is that if Mr. Parker had not resigned, the Vote of No Confidence would have passed. (In passing I note that Senator Vallois later resigned as she did not consider that her views as Education Minister were being listened to in relation to the decision of whether schools should be reopened<sup>27</sup>. They were, in a further example of decisions being taken at the top rather than at departmental level, re-opened against her wishes.)

33. In all of the above circumstances, in the event that (contrary to my position that section 6 does not apply) you consider that section 6 is of application, then I consider that I took reasonable steps to make my concerns known to the Chief Minister regarding the Savings Issue and the Civil Service issue,

<sup>25</sup> See Hansard for 2 November 2020 at pages 57 to 59 (paragraphs 4.21.1 to 4.21.5) at: [https://statesassembly.gov.je/assemblyhansard/2020/2020.11.02%20states%20-%20edited%20transcript%20\(final\).pdf](https://statesassembly.gov.je/assemblyhansard/2020/2020.11.02%20states%20-%20edited%20transcript%20(final).pdf)

This incident is also the subject of other commentary in Hansard for 2 November 2020.

A press report on the outcome of this investigation is at: -

<https://www.itv.com/news/channel/2021-01-13/revealed-it-was-charlie-parker-who-approved-the-misleading-statement-about-his-second-role>

The press report entitled, “*Revealed: It was Charlie Parker who approved the misleading statement about his second role*”, refers to how: -

*“An internal report prepared for the Chief Minister shows it was Mr Parker who provided a junior colleague with false and misleading information, including that the Deputy Chief Minister, Senator Lyndon Farnham, had backed his second role plans.” [Emphasis added]*

This press report included the following quote from the report to the Chief Minister: -

*“The Press Office received information from the Chief Executive in response to the questions. The Press Office protocol requires appropriate approval from senior officials and ministers. As there was no ministerial quote in this response to the media, approval was considered as obtained through the Chief Executive.”*

<sup>26</sup> See: -

<https://www.channel103.com/news/jersey-news/charlie-parker-resigns-as-states-ceo/>

<sup>27</sup> See for example: -

<https://www.channel103.com/news/jersey-news/vallois-resigns-as-education-minister/>

prior to Mr. Parker's resignation. The concerns were widely publicly held, if not accepted by the Chief Minister. In consequence, I do not consider that I have acted in breach of section 6.

## **G. Alleged breach of section 5 of the Code**

34. Again, and as noted in Section C above, the Chief Minister has not particularised how (by making any of the above referenced comments) I have breached section 5 of the Code. I am therefore (again) left to speculate, albeit against myself. This is plainly unfair and unsatisfactory.
35. In so far as I need to rely on any of the matters to which I have just referred in Section F above in response to my alleged breach of section 5 of the Code, section F above is repeated.
36. I deal firstly with my generalised comments relating to the Cultural Issue, in respect of which I note the following: -

- 36.1 I referred to Report of HR Lounge of February 2021, which was presented to the States on 15 March 2021<sup>28</sup>. The following was stated at paragraphs 95 to 98: -

### *"Leadership and Management behaviour*

93. *In an organisation as large as the States of Jersey, there will - inevitably - be differing standards. Our observation is that you have worked hard to describe your standards and expectations and communicate these across departments and functions. The level of enthusiasm with which they have been adopted and worked through will also inevitably differ but our overall assessment is that you have made progress on this front and continued leadership time and effort will be worthwhile to embed the culture that you desire.*
94. *Our interviews revealed different levels of understanding though about the centrality of your Values and behaviours. Similarly, the focus groups evidenced some confusion about their coverage with a number of participants suggesting that they either did not apply to us, or that they concerned management only or in one departments case, that they do not apply to us and we do our own thing.*
95. *Interestingly, the examples given about breaches of your Values sometimes concerned leaders and senior management which made the point well that such behaviour was always under observation and any breach that went unchecked took on significance that could be devaluing of your endeavours to embed the desired culture.*
96. *We raise this here as it was a matter raised on many occasions. Examples of heated and public arguments, insulting and aggressive behaviour and belittling - all of which are potential incidents of Bullying - were mentioned. We would encourage the top leadership team to discuss these and those of their direct reports' behaviours, in order to determine a code of conduct amongst themselves.*

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<sup>28</sup>

See: -

[https://statesassembly.gov.je/assemblyreports/2021/r.38-2021.pdf? gl=1\\*rwsafv\\* ga\\*MTM3NTE1MjYxOS4xNTgyODA5NTAx\\* ga 07GM08Q17P\\*MTYxODkxMTA5Mi4xNi4xLjE2MTg5MTEzMjguMA..](https://statesassembly.gov.je/assemblyreports/2021/r.38-2021.pdf? gl=1*rwsafv* ga*MTM3NTE1MjYxOS4xNTgyODA5NTAx* ga 07GM08Q17P*MTYxODkxMTA5Mi4xNi4xLjE2MTg5MTEzMjguMA..)

The HR Lounge Report is at pages 25 to 71 of the PDF file.

