
STATES OF JERSEY



**COMMISSIONER FOR STANDARDS:
INVESTIGATION OF COMPLAINT OF
BREACH OF THE CODE OF CONDUCT
FOR ELECTED MEMBERS BY DEPUTY
K.F. MOREL OF ST. JOHN, ST.
LAWRENCE AND TRINITY AND
DEPUTY K.L. MOORE OF ST. MARY,
ST. OUEN AND ST. PETER**

**Presented to the States on 20th June 2023
by the Privileges and Procedures Committee**

STATES GREFFE

REPORT

The Privileges and Procedures Committee has received a report from the Commissioner for Standards regarding the referral of Deputy K.F. Morel of St. John, St. Lawrence and Trinity and Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter for investigation in relation to a potential breach of the Code of Conduct for Elected Members.

The Commissioner for Standards found that Deputy Morel and Deputy Moore did not breach the Code of Conduct for Elected Members.

The Committee accepts the Commissioner's report, which is attached, and considers that no further action is necessary.

PAN-ISLAND
COMMISSIONER
FOR STANDARDS



Report by the Pan-Island Commissioner for Standards on a complaint against Deputy Kristina Moore and Deputy Kirsten Morel referred by Connétable Karen Shenton-Stone, Chair of the PPC

Government of Jersey

Contents

Summary	3
Complaint Background	4
Allegations contained in complaint	4
Scope of the Complaint	4
Matters Arising	5
Investigation	5
Findings of Fact	6
Evidence	7
Reasoned Decision	11
Report Conclusion	14
Observations	14

Summary

This is a report on my investigation following a referral received on 31 March 2023 from Connétable Karen Shenton-Stone, Chair of the Procedures and Privileges Committee against Deputy Kristina Moore, Chief Minister and Deputy Kirsten Morel, Deputy Chief Minister. The complaint relates to the resignation announcement by the government of Ms Suzanne Wylie, CEO of the Government of Jersey and Head of Public Service, and issues surrounding that announcement. The referral requests that I provide a view as to whether, by act or omission 1) there was a deliberate obfuscation or avoidance by the Chief Minister and/or Deputy Chief Minister and 2) there was an intention to mislead or misinform the Assembly. Both of these allegations relate to the Code of Conduct and Practice for Ministers and Assistant Ministers, and in particular Rule 1 of the Code which states that: “Ministers and Assistant Ministers must always uphold the highest standards of propriety through compliance with the Code of Conduct for Elected Members and through observance of the Seven Principles of Public Life (selflessness, integrity, objectivity, accountability, openness, honesty, leadership) as outlined at section 3 of the Code of Conduct for Elected Members”.

I commenced my preliminary assessment on 4th April which led to a full investigation. After considering all of the evidence in relation to this complaint, including all written responses, documentary evidence and interviews, I found that Chief Minister, Deputy Kristina Moore and Deputy Chief Minister, Deputy Kirsten Morel did not breach Rule 1 of the Code of Conduct for Ministers and Assistant Ministers.

Complaint Background

1. I received a referral on 31 March 2023 from Connétable Karen Shenton-Stone, Chair of the Procedures and Privileges Committee (“PPC”) relating to the announcement of the resignation of Suzanne Wylie, Chief Executive Officer of the Government of Jersey and Head of the Public Service. On 14 March 2023, Deputy Kristina Moore, Chief Minister, received a notice of resignation from Ms Wylie. A public announcement of Ms Wylie’s resignation was made on 22 March 2023. Subsequently, Deputy Moore stated to the Scrutiny Liaison Committee (“SLC”) on 23 March 2023 that Deputy Morel had not been aware of the CEO’s resignation until 22 March 2023 and told the Jersey Evening Post (“JEP”) that she had received confirmation of Ms Wylie’s resignation on 22 March 2023. On 27 March 2023, Deputy Moore issued a statement via social media apologising for the error she made in the stated dates, confirming she and the Deputy Chief Minister had known of the CEO’s notice of resignation on 14 March 2023. She also apologised to the JEP, SLC and self-referred to the PPC.

Allegations contained in complaint

2. The PPC referral asked me to consider whether there was, by act or omission,
 - 1) A deliberate obfuscation or avoidance by the Chief Minister and/or Deputy Chief Minister and
 - 2) Whether there was an intention by the Chief Minister and/or the Deputy Chief Minister to mislead or misinform the Assemblyin breach of Rule 1 of the Code of Conduct and Practice for Ministers and Assistant Ministers (“the Code”)¹.
3. Rule 1 of the Code states that:

“Ministers and Assistant Ministers must always uphold the highest standards of propriety through compliance with the Code of Conduct for Elected Members² and through observance of the “Seven Principles of Public Life” (selflessness, integrity, objectivity, accountability, openness, honesty, leadership) as outlined at section 3 of the Code of Conduct for Elected Members”.

Scope of the Complaint

4. My investigation focused on Rule 1 and in particular the Seven Principles of Public Life, primarily openness and leadership, in my consideration of the inaccurate dates provided by Deputy Moore and the answer provided by Deputy Morel at Questions Without Notice (“QWON”).
5. Openness in the Code of Conduct for Elected Members is defined as:

¹ <https://www.gov.je/Government/HowGovernmentWorks/CouncilMinisters/Pages/About.aspx#anchor-0>

² <https://statesassembly.gov.je/sitecollectiondocuments/states%20assembly/members%20code%20of%20conduct.pdf>

“Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest, or rules on freedom of information, data protection or confidentiality clearly demand.”

6. Leadership in the Code of Conduct for Elected Members is defined as:

“Holders of public office should promote and support these principles by leadership and example to maintain and strengthen the public’s trust and confidence in the integrity of the States and its members in conducting public business.”

Matters Arising

7. There was a two-week delay in my initial letters reaching the Chief Minister and the Deputy Chief Minister requesting a written response to the complaint. This was due to my emails being blocked by the Government of Jersey’s IT system and internal IT emails being missed on the Jersey side in relation to the IT block. I have been told this issue has been rectified. However, this unfortunately caused a delay in my investigation

Investigation

8. During the course of my investigation, I carried out the following:

- Reviewed the complaint³
- Reviewed Hansard of 21 March 2023 States Assembly
- Requested written responses to the complaint from Deputy Kristina Moore, Chief Minister and Deputy Kirsten Morel, Deputy Chief Minister
- Reviewed written response⁴ and evidence submitted by Deputy Moore
- Reviewed written response⁵ and evidence submitted from Deputy Morel
- Reviewed media coverage (print and television)
- Interviewed Deputy Moore
- Interviewed Deputy Morel
- Interviewed Deputy Tom Binet, Infrastructure Minister
- Interviewed Ms Suzanne Wylie, CEO Government of Jersey and Head of Public Service
- Interviewed Mr Mark Grimley, Chief People and Transformation Officer
- Interviewed Deputy Sam Mézec, President of the SLC

9. Evidence relied upon to reach my conclusions is included in this report at Appendix A.

³ Document 1

⁴ Document 2

⁵ Document 3

Findings of Fact

10. I found the following facts established to the required standard of proof:

Deputy Moore

1. On 14 March 2023, Ms Suzanne Wylie, CEO of the Government of Jersey and Head of the Public Service handed Deputy Moore and Connétable Andy Jehan her notice of resignation letter.
2. On 14 March 2023, Deputy Moore told Deputy Morel, in confidence, about Ms Wylie's notice of resignation.
3. On 15 March 2023, Deputy Moore and Connétable Andy Jehan met with Ms Wylie.
4. Chief People and Transformation Officer ("CPTO"), Mark Grimley, was on annual leave on 14 March 2023.
5. The CPTO came in from annual leave on 17 March 2023 to work on details of the public statement and resignation details.
6. On 20 March 2023, the CPTO officially returned from annual leave and met with Deputy Moore.
7. On 21 March 2023, Deputy Morel stood in for Deputy Moore for Question Without Notice ("QWON").
8. On 21 March 2023, Deputy Moore flew to London for an evening engagement, an invitation she had accepted on 10 March 2023.
9. On 21 March 2023, prior to flying to London, Deputy Moore received information from the CPTO relating to the formalisation and public announcement of the CEO's resignation the next day, 22 March 2023.
10. On 22 March 2023, the public announcement of Ms Wylie's resignation was made.
11. On 23 March 2023, Deputy Moore replied to Ms Wylie's letter of resignation.
12. On 23 March 2023, in a meeting with Deputy Sam Mézec and Deputy Lyndsay Feltham, President and Vice-President, respectively, of the SLC, Deputy Moore incorrectly stated that Deputy Morel had not been aware of the CEO's resignation until 22 March 2023.
13. On 24 March 2023, in an interview to the JEP, Deputy Moore incorrectly stated that she had received confirmation of the CEO's resignation on 22 March 2023.
14. On 27 March 2023, Deputy Moore apologised to the journalist at the JEP and clarified that she had been aware of the CEO's resignation on 14 March 2023.
15. On 27 March 2023 Deputy Moore published a statement on social media which included an apology and a correction of errors she had made in relation to the dates she had previously provided.

16. On 27 March 2023, Deputy Moore called the Chair of the PPC, Connétable Karen Shenton-Stone, and advised her of the errors she had made and the steps she had taken to correct them.
17. On 27 March 2023, Deputy Moore met with Deputy Sam Mézec and apologised to him and corrected her errors.

