

Redress and Accountability Systems in Jersey

Care of Children in Jersey
Review Panel

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States of Jersey
States Assembly



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1. Chair's Foreword



This report is the third from the Panel looking at the response from Government to the Care Inquiry. It has been the most challenging and most disrupted by Covid. The criteria for this review were developed to look at the wider redress and accountability systems across Jersey Government and institutions. It is the first review to address these areas and will generate further work for future panels. The fifty-four findings and seventeen recommendations reflect this framework and look to uncover both systemic issues when they arise, and any areas of improvement that may be developing.

It is clear from our work that failures to support complainants and confused processes lead to inadequate outcomes and longer-term escalation of issues. Too often this seriously and negatively impacts on people's lives.

The Panel are aware of many other individuals who have approached the Panel about the subject of the review, but who were unwilling to engage formally with the Panel due to an apparent mistrust and fear of putting their head above the parapet. We have concerns that there is still a reluctance to bring forward complaints and raise issues due to a likelihood of not receiving positive outcomes. There is also a fear of possible consequences following lengthy and public processes that leave individuals vulnerable both in the workplace and the community. The use of NDAs is an area about which the panel still has concerns, but it has not been able to look at fully in this review. We think this is something that would merit further scrutiny in the near future.

I would like to thank all of those who gave evidence to the review and for the courage and dignity demonstrated. The Panel note that legacy issues cannot be ignored and must be addressed with a specific public enquiry.

Deputy Rob Ward
Chair,
Care of Children in Jersey Review Panel

2. Executive Summary

The Care of Children in Jersey Review Panel (hereafter ‘the Panel’) undertook a review in late 2019 which sought to examine the progress made in respect of implementing the recommendations arising from the Independent Jersey Care Inquiry (IJCI), specifically recommendations five to eight. The [report](#) was presented to the States Assembly on 8th November 2019. During the course of this review, the Panel was presented with evidence in respect of recommendation seven (the ‘Jersey Way’) which highlighted numerous concerns about the systems in place to tackle the negative perception associated with the ‘Jersey Way’. Noting that this term in itself is subjective, the Panel identified that the key points being raised through submissions related to ineffective complaints processes, a lack of redress for those raising what were considered injustices and officials not being held to account for serious issues. As such, the Panel agreed that, in order to undertake an objective review in this regard, it would focus on these three areas across the Government, the Courts System, Parish Administrations and the States Assembly (noting that the ‘Jersey Way’ does not just apply to Government of Jersey but public services as a whole).

The Panel has collected substantial evidence throughout this review from across the four key areas of public administration, including holding public hearings with the Chief Minister, Bailiff of Jersey, Judicial Greffier, Chair of the Comité des Connétables and the Attorney General. Furthermore, a public call for evidence was undertaken in order to gather views on the systems currently in place and people’s experience of them, whether positive or negative. Many of the submissions received detailed difficult and, in some instances, distressing situations that had been encountered within these systems. The Panel would like to place on record its thanks to all those who contributed evidence to its review.

As part of its review, the Panel agreed to assess the current systems in place across the four areas of public administration in respect of complaints processes, redress available and disciplinary procedures. As such the following sections set out the key findings and recommendations from the Panel in each area:

Government of Jersey

The Panel identified that the Government of Jersey launched a new Customer Feedback Policy in September 2019 which is in line with best practice, however, due to the pandemic and other mitigating circumstances, it is not possible at present to state whether this has been effective or not. Concern was also raised over the terminology of customer feedback in respect of complaints handling and whether or not this was truly understood by the general public. Furthermore, the policy is not retrospective and does not seek to address legacy complaints that may not have been resolved. A significant lack of trust in Government of Jersey Complaints’ processes has also been identified from the evidence gathered by the Panel. Given this finding, the Panel has recommended that the Chief Minister conduct a campaign to raise awareness of the Customer Feedback Policy which recognises the fact that the Government has not always addressed things as well as it should. This will help increase openness and transparency with Islanders and help address the negative perception of ‘the Jersey Way’.

The Panel found that the disciplinary procedure for States of Jersey employees is an internal document which is not publicly available. Given the strength of feeling from some submissions that officials are not held to account for their actions (an issue which the Panel agrees is not being dealt with strongly), the Panel has, in order to enhance openness and transparency in

this area, recommended that the Chief Minister publish this document on the Government of Jersey website as soon as possible.

The Code of Conduct for States of Jersey employees is dated as May 2002 and appears to be significantly out of date. It does not appear to address changing working practices that have occurred over the past 20 years and therefore needs to be updated. The Panel has recommended that the Chief Minister ensures this is updated and brought in line with the expectations of a modern organisation.

The Panel has been unable to identify any training in relation to handling complaints within the Government of Jersey on its online virtual college training portal. As such, the Panel has recommended that, as a matter of urgency, this training is made available to all States of Jersey Employees on the online training portal and that this is integrated into the 'My Welcome' training undertaken by all new employees.

A particularly difficult issue was raised throughout the review in relation to the separation of powers, notably the Bailiff presiding as President of the States and Chief Justice. Whilst a number of propositions have been brought forward to the States Assembly to address this issue, none, so far, have been adopted by the States Assembly. The IJCI stated in its original report that consideration should be given to including the whole community as to how to address the negative perception of the Jersey Way on a lasting basis. The Panel does not believe that this work has taken place to the extent suggested by the IJCI. It has therefore recommended that the Chief Minister revisits the response to P.108/2017 and brings forward proposals for consultation that genuinely includes the whole community as to how to best deal with the negative perception on a lasting basis.

One of the key findings of the Panel was that complainants often felt that the support available to them was limited and that a defensive attitude was often adopted by the departments with which they were raising the complaint. Whilst the Chief Minister has outlined that the work to bring forward the recommendations of the HR lounge report on bullying and harassment (specifically those that relate to people making complaints) is being progressed with 20 implemented, 7 in progress and one yet to be started, the Panel is concerned that this needs to be progressed faster. It has, therefore, recommended that the recommendations relating to complaints and aftercare of complaints are implemented as soon as possible with the changes also being applied to the overall complaints' procedure for members of the public as well. It has also recommended that, when developing training in relation to handling complaints, information on how to support a person throughout the process and afterwards is included.

The Panel has noted that the current Customer Feedback Policy does not record the means of redress or outcomes of a complaint when it is closed. It is, however, intended for this to form one of the enhancements to the system to take place in due course. The Panel has recommended that this is progressed as a matter of priority to be in place prior to the 2022 election.

Court Service

The Panel has found that the Jersey Court Service Staff are bound by broadly the same complaints process procedure as the Government of Jersey. Likewise, the Code of Conduct is the same as all States of Jersey employees as is the disciplinary procedure. Staff within the Law Officers' Department are also subject to the same policies and procedures, however, lawyers within the department are subject to a separate code of conduct, specific to their roles, which is overseen by the Attorney General.

Complaints in relation to members of the Judiciary have a separate complaints process which is overseen by the Bailiff of Jersey and the Deputy Bailiff. Complaints in respect of the Bailiff of Jersey and the Deputy Bailiff are escalated to the Lieutenant Governor. The complaints processes for these two matters are both available on the gov.je website, however, they are both written in a distinctly legal style which is not particularly accessible to those without knowledge of that style of documentation. The Panel has therefore recommended that, in order to enhance the accessibility of the complaints processes for the Bailiff, Deputy Bailiff and Members of the Judiciary, the Bailiff of Jersey should produce a more accessible version (such as a flow chart) explaining how members of the public can make a complaint about a member of the Judiciary in line with best practice in other jurisdictions. This should also set out the timescales for each stage of the complaints process and who has responsibility at each stage of the process.

The Panel also notes the complaints process in relation to the Attorney General or Solicitor General is handled by the Lieutenant Governor. Again, as with the complaints process relating to the Bailiff, Deputy Bailiff and the Judiciary, the document is available on the gov.je website but is written in a legal style which, again, is not accessible to those without knowledge of those style of documents. As such the Panel has also recommended that a more accessible version is published explaining how a complaint can be made.

The Court of Appeal (Jersey) Law 1961 sets out the manner in which an appeal of a judicial decision can be made. As far as the Panel has been able to establish, there is no summarised version of this Law and, given that the only version accessible to the public is the legislative text itself, this does not appear to be particularly accessible for individuals without knowledge of this style of documentation. The Panel has, therefore, recommended that the Chief Minister, as Minister for Justice, should seek to establish a document, to be published on the gov.je website, which sets out in plain English, the process by which a person may appeal a judicial decision made against them. This should be completed by the end of 2022.

In the event that a disciplinary investigation is required into a member of the Judiciary, this will be undertaken by the Bailiff who may in turn convene a Panel of 'qualified persons' to undertake the inquiry. Subject to this investigation, either the Bailiff or the Panel may raise any actions ranging from no further action through to dismissal. A similar process is applied for disciplinary investigations into the Bailiff or the Deputy Bailiff, however, the Lieutenant Governor holds responsibility for conducting the investigation or convening a Panel to do so. The Qualified Persons that comprise a Panel to undertake an inquiry into disciplinary matters within the Judiciary has the possibility of being comprised solely of current or former Jersey judges. The Panel would suggest that this definition is revised in order to ensure that all disciplinary investigations are undertaken by external and independent judges. This would assist in removing the negative perception of the 'Jersey Way'.

Parish Administrations

The Panel found that there is not a standardised approach to complaints' handling across the 12 Parishes and, whilst each Parish records the complaints raised with it, there is no standardised format for recording complaints. This means that a person raising a complaint in one Parish may have a significantly different experience in another. As far as the Panel has been able to identify, there is no document which sets out how a complaint will be managed across the Parishes. The Panel has therefore recommended that the Comité des Connétables should publish a document which provides members of the public with a guide as to how their complaint will be dealt with across all 12 Parishes. This should set out clear timescales in relation to how long complaints will take to resolve and be in an accessible format (such as a flow chart).

There is a view from the Chair of Comité des Connétables that high standards are expected for all elected Parish officials. Consideration is being given to formalising a code in relation to the conduct of Parish officials as well. The Panel has recommended that the Comité des Connétables brings forward a code of conduct for all elected Parish officials and employees which sets out the expectations of behaviour within a Parish role and also provides further details of the current codes and policies in relation to the behaviour and expectations of Parish officials.

The Connétable of the respective Parish holds ultimate responsibility for taking action in relation to the conduct of elected officials within the Parish, with the exception of the Honorary Police Force who are overseen by the Attorney General. Complaints against Honorary Police Officers are dealt with by the Jersey Police Complaints Authority. In terms of the Connétables themselves, it is noted that they are held to account by the electorate at every election and are also subject to investigation by the Commissioner for Standards in the event a complaint is raised in relation to their conduct during States Business.

The Honorary Police are subject to codes of conduct and disciplinary procedures as set out in the Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000. Furthermore, the Jersey Police Complaints Authority oversees complaints against members of the Honorary Police, with additional guidance from the Attorney General set out in relation to conduct of officers in their prosecutorial capacity.

States Assembly

Complaints in relation to the conduct of a member of staff within the States Greffe should be directed towards the Greffier of the States who would in turn decide whether to investigate the complaint or not. As per the States of Jersey Law 2005, a member of staff of the States Greffe cannot be appointed or dismissed without approval of the Greffier of the States. A complaint in relation to either the Greffier of the States or Deputy Greffier of the States should be made in writing to the Privileges and Procedures Committee or the Bailiff of Jersey to investigate. The Greffier of the States may only be suspended from duty by the Bailiff, but ultimate decision to any further action (including dismissal) rests with the States Assembly.

States Members are held to a Code of Conduct for Elected Members which is contained in the Standing Order for the States of Jersey. Ministers and Assistant Ministers are also bound to a further Code of Conduct specific to their roles. Complaints in relation to a States Member should be made in writing to the Commissioner for Standards who can investigate (in accordance with the Commissioner for Standards (Jersey) Law 2017 and Standing Order 156). Any findings of an investigation are presented back to the Privileges and Procedures Committee who will determine whether the Code of Conduct for Elected Members has been breached and what action, if any, is required. The findings of the Committee may also be reported to the States Assembly.

Ministers and Assistant Ministers are also bound by a separate code of conduct specific to their roles. Complaints against Ministers or Assistant Ministers may also be referred to the Commissioner for Standards who in turn will report their findings to the Privileges and Procedures Committee. Unlike reports in relation to States Members, the Committee may simply choose to publish a report and leave the matter to the Chief Minister to determine whether the Code of Conduct for Ministers and Assistant Ministers has been breached. The findings and recommendations of a report by the Commissioner for Standards into a States Member are not binding on the Privileges and Procedures Committee to implement, however, in the event that a States Member felt the issues had not been addressed properly, a vote of no confidence could be raised in relation to the Committee by a States Member.

The States Complaints Board is established to investigate complaints into any matter of administration by a Minister or a department. The members of the Board are independent and provide their services on a voluntary basis. The Board does not have the power to overturn a decision made by a Minister, but it can come to a conclusion as to whether the basis of the complaint should be upheld and suggest any further actions to remedy it.

If it is felt that the conclusion of the States Complaints Board is not being upheld by the Minister or department a further response from the Board could be presented to the States of the Privileges and Procedures Committee. It is then open to the Committee or any States Member to bring a proposition to the States in relation to the subject of the complaint.

If a member of the public who brought a complaint is not satisfied with the outcome, they may ask the States Complaints Board to reconvene and take additional submissions for consideration. If, following that, the complainant is still not content with the outcome then they may approach a States Member or legal representative to pursue other remedies.

Key Issues

Above its findings and recommendations relating to the 4 areas as outlined above, the Panel also noted three key issues that it agrees require addressing as a result of this review.

There was a mixed view received from submissions in relation to the requirement for a Public Service Ombudsman to oversee complaints in respect of the public sector. Whilst on the one hand praise has been highlighted for the work of the Complaints Board (especially considering its limited budget and voluntary basis), other points have raised concern over whether it has enough 'teeth' in order to implement decisions in respect of Ministers. The Panel has heard evidence to suggest the need for a fully resourced Public Service Ombudsman and, on balance, it has agreed that the Chief Minister should ensure that the necessary legislation to give effect to the Jersey Public Service Ombudsman is brought forward for lodging so that the debate can take place in the States Assembly prior to the 2022 election.

The Panel has found, from private meetings held during the review with members of the public, that the costs associated with taking a case through the court system are in many cases prohibitively expensive. This in turn limits the equality of arms and access to justice for those who fall outside of the current legal aid scheme. The States Assembly has agreed an Appointed Day Act which brings into force certain parts of the Access to Justice (Jersey) Law 2019, specifically the formation of a Legal Aid Guidelines Committee which is tasked with presenting a preferred scheme to the Chief Minister within six months of July 2021. Once the scheme is presented, the Chief Minister will lay the guidelines before the States Assembly. This will not be debated as a proposition, but States Members can bring a proposition requesting that the guidelines be rescinded if not deemed suitable. The Panel has recommended that the points raised by the Legal Aid Review Panel in its own review are taken forward by the Chief Minister and that a new Legal Aid Scheme should be in place from January 2022. The Panel also notes that accessing court transcripts and recordings requires consent of the presiding judge and the costs of doing so are in some cases prohibitive for people on low incomes. The Panel has therefore recommended that the Bailiff of Jersey removes the requirement for consent to be given by the presiding judge and reduces the costs of accessing these items for litigants in person.

Finally, the Panel has noted throughout this review, that poorly managed complaints can in turn lead to significant issues affecting a person's wellbeing. In some instances, people have been significantly financially and/or emotionally affected as a result of raising a complaint. It is the view of the Panel that this is often not acknowledged by those involved and should be. Given the previous concern raised in relation to historic cases not being resolved (including

the toll they may have taken on people as a result) suggestions have been made that a full public inquiry into these legacy complaints is undertaken. The Panel has, therefore, recommended that the Chief Minister brings forward Terms of Reference for a public inquiry in respect of historic unresolved complaints prior to the 2022 election.

3. Findings and Recommendations

3.1 Findings

Finding 1

The Government of Jersey launched a new Customer Feedback Policy in September 2019 which sets out the expectations of the complaints procedure and timescales for resolution of issues. At this stage it is not possible for the Panel to state whether or not the policy is effective.

Finding 2

The Government of Jersey Customer Feedback Policy contains a three-stage model for the resolution of complaints. The policy places a focus on early resolution of a complaint where possible, with the option for the complaint to be escalated if required. Should a complaint reach the third stage of the policy then this is ultimately escalated to the Director General of the respective department who may in turn refer the complaint to another Director General to resolve.

Finding 3

The Government of Jersey is able to collect substantial data in relation to the new Customer Feedback Policy which tracks complaint numbers across the various departments. Since the introduction of the policy, the number of recorded complaints has increased. The Government sees this as being a result of the policy providing more accurate data and highlights one of the potential deficiencies of the previous policy not being as effective.

Finding 4

The Government of Jersey launched a new, non-statutory redress scheme in 2019 to provide ex-gratia payments to people, who as children, were abused or suffered harm between 9th May 1945 and 31st December 2005 while a resident in a Government of Jersey children's home, Government of Jersey foster care placement or while accommodated at the Les Chênes secure residential unit. The closing report on the scheme was presented on 6th October 2021.

Finding 5

Applicants that settled a claim as part of the Government of Jersey's redress scheme must confirm acceptance of payment as full and final settlement of their claim and cannot, therefore subsequently seek further compensation for abuse or harm suffered through the courts system.

Finding 6

The Government of Jersey disciplinary policy is an internal document which, as far as the Panel can establish, is not available to the general public on the gov.je website. The policy itself, sets out clearly the processes to be followed in the event of a disciplinary procedure.

Finding 7

The Code of Conduct for States of Jersey Employees which is available on the gov.je website is dated May 2002. This is significantly out of date and the document itself does not take into account changes in working practices (e.g., the use of modern systems such as social media) which require direction and expectations in relation to staff conduct with the Government of Jersey and non-ministerial departments.

Finding 8

The design and feel of the Code of Conduct document available on the gov.je website is outdated and is not in keeping with a modern organisation or advances made by the Government in its own communication and branding initiatives.

Finding 9

The Jersey Court Service Staff (Judicial Greffe and Viscount's) are bound by broadly the same complaints procedure as the Government of Jersey. The Code of Conduct for members of staff working within these services is also the same as that for other Government of Jersey employees.

Finding 10

The Bailiff and Deputy Bailiff are subject to a separate complaints procedure to that of the rest of Judiciary. Whilst complaints about members of the Judiciary are handled by the Bailiff of Jersey, complaints about the Bailiff or Deputy Bailiff are handled by the Lieutenant Governor.

Finding 11

The complaints processes as set out on the gov.je website for members of the Judiciary and the Bailiff and Deputy Bailiff are written in a distinctly legal style and, as such, do not appear to be particularly accessible for individuals without knowledge of this style of documentation.

Finding 12

The Law Officers' Department is accredited through the Lexcel Client Care Standard and has been since October 2019. This accreditation process reviewed the department's complaints procedure and concluded that it complied with all standards.

Finding 13

The Law Officers' Department has service level agreements in place with Government of Jersey Departments and the States of Jersey Police which set out processes for handling complaints and any associated escalation in relation to dissatisfaction with the work of the department.

Finding 14

A complaint in relation to the Attorney General or Solicitor General, as with the Bailiff and Deputy Bailiff, should be made in writing to His Excellency the Lieutenant Governor who is responsible for undertaking any formal disciplinary procedures in that regard. The

documents relating to the processes are written in a legal style and do not appear to be particularly accessible for members of the public.

Finding 15

In the event that a complainant's complaint is not resolved to their satisfaction within the Jersey Court Service, it can be escalated to the Judicial Greffier who will in turn provide the outcome of any decision to the Bailiff for final approval.

Finding 16

The Court of Appeal (Jersey) Law 1961 sets out the manner in which an appeal of a judicial decision can be made. As far as the Panel has been able to establish, there is no summarised version of this Law and, given that the only version accessible to the public is the legislative text itself, this does not appear to be particularly accessible for individuals without knowledge of this style of documentation.

Finding 17

Staff working with the Jersey Court Service are bound by the same disciplinary procedures as Government of Jersey employees. Similarly, the code of conduct for employees utilised by the Government of Jersey also applies to staff working within the Court Service.

Finding 18

In the event that a disciplinary investigation into a member of the Judiciary is required, this will be undertaken by the Bailiff who may in turn convene a Panel of 'Qualified Persons' to undertake the inquiry. Subject to this investigation, either the Bailiff or the Panel may raise any actions ranging from no further action through to dismissal. A similar process is applied for disciplinary investigations into the Bailiff or the Deputy Bailiff, however, the Lieutenant Governor holds responsibility for conducting the investigation or convening a Panel to do so.

Finding 19

All staff within the Law Officers' Department are subject to the same disciplinary procedure and code of conduct as Government of Jersey Employees. Lawyers within the department are, however, also subject to a separate code of conduct specific to that role which is overseen by the Attorney General.

Finding 20

There is not a standardised complaints process in place for all of the 12 Parishes, however, it is the view of the Chair of the Comité des Connétables that the Parishes do approach complaints resolution in the same manner. It is also noted by the Panel that complaints are recorded by each Parish, however, there is no standardised format across the Parishes as to how these are recorded.

Finding 21

There is a current view amongst the Comité des Connétables that high standards are expected for all elected officials within the Parishes and consideration is being given to formalising a code in relation to the conduct of Parish officials.

Finding 22

The Connétable of the respective Parish holds ultimate responsibility for taking action in relation to the conduct of elected officials within the Parish, with the exception of the Honorary Police Force who are overseen by the Attorney General. Complaints against Honorary Police Officers are dealt with by the Jersey Police Complaints Authority.

Finding 23

Connétables are held to account by the electorate at every election and are also subject to investigation by the Commissioner for Standards in the event a complaint is raised in relation to their conduct during States Business. If members of the Parish are dissatisfied at any time with the performance of the Connétable then they are able to bring a 'raquette' to a Parish Assembly.

Finding 24

The Honorary Police are subject to codes of conduct and disciplinary procedures as set out in the Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000. Furthermore, the Jersey Police Complaints Authority oversees complaints against members of the Honorary Police, with additional guidance from the Attorney General set out in relation to conduct of officers in their prosecutorial capacity. The Panel is not convinced of the independence of the Jersey Police Complaints Authority, and whilst legislative changes are due in the new year in regard to the handling of complaints against the Police and Honorary Police, this needs to be reviewed.

