

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY T.A. MCDONALD OF ST. SAVIOUR
ANSWER TO BE TABLED ON TUESDAY 23rd JUNE 2015**

Question

Further to the Minister's response to question 8772, tabled on 28th April 2015, could the Minister, being the corporate sole, advise whether he considers that the Department's current procedures for dealing with complaints, as outlined within his response, could give rise to any concerns regarding a conflict of interest, given that the complaints could be made against themselves or against officers acting under their direction and delegated responsibility while representing the corporate sole?

Answer

In my answer to question 8772 given in April 2015 I set out my department's procedure for dealing with informal and formal comments and complaints. It confirmed that if a complainant is not satisfied with the response they receive from the Department in relation to a complaint they could progress this with the States of Jersey Complaints Board. Any person may apply to the Greffier to have a matter reviewed by the Complaint Board if they are aggrieved by an act or decision made relating to any matter of administration by any Minister or Department of the States. Those who sit on the Complaints Board are appointed by the States but are not States members and they are all completely independent and give their services on a voluntary basis. In some instances the complainant may have the option to refer the complaint to another independent body (e.g.: Information Commissioner).

I believe this is the process followed across the States of Jersey and full details of the States of Jersey complaints procedure are available on the States of Jersey website.

Given the independence of the States of Jersey Complaints Board and the other bodies that may be involved in a complaint I believe the process followed is fair and correct and should not lead to any conflict of interest.

I am happy to meet with the Deputy to discuss any concerns he may have regarding this process.

Alternatively, he may prefer to discuss this matter with the Greffier of the States who administers the States of Jersey Complaints Board process, which has been established under the Administrative Decisions (Review) (Jersey) Law 1982.

Below is the answer given to question 8772.

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY T.A. MCDONALD OF ST. SAVIOUR
ANSWER TO BE TABLED ON TUESDAY 28th APRIL 2015**

Question

The Royal Court Judgement in the case of 'Manning v Minister for Planning and Environment', ([2015]JRC013 dated 15th January 2015) states: "It is absolutely critical that those charged with the

administration of this legislation act in a transparently fair and even handed way. Very regrettably this has not been the case here.”.

Is it the department’s procedure, in the first instance, for the Chief Executive Officer and possibly other departmental directors, to examine and respond to complaints regarding the department or staff acting under the officer’s responsibility, and, if so, would the Minister advise whether officers or directors will continue to investigate allegations of misconduct, alleged intentional underhandedness, or alleged negligence, which could be made against themselves or officers acting under their direction and responsibility, whilst representing the Minister?

Answer

My department receives informal and formal comments and complaints in relation to its operations and these are carefully considered and assist in service improvements. In relation to Court judgements, these are reviewed by the department and can also help towards changes to policies, processes and procedures.

Complaints, comments or compliments can be made to the department by phone, submitted via the gov.je website or submitted in writing. We try and resolve matters, including informal complaints with the customer straight away. If the complainant is not satisfied with the outcome of their complaint, they are advised to make a formal complaint to the department.

Formal complaints made in writing are fully investigated by a relevant Manager or Director and a response is provided. If the complainant is not satisfied with the result of any investigation they can request that their complaint is reviewed by the Chief Executive Officer of the department. The Chief Executive Officer will investigate the complaint and provide a response. If the complainant is not satisfied with the response they receive from the Chief Executive Officer they will be informed of the procedure they can follow to progress their complaint with the States of Jersey Complaints Board. In some instances the complainant may be able to refer the complaint to another independent body (e.g.: Information Commissioner). Full details of the Department Customer Feedback Policy and complaints procedures are available on the States of Jersey website.

Any matter relating to the conduct of an employee of the States Employment Board, following a formal complaint and investigation, would be dealt with by the department Chief Officer or his nominee in accordance with States of Jersey disciplinary procedure.