97. *We fully accept and understand that there will be differences of opinion and sometimes these spill over into quarrels and the like. But the effect of these if witnessed by others is either to suggest a double standard or to give rise to an accepted pattern of behaviour that lower down the organisation would not be tolerated and would be marked out. Similarly, we would encourage you to take a stricter stance to breaches of your desired culture. If you do not, then their value will be diminished and the progress that you have made will be negated.*

98. *Overall, we would suggest that leadership needs to be more closely identified with practical ways of championing good management and dealing with inappropriate behaviour. It is not that we think that they are insincere in their endeavours to represent good behaviour but there was a large body of opinion that did not always associate good behaviour with the leadership. One participant described it as I wish they would practice what they preach.” [My emphasis added]*

36.2 At the same time as the HR Lounge Report, the States published the results of the “Be Heard Employee Survey 2020”<sup>29</sup>. The page entitled “Our results: Be Heard Survey – Leadership”<sup>30</sup> does not provide a ringing endorsement of the leadership of the States of Jersey either.

36.3 My own experience of dealing with senior figures in the Government has not been positive. By way of example: -

- The Chief Minister, who sits behind me in the States, has been in the habit of pulling faces and making gestures when I speak in the Assembly. These actions (which I cannot see but which are variously unprofessional, discourteous, disrespectful and inappropriate) have been noticed by people who watch the Assembly online and can see the Chief Minister when I am speaking and who have commented to me on the inappropriate nature of his behaviour.
- The Chief Minister’s and other members of the Government’s conduct towards me has been the subject of commentary in the media. By way of example, in an article published on 25 September 2019<sup>31</sup>, Lucy Stephenson had the following to say: -

*“But it is difficult to take those comments seriously when you read the rest of the letter, which is so clearly passive aggressive that it is enough to make you cringe.”*

After reminding readers that I had declined to stand for a ministerial seat following Senator Le Fondre’s election as Chief Minister (which I refer to in section H below) she stated: -

*“Since that time she has been subjected to a nasty campaign of name-calling and childish snipping behind the States Assembly scenes, which I am not saying is anything to do with the Chief Minister himself but is being carried out by those who support him.*

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<sup>29</sup> See: - [https://statesassembly.gov.je/assemblyreports/2021/r.38-2021.pdf? gl=1\\*rwsafv\\* ga\\*MTM3NTE1MjYxOS4xNTgyODA5NTAx\\* ga\\_07GM08Q17P\\*MTYxODkxMTA5Mi4xNi4xLjE2MTg5MTExMjguMA.](https://statesassembly.gov.je/assemblyreports/2021/r.38-2021.pdf? gl=1*rwsafv* ga*MTM3NTE1MjYxOS4xNTgyODA5NTAx* ga_07GM08Q17P*MTYxODkxMTA5Mi4xNi4xLjE2MTg5MTExMjguMA.)

The results of the survey are at page 6 to 24 of the PDF file.

<sup>30</sup> See page 16 of the PDF file.

<sup>31</sup> Lucy Stephenson’s full article is attached as “Attachment 2”.

*To call it playground behaviour (bullying actually) would be unfair on our children, and it is the single most unprofessional and worrying thing I have encountered about the behaviour of our elected representatives behind the scenes in my ten years as a local journalist.*

*.... So I ask again, is this the professional way for our Chief Minister to respond to the very valid concerns from the backbenches?*

*Writing open letters is one of the ways in which Scrutiny heads and backbencher get their views heard. And such letters can be and often are written without being inflammatory, aggressive and rude."*

- During a virtual meeting with the Chief Minister on the 28th April 2020, he started aggressively shouting at another States Member and I. He accused us of making things "personal", which was not the case. The incident was witnessed by others, including Mr. Parker and various civil servants (one of whom later described it as "a meeting like no other"). After the meeting, the Chief Minister provided something of an apology and we sought to remedy matters by bringing the whole Scrutiny Liaison Committee to a meeting the following day and subsequent meetings. We also gave the Chief Minister the benefit of the doubt due to the pressure of the COVID situation, although I have considered reporting this incident to you but (after consultation with another States Member) concluded that I would be accused by the Chief Minister of "playing politics" if I took that step.
- A recurrent Government tactic is for members of the Government (including the Chief Minister) to claim that other Scrutiny panel members and I are abusing Scrutiny to "play politics" or to "make politically motivated attacks"<sup>32</sup>. Since the election in 2018, the Scrutiny panels have undertaken a vast body of work, especially when compared against the body of work undertaken by Scrutiny (of which the Chief Minister was then a senior panel member) during the previous electoral term<sup>33</sup>. Our work, which is often conducted against the backdrop of tight deadlines and which is often been supported by reports from specialist independent advisers, has on a regular basis led to improvements in legislation or changes and improvements to Government positions, with benefits accruing to islanders. The purpose of this Government tactic is sadly clear. It is an unpleasant and ante-democratic tool by which senior members of the Government are trying to devalue the work of Scrutiny (including the dedicated civil servants which support this heavy workload), in order that they may (a) say that the views of Scrutiny may be disregarded as unhelpful and irrelevant and theirs preferred and (b) deflect any criticism (including constructive criticism) of decisions taken or positions adopted by the Government. It is also a tool by which they are trying to blunt the work of Scrutiny; the aim is to make members

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<sup>32</sup> See for example a Bailiwick Express article of 23 December 2020, entitled "*Chief Minister rubbishes Scrutiny as a purely political attack*" and which is an article about how the Chief Minister and the Minister for Health alleged that members of Scrutiny (including me) were using Scrutiny for political gain. The article is at: - <https://www.bailiwickexpress.com/jsy/news/chief-minister-criticised-over-mismanagement-pandemic/#.YH86p2dKhdh>

The letter which forms part of the subject matter of the article was written by me as Chair of the Scrutiny Liaison Committee; I sent the letter with the express prior approval of the Chairs of all five scrutiny panels. Comments made upon that article by members of the public are attached at Attachment 3, which I would invite you to read.