Finding 25

Complaints in relation to the conduct of a member of staff within the States Greffe should be directed towards the Greffier of the States who would in turn decide whether to investigate the complaint or not. As per the States of Jersey Law 2005, a member of staff of the States Greffe cannot be appointed or dismissed without approval of the Greffier of the States.

Finding 26

A complaint in relation to either the Greffier of the States or Deputy Greffier of the States should be made in writing to the Privileges and Procedures Committee or the Bailiff of Jersey to investigate. The Greffier of the States may only be suspended from duty by the Bailiff, but ultimate decision to any further action (including dismissal) rests with the States Assembly.

Finding 27

States Members are held to a Code of Conduct for Elected Members which is contained in the Standing Order for the States of Jersey. Ministers and Assistant Ministers are also bound to a further Code of Conduct specific to their roles.

Finding 28

Complaints in relation to a States Member should be made in writing to the Commissioner for Standards who can investigate (in accordance with the Commissioner for Standards (Jersey) Law 2017 and Standing Order 156). Any findings of an investigation are presented back to the Privileges and Procedures Committee who will determine whether the Code of Conduct for Elected Members has been breached and what action, if any, is required. The findings of the Committee may also be reported to the States Assembly.

Finding 29

Ministers and Assistant Ministers are also bound by a separate code of conduct specific to their roles. Complaints against Ministers or Assistant Ministers may also be referred to the Commissioner for Standards who in turn will report their findings to the Privileges and Procedures Committee. Unlike reports in relation to States Members, the Committee may simply choose to publish a report and leave the matter to the Chief Minister to determine whether the Code of Conduct for Ministers and Assistant Ministers has been breached.

Finding 30

The States Complaints Board is established to investigate complaints into any matter of administration by a Minister or a department. The members of the Board are independent and provide their services on a voluntary basis. The Board does not have the power to overturn a decision made by a Minister, but it can come to a conclusion as to whether the basis of the complaint should be upheld and suggest any further actions to remedy it.

Finding 31

The findings and recommendations of a report by the Commissioner for Standards into a States Member are not binding on the Privileges and Procedures Committee to implement, however, in the event that a States Member felt the issues had not been addressed properly, a vote of no confidence could be raised in relation to the Committee by a States Member.

Finding 32

If it is felt that the conclusion of the States Complaints Board is not being upheld by the Minister or department a further response from the Board could be presented to the States of the Privileges and Procedures Committee. It is then open to the Committee or any States Member to bring a proposition to the States in relation to the subject of the complaint.

Finding 33

If a member of the public who brought a complaint is not satisfied with the outcome, they may ask the States Complaints Board to reconvene and take additional submissions for consideration. If, following that, the complainant is still not content with the outcome then they may approach a States Member or legal representative to pursue other remedies.

Finding 34

Despite updated complaints processes being in place since September 2019, which have been stated as following best practice as per the Comptroller and Auditor General's report on Handling Complaints, the Panel has found that some historical complaints prior to the

policy introduction do not appear to have been dealt with and remain outstanding. The new policy does not seek to address these issues.

Finding 35

From the submissions received by the Panel, there appears to be a significant level of distrust in relation to the Government of Jersey's complaints processes. This may be partly due to the absence of a previous complaints policy and this new policy should be monitored to ensure it is delivering on the improvement it intends. This does, however, require further promotion to ensure Islanders are aware of it.

Finding 36

The customer feedback form on the gov.je website appears to be accessible and easy to understand, with clear outlines of the timescale for a response and details about how the person's complaint will be handled. However, the use of the word feedback rather than complaint has been identified as confusing for members of the public accessing this online.

Finding 37

The Panel has been unable to identify training courses that exist for all States employees specifically in relation to the handling and management of complaints. It is noted that this is also not included in the My Welcome virtual training for new employees. This is a vital component of ensuring any new policy is implemented correctly.

Finding 38

The current complaints process in relation to a States Member through the Commissioner for Standards does not extend to complaints from a member of the public in relation to words spoken by, or actions of, a States Member during a meeting of the States. It is also noted that parliamentary privilege applies to elected members in order to allow them to speak freely and without fear of repercussions during a debate or meeting.

Finding 39

There is a view from submissions that the States Complaints Board is an effective and well supported body which deals with complaints when escalated above the current complaints processes within the States of Jersey. There is, however, also the view that the current Board as constituted lacks teeth in order to uphold its findings and is not always able to undertake complex and long running cases. A proposition has since been adopted by the States Assembly that requires a Minister to make a statement in the Assembly in response to a report published by the Complaints Board.

Finding 40

The issues of separation of powers in relation to the dual role of the Bailiff and the Attorney General is a topic of debate that is seen as being at the centre of the negative perception relating to the 'Jersey Way'. Since the publication of the Independent Jersey Care Inquiry report and subsequent two-year follow up report, there have been propositions taken to the States Assembly in regard to electing a speaker for the States Assembly, none of which have been adopted by the Assembly. The Panel considers that the spirit of the Care Inquiry recommendation that consideration on how to address the negative perception of the Jersey Way involving the whole community has yet to be taken forward in this regard.

Finding 41

Concerns were raised in relation to the support that is available for complainants both during and after making a complaint, with some feeling that barely any support was provided at all and a defensive attitude was often taken in response to them raising a complaint.

Finding 42

The Chief Minister outlined that, as of March 2021, of the 28 recommendations made by the HR Lounge report on bullying and harassment in relation to the Government of Jersey, 20 have been implemented, 7 are in progress and 1 has yet to be started. The Director General of Strategic Policy, Planning and Performance, explained that a number of the recommendations also relate to a person making a complaint more broadly.

Finding 43

The ethos of the Customer Feedback Policy within the Government of Jersey is about learning from feedback, especially in relation to complaints. There is, however, an acknowledgment that the policy is still relatively new, and questions remain from the submissions raised as to whether this has been embedded sufficiently. This in itself will take time to resolve.

Finding 44

There is an acknowledgement that in order for a complaint to be dealt with to satisfaction, staff must seek to understand what the ideal outcomes look like for a person making a complaint. There is, however, also an acknowledgment that this is not always something that services get right all of the time but is being addressed through staff training.

Finding 45

The Customer Feedback Policy does not currently record the outcomes or redress that are applied in the event a complaint is upheld. It is, however, acknowledged that this will form one of the enhancements to the overall system.

Finding 46

A number of submissions gave examples where staff were not held accountable for conduct arising from a variety of forms of complaints or issues. The Government of Jersey has reiterated that it has robust disciplinary procedures in place to manage this, however, the Panel is not convinced that this is correct and this issue must be addressed as a matter of priority.

Finding 47

There was a mixed view from the evidence received as to the necessity for a Jersey Public Service Ombudsman. On balance, however, given the information received in some of the private submissions to the Panel, it finds that the need to introduce an Ombudsman is required and should be brought forward as soon as possible.

Finding 48

The Panel has found, from private meetings held during the review with members of the public, that the costs associated with taking a case through the court system are in many cases prohibitively expensive. This in turn limits the equality of arms and access to justice for those who fall outside of the current legal aid scheme.

Finding 49

The States Assembly has agreed an Appointed Day Act which brings into force certain parts of the Access to Justice (Jersey) Law 2019, specifically the formation of a Legal Aid Guidelines Committee which is tasked with presenting a preferred scheme to the Chief Minister within six months of July 2021. Once the scheme is presented, the Chief Minister will lay the guidelines before the States Assembly. This will not be debated as a proposition, but States Members can bring a proposition requesting that the guidelines be rescinded.

Finding 50

Poorly managed complaints processes can in turn lead to significant issues affecting a person's wellbeing. In some instances, people have been significantly financially and/or emotionally affected. It is the view of the Panel that this is often not acknowledged by the organisation involved and should be.

Finding 51

Concern has been raised that historic cases that have yet to be resolved are not intended to be addressed through the new complaints policy. The Panel believes that serious consideration must be given to a mechanism in order to address these issues once and for all. A suggestion has been made through submissions of a further public inquiry in order to manage and resolve these cases.

Finding 52

There are a number of pieces of work ongoing within the Government of Jersey in order to address the findings of the Independent Jersey Care Inquiry in relation to instances of administrative redress. These include bringing forward a Public Services Ombudsman, a new public inquiries law and addressing the findings of the Comptroller and Auditor General's Thinkpiece on Governance.

Finding 53

There are a number of pieces of work ongoing within the Court Services in order to improve the experience for customers and clients. These include digitising the court service to improve access for non-legally knowledgeable persons, restructuring of management teams and accreditation with customer service excellence standards. The Panel does, however, note the costs associated with accessing court transcripts and listening to court recordings is prohibitive to those on middle or low incomes and requires the consent of the presiding judge to gain access.

Finding 54

There are examples of training being made available to members of the Judiciary in relation to developments in the legal profession and more widely in the context of new legislation.

3.2 Recommendations

Recommendation 1

In order to enhance openness and transparency with the general public as to the disciplinary procedures for Government of Jersey employees, the Chief Minister should seek to publish the policy on the Government website by the end of January 2022.

Recommendation 2

The Chief Minister should, by the end of 2022, ensure that the code of conduct for States of Jersey employees is updated to include specific reference to changing working practices of employees in 2021. It should also contain specific expectations of staff when engaging with social media platforms.

Recommendation 3

In order to enhance the accessibility of the complaints processes for the Bailiff, Deputy Bailiff and Members of the Judiciary, the Panel recommends that consideration should be given by the Bailiff of Jersey to produce a more accessible version (such as a flow chart) explaining how members of the public can make a complaint about a member of the Judiciary. This should also set out the timescales for each stage of the complaints process and who has responsibility at each stage of the process.

Recommendation 4

In order to enhance the accessibility of the complaints processes for the Attorney General and the Solicitor General the Panel recommends that consideration should be given by the Attorney General to produce a more accessible version (such as a flow chart) explaining how a complaint can be made. This should also set out the timescales for each stage of the complaints process and who has responsibility at each stage of the process.

Recommendation 5

The Chief Minister, as Minister for Justice, should seek to establish a document, to be published on the gov.je website, which sets out in plain English, the process by which a person may appeal a judicial decision made against them. This should be completed by the end of Q4 2022.

Recommendation 6

The Qualified Persons that comprise a Panel to undertake an inquiry into disciplinary matters within the Judiciary has the possibility of being comprised solely of current or former Jersey judges. The Panel would suggest that this definition is revised in order to ensure that all disciplinary investigations are undertaken by external and independent judges. This would assist in removing the negative perception of the 'Jersey Way'.

Recommendation 7

The Comité des Connétables should publish a document which provides members of the public with a guide as to how their complaint will be dealt with across all 12 Parishes. This should set out clear timescales in relation to how long complaints will take to resolve, how

they will be investigated in an independent manner (by officials from different Parishes if necessary) and should be presented in an accessible format (such as a flow chart).

Recommendation 8

The Comité des Connétables should bring forward a code of conduct for all elected Parish officials and employees (including the Connétables themselves) which sets out the expectations of behaviour within a Parish role and also provides further details of the current codes and policies in relation to the behaviour and expectations of Parish officials.

Recommendation 9

The Chief Minister should ensure a campaign raising awareness of the new complaints system is conducted prior to the 2022 election to ensure that members of the public are fully aware of the new process. This should include reference and recognition to that fact that the Government has not always addressed things as well as it could so as to be open and transparent to the public in relation to the new policy and its requirement.

Recommendation 10

The Chief Minister should ensure that, as a matter of urgency, mandatory training is provided to all States employees through the Virtual College portal in relation to the handling and management of complaints. This should also be included in the My Welcome training on the Virtual College for all new employees going forward.

Recommendation 11

The Chief Minister should revisit the response to P.108/2017 in respect of Recommendation Seven (The 'Jersey Way') and bring forward proposals and consultation, that genuinely involves the whole community, that consider how best to deal with the negative perception of the 'Jersey Way' on a lasting basis. The Panel shall continue to review this matter as part of its ongoing work programme.

Recommendation 12

The Chief Minister should ensure that, as a matter of priority, any outstanding recommendations from the HR lounge report which relate to the support provided to a complainant and associated 'aftercare', are implemented as soon as possible. This should also be applied to the overall complaints policy and procedure for members of the public who are raising a complaint.

Recommendation 13

The Chief Minister should ensure that, in developing training in relation to the handling and management of complaints for States of Jersey employees, it contains information on how to best support a person both throughout the complaints process and afterwards.

Recommendation 14

The Chief Minister should ensure that the necessary enhancements are made to the customer feedback policy and system to ensure that outcomes of complaints and any associated redress is recorded on the system. This should be completed prior to the 2022 election.

Recommendation 15

The Chief Minister should ensure that the necessary legislation to give effect to the Jersey Public Service Ombudsman is brought forward for lodging so that the debate can take place in the States Assembly prior to the 2022 election.

Recommendation 16

The Chief Minister should ensure that the points raised by the Legal Aid Review Panel in its comments on P.63/2021 are actioned as a matter of priority. Furthermore, an updated Legal Aid Scheme should be implemented by the Chief Minister by the 1st January 2022.

Recommendation 17

The Chief Minister should, prior to the 2022 election, bring forward Terms of Reference in respect of a public inquiry for the resolution of outstanding complaints against the Government of Jersey.

Recommendation 18

The Panel is of the view that the Bailiff of Jersey should remove the requirement for a presiding judge to give consent for transcripts and recordings from court hearings to be accessed. The costs associated with accessing these items should also be reduced to ensure greater access to justice for litigants in person. This should be completed by the end of January 2022.

4. Introduction

4.1 Background and Context

1. The Independent Jersey Care Inquiry (IJCI) published its report in July 2017 and made eight core recommendations for the future management and operation of Jersey's residential and foster homes to ensure the Island provides a safe and secure environment for the children in its care.
2. One core recommendation focussed on bringing forward changes to remove the negative perception of 'the Jersey Way'. The definition of the 'Jersey Way' itself is subject to some debate. For some it is a way of recognising the community spirit and generous nature of the Island. To others it relates to a culture of reluctance to challenge the status quo, a lack of transparency and fairness in decision making and an absence of redress for those who suffered what were considered injustices. The IJCI Panel recommended that the fear factor and lack of trust must be addressed, with consideration from the whole community as to how the 'negative perception' could be countered on a lasting basis. It also recommended that further consideration should be given to the recommendations made in the Clothier and Carswell Reports. The full wording of the summary report from the IJCI in respect of Recommendation Seven 'The Jersey Way' (Recommendation Seven) can be found at Appendix 8 of this report.
3. The Government of Jersey brought forward its response to the IJCI on 31st October 2017 and set out the actions it would undertake to address the negative perception of the 'Jersey Way'. Within its [update report](#) published on 8th November 2019, the Review Panel identified that even two-years after the IJCI report had been published, little progress had been made to implement some of the bigger projects identified within P.108/2017. The Review Panel also received a number of submissions during that review from members of the public which highlighted their continued experience of the negative perception of the 'Jersey Way'. It was agreed that further work was therefore required to examine these issues in more detail.
4. It is understood that the issue of the 'Jersey Way' is based mainly on perception rather than any tangible evidence and this in itself makes the term a particularly difficult matter to address objectively. The Review Panel has identified through its previous report that many of the complaints surrounding the negative perception of the 'Jersey Way' relate to three key matters; ineffective complaints systems, a lack of redress for those who have experienced injustices and officials and structures that appear to not be held accountable for serious issues and occurrences. It was therefore agreed by the Panel that, in order to examine issues objectively, it would focus the review on these three areas specifically.
5. It is noted that the negative perception of the 'Jersey Way' does not just apply to the Government of Jersey. The Court System, Parish administrations and States Assembly are also deemed to contribute to the perception as well. It was therefore deemed important that this review establishes whether those services are also tackling the issue within the systems it currently operates.
6. This review has therefore focussed on establishing and assessing the suitability of complaints systems, means of redress and accountability structures within the Government of Jersey, Jersey Court System, Parish administration and States Assembly to identify whether they are sufficient to address the issues raised by the IJCI.

4.2 Key Issues

Scope of Review

7. As discussed in the previous section, the Review Panel agreed that, in order to address the negative perception surrounding ‘the Jersey Way’, it would focus on three specific areas which had been presented to it through evidence received in its previous review. These are as follows:
 - a) Complaints systems within the Government of Jersey, Courts System, Parish Administrations and States Assembly
 - b) Redress available for members of the public who have a complaint upheld within the Government of Jersey, Courts System, Parish Administrations and States Assembly
 - c) Disciplinary procedures and policies for staff working within the Government of Jersey, Courts System, Parish Administrations and States Assembly.
8. The Review will therefore seek to identify each of these aspects within the four areas. It is important to note that the four areas contain many different services that are accessed by members of the public. Whilst the general scope of the review is necessarily vague in order to capture all of these areas, it is important to note that the following areas have been identified as within scope:

The Government of Jersey includes but is not limited to services in the following departments:

Chief Operating Office (COO)
Customer and Local Services (CLS)
Children, Young People, Education and Skills (CYPES)
Growth, Housing and Infrastructure (GHE)
Health and Community Services (HCS)
Justice and Home Affairs (JHA)
Non-executives and Legislature (including the Bailiff’s Chambers, Judicial Greffe, Law Officers Department, Viscounts, States Greffe and Probation and Aftercare Service)
Office of the Chief Executive (OCE)
Strategic Policy, Planning and Performance (SPPP)
Treasury and Exchequer (T&E)

The Court Service includes the following but is not limited to:

Royal Court
Magistrate’s Court
Petty Debts Court
Court of Appeal

The States Assembly includes the following but is not limited to:

Privileges and Procedures Committee
Commissioner for Standards
Committees and Panels of the Assembly (e.g., Planning, Scrutiny Panels etc.)

It is important to note that this review does not look at decisions made in the States Assembly, but it does examine the processes that relate to Members’ conduct whilst holding public office.

The Parish Administrations include the following but are not limited to:

Honorary Police
Parish Rates
Roads Committees
Applications for licences
Parish Churches (please note this only relates to those that receive Parish funding)

9. A further key issue that was agreed as requiring consideration by the Review Panel was to ascertain whether or not these systems are clear and accessible to the general public as well as whether they are in keeping with best practice.
10. Finally, in keeping with the IJCI recommendation that emphasis should be given on consultation with the wider community in order to address the negative perception of the 'Jersey Way' on a lasting basis, the Review Panel agreed that the review should also focus on what was being done within the four areas of public administration in order to tackle these issues, as well as the recommendations of the IJCI.

Methodology

11. It is important to note that the Review Panel's work, much like many areas of public policy and services, has been impacted significantly by the ongoing COVID-19 pandemic. The review was intended to be launched in March 2020, however, due to the advent of the pandemic and the requirement for a co-ordinated response to it, this was delayed until June 2020.
12. The Panel conducted a public call for evidence which encouraged members of the public to come forward and explain their experience of complaints systems within the four key areas (both positive and negative). For clarity, the Panel made specific reference within its call for evidence that it would not be able to assist in the resolution of individual cases, however, the information received would be utilised to inform lines of questioning in relation to the structures and processes currently in place. The Panel's Terms of Reference, or 'objectives' for the review can be found in Appendix 1.
13. The Review was launched on 18th June 2020 and extended until the end of November 2020 due to the ongoing pandemic. The Panel also wrote to key stakeholders within the four areas for an overview of the systems and processes in place with respect to complaints, redress and disciplinary procedures.
14. Due to the sensitive nature of the issues being raised within these submissions, the Panel also received a number of requests from members of the public to attend private hearings to discuss their individual cases. As such, the Panel received six individuals to discuss their cases in person. These meetings were all carried out between June and October 2020 and transcripts of them were produced. Due to the sensitive nature of the personal cases, the Panel only published one transcript with the permission of the person giving evidence. The other transcripts, whilst not directly referenced within this report, have been used in order to inform lines of questioning with other key stakeholders.
15. In order to test the information received from submissions and private hearings, the Panel held a series of public hearings with key stakeholders within the four areas. These included the Chief Minister, Bailiff of Jersey, Attorney General, Judicial Greffier and Chair of the Comité des Connétables. The Chair of the Privileges and Procedures

Committee was invited to attend a hearing; however, it was subsequently agreed that the level of detail contained within the submission from the Committee was sufficient.

16. The Panel would like to thank all who contributed to its review. It would especially like to thank the members of the public who gave their time to explain their stories, some of them incredibly difficult and distressing. It would also like to place on record its thanks to those who came in to speak directly with it and again explain difficult and emotionally distressing stories and experiences. Finally, the Panel would like to express its gratitude to the key stakeholders from the four areas for engaging so constructively with it during the course of this review.

5. Overview of current systems

17. The following section provides an overview of the various systems in place within the four key areas examined by the Review Panel. This will focus first on the complaints procedures and then examine the types of redress available and finally the disciplinary procedures in place within each area. It should be noted that this section does not contain feedback from submissions as this will be addressed in the next section of the report.

5.1 Government of Jersey

18. As outlined in the previous section, the Government of Jersey is the catch all term to describe the departments which fall under the executive arm of the States of Jersey. It is important to note that, whilst the Government of Jersey does relate to Ministers and their corresponding remits and departments, it does not extend to the States Assembly as a whole.



5.1.1 Complaints Systems

19. The Review Panel began discussing the scope of this review in late 2019, shortly after the Government of Jersey had launched its new Customer Feedback Policy in September 2019.¹ It was explained to the Panel that the purpose of this new policy was to identify and resolve issues and improve future service. The report will therefore comment specifically on the structures currently in place within this section.