Deputy Morel

18. On 14 March 2023, Deputy Morel was told, in confidence, by Deputy Moore about Ms Wylie's resignation.
 19. On 21 March 2023, Deputy Morel stood in for Deputy Moore at QWON.
 20. During QWON, Deputy Morel was asked a question about Health Department staff, and in a supplementary question was asked whether he was aware of any possible future resignations to which Deputy Morel replied that he was not aware of any.
 21. On 25 March 2023, Deputy Morel became aware that some States Members believed he may have misled the Assembly.
 22. On 27 March 2023, Deputy Morel contacted the Bailiff, Timothy Le Cocq, as Presiding Officer of the Assembly, to get his view on the matter.
 23. Mr Le Cocq replied on 27 March 2023, stating that it was objectively reasonable for Deputy Morel to have focussed on the Health Department as it was to that department that the initial question was addressed.
 24. On 28 March 2023, Deputy Morel emailed all States Members explaining that the question asked was clearly about Health Department staff and as such, so was his answer.
11. Both Deputy Moore and Deputy Morel were afforded an opportunity to challenge any of the above findings before I finalised my report. Deputy Moore did respond and the first of her two suggested amendments were accepted;⁶ the second I did not consider a finding of fact but rather items that I refer to in the evidence section of this report. I did not receive any challenges to the my findings of fact from Deputy Morel.

Evidence

12. The items in this section clarify the evidence in relation to this investigation. It is presented in sections relating separately to the Chief Minister and Deputy Chief Minister for the purpose of clarity.

⁶ Document 11

Deputy Moore

13. On the 14 March 2023, Ms Wylie asked Deputy Moore and Connétable Andy Jehan, Vice-Chair of the States Employment Board, to meet for a confidential discussion after a Council of Ministers meeting being held that day in Grouville Parish Hall. The meeting was short in duration as there was a public engagement session shortly after the Council of Ministers meeting which they had to attend. Ms Wylie handed Deputy Moore her letter/notice of intended resignation⁷, suggested they discuss the details the next day, and asked that the matter be treated as confidential.
14. She met Deputy Morel in the carpark soon after the public engagement session, and told him in confidence that the CEO had given her notice of resignation.
15. The following day, 15 March 2023, both Deputy Moore and Connétable Jehan met with Ms Wylie and it became clear that her decision to resign was final. It was agreed that steps would be taken to plan for the public announcement of her resignation and, at Ms Wylie's request, the Government of Jersey would coordinate its approach with Ms Wylie's new employer and keep the process confidential until the finer details were agreed.
16. The CPTO, Mark Grimley, was on leave and out of the country on the 14 March 2023 when Ms Wylie handed her notice of resignation letter to Deputy Moore and Connétable Jehan. This led to a delay in the negotiation and planning of the finer details and subsequent announcement of the CEO's resignation. Mr Grimley broke his annual leave and came into the office on 17 March 2023 (and additionally over the weekend), officially returning from leave on 20 March 2023, when he met with Deputy Moore to discuss how matters were to be progressed.
17. A States Meeting on 21 March 2023 coincided with an event Deputy Moore was attending in London that evening. She had accepted the invitation on 10 March.⁸ Due to this commitment, Deputy Moore had to leave the States Assembly meeting early but had requested the order paper be rearranged so that she might be present for the start of QWON.
18. On her way to London, Deputy Moore received an update and further particulars relating to the formalisation and announcement of Ms Wylie's resignation the next day, 22 March 2023.
19. On the 22 March 2023, the announcement of the CEO's resignation was made; it was planned to be a cascade approach to inform the Executive Leadership Team, States Employment Board, Council of Ministers, States Members and the public—in that order. There was a tweet by Deputy Lyndon Farnham⁹ which preceded the planned cascade minutes prior; that leak, I am told by Deputy Moore, is currently being investigated.

⁷ Document 4

⁸ Document 5

⁹ Document 6

20. On 23 March 2023, Deputy Moore replied to Ms Wylie’s letter of resignation.¹⁰ On the same day, Deputy Moore met with Deputy Mézec and Deputy Feltham of the SLC. At that meeting, Deputy Moore incorrectly stated that Deputy Morel had not been aware of Ms Wylie’s resignation until 22 March 2023.
21. On 24 March 2023, Deputy Moore gave an interview to the JEP and incorrectly stated that she had received confirmation of Ms Wylie’s resignation on 22 March 2023. The interview was published on 25 March 2023.¹¹
22. On 25 March 2023, Deputy Moore decided that she needed to correct the errors she had made and any misunderstanding they may have caused and to set the record straight. On Monday 27 March 2023, Deputy Moore took a number of steps. She spoke to the journalist from the JEP and apologised for getting the date wrong and confirmed she had received Ms Wylie’s notice of resignation on 14 March 2023. She published a statement¹² and video on social media¹³ which included an apology and a correction of the dates in question. She called the Chair of the PPC to explain the errors she had made and steps she had taken to correct them. She met with Deputy Mézec, and apologised to him and corrected her errors.
23. In her written response¹⁴, Deputy Moore asserts that her mistakes relating to the dates were:
“..borne out of confusion in my own mind caused by the circumstances in which we had been informally notified of the CEO’s decision to resign and the way in which the CEO’s resignation had later been formally announced on Wednesday 22 March 2023.”
24. In her letter to Deputy Mézec on 6 April 2023, and in her public video of 27 March 2023, Deputy Moore stated that the resignation of the CEO was a shock and that she received this news with great regret.¹⁵
25. Deputy Moore has stated that Ms Wylie’s resignation was for personal reasons and also confirmed that the role itself is “long and deep”.¹⁶ Ms Wylie’s notice of resignation letter points to the need for the role to be redefined. I have no evidence to suggest there were any other reasons for Ms Wylie’s departure other than the role itself being overwhelming in scope.

¹⁰ Document 7

¹¹ <https://jerseyeveningpost.com/news/2023/03/25/government-is-living-and-breathing-transparency-chief-minister-responds-to-criticism-after-resignations/>

¹² <https://www.gov.je/News/2023/Pages/StatementByChiefMinister.aspx>

¹³ <https://www.youtube.com/watch?v=S6eycfrTXoc>

¹⁴ Document 3

¹⁵ Document 10

¹⁶ *ibid*

Deputy Morel

26. The Hansard evidence of the 21 March 2023 States Assembly provides the following exchange¹⁷:

6.3 Deputy L.J. Farnham:

I am one of those young Islanders that uses TikTok and I find it very good. [Laughter] But my question is not about that, my question is in relation to the resignations of 2 senior health staff. Is the Deputy Chief Minister satisfied that the States Employment Board adhere to their own 6 codes of practice, particularly on performance and accountability and engagement with the employee during the process?

Deputy K.F. Morel:

While I personally do not sit on the States Employment Board and so have not been privy to any meetings about this or any other meetings of the States Employment Board, I have no reason or cause to be concerned about the way the States Employment Board undertakes its activities. I believe, and the Chief Minister, I believe, has full confidence in the States Employment Board to undertake its activities properly and in accordance with the proper processes.

6.3.1 Deputy L.J. Farnham:

I thank the Deputy Chief Minister and wondered if he was aware of any possible future resignations that we could expect.

Deputy K.F. Morel:

Apart from my own, depending on the performance of this particular question time, I am not aware of any.

27. Deputy Morel asserts that after being told by Deputy Moore on 14 March 2023 of Ms Wylie’s notice of resignation, he did not hear or speak about it again with Deputy Moore except for when he had checked in with her at one point in the intervening period before the resignation was made public and asked when the resignation would be announced; she informed him that it would be on 22 March 2023.
28. Deputy Morel stood in for Deputy Moore for QWON. From the Hansard excerpt, the QWON related to recent resignations of two senior Health Department leaders; the resignations referred to were high profile and had dominated the news that week. When a follow up question was asked, “Are you aware of any further resignations?” Deputy Morel replied, “Apart from my own, depending on the performance at this particular question time, I am not aware of any”.
29. At the time when Deputy Morel was answering QWON, there was another confidential matter involving “without prejudice” conversations in relation to a senior Health Department leader, of which Deputy Morel was aware. Due to this, he said he had expected a question such as was posed (relating to Health).
30. On 27 March 2023, Deputy Moore confirmed that Deputy Morel knew of Ms Wylie’s notice of resignation on 14 March 2023; she confirmed that she had told him in confidence that same day. Soon after this, colleagues raised concerns that Deputy Morel had misled them on 21 March 2023 by his answer to the supplementary question relating to future resignations.

¹⁷ https://statesassembly.gov.je/Pages/Hansard.aspx?docid=BCE4BE27-EFF6-46DA-B145-84C68B76F89E#_Toc130559952

31. Deputy Morel stated in his written response¹⁸:

It is important to note that because I understood myself to have been answering a question regarding the Health Department, it did not occur to me either at the time of answering or in the subsequent days that I might have been seen to have misled the Assembly.

32. On 27 March 2023, Deputy Morel wrote to the Bailiff, Timothy Le Cocq, to seek his view. Mr Le Cocq said he thought it was “objectively reasonable for you to focus your attention solely on the Health Department as it was to that department that the initial question was addressed”.¹⁹

33. In his written response to me²⁰, Deputy Morel provided evidence relating to the rules surrounding QWON and in particular:

Standing Order 10(1) which states “A question shall relate to one issue only.”;

Standing Order 63(4) which states “Any Member of the States may, within the time allowed by the presiding officer for the purpose, ask one or more supplementary questions relating to the subject matter of the question; and

Standing Order 63(7)(b) which states “the Member’s response must be directly relevant to the question asked (or supplementary question, as the case may be).