<sup>33</sup> See the "By Year" section on the "*Scrutiny reports and publications*" page of the States Assembly website at: <https://statesassembly.gov.je/Scrutiny/Pages/scrutinyreports.aspx>

of Scrutiny hesitate before adopting positions and expressing views that are either (a) critical or in contradiction of decisions taken or positions adopted by the Government or (b) which they would previously have unhesitatingly expressed. Put more generally, it is a tactic which seeks to airbrush out opposed views. A recent example relates to the debate of P.18/2021<sup>34</sup> which was debated on 23 and 24 March 2021. P.18/2021 related to the Government's decision to, on short notice, enter into a significant financial contract to provide new office accommodation for the States of Jersey. It was a decision about which the members of the Scrutiny Liaison Panel had significant reservations and which they considered should, at the least, be delayed so that the decision could be properly scrutinised. I was warned by a member of the Council of Ministers prior to the debate that I was going to be targeted during the debate and accused of using Scrutiny to "play politics". I therefore considered it appropriate to make some comments about this tactic when opening the debate<sup>35</sup>. I made these comments in the, perhaps vain, hope that it would prevent the Government from deploying this tactic in the future.

- The Chief Minister refused to agree to a request that members of the Corporate Services Scrutiny Panel meet the Interim Chief Executive and said that only members of PAC could meet the Interim Chief Executive. After we complained, the Chief Minister relented. The approach is sadly wearing.

36.4 In so far as it may be relevant, I am also aware from my discussions with others that various individuals, including a retired senior politician (who may be willing to discuss his experience with you, if required) that their dealings with Mr. Parker were unpleasant.

36.5 Taking all of the above circumstances into account, I am of the view that my generalised comments in relation to the Cultural Issue were fully justified. The Cultural Issue plainly still needs to be addressed. No civil servant, States Member (including members of any Scrutiny panel and me) should be forced to work in an environment where bullying and other inappropriate behaviour forms part of the culture, including at very senior levels. (My own experience is that the working environment is at times (and particularly when dealing with the contentious issues with the members of Government, including the Chief Minister) unpleasant. I do not consider that I have acted in breach of section 5 of the Code by expressing personal views and opinions which support the need for a change to such behaviour. Neither do I consider that I need to apologize for expressing any such personal views and opinions publicly. The public expression of such personal views and opinions by a politician is, in reality, likely to strengthen *the "public's trust and confidence in the integrity of the States of Jersey"*, including by ensuring that difficult and unpleasant issues are ventilated and members of Government are being held to account. The suppression of any

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<sup>34</sup> See: <https://statesassembly.gov.je/Scrutiny/Pages/scrutinyreports.aspx>

<sup>35</sup> See my comments at the top of page 153 of Hansard for 23 March 2021 at: -

[https://statesassembly.gov.je/assemblyhansard/2021/2021.03.23%20states%20-%20edited%20\(et\).pdf](https://statesassembly.gov.je/assemblyhansard/2021/2021.03.23%20states%20-%20edited%20(et).pdf)

I said: -

*"Before I finish, I would like to address an issue that will no doubt be raised during the course of this debate. It has been argued and the Chief Minister has indeed accused the Scrutiny Liaison Committee of playing politics. If politics is about priorities and prudence, I guess it is. But what this argument is not is an attempt to delay for delay's sake or to fit a populist agenda. It is becoming rather tiresome, this argument, and I would ask the Chief Minister to find a valid argument rather than himself playing politics by trying to silence those who do not share his priorities or values. Disagreement is a genuine part of the political process and it should be welcomed, not chastised and kept at bay. The prevention of a true transparent and public discussion is common with oppressive regimes and has no place in the liberal democracy that we enjoy. This debate is about protecting the public purse, ensuring a proper open process has been followed and making sure that this project is necessary, buys value for money, and most importantly that it provides a wide solution for Government."*

such views will have the contrary effect. I add that in expressing such personal views and opinions I am (a) complying with my general duty under section 2 of the Code to act in what I believe to be in the best interests of Jersey as a whole and (b) acting in accordance with the Nolan principles (which principles are themselves contained within section 3 of the Code) by being honest, objective and showing leadership.

37. I next address the Civil Service Issue and Savings Issue. My comments shall be more limited, as these issues have, to some extent, already been traversed above. I comment as follows: -

37.1 At the outset, I believe that it is worth reiterating what Gary Burgess said in his article of 17 March 2021 (referred to at footnote 19): -

*“During the Parker years there have been workplace modernisation programmes, the appointment of former colleagues and acquaintances of Charlie Parker to key roles, and a proliferation in the use of consultants to the tune of tens of millions of pounds a year.*

*Departments have been rearranged, the government ‘organogram’ looks quite different, but the transformation is very much a work in progress.*

*When I ask senior officials in government to mark Mr Parker’s work, the recurring theme is a propensity to spend eye-watering amounts of money on consultants without strong evidence to show it is either value for money or making a tangible difference.” [My emphasis added]*

37.2 I do not consider that the “Parker era” has delivered savings or that the Civil Service, including its senior management, has become smaller or more streamlined. The quote in paragraph 37.1 immediately above and the other matters referred to above speak to these issues, including (a) the information set out at footnotes 7 and 8 above and (b) the sad experience with the Income Tax Department (see paragraph 31.5 above).

