

**PERSONAL STATEMENT TO BE MADE BY DEPUTY M. TADIER OF ST.
BRELADE
ON FRIDAY 22nd JULY 2011**

I would like to take this opportunity to explain to members the reasons behind my decision to resign from the Education and Home Affairs Scrutiny.

I made the assembly aware of my intention to resign following the debate and vote on p84 – Prison Board of Visitors: Composition. It was not the loss of the vote, per se, which caused the resignation, but it was the culmination of 2 years of personal frustration – frustration which was shared by the Panel – as to the perceived ‘stonewalling’ and lack of co-operation from the Minister of Home Affairs throughout the period following the publishing of the Board of Visitors Report with the way he dealt with the main recommendation of the report.

It was quite clear from the outset that the Minister’s personal position was that he did not share the Sub-Panel’s views on changes to the composition of the board. The Minister then went on to suggest that the sub-panel’s suggestion for a split board may itself not be human rights compliant because of the presence of Jurats on it. This position was met with incredulity for two reasons: firstly, because the Minister appeared to misunderstand that this was not a ‘split board’, but a lay board which *could* include a limited number of Jurats. Secondly, if his objections were correct, this should have also indicated to him that the *status quo* was even more untenable.

Ahead of the debate, scheduled for 12th July (and taking place on 13th July), I was pleased to read the Minister’s comments, issued on 11th July, supportive of the proposition, in which he said: ‘I am able to support this Proposition subject to certain additional considerations which are set out in these comments.’

He went on to say that he accepted ‘that the present arrangement cannot continue much longer in the light of the Human Rights based legal advice.’

My question is, what happened between the Monday and the day of the debate, that led the Minister to tell the Chairman telling that he was now unlikely able to support the proposition?

Despite the Ministers reported concerns, there was no attempt on behalf of the Minister or his department to contact the panel to discuss these concerns. Rather, what we saw was legal advice being sought *on the day* and during the debate, which appeared completely opposite to previous advice that the Minister had received. Ironically, the advice received made it even more clear that a mixed-board was unlikely to result in a successful legal challenge. This should have permitted the Minister to drop his objections to a mixed board, but what actually happened was that he reverted to supporting the status quo, which the Solicitor General, on the day, said was also unlikely to attract a successful challenge. In all this, the Minister ignored the advice of the independent, external legal advice sought by the panel, which was contrary to the latest variation of advice from the Solicitor General.

Whilst I acknowledge that the Minister is entitled to his view, the procedure, timing and manner in which he dealt with the scrutiny panel left much to be desired. It left me and the remainder of the Panel feeling that our work – which was generally seen as a successful and balanced review by many commentators- had been treated with contempt.

The second major reason for my resignation, and the impending resignation of the rest of the panel, is the perceived interference from the Minister in objecting to the current BDO Alto review, which is being chaired by Deputy Trevor Pitman and included Deputies Le Hérissier, Wimberley and myself. By objecting to the perceived impartiality of Deputy Trevor, I believe that the Minister has fundamentally misunderstood the nature of Scrutiny, whose members are fully capable of leaving aside preconceptions and looking at evidence in an objective fashion when they commit performing Scrutiny. It is perhaps ironic that the Minister talks of perceptions of conflict being important, but not using this argument in the case of the Board of Visitors.

These two reasons should also be put in the context of a more general undercurrent of malaise and low morale which has been prevalent amongst many scrutiny members for quite some time. This feeling of futility is only exacerbated when relatively straightforward and well evidenced recommendations are brought forward, but not understood or even read by many members.

I still remain a supporter of the 'concept' of scrutiny, but as it currently stands, its effectiveness has been emasculated by a combination of a lack of 'good will' on the part of some Ministers, a lack of detailed and timely information from departments, in relation to scrutiny, and a general perception that scrutiny is *less important* than the executive function.

I would like to thank the panel members, past and present, for being able to work with them - it was a pleasure in all cases – and I would also like to acknowledge the hard work and dedication of the scrutiny officers, who I imagine also share our frustrations on occasion.

As for me, I am happy to ensure members and my constituents that I leave scrutiny much wiser and with renewed determination to continue to fight for positive change in all aspects of Government and island life, by working both independently and with likeminded colleagues.

I thank members for their attention.