34. On 28 March 2023, Deputy Morel wrote to all the States Members providing an explanation.²¹

Reasoned Decision

35. In carrying out my investigation into the facts of this case, it was important to establish whether there was a motivation for the perceived lack of openness in relation to any actions, decisions or statements made by Deputy Moore and Deputy Morel. The following highlights the reasoning for my decision in respect of the allegations.

Chief Minister, Deputy Kristina Moore

Did the Chief Minister deliberately obfuscate, avoid and/or intend to mislead or misinform the Assembly?

36. Deputy Moore had hoped to be present for QWON on 21 March 2023 at the States Assembly meeting; she had asked for the order paper to be rearranged to facilitate this. As it transpired, things ran on and she had to leave before QWON started due to her engagement in London that evening, an invitation to which she had accepted on the 10 March 2023 prior to Ms Wylie’s

¹⁸ Document 3

¹⁹ Document 8

²⁰ Document 3

²¹ Document 9

resignation on 14 March 2023. I am satisfied that the Chief Minister did not deliberately avoid QWON, nor was there a deliberate attempt to muddy the waters by not being present for QWON.

37. On 21 March, Deputy Moore had not briefed Deputy Morel prior to him standing in for her during QWON on 21 March 2023. That is, Deputy Moore did not advise him to expect a question or ask him to avoid any such question.
38. Deputy Moore provided inaccurate dates on two occasions. The first occasion was on 23 March 2023 when she met with Deputy Mézec and Deputy Feltham of the SLC. At that meeting, Deputy Moore said that Deputy Morel had only been aware of Ms Wylie's resignation on 22 March 2023. This assertion by Deputy Moore was made after the announcement on 22 March 2023. It is important to recall the situation over the ten days leading up to this point. From 14 March 2023, upon receipt of the CEO's notice of resignation (which was not notification of a resignation with immediate effect), Deputy Moore was aware of the CEO's wishes to handle this matter in a sensitive and confidential way. Deputy Moore is required under the Code to balance the requirement for openness with restricting information where confidentiality "clearly demands" such a restriction. Attempting to strike this balance, I believe, contributed to Deputy Moore's misstatement. When she told Deputy Morel on 14 March 2023 of the CEO's intention to resign, I believe she had some concern as to whether she should have done so given the expectation of confidentiality. While these matters were rightly expected to be kept confidential for the period of time necessary and agreed upon by the parties involved, I do not believe that when Deputy Moore informed Deputy Morel of Ms Wylie's notice of resignation that she was breaching the confidentiality expected; one would expect that the Deputy Chief Minister should be made aware of such matters. I have no evidence to suggest that Deputy Moore had an ulterior motive when she misstated the date on which Deputy Morel became aware of the CEO's resignation.
39. The second inaccurate date provided by Deputy Moore was on 24 March 2023, when she told a journalist at the JEP that she had received written confirmation of the CEO's notice of resignation on 22 March 2023, later correcting this on record to the 14 March 2023. Again, the context is important to understand. Ms Wylie had only been in post for just over a year; Deputy Moore was shocked by her notice of resignation. This sense of surprise and concern by Deputy Moore, in addition to the fast-paced environment of Government, in my view, led to less than clear thinking; essentially the notice of resignation from the CEO sparked a crisis. Mr Grimley being on leave further exacerbated the crisis. Deputy Moore understood the confidential nature of the situation; again, balancing the duty of openness with a duty of confidentiality is important and can (and to my mind, likely did) cause confusion. Whatever the reason for the confusion, it is plausible that the confidential formalisation process from the receipt of the notice of her resignation to the public announcement of the resignation (from 14-22 March 2023), the shock of the CEO's decision to resign, the fast-paced environment where this was all taking place, and the confidential nature of the process, all contributed to Deputy Moore's unfortunate inaccurate statement of this date. I have received no evidence to suggest there was a deliberate reason for Deputy Moore's confusion on the date; that is, I have been provided with no other reason nor can I ascertain any advantage to Deputy Moore providing an incorrect date. It is reasonable to conclude that Deputy Moore's perceived lack of openness in relation to stating these dates was not due to any ulterior motive or

to hide any misconduct of her own in relation to Ms Wylie's notice of resignation but rather a genuine mistake.

40. Deputy Moore admits she made mistakes. She took urgent and thorough corrective action to set the record straight. While, of course, it would have been preferable that she would not have made such mistakes, the approach she took to remedy her mistakes is an example of good leadership. She went on record to state that both assertions were incorrect and apologised to the public, the SLC, the JEP and self-referred to the PPC.
41. I do not believe, on balance, that the Chief Minister set out to intentionally or deliberately mislead or misinform the Assembly when she misstated the dates in question. Nor do I believe she intended to cause such confusion by having done so.

Deputy Chief Minister, Deputy Kirsten Morel

Did the Deputy Chief Minister deliberately obfuscate, avoid and/or intend to mislead or misinform the Assembly?

42. Deputy Morel was informed of the CEO's notice of resignation on 14 March 2023, the same day the CEO had handed her notice of resignation letter to the Chief Minister; Deputy Moore informed Deputy Morel shortly after she received it on the 14 March 2023.
43. It is clear from the evidence that at the time of QWON on 21 March 2023, Deputy Morel knew 1) that Ms Wylie had handed in her notice of resignation; 2) that the matter was confidential; and 3) that the formal announcement of the CEO's resignation would be made the next day, 22 March 2023, in line with the plan of which he was not party to.
44. When Deputy Morel answered the supplementary question during QWON relating to the Health Department, he asserts that he believed he was answering it in relation to the Health Department. Standing Orders at paragraph 32 above relate specifically to QWON; Deputy Morel stated that he answered what he reasonably thought, in line with Standing Orders, was a question relating to further resignations in Health rather than resignations in general. There was speculation that when Deputy Morel joked when asked if he knew of any other resignations "*Apart from my own, depending on the performance at this particular question time, I am not aware of any*", that he had interpreted the supplementary question more generally (as he himself is not in Health), and then retrospectively used the Standing Orders as a convenient explanation to his reply being related to Health specifically. I can only consider this on the evidence available to me. Deputy Morel stated that he interpreted it to be a question related to Health and that his joke was to add a bit of light-heartedness to the proceedings. At the time, he contends that he was expecting a question relating to future resignations in Health as there were ongoing "without prejudice" discussions in relation to a senior official in Health. Deputy Morel asserts that he was surprised when colleagues suspected that he had misled them with his answer and sought clarification from the Bailiff in relation to Standing Orders and offered an explanation via email to States Members.

45. I am satisfied on my analysis of the facts and evidence that, on the balance of probabilities, Deputy Morel believed at the time of answering the follow up question during QWON, and in line with Standing Orders requiring supplementary questions to relate to the subject matter of the question, he was answering the supplementary question in relation to further health resignations rather than further resignations in general.

Report Conclusions

46. I am satisfied, on the basis of my analysis of the facts and evidence, that neither the Chief Minister, Deputy Kristina Moore nor the Deputy Chief Minister, Deputy Kirsten Morel deliberately obfuscated or avoided, or intended to mislead or misinform the Assembly in breach of Rule 1 of the Code of Conduct for Ministers and Assistant Ministers.

Observations

47. As the Commissioner for Standards, a large part of my job is to investigate complaints. Additionally, under article 9(d) of the Commissioner for Standards (Jersey) Law 2017 I can “*give advice on any matter relating to standards of conduct of elected members of the States or standards of conduct and practice of Ministers and Assistant Ministers*”.²² As is often the case, during the course an investigation items may emerge which, whilst not directly related to proving the allegations of the immediate complaint *per se*, are nonetheless observations of importance in terms of providing advice on standards of conduct and further promoting standards in public life. The following are such observations.
48. I received this complaint on 31 March 2023. At that point, Deputy Moore had already apologised and set the record straight and Deputy Morel had confirmed he was answering the question posed in relation to the Health Department for which he sought advice from the Bailiff and emailed an explanation to Members. However, both Deputy Moore’s inconsistency surrounding who knew about the resignation of the CEO, when they knew about it and why the dates were misstated and Deputy Morel’s answer to the supplementary question during QWON created much speculation and confusion. Understandably, there were concerns raised by States Members and members of the public as to whether there was more to this story, such as deliberate obfuscation, avoidance and/or an intention to mislead or misinform the States Assembly. For the avoidance of doubt, it is my strong view that the referral by the PPC and subsequent investigation into this matter was in the public interest and in the Government of Jersey’s interest.
49. The Seven Principles of Public Life reflect the values the public expects holders of public office to embody, forming the basis of public confidence in government.²³ The principles of leadership, accountability, openness, honesty, selflessness, integrity and objectivity apply to anyone who works as a public office-holder which includes all those who are elected or appointed to public

²² <https://www.jerseylaw.je/laws/current/PDFs/16.240.pdf>

²³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1029944/Upholding_Standards_in_Public_Life_-_Web_Accessible.pdf

office and all people appointed to work in the Civil Service, among others.²⁴ Upholding these principles requires those in government to come together to work towards jointly developed goals; this requires trust, transparent and effective communication, accountability, and shared learning. I note in her letter to Deputy Mézec on 6 April 2023, the Chief Minister spoke about her commitment to enhancing working relationships within the Government and stated that: “In terms of positive and constructive working relationships between Ministers and Civil Servants, this is an area I intend to address personally with Ministers and the senior leadership team within the government directly”.²⁵ Importantly, Deputy Moore confirmed in that letter that she, along with other Ministers, would be meeting with leaders in the Civil Service with a view to listening and understanding before then agreeing further actions.