37.3 I do not consider that by publicly expressing my personal views and opinions in relation to these issues (which I know are shared by many Islanders) and irrespective of whether members of the Government (including the Chief Minister) like what I am saying or not, that I am acting or have acted in breach of section 5 of the Code. The public expression of such personal views and opinions by a politician is, in reality, likely to strengthen the “*public’s trust and confidence in the integrity of the States of Jersey*”, including by ensuring that difficult issues remain in public view, in order both that they are addressed and so that members of Government are held to account. As noted above, I am of the view the suppression of any such views will have the contrary effect and that in expressing such personal views and opinions I am (a) complying with my general duty under section 2 of the Code to act in what I believe to be in the best interests of Jersey as a whole and (b) acting in accordance with the Nolan principles (which principles are themselves contained within section 3 of the Code) by being honest, objective and showing leadership.

38. I turn next to the Parker Comments.

39. I make the following preliminary observations: -

39.1 Mr Parker was not just any civil servant. Mr. Parker’s role was, in the words of Article 3 of the Employment of the States of Jersey Employees (Jersey Law, 2005<sup>36</sup>, the “*Chief Executive to the Council of Ministers and Head of the Public Service*”. He was also the “*Principal*

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<sup>36</sup> See: <https://www.jerseylaw.je/laws/revised/Pages/16.325.aspx>

*Accountable Officer*” under Article 38 the Public Finance (Jersey) Law 2019<sup>37</sup> (the “**Public Finance Law**”). Pursuant to Article 39(b) of the Public Finance Law he was required to ensure “*that the resources of the bodies, organisations, funds or assets referred to in any of subparagraphs (a)(i) to (iv) are used economically, efficiently and effectively*”. Under Article 38 of the Public Finance Law Mr. Parker was accountable to the PAC and the Council of Ministers.

- 39.2 Mr. Parker’s role was one that would, to some degree, inevitably place him in the public eye. It was also one for which he could be held to account in public (for example by attending meetings of Scrutiny Panels). Mr. Parker’s circa £250,000 a year job reflected both his responsibilities and the fact that his performance would be the subject of some public scrutiny.
- 39.3 Mr. Parker could, at his option and like most civil servants, have chosen to adopt a relatively low profile. In my view, he did not. From the beginning of his tenure Mr. Parker took steps to publicly set out his narrative. (I have referred at footnote 4 above to Mr. Parker’s speech he gave to the Chamber of Commerce shortly after he took office). Mr. Parker also gave other public speeches, took part in public Q and A sessions and gave media interviews. His approach of being in the public eye continued until the very end. Although he refused to attend before the PAC and refused to give media interviews<sup>38</sup>, he instead chose to publish his thoughts in an article in the Jersey Evening Post on Saturday 20 March 2021<sup>39</sup>.
- 39.4 Mr. Parker’s performance was, including as a direct result of his decision to adopt a higher public profile, often the subject of public comment, including by members of the Public, by the media and by States Members during media interviews.

I make these points in order to place my response to the question during the Interview in some context. I would not want you to be left with the impression that States Members rarely, if ever, made comments about Mr. Parker in public or in media interviews. It was an incident of his role that it would be the subject of public comment.

40. I turn now to the Parker Comments. I note the following points: -

40.1 Mr. Parker resigned from his job after: -

- In contradiction of clause 7 of his employment contract, which described his role as a “*...permanent full time post*”, Mr. Parker sought or obtained additional employment as a non-executive director of New River.
- Mr. Parker accepted this new post in breach of clause 18 of his employment contract which stated: -

*“You must not, either directly or indirectly, be engaged or concerned in any other service or business whatsoever (whether paid or unpaid), or receive commission or profits of any kind unless approved in writing by the Employer.”*

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<sup>37</sup> See: [https://www.jerseylaw.je/laws/enacted/Pages/L-10-2019.aspx#\\_Toc10562954](https://www.jerseylaw.je/laws/enacted/Pages/L-10-2019.aspx#_Toc10562954)

<sup>38</sup> See: <https://www.itv.com/news/channel/2021-03-17/gary-burgess-goodbye-charlie-parker>  
<https://jerseyeveningpost.com/news/voices/2021/03/22/an-ill-judged-tweet-a-constable-made-to-resign-and-the-last-days-of-the-parker-era--who-needs-this-much-news/>

<sup>39</sup> See “Attachment 1”.

Mr. Parker did not secure written permission from his employer, the States of Employment Board, prior to accepting his new role.

- Mr. Parker had, I understand, authorised (or at the least played a key role in the issue of a) false and misleading press release<sup>40</sup> by the States (regarding his new role at New River) on 27 October 2020: -
  - In relation to which the press has later said that “*it was Mr Parker who provided a junior colleague with false and misleading information*” (see footnote 25 above);
  - which falsely claimed that the Deputy Chief Minister had agreed to Mr. Parker taking this non-executive director role; and
  - which suggested that the work would be conducted in Mr. Parker’s own time – a claim which was later called into question by the press<sup>41</sup>.

Mr. Parker’s conduct was to later lead to the Island being described in “*Private Eye*” as a “*rotten borough*”<sup>42</sup>.

40.2 In overview, (a) Mr. Parker left his job because he did not properly comply with the terms of his employment contract, (b) Mr. Parker was involved in the issue of a false press release and (c) by his actions caused the Island to be described in a national magazine as a “*rotten borough*”. By his actions, Mr. Parker brought himself into disrepute and caused the Island to be the subject of ridicule nationally.