20. The Government of Jersey's [Customer Feedback Policy](#) is accessible through the gov.je website and sets out the purpose and scope of the policy. The policy purpose is set out as follows:

The purpose of this policy is to:

- *Document the position of the organisation in relation to the management of customer feedback*
- *Make it easy for customers to provide feedback*
- *Support a simple and consistent approach to complaint handling as part of the One Gov initiative*
- *Ensure that complaints are dealt with in a fair, unbiased, timely and confidential manner*
- *Enable the organisation to use the insight received to understand the needs of our customers and improve service, satisfaction and performance*²

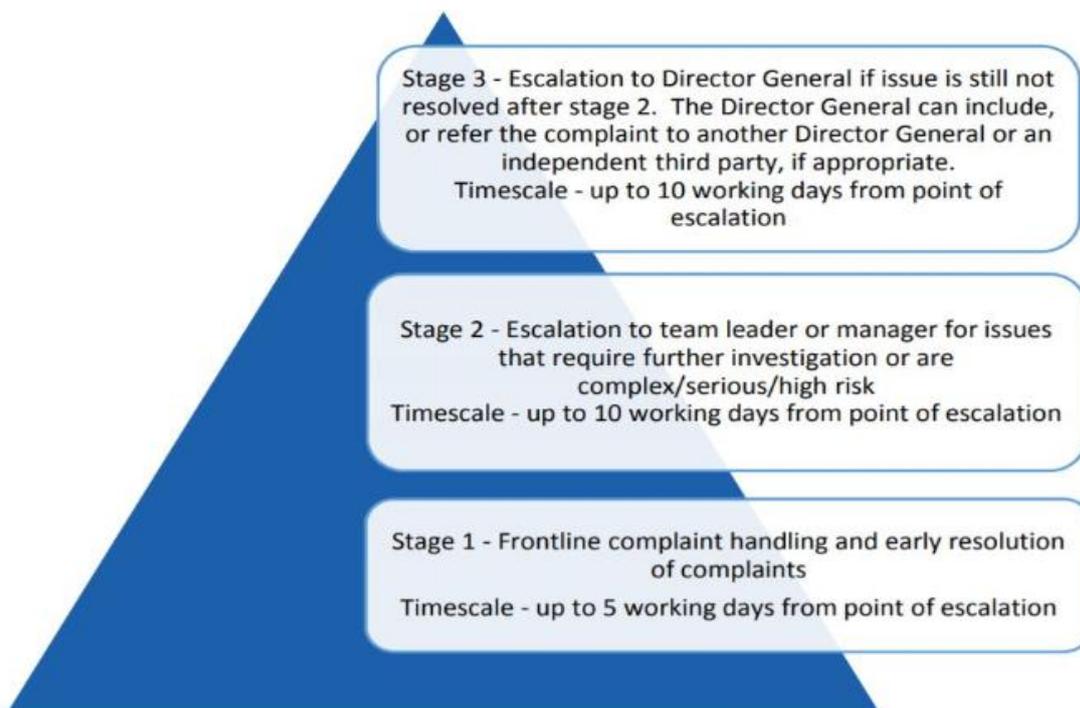
21. The scope of the policy relates to the standard of service provided by Government services, how services and processes are administered, the advice given by services, behaviour of staff, any action or lack of action by staff affecting a customer or group of customers of the department and feedback on policy or law. It should be noted that the policy does not cover the following matters:

¹ [Government of Jersey Overview of Systems – 9 March 2021](#)

² [Gov.je – Customer Feedback Policy](#)

- *Feedback about services that were provided over 12 months prior to the feedback being received*
- *Staff complaints about interviews*
- [Whistleblowing](#)
- [Code of conduct complaints](#)
- *Responses to requests for feedback given as part of a consultation process*
- [Requests for information made under the Freedom of Information \(Jersey\) Law 2011](#)
- [Subject access requests](#) made under the Data Protection (Jersey) Law 2018
- *Matters that are the subject of current or past legal action*
- *Disagreements with decisions where a formal right of review and/ or appeal exists*
- *Complaints about General Practitioners*
- [Complaints about Crown Officers and complaints about the Law Officers Department](#)
- [Complaints about decisions or conduct of the Viscount, the Deputy Viscount or the Judicial Greffier in the performance of their functions](#)
- [Complaints about States Members or, the Greffier or Deputy Greffier of the States](#)
- *Complaints about the decisions made by, and statutory services provided by the Superintendent Registrar*
- *Complaints about States of Jersey police officers and organisational Complaints about the States of Jersey Police, and*
- *Complaints that fall under the remit of the Health and Safety Inspectorate or Trading Standards³*

22. The Policy goes on to explain the three levels of handling a complaint and the expected timescales for the complaint to be handled, as follows:



³ [Gov.je – Customer Feedback Policy](#)

23. The policy also states that in some cases (particularly complex ones that require a specialist level of investigation at stages two and three) resolution of the complaint may take longer than the timescale stated in the policy. In these cases, it is expected that customers must be kept informed of any extended timescales and progress throughout.⁴ Furthermore, it is stated that complainants will be informed of any internal or external review options available to them as an alternative means to resolving a complaint. In the event that a complainant wishes to withdraw a complaint, this can be done so at any time and a written record of any oral conversations will be made.
24. The policy is intended to be reviewed on an annual basis.

Finding 1

The Government of Jersey launched a new Customer Feedback Policy in September 2019 which sets out the expectations of the complaints procedure and timescales for resolution of issues. At this stage it is not possible for the Panel to state whether or not the policy is effective.

Finding 2

The Government of Jersey Customer Feedback Policy contains a three-stage model for the resolution of complaints. The policy places a focus on early resolution of a complaint where possible, with the option for the complaint to be escalated if required. Should a complaint reach the third stage of the policy then this is ultimately escalated to the Director General of the respective department who may in turn refer the complaint to another Director General to resolve.

25. The Panel queried the number of avenues open to a member of the public in order to make a complaint with the Chief Minister during a public hearing and was provided with the following information:

Group Director, Customer Services:

In terms of how a member of the public makes a complaint, for us what is really important is that we make it as easy as possible for customers to make complaints, so therefore we accept complaints through a number of channels. We do have a simple online form at gov.je/feedback but equally we welcome complaints, whether it is in person, by telephone, by email, in writing. We have improved the content of our website significantly over the last few years to really try and make it easy for people to know how to make a complaint. Previously someone would need to know the department within which their service related to around making a complaint. Now the customers are encouraged to just tell us where they have encountered issues, what their problems are, and we will make sure that we triage it and that it is given to the right person who can sort out their complaint.⁵

26. The Panel notes that complaints can be made through a number of avenues which opened up questions in relation to how complaints are tracked and managed by the Government of Jersey. It was explained during a public hearing with the Chief Minister

⁴ Gov.je – Customer Feedback Policy

⁵ [Transcript – Chief Minister – 15th March 2021](#)

that the data available prior to the introduction of the new customer feedback policy was not always available to the Government.⁶ The Panel was provided with the following table which highlighted the data that had been collected since and prior to the introduction of the policy:

Department	Post Policy		Pre Policy		
	2020	2019 (Oct – Dec)	2019 (Jan – Sept)	2018	2017
Health and Community Services	390	n/a	n/a	n/a	233
Treasury and Exchequer	247	57	n/a	n/a	25
Customer and Local Services	218	120	133	255	301
Infrastructure, Housing and Environment	136	25	44	75	36
Office of the Chief Executive	86	1	12	n/a	n/a
Children, Young People, Education and Skills	53	8	n/a	57	n/a
Justice and Home Affairs	44	19	14	12	19
Chief Operating Office	16	1	2	1	n/a
Non-Ministerial Departments	9	2	n/a	n/a	n/a
Strategic Policy, Planning and Performance	1	0	3	n/a	n/a
Sub Total		233	208		
Total	1200	441		400	614

27. The data available clearly points to an increase in recorded complaints across all departments since the adoption of the policy. The reason for this was explained during a public hearing with the Chief Minister by the Group Director, Customer Services:

But what for me is important is to look at - the reason I have got on this table - where we have come from, in some cases that historical data unfortunately is not available, so it is slightly patchy. But it is to show that pre-policy our numbers that we were recording was significantly lower. That does not mean that we are getting double the number or triple the number of complaints now. What it means is that we are being far more diligent about recording everything, even complaints that we resolve straightaway at the first port of call.⁷

⁶ [Transcript – Chief Minister – 15th March 2021](#) p.6

⁷ [Transcript – Chief Minister – 15th March 2021](#) p.6

Deputy R.J. Ward:

Are you confident that the system that you are using there is more robust, that it will track effectively and importantly that staff know that that system is there and are supportive of it? If you like, have bought into the process.

Group Director, Customer Services:

I would say we are significantly further forward. We do still have some way to go in terms of making sure that it is fully used across all departments. But I think we are in a strong place with the system. There are enhancements we want to make to it and that is taking place at the moment. We have had these enhancements, which will make reporting even more robust and will give us greater data that we almost crave to make sure we can do that wider lessons learnt piece.

Finding 3

The Government of Jersey is able to collect substantial data in relation to the new Customer Feedback Policy which tracks complaints numbers across the various departments. Since the introduction of the policy, the number of recorded complaints has increased. The Government sees this as being a result of the policy providing more accurate data and highlights one of the potential deficiencies of the previous policy not being as effective.

28. The Government of Jersey has also laid out the expectations of all staff when dealing with a complaint by a member of the public or service user within the policy. The table provided in Appendix 1 sets out the expectations of staff at each level.
29. The Government of Jersey also sets out its commitment to ensure that all staff are made aware of the Customer Feedback Policy and departmental procedures through the induction process and training sessions. It also provides that staff who are handling customer feedback are trained and given the tools to resolve complaints when received.⁸ Effective supervision, guidance and feedback on their work and support by their line manager and leadership team should also be provided to staff.

5.1.2 Redress

30. The term 'redress' as defined by the Oxford English Dictionary relates to the remedy or setting right of an undesirable or unfair situation. Ultimately, redress takes on many forms depending on the situation in question. For some situations, redress may simply be a case of correcting an incorrect action (e.g., correcting under or over payments in a financial transaction), in others it may involve far more complex actions or deliberations in order to achieve a remedy.
31. In the context of the Government of Jersey and the forms of redress it has available, in the first instance, noting the Customer Feedback Policy as set out above⁹, redress should be achieved through discussion with front line staff and resolution of the complaint. Furthermore, if a complaint is not able to be resolved in this manner, escalation to more senior managers is possible as noted above.

⁸ [Gov.je – Customer Feedback Policy](#)

⁹ [Gov.je – Customer Feedback Policy](#)

Redress scheme

32. A new, non-statutory, Government of Jersey redress scheme was launched on 1st July 2019 to provide ex-gratia payments to people who, as children, were abused or suffered harm between 9th May 1945 and 31st December 2005 while a resident in a Government of Jersey children's home, while in a Government of Jersey foster care placement, or while accommodated at Les Chênes secure residential unit. The aim of the redress scheme was to offer access to fair redress for people who suffered abuse via a scheme which is easy to access and reduce the risks associated with people progressing to action in the civil courts.¹⁰
33. The scheme was open to applications until the end of June 2020 and closed on 31st August 2020. Up to £2.7m was set aside in central contingency for the scheme in 2019, with total estimated spend being c.£6.5 million. This was the Government of Jersey's second redress scheme; the first was restricted to residential care up to 1994, excluding foster care, the harsh regime at Les Chênes and abuse in residential care after 1994, all of which were features of the subsequent IJCI findings. Applicants who received an award must confirm they accept payment as full and final settlement of their claim (i.e., they cannot subsequently go to Court to seek other compensation for the abuse or harm suffered).¹¹
34. A [closing report](#) on the scheme was presented on 6th October 2021 and captured the learning from the Government of Jersey Redress Scheme.

Finding 4

The Government of Jersey launched a new, non-statutory redress scheme in 2019 to provide ex-gratia payments to people, who as children, were abused or suffered harm between 9th May 1945 and 31st December 2005 while a resident in a Government of Jersey children's home, Government of Jersey foster care placement or while accommodated at the Les Chênes secure residential unit. The closing report on the scheme was presented on 6th October 2021.

Finding 5

Applicants that settled a claim as part of the Government of Jersey's redress scheme must confirm acceptance of payment as full and final settlement of their claim and cannot, therefore subsequently seek further compensation for abuse or harm suffered through the courts system.

5.1.3 Disciplinary Procedures

35. The Government of Jersey utilises a disciplinary procedure which covers all employees of the States of Jersey on permanent or non-permanent contracts. It does not apply to those who are covered by separate disciplinary procedures (e.g., States of Jersey Police), staff employed on a locum or contract for services basis, voluntary staff and those on zero hours contracts. The Panel was provided with the latest version of the policy and notes that it, at the time of receipt, the policy was under review. As far as the Panel can establish through its review, this is an internal document which is not available to the general public.

¹⁰ [Government of Jersey Overview of Systems – 9 March 2021](#)

¹¹ [Government of Jersey Overview of Systems – 9 March 2021](#)

36. The Disciplinary Policy (hereafter, 'the policy') sets out its purpose and aims, as follows:

- Provide clear guidance to managers and employees about the disciplinary procedure and how the associated investigation process should operate;
- Eliminate or reduce unacceptable behaviour and/or conduct;
- Ensure equality and consistency with regard to the management of breaches of the relevant codes of conduct applicable to the employee.

37. Furthermore, a standard set of underpinning principles have been developed for this Policy and apply to all States of Jersey Human Resources Policies, terms and condition of service.

In addition, the following principles also apply:

- No formal disciplinary action will be taken against an employee without a prior investigation (see glossary) and a hearing where appropriate.
- No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct where the sanction may be dismissal without notice.
- The employee may be accompanied or represented by a workplace colleague or a recognised Trade Union representative, at all stages of the procedure, including the investigation stage.
- Legal Representatives are not recognised at any stage of the policy and associated procedure, save in exceptional circumstances relating to fitness to practice, which must be agreed with Employment Relations.
- The procedure must be completed within a suitable timeframe and cannot be protracted due to a lack of availability of a person on either the Employer or employee side.
- If the employee fails to attend a Disciplinary or Appeal Hearing, depending on the circumstances, the hearing may take place in their absence.

38. Where there is a case for the disciplinary procedure to be utilised, in the first instance, this will be undertaken on an informal basis by the line manager of the employee under investigation. The investigation process itself, if informal actions do not resolve the behaviour or concerns over conduct, is chaired by a manager outside of the department in which the employee is situated. The States Employment Board reserves the right to suspend or redeploy an employee at any stage during the disciplinary procedure, during which time full pay and allowances will continue to be provided to them. It is also noted that any suspension will be kept under regular review.

39. The policy sets out the procedures that must be followed in the event of an investigation and also sets out the expectations of employees at various levels when engaging with the policy. Appendix 2 sets out the procedures in detail for the investigation process, however, the outcomes of an investigation are at various levels as follows:

Informal action and outcome

OUTCOME	SANCTION
No action, where there is no case to answer	There is no sanction imposed.
Informal warning	Valid for 6 months, except in instances of safeguarding, where this remains indefinitely.

Formal action and outcome

OUTCOME	SANCTION
No action, where there is no case to answer	There is no sanction imposed
Written warning	Valid for 9 months, except in instances of safeguarding, where this remains indefinitely.
Final written warning	Valid for 12 months except in instances of safeguarding, where this remains indefinitely.
Dismissal	The employee's contract is terminated with or without notice

40. In the event of a dismissal (except in cases of gross misconduct), the employee will be paid in lieu of notice. It is noted in the policy that criminal charges are not grounds for immediate dismissal, however, the employee's line manager and HR representative should consider the impact of the charge and context of it on a person's employment.
41. Employees have the right of appeal in the disciplinary process, and this extends to appeal against all formal stages of the disciplinary process and the right for them to appear personally in front of an Appeal Hearing, either alone or accompanied by a recognised Trade Union representative or workplace colleague. The appeal should be heard by the next level of management in terms of seniority to the Manager who conducted the original Disciplinary Hearing. In the case of dismissal, the appeal will be heard by their Chief Officer or their senior nominee.
42. An Appeal Panel may, in upholding an appeal, impose a lesser sanction, however, it cannot impose a greater sanction than that which is being appealed against. If an employee is reinstated following an appeal against dismissal, they will be reinstated from the date of dismissal and contractual pay will be restored taking into account any pay received in lieu of notice. The decision of the Appeal Hearing is final.

Finding 6

The Government of Jersey disciplinary policy is an internal document which, as far as the Panel can establish, is not available to the general public on the gov.je website. The policy itself, sets out clearly the processes to be followed in the event of a disciplinary procedure.

Recommendation 1

In order to enhance openness and transparency with the general public as to the disciplinary procedures for Government of Jersey employees, the Chief Minister should seek to publish the policy on the Government website by the end of January 2022.

Code of Conduct

43. A Code of Conduct for all States Employees is available on the gov.je website and sets out the expectations of staff working for the Government of Jersey and all those employed by the States Employment Board. The Guiding Principles of the code of conduct are as follows:

- **Selflessness:** *You must take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for yourself, your family or your friends.*
- **Integrity:** *You must not place yourself under any financial or other obligation that would influence you in the performance of your official duties.*
- **Objectivity:** *In carrying out your duties, including appointing people to posts within the States of Jersey, awarding contracts or recommending individuals for rewards and benefits, you must make those choices on the basis of competency to do the job.*
- **Accountability:** *You are accountable for your decisions and actions and must submit yourself to whatever scrutiny is appropriate to your level of responsibility.*
- **Honesty:** *You must declare to your manager any private interests that relate to your duties and take action to resolve any conflicts arising in a way that protects the public interest.*
- **Confidentiality:** *You must maintain confidentiality in respect of the information that you obtain as a result of your duties and only divulge it in accordance with States policy.¹²*

44. The Panel notes that the Code of Conduct accessible on the gov.je website is dated May 2002. The document itself appears outdated and the Panel has been unable to determine if it has been updated since 2002¹³. Whilst the guiding principles of the Code of Conduct are in keeping with practices (such as the Nolan Principles of Public Life), the Panel would state that an updated version to reflect advances in working practices (including use of social media etc.) since 2002 should be brought forward.

Finding 7

The Code of Conduct for States of Jersey Employees which is available on the gov.je website is dated May 2002. This is significantly out of date and the document itself does not take into account changes in working practices (e.g. the use of modern systems such as social media) which require direction and expectations in relation to staff conduct with the Government of Jersey and non-ministerial departments.

¹² [Code of Conduct – States of Jersey Employees](#)

¹³ [Code of Conduct – States of Jersey Employees](#)

Finding 8

The design and feel of the Code of Conduct document available on the gov.je website is outdated and is not in keeping with a modern organisation or advances made by the Government in its own communication and branding initiatives.

Recommendation 2

The Chief Minister should, by the end of 2022, ensure that the Code of Conduct for States of Jersey employees is updated to include specific reference to changing working practices of employees in 2021. It should also contain specific expectations of staff when engaging with social media platforms whilst at the same time protecting freedom of expression and human rights.

5.2 Jersey Court Service

45. The 'Jersey Court Service' is a catch all term to describe a number of services in the Island that deal with judicial services. In the context of this report, it is important to note that when reference is made to the Jersey Court Service, the Panel is looking at the services which fall under the description on page 2 of the introduction. The Judicial Greffier in his submission to the Panel noted that the Bailiffs Chambers and Viscounts Department also deal with matters relating to the courts. The Panel has therefore sought to examine these as well.



5.2.1 Complaints Procedures

Judicial Greffe and Viscount's Departments

46. Within the submission from the Judicial Greffier¹⁴, the process for a member of the public to make a complaint about the Jersey Court Service was outlined and can be found on the [gov.je website](http://gov.je). The process was outlined as follows:

- Members of the public are, in the first instance, advised to make contact with the relevant department via email, phone call or in writing.¹⁵
- The Department aim to resolve a person's complaint as soon as they can. However, if it needs time to investigate the complaint, they will send a letter acknowledging receipt of the complaint within three working days of concerns being raised.
- The Department commits to investigating a complaint within five working days of receiving it. This will normally involve passing the complaint to the head of the team about which the person has complained (or to that person's line manager if the complaint is about the team head)
- The team head will either speak to the complainant by telephone or invite them to a meeting to discuss, and hopefully resolve, the complaint
- Within three days of the telephone call or meeting, the team head will write to the person to confirm what was discussed and any outcomes which have been agreed with them.
- If it's not possible to deal with the matter by telephone or a meeting, the team head will send the person a detailed written reply to their complaint, including suggestions for resolving the matter, within ten working days of sending the acknowledgement letter
- If the complainant is still not happy with the outcome of their complaint, they are advised to inform the department. Depending on the nature of the matter, the department may at that stage refer the complaint to another senior member of staff to review the decision.
- The Department commits to write to the complainant within ten working days of receiving their request for a review, confirming their final position on the complaint and explaining their reasons

¹⁴ Submission – Judicial Greffier

¹⁵ Submission – Judicial Greffier

- If the complainant is still unhappy with the outcome, they are advised to inform the department and they will advise the complainant of the further steps that they can take¹⁶
47. Should there for any reason be a change to the timescale in any part of this procedure, the Department commits to informing the person and explaining the reason for the change to the timescale.¹⁷
48. In his submission to the Panel, the Judicial Greffier explained that, in order to keep a record of the complaint, a number of internal documents are produced to this effect. Firstly, a customer complaint form is provided to the complainant to complete which sets out the nature of the complaint, the member of staff involved in the complaint, when the incident took place and how the complainant wishes to proceed in dealing with the complaint.¹⁸ Furthermore, a Complaints Management Checklist is kept by the department to show the process that was followed, and a Complaints Register Form is used to record the complaint and its outcome.¹⁹
49. The Panel also understand that members of staff within the Judicial Greffe and Viscount's Department are also bound by the Code of Conduct for States of Jersey employees as outlined in the previous section.

Finding 9

The Jersey Court Service Staff (Judicial Greffe and Viscount's) are bound by broadly the same complaints procedure as the Government of Jersey. The Code of Conduct for members of staff working within these services is also the same as that for other Government of Jersey employees.

Judiciary Complaints System

50. A separate complaints process is kept in relation to complaints a member of the public may have about the conduct of the Judiciary. It is important to note that there are currently two complaints processes in this regard. The first, is a process for members of the public to make a complaint about a [member of the Judiciary](#) (e.g. a Commissioner of the Royal Court, Jurat or Magistrate) and the other sets out the process for making a complaint about the [Bailiff or Deputy Bailiff](#). Members of the Judiciary are bound by a [Code of Conduct](#)²⁰ a copy of which can be found in Appendix 3 of this report.
51. In his submission, the Bailiff of Jersey explained that if a person was aggrieved by a judicial decision then they would have access to the rights of appeal or review in accordance with settled legal principles.²¹ It is noted that these rights are found in statute. If the complaint, however, relates to the behaviour or conduct of a judge then this would often fall outside of the appeals process and would instead be the subject of a judicial complaint.²²

¹⁶ [Overview of Jersey Court Service Complaints Process – gov.je](#)

¹⁷ [Overview of Jersey Court Service Complaints Process – gov.je](#)

¹⁸ Submission – Judicial Greffier

¹⁹ Submission – Judicial Greffier

²⁰ [Judicial Code of Conduct](#)

²¹ Submission – Bailiff of Jersey

²² Submission – Bailiff of Jersey

52. If there is a breach of the Judicial Code of Conduct, a person wishing to make a complaint may do so in writing to the Bailiff of Jersey.²³ If the person's complaint relates to the conduct of the Bailiff or Deputy Bailiff, then they are required to make the complaint in writing to His Excellency the Lieutenant Governor.²⁴ It was further explained by the Bailiff of Jersey that the Judicial Code in its current form dates from 2017, however, at the time of writing this report, the Panel was informed that this was under review and it was expected that a revised version would be adopted later in 2021.²⁵
53. Upon examining these two complaints processes, the Panel notes that they are available in the public domain on the gov.je website. However, the documents are written in a distinctly legal manner and, as such, are not particularly accessible for people who may not be familiar with this type of documentation. Furthermore, there does not appear to be an overview of the procedure to aid accessibility. The Panel would suggest that in order to enhance transparency and accessibility of these processes, a simplified, non-legalese version of the process should be brought forward and provided on the gov.je website.