8 June 2023

Dr Melissa McCullough

Pan Island Commissioner for Standards

²⁴ <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

²⁵ Document 10

Annex A

Document	Description
1	Complaint
2	Written response from Chief Minister
3	Written response from Deputy Chief Minister
4	Suzanne Wylie resignation letter
5	Chief Minister email accepting invitation
6	Deputy Lyndon Farnham tweet
7	Chief Minister letter to Suzanne Wylie
8	Email from Timothy Le Cocq
9	Letter from Deputy Chief Minister to States Members
10	Letter of 6 April 2023 from Chief Minister to Deputy Sam Mézec
11	Letter from Chief Minister re Finding of Facts

Document 1: Complaint



Privileges and Procedures Committee
States Greffe

Commissioner for Standards
31st March 2023

Dear Commissioner

**Referral of Chief Minister and
Deputy Chief Minister to Commissioner for Standards**

Members of the Privileges and Procedures Committee have had concerns raised to them by numerous sources ranging from fellow States Members to the public regarding the events of the last two weeks in the Island. As it has overarching responsibility to uphold and oversee Members conduct, the Committee has agreed to refer these concerns to you on the Assembly's behalf. Moreover, the Committee feels that it cannot simply ignore the concerns and questions raised by Members on this matter.

On 21st March the Assembly was asked by Deputy Kristina Moore, the Chief Minister to agree for her scheduled period of Question Without Notice to be taken before the other two rostered Ministers as she 'had to leave the Chamber' later that morning. The Assembly agreed, but due to the appointment process for a new Scrutiny Panel Chair, the timings slipped and so it fell to the Deputy Chief Minister, Deputy Kirsten Morel, to field QWON in the afternoon in the Chief Minister's absence.

During QWON Deputy Morel was asked a question regarding resignations of two officers from Health & Social Services and a follow up question asked whether the Deputy was aware of any further resignations. The Deputy said he was not aware of any. The Hansard exchange is attached.

The next day it was announced that the Government's Chief Executive had resigned. The Chief Minister advised initially that she had been informed the day before (i.e. the 21st), then this was altered to 14th March (the resignation was acknowledged formally in writing on 23rd March). Questions were then raised as to whether others knew about the resignation in advance and indeed whether Deputy Morel had been aware when he answered the question in the Chamber. Deputy Morel subsequently sent an email to Members clarifying his position (also attached).

This has led to confusion and a sense of distrust, given that there have been conflicting statements, particularly in relation to the timeline of when Ministers were made aware of the resignation. There are questions about whether there has been deliberate obfuscation or avoidance and accusations that there was an intention to mislead or misinform the Assembly by the Chief Minister and Deputy Chief Minister. PPC would very much appreciate your views on this matter.

Yours sincerely,

Connétable Karen Shenton-Stone
Chair
Privileges and Procedures Committee

Document 2: Written Response from Deputy Kristina Moore, Chief Minister

Chief Minister



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

Dr Melissa McCullough
Pan-Island Commissioner for Standards

BY EMAIL

28th April 2023

Dear Commissioner,

A. Preliminary Point

Thank you for your letter dated 4th April 2023.

As you are aware, your email correspondence was held by the States IT system due to encryptions, and as a consequence, I did not receive your correspondence or its attachments until Monday 17th April 2023. I am grateful to you for agreeing that the 10-day period for my response would commence from 17th April.

B. Issues Arising

As I understand your letter and its **attached** letter from the Privileges and Procedures Committee (“PPC”) dated 31st March 2023 (the “PPC Letter”), it raises three issues, as follows: -

1. First, that when responding to a question in the Assembly on Tuesday 21st March 2023, the Deputy Chief Minister, Deputy Morel, (the “DCM”) may have incorrectly answered a supplementary question by Deputy Farnham during questions without notice (“QWON”) about whether there were going to be any further resignations. The original question had been about two resignations in the Health Department. (For ease I refer to this below as “Issue 1”).
2. Second, that I said that I had only been informed about the Chief Executive Officer’s (the “CEO”) resignation on Tuesday 21st March 2023 but later changed that to say that I had been aware of the resignation since Tuesday 14th March 2023. (For ease I refer to this issue below as “Issue 2”).
3. Third, whether there has been a “*deliberate obfuscation or avoidance of and accusation that there was an intention to mislead or misinform the Assembly by the Chief Minister and the Deputy Chief Minister.*” (For ease, I refer to this issue below as “Issue 3”). The PPC Letter does not state who made this “*accusation*”.

C. Preliminary Observations

I shall first make some preliminary observations in relation to Issue 1 and Issue 3, as follows: -

4. For reasons which I outline more fully below, despite making efforts to be in attendance at QWON, I was not in attendance when the questions referred to in paragraph 1 above were put to the DCM. I had by this time left the Assembly to travel to London.

Chef Ministre

Gouvernement d'Jèrri

5. The DCM will provide his own explanation of his conduct in QWON. However, I note my following understanding: -
 - 5.1 The DCM was asked a question (by Deputy Farnham) about the resignation of two health officials, which he answered.
 - 5.2 Deputy Farnham then asked a supplementary question which was along the lines of whether there were going to be any other resignations.
 - 5.3 In keeping with Standing Order 10(1), and other Standing Orders, a supplementary question and the answer given to it are to relate to the same subject matter as the original question¹.
 - 5.4 The DCM answered, in general terms, to the effect that he was not aware of any other resignations.
 - 5.5 I understand from discussions which I have subsequently had with the DCM, that in keeping with the Standing Orders, he understood that when he was being asked the supplementary question (which had to relate to the same subject matter as the original question) he was being asked whether he was aware of any other resignations in the Health Department. He answered on that basis and that he was not.
 - 5.6 I further understand from the DCM that he has raised the issue of the correctness of his answer with the Bailiff² and that the Bailiff has advised the DCM's answer to the supplementary question was objectively reasonable – i.e., that a reasonable bystander would think that the DCM had answered this question correctly.
6. After the sitting on Tuesday 21st March 2023, the Assembly did not sit again until Tuesday 18th April 2023. As noted above, you were sent the PPC Letter on 31st March 2023.
7. In my view, it therefore follows that (a) I was not asked any questions about resignations on Tuesday 21st March 2023 in the Assembly and did not therefore incorrectly answer any questions in the Assembly and (b) the DCM correctly answered the Supplementary Question in an accurate/correct manner. It logically follows in my view that Issues 1 and 3 either fall away or alternatively put, do not arise. Be that as it may, I have provided what I hope you will find to be a full account of how matters developed below.
8. For the record, I observe that I have read the DCM's response to the issues raised by the Commissioner and that I agree with the content of his response.
9. I do not fully understand Issue 2. I do not recall saying that I had only been told about the CEO's resignation until Tuesday 21st March 2023. I make further comments in relation to this issue below.

¹ Standing Order 10(1) states, "A question shall relate to one issue only." [Emphasis added]
Standing Order 63(4) states, "Any member of the States may, within the time allowed by the presiding officer for the purpose, ask one or more supplementary questions relating to the subject matter of the question." [Emphasis added]
Standing Order 63(7)(b) states, "the member's response must be directly relevant to the question asked (or supplementary question, as the case may be)." [Emphasis added]

² As the commissioner will know, the Bailiff is the Island's most senior judge.

D. Outline of how matters developed

10. The CEO notified Connétable Andy Jehan ("**Connétable Jehan**") (in his capacity as Vice-Chair of the States Employment Board ("**SEB**")³) and I of her resignation at about 17.15 on Tuesday 14th March 2023. This was after the conclusion of a Council of Ministers ("**COM**") meeting that was held at Grouville Parish Hall. The circumstances in which this took place were, in my view, not ideal.
11. My recollection is that the CEO asked Connétable Jehan and I if we could meet to have a confidential discussion. We then had to find an empty room in the Parish Hall, in which the discussion took place. Connétable Jehan and I were under some time pressure, as we were about to commence a public engagement session following the COM meeting. Once we had found a small room, the CEO handed me a copy of her letter of resignation and requested that we have a more detailed discussion the following day. The CEO asked us to respect that the notification of her resignation was to be treated in confidence and told us that she was notifying us of her intention to resign in an informal manner as she did not want us to learn of her intentions from another source. I recall that I briefly skim read the letter which the CEO handed to me and placed it in an envelope at the back of my notebook. I did not notice at the time that this letter was dated and, given the informal circumstances in which the letter had been handed to me and the informal style of the letter, did not at the time appreciate that this was the letter upon which the CEO intended to rely as giving me formal notice of her resignation. Connétable Jehan and I agreed that we would meet with the CEO to discuss matters further the following day. We did not know at that stage who the CEO's new employers would be. It is fair to say that both Connétable Jehan and I were taken by surprise.
12. Later the same day, I told the DCM that the CEO had resigned and asked him to treat this information in confidence. I considered that this was an appropriate step for me to take as the DCM stands in for me (and therefore acts as Head of Government) when I am not in the Island.
13. On the following day, Wednesday 15th March 2023, Connétable Jehan and I met with the CEO, as agreed the previous evening. During this meeting, it became clear to Connétable Jehan and I that the CEO's decision to resign was final. At this meeting, we did not agree a date when news of the CEO's resignation would be shared with other Ministers, States Members and members of the public. I recall being told that the organisation with whom the CEO had accepted a job wanted to announce its decision to employ the CEO as soon as practicably possible – this reflected my view as well. The CEO requested that the Government of Jersey co-ordinate its approach with her new employers. Connétable Jehan and I agreed with this approach. We also, I recall, agreed that steps would be taken to plan for the public announcement of the CEO's resignation.
14. At this stage, Connétable Jehan and I accepted that officials required time to plan and co-ordinate the announcement, both to ensure that an internal process was in place and that the Government of Jersey had, in line with the CEO's wishes, liaised and agreed a way to proceed with the CEO's new employers, which we later learned is the Northern Ireland Chamber of Commerce ("**NICC**").
15. I add that the Government of Jersey (or more accurately SEB) is in an employer – employee relationship with the CEO. I am not an employment law or human relations specialist. I do, however understand that the Government of Jersey owes its employees a duty of care. Amongst other things, and where possible, this involves respecting employee's (in this case the CEO's) wishes and handling matters discretely and with a degree of sensitivity.