40.3 In such circumstances, and given (a) the lack of delivery in relation to the Savings Issue and the Civil Service Issue and (b) the existence of the Cultural Issue (which has included “*top leadership*” being involved “*heated and public arguments, insulting and aggressive behaviour and belittling - all of which are potential incidents of Bullying*”, I do not consider that I have either been discourteous or disrespectful to Mr. Parker. I in fact consider that I was quite justified in saying that, “*I find myself, sadly disappointed and quite pleased that he is going today*”. In my personal view/opinion, the islanders should be disappointed by this outcome and should equally be pleased to see the page being turned. Hopefully, the next chapter will see improvements in all of these areas. In addition, islanders trust and confidence in the integrity of the States of Jersey are likely to be enhanced when marked by a States Member

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<sup>40</sup> As the press release appears to have been taken down from the States of Jersey’s website (presumably because it was false) I have been unable to access it for the purposes of preparing this letter. It is, however, referred to in an article published by Channel 103 at 5am on 28 October 2020:

<https://www.channel103.com/news/jersey-news/real-estate-investors-hire-charlie-parker-as-director/>

See also:

<https://www.channel103.com/news/jersey-news/charlie-parker-approved-statement-about-own-ned-role/>

<https://jerseyeveningpost.com/news/2021/01/13/charlie-parker-approved-inaccurate-statement-about-ned-appointment/>

<sup>41</sup> See:

<https://www.itv.com/news/channel/2020-10-28/gary-burgess-charlie-parker-the-50000-side-hustle-and-buckingham-palace>

<https://www.bailiwickexpress.com/jsy/news/gov-ceos-second-job-salary-go-charity/#.YICY7pBKhdg>

<https://jerseyeveningpost.com/news/2020/10/30/chief-exec-will-not-be-paid-for-uk-role/>

<https://jerseyeveningpost.com/news/2020/11/04/write-headline-here/>

<https://www.itv.com/news/channel/2020-12-22/gary-burgess-charlie-parker-did-work-on-newriver-role-during-government-time>

<sup>42</sup> See: <https://www.bailiwickexpress.com/jsy/news/still-no-departure-date-outgoing-ceo/#.YIEgWJBKhdg>



publicly expressing personally held views/opinions which are not supportive of or alternatively reflective of concern in relation to: -

- behaviours of the type referred to in paragraphs 40.1 and 40.2;
- continued non delivery in relation the Savings Issue and the Civil Service Issue; and
- the existence of the Cultural Issue.

As noted above, I am of the view the suppression of any such personal views/opinions will have the contrary effect and that in expressing such personal views and opinions I am (a) complying with my general duty under section 2 of the Code to act in what I believe to be in the best interests of Jersey as a whole and (b) acting in accordance with the Nolan principles (which principles are themselves contained within section 3 of the Code) by being honest, objective and showing leadership.

41. For the record, I add that I had no malicious intent when expressing these personal views and opinions.
42. Taking all of these points into account, I do not consider that I have acted in breach of Section

#### **H. My relationship with the Chief Minister**

43. In the context of responding to the Complaint by the Chief Minister, I consider that it is appropriate that I make some comments about my relationship with the Chief Minister.
44. Sadly, I do not have a good relationship with the Chief Minister. I am unsure what the cause of his problem with me is.
45. During my first term of office (as a Deputy for St Peter) – 2011- 2014 - I served in Scrutiny. I had little to do with the Chief Minister – our paths rarely crossed.
46. During my second term of office (as a Deputy for St Peter) – 2014 – 2018, I was the Home Affairs Minister. I believe that I did a good job in that role<sup>43</sup>. I was not scrutinised by the Chief Minister and had little to do with him.
47. In the May 2018 elections, I campaigned on the basis that I wished to remain as Home Affairs Minister. I was elected as a Senator, coming second in the polls, some 1,000 votes ahead of the Chief Minister.
48. After the election, I invited the Chief Minister for a coffee. We had a cordial discussion. At the time, I knew that he was going to seek election as Chief Minister.
49. I went on to support Senator Gorst's campaign to be elected as Chief Minister. Senator Le Fondre was elected as Chief Minister.

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<sup>43</sup> Senator Mezec made the following comments about my performance in the Assembly: -  
*"In paying tribute to the outgoing Minister for Home Affairs, I think she had a good relationship with the Scrutiny Panel and was always very proactive in briefing the panel and showing ongoing pieces of work to make sure they were well aware and were able to contribute at an early stage."*

50. Despite my huge mandate from islanders, the Chief Minister did not offer me any post in his Government. I became aware that the Chief Minister had, rather than offering me prior post (Home Affairs Minister), instead offered it to several other States Members before nominating Constable Norman. My perception was that I would find myself in either (a) a working environment which was not conducive to me or (b) an environment in which I would struggle to fulfil my priorities if I challenged Deputy Norman for that role. I decided that my term in office would be better used as a member of Scrutiny; I therefore chose to put myself forward as Chair of Corporate Services and President of what became the Scrutiny Liaison Committee.
51. Since Senator Le Fondre's election, my impression is that he has little, if any regard for me. The matters referred to in paragraph 36.3 perhaps, speak for themselves.
52. My impression is that this Complaint is, sadly, politically motivated. I am left with the impression, taking account of all the matters that I have referred to above, (a) that he perceives that the response that I gave during the Interview is critical of his performance as Chief Minister and (b) that he is either (i) using the Complaint as a vehicle to seek a public retraction of such comments or (ii) using it as a vehicle to prevent me from making comments which are either directly or indirectly critical of his performance in the future.
53. I make these comments so that you may bear them in mind when deciding how to deal with the Complaint.