Finding 10

The Bailiff and Deputy Bailiff are subject to a separate complaint's procedure to that of the rest of Judiciary. Whilst complaints about members of the Judiciary are handled by the Bailiff of Jersey, complaints about the Bailiff or Deputy Bailiff are handled by the Lieutenant Governor.

Finding 11

The complaints process as set out on the gov.je website for members of the Judiciary and the Bailiff and Deputy Bailiff are written in a distinctly legal style and, as such, do not appear to be particularly accessible for individuals without knowledge of this style of documentation.

Recommendation 3

In order to enhance the accessibility of the complaints processes for the Bailiff, Deputy Bailiff and Members of the Judiciary, the Panel recommends that the Bailiff of Jersey produce a more accessible version (such as a flow chart) explaining how members of the public can make a complaint about a member of the Judiciary in line with best practice in other jurisdictions. This should also set out the timescales for each stage of the complaints process and who has responsibility at each stage of the process.

Law Officers' Department

54. The Panel was informed in the submission from the Attorney General that the Law Officers' Department adheres to the Lexcel Client Care Standard for complaint handling. It was explained that Lexcel is a recognised set of quality standards established by the England and Wales Law Society, covering the seven areas of legal practice management:²⁶
- Structure and Strategy;
 - Financial Management;

²³ [Judicial Complaints Process](#)

²⁴ Submission – Bailiff of Jersey

²⁵ Submission – Bailiff of Jersey

²⁶ Submission – Attorney General

- Information Management;
- People Management;
- Risk Management,
- Client Care and;
- File and Case Management.

55. The Panel was further informed that, in 2019, the Department applied for Lexcel accreditation, and submitted its policies and procedures for scrutiny by an independent UK assessor who visited the Department, interviewed staff and reviewed cases²⁷. It was noted that the review included an examination of the Department's complaints procedure and the assessor concluded that the Department complied with all the Lexcel Standards with the result that the Department was awarded Lexcel accreditation at its first attempt in October 2019.²⁸

56. It was also explained to the Panel that standards in relation to the work undertaken by the department both in relation to its role as legal adviser to the States Assembly and the States of Jersey Police Force were set out within service level agreements. The Attorney General highlighted the following extracts as pertinent to complaints processes where an issue was raised with the Law Officers' Department:

Service Standards for the Law Officers' Department Civil Division instructing departments:

Complaints

- a) If the Department is dissatisfied with either the quality or the timeliness of the advice, then this should be raised with the relevant Senior Legal Adviser in the first instance if the advice has been provided by a Legal Adviser. If the dissatisfaction relates to the work of a Senior Legal Adviser, the complaint should be made to the Director of the Civil Division.*
- b) All lawyers employed in the LOD are required to abide by the Code of Conduct which is available to view on the States of Jersey website, where the procedure for dealing with complaints about alleged breaches of the Code is also found.²⁹*

Service Level Agreement for the Criminal Division with the States of Jersey Police:

Escalation

- a) In the event that SOJP is dissatisfied with either the quality or the timeliness of advice from a Legal Adviser, it should be raised in the first instance with the Head of the Magistrate's Court Team. If the dissatisfaction relates to the work of a Crown Advocate, it should be raised in the first instance with the Director of the Criminal Division.*
- b) All lawyers employed in the LOD are required to abide by the Code of Conduct which is available to view on the States of Jersey website, where the procedure for dealing with complaints about alleged breaches of the Code is also found.³⁰*

²⁷ Submission – Attorney General

²⁸ Submission – Attorney General

²⁹ Submission – Attorney General

³⁰ Submission – Attorney General

57. Any complaints in relation to the Attorney General or Solicitor General are dealt with separately as Crown Appointments. As with the complaint's procedure in relation to the Bailiff and Deputy Bailiff, the point of contact for a complaint in respect of these roles is His Excellency the Lieutenant Governor.³¹ The Panel notes that the procedure for raising a complaint is, as with the procedure for the Bailiff and Deputy Bailiff, written in a distinctly legal manner and, whilst it is available in the public domain, is not a particularly accessible document for someone who is not familiar with that style of writing or documentation.

Finding 12

The Law Officers' Department is accredited through the Lexcel Client Care Standard and has been since October 2019. This accreditation process reviewed the department's complaints procedure and concluded that it complied with all standards.

Finding 13

The Law Officers' Department has service level agreements in place with Government of Jersey Departments and the States of Jersey Police which set out processes for handling complaints and any associated escalation in relation to dissatisfaction with the work of the department.

Finding 14

A complaint in relation to the Attorney General or Solicitor General, as with the Bailiff and Deputy Bailiff, should be made in writing to His Excellency the Lieutenant Governor who is responsible for undertaking any formal disciplinary procedures in that regard. The documents relating to the processes are written in a legal style and do not appear to be particularly accessible for members of the public.

Recommendation 4

In order to enhance the accessibility of the complaints processes for the Attorney General and the Solicitor General the Panel recommends that consideration should be given by the Attorney General to produce a more accessible version (such as a flow chart) explaining how a complaint can be made. This should also set out the timescales for each stage of the complaints process and who has responsibility at each stage of the process.

5.2.2 Redress

58. When considering redress within the court system it is important to differentiate between two matters which can often become blurred; those being satisfaction with the outcome of a judicial decision and dissatisfaction with the conduct of a member of staff they may have dealt with.

59. The Judicial Greffier explained that, in the event a member of the public is still dissatisfied with the outcome of the complaints process and a member of staff, there are several steps that can be taken to escalate the complaint. Should the process as set out in the previous section not satisfy the complainant then they are able to refer

³¹ [Complaints Process – Attorney General and Solicitor General](#)

this upwards to the Judicial Greffier who would in turn raise this with the Bailiff of Jersey for final review.³²

60. Where a complaint is upheld against a member of staff, it was explained to the Panel that the Judicial Greffe utilise a 'lessons learned' approach. This is described as follows:

*“whilst errors should always be kept to a minimum, when they do occur, we review how they came to arise and how they can be avoided in the future. Where that requires either a policy change or individual training, that would be undertaken.”*³³

61. The Judicial Greffier explained that, in the event that an investigation concludes that a member of staff has acted in a manner which requires disciplinary action, then the Judicial Greffier with the assistance of the HR Business Partner will commence the disciplinary process in line with the States of Jersey HR policies.³⁴

Redress in cases of Judicial appeal or review

62. As set out in the Bailiff's submission to the Panel, if a person is dissatisfied with the outcome of a judicial decision, then, as per the [Court of Appeal \(Jersey\) Law 1961](#), they are able to raise the decision for either appeal, or judicial review. The right to appeal is set out in Article 24 of the Law as such:

24 Right of appeal

- (1) *A person convicted on indictment by the Royal Court, whether sitting with or without a jury, may appeal under this Part to the Court of Appeal –*
- (a) *against the person's conviction, on any ground of appeal which involves a question of law alone;*
 - (b) *with the leave of the Court of Appeal, or upon the certificate of the judge who presided at the person's trial that it is a fit case for appeal, against the person's conviction, on any ground of appeal which involves a question of fact alone, or a question of mixed law and fact, or on any other ground which appears to the Court to be a sufficient ground of appeal; and*
 - (c) *with the leave of the Court of Appeal, against any sentence passed on the person for the offence (whether passed on his or her conviction or in subsequent proceedings), unless the sentence is one fixed by law:*

Provided that where the appellant was –

- (i) *convicted and sentenced by the Inferior Number of the Royal Court, or*
- (ii) *sentenced by that court in pursuance of powers conferred by any enactment mentioned in Article 25,*

63. Upon further investigation into the process for accessing the Court of Appeal, the Panel was unable to find any information on the gov.je website in relation to the process for

³² Submission – Judicial Greffier

³³ Submission – Judicial Greffier

³⁴ Submission – Judicial Greffier

an individual to access the right of appeal. As stated previously in relation to the judicial complaints processes, the documentation relating to the Court of Appeal is contained within the overriding Law and, as such, is drafted in language which is not particularly accessible to members of the public without knowledge of legal documentation. It is the view of the Panel that this may in fact contribute to the view of some that the judicial system of the Island appears to not be transparent or accessible unless the person has a background in or understanding of legal terminology.

Finding 15

In the event that a complainant's complaint is not resolved to their satisfaction within the Jersey Court Service, it can be escalated to the Judicial Greffier who will in turn provide the outcome of any decision to the Bailiff for final approval.

Finding 16

The Court of Appeal (Jersey) Law 1961 sets out the manner in which an appeal of a judicial decision can be made. As far as the Panel has been able to establish, there is no summarised version of this Law and, given that the only version accessible to the public is the legislative text itself, this does not appear to be particularly accessible for individuals without knowledge of this style of documentation.

Recommendation 5

The Chief Minister, as Minister for Justice, should seek to establish a document, to be published on the gov.je website, which sets out in plain English, the process by which a person may appeal a judicial decision made against them. This should be completed by the end of Q4 2022.

5.2.3 Disciplinary Procedures

Court System

64. The Court System, as described in the open paragraphs of this section, employs the same disciplinary procedure as the Government of Jersey as set out in the previous section of this report.³⁵ As such, the process as set out in section 5.1.3 would also apply to a member of staff working within the Judicial Greffe or Viscount's Department. The Code of Conduct for employees of the Government of Jersey also applies to staff working within the Judicial Greffe and Viscount's Departments.

Finding 17

Staff working with the Jersey Court Service are bound by the same disciplinary procedures as Government of Jersey employees. Similarly, the Code of Conduct for employees utilised by the Government of Jersey also applies to staff working within the Court Service.

³⁵ Submission – Judicial Greffier

Judiciary Disciplinary Procedures

65. As set out in the previous section in relation to complaints against the Judiciary, the Judicial Code of Conduct (set out in Appendix 3 of this report) provides an outline of the code of conduct and expectations of the Judiciary. In the event that an investigation is required into the conduct of a member of the Judiciary, the Bailiff will take this forward and may convene a Panel (as per the definition in section 1 of the process) of three 'Qualified Persons'³⁶, one of whom is appointed the Chair.
66. Subject to the investigation by either the Bailiff or the Panel, a number of actions may be taken as per [paragraph 37](#) of the process, ranging from no further action, suspension, continuance of office subject to conditions or ultimately dismissal from the role. The same process is also followed in relation to a disciplinary procedure against the Bailiff or Deputy Bailiff, with the only exception being, in the case of dismissal, application is made by the Lieutenant Governor to remove the letters patent appointing the Bailiff.^{37 38}

Finding 18

In the event that a disciplinary investigation is required into a member of the Judiciary, this will be undertaken by the Bailiff who may in turn convene a Panel of 'Qualified Persons' to undertake the inquiry. Subject to this investigation, either the Bailiff or the Panel may raise any actions ranging from no further action through the dismissal. A similar process is applied for disciplinary investigations into the Bailiff or the Deputy Bailiff, however, the Lieutenant Governor holds responsibility for conducting the investigation or convening a Panel to do so.

Recommendation 6

The Qualified Persons that comprise a Panel to undertake an inquiry into disciplinary matters within the Judiciary has the possibility of being comprised solely of current or former Jersey judges. The Panel would suggest that this definition is revised in order to ensure that all disciplinary investigations are undertaken by external and independent judges. This would assist in removing the negative perception of the 'Jersey Way'.

Law Officers' Department

67. The submission from the Attorney General also set out the specific policies, all available on the gov.je website in relation to the code of conduct for all staff working in the department which is the same as the Code of Conduct for all States of Jersey employees.³⁹ On top of the Code of Conduct for all staff there is also an additional [Code of Conduct for Lawyers working in the Law Officers' Department](#).
68. It is noted that these codes of conduct, complaints procedures and disciplinary procedures are all available to the public on the gov.je website. All staff at the

³⁶ Qualified persons are set out as '(a) a permanent judge or former permanent judge of the Crown Court or High Court of England and Wales or of a higher court in that jurisdiction; (b) a permanent judge or former permanent judge of a court equivalent to those mentioned in (a) in Scotland, Northern Ireland, any of the Crown Dependencies including Jersey, or any other Commonwealth jurisdiction; (c) an ordinary judge or former ordinary judge of the Jersey Court of Appeal; or (d) a Commissioner or former Commissioner of the Royal Court.

³⁷ [Judicial Complaints Procedure](#)

³⁸ [Bailiff and Deputy Bailiff Complaints Procedure](#)

³⁹ Submission – Attorney General

Department are also subject to the same disciplinary policies and procedures as other Civil Service staff employed by States Employment Board.⁴⁰

69. The Disciplinary Code for lawyers requires all complaints to be referred to the Attorney General in the first instance. In addition, the Practice Director maintains a record of complaints received and the outcome.⁴¹ It was further explained that, in accordance with the Lexcel Standards adopted by the Department, complaints are reviewed by the Senior Management Team annually to determine whether there are any systemic issues which should be addressed. The register of complaints will be also reviewed as part of the Lexcel assessment process which, as set out earlier, includes an Annual Maintenance Visit and a reassessment every three years.⁴²
70. The Attorney General noted that the role of the department is to provide advice to Ministers, members of the Assembly, the Government of Jersey and others. It does not therefore, unlike, other departments, provide a service directly to members of the public.⁴³
71. If a complaint against a member of staff is upheld then it was explained that the member of staff might face disciplinary action pursuant to SEB policies leading to dismissal. In addition, if the individual is a Jersey Advocate or Ecrivain or is otherwise legally professionally qualified they may also face action by the relevant professional body or by the Royal Court in the most serious of cases.⁴⁴

Finding 19

All staff within the Law Officers' Department are subject to the same disciplinary procedure and Code of Conduct as Government of Jersey Employees. Lawyers within the department are, however, also subject to a separate Code of Conduct specific to that role which is overseen by the Attorney General.

⁴⁰ Submission – Attorney General

⁴¹ Submission – Attorney General

⁴² Submission – Attorney General

⁴³ Submission – Attorney General

⁴⁴ Submission – Attorney General

5.3 Parish Administrations

72. For the purposes of this report, the Parish Administrations is a term that is used as a catch all term for the 12 Parishes and their administrative functions. This relates primarily to the Connétable as administrative head of the Parish, the Honorary Police Force for each Parish and the elected officials within the Parishes (e.g. Procureur du Bien Public).



5.3.1 Complaints Procedures

73. The Panel wrote to the Comité des Connétables in order to understand what processes were in place across the Parishes in order for members of the public to make a complaint. Given that the 12 Parishes are entities in their own right, the Panel notes that there is not one standard complaints process that all of them follow such as that in place for Government of Jersey Departments. Moreover, it is noted that each individual Parish maintains its own register of complaints and this is not centralised.⁴⁵ During a public hearing with the Chair of the Comité des Connétables the Panel questioned about the process for a member of the public making a complaint within the Parish systems:

Deputy R.J. Ward:

How can a member of the public make a complaint in relation to the Parish administrations and the Parish, their experiences with the Parish in general?

Chair, Comité des Connétables:

First of all, members of the public are not slow in coming forward if they have a complaint of any kind. Be that what may be considered a minor grumble or perhaps a more serious complaint. They do that in a number of ways. They will come into the Parish Hall or the public hall or the Town Hall in person and they will speak to a member of staff. Very often, those minor grumbles are dealt with there and then at the reception area. What is a minor grumble? Potentially, perhaps that somebody's recycling has been put out that morning and not been collected. I consider that to be a minor grumble. The Parish secretary, the assistant, can deal with that very quickly and effectively and a quick call potentially to the service provider or to the Parish team and that can be resolved. The other way that a grumble or a complaint can be drawn to the attention of the Parish is through letter, through telephone call, or by email. The process is very similar of course. Email, it can be sent to the Parish address or it can be sent directly to the Constable. If such an email comes through to me, I will deal with it directly, personally, and there is a record of it, therefore.⁴⁶

74. The Panel also questioned how the Parish tracked and managed complaints with individuals and was informed that, generally, Parishes do retain a record of complaints in relation to service provision due to the fact that the Parish is paying for it to be undertaken. The Chair of the Comité des Connétables explained the following in terms of process for recording a complaint (in this instance in relation to St. Lawrence where they are Connétable):

⁴⁵ Written Submission – Comité des Connétables

⁴⁶ Transcript – Chair Comité des Connétables – 18th March 2021 – p.2

“Generally, minor grumbles, somebody comes in person, if it is rectified, if it is resolved, if they are satisfied, they go away. If it is something that they are not satisfied with, then they may ask to speak to me, in which case, if I am there and I am immediately available, they come in to see me there and then. If I am not immediately available because I am in a meeting, then a time is made for them to come in and see me. There is a record kept of those meetings. That would be filed, not in a central complaints file per se, but on the file that is pertinent to the matter about which we discussed.”⁴⁷

75. In response to a Panel question in a public hearing as to whether this was common practice across the Parishes, the Chair of the Comité des Connétables explained that in researching to respond to the Panel’s request for information it was found that this was common practice across the Parishes.⁴⁸

Finding 20

There is not a standardised complaints process in place for all of the 12 Parishes, however, it is the view of the Chair of the Comité des Connétables that the Parishes approach complaints resolution in the same manner. It is also noted by the Panel that complaints are recorded by each Parish, however, there is no standardised format across the Parishes as to how these are recorded.

Recommendation 7

The Comité des Connétables should publish a document which provides members of the public with a guide as to how their complaint will be dealt with across all 12 Parishes. This should set out clear timescales in relation to how long complaints will take to resolve, how they will be investigated in an independent manner (by officials from different Parishes if necessary) and should be presented in an accessible format (such as a flow chart).

5.3.2 Redress

76. In the response from the Comité des Connétables in relation to redress available to members of the public, the Panel was informed of an example whereby a decision taken by a Parish Assembly could be queried by the holding of a further Parish Assembly. This is when ten or more members of the Assembly make such a request in writing, dated, and mention the subject (‘sujet’) to be put forward (which must be a lawful one), and the proposition (which must relate to a matter within the competence of the Parish Assembly).⁴⁹

77. Furthermore, a list of potential situations in which a member of the public may be due redress in response to a complaint was provided to the Panel in the submission from the Comité. These include appeals against rates assessments, revocation of driving licences, firearms certificates and employment matters.⁵⁰ Further details in relation to how redress can be sought in respect of these matters is provided in the submission from the Comité de Connétables.

⁴⁷ Transcript – Chair Comité des Connétables – 18th March 2021 – p.2

⁴⁸ Transcript – Chair Comité des Connétables – 18th March 2021 – p.3

⁴⁹ Written Submission – Comité des Connétables

⁵⁰ Written Submission – Comité des Connétables

5.3.3 Disciplinary Procedures

78. It was noted in the submission from the Comité that, in their view, the primary duty of all elected officials and staff is to serve their parishioners. Furthermore, it was expected that Staff and elected officers should not behave in a way which is likely to bring discredit upon the Parish.⁵¹
79. The Panel notes that elected officers may be required to swear an oath of office in the Royal Court (or Ecclesiastical Court for church officers) - see Appendix 6 for these oaths. It was further noted by the Comité that, in doing so, officers have accordance with the public trust placed in them.⁵² A Discipline Code exists in relation to members of the Honorary Police – that is the Centeniers, Vingteniers and Constable’s Officers (see Appendix 7).
80. It is the view of the Chair of the Comité that the Connétables expect similarly high standards of all elected officers and, as part of its current review of equality and diversity training for all Parish employees and honorary personnel, is considering formalising such a code which could include:
- Honesty and integrity
 - Fairness and impartiality
 - Politeness and tolerance
 - Confidentiality
 - Criminal offences
 - Property
 - Appearance
 - General conduct⁵³

Finding 21

There is a current view amongst the Comité des Connétables that high standards are expected for all elected officials within the Parishes and consideration is being given to formalising a code in relation to the conduct of Parish officials.

Recommendation 8

The Comité des Connétables should bring forward a Code of Conduct for all elected Parish officials and employees (including the Connétables themselves) which sets out the expectations of behaviour within a Parish role and also provides further details of the current codes and policies in relation to the behaviour and expectations of Parish officials.

81. A further example was given in the submission from the Comité in relation to the Parish of St Martin which is finalising a ‘People Handbook’, a section of which includes the policies on a number of the above topics as well as Gross Misconduct, Incapacity, Diversity & Inclusion, Harassment and Bullying and Disability. The handbook applies to people in all the following posts:

⁵¹ Written Submission – Comité des Connétables

⁵² Written Submission – Comité des Connétables

⁵³ Written Submission – Comité des Connétables

- Connétable
- Parish Secretary, Parish Executive Officer & Assistant Parish Secretaries
- Procureurs
- Centeniers, Vingteniers, Constables Officers
- Registrar
- Rate Assessment Committee
- Roads Committee & Roads Inspectors
- Rector & Surveillants, Parish Church of St Martin
- Volunteers⁵⁴

82. In the submission from the Comité des Connétables, the process for the accountability of officials was described as follows:

For other elected officers and members of the municipality all complaints or concerns about the conduct or actions of such an officer/member should be addressed to the Connétable, as head of the Parish. The Connétable will seek appropriate advice and guidance, depending on the issue, and take the necessary action.⁵⁵

83. The Panel was also provided with the following overview of the various 'disciplinary' or means by which a Parish official was held to account for their actions:

Finding 22

The Connétable of the respective Parish holds ultimate responsibility for taking action in relation to the conduct of elected officials within the Parish, with the exception of the Honorary Police Force who are overseen by the Attorney General. Complaints against Honorary Police Officers are dealt with by the Jersey Police Complaints Authority.

Connétable

- The Connétable is sworn to office using the oath provided in Appendix 6.
- The functions of the Commissioner under the Commissioner for Standards (Jersey) Law 2017 relate to investigating complaints that there has been a breach of 'a code' by an 'elected member' which includes the Connétable.
- HM Attorney General, in answering a question in the States in February 2018 ([WQ. 31/2018](#)), advised that to the extent that a complaint in the context of the Connétable's Parish role might not be appropriate for investigation by the Commissioner, it may nonetheless - depending on the circumstances - be a matter in respect of which the Royal Court can exercise its jurisdiction.
- A person holding office as Connétable is also accountable:
 - a. to the electorate at each public election (every 4 years) and
 - b. to the Parish Assembly in relation to management of the Parish (an annual Parish Assembly approves the accounts when setting the rate).
 - c. It is also noted that, if parishioners are dissatisfied with the performance of the Connétable they are able to bring a 'racquette' during a Parish Assembly.