³ Whilst I am the Chair of SEB, as a consequence of my other wide-ranging commitments and responsibilities, Connétable Jehan takes the lead in running SEB on a day-to-day basis.

16. My next involvement with this issue was on Friday 17th March. My understanding is that, despite the fact that the Chief People and Transformation Officer was on annual leave, the CEO had contacted him, and he had come into the office. (I am grateful to him for working in relation to this issue during his annual leave). I recall being told that a public statement had been prepared in order to cater for the possibility that news of the CEO's resignation might become public (or "leaked") before we were ready to announce it, that the related arrangements had not yet been finalised and that matters would be progressed in the following week. I hoped this would allow for an announcement by the following Wednesday.
17. Following his return from annual leave on Monday 20th March 2023, I met with the Chief People and Transformation Officer, in order to discuss how matters were to be progressed, including in relation to the making of an announcement to the Executive Leadership Team ("ELT"), SEB, COM, States Members, States of Jersey employees and the public, of the CEO's desire to resign, all in co-ordination with NICC. I believe that I handed the CEO's letter of resignation to the Chief People and Transformation Officer during this meeting.
18. On Tuesday 21st March 2023, I had a number of engagements. Firstly, I was attending the Assembly in the morning. Secondly, I was travelling to London to represent Jersey at a function I had been invited to by Estonia's Ambassador to the UK, which was to take place that evening. (I had been invited to this event on Friday 10th March 2023 and had confirmed, on the same day (i.e., on Friday 10th March 2023), to my Private Office that I would accept this invitation. In so far as it may be relevant (i.e., on Friday 10th March 2023), I was at this stage unaware that the CEO was going to resign. Similarly, in making my travel arrangements, my Private Office were unaware of the CEO's intended resignation.)
19. I made reasonable efforts to be in the Assembly for as long as possible on Tuesday 21st March, including for QWON. I asked the Assembly to change the order paper so that my questions would come first, and hopefully before I had to depart the Assembly that day at approximately 12:40 to catch my flight to London. The business of the Assembly was such, however, that QWON occurred later than is otherwise normally the case, and despite my best efforts, I had to ask the DCM (at short notice) to stand in for me at QWON.
20. After I left the Assembly and as I was walking to my car, my Private Secretary handed me an envelope containing documents which had been prepared by or under the directions of the Chief People and Transformation Officer. These documents set out *inter alia* how the (co-ordinated) arrangements relating to the formalisation and announcement of the CEO's resignation were planned to take place the following day (i.e., on Wednesday 22nd March 2023), after I had returned to the Island. I recall that I read the documents contained in this envelope when I arrived in London and recall that, at some point during that day, I indicated that I was in agreement with the proposed arrangements.
21. I add that it would have been my preference if the CEO's resignation had been announced before or at the sitting of the Assembly on Tuesday 21st March 2023 but that I was informed that the co-ordinated arrangements would not be ready in time. I also re-iterate the point that this was primarily an HR led – issue, in relation to which I was being guided as to how matters should be progressed, and which involved a member of staff of the States of Jersey (or more accurately SEB), to whom the States of Jersey owed a duty of care⁴. This was not a politically led process.
22. On Wednesday 22nd March, after I returned from London to the Island, notice of the CEO's resignation was to be issued via a planned cascade. This was meant to happen in the following way: -

⁴ In other words, this was an operational process which was being led by civil servants.

- 22.1 A meeting of the ELT would take place at 12pm.
- 22.2 I would return to Jersey from London on the midday British Airways flight from Heathrow. I was meant to land in Jersey at about 13.00.
- 22.3 An email was to be sent to SEB at (about) 13.30 advising them of the CEO's resignation.
- 22.4 An email was to be sent to members of the COM at (about) 13.40 advising them of the CEO's resignation. A similar email was to be sent to States Members shortly thereafter.
- 22.5 A public statement would be issued at 14.00.

I understood that these arrangements had been discussed and agreed with both the CEO and NICC.

- 23. Sadly, the announcement did not go as planned because the announcement was leaked to the press.
- 24. In general terms, matters developed in the following way: -
 - 24.1 My flight from London was about 30 minutes late.
 - 24.2 At 13.36 Deputy Farnham posted a tweet on Twitter (**copy attached**) in which he stated that the CEO was resigning. Deputy Farnham appears to have been in receipt of information that was confidential and meant to be subject to an embargo until the coordinated announcement had happened in the manner described at paragraph 22 above. How Deputy Farnham came to be in possession of this confidential and embargoed information is a matter of separate investigation. I am at something of a loss to understand how Deputy Farnham, with his knowledge and many years of experience of the workings of the States and Government of Jersey, considered it appropriate to post a tweet in this manner. (Deputy Farnham was Deputy Chief Minister, has been a Minister in several governments and is currently a member of PPC.)
 - 24.3 At about 13.40, I received a call from a journalist at the Jersey Evening Post (the "JEP"). I was unable to take the call at the time. I am aware that the journalist then called Connétable Jehan asking for information about the CEO's resignation. I am aware that Connétable Jehan indicated to him that he was not in a position to discuss this issue, and that a public statement would be made shortly.
 - 24.4 I arrived at the Broad Street office shortly after 13.45 and had a meeting with members of COM in my office at 14.00. During the course of the afternoon, I gave media interviews regarding the CEO's resignation.
 - 24.5 Members of the press started to assemble outside the Broad Street office from about 13.45.
- 25. I am aware that there has been some criticism as to the manner in which the news of the CEO's resignation was made public. As is often the case, with the benefit of hindsight, it is possible to think of ways in which matters might have been approached differently. For example, SEB and COM might have met earlier and formally to receive this news. As the number of people involved in relation to an issue increases, however, the risk of a leak (as

eventually happened) also increases. Connétable Jehan and I were asked by the CEO to treat the notice of her resignation in confidence and to co-ordinate its public announcement with NICC. As I have indicated above, Connétable Jehan and I were of the view that we owed the CEO a duty of care and that it was appropriate to respect her wishes that confidentiality be maintained until a co-ordinated announcement of her resignation could be made with NICC. The Chief People and Transformation Officer was (appropriately) involved in the process. I do not recall receiving any advice to the effect that matters should be approached differently. Overall, I believe the matter was handled professionally by the Government of Jersey.

26. On the following day, Thursday 23rd March, I also met the President (Deputy Mézec) and Vice-President of the Scrutiny Liaison Committee (Deputy Feltham). I recall this meeting started at about 11.30am and lasted around 30 minutes. Towards the end of this meeting, I incorrectly stated that the DCM had not been aware of the CEO's resignation until Wednesday 22nd March 2023. This was an obvious and genuine mistake. It was borne out of a confusion in my own mind caused by the circumstances in which we had been informally notified of the CEO's decision to resign (described in paragraph 11 above) and the way in which the CEO's resignation had later been formally announced on Wednesday 22nd March 2023.
27. On the same day, I replied to the CEO's letter of resignation. This exchange of correspondence was subsequently published on 28th March 2023.
28. On Friday 24th March 2023, I gave an interview to the Jersey Evening Post. During that interview (a write up of which was published on Saturday 25th March), I incorrectly said that I had received written confirmation of the CEO's resignation on Wednesday 22nd March 2023. This was an obvious and genuine mistake equivalent with that described in the final sentence of paragraph 26 above. I was also asked about whether the DCM knew about the CEO's resignation prior to its announcement. My recollection is that I did not give a direct answer to this question, including because the process which had been undertaken following the CEO's resignation (and at her request) had been a confidential one.
29. I read the JEP article (reporting on my interview the previous day) at about 8am on Saturday 25th March 2023. Two matters reported in the article caused me real concern. Firstly, there was the reporting of my incorrect statement that I had not received a written notification of the CEO's resignation until Wednesday 22nd March 2023. (As is apparent from the matters set out above, this was clearly wrong.) Secondly, the article stated that I had confirmed that the DCM had not been told about the CEO's resignation until Wednesday 22nd March 2023. (In my view this statement did not correspond with the answer that I had given).
30. I decided that I needed to (a) correct any erroneous statements, (b) correct any misunderstandings they may have caused and (c) otherwise set the record straight. As part of this process, I reflected on what I had said and done. I worked on a corrective statement over the weekend. I also determined that I would, on Monday 27th March 2023, (a) speak to the JEP journalist who had interviewed me, (b) meet with the President of the Scrutiny Liaison Committee and (c) report these issues to Connétable Shenton Stone, in her capacity as the Chair of PPC.
31. On Monday 27th March 2023, in line with my above referenced decisions, I took the following actions: -
 - 31.1 I spoke to the JEP journalist. I told him that I had been aware of the CEO's resignation in writing as well as verbally since Tuesday 14th March 2023 and I apologised for getting this wrong. We discussed his reporting that I had confirmed that the DCM was not aware of the CEO's resignation until Wednesday 22nd June 2023. I said that I did not recall giving a confirmation to that effect, whilst accepting that my answer may not have

been as clear as it could have been. My recollection is that we both apologised to each other for any misunderstandings which had arisen.