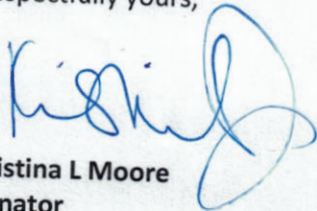
#### **I. Conclusion**

54. I hope that you will accept that, in this letter, I have done my best to provide you with a full response.
55. For the reasons given above (and with the greatest of respect to you), my position is as follows: -
- 55.1 The Chief Minister (disappointingly and for reasons best known to himself) did not follow the normal procedure prior to issuing the Complaint. This is, sadly, reflective of the lack of courtesy with which the Chief Minister and some of his political allies feel that they may treat me. It is also reflective of the Chief Minister's antipathy towards me.
- 55.2 I should not have been asked to respond to an inchoate complaint. The approach is contrary to the principles of natural justice and paragraph 14 of Your Statement; it is unfair to me. The Complaint should have been dismissed on the basis of its lack of particularity.
- 55.3 Given (a) that, when responding to the question during the Interview, I was expressing my personal views/opinions and (b) the terms of Paragraph 8, it is unclear to me on which basis you claim to have jurisdiction to deal with the Complaint. The Complaint should have been dismissed on the basis of your lack of jurisdiction. (If you do not accept this, then (as already noted) I would be much obliged if you would write to me in order to advise me of the basis upon which you claim to be able to exercise jurisdiction in this matter).
- 55.4 Either (a) section 6 of the Code does not (as a matter of interpretation) apply to this situation or (b) its application is insufficiently clear, with the consequence that it would be unfair to hold that I have acted in breach of section 6 of the Code. In either event, the Complaint under section 6 should be dismissed.
- 55.5 In the event that section 6 does apply, I do not consider that I have acted in breach of it. I took reasonable steps to make the Chief Minister and others aware of my concerns as to the shortcomings in Mr. Parker's performance, including in relation to the Savings Issue and the

Civil Service Issue. These views were (as is apparent from the matters referred to above – see in particular footnotes 17-19) widely held, including by members of the public, members of the media, senior civil servants and States Members. It is readily apparent that had I sought to make greater complaint to the Chief Minister, as Mr. Parker's line manager, he would not have accepted it. As already noted at paragraph 26.3 above, this part of the Complaint appears to me to be a vexatious abuse of process in any event.

- 55.6 I do not consider that I have acted in breach of section 5 of the Code. This Complaint under section 5 should be dismissed.
56. If you wish to meet (whether in person or by way of a video conference) to discuss any issue arising from this letter, then please let me know.
57. If you would like me to provide any further information, then please let me know.
58. If, notwithstanding all of the points I have made above, you conclude that I have breached either sections 5 or section 6, I would be willing to meet with you to discuss remedial action.

Respectfully yours,



**Kristina L Moore**  
Senator

## **Attachment 1**

OPINION

# Sentinels of the old ways should understand that the changes are necessary and will be completed

People are not used to institutional change in Jersey and many don't accept the need for it. Often, the way things are done here is to stick with what went before

In my final days in this beautiful island, I want to share some reflections of my experience as the government's chief executive.

I'm afraid, for those eager for me to dish the dirt, this is no kick and tell. I won't be naming those individuals who worked relentlessly to block reform or seek revenge for any wrongs that have been done. That's not my style.

Instead, I want to reflect on the challenges of leading the public service in Jersey, what has been achieved and the risks that lie ahead.

In 2017, the Independent Jersey Care Inquiry reported on the horrific physical, sexual and mental abuse and neglect perpetrated on many of the Island's children over half a century.

Senator Gorst, the then Chief Minister, made clear that root-and-branch reforms were needed in the public service, in the political establishment and in civil society so that nothing like this could ever happen again.

I was recruited to reform the public service and, in November of that year, I outlined a five-year agenda for change in a speech to the government's most senior officers, saying why it was needed and how I would go about leading it. This newspaper printed my speech in full and, if I recall correctly, welcomed what it contained.

Change is never easy and it takes time. Successful change needs determination and effort and the active buy-in and support of all those it affects - employees, politicians, Islanders, businesses and stakeholders.

Jersey might be highly adaptable to changing economic circumstances - look at the tremendous success of financial services since the 1970s - but implementing institutional reform is a very different matter, as demonstrated by the continued opposition to the



Charlie Parker

recommendations of the Clothier and Carswell reports.

People are not used to institutional change in Jersey and many don't accept the need for it. Often, the way things are done in Jersey is to stick with what went before. Influential elements of the establishment - some politicians and judiciary, and some middle managers in the public service - mulishly defend their entrenched, self-interested positions and social media provides a live platform for opposition to anything perceived as being 'non-Jersey'.

This makes taking and sticking to difficult decisions much more challenging than elsewhere. Building a new hospital and a government HQ, Fort Regent, housing, protecting the environment, climate change, the Island Plan and population policy - all these are doable but they require bravery and determination. Instead, the Island has suffered from decades of delay and indecision, with increasing costs and social consequences.

Political expediency and an aversion to making tough decisions are part of public life but when they combine with economic short-termism, then the Island is storing up problems. Jersey needs to accept the inevitability of artificial intelligence and deal with its implications for future businesses and jobs, to learn from the

experiences of Covid-19 for how and where we work and to understand and invest in the future skills and talent we will need. Our economic recovery should be based on bold decisions and having the courage to do what's necessary; things will not just go back to how they were.