⁵⁴ Written Submission – Comité des Connétables

⁵⁵ Written Submission – Comité des Connétables

Honorary Police – Centeniers, Vingteniers and Constable's Officers

- Members of the Honorary Police are sworn to office using the oath of office found in Appendix 6.
- Complaints are dealt with in accordance with the Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000. The Regulations establish a Discipline Code for all members of the Honorary Police which can be found in Appendix 7 of this report.
- The Attorney General has also issued the following Direction (19 December 2019):

[Attorney General's Direction Honorary Police - conduct and other ancillary matters](#)

Complaints may be dealt with by informal resolution or investigation (as advised by H M Attorney General).

Article 6 of the Regulations provides for a member of the States of Jersey Police Force or police officer from some other force, of at least the rank of inspector, to carry out an investigation in the following circumstances:

- a) where it appears to the Attorney General that a complaint is not suitable for being dealt with informally; or
 - b) where it appears to the Attorney General that a report or allegation indicates that a member of the Honorary Police may have committed an offence against discipline.
- The Jersey Police Complaints Authority oversees complaints against members of the Honorary Police as well as in relation to the States of Jersey Police. Members of the Authority regularly visit every Connétable to inspect the register of complaints which he/she maintains. The most recent report of the Board is [R.22-2019](#).
 - In relation to Centeniers and their role in the Parish Hall Enquiry there are guidelines and a Code issued by the Attorney General, as follows:
 - i. [Attorney General's Direction 4/2019 The conduct of Parish Hall Enquiries](#)
 - ii. [Code of Conduct for Centeniers acting in their prosecutorial capacity](#)
74. There are numerous other roles within the Parish system which are all appointed via election to the role (including Procurer du Bien Publique, Rates Accessor etc.) and accountability for them ultimately rests with the Connétable.

Finding 23

Connétables are held to account by the electorate at every election and are also subject to investigation by the Commissioner for Standards in the event a complaint is raised in relation to their conduct during States Business. If members of the Parish are dissatisfied at any time with the performance of the Connétable then they are able to bring a 'raquette' to a Parish Assembly.

Finding 24

The Honorary Police are subject to codes of conduct and disciplinary procedures as set out in the Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000. Furthermore, the Jersey Police Complaints Authority oversees complaints against members of the Honorary Police, with additional guidance from the Attorney General set out in relation to conduct of officers in their prosecutorial capacity. The Panel is not convinced of the independence of the Jersey Police Complaints Authority, and whilst legislative changes are due in the new year in regard to the handling of complaints against the Police and Honorary Police, this needs to be reviewed.

5.4 States Assembly

75. The States Assembly is Jersey's elected parliament and legislature. For the purposes of this report, the Panel will be examining the processes in place in relation to States Members, Ministers and Assistant Ministers and the staff who support the work of the Assembly in the States Greffe (including the Greffier of the States and Deputy Greffier of the States as Crown Appointments).



5.4.1 Complaints Procedures

76. The Panel was provided with a comprehensive overview of the various processes in place to manage complaints within the States Assembly by the Chair of the Privileges and Procedures Committee (at the time of requesting information, Deputy Russell Labey).
77. The Panel was informed that within the States Assembly, there are a number of ways for the public to make a complaint.

A complaint about a staff member of the States Greffe, or the Deputy Greffier of the States.

78. If a member of the public has a complaint about a member of staff within the States Greffe then this should be sent in writing to the Greffier of the States who would investigate and make a decision on the complaint. The matter would be considered in line with the relevant States of Jersey policy and guidelines (for example the disciplinary policy) but, as per Part 6 of the [States of Jersey Law 2005](#) the staff of the States Greffe cannot be appointed or dismissed without the approval of the Greffier of the States.⁵⁶
79. The way in which the Deputy Greffier and officers of the States Greffe are appointed and dismissed is set out in Part 6 of the [States of Jersey Law 2005](#).⁵⁷ A copy of this respective part of the Law is included in Appendix 4 of this report.

A complaint about the Greffier of the States of Jersey.

80. A complaint in relation to the Greffier of the States should be sent in writing to the Chair of the Privileges and Procedures Committee or, alternatively, the Bailiff to investigate. The way in which the Greffier is appointed and dismissed is set out in Part 6 of the [States of Jersey Law 2005](#). It should be noted that the Greffier of the States may be suspended from office by the Bailiff, who shall refer the matter to the States at their next meeting and may be dismissed by the States.⁵⁸

⁵⁶ Submission – Privileges and Procedures Committee

⁵⁷ Submission – Privileges and Procedures Committee

⁵⁸ Submission – Privileges and Procedures Committee

Finding 25

Complaints in relation to the conduct of a member of staff within the States Greffe should be directed towards the Greffier of the States who would in turn decide whether to investigate the complaint or not. As per the States of Jersey Law 2005, a member of staff of the States Greffe cannot be appointed or dismissed without approval of the Greffier of the States.

Finding 26

A complaint in relation to either the Greffier of the States or Deputy Greffier of the States should be made in writing to the Privileges and Procedures Committee or the Bailiff of Jersey to investigate. The Greffier of the States may only be suspended from duty by the Bailiff, but ultimate decision to any further action (including dismissal) rests with the States Assembly.

A complaint about a States Member.

81. All States Members are expected to behave in accordance with the [Code of Conduct for Elected Members](#) (the Code), which is set out in [Schedule 3 of the Standing Orders of the States of Jersey](#) and can be found in Appendix 4 of this report. If a member of the public believes that a States Member has breached the Code they can put this in writing to the Commissioner for Standards (the Commissioner) who can investigate (in accordance with the [Commissioner for Standards \(Jersey\) Law 2017](#) and [Standing Order 156](#)).
82. The Commissioner is appointed by the Privileges and Procedures Committee (PPC) and may also initiate investigations of his or her own accord if they believe that a breach has occurred. The Commissioner issued a statement (February 2018) which provided details of the matters which would fall inside, or outside, of their remit. The statement set out the following:
- 7. Matters falling within the Commissioner's remit include:*
- *Failure to register relevant interests.*
 - *Failure to declare relevant interests in the course of parliamentary business including committee and scrutiny panel proceedings.*
- 8. Matters not falling within the Commissioner's remit include:*
- *Policy matters or a member's views or opinions.*
 - *Alleged breaches of the separate code* governing the conduct of ministers and assistant ministers acting in their official capacities; [Code of Conduct and Practice for Ministers and Assistant Ministers]*
 - *A complaint from a person who is not a member of the States regarding words spoken by, or actions of, an elected member during a meeting of the States.⁵⁹*
83. In summary, on receipt of a complaint, the Commissioner will decide whether there are grounds to investigate. If there are no grounds for an investigation, the complainant will be notified. Otherwise, the Commissioner will undertake an investigation and report to the PPC with his or her conclusions and recommendations as to what action, if any,

⁵⁹ [Statement – Commissioner for Standards – 20th June 2019](#)

should be taken. PPC will then review the Commissioner's report and give the States Member who was the subject of the complaint an opportunity to address PPC (accompanied, should that member so wish). PPC must then decide whether the Code of Conduct has been breached and what action, if any, to take. It must then inform the member concerned of its decision. The Committee may also report its findings to the Assembly, either by means of a written report or by means of an oral statement by the Chairman of PPC.

A complaint about a Minister or Assistant Minister

84. As with any complaint into a States Member, all Ministers and Assistant Ministers are expected to comply with the [Code of Conduct for Elected Members](#). However, they are also expected to comply with the [Code of Conduct and Practice for Ministers and Assistant Ministers](#), which is adopted by the Council of Ministers in accordance with Article 18(3A)(b) of the States of Jersey Law 2005. This was presented on 10th September 2018 by the Chief Minister (at the time Senator John Le Fondré) and is presented subsequently at the start of each new Assembly by the new Council of Ministers.⁶⁰
85. The Commissioner for Standards is also responsible for investigating complaints against Ministers and Assistant Ministers. The procedures that apply to the Commissioner and PPC for complaints against States Members also apply in respect of complaints against Ministers and Assistant Ministers. However, for complaints against Ministers and Assistant Ministers, PPC may choose simply to publish the Commissioner's report without taking any further action itself. This affords the Chief Minister, rather than PPC, the opportunity to decide whether the Code of Conduct for Ministers and Assistant Ministers has been breached and, if so, what action to take.⁶¹

Finding 27

States Members are held to a Code of Conduct for Elected Members which is contained in the Standing Order for the States of Jersey. Ministers and Assistant Ministers are also bound to a further Code of Conduct specific to their roles.

Finding 28

Complaints in relation to a States Member should be made in writing to the Commissioner for Standards who can investigate (in accordance with the Commissioner for Standards (Jersey) Law 2017 and Standing Order 156). Any findings of an investigation are presented back to the Privileges and Procedures Committee who will determine whether the Code of Conduct for Elected Members has been breached and what action, if any, is required. The findings of the Committee may also be reported to the States Assembly.

Finding 29

Ministers and Assistant Ministers are also bound by a separate Code of Conduct specific to their roles. Complaints against Ministers or Assistant Ministers may also be referred to the Commissioner for Standards who in turn will report their findings to the Privileges and Procedures Committee. Unlike reports in relation to States Members, the Committee may simply choose to publish a report and leave the matter to the Chief Minister to determine whether the Code of Conduct for Ministers and Assistant Ministers has been breached.

⁶⁰ Submission – Privileges and Procedures Committee

⁶¹ Submission – Privileges and Procedures Committee

Taking a complaint to the States of Jersey Complaints Panel

86. The States of Jersey Complaints Panel (the Panel) is established under the [Administrative Decisions \(Review\) \(Jersey\) Law 1982](#), as amended, to look into complaints by members of the public into any matter of administration by any Minister or department of the States, or by any person acting on their behalf. The Panel members are independent and objective members of the public, who are not States Members and who provide their time on a voluntary basis.⁶²
87. If circumstances demand, a complaints hearing is convened by a Board made up of 3 Panel members; usually the Chair or Deputy Chair and two others. At the time of writing this report, the Panel currently consists of 9 members, however, there has recently been open recruitment to appoint further individuals to ensure the Panel's diversity and to allow for succession planning. For public confidence, there is an emphasis on independence and impartiality, therefore, if a member of the Panel has a conflict of interest they will not participate in a Board hearing.⁶³
88. The process for a complaint submitted for consideration by the Panel is as follows:
- a) *the Deputy Greffier requests a summary of the case from the Minister/department;*
 - b) *the Deputy Greffier sends the summary to the Chair and another Panel member, chosen on a rota basis;*
 - c) *the Chair and independent Panel member consider the submissions from the complainant and Department to decide if a hearing should be convened;*
 - d) *a public hearing is held where both the complainant and Minister/department present their case;*
 - e) *the Board presents its findings to the States; and*
 - f) *if the Board upholds the complaint, it will ask the Minister concerned to reconsider the original decision.*⁶⁴
89. The Board does not have the power to overturn a decision made by a Minister, but it can decide whether the decision, act or omission about which the complaint has been made –
- a) *was contrary to law;*
 - a) *was unjust, oppressive or improperly discriminatory;*
 - b) *was based wholly or partly on a mistake of law or fact;*
 - c) *could not have been made by a reasonable body of persons after proper consideration of all the facts; or*
 - d) *was contrary to the generally accepted principles of natural justice.*⁶⁵
90. If the Board believes that the complaint should be upheld, it can ask the Minister, Department or person concerned to reconsider the matter. It is then for the Minister, Department or person concerned, to decide whether to act on those findings.⁶⁶

⁶² Submission – Privileges and Procedures Committee

⁶³ Submission – Privileges and Procedures Committee

⁶⁴ Submission – Privileges and Procedures Committee

⁶⁵ Submission – Privileges and Procedures Committee

⁶⁶ Submission – Privileges and Procedures Committee

Finding 30

The States Complaints Board is established to investigate complaints into any matter of administration by a Minister or a department. The members of the Board are independent and provide their services on a voluntary basis. The Board does not have the power to overturn a decision made by a Minister, but it can come to a conclusion as to whether the basis of the complaint should be upheld and suggest any further actions to remedy it.

5.4.2 Redress

Redress following a complaint about a staff member of the States Greffe, the Deputy Greffier of the States, or the Greffier of the States

91. As detailed in the previous section, the initial matter would be considered in line with the relevant States of Jersey policy and guidelines (for example the disciplinary policy) but, as per Part 6 of the [States of Jersey Law 2005](#) the staff of the States Greffe cannot be appointed or dismissed without the approval of the Greffier of the States.⁶⁷

Redress following a Complaint to the Commissioner for Standards

92. As per Article 9(7) of the [Commissioner for Standards \(Jersey\) Law 2017](#), the Commissioner's conclusions and recommendations are not binding on the PPC. Therefore, if the complainant is still not satisfied once the Commissioner has completed findings, they may approach a States Member to pursue alternative remedies with the States Assembly.⁶⁸
93. Alternatively, if States Members felt that the PPC had not properly addressed the matter or complaint, it would be possible for them to raise a vote of no confidence.⁶⁹

Finding 31

The findings and recommendations of a report by the Commissioner for Standards into a States Member are not binding on the Privileges and Procedures Committee to implement, however, in the event that a States Member felt the issues had not been addressed properly, a vote of no confidence could be raised in relation to the Committee by a States Member.

Redress following a States of Jersey Complaints Board

94. Where a States of Jersey Complaints Board finds in a complainant's favour, the Board may ask the Minister or Department to reconsider the matter and will give them a set amount of time to do so. The Board will also make recommendations to ensure the situation does not arise again.
95. The Minister or Department should then tell the Board what it has done to reconsider the matter and the result of that reconsideration. The Board will receive copies of the Minister's reconsideration and this is presented to the States.

⁶⁷ Submission – Privileges and Procedures Committee

⁶⁸ Submission – Privileges and Procedures Committee

⁶⁹ Submission – Privileges and Procedures Committee

96. If the Board members think that the Minister or Department have not given a matter enough reconsideration, they may prepare a further response which is also presented to the States by the PPC. It is open to the PPC, or any individual member of the States, to bring a proposition to the States about the decision, act or omission which was the subject of the complaint.
97. If the member of the public who brought the original complaint is not satisfied with the outcome, they can ask the Board to consider reconvening. If the Board considers that this is justified, it can ask for additional submissions. If the complainant is still not satisfied once the Board has completed its findings, they may approach a States Member or a legal representative to pursue alternative remedies.⁷⁰

Finding 32

If it is felt that the conclusion of the States Complaints Board is not being upheld by the Minister or department a further response from the Board could be presented to the States of the Privileges and Procedures Committee. It is then open to the Committee or any States Member to bring a proposition to the States in relation to the subject of the complaint.

Finding 33

If a member of the public who brought a complaint is not satisfied with the outcome, they may ask the States Complaints Board to reconvene and take additional submissions for consideration. If, following that, the complainant is still not content with the outcome then they may approach a States Member or legal representative to pursue other remedies.

5.4.3 Disciplinary Procedures

States Greffe

98. The staff of the State Greffe are States' employees within the meaning⁷¹ of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) and would be subject to the States of Jersey policy on disciplinary matters as previously discussed in this report in relation to Government of Jersey employees and staff of the Jersey Court Service. The Panel was provided with a copy of the disciplinary policy as part of the submission from PPC.⁷²

⁷⁰ Submission – Privileges and Procedures Committee

⁷¹ Meaning of "States' employee"

- (1) In this Law, unless the context otherwise requires, "States' employee" means –
- (a) a person who is employed under a contract of employment made between the person and the States Employment Board; and
 - (b) a person who is within a class of persons prescribed under paragraph (2), but does not include a person who is within a class of persons prescribed under paragraph (3).
- (2) The Chief Minister may prescribe by Order a class of persons to be States' employees for the purposes of this Law.
- (3) The Chief Minister may prescribe by Order a class of persons to not be States' employees for the purposes of this Law.
- (4) A person shall not be a States' employee for the purposes of this Law if he or she is –
- (a) the holder of an office specified in Schedule 1;
 - (b) appointed by the Crown;
 - (c) a member of the States of Jersey Police Force; or
 - (d) otherwise an officer of the Crown.^[3]

⁷² Submission – Privileges and Procedures Committee

States Members

99. As previously noted in this section, where the Commissioner for Standards has had grounds to investigate, the report and recommendation are presented to PPC who have the authority to decide on the next steps including any disciplinary action. If the Member concerned is a Minister or Assistant Minister it can be left to the Chief Minister to decide on the appropriate action to take following receipt of the Commissioner's report. The report is published and made public for the purpose of transparency.⁷³

⁷³ Submission – Privileges and Procedures Committee

6. Key issues raised during the review

100. The next section of this report focusses on some of the key issues that have been raised throughout the review in relation to the experiences of individuals when accessing complaints systems and the associated redress arising from them. The Panel received a significant number of detailed submissions to its review and, as such, decided the best approach to examining them would be to adopt a theme analysis approach to identify the overing issues that were being raised.
101. In light of this methodology, the Panel identified nine key themes which it shall address in turn in the following sections.

6.1 Ineffective Complaints Processes



102. The first key theme that was identified from submissions received by the Panel was a prevailing view that complaints are often not resolved and the systems in place in order to do so are ineffective.
103. Furthermore, some submissions explained that departments within the Government of Jersey did not always explain the complaints process clearly to the complainant. Examples of issues within the submissions included:
- Defensive responses to complainants⁷⁴
 - Reasons for matters not being dealt with not communicated to person concerned⁷⁵
 - Complaint not recorded and dismissed.
 - Complaints being ignored and not dealt with⁷⁶
104. One further issue that was raised in relation to complaints processes across multiple submissions was that, if a person was continued to press for resolution of an outstanding issue, there was a tendency for this situation to escalate significantly to a point where it was impossible to resolve the matter without significant cost to the complainant. Examples included:

Forcing individuals into institutional, legal, administrative and financial battles when they investigate, question or speak out on difficult topics, is the greatest arrow in the quiver of the “Jersey Way.” Imprisoning, bankrupting, threatening or firing a person from their job is a very effective way to neutralize them. Please look again at the list of things that have happened to people on the island (read: people we can name) in the first paragraph of this testimony.⁷⁷

Accordingly, we needed to instruct a lawyer to deal with the matter of the bill. This of course caused further expenditure. In contacts between our lawyer and the ‘Viscount Substitute’ the latter did not give a reason for the incomplete task and is on record as stating that ‘the taxpayer should not have to pay for the

⁷⁴ Submission – Advocate Barbara Corbett

⁷⁵ Submission – Goodman

⁷⁶ Submission – Walker

⁷⁷ Submission – Goodman

work done'. We were forced to pay the Viscount's bill, since failure to pay would have caused being taken to Court by the Viscount.⁷⁸

105. The Panel notes that a number of the submissions received relate to legacy complaints and ones which predate the current Government of Jersey policy in relation to complaints handling. During the public hearing with the Chief Minister in order to discuss the review, the Panel questioned whether legacy complaints were being factored into the new system launched in September 2019:

Deputy R.J. Ward

While you are doing that, just in terms of the openness and the transparency of the process. You say within the last 3 years it has improved enormously. What about the legacy situations where this was not in place? Do you find that any of those situations are coming into this newer system now, being dealt with more effectively?

Group Director, Customer Services:

With regards to legacy complaints, no. Because this policy was introduced in October 2019 the main thrust of this is around it has been in place since that point, so it is complaints from that point forward.⁷⁹

106. Whilst it is acknowledged that the new policy introduced in 2019 sets out a clear procedure for the recording and management of complaints, which is in line with best practice (as per the report of the Comptroller and Auditor General in relation to the Handling of Complaints)⁸⁰ and that data is being collected to measure these metrics, the Panel would state that historical complaints significantly harm any attempts to move forward given people's dissatisfaction with the system.
107. Indeed, when discussing the response to Recommendation Seven of the IJCI, the Care Inquiry Panel stated that 'full consideration should be given involving the whole community'. It is clear from the submissions received from the Panel that, whilst there are limited complaints post September 2019, the perception that complaints processes are ineffective is still very prevalent in Jersey. This matter requires addressing, and Islanders must be communicated to about the work that has been undertaken and clear, accessible processes need to be available to them.

Finding 34

Despite updated complaints processes being in place since September 2019, which have been stated as following best practice as per the Comptroller and Auditor General's report on Handling Complaints, the Panel has found that some historical complaints prior to the policy introduction do not appear to have been dealt with and remain outstanding. The new policy does not seek to address these issues.

⁷⁸ Submission – Fokkelman

⁷⁹ [Transcript – Public Hearing with the Chief Minister – 15th March – p.6](#)

⁸⁰ [Handling and Learning from Complaints – C&AG – 8th July 2020](#)

Finding 35

From the submissions received by the Panel, there appears to be a significant level of distrust in relation the Government of Jersey’s complaints processes. This may be partly due to the absence of a previous complaints policy and this new policy should be monitored to ensure it is delivering on the improvement it intends. This does, however, require further promotion to ensure Islanders are aware of it.

Recommendation 9

The Chief Minister should ensure a campaign raising awareness of the new complaints system is conducted prior to the 2022 election to ensure that members of the public are fully aware of the new process. This should include reference and recognition to that fact that the Government has not always addressed things as well as it could so as to be open and transparent to the public in relation to the new policy and its requirement.

108. Upon further examination, the Panel found that the gov.je website provides an accessible format for members of the public to raise a complaint using a form which does set out the timescales and information for anyone wishing to make a complaint. A screenshot of the form is provided below:⁸¹

109. Given the accessible format for making a complaint, the Panel would still question the issues that could arise in this process. Ultimately, any complaint must be dealt with by a member of staff, who in turn must have the correct training and

⁸¹ [Customer Feedback Form – gov.je website](#)

understanding of the processes to ensure they are implemented correctly. The Panel is not aware of any States wide training in relation to the handling of complaints at present, and nothing is immediately accessible on the Virtual College platform accessed by all States employees. Furthermore, the Panel notes that handling complaints is not a module contained within the My Welcome package of online training for new members of staff.

110. It is the view of the Panel that further significance should be put on training in relation to the management and handling of complaints. This would address the historic dearth of training and awareness in this particular area and help contribute to the ongoing efforts to improve how complaints are dealt with and the customer experience.