- 31.2 At about 2.30pm I recorded my statement, which was later published/broadcast (at around 4:30pm) on social media. A link to this broadcast is attached⁵ and a copy of the statement which I delivered during this broadcast is **enclosed**. My purpose in giving this statement was, aside from offering an apology, to ensure that accurate information was in the public domain.
- 31.3 At (I believe) about 3pm I called the Chair of PPC. I advised her of the errors which I had made and the steps that I had taken to correct them. My impression following that call was, in light of the corrective action that I had taken and was taking, that Connétable Shenton Stone considered that I had taken satisfactory remedial action. It is apparent (by reference to PPC's reference of this matter to you) that it was wrong of me to reach such a conclusion.
- 31.4 At 4pm I met with the President of the Scrutiny Liaison Committee. I apologised to him and corrected my error. My recollection is that he accepted my apology and said words to the effect that there was not a problem.
32. I have subsequently answered a number of written and oral questions on this subject, both in and outside of the Assembly. I have also received and responded to correspondence from the Corporate Services Scrutiny Panel – for your ease of reference, I **enclose** copies of this correspondence.

E. CONCLUDING OBSERVATIONS

33. I hope that you will find that I have (as set out above) provided a full explanation of how matters developed. I would naturally be happy to provide any further information or to meet with you to discuss this matter, should you require it in order to complete your assessment of this matter.
34. Although I do not wish to labour the point and I am not proffering it as an excuse, I would ask you to take into account the context in which I work and was working at the time. The situation was one in which we owed a duty of care to the CEO, as an employee, and in which I considered that it was appropriate to respect her wishes by acting sensitively and in co-ordination with the CEO and her new employers. It is also a situation in which I sought guidance, including from the Chief People and Transformation Officer, and (appropriately) allowed civil servants to progress matters up to the point where the CEO's resignation was ready to be announced.
35. As set out above, I have accepted that I have made errors. I have taken urgent remedial action to set the record straight. I spoke to and apologised to those individuals to whom I have made incorrect statements. I have "*self-reported*" the issues arising to PPC. I issued a statement to the public.
36. Whilst it is naturally a matter of great regret to me that I made these mistakes in the first place, I believe I have done my best to uphold the principles of integrity, accountability, openness, honesty and leadership by admitting my mistakes, apologising for them, and correcting the record. It is also, frankly speaking, inevitable that I will from time to time make mistakes – my simple hope is that I get more things right than I get wrong.

⁵ <https://www.youtube.com/watch?v=S6eycfrTXoc>

37. I am naturally deeply saddened that this series of events has led to (unattributed) claims that I have been party to "*deliberate obfuscation or avoidance of and accusation that there was an intention to mislead or misinform the Assembly by the Chief Minister and the Deputy Chief Minister.*" I strongly refute each of these claims. Neither do I consider them to be consistent with the action which I took (both publicly and privately) to correct errors that I made and to set the record straight.

As I have indicated at paragraph 33 above, please do not hesitate to contact me should you wish to discuss any matter which may arise.

Yours sincerely,

Deputy Kristina Moore
Chief Minister

Document 3: Written Response from Deputy Kirsten Morel, Deputy Chief Minister

Deputy Chief Minister |
Minister for Economic Development,
Tourism, Sport and Culture

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



By email

28th April 2023

Dear Commissioner,

Thank you for your letter of 4th April. As you noted on 17th April, an error in the Government's IT system had caused the letter to be withheld and so I am grateful at your agreement to extend the deadline for responding.

I must stress at the outset that I take my obligations to uphold the highest standards of conduct, both as a States Member and as a Minister, very seriously.

As I am not a member of the States Employment Board, my involvement in discussions surrounding the Chief Executive's resignation has been limited. I was verbally informed, in strict confidence, by the Chief Minister at the end of the working day on 14th March that she had, that day, been advised of the Chief Executive's intention to resign. This was an unscheduled and brief discussion following the meeting of the Council of Ministers and we did not discuss when the CEO's resignation would be publicly announced.

At the end of that week, I asked the Chief Minister whether she knew when the resignation would be announced and was told that an announcement would hopefully be made on the following Wednesday. This was the only other occasion I had any discussions with the Chief Minister on the subject until Wednesday 22nd March. I was not in any way involved in the preparation of the Chief Minister's statement or in discussions with either the CEO or SEB prior to 22nd March and did not discuss the matter with either Ministers or officers given the Chief Minister had told me, on the 14th March, in the strictest confidence.

I was therefore updated on the Chief Executive's departure and the arrangements for its public announcement alongside the rest of the Council of Ministers on Wednesday 22nd March shortly before the public announcement was made.

I therefore consider the complaint to relate specifically to me with respect to my response to a question, and supplementary question, during the period of questions without notice (QWON) on 21st March during which time I was standing in for the Chief Minister at very short notice. I should add that this was my first ever questions without notice session on any subject and when I started work that day, I did not expect that I would be standing in for the Chief Minister for the QWON session. I had therefore received no preparatory briefing or discussions.

As you will be aware, Standing Order 10 (1) requires that a question shall relate to one subject only, also Standing Order 65 (4)(b) states that, during QWON, the Minister's response must be directly relevant to the question asked. Therefore, when Deputy Farnham prefaced his question with the words, "In relation to two resignations of staff in the health department", I understood the question and supplementary question to be entirely and only within that framing.

I should add that I was not surprised by Deputy Farnham's question. The news that the Chief Officer for HCS and Chief Nurse were standing down had been front page news on the previous Friday (17th March). I was also aware of significant speculation, amongst States Members, the public and the media, that a third senior manager within HCS would be standing down. As far as I am aware such speculation was unfounded but the notion that a States Member might ask such a question during QWON did not strike me as surprising and so it was natural for me to view the supplementary question as being aimed at finding out whether or not this third member of the HCS leadership team had resigned or given indications that they were planning to resign. Given that this speculation relates to a specific individual, it would be inappropriate for me to identify them in writing, however I would be happy to discuss this further with you should you require more information.

It is important to note that because I understood myself to have been answering a question regarding the Health Department, it did not occur to me either at the time of answering or in the subsequent days that I might have been seen to have misled the Assembly. Indeed, it was not until receiving a call from another Minister on Saturday 25th March that I first understood, with a great deal of surprise, that some States Members believed I may have inadvertently misled the Assembly.

It was as a result of learning about this concern of States Members and because I understood that it was imperative to clarify any situation with the Presiding Officer and States Members, that I contacted the Bailiff, as Presiding Officer of the Assembly, on the next available working day, (Monday 27th March). This was to gain an understanding of his reading of the situation, as he was presiding in the Chamber during the question period.

The Bailiff's response, which was also provided on 27th March, is attached with the salient part copied below for ease of reference:

"I am not sure that this is a matter for my ruling as if you were in your mind answering about the Health Department then you were not misleading the Assembly. I am not sure what I would be ruling on.

I have, however, reviewed the exchange and I think that it was objectively reasonable for you to focus your attention solely on the Health Department as it was to that department that the initial question was addressed."

Having received the Bailiff's response, I subsequently sought to clarify my response to States Members in my email to them on 28th March.

I consider the Bailiff's response to be an affirmation by the Presiding Officer of my interpretation of the framing of the question. Noting in particular, the Bailiff's view that it was "objectively reasonable" that I focus on the Health Department (given the content of the question), I am certain that I have not misled or misinformed the Assembly in any way. Indeed, the fact that members of PPC have moved to register a complaint with you following my clarification and without themselves having first sought the Presiding Officer's opinion, which would be normal practice, strongly suggests to me that the complaint is politically rather than objectively motivated.

In support of this opinion is the interesting attempt by some States Members to suggest that the joke I made immediately before answering the supplementary question is in some way evidence that I understood the question to be about a subject beyond the Health Department. This is an absurd suggestion as the joke was clearly in keeping with the humorous tone of the Assembly which can be observed in the [recording](#) (the relevant sections being between 0:33:50 and 0:35:25).

Indeed, both Deputy Farnham in asking his question and Deputy Ward, immediately following my answer, made jokes with laughter recorded on the Hansard. On my part it was merely an attempt to light-heartedly point to the difficult situation that I had been left in, undertaking my first ever Questions Without Notice without any notice or preparation.

I hope the above is helpful and sufficient for your review. For my part, I know that I have not misled the Assembly and have not, in any way, breached the Code of Conduct because at the time I understood that I was answering a question solely focused on the Health Department. However, should you require further information, I would be pleased to discuss further any aspects that you may feel require greater clarity.

Yours sincerely,

Deputy Kirsten Morel
Deputy Chief Minister
Minister for Economic Development, Tourism, Sport and Culture
E k.morel2@gov.je

Document 4: Suzanne Wylie, CEO Resignation letter

14th March 2023

Dear Chief Minister,

It is with much regret and genuine sadness, that I am giving notice to leave my employment as CEO of the Government of Jersey and Head of the Public Service. The required contractual notice period is 6 months.