Deep-rooted challenges also persist in making Jersey the best place for children and young people to grow up in and, although our children's services have improved significantly over the past three years, the broken trust between children and the society that allowed their abuse will take longer to repair. Too many in the establishment see this as an embarrassment that they want to go away, not a shame that must never be forgotten.

Jersey remains essentially a two-tier society, with extremes of wealth and deprivation. It needs to address this inherent inequality and the culture of entitlement among many who enjoy the advantages of wealth, education and opportunity. We've seen this sense of entitlement played out over the past year during the pandemic, when some felt that the rules didn't apply to them and others sought to use the crisis for political or economic gain.

I'm glad to say, though, that with those exceptions, many more Islanders played their part in responding well to the pandemic, showing Jersey's innate

community strength. Our key workers and volunteers have been fantastic, the government's response was sound, with departments acting in concert (a true example of OneGov at work) and there was overwhelming community support and compliance. If the Island could come together with similar cohesion on other issues, it could achieve so much more.

The media has an important role to play in facilitating such cohesion but it can also promote discord. In my time here, I have been dismayed at how often the honest endeavours of ministers and public servants have been misrepresented, and by the presumption of malfeasance that lies behind many media questions and the toxic drip of cynical articles and comment.

High-profile public figures accept that they will inevitably be in the spotlight. But I never anticipated the personal abuse and attacks on my family in some mainstream media and on social media. This sort of thing really needs to stop. It's not only unjust but it reflects badly on Jersey as an open and welcoming place to live, work and invest. I hope that my successor won't experience the abuse, gossip and innuendo to which my family and I have been subjected.

As I prepare to leave, I want to say a heartfelt thank you to the many colleagues who believed in, and contributed to, the positive changes that were so evident in our response to Covid. There are so many good people in the public service but we need to nurture and invest in them for our future. This takes time.

I thank the many Islanders who showed their support for the changes we've made, who welcomed my family and encouraged me to keep going in the face of obstruction. I have been truly amazed by how many Islanders reached out since the events of last November, offering me support and expressing their shock and embarrassment at what happened.

And I want to thank two politicians of genuine integrity, Senators Gorst and Le Fondre, as well as my senior colleagues and my fellow passengers on the 1, 1A and 2 buses who have been a great sounding board and kept my feet on the ground.

It's with sadness that I'm leaving with the difficult job that I was asked to do unfinished. But before the sentinels of the old ways congratulate themselves too much over the scalp of another reformer, they should understand that the changes are still necessary and will be completed, even though it won't be by me.

As I leave, I'm still glad that I came. I'm proud of the positive changes that have been made, blessed by many new friendships and I'll leave with countless happy memories of this wonderful place. I wish the government, the public service and Jersey every success for the future.



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## **Attachment 2**



OPINION



Tom Huelin

### Moving house is a big effort

**W**E moved house last week. As I write there are boxes stacked high all around me, full of stuff deemed too important to chuck out but, four days after we moved in, clearly not that important to unpack yet. Moving is like a military operation, one we've been planning for quite a while. There was the obligatory mass sale of stuff on FaceBook marketplace – why go to a car boot sale when you can sell your unwanted stuff from the luxury of your own home? And unlike those money-grabbing urchins over at eBay, everything you earn on sales through FaceBook is, as it should be, your own. #Cashback.

We sold our sofa-bed to an amiable Polish chap and his dad. The pair turned up meaning business, with ratchet in hand so they could dismantle the thing, so that taking it downstairs would be a darn sight easier. Good job too – the thing weighed a ton. First, out came the frame – to the untrained eye (like moi), it looked like a mangled mash of metal, which somehow opened up into a bed. Not quite sure how...

Anyway, there the three of us were struggling for a good 40 minutes, trying to get this heavyweight frame down the stairs and into their van. It was hot, it was sweaty, and as I breathed in to get that extra bit of energy needed to get the job done, all I could smell was the stench of musty fags, pouring off the old man. When we got back upstairs the old man was doubled over, apparently in pain. I asked him if he needed a drink. It was then that his son told me he'd recently had a heart attack. I. Kid. You. Not.

The rest of our sales went through without threat to life, as far as I know, so all good on that front.

Taking no chances on my own life, we decided to hire professional removers to shift our stuff to our new house. Bloody good job, too. I helped my mum and dad move before Christmas and it was, as Alf Stewart used to say in Home and Away, 'Hard Yakka'. I'm not sure I'd be here to tell the tale if I'd attempted to move ours myself. The sight of four big, burly men shifting our American-style fridge-freezer was enough to send shivers down the spine, and I'm not talking about the freezer defrosting on them as they carried it onto the van.

Anyway, we're in, the WiFi is on again so the kids are happy, and the plasterer is booked for a week on Wednesday. So bring on the mess, and even more chaos.

# You can't discover if the devil is in the details until you are given the details

The ongoing spat between Scrutiny heads and the Chief Minister about the detail provided in the Government Plan has taken another interesting twist

**T**WO weeks ago I questioned why the government was not sharing more information with backbenchers about proposed efficiencies – because they don't yet know themselves or because they simply don't want to? I still suspect the former.

But the ongoing spat between Scrutiny heads and the Chief Minister about the detail provided in the Government Plan has taken another interesting twist this week with the publication of an open letter from the top.

Chief Minister John Le Fondré says he felt compelled to respond to Scrutiny in the same way they had raised issues with him following an open letter from Senator Kristina Moore, as chairwoman of the Chairmen's Committee.

