
STATES OF JERSEY



COMMISSIONER FOR STANDARDS: ANNUAL REPORT 2017–2018

**Presented to the States on 22nd October 2018
by the Privileges and Procedures Committee**

STATES GREFFE

FOREWORD BY THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE

The Privileges and Procedures Committee would like to place on record its thanks to Mr. Paul Kernaghan, C.B.E., Q.P.M., the Commissioner for Standards, for his work during his first 12 months in office.

In accordance with the provisions of Article 12 of the [Commissioner for Standards \(Jersey\) Law 2017](#), the Committee is pleased to lay the Commissioner's first Annual Report before the States.

REPORT

Foreword

This Report, the first of its type, covers the period 1 September 2017 to 31 August 2018. The reporting period reflects the fact that my appointment as the Commissioner for Standards commenced on 1 September 2017.

The creation of the post of Commissioner for Standards was provided for by the [Commissioner for Standards \(Jersey\) Law 2017](#).

I would like to place on record my thanks to all who have assisted me during my first year in post. The Greffier and his staff have provided invaluable support, and I much appreciate the warm welcome I received from the Privileges and Procedures Committee (PPC).

This Report is published in compliance with the requirements of Article 12 of the Commissioner for Standards (Jersey) Law 2017.

Paul Kernaghan, C.B.E., Q.P.M.

Review of the year

I was appointed as the States of Jersey Commissioner for Standards on 1 September 2017, and the primary focus of my activity has been in establishing my office and appropriately advertising my role and functions. A presence has been established on the States of Jersey website and I have published a ‘statement’ as to how I will discharge my functions under the relevant Law.

I am responsible for investigating alleged breaches of the Code of Conduct for Elected Members and the Code of Conduct and Code of Practice for Ministers and Assistant Ministers. To date, I have only published a ‘statement’ in respect of the Code of Conduct for Elected Members, as the Ministerial Codes are currently being reviewed and revised. I anticipate issuing an appropriate statement in due course. However I have, during my first year in office, been able to investigate complaints against Ministers, notwithstanding that I have not issued such a tailored ‘statement’.

I am independent of both the States Assembly and its administration in the exercise of my functions. However, I am grateful for the administrative support provided by the Greffier and his staff.

Complaints

The complaints I have dealt with from my appointment on 1 September 2017 to 31 August 2018 are set out in the table below.

Formal complaints received.....	13
Complaints disposed of as follows –	
(a) complaints dismissed.....	4
(b) resolved by remedial action.....	1
(c) referred to the PPC	1
(d) because fell outside remit	2
(e) because anonymous or failure to comply with other requirement (e.g. lack of evidence).....	2
(f) because repeating allegations of previous inquiry.....	1
(g) because frivolous or vexatious	2

It has been my experience to date that the people of Jersey take a strong interest in the proceedings of the States Assembly and the actions of their elected representatives. This is to be welcomed, but there is a danger that disagreements over policy matters can lead some to lodge complaints when there is no evidence of a breach of the Codes of Conduct by the Member concerned. One area of concern I have identified is the use and alleged abuse of ‘social media’. I do not see it as my role to adjudicate on ‘Twitter spats’ between participants on social media, in the absence of aggravating factors. Thus, I have dismissed several such complaints as I have judged them to be frivolous or vexatious. I have reserved the right to investigate such complaints, if the alleged misconduct by a Member involved foul language or evidence of malicious intent, for example.

The future

I think it is impossible to quantify future complaint levels. However, I trust that an independent and robust system of investigation will reassure the people of Jersey that Members of the States Assembly are held to the high standards set out in their Code of Conduct.