Finding 36

The customer feedback form on the gov.je website appears to be accessible and easy to understand, with clear outlines of the timescale for a response and details about how the persons complaint will be handled. However, the use of the word feedback rather than complaint has been identified as confusing for members of the public accessing this online.

Finding 37

The Panel has been unable to identify training courses that exist for all States employees specifically in relation to the handling and management of complaints. It is noted that this is also not included in the My Welcome virtual training for new employees. This is a vital component of ensuring any new policy is implemented correctly.

Recommendation 10

The Chief Minister should ensure that, as a matter of urgency, mandatory training is provided to all States employees through the Virtual College portal in relation to the handling and management of complaints. This should also be included in the My Welcome training on the Virtual College for all new employees going forward.

111. Whilst the Panel did not receive any comments in relation to complaints processes within the Parish system or Court Service however, it did receive comments in relation to the States Assembly. One submission highlighted the following in raising a complaint to the Commissioner for Standards:

The matter was passed onto the Standards Commissioner. In the first instance, he dismissed it as he mistakenly believed that it concerned an event in a meeting. The rules he applied mean that a member of the public cannot raise a complaint about a member's behaviour in a meeting - even if they breach the code of conduct. Only a member can do this. Effectively this means that members must 'police' themselves. You will see that to do this they must 'gentlemanly' take one another aside to point out and resolve misdemeanours. Effectively, the Standards Commissioner has demonstrated that the public has no redress to a member who has potentially breached the States Code of Conduct in a meeting.⁸²

112. The Panel notes that the guidance in relation to the role of the Commissioner is set out within a document on the States Assembly website, and as discussed in the

⁸² Submission – Langhorn

previous section, it sets out the criteria to be applied when considering a complaint in relation to a States Member. It is noted that a complaint from a person who is not a member of the States regarding words spoken by, or action of, an elected member during a meeting of the States is set out as a matter not falling in the remit of the Commissioner.⁸³ This would appear to back up the point made in the submission. There is, however, the matter of Parliamentary Privilege which protects States Members from legal repercussions in States Business in order to ensure they can speak freely.

Finding 38

The current complaints process in relation to a States Member through the Commissioner for Standards does not extend to complaints from a member of the public in relation to words spoken by, or actions of, a States Members during a meeting of the States. It is also noted that parliamentary privilege applies to elected Members in order to allow them to speak freely and without fear of repercussions during a debate or meeting.

113. A number of comments were received by the Panel in relation to the States Complaints Board, all of which spoke positively about the process. Examples included:

The panel were marvellous in fast tracking it as they were aware that there was a time limit in regard to the student starting the course only a few months later. The student was also stressed as it was exam time too, though the parent did her best to keep as much of what was going on away from the student to minimise the stress. I found staff of the States Greffe, to be very helpful, considerate, and I always felt I knew what to expect the process would entail.

The Deputy Greffier made it as easy as possible and as stress free as anyone could make these things to be. As did the members of the panel who clearly listened, and it was very obvious they were interested in what the complainant and the department had to say, in a fair and objective manner.⁸⁴

Despite the independent reports and the SCB findings all upholding my complaint and conveying their shock and disdain to the way I have been treated and continue to be treated by the very people that are employed to care for the most vulnerable members of the community I have been let down time and time again.⁸⁵

114. However, one of the key issues raised in relation to the States Complaints Board was that, whilst it can make findings and recommendations in relation to complaints, these are not binding and ultimately it is up for the Minister to uphold them. The expression that was used in some instances was that the Complaints Board 'lacked teeth' to uphold decisions. It should, however, be noted in the submission from PPC that it would also be unreasonable for an independent, unelected body, to override the decisions of democratically elected politicians.⁸⁶

115. PPC did, however, raise a solution to these issues within its submission, as follows:

⁸³ [Guidance – Commissioner for Standards](#)

⁸⁴ Submission – Heath

⁸⁵ Submission – Mrs X

⁸⁶ Submission – PPC

We consider that Ministers should be required to make statements in the Chamber when their response to a findings report is published, and this suggestion was put forward to the Chief Minister by this Committee in 2019, but no Minister has made such a statement since this was agreed. Similarly, the Chair and members of Boards have attended one meeting of the Council of Ministers to discuss the findings and this was regarded as successful. We think that making these mandatory aspects of the Complaints process would greatly enhance the existing system and would be willing to bring forward such changes to the Administrative Decisions Review (Jersey) Law in order to ensure the process is formalised.⁸⁷

116. The Panel notes that since the submission was provided to the Panel, this change has been brought forward and adopted by the States Assembly, requiring Ministers to make a statement in response to a report from the Complaints Board in the States Assembly. Further to this Statement, a period of 15 minutes of questions to the Minister will take place in the Assembly.

Finding 39

There is a view from submissions that the States Complaints Board is an effective and well supported body which deals with complaints when escalated above the current complaints processes within the States of Jersey. There is, however, also the view that the current Board as constituted lacks teeth in order to uphold its findings and is not always able to undertake complex and long running cases. A proposition has since been adopted by the States Assembly that requires a Minister to make a statement in the Assembly in response to a report published by the Complaints Board.

6.2 Separation of Powers

117. The issue of separation of powers in Jersey is a significant debate that continues to take place in the Island. The main points raised against the current position and challenges to it relate mainly to the following matters:
- The Bailiff of Jersey holding the dual role of Chief Justice and President of the States Assembly.
 - The Attorney General acting as the legal representative to Government and the Chief Prosecuting authority in the Island.
118. Although constitutional matters were not part of the Terms of Reference for the IJCI Panel, it did suggest in its final report that further consideration should be given to the recommendations made in the Clothier and Carswell Reports to address the negative perception of the Jersey Way.⁸⁸
119. Almost immediately after the publication of the Independent Jersey Care Inquiry report, the Chief Minister at the time, Senator Ian Gorst, commenced an advisory group to address the separation of powers. This culminated in the lodging of P.84/2017 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment' on 26th September 2017. The proposition was debated on 16th

⁸⁷ Submission – PPC

⁸⁸ [Independent Jersey Care Inquiry: Executive Summary Volume 1 p.61.](#)

November 2017, with several amendments tabled. Ultimately, the proposition was adopted with an amendment requiring a referendum to take place on whether the Bailiff should remain as President of the States.⁸⁹

120. The Draft Referendum (Presidency of States Assembly) (Jersey) Act 201- (the “referendum act”) was lodged by the previous Privileges and Procedures Committee on 9th April 2018 in order to give effect to the Assembly’s decision.⁹⁰ The referendum act was amended during the debate and ultimately rejected by the Assembly.⁹¹
121. The IJCI Panel commented on the progress made in this matter within its two-year review and stated:

*The separation of judicial and legislative powers, particularly in respect of the role of the Bailiff, were key recommendations of the earlier Clothier and Carswell reports which saw this as a necessary element of modern constitutional governance. We are concerned that the decision to retain the current arrangements are a further indication of a failure to recognise the importance of these systems, having evident impartiality and full transparency at their heart. In our view, such reluctance to make progress on a matter which sits at the centre of the negative perception of the island only further strengthens that perception.*⁹²

122. The issues of separation of powers were once again raised in submissions for this review and was highlighted as being an issue which further strengthened the negative perception in relation to the accountability of officials within those systems, in keeping with the view of the IJCI Panel. The Panel notes that any changes to the constitution of the States Assembly require approval by the Assembly through a proposition. Noting the recent propositions that have been brought forward over the past few years, this is clearly still an issue of great contention amongst States Members.
123. The Panel would argue that the IJCI recommendation was that consideration should be given to how the whole community itself should be involved to address the negative perception of the ‘Jersey Way’. Given the clear view of many that the issue of separation of powers is one of the key cornerstones of this negative perception, the Panel would suggest that further work is done to truly understand the depth of public perception on this matter, prior to any further propositions being brought in this regard.

Finding 40

The issues of separation of powers in relation to the dual role of the Bailiff and the Attorney General is a topic of debate that is seen as being at the centre of the negative perception relating to the ‘Jersey Way’. Since the publication of the Independent Jersey Care Inquiry report and subsequent two-year follow up report, there have been propositions taken to the States Assembly in regard to electing a speaker for the States Assembly, none of which have been adopted by the Assembly. The Panel considers that the spirit of the Care

⁸⁹ [P.84/2017 vote – 16th November 2017](#)

⁹⁰ [Draft Referendum \(Presidency of States Assembly\) \(Jersey\) Act 201-](#)

⁹¹ [P.76/2018 vote – 10th July 2018](#)

⁹² [Independent Jersey Care Inquiry: Two-Year Review p.23](#)

Inquiry recommendation that consideration on how to address the negative perception of the Jersey Way involving the whole community has yet to be taken forward in this regard. which have been adopted by the Assembly.

Recommendation 11

The Chief Minister should revisit the response to P.108/2017 in respect of Recommendation Seven (The 'Jersey Way') and bring forward proposals and consultation, that genuinely involves the whole community, that consider how best to deal with the negative perception of the 'Jersey Way' on a lasting basis. The Panel shall continue to review this matter as part of its ongoing work programme.

6.3 Lack of signposting to services, support throughout processes and aftercare

124. A further issue relayed to the Panel through submissions and its private hearings, was that members of the public who raised a complaint were not always signposted to services where they could make a complaint, not given adequate support when making a complaint and not given any support after having a complaint resolved or not.



125. Examples received in the submissions included:

No support is given to people to make complaints. There is no legal aid available and although unhappy people are frequently given a form or details of how to complain, many do not have the skills to do so in a succinct and directed way.⁹³

My feedback for the social security and housing body is 100% negative and the staff of both bodies is rude and unhelpful and certainly openly discriminates completely unprofessional and refuses to make people aware there is a complaint procedure available⁹⁴

During the past five years, I have come across frequent cases of parents trying to get information and or answers or are unhappy about some part of the student finance grant system. I have found most are unaware of the appeal system. Some have no idea there is a complaints panel, I have sign posted them to both options. Student Finance have improved by adding to their letters etc that these processes exist in a more obvious way.⁹⁵

126. A number of other private submissions also highlighted that during the process of making complaints no support was given to the complainant and in often cases this would be also be accompanied by defensive behaviour by staff dealing with the complaint.

127. The Panel questioned this notion of a lack of support during the public hearing with the Chief Minister. The Chief Minister explained that the HR Lounge Report on

⁹³ Submission – Advocate Barbara Corbett

⁹⁴ Submission – Clark Andrews

⁹⁵ Submission – Heath

bullying and harassment within the Government of Jersey had made 28 recommendations for measures that should be put in place, of which 20 were implemented, seven were in the process of being implemented and 1 that had yet to be started. It is important to note that this update was given in March 2021 and at the time of writing, this may require updating

128. In relation to the actions within the report that would support individuals making a complaint, the following update was given:

Director General, Strategic Policy, Planning and Performance:

Perhaps just to pick up the point about the support available. The H.R. Lounge work made a number of recommendations around the support that should be available to people who are, I guess in terms of your terms of reference, making an internal complaint, a complaint about their treatment within the organisation. Most of those have either been implemented or are well on their way.⁹⁶

129. The Panel notes that the issues raised in relation to signposting and support are broadly the same as those that were raised in the section around ineffective complaints processes. Ultimately, without clear expectations as to the responsibility of each person managing a complaint, and the associated training to undertake this, there will be instances where a person's experience will be different and may not follow procedures in place.

130. Having reviewed the recommendations from the HR Lounge report, there are a number of very clear points that relate to the support surrounding complainants, both during and after the process, with the most relevant being as follows:

- *Utilise more sensitive language in the policy that starts from a 'believe the complainant' perspective; and*
- *Create a new 'friend' system for complainants and respondents;*
- *Introduce a system of post incident review in order to take organisational learning; and response to all parties*
- *Post report support to complainant and /or respondent depending on outcome;⁹⁷*

131. Furthermore, during the focus groups conducted during the HR Lounge investigation, the following point was made in relation to learning from complaints and how this was communicated to staff more widely which led to the third recommendation above:

Comments were made about the absence of information about complaints. Some were aware of individual complaints, and their outcomes and reported that changes to procedure and such like, was proposed. But they commented that they were unaware of such changes being made. There was a general understanding that an individual complaint was confidential but there was a plea that the learning from these events is published both to alert staff but also to publish the willingness of the organisation to adapt and respond and encourage others to come forward rather than be deterred.⁹⁸

132. This point in itself backs up the previous finding of the Panel that training for staff is a fundamental way of ensuring complaints are managed in a proper manner. The

⁹⁶ Transcript – Chief Minister – 15th March 2021 – p.11

⁹⁷ [HR Lounge Report on Bullying and Harassment – p.45 and 46](#)

⁹⁸ [HR Lounge Report on Bullying and Harassment – p.25](#)

Panel has been unable to gather a further update to the progress of these recommendations, however, in the context of feedback and submissions received that support is not readily available, the Panel would urge that any outstanding actions in relation to these recommendations are completed as a matter of priority.

Finding 41

Concerns were raised in relation to the support that is available for complainants both during and after making a complaint, with some feeling that barely any support was provided at all and a defensive attitude was often taken in response to them raising a complaint.

Finding 42

The Chief Minister outlined that, as of March 2021, of the 28 recommendations made by the HR Lounge report on bullying and harassment in relation to the Government of Jersey, 20 have been implemented, 7 are in progress and 1 has yet to be started. The Director General of Strategic Policy, Planning and Performance, explained that a number of the recommendations also relate to a person making a complaint more broadly.

Recommendation 12

The Chief Minister should ensure that, as a matter of priority, any outstanding recommendations from the HR lounge report which relate to the support provided to a complainant and associated 'aftercare', are implemented as soon as possible. This should also be applied to the overall complaints policy and procedure for members of the public who are raising a complaint.

Recommendation 13

The Chief Minister should ensure that, in developing training in relation to the handling and management of complaints for States of Jersey employees, it contains information on how to best support a person both throughout the complaints process and afterwards.

6.4 Clarity of possible outcomes and redress available

133. This particular issue relates to a number of submissions which explained people making a complaint were often unaware of the various avenues of redress available to them when a complaint was made. The main issue in relation to this, however, was people not being made aware of things such as timescales for resolution of a complaint. The Panel made this point during a public hearing with the Chief Minister and the following response was received by the Group Director of Customer Services:

Deputy R.J. Ward:

Before we move on to the Chief Minister for that second question, just so you know, many of the submissions we have had have identified that not being informed of timelines is a big issue. I think there is still an issue there to work on and we will report back on that and perhaps make recommendations around that, and we hope you will be constructive and improve things.

Group Director, Customer Services:

*Absolutely. I think with this customer feedback policy it is still relatively new. It is something that we know we are learning on. The ethos of this whole policy is about learning from feedback, so we encourage feedback on almost how well we are doing with complaints too, so this is the sort of thing we would welcome and put steps in place, so that anything we learn we improve on and see how we can go from there.*⁹⁹

134. The Panel is encouraged to see that a culture of learning from feedback appears to exist in relation to the customer feedback policy. However, as the policy itself is still relatively new in its operation, the Panel would question whether sufficient time has been given for this culture to permeate to all staff within the organisation. Again, as previously raised, this stems back to training and the manner in which staff are informed of their responsibilities in that regard. It is also acknowledged that changes take time to embed, so a period of time will be required to fully identify whether this culture has been embedded properly. The Chief Minister, noting the response to the HR Lounge report, explained that often it takes three to five years to see permanent change embedded¹⁰⁰.

Finding 43

The ethos of the Customer Feedback Policy within the Government of Jersey is about learning from feedback, especially in relation to complaints. There is, however, an acknowledgment that the policy is still relatively new, and questions remain from the submissions raised as to whether this has been embedded sufficiently.

135. An issue in relation to redress more generally was outlined in the submission from Advocate Barbara Corbett around responses where complaints were upheld. An example was given as follows:

*Even where complaints are upheld, the responses are so mealy-mouthed and defensive that it is difficult to really see from the language used that the complaint has actually been upheld. Weasel words like “we are sorry that you feel we did not meet our usual high standards” just do not make people feel that they have been heard and such responses, even if a complaint is upheld, can encourage people to take matters further, until they do feel heard...many don’t even then.*¹⁰¹

136. Furthermore, it was explained that, as some responses tended to be less than sincere when apologies were being made, consideration should be given to how this is approached more widely:

*If something has gone wrong, an explanation, an apology, reparation or compensation should be given, depending on the circumstances. This does not need to be expensive. Time and kindness is more important. A bouquet of flowers or a small gift of Jersey produce etc, just something to confirm an apology, to show that there is an acceptance of something having gone wrong*¹⁰².

⁹⁹ Transcript – Public Hearing with the Chief Minister – 15 March 2021 – p.26

¹⁰⁰ Transcript – Public Hearing with the Chief Minister – 15 March 2021 – p.26

¹⁰¹ Submission - Advocate Barbara Corbett

¹⁰² Submission - Advocate Barbara Corbett

137. This is in keeping with HR lounge recommendations which relate to use of more sensitive language in policy that starts from a ‘believe the complainant’ perspective.¹⁰³ The Panel questioned this further with the Chief Minister and was informed that, whilst the forms of redress being offered were not being recorded in the system, an emphasis was being put on ensuring resolution of complaints and what that looks like from the perspective of the complainant was being understood:

Group Director, Customer Services:

At the moment our system does not capture that but it is something as part of the enhancements I talked about. We are looking to capture more detail on the specific outcomes. But what I would add is, I suppose, at that level where we are talking the sort of day-to-day complaints that come in, something we sort of train our staff in from the beginning when taking a complaint is making sure that we understand from the outset that we listen to that feedback and ask those questions to the person putting the complaint forward about almost: “What would a good resolution here look like to you?” I think that is where in the past again we have probably jumped too quickly to putting our own thinking that we know what resolution looks like.”¹⁰⁴

138. The Group Director also explained that this was not always something that services got right all of the time, but was definitely something they try to train their staff in.¹⁰⁵ The Panel is pleased to see that the action of understanding what redress looks like with customers is feeding into conversations that take place with them. This is also important in relation to understanding the reason why complaints are being made (whether this be things that have been written or said about them or that fact that the person did not get the outcome they wanted.)¹⁰⁶ An example within the court service that was reported by the Judicial Greffier as providing a ‘blurring of the lines’ was in relation to a person having a complaint about a judicial decision or the conduct of a member of staff within the service.¹⁰⁷ Again, clarity over the reason for the complaint is paramount to resolving it effectively.
139. In the context of the issues that have been raised with the Panel, it is clear that this has not always been the case and, as with previous sections, the overall theme of time being required to embed new initiatives applies. The Panel would stress that steps do appear to have been taken to manage expectations of those making a complaint, but this will need to be monitored further to ensure it is embedded properly.

Finding 44

There is an acknowledgement that in order for a complaint to be dealt with to satisfaction, staff must seek to understand what the ideal outcomes look like for a person making a complaint. There is, however, also an acknowledgment that this is not always something that services get right all of the time but is being addressed through staff training.

Finding 45

The Customer Feedback Policy does not currently record the outcomes or redress that are applied in the event a complaint is upheld. It is, however, acknowledged that this will form one of the enhancements to the overall system

¹⁰³ [HR Lounge Report – P.45](#)

¹⁰⁴ Transcript – Public Hearing with the Chief Minister – 15 March 2021 – p.16

¹⁰⁵ Transcript – Public Hearing with the Chief Minister – 15 March 2021 – p.16

¹⁰⁶ Submission – Advocate Barbara Corbett.

¹⁰⁷ Submission – Judicial Greffier

closer during a public hearing given the level of comments received, some of which raised particularly worrying concerns (such as above). Given the issues raised above, the Panel sought to understand how the processes were applied consistently throughout the organisation:

Deputy K.G. Pamplin:

How do you ensure that can be consistently applied and then how can you communicate that so it has been consistently applied, to put some faith back right down the chain of everybody involved or those aware of whatever has happened?

Director General, Strategic Policy, Planning and Performance:

Consistent application of standards is always important in any profession, whether it is the public service or medical profession or whatever it might be. Branches of public service all have behavioural and ethical standards, which are incredibly important both to show leadership in terms of championing those standards but also to show that they apply right across the organisation and right through that particular area of the public service. That is really important at all levels, that that is reinforced and that people understand the ethical and professional standards that apply to that part of the public service. Which is why for just about all branches of the public service adherence to those codes is contractual and so ultimately breaches can lead to dismissal.¹¹³

143. Furthermore, the Panel questioned what action would be taken if the principles of the policy (as well as natural justice) were not adhered to:

Deputy M.R. Higgins:

If they were not followed, and obviously they cause detriment, what action will you take against those people who have failed to follow the principles of natural justice?

Director General, Strategic Policy, Planning and Performance:

Again, I think that where H.R. procedures are not followed exactly then sometimes those result in Employment Tribunal cases brought by the employee. Over the years there have been a number of those historically that have come before the tribunal in order to take a view on whether the failure to follow the correct procedure was detrimental to the employee or not. Then where the failure to follow the correct procedure has an element of intent behind it then that itself would give rise to management action.¹¹⁴

144. Whilst it is understood that there may be instances where policy and procedure are not followed purely by mistake, and that this often leads to action in order to correct that mistake from occurring again, this is an area of concern for the Panel where there is no obvious remedy, other than through cultural change over a period of time.

¹¹³ Transcript – Chief Minister – 15th March 2021 – p.9

¹¹⁴ Transcript – Chief Minister – 15th March 2021 – p.9

Finding 46

A number of submissions gave examples where staff were not held accountable for conduct arising from a variety of forms of complaints or issues. The Government of Jersey has reiterated that it has robust disciplinary procedures in place to manage this, however, the Panel is not convinced that this is correct, and this issue must be addressed as a matter of priority.