It is an unusual approach not often employed by ministers, and one has to question if it is the professional way our Chief Minister should be responding to very valid concerns made by an important arm of the States Assembly.

On the one hand his letter appears to make concessions in some areas. And it goes to great lengths to give the impression that Senator Moore's thoughts are important and valued and being listened to, asking officers to provide further information on some points and saying that 'lessons are being learnt' for future Government Plans.

But it is difficult to take those comments seriously when you read the rest of the letter, which is so clearly passive aggressive that it is enough to make you cringe.

'Given that you have chosen to communicate by open letter I feel I must do the same,' it opens. 'I also feel compelled to make some general introductory comments given the seeds of uncertainty that have been sown by your letter, your public comments and other comments made yesterday during States proceedings.'



Lucy Stephenson

He goes on to say how proud he is of Jersey's first Government Plan and the ministers and officers who have worked hard on it. Particularly he says he is pleased that the plan makes progress on a number of issues that have been 'stuck' for some time including mental health funding, Fort Regent and police numbers.

Later on, as the letter concludes, he says: 'Effective scrutiny is vital to improve the quality of policies, plans and legislation put forward. In my view this does not mean Scrutiny always has to act as an opposition to those policies, plans and legislation.'

We must remember that there is no love lost between Senators Le Fondré and Moore – so much so that the latter declined to even stand for a ministerial seat following the last election once she knew that Senator Le Fondré

would be leading the government. And since that time she has been subjected to a nasty campaign of name-calling and childish sniping behind the States Assembly scenes, which I am not saying is anything to do with the Chief Minister himself but is being carried out by those who support him.

To call it playground behaviour (bullying actually) would be unfair on our children, and it is the single most unprofessional and worrying thing I have encountered about the behaviour of our elected representatives behind the scenes in my ten years as a local journalist.

When you bear all of that background in mind, the Chief Minister's open letter and the tone of it does not sit comfortably.

Nor does the idea that he and his advisers sat around and carefully planned the words in that letter to have a certain effect.

So I ask again, is this the professional way for our Chief Minister to respond to very valid concerns from the backbenches?

Writing open letters is one of the ways in which Scrutiny heads and backbenchers get their views heard. And such letters can be and often are written without being inflammatory, aggressive and rude.

But ministers and the government have a lot more resources and methods available to them – statements in the Assembly and written, press releases managed by a well staffed communications unit, a government website, the media at their fingertips (if only they would engage with us), teams of advisers at their fingertips, to name just a few.

And they should expect to encounter and need to respond (professionally of course) to criticism.

Our Chief Minister would also do well to remember what he was like as a backbencher, particularly when he would not give up on matters he believed to be of great importance such as, ironically, previous efficiencies and the Jersey International Finance Centre.

**L**AST week in this column I took a look at the States Assembly's annual report for 2018, passing comment about the time spent on appointments during the year.

It had risen from ten minutes in 2016 and 17 in 2017 to 16 hours and 12 minutes last year and I questioned why that was the case.

It turns out that jump was down to the appointments of ministers and Scrutiny chairs being included in the category, and there was a lot of those given that 2018 saw the formation of a new Assembly following the election.

Seems a lifetime ago doesn't it? But the next one will be here before we know it.

## **Attachment 3**



**Posted on Dec 23rd, 2020**

Can't Senator Kristina Moore just give it a rest?  
She failed with her Vote of Confidence and it's getting boring.

**Posted on Dec 23rd, 2020**

Well said Senator Moore.

Her letter is only publically voicing the concerns many of us have been saying in forums such as this for months. The content of the letter is clear and precise which hopefully will push for meaningful change to policy at the top of our government.

**Posted on Dec 23rd, 2020**

It was under control but something went drastically wrong.

**Posted on Dec 23rd, 2020**

Well if more decisive measures would of been implemented then maybe we wouldn't find ourselves in this mess. I have to agree with KM on this one. Shambles from start right up to now. I think JLF & Co are just going to rely on the vaccination rather than take decisive measures. WEEK GOVERNMENT

**Posted on Dec 23rd, 2020**

Regardless of what Deputy Renouf or Senator Le Fondre may say about the role of scrutiny, it is in the public interest that these issues are raised on behalf of the public.

Surely is the point of having a scrutiny panel, which is to scrutinize what our government is doing, or not as the case may be.

Like many of my friends, I share the view that the borders should have been shut with strict adherence to isolation months ago, instead, we have seen workers pouring in from Renne in France and the UK which has been a red zone for months. Whatever happened to ex-Senator Mclean's "Think Twice by Local" campaign? They have come to work on the Waterfront from one of the most infected parts of France with no isolation required. Many of which have tested positive for Covid-19.

Due to the dithering and inefficiencies that have been the hallmark of our Chief Minister's tenure we are now facing a very bleak future for businesses and the people they employ.

Keep up the good Senator Moore, you are the only one in the government who is highlighting these facts.

**Posted on Dec 23rd, 2020**

Senator Moore is quite right in what she says, but Le Fondre and his side kick will never listen. They have an answer to justify their all decisions, however wrong these decisions are.

**Posted on Dec 23rd, 2020**

One has to conclude that if Scrutiny's concerns can be dismissed with such arrogance then the basic concept of government accountability has truly gone out of the window - joining transparency in so doing.

**Posted on Dec 23rd, 2020**

Question to the Chief Minister. Dear Sir, can you please explain the difference between Jersey Governments actions to combat this awful pandemic, and Guernseys, in light of the significant difference in the numbers of cases?