It has been an honour to serve as the Government CEO for the last fourteen months, and I am very grateful to all my colleagues and the wider Island networks who supported me in this challenging role and who are so devoted to improving the lives of Islanders and ensuring that Jersey can thrive. They and the Island will always be close to my heart.

It was never my intention to leave after such a short period, however, my circumstances are now such that I intend to take up a role back in Northern Ireland. This will mean I am closer to my family at this point in our lives.

Over the period of my notice, I will continue to work just as hard as I have since I arrived in Jersey, over a year ago, ensuring that the Public Service continues to serve, improve and support Islanders, including those who have been so deeply affected by the most recent tragedies.

There is much political debate on the role of the CEO and my departure will also open the opportunity to assess if it should be changed and to what degree. I appreciate that the search will need to start now for my replacement, and I assure you that I will do all I can to support a new CEO coming into post.

Yours sincerely,

Suzanne Wylie

Document 5: Email Acceptance of London Meeting by Chief Minister

From: Kristina Moore <K.Moore2@gov.je>

Sent: 10 March 2023 20:57 **To:** **Subject:** Re: INVITATION: 21 March dinner

Thank you Kate,

The team has done a great job. This is a states day but will be delighted to attend. I will ask David to respond formally on Monday.

Best regards.

Kristina

Sent from [Outlook for iOS](#)

Document 6: Deputy Lydon Farnham Tweet



Dep. Lyndon Farnham 
@lyndonfarnham



I understand that our CEO [@GovJersey](#) Suzanne Wylie has tendered her resignation. A great shame, the [@ChiefMinJSY](#) [@Moore4Jersey](#) will need to provide a very good explanation.



1:36 PM · Mar 22, 2023 · 23.4K Views

Document 7: Chief Minister Resignation Acceptance Letter

Chief Minister



19-21 Broad Street | St Helier
Jersey | JE2 3RR

Suzanne Wylie
Chief Executive Officer

23rd March 2023

Private and confidential

Dear Suzanne,

Acceptance of your resignation

Following receipt of your letter on the 14th March and the formal announcement I am writing to you with an equal sense of regret and sadness to confirm acceptance that you will stand down as Chief Executive and Head of Public Service.

I understand that this has been a difficult and personal decision for you, and I will respect your decision as you return to Belfast. Naturally I wish you every success in your future role.

You have had a particularly challenging role, and I am grateful for your leadership within the public service, particularly through the tragic events that the island has experienced in recent months. I am also grateful to you for the coordination and delivery of our 100-day plan as I took up office with the Council of Ministers and your enthusiasm for our fresh, ambitious agenda for the Island. Together we will continue to make progress on delivering this agenda for change as you work out your notice period.

On the subject of your notice period; you have expressed that you will continue in role throughout this period until the 14th September, although it would be your preference to leave sooner than this, if mutually agreeable. May I suggest we agree that you continue in your role until 30th June and, with outstanding leave to be taken in July, with remaining days in July being available for any urgent or handover items as the interim chief executive settles in. This would make your last day of service 31st July 2023.

As the Island's Head of Government, I have seen first-hand your dedication to public service and service improvements. I thank you for your hard work (which has consistently included many hours outside of the normal working day) and commitment to the Island over the past 14 months.

You have rightly earned the respect of myself and the Council of Ministers, the Public Service and the wide cross section of islanders that you have taken the time to engage with during your time in Jersey.

Document 8: Reply from Bailiff, Timothy Le Cocq

From: Timothy Le Cocq tj.lecocq@courts.je
Subject: CONFIDENTIAL: RE: QWON - Last week's States Assembly
Date: 27 March 2023 at 16:19
To: Kirsten Morel K.Morel2@gov.je, Bailiff of Jersey bailiffofjersey@courts.je
Cc: Lisa Hart L.Hart@gov.je, Robert MacRae r.macrae@courts.je



Dear Deputy,

I am not sure that this is a matter for my ruling as if you were in your mind answering about the Health Department then you were not misleading the Assembly. I am not sure what I would be ruling on.

I have, however, reviewed the exchange and I think that it was objectively reasonable for you to focus your attention solely on the Health Department as it was to that department that the initial question was addressed.

However, you may wish to clarify this with the Assembly as you were in fact aware of the position of the Chief Executive and the fact that you were apparently unaware is being commented on. The Assembly, or at least a part of it, has made an assumption based on your response.

That is of course a matter for you.

Yours

Timothy Le Cocq
 Bailiff

From: Kirsten Morel
Sent: 27 March 2023 15:11
To: Timothy Le Cocq ; Bailiff of Jersey
Cc: Lisa Hart
Subject: QWON - Last week's States Assembly

Dear Sir

The Chief Minister and I would be grateful for a ruling on a response I gave during questions without notice (QWON) to the Chief Minister on Tuesday 21st March 2023.

The relevant section of QWON can be viewed at this link, between 0.33.51 and 0.35.14 – [States Assembly Tuesday 21st March 2023 \(PM\) - Tuesday 21 March 2023, 2:15pm - States of Jersey Webcasting \(public-i.tv\)](#)

As you may recall, I was responding to an original question from Deputy Farnham about resignations in the Health Service and in response to his supplementary question I stated that "I am not aware of any" possible future resignations.

At the time, I was aware of the resignation of the CEO and that it was due to be announced the following day, but I answered the supplementary question honestly because I understood it to be in respect of the health department and health staff.

I understand that some people are concerned that I may have unintentionally misled the Assembly with this answer but stand firmly by my response as I had been answering with regard to the Health Service. Indeed, Deputy Farnham's original question starts with the

words “In relation to the resignations of two senior health staff...” and I took this to be the framing for the whole exchange.

As I do not wish to be seen to have misled the Assembly in any way, I would be grateful for your view as to whether this response was reasonable, and if it was appropriate for me to be answering only in respect of the health department and health staff, given the framing of the question.

Kind regards

Kirsten

Deputy Kirsten Morel

Deputy Chief Minister

Minister for Economic Development, Tourism, Sport & Culture



Document 9: Email to States Assembly Members from Deputy Morel



Kirsten Morel

Clarification of QWOM response

To: All Elected States Members, Cc: Bailiff of Jersey, Lisa Hart

28 March 2023 at 14:07

[Details](#)

Dear all,

Given the speculation about my answer to a question without notice asked by Deputy Farnham last week, I'd like to clarify that the question asked was clearly about health department staff and as such, so was my answer.

Standing Order 10 (1) says that a question shall relate to one subject only. As such, when Deputy Farnham prefaced his question with the words, "In relation to two resignations of staff in the health department", I understood the supplementary question to be within that framing and so answered the question in relation to the health department.

I hope that helps clarify any misunderstandings.

Kind regards

Kirsten

Document 10: Letter of 6 April 2023 from Chief Minister to Deputy Sam Mézec

Chief Minister



19-21 Broad Street | St Helier
Jersey | JE2 3RR

Deputy Sam Mézec
Chair
Corporate Services Scrutiny Panel

By Email

06 April 2023

Dear Chair

Re: Resignation of the Government's Chief Executive Officer

Thank you for your letter of 29th March.

Following the announcement of the Chief Executive Officers' resignation, I welcome the opportunity to provide the information requested and to set out the approach to recruiting the next Chief Executive Officer (CEO).

Resignation of the Chief Executive Officer

The Chief Executive provided her resignation to me by hand at the end of the working day on Tuesday 14th March 2023. The Vice-Chair of the States Employment Board was also present. The Deputy Chief Minister was notified by me, in confidence, on 14th March.

In the interests of transparency, the CEO's resignation letter, and my response, have been published, with the consent of the CEO. This sets out clearly the reason for the CEO's resignation.

The States Employment Board were notified by the CEO on 22nd March as part of a cascade of communications which included the Council of Ministers, States Members, and employees and partner organisations.

The CEO had agreed the communications plan which included a press statement from me, on which the CEO was consulted. The CEO has chosen not to be interviewed further on what is an employment matter, and there has been no correspondence on this issue.

In the period between 14th and 22nd March, discussions took place regarding the CEO's notice period and handover. The CEO had indicated she was prepared to work her full notice period, although required certainty about the possibility of an earlier start date in her new role. We have agreed that her last contracted day of service will be 31st July, which I confirmed in writing to her in my letter of 23rd March. The CEO will continue to perform all of her responsibilities during this time and will handover to an Interim in the lead up to July so that all workstreams can be taken forward. The workstreams that the CEO is working on are those which the role demands, but also includes the development of the next government plan, the next stages of the Cabinet Office refinement (which could be impacted by any changes in the support structure below a CEO), establishing the HCS Change Team and

setting their work programme, and overseeing the recovery programmes from our recent tragedies, to name but a few.

The role of the Chief Executive Officer and the Cabinet Office

The role and functions of the Chief Executive Officer has been subject to regular discussions within the States of Jersey. [The Clothier Review \(2000\)](#) made recommendations about the administration of government, including the role of a 'Chief Secretary' as the Head of the Civil Service.

Since then, both legislative and organisational reviews have included and altered the role of the Chief Executive in a number of respects.

The role of the Chief Executive is set out in the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) as being the Chief Executive Officer who is the Chief Executive to the Council of Ministers and Head of the Public Service with the responsibility to lead Chief Officers in (a) the administration and general management of the public service and (b) the implementation of corporate and strategic policies.

