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# STATES OF JERSEY



## CODE OF CONDUCT FOR ELECTED MEMBERS: COMPLAINT AGAINST SENATOR J.L. PERCHARD

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Presented to the States on 2nd June 2010  
by the Privileges and Procedures Committee

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STATES GREFFE

## REPORT

The Privileges and Procedures Committee received 3 complaints against Senator J.L. Perchard following the broadcast of Talkback on B.B.C. Radio Jersey on 25th March 2010.

Members of the public complained that Senator Perchard's response to questions put by an outside caller, and his subsequent discussions with the programme's presenter, constituted a breach of paragraph 5 of the Code of Conduct for Elected Members which states that: "*Elected members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice*".

Having considered a transcript of the programme, the Committee had regard for Standing Order 156(2) of the Standing Orders of the States of Jersey and agreed that, as the complaints were not anonymous, frivolous, vexatious or unsubstantiated, and did not concern the words or actions of an elected member during a meeting, an investigation would be carried out in accordance with Standing Order 157.

Senator Perchard attended a Committee meeting on 27th April 2010 to discuss the matter in accordance with Standing Order 157 and the meeting heard a recording of the section of the programme concerned. The Committee noted that the Senator had addressed remarks directly to a caller and PPC agreed that the words which it considered a breach of the Code were –

Senator Perchard: "*I think you've probably got too much time on your hands. I think like many of the people who are unemployed or on benefits you would really be better off getting a proper job and not having so much time on your hands to develop and...*"

And "... *I was not talking about everybody that's unemployed or people on invalidity benefit. I was talking about [NAME].*"

The Senator advised that he would continue to stand by the comments which he had made during the programme. The Senator considered his comments to be robust political debate. He maintained that in his opinion it would be beneficial for many people who were unemployed or on benefits to find work. In as much as he meant that comment generally, he stood by it and said that he would stand by it again.

The Committee considered this but then noted that the Senator went on to say that he had not been making a general comment about unemployed persons or persons on invalidity benefit but that his comments were directed specifically at one individual.

The Committee heard from Senator Perchard that the individual in question had himself made comments publicly which had had a detrimental effect upon the Senator and also upon employees of the Health and Social Services Department while he was Minister. The Committee noted that the situation existed that a member of the public who was politically active was able to make public comments about a States member but due to the Code of Conduct, the States member was not necessarily able to reciprocate. The Committee was therefore minded to agree that there should be a level of mitigation, but maintained that the comments made by Senator Perchard were nonetheless unpleasant, personal and inappropriate in a public arena. The Committee also noted the Senator's intention to make robust political comment in a general

manner but agreed that this could have been conveyed in a more effective way, perhaps by expanding on his reasoning for making the generalised comments and in that way the tone of the comments would have been better communicated to the radio audience.

The Committee therefore concluded that there had been a breach of paragraph 5 of the Code of Conduct for Elected Members. The Committee would remind the Senator and all members that the purpose of the Code of Conduct is to assist elected members in the discharge of their obligations to the States, their constituents and the public of Jersey and that all elected members are required, in accordance with Standing Orders, to comply with this Code. The Committee acknowledges that dealings with members of the public are not always straightforward, but maintains that members have an inherent duty to treat members of the public with respect, and if this is not possible to avoid situations of confrontation.

The Committee therefore determined that a report on this complaint be presented to the States so that all members could be reminded of the limitations placed on them by the Code of Conduct in dealings with members of the public. The Committee also acknowledged there might be occasions where members found it difficult to respond within the bounds of the Code and that it might be beneficial to include this issue as part of future induction training and member support.

The Committee noted that ill-chosen remarks by one member can have a detrimental effect on the public perception of States members generally. The Committee resolved that there had been a breach of the Code of Conduct and that the Senator's words were both unpleasant and personal. The Committee considers that this falls below the standards expected of a States member and would view any repetition most seriously.