6.6 Independent Complaints Resolution

145. The Panel notes that one of the pieces of research undertaken by the Jersey Law Commission, published in November 2018, was in relation to designing a Public Services Ombudsman for Jersey.¹¹⁵ This was as a result of the States Assembly adopting former Senator Ozouf's proposition [P.32/2018](#) Public Services Ombudsman: establishment of office. This proposition was brought to give effect to one of the recommendations of the Clothier report, that '*an ombudsman should be appointed to hear and determine complaints of maladministration by Departments*'.¹¹⁶
146. This also linked to the previous report 'Improving Administrative Redress in Jersey' from the Law Commission, which had recommended that The Government of Jersey should make an in-principle decision to support next steps in the creation of a Jersey Public Services Ombudsman' (JPSO).¹¹⁷ The proposition set out that research as to the cost of setting up a JPSO should be undertaken, as should the development of legislation to underpin the role. The proposition was duly adopted, as amended, by the States Assembly on 22nd March 2018.¹¹⁸
147. Since the proposition was adopted, work was undertaken with the Law Commission to design a scheme and proposed funding levels were put forward in the last two Government Plans. Due to a number of reasons, the JPSO legislation and funding was deferred until 2022. The Panel notes at present, that funding for the JPSO stands at £200,000 for 2022, increasing to £401,000 in 2023.¹¹⁹
148. There is a mixed view from the evidence received in relation to whether a JPSO should be established. Some of the more positive comments that spoke in favour of the JPSO included:

*The (Care) Commission welcomes the proposal to establish the office of a Public Services Ombudsman in Jersey (JPSO) and provided detailed feedback during the period of the consultation response. In particular, in reflecting upon its experience as the health and social care regulator, the Commission concluded that the need to provide for the independent investigation into complaints about public services and the expert oversight of how public bodies design and operate their complaints policies and procedures were each clearly evidenced.*¹²⁰

¹¹⁵ Submission – Le Sueur

¹¹⁶ [P.32/2018](#)

¹¹⁷ [P.32/2018](#)

¹¹⁸ [P.32/2018 – Vote](#)

¹¹⁹ P.90/2021 – Proposed Government Plan

¹²⁰ Submission – Jersey Care Commission

*As the Panel will be aware, the outcome has been acceptance by the States Assembly and the Government of Jersey that a Public Services Ombudsman scheme will be established. In my view, this has the capacity to improve the quality of administrative decision-making and access to justice when a person feels a decision has not been correctly or properly made.*¹²¹

149. However, PPC raised concern over the role of JPSO, given the current status of the States Complaints Board:

*No public sector Ombudsman in the U.K. can make binding findings and there is no logical reason to expect that Ministers would be more responsive to the findings of an Ombudsman than they are at present to the findings of Boards. It would be unreasonable to expect that the findings of Boards should be made binding as this would effectively empower an independent, unelected body to override the decisions of democratically elected politicians.*¹²²

*PPC considers that, as laypeople, the Complaints Panel members more than ably fulfil their remit and we are very grateful for the outstanding service they provide. The present system is undertaken at virtually no cost to the taxpayer. A new Government Customer Feedback policy came into effect in September 2019 which introduced a standardised, three-tiered approach to complaint handling within Departments that allowed for complaints to be resolved at source and encourages a positive and receptive approach to feedback. The Complaints Panel remains the external review option should matters not be resolved to the customer's satisfaction.*¹²³

150. The Panel questioned the Chief Minister on the issue of whether current processes 'had enough teeth' in order to uphold findings of boards. It was acknowledged that more work was required in this area, with questions being raised over the processes needed to 'give teeth' and ultimately where those processes landed.¹²⁴ The Chief Minister also noted the primacy of the States Assembly in line with the issue raised by the PPC.¹²⁵ The Chief Minister explained the following in respect of these issues:

*There is no point in having an ombudsman if they do not have the ability to push through their decisions. Equally it is suggested to date that the more formal structure of an ombudsman and the status that goes with it would hopefully reduce the incidences where you do get this tension between a finding of the complaints body, whether it is the Complaints Board or the ombudsman, and the Minister usually acting on behalf of the department against which the complaint has been made. Personally, I think there is more to do in that area and, you are right, we have had some incidences where the Complaints Board has made findings in a certain way and those have not been resolved in perhaps a way that might have been more expedient.*¹²⁶

151. Given the range of issues that have been raised to the Panel during its review, it is clear that time must be taken to see whether the new complaints processes bed in sufficiently and whether this in turn reduces the requirement for additional bodies to examine cases. However, the Panel would state that a number of examples (some of which are still incredibly recent) highlight that once a complaint reaches the final

¹²¹ Submission – Le Sueur

¹²² Submission – PPC

¹²³ Submission – PPC

¹²⁴ Transcript – Chief Minister – 15 March 2021 – P.26

¹²⁵ Transcript – Chief Minister – 15 March 2021 – P.26

¹²⁶ Transcript – Chief Minister – 15 March 2021 – P.26

stage and is escalated up to the Complaints Panel (again noting the positive work of the Panel), who in turn make their findings, there are instances where this has not been upheld. One such example the Panel received highlighted that findings of a SCB report were made in January 2019, but nearly 2 years later no progress had been made resolving a person case.¹²⁷ This is not the fault of the SCB but given the ability to follow up on responses this could be avoided.

152. The private meetings that the Panel held with individuals wishing to give their stories frequently highlighted the issues people had with their complaints being actioned when upheld. Many had little faith in the current system to address the complaints effectively. The Panel does note the excellent work of the States Complaints Board and would reiterate its previous recommendation that PPC bring forward proposals to the Administrative Decisions (Review) (Jersey) Law 1982 to increase accountability of Ministers in response to reports and findings.
153. However, the Panel does also see the requirement for the JPSO, especially in the context of Recommendation Seven of the IJCI and the negative perception of the 'Jersey Way'. The Panel notes that the SCB is made up of independent members who undertake the role on a voluntary basis. This function also has limited budget. Whilst the argument from PPC that the current system is undertaken at virtually no expense to the taxpayer is understood, there is a counter argument that in the event a funded Ombudsman Service was operating that the additional resourcing could allow for follow up of recommendations or findings where the Ombudsman had conducted an investigation.
154. The Panel notes that the mixed views in relation to this issue do not provide a standard point from which to make an ultimate decision in relation to the JPSO and its necessity. The Panel would, however, conclude that, given the examples received both in private and public submissions and the work that has been done in this area, the introduction of the JPSO is one that is required, and the Chief Minister should ensure that the legislation setting out the requirements and purpose of the Ombudsman is brought forward as a matter of priority before the election.

Finding 47

There was a mixed view from the evidence received as to the necessity for a Jersey Public Service Ombudsman. On balance, however, given the information received in some of the private submissions to the Panel, it finds that the need to introduce an Ombudsman is required and should be brought forward as soon as possible.

Recommendation 15

The Chief Minister should ensure that the necessary legislation to give effect to the Jersey Public Service Ombudsman is brought forward for lodging so that the debate can take place in the States Assembly prior to the 2022 election.

¹²⁷ Submission – Mrs X

6.7 Access to Justice (Legal Aid)



155. One of the overriding themes that the Panel received from the private meetings was the issues of access to justice and the associated costs of taking a case further being, in many cases, prohibitively high.
156. One such example received by the Panel spoke of incurred costs which in turn led to a person being deprived of their house as a result. This is a deeply concerning point and one which speaks to equality of arms when approaching legal representation.
157. The Panel questioned this issue with the Bailiff of Jersey during a public hearing on his thoughts in relation to this issue:

Deputy M.R. Higgins:

Many people in the Island feel that getting justice is unaffordable. Because of the £450, £500 an hour that advocates are charging, most ordinary people cannot afford to go to court or to bring an action. Because even a letter might cost you £250. Do you think that you need to do something in this area? If so, what would you suggest?

The Bailiff:

I am not sure I have an answer to that. Quite clearly, for the majority of people in the Island, an hourly rate of £400, £500 if that is the actual rate, would make cases too expensive. Of course, there is a legal aid system and, if you fit within that legal aid system, then those considerations do not apply to the same extent at all. Similarly, any individual can bring their own case before the court. What the court's responsibility has to be is to make that as accessible for them as possible. So really I come full circle to the idea that what we need to be doing is creating a process, which is easier for people to interact with the courts and, if they cannot afford to and do not have access to legal aid, to do it as litigants in person.¹²⁸

158. The Panel notes that the Chief Minister (at the time of writing this report) was due to bring forward legislation which would place the Legal Aid scheme on a statutory footing and provide funding of 400,000 per year within the Government Plan to administer it. The Legal Aid Review Panel was established (Chaired by Deputy Steve Ahier) in order to examine proposals in relation to a new legal aid scheme. During the public hearings in March 2021, the Panel questioned what progress had been made by the Chief Minister in relation to these changes:

Deputy M.R. Higgins:

If I can ask a last question: do you have any idea when we are going to see the changes to the legal aid system?

¹²⁸ Transcript – Bailiff of Jersey – 10th March 2021 – p.

The Chief Minister:

Essentially there are 2 timeframes. One is an appointed Act has to be lodged and approved by the Assembly, after which a clock starts ticking - I cannot remember if it is 3 months or 6 months, I think it is 6 months - by which time a scheme has to be presented. Sorry, I will have to go back and check the terminology. I have had a draft scheme presented to me and I am just going through the process informally of understanding it, of taking some informal submissions now so that we do not start the clock ticking until we think it is all in the right place. I am due to have another meeting on that this week, although I do have an issue on COVID at the moment, which may mean it might need shifting a few days. Essentially, we are taking informal soundings and understanding the proposals that have come through and also then obviously arranging for Scrutiny to receive informal and formal updates.¹²⁹

159. Since the hearing took place, the Appointed Day Act was lodged by the Chief Minister and [P.63/2021](#) was debated and adopted by the States Assembly on 21st July 2021 in order to give affect to the Primary Law, [Access to Justice \(Jersey\) Law 2019](#).¹³⁰ The Legal Aid Review Panel presented [comments](#) to the Assembly in relation to the Appointed Day Act, which concluded with agreement for the proposals, albeit with caveats for the Chief Minister to consider as follows:

However, the Panel highlights a number of points that should be actioned by the Chief Minister:

- a) Publish differences in the proposed Legal Aid Guidelines compared to the current scheme in use;*
- b) Clarify the future role of the Bâtonnier in relation to Legal Aid;*
- c) Clarify what ability there will be to change the Legal Aid Scheme, by whom, and what reporting or scrutiny of this would be required;*
- d) Identify and publish the total cost of funding the scheme;*
- e) Publish the membership of the Legal Aid Guidelines Advisory Committee upon its formal establishment and clarify its future operation; and,*
- f) Outline the timeline for the public consultation and the implementation of the updated guidelines.¹³¹*

160. The Panel is pleased to see that steps have been taken to place the Legal Aid scheme on a statutory footing, however, this Appointed Day Act simply brings into place the Legal Aid Guidelines Advisory Committee which in turn is then required to present the guidelines for a legal aid scheme to the Chief Minister, who in turn would lay them before the Assembly (not in a proposition). A States Member could then bring a proposition requesting that the guidelines be withdrawn in the event that they were to be challenged.

161. Whilst it is acknowledged that a scheme is in development and must be presented within 6 months of the Appointed Day Act, the Panel would raise concern that until such time as a scheme is in place, there are no guarantees that the issues raised above will not keep happening. The Chief Minister must ensure that the proposed scheme is brought forward within the required timeframe and must give consideration to the suggestions of the Legal Aid Review Panel that were presented prior to the debate.

¹²⁹ Transcript – Chief Minister – 15th March 2021 – p.

¹³⁰ <https://statesassembly.gov.je/Pages/Votes.aspx?VotingId=6347>

¹³¹ [Comments – P.63/2021 - Legal Aid Review Panel](#)

Finding 48

The Panel has found, from private meetings held during the review with members of the public, that the costs associated with taking a case through the court system are, in many cases, prohibitively expensive. This in turn limits the equality of arms and access to justice for those who fall outside of the current legal aid scheme.

Finding 49

The States Assembly has agreed an Appointed Day Act which brings into force certain parts of the Access to Justice (Jersey) Law 2019, specifically the formation of a Legal Aid Guidelines Committee which is tasked with presenting a preferred scheme to the Chief Minister within six months of July 2021. Once the scheme is presented, the Chief Minister will lay the guidelines before the States Assembly. This will not be debated as a proposition, but States Members can bring a proposition requesting that the guidelines be rescinded.

Recommendation 16

The Chief Minister should ensure that the points raised by the Legal Aid Review Panel in its comments on P.63/2021 are actioned as a matter of priority. Furthermore, an updated Legal Aid Scheme should be implemented by the Chief Minister by the 1st January 2022.

6.8 Impact on people's lives

162. One of the things that often gets lost in processes and procedures is the real impact that they can have on a person's life. As stated, many times throughout this report, the Panel has heard some truly harrowing tales in relation to how escalating a complaint, or raising an issue, has affected an individual. The Panel feels that it is important for this to be raised, so that people

One more thing I would just like to mention, if I may: A number of people, including journalists, who have researched or witnessed Jersey's deficits of democracy and miscarriages of justice, have had strokes or other fatal events, some at relatively young ages. I do not think this is because of the lack of strain that is put on them in trying to address these extremely difficult issues. I do believe a great deal of that stress is exacerbated by the constant attacks they find themselves subjected to by Jersey's authorities (please see first paragraph above). It needs to be said that these situations are ruining people's lives.¹³²

The most recent post by the GOVJ comms department has changed all that. "would like to remind islanders to look after their mental health and wellbeing....." which must be some form of joke but no one is laughing. The in-actions of my case by certain Ministers and senior Civil Servants of GOVJ and HCS have been a major contributory factor of my poor mental health.¹³³

If a member of the public is unhappy enough to want to complain, adding further hurdles will not make them happier; they are far more likely to become frustrated, angrier and / or give up.¹³⁴

¹³² Submission – Goodman

¹³³ Submission – Mrs X

¹³⁴ Submission – Heath

Given the circumstances relate to just one child, it beggar's belief that in the light of all the evidence already submitted and explanations given, that the Ministers cannot see that they are doing the opposite of putting the then Child interest first. It is almost as if because the young man is no longer a child the abuse of his rights when a child do not matter. Indeed, that was implied at one point in their correspondence.¹³⁵

Accordingly, we needed to instruct a lawyer to deal with the matter of the bill. This of course caused further expenditure. In contacts between our lawyer and the 'Viscount Substitute' the latter did not give a reason for the incomplete task and is on record as stating that 'the taxpayer should not have to pay for the work done'. We were forced to pay the Viscount's bill, since failure to pay would have caused being taken to Court by the Viscount.¹³⁶

163. Whilst in many cases situations do get resolved, there must be an acknowledgment that in the past, cases have not been resolved properly and have ultimately left severe consequences for people's lives, whether financially or emotionally.

Finding 50

Poorly managed complaints processes can in turn lead to significant issues affecting a person's wellbeing. In some instances, people have been significantly financially and/or emotionally affected. It is the view of the Panel that this is often not acknowledged by the organisation involved and should be.

6.9 Unresolved Historic Cases – method of review

164. One final point that the Panel would raise in relation to key issues is the view that some historic cases (whether related to complaints in general or matters raised around the Independent Jersey Care Inquiry) still do not appear to have been resolved for the persons involved. One area of particular concern is in relation to specific legacy cases involving former States Members and former employees of the States of Jersey.
165. Given the Terms of Reference for the Panel's review, this does not fall within the scope of this review, however, the Panel would like to raise the point that consideration should be given to how these issues could be addressed on a lasting basis.
166. One suggestion that was mentioned to the Panel throughout private meetings was that a further independent public inquiry should be brought forward to address these issues. This goes beyond the remit of the Panel and is a matter more broadly to be addressed by the States Assembly, however, the Panel feels it is an important point to raise at this juncture.

¹³⁵ Submission – Walker

¹³⁶ Submission – Fokkelman

Finding 51

Concern has been raised that historic cases that have yet to be resolved are not intended to be addressed through the new complaints policy. The Panel believes that serious consideration must be given to a mechanism in order to address these issues once and for all. A suggestion has been made through submissions of a further public inquiry in order to manage and resolve these cases.

Recommendation 17

The Chief Minister should, prior to the 2022 election, bring forward Terms of Reference in respect of a public inquiry for the resolution of outstanding complaints against the Government of Jersey.

7. What is being done to address the issues?

167. The previous section of this report outlined a number of key themes which submissions identified in relation to complaints processes, means of redress and disciplinary procedures within the four areas being examined for this review. Following on from these issues, the Panel wanted to identify what was being done in the four areas in order to address the issues which had been raised and also identify what each of the four areas was doing to bring forward the recommendations of the IJCI. This section, therefore, sets out the plans and initiatives which are being brought forward in each of the four areas both current and future
168. The previous section of this report outlined a number of key themes which submissions identified in relation to complaints processes, means of redress and disciplinary procedures within the four areas being examined for this review. Following on from these issues, the Panel wanted to identify what was being done in the four areas in order to address the issues which had been raised and also identify what each of the four areas was doing to bring forward the recommendations of the IJCI. This section, therefore, sets out the plans and initiatives which are being brought forward in each of the four areas both current and future.

7.1 Government of Jersey

7.1.1 Current initiatives

169. A new One Gov Customer Strategy was presented to the Council of Ministers in February 2020 and was included in Department for Customer and Local Services (CLS) Business Plan for 2020. The Panel was informed in the submission from the Government of Jersey that the purpose of the strategy was to ensure that customer experiences across Government services was the same, and also to make interacting with Government as easy as possible.¹³⁷ CLS will also take a lead in the development of Customer Service Standards alongside initiatives to enhance digital access to services and develop customer insight programmes.
170. The Government of Jersey also highlighted the Jersey Care Commission (JCC) which was established in 2018 as an independent arm's length body and its legislative basis (under the Regulation of Care (Jersey) Law 2019) to hear complaints in relation to regulated activities within health and social care settings.¹³⁸
171. The Commissioner for Children and Young People was established in 2019 as an independent arm's length body. The legal framework (Commissioner for Children and Young People (Jersey) Law 2019) enables the Commissioner to investigate a complaint from a child or young person about the infringement of that child's or young person's rights in relation to the delivery of services by a relevant authority to that child or young person. The Commissioner may also investigate such a matter where information comes to his or her attention, without a complaint being made, for example, as a result of a report by a regulator or another Commissioner.¹³⁹

¹³⁷ [Government of Jersey Overview of Systems – 9 March 2021](#)

¹³⁸ [Government of Jersey Overview of Systems – 9 March 2021](#)

¹³⁹ [Government of Jersey Overview of Systems – 9 March 2021](#)

7.1.2 Future Initiatives

Public Service Ombudsman

172. The question of whether Jersey should have a Public Services Ombudsman has been a matter of consideration for some time. Within the Government of Jersey's overview of submission to the Review Panel, the following timeline for the establishment of an Ombudsman was outlined:
- In 2000, the *Clothier Review*¹⁴⁰ stated that the Complaints Panel arrangements in place at that point in time were unsatisfactory and that an independent Ombudsman should be established
 - In 2017, the Jersey Law Commission Report on *Improving Administrative Redress in Jersey*, recommended changes to internal Government of Jersey (GoJ) complaints handling processes, modernisation of the Tribunals system, ending the role of the Complaints Panel and setting up a Public Services Ombudsman¹⁴¹
 - In July 2017, the Independent Jersey Care Inquiry¹⁴² noted a lack of trust and confidence in Government. The Inquiry stated that the recommendations of the Clothier Review should be given further consideration and that more should be done to improve openness and transparency in Government
 - In March 2018, the States Assembly considered proposition P.32/2018 - *Public Services Ombudsman: Establishment of Office*¹⁴³ and agreed in principle that, subject to the findings of further research, a Public Services Ombudsman should be established
 - In October 2018, the Law Commission undertook that further research and published *Designing a Public Services Ombudsman for Jersey*¹⁴⁴; a report which considered many of the issues raised in P.32/2018 and set out proposals and recommendations relating to the design, remit and reach of a Jersey Public Services Ombudsman (JPSO)
 - A public consultation ran from July to October 2019, this consultation set out proposals for the design and remit of a JPSO. The consultation feedback report¹⁴⁵ was published in February 2020

Draft Police Complaints and Conduct Law

173. The Panel has been made aware of the development of a new Law that would update the procedures and protocol in relation to handling and management of complaints in relation to the States of Jersey Police and Honorary Police Force. At

¹⁴⁰<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20ClothierReport%20100331%20C.pdf>

¹⁴¹https://jerseylawcommission.files.wordpress.com/2016/04/jsylawcom_topicreport_adminredress_final.pdf

¹⁴²<https://statesassembly.gov.je/assemblyreports/2017/r.59->

[2017%20independent%20jersey%20care%20inquiry%20report%20%20-complete-.pdf](https://statesassembly.gov.je/assemblyreports/2017/r.59-2017%20independent%20jersey%20care%20inquiry%20report%20%20-complete-.pdf)

¹⁴³<https://statesassembly.gov.je/assemblypropositions/2018/p.32-2018.pdf>

¹⁴⁴https://jerseylawcommission.files.wordpress.com/2018/11/jsylawcom_designingombudsman_final.pdf

¹⁴⁵<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/CR%20Jersey%20Public%20Services%20Ombudsman%20Feedback%20Report.pdf>

the time of writing this report, there is no certainty as to the expected lodging date of the proposed Law.

174. The Panel was informed that stakeholders from Strategic Policy, Planning and Performance (SPPP), the Comité des Connétables, the Jersey Police Complaints Authority, States of Jersey Police, Honorary Police, Law Officers' Department, Jersey Police Authority and Human Resources Department, have commented on a first draft of the law and secondary regulations. These comments have been shared with the Legislative Drafters for preparation of a second full version.
175. It was explained that the policy objectives behind the draft Law are to update the current Jersey legislative framework to match good practice elsewhere in the British Isles, providing for a more harmonised approach to all police officers, States and Honorary, to ensure equity of treatment, consistent standards and to simplify the making and handling of complaints and conduct matters.

Children and Young People's (Jersey) Law 202-

176. The Panel notes that the [Children and Young People's \(Jersey\) Law 202-](#) was lodged on Tuesday 7th December. It is noted that the draft Law will require the Minister to establish a complaints procedure to deal with complaints or representations about the discharge of such functions under this Law, the Children Law, the Adoption (Jersey) Law 1961 or any other enactment in respect of children or care leavers, as specified in the complaints procedure.

Inquiries Law

177. An Inquiries Law for Jersey has been proposed to give a legislative basis in the event a public inquiry is required in future, with policy to be developed in 2020. It is noted that the Corporate Services Scrutiny Panel (CSSP) has been briefed on this developing area.

