

4.12 Deputy S.Y. Mézec of the Chief Minister regarding the implementation of the recommendations of the Jersey Law Commission's report 'Improving Administrative Redress in Jersey': [1(578)]

What consideration, if any, is the Minister giving to implementing the recent recommendations from the Jersey Law Commission's report: *Improving Administrative Redress in Jersey*?

Senator I.J. Gorst (The Chief Minister):

As I stated in response to the Deputy's written question on the subject, the recommendations cover a number of interlinked areas and will need to be considered as a whole. I do, however, hope an initial response will be provided by December of this year.

4.12.1 Deputy S.Y. Mézec:

A supplementary? One of the areas that the report looks into is the prospect of a Public Services Ombudsman. Does the Chief Minister believe that this is a particularly important area to consider, especially in light of the way that this Government has treated the States of Jersey Complaints Panel over recent years?

Senator I.J. Gorst:

I do not think this Government has treated the States of Jersey Complaints Panel any differently to any other. The Law Commission has produced a very thorough, detailed piece of work and while I might have my own personal views about a Public Sector Ombudsman, and I think that a lot of benefit could be derived from such a position, the Law Commission interlinks it with many other areas which are not quite so straightforward. Therefore, we need to consider all of what is being proposed by them.

4.12.2 Deputy G.P. Southern:

I presume that this Chief Minister has read the report, or at least a summary. Could he assure Members that he will attempt to keep, if we end up with an equivalent to the complaints board ...

The Bailiff:

I am sorry, Deputy, will you please sit down. Could I please ask Members who are listening to these questions in the coffee room to return to the Chamber as we are no longer quorate? Very well, Greffier, will you please call the roll? Oh, we do it electronically? All Members present, would they kindly please press their voting buttons? Can I thank the Deputy of St. Peter, Deputy Maçon, the Minister for Education and Senator Routier for returning to the Chamber, Deputy Le Fondré and the Deputy of St. Ouen? That is very good; we are now quorate. Deputy Southern.

Deputy G.P. Southern:

In the light of the findings of the Law Commission about what will replace the complaints board in future, whether it is an ombudsman or some other structure, will he assure Members that the clarity provided by the 5 points under "Grounds for Upholding a Complaint" are maintained or improved? Will he further make sure that the part of their remit, the board cannot overturn a decision made by a Minister, it can only ask the Minister to reconsider that decision, is strengthened and given teeth so that Ministers can be told that they have got it wrong and must put it right?

Senator I.J. Gorst:

I think the final point that the Deputy makes is probably at the heart of why many feel that the current system needs to either be strengthened or overhauled in its entirety. I agree with that

view, having sat on both sides of a States Complaints Board Panel being represented from a departmental perspective and representing constituents. I think it is unsatisfactory for both sides of that equation.

4.12.3 Deputy G.P. Southern:

In addressing the first part of the question, the 5 points starting with the “Grounds for Upholding a Complaint”, starting with: “(a) was contrary to law” and ending with: “(e) was contrary to the generally-accepted principles of natural justice”, that structure gives tremendous clarity to a complaints board which does not exist for the other tribunals. Will he ensure that those 5 points or its equivalent improved, address the whole structure that replaces the complaints board in future?

Senator I.J. Gorst:

I was careful not to try and second-guess what proposal-strengthening or a new structure might have as its ultimate remit but the points the Deputy makes are very reasonable. I would expect them to be considered and part of any new system.