

## **2.11 Deputy R.G. Le Hérissier of the Solicitor General regarding the appointment and day to day management of the Dean of Jersey.**

Would Her Majesty's Solicitor General explain how the appointment and management of day-to-day performance in regard to the Dean is divided as between the Crown and the Bishop of Winchester?

### **The Solicitor General:**

As I have already indicated in answering an earlier question, the office of Dean is a Crown appointment. So far as I am aware, the Crown has no role in the management of the day-to-day performance of the Dean. The Bishop of Winchester grants the Dean of Jersey a Commission which provides the Dean with additional powers. Clearly, the Bishop will have an interest as to how those powers are exercised but I am not able to assist as to the extent to which, if at all, the Bishop of Winchester has any involvement in the day to day activities of the Dean.

### **2.11.1 Deputy R.G. Le Hérissier:**

Although the Solicitor General cannot comment on the Bishop's role, would he not accept that in an area, for example safeguarding policy, that the Bishop does indeed have a role aside of the conformity with the general policies and the laws of the States in that area?

### **The Deputy Bailiff:**

I am not sure, Deputy, that this is a matter for which it can really be said that the Solicitor General has responsibility. Would you like to rethink your question?

### **Deputy R.G. Le Hérissier:**

I only ask it in the sense that in carrying out his research as to what the Crown's role is, he must have, by definition, come up with areas that the Crown is not responsible for as well as areas for which it is responsible.

### **The Deputy Bailiff:**

There are quite a number of areas for which the Crown is not responsible.

### **The Solicitor General:**

Can I answer it in this way? It seems that I am being asked to address an issue which is directly relevant to the ongoing process and therefore I decline to answer the question.

### **2.11.2 Deputy T.M. Pitman:**

I appreciate that there is some disagreement on whether the Dean is suspended or just had some of his role, his powers, withdrawn. Could the Solicitor General just advise is there a time limit on how long this process can go on? When we have had suspensions, which I know are quite different, with the Chief of Police, obviously it went on for years. Is there a time limit when this must be resolved and is the final say on that down to the Crown as the ultimate power?

### **The Solicitor General:**

I must confess I have not looked at this particular point but, off the top of my head, I do not believe there is any statutory time limit.

### **2.11.3 Deputy M. Tadier:**

Would the Solicitor General confirm who is accountable or perhaps who the Dean is answerable to for his day-to-day behaviour?

### **The Solicitor General:**

Yes, certainly. The Canons provide a process whereby the Ecclesiastical Court will sit and hear any complaint that is made about the Dean.

#### **2.11.4 Deputy M. Tadier:**

I understand that while it is not possible to sue the Crown or the Queen, would it be possible to sue the Dean, given that he is appointed by the Crown?

#### **The Deputy Bailiff:**

For what, Deputy?

#### **Deputy M. Tadier:**

It is a hypothetical question, Sir.

#### **The Deputy Bailiff:**

There is something in Standing Orders about not asking hypothetical questions.

#### **2.11.5 The Connétable of St. John:**

Given the Dean being a Member of this Chamber but also sits on the Parish Rates Committee in St. Helier and the like, and as a States Member, although not elected, if a States Member gets suspended or does not appear in this Chamber for a period of time, do they lose their seat? Does this cover the Dean if this inquiry goes on, shall we say, in excess of 9 months or 12 months, that he automatically loses his seat, because this is a constitutional thing if he does?

#### **The Solicitor General:**

Again, I have not considered the point but off the top of my head, I do not believe that to be the position.

#### **2.11.6 Deputy J.H. Young:**

I think, if I heard the answer right, the Dean is accountable to the Ecclesiastical Court. Could the Solicitor General tell us who are the members of that to which the Dean is accountable?

#### **The Solicitor General:**

In the event of the Dean being the subject of a complaint, the President of the Court who is, of course, usually the Dean, would be somebody else. At present, I believe it is the Deputy Bailiff but it is possible, as I understand it, to appoint a different President.

#### **2.11.7 Deputy M. Tadier:**

Is it possible to take legal action against the church in Jersey if somebody feels that they have been a victim of abuse in the church and if so, who would the legal action be taken against?

#### **The Solicitor General:**

That is a very broad question. I would welcome clarification. There are 2 possibilities. One is a perceived lack of investigation into reported abuse and the second perhaps is permitting abuse to continue in circumstances which were known to a member of the church. Could I please seek clarification as to which it is?

#### **Deputy M. Tadier:**

It could be either but I think both of those could be the basis for a legal action but let us say perhaps, for the sake of brevity, the one where a duty of care was not provided and perhaps the correct reporting mechanisms were not used.

#### **The Solicitor General:**

Again, this is right off the top of my head. It is not obvious to me that the mere fact of a lack of reporting gives rise to any duty of care which might again give rise to a legal action. If I understand it in this case, the advice was to go and see the police, there was a report to the police and there was a police investigation so I am not quite sure I follow the question at the moment.

**2.11.8 Deputy M.R. Higgins:**

Could the Solicitor General tell us when the Ecclesiastical Court last met and how often it has met or is it an anachronism that has not been used for decades?

**The Solicitor General:**

I understand it is a functioning court but I do not have the precise details that the Deputy seeks off the top of my head.

**2.11.9 Deputy R.G. Le Hérissier:**

I wonder if the Solicitor General could tell us if there is a relationship between the Ecclesiastical Court and the Crown and whether the decision of the Crown ultimately trumps anything that is decided by the Ecclesiastical Court?

**The Solicitor General:**

Clearly, as I said earlier, the office of Dean is a Crown appointment and therefore ultimately the power vests in the Crown but one would imagine that any finding of the Ecclesiastical Court would be highly relevant to how the Crown chose to discharge its powers.