The [Public Finances \(Jersey\) Law 2019](#) established the role of the Chief Executive as the Principal Accountable Officer with specific duties for public administration.

More recently, the [Democratic Accountability and Governance Sub-Committee \(2022\)](#) (R.23/2022) made further recommendations about the administration of government, followed by [P.52/2022 by Deputy Young](#), which sought increased clarity of the responsibilities of Ministers for Departments, which also has implications for the administration of government, and the interface with the paid service.

When the States Assembly appointed me as Chief Minister, I set out that in my first 100-days we would establish a Cabinet Office. This was to ensure greater coordination of Government policy development and delivery, thus improving the support provided by officials to the Council of Ministers.

The Chief Executive role, as it stands currently, is broad and deep. A great breadth of knowledge and judgement is required in advising on policy development and implementation throughout a variety of public services. At the same time, the role has a significant aspect of operational leadership across the public service.

The Chief Executive leads the Cabinet Office, which incorporates the Policy, Digital, People Services, Communications, Ministerial and CEO Support and the Delivery Unit. The leadership structures have been put in place and new delivery models are now being rolled out under the senior team.

Before we consider recruiting permanently, it is right that we review the structures for leading our public services to ensure that the role is properly framed and supported to effectively deliver on its remit. To assist me in my review, I have convened an advisory group with experience of governance and administration to provide insights and options for the type of role, its functions, and the type of person we will need in the future. The advisory panel has met twice to date. For transparency, I have included the list of those advising me, which includes the current CEO (Appendix One). The CEOs reflections on the role are being fed into the advisory group to support considerations on any re-shaping that needs to happen.

The work of the advisory group will allow me to make formal proposals for the States Employment Board and the Council of Ministers to consider, and although there is a tight time frame, I will ensure that Scrutiny, the Public Accounts Committee and PPC, have an

opportunity to contribute to the process. I envisage this work will be completed by the end of April, with recruitment to the permanent role starting at the earliest opportunity, subject to any legislative approvals required for consideration by the States Assembly.

You have asked (point 13) for records of political conversations into the scope and role of the CEO. Beyond the initial discussions of the advisory panel, conversations have not taken place in relation to our policy on the role of the Chief Executive Officer. I have, of course, discussed this issue with the CEO to seek her views and to understand her experience of the past 13 months in role. The CEO has kindly taken the time to speak informally to CoM to share these views.

Recruitment to the Chief Executive Officer

With the review into the role of the Chief Executive being undertaken, there will be a requirement for interim leadership arrangements.

A plan and handover is being developed with the CEO to ensure a managed transition to the interim Chief Executive. At the same time, the Executive Leadership Team of Chief Officers continues to operate as usual, and it is expected that they will support the interim CEO to maintain a focus on service delivery and the Government's policy agenda.

Naturally, the above work does take time and has an opportunity cost, but I am confident that government business continues to be driven forward. My focus is on ensuring stability for the workforce during this period of transition and identifying a new leadership that understands the island and the complexity and breadth of the work that is delivered by our public servants.

A statement of works is to be drawn up for the interim post holder to ensure a focus on key deliverables during their tenure. The focus will be to lead the public service as we continue to deliver the Government Programme and address our housing, cost of living, and recruitment and retention challenges in preparation for the arrival of the substantive post holder. I will provide a draft to the Panel shortly.

The recruitment to the interim position, as well as the permanent position, is overseen by the Jersey Appointments Commission. As an outline approach to the recruitment of the interim position:

April

- Agree the statement of works and the recruitment timetable (States Employment Board).
- Agree the timeline and approach to recruitment with the Jersey Appointments Commission.
- Advertise on Island for suitably qualified local candidates and invite agencies to submit candidates.
- Shortlist to a maximum of three candidates.

May

- Interviews and appointment

June/July

- Handover meetings
- Interim starts in post

In terms of the permanent appointment, I intend to seek to move to permanent recruitment towards the end of May, if not sooner. In saying that, if the review work concludes that legislative changes are needed, for example, to the Principal Accountable Officer functions, this may take longer.

Consideration will be given on how to construct the role to provide opportunities for candidates who live in Jersey. There is a benefit to understanding our unique Island, our governance and constitution, as well as respecting our culture, heritage and traditions. Alongside this, there is a need to consider lines of accountability and delegation, and any strengthening that is needed.

It is envisaged that interim arrangements will be required for 9 to 12 months. There will be communications to Islanders about the recruitment process, candidate requirements and how to apply when these details are finalised.

Working relationships within the Government

The States Employment Board (SEB) has restated its commitment to the values and behaviours set out within the People Strategy. This includes the Council of Ministers, the States Employment Board, and all employees. We also encourage others working with the Government to adopt similar statements.

The SEB has completed a long-awaited publication of [Codes of Practice](#), including stating the Standards in Public Service and Employee Rights at Work. Alongside these Codes, we have approved a new [Dignity and Respect at Work](#) 'whistleblowing' policy which is the channel that should be used for any allegations of bullying and harassment. The new policy, builds on the improvements recognised by the HR Lounge and Comptroller and Auditor General in their respective views of the effectiveness of our response to long-held allegations of poor behaviour within the workplace. The policy specifically looks to establish a restorative approach to resolving disputes and allegations. Training for this has started and will be evaluated. I have asked that the HR Lounge are approached with a view to returning to the island to undertake a further follow up.

In terms of positive and constructive working relationships between Ministers and Civil Servants, this is an area I intend to address personally with Ministers and the senior leadership team within the government directly. Arrangements are being put in place for me and senior Ministers to meet with Civil Service leaders to hear their views and ensure we focus on a constructive working environment. I believe it is important to listen carefully to any concerns before we agree any further actions.

We had already begun workshops to explore how Ministers can apply the values and behaviours of the organisation. The States Employment Board recently participated in a workshop and agreed that the Council of Ministers and senior leaders take part in the same process. From this, we identified further areas to improve everyone's understanding of creating a safe, constructive work environment. I would invite all States Members to participate in the values workshops.

Chief Minister



June/July

- Handover meetings
- Interim starts in post

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Chief Minister



The first 8 months of this Government has been fast-paced and focussed on delivery. It seems right that before the end of our first year we review how we have worked well together and build on what we have learned from our first year in office.

There have been no formal grievances raised, or investigations undertaken, relating to unacceptable behaviour by Ministers or senior civil servants since we have come into office. With the comments of Deputy Binet in mind, I refer the Panel to a [statement I made](#) last week, which followed a constructive discussion I held with him.

I am aware that from time-to-time relationships can get strained, as they do in any organisation. These are usually resolved informally, often with the support of the Chief Executive or other senior officers. Should there be any formal complaint submitted, we will ensure that the policy and procedures are adhered to. Within the Codes of Practice, it is explicitly stated that no one will be subject to detrimental treatment for raising a genuine complaint and that everyone should be treated fairly and with respect.

It is important to take stock of the events of the past two weeks, including unattributed comments within the media. It is important that individuals feel safe to speak up within the right channels so that, should there be an issue, this is understood and hopefully resolved properly. The Council of Ministers remain focussed on the issues that Islanders have told us matter to them. As I have stated previously, the resignation of the Chief Executive Officer has been a shock, and news that we received with deep regret. It is a tribute to Suzanne that she has gained my respect and that of the many people who have worked with her or met her.

It is important that we take time to ensure that the role is well defined in order to attract a new, similarly high-calibre person. This means setting up the role, and the wider structures of government administration, to succeed and focus along with clear lines of accountability. I look forward to working with Scrutiny and the Public Accounts Committee to ensure we have a confident approach to securing the next head of the public service.

Yours sincerely

Deputy Kristina Moore
Chief Minister

Chief Minister



APPENDIX ONE: List of Advisory Panel

States Members

Deputy Kirsten Morel, Deputy Chief Minister

Connétable Andy Jehan, Assistant Chief Minister and Vice-Chair of the States Employment Board

Deputy Sir Philip Bailhache, States Assembly Member of the States Employment Board

Deputy Carolyn Labey, Minister for International Development

Independent Advisors

John Mills, former Chief Executive of the States of Jersey

Officers

Suzanne Wylie, Chief Executive officer and Head of the Public Service

Richard Bell, Treasurer of the States and Assistant Chief Executive

Mark Grimley, Chief People and Transformation Officer

Paul Bradbury, Head of the Ministerial Office

Document 11: Letter from Chief Minister regarding Commissioner Findings of Fact

Chief Minister



19-21 Broad Street | St Helier
Jersey | JE2 3RR

Dr Melissa McCullough
Pan-Island Commissioner for Standards

BY EMAIL

2 June 2023

Dear Commissioner

Thank you for your correspondence of 25th May 2023.

In respect of the transcript, I confirm that the verbatim excerpts that you will be including in your report are a true record of what I said.

I have some relatively minor comments to make on your findings of fact, which I set out below.

1. In your first finding, I would ask that you consider if it is pertinent to reference that Connétable Andy Jehan was also present when the CEO handed me her resignation letter.
2. Between your finding 13 and finding 14, I ask that you consider making reference to the points I made in paragraphs 29 and 30 of my letter to you dated 28th April 2023. I hope these paragraphs help to explain my own thought process and why I then took the actions you set out in your findings 14 to 17. I think inclusion of these points would provide greater context.

I am grateful to you for offering me the opportunity to comment.

Yours sincerely

Deputy Kristina Moore
Chief Minister