Comptroller and Auditor General (C&AG) Governance Thinkpiece¹⁴⁶

178. Amongst other items in her report, the C&AG highlights gaps in the inspection of Jersey's criminal justice services and recommends that consideration be given to adopting a consistent and comprehensive approach to statutory inspection.
179. Within the report, the C&AG is in favour of the establishment of a JPSO, advising this would send an important message about transparent and accountable public services that embrace feedback.
180. The C&AG presented a report on the *Handling and Learning of Complaints*¹⁴⁷ in July 2020. The review evaluated the design and effectiveness of arrangements for the handling of complaints across the States and the design and effectiveness of arrangements for learning from the management of complaints across the States. The key findings of the report were as follows:

*The Government has taken important steps to improve complaints handling.
The adoption of a Customer Feedback Policy, investment in a Customer*

¹⁴⁶ <https://www.jerseyauditoffice.je/wp-content/uploads/2019/12/Report-Governance-A-Thinkpiece-18.12.2019.pdf>

¹⁴⁷ <https://www.jerseyauditoffice.je/wp-content/uploads/2019/04/Project-Specification-Handling-and-Learning-from-Complaints.pdf>

Feedback Management System, recruitment of a corporate team and designation of departmental staff have shown a commitment to improving complaints handling.

More work is required to secure consistent handling of and learning from complaints. In particular, there is a need for a focus on:

- *ensuring that the staff handling complaints are people with the right skills, experience, training and supervision;*
- *ensuring that there are appropriate processes, consistently applied, to facilitate the delivery of the Customer Feedback Policy;*
- *ensuring that the Customer Feedback Management System is developed where necessary and its capacity fully used; and*
- *maximising the value that can be secured from the analysis of complaints and their handling.*¹⁴⁸

Tribunals

181. Tribunals provide an important quasi-judicial forum to hear disputes, keeping issues outside the formality of the Royal Court.

182. Policy development is planned in 2021 to consider the remaining recommendations of the Jersey Law Commission in the report *Improving Administrative Redress in Jersey*, which included consolidation of tribunals in a Jersey Administrative Appeals Tribunal (JAAT), with broad jurisdiction to hear appeals against administrative decisions, ending of appeals to Ministers and working with colleagues in Guernsey to explore the possibilities of pan-Island tribunal membership.

Redress and criminal injuries

105. In December 2019 the Council of Ministers considered proposals to address limitations in Jersey's existing provisions relating to criminal injuries compensation and access to financial redress. This included consideration of the redress scheme arrangements, as set out above, the Criminal Injuries Compensation scheme, and court ordered compensation. The Council of Minister approved the policy principles set out below and instructed officers to undertake further analysis of potential solutions:
 - Principle A: an abused child should be able to access redress when they are ready to do so (subject to safeguards)
 - Principle B: we must protect the public purse and insurance arrangements (if we are to provide for the needs of wider public)
 - Principle C: the public purse should only provide for financial redress when GoJ is at fault (unless there is 'clawback' from perpetrators)
 - Principle D: victims should receive fair and proportionate compensation, but the public purse should not 'overly compensate'
 - Principle E: victims of reported crime (or where there has been a conviction) should be able to easily access redress (not feel shame, and the process should not require personal resilience nor potentially undermine evidence)

¹⁴⁸ [Handling and Learning from Complaints – C&AG – 8th July 2020](#)

- Principle F: victims should have a 'clean break' from the perpetrator; they should not have to rely on the perpetrator to pay them (but the public purse should be repaid by the perpetrator)

Finding 52

There are a number of pieces of work ongoing within the Government of Jersey in order to address the findings of the Independent Jersey Care Inquiry in relation to instances of administrative redress. These include bringing forward a Public Services Ombudsman, a new public inquiries law and addressing the findings of the Comptroller and Auditor General's Thinkpiece on Governance.

7.2 Court System

7.2.1 Future Programmes

Customer Engagement and Feedback

106. In the submission from the Judicial Greffier, he explained that historically, the Judicial Greffe had explored the use of customer engagement and feedback surveys, however, the private nature of the work undertaken within the Judicial Greffe and the resource hours required would prove difficult to accomplish implementation.¹⁴⁹
107. It was furthermore noted that, consideration was given to the paths taken by the UK Courts System to see what lessons can be learnt. The Panel was provided with a report within the submission from the Judicial Greffier¹⁵⁰ which was the result of research by the HMCTS during 2018 to establish customer user experience. Unfortunately, given the resources available and the number of court users in the UK that took part in that research, a response of 1,000 was not comprehensive and was noted by the Judicial Greffier as being indicative of the difficulties that exists in obtaining cost effective data for service users.¹⁵¹

Restructure of Management within the Judicial Greffe

108. One area of improvement that was noted by the Judicial Greffier was in relation to the restructuring of the management team within the Judicial Greffe. It was noted that the service was autocratic in nature and previously, the Judicial Greffier had ultimate responsibility for the running of the courts and as such, all decision making flowed through the office holder.¹⁵² Ultimately, this was highlighted as leading to a limited breadth of expertise tasked with decision making and the knowledge base of staff not being used adequately.
109. The Judicial Greffier explained that the department has now moved to a Senior Management Team (SMT) which is made up of a number of managers from across the department. Information now cascades down from the SMT meetings to the respective staff and vice versa. It was noted by the Judicial Greffier that this had led

¹⁴⁹ Submission – Judicial Greffier

¹⁵⁰ Submission – Judicial Greffier

¹⁵¹ Submission – Judicial Greffier

¹⁵² Submission – Judicial Greffier

to wider engagement with staff, a swifter recognition of the areas that need addressing and a broader base of experience and knowledge to assist in solutions.¹⁵³

Courts Digital Project

110. At the time of submission, the Judicial Greffier explained that the manner in which members of the public interact with the department was changing due to the ongoing work to establish the Courts Digital Project.¹⁵⁴ It is noted that the purpose of the project is to establish a Courts and Tribunal Service that is easier for non-legally qualified users to navigate and in turn increase greater access to Justice.¹⁵⁵ Furthermore it is intended to create a centralised electronic case management system which would contain a database of all court and tribunal cases,¹⁵⁶ which would in turn lead to better data collection and reporting and ultimately performance information which could assist in enhancing governance arrangements in the courts.¹⁵⁷
111. The Judicial Greffier noted that the department, whilst not formally accredited, has adopted a number of criteria within the Customer Service Excellence Standard. One particular point raised was that the department had been subjected to a review by a third party assessor which in turn led to an overhaul of the complaints process, a customer feedback survey and customer journey mapping in selected areas of the department. It was noted further that it remains the intention of the department to seek formal accreditation in this area.¹⁵⁸
112. Noting the overall goal of the Court Digitisation Project is to increase support for non-legally qualified persons, the Panel notes that, at present, in order for a person to be able to access the transcripts and recordings of court proceedings, the presiding judge is required to give consent for this to take place. Furthermore, there are costs attached to accessing these documents which is noted as being prohibitive for persons on low income. The Panel recommends that, as part of this work, the requirement for consent from the presiding judge is removed and that costs are reduced for accessing the items for litigants in person.

Law Officers Department

113. The Attorney General explained within his submission that the C&AG report on Non-Ministerial departments which was published in December 2019 (R.148/2019) did not find any significant weaknesses in the governance arrangements within the Law Officers' Department.¹⁵⁹
114. However, the Attorney General did agree with the following recommendation within the C&AG's report

“Consider options for enhanced oversight of the governance of Non-Ministerial Departments that does not impinge on their operational independence, including through establishment of an advisory

¹⁵³ Submission – Judicial Greffier
¹⁵⁴ Submission – Judicial Greffier
¹⁵⁵ Submission – Judicial Greffier
¹⁵⁶ Submission – Judicial Greffier
¹⁵⁷ Submission – Judicial Greffier
¹⁵⁸ Submission – Judicial Greffier
¹⁵⁹ Submission – Attorney General

Audit Committee that –

- *reports to the Accountable Officers for Non-Ministerial Departments; and*
- *provides assurances on internal control to the Treasurer of the States in the context of his wider responsibilities for the public finances of Jersey.*¹⁶⁰

115. It was explained that the work on establishing a suitable arrangement which provided independent oversight, while respecting the independence of the Department, was a key element in enhancing the oversight of governance of the Law Officers' Department.¹⁶¹ Furthermore, it was noted that Customer Feedback Questionnaires are sent out on a small selection of concluded cases within the Civil Division with a summary of the feedback provided to the Senior Management Team.

Training for the Judiciary

116. The Bailiff noted in his submission, that it is open for members of the Judiciary to attend courses and that this regularly happens with new developments in Law. An example given within the submission related to training organised by the Court to understand the new bad character and hearsay provisions contained within the new Criminal Procedure statutory provisions.¹⁶²

117. It was also explained that all new judges attend the standard training course run for all English judges which takes place at Warwick University.¹⁶³

118. On the subject of training for members of the Judiciary, the Judicial Greffier gave the following overview of training that was undertaken by the Magistrate, Assistant Magistrate and Relief Magistrates:

*The Magistrate and the Assistant Magistrate have attended annual residential training with the Judicial College of England and Wales since they were appointed to their respective posts. Relief Magistrates (who are appointed to sit when the post holders are unavailable or conflicted) have also attended the Judicial College training on occasions. Every year there is a session within the Judicial College training on youth justice which the Magistrates attend. This includes training exercises, lectures and presentations from practitioners in the field of youth justice.*¹⁶⁴

Finding 53

There are a number of pieces of work ongoing within the Court Services in order to improve the experience for customers and clients. These include digitising the court service to improve access for non-legally knowledgeable persons, restructuring of management teams and accreditation with customer service excellence standards.

Finding 54

There are examples of training being made available to members of the Judiciary in relation to developments in the legal profession and more widely in the context of new legislation.

¹⁶⁰ Submission – Attorney General

¹⁶¹ Submission – Attorney General

¹⁶² Submission – Bailiff of Jersey

¹⁶³ Submission – Bailiff of Jersey

¹⁶⁴ Submission – Judicial Greffier

Recommendation 18

The Panel is of the view that the Bailiff of Jersey should remove the requirement for a presiding judge to give consent for transcripts and recordings from court hearings to be accessed. The costs associated with accessing these items should also be reduced to ensure greater access to justice for litigants in person. This should be completed by the end of January 2022.

8. Conclusion

The Panel would like to, once again, thank all those individuals who made submissions to it about their experiences in relation to these key areas, many of which highlighted difficult and distressing circumstances. It is clear from the evidence received by the Panel that the negative perception of the 'Jersey Way' is still viewed strongly from some corners of the Island's society. Furthermore, there continues to be an undercurrent of distrust in the institutions identified as perpetuating this issue. The Panel has attempted in its review to objectively assess what are seen as cornerstones of this negative perception and it has made recommendations in order to address some of the key issues where possible.

It should, however, be noted that there is not a one size fits all solution to the negative perception of the 'Jersey Way' and many of the issues relate to systemic and cultural changes which need to be embedded. The Panel notes that work is ongoing to address these issues, but at this stage some four years after the IJCI report was published, the Panel is concerned that little progress has been made to address this on a cultural level.

It is hoped that work looking at some of the more specific points in respect of the negative perception of the 'Jersey Way' will continue within future reviews, whether as part of this Panel or a future Panel with a specific Terms of Reference in this regard.

9. Appendix One

Government of Jersey Complaints Policy – expectations of staff

Who	Commitment	How
Chief Executive Officer	Responsible for ensuring that policy is implemented, and customer feedback has been acted upon across departments of the Government of Jersey	Report publicly on the Government of Jersey's handling of customer feedback. Regularly review and respond to reports about customer feedback trends and issues arising from complaints.
Directors General	Promote a culture that values feedback, continuous improvement and the effective resolution of complaints.	<p>Provide regular reports to Ministers about customer feedback and the outcomes of customer complaints. Provide adequate support and direction to key staff responsible for handling complaints.</p> <p>Regularly review and respond to reports about customer feedback trends and issues arising from complaints.</p> <p>Encourage all staff to be alert to customer feedback and assist those responsible for handling complaints resolve them promptly.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Recognise and reward good complaint handling by staff.</p> <p>Support recommendations for product, service, staff and complaint handling improvements arising from the analysis of complaint data</p>
Departmental Senior Management Teams	Promote a culture that values feedback, continuous improvement and the effective resolution of complaints.	<p>Provide adequate support and direction to key staff responsible for handling complaints.</p> <p>Regularly review and respond to reports about customer feedback trends and issues arising from complaints.</p> <p>Encourage all staff to be alert to customer feedback and assist those responsible for handling complaints to resolve them promptly.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Recognise and reward good complaint handling by staff.</p> <p>Support recommendations for product, service, staff and complaint handling improvements arising from the analysis of complaint data</p>

Redress and Accountability Systems in Jersey

<p style="text-align: center;">Group Director Customer Services</p>	<p style="text-align: center;">Senior Leader with overarching responsibility within the organisation for the management of customer feedback</p>	<p>Receive and review regular reports on customer feedback trends and issues arising from complaints across the organisation.</p> <p>Work with other Senior Managers to review departmental trends and issues arising from complaints within departments.</p> <p>Work with other Senior Managers to recognise potential hot spots and ensure that action is undertaken to improve services.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p>
<p style="text-align: center;">Customer Feedback Manager</p>	<p style="text-align: center;">Establish and manage our feedback management system</p>	<p>Provide regular reports to the Group Director Customer Services on customer feedback trends and issues arising from complaints across the organisation.</p> <p>Prepare reports for departmental Senior Management Teams highlighting departmental trends and issues arising from complaints within departments.</p> <p>Work with departments to identify potential hot spots and ensure that action is undertaken to improve services.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with Government of Jersey's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p>
<p style="text-align: center;">Department Feedback Management</p>	<p style="text-align: center;">Ensures department compliance to the customer feedback policy</p>	<p>Work with advisors, section feedback managers and senior managers to ensure that customer feedback is handled in accordance with the guidelines set within the customer feedback policy.</p> <p>Promotes the benefits of good complaint handling and shares examples of best practise.</p> <p>Ensure feedback items are appropriately assigned to the correct sections and/or responsible team members.</p> <p>Identify, manage and escalate (where appropriate) feedback cases that have not met prescribed service level agreements.</p>

Redress and Accountability Systems in Jersey

		<p>Work with Customer Feedback Manager and section feedback managers to identify and target improvement opportunities and training/quality issues.</p> <p>Ensure teams are aware of mandatory customer feedback handling training.</p>
Section Feedback Management	Ensures section compliance customer feedback policy	<p>Work with advisors and department feedback managers to ensure that customer feedback is handled in accordance with the guidelines set within the customer feedback policy.</p> <p>Ensures timely and appropriate solutions to complaints.</p> <p>Ensures team members complete customer feedback handling training.</p> <p>Works with Advisors and Department Feedback Managers to identify and implement improvement opportunities.</p> <p>Ensure feedback items are appropriately assigned to the correct sections and/or responsible team members.</p> <p>Highlights additional training requirement to Department Feedback Manager and Customer Feedback Manager.</p>
Staff whose duties include handling customer feedback	Demonstrate exemplary practices in handling customer feedback	<p>Treat all people with respect, including people who make complaints. Assist people to give feedback, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve the organisation's feedback management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>
All staff	Understand and comply with the Government of Jersey's practices for handling customer feedback	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of the Government of Jersey's complaint handling policies and procedures.</p> <p>Assist people who wish to give feedback access the Government of Jersey's customer feedback process.</p>

Redress and Accountability Systems in Jersey

		<p>Be alert to feedback and assist staff handling complaints resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of customer feedback data as directed by management.</p>
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10. Appendix Two

Government of Jersey Disciplinary Procedure Investigation

4 Investigation (See Glossary and Investigation Guidelines)

8.1 Criminal offences or charges are not automatic reasons for taking disciplinary action. Human Resources, in accordance with the States of Jersey Memorandum of Understanding Agreement will advise in potential criminal cases before proceeding with an investigation into a disciplinary matter and before any disciplinary action is contemplated.

This will determine whether the charge/offence is relevant to the person's employment and sufficiently serious to warrant investigation and action under this policy.

8.2 Subject to 10.2.1 below, before any formal disciplinary action is taken, an investigation will be promptly undertaken by management to establish the facts of the situation, taking into account relevant witness statements, associated documentation, and relevant States of Jersey Codes of Conduct, policies and procedures.

8.3 The length and depth of the investigation (determined by management), will be dependent upon the gravity and complexity of the allegation.

8.4 The employee should be kept regularly advised of the progress of the investigation.

8.5 Subject to 8.1 above, a disciplinary investigation may run in parallel to an external and/or criminal investigation. In these circumstances, other professional bodies may become involved. Care should be taken not to prejudice any criminal investigation and the officer responsible for a criminal investigation should be consulted prior to a disciplinary investigation.

9 Suspension

9.1 The States of Jersey reserves the right to suspend or redeploy an employee during any stage of the disciplinary procedure (although it is recognised that this normally precedes disciplinary action). Suspension is in itself a neutral act, does not constitute or imply guilt on the part of the employee and will be kept to a minimum.

9.2 Suspension may be appropriate:

- Where the employee is accused of gross misconduct, and in addition the following should be taken into consideration
- When it is necessary to allow a thorough investigation to be carried out
- Where there are potential risks to the employee, other employees, service users or the public.

9.3 Whilst suspended an employee will receive full pay and allowances, excluding non-contractual overtime. Annual Leave will continue to accrue during the period of suspension.

For conditions applicable to suspensions, refer to Suspensions Code of Practice.

9.4 Suspensions will be kept under regular review.

10 Outcome following disciplinary action

10.1 Informal Action and Outcome

10.1.2 In certain circumstances, breaches of the expected standards of work or behaviour are able to be dealt with informally at the discretion of the Line Manager. This should be managed at the earliest opportunity in a private one-to-one meeting, between the employee and Line Manager.

Informal action should not be confused with management of day to day issues.

A note should be made of the meeting, to include a brief summary of the outcome and details of any actions agreed; a copy should be given to the employee for their own records and the original should be placed on the employee’s personal file.

10.1.3 The outcomes of informal action could be either one of the following:

OUTCOME	SANCTION
No action, where there is no case to answer	There is no sanction imposed.
Informal warning	Valid for 6 months, except in instances of safeguarding, where this remains indefinitely.

10.2 Formal Action and Outcome

10.2.1 An employee must be notified prior to being investigated and advised of any allegation made against them.

10.2.2 Formal action should be taken where the allegation is more serious (see glossary), or informal action has not brought about a significant or sustained improvement.

10.2.3 At least 10 working days (see glossary) notice must be given in writing to an employee prior to a Disciplinary Hearing. Where appropriate, both parties can agree to move the Hearing forward to an earlier date.

The notification should include the following:

- The allegation against them
- Whether the Hearing could result in dismissal
- Their right to representation.

(See Formal Hearing and Appeal Procedure)

10.2.4 The Disciplinary Hearing should be chaired by a Manager (determined by the Employer) appropriate to the severity of the allegation who should not have had any prior involvement in the investigation.

- 10.2.5 The rationale for the outcome;
- Where applicable, the improvement required, with any relevant timescales;
 - Any further action that may be incurred if there is no satisfactory improvement or if further misconduct occurs;
 - Their right to appeal.
- 10.2.6 All disciplinary warnings will remain in force for a fixed period, as defined in the outcome letter sent to the employee following the Disciplinary Hearing.
- 10.2.7 All records of Disciplinary Hearings, decisions and warnings will be kept on the employee’s personal file in accordance with Data Protection legislation.
- 10.2.8 All warnings will be applied with effect from the date of the hearing irrespective of whether an appeal is pending.
- 10.2.9 The outcomes of a Disciplinary Hearing could be any one of the following:

OUTCOME	SANCTION
No action, where there is no case to answer	There is no sanction imposed
Written warning	Valid for 9 months, except in instances of safeguarding, where this remains indefinitely.
Final written warning	Valid for 12 months except in instances of safeguarding, where this remains indefinitely.
Dismissal	The employee’s contract is terminated with or without notice

10.3 **Dismissal**

- 10.3.1 In cases where the outcome is dismissal (except in the case of gross misconduct) the employee will be paid in lieu of notice, at the rate of pay being paid at the date that notice is given, irrespective of whether an appeal is pending.
- 10.3.2 Dismissal following cumulative warnings will be normally with pay in lieu of notice.
- 10.3.3 Employees dismissed with pay in lieu of notice will not be required to work their notice.
- 10.3.4 In the case of gross misconduct, the employee will be dismissed with immediate effect and without notice, irrespective of whether an appeal is pending.
- 10.3.5 Criminal offences or charges are not automatic reasons for dismissal. The Line Manager together with HR should consider the facts and whether the charge or offence is relevant to the individual’s employment.

11 **Appeal**

- 11.1 Employees have the right to:
- Appeal against all formal stages of the disciplinary process

- Appear personally in front of an Appeal Hearing, either alone or accompanied by a recognised Trade Union representative or workplace colleague.
- 11.2 The appeal should be heard by the next level of management in terms of seniority to the Manager who conducted the original Disciplinary Hearing. In the case of dismissal, the appeal will be heard by their Chief Officer or their senior nominee.
- 11.3 An Appeal Panel may, in upholding an appeal, impose a lesser sanction.
- 11.4 An Appeal Panel cannot impose a greater sanction than that is being appealed against.
- 11.5 If an employee is reinstated following an appeal against dismissal, they will be reinstated from the date of dismissal and contractual pay will be restored taking into account any pay received in lieu of notice.
- 11.6 The decision of the Appeal Hearing is final.

11. Appendix Three

Judicial Code of Conduct

“WHEREAS the Jersey Judicial Association was established on 12th July 2004 and is composed of all those exercising judicial functions in the Island of Jersey;

AND WHEREAS the Bailiff and Jurats of the Royal Court have from time immemorial set standards of judicial probity for the Island’s judiciary governed foremost by conscience and a faithful regard to their Oaths of Office, they now acknowledge that it is desirable to lay such standards down in writing;

NOW, therefore, the Jersey Judicial Association has, with the approval of the Bailiff, adopted the following Code of Ethics and Conduct for all members of the judiciary in Jersey”.

1		Members of the judiciary shall uphold the integrity and independence of the judiciary and perform their duties with competence, diligence and dedication.
2		Members of the judiciary shall decide cases assigned to them within a reasonable time, according to the means and resources placed at their disposal by the Government of Jersey and to the volume of work assigned to them. They are to ensure that justice is done by giving each party a fair hearing according to law.
3		In order to be able competently to perform their respective judicial functions, members of the judiciary shall, within the limits of the means and resources that the Government of Jersey places at their disposal, keep themselves informed regarding developments in legal and judicial matters affecting their particular functions.
4		Members of the judiciary shall carry out their duties with dignity, courtesy and humanity. Furthermore, they are to ensure as far as practicable that good order and decorum are maintained in the courtroom where they preside and that every person conducts himself accordingly in court.
5		Members of the judiciary shall at all times show respect towards their colleagues, and particularly towards the judgments they pronounce.
6		Members of the judiciary have every right to administer their personal assets and property in the manner most beneficial to them. However, they shall not engage in any activity which is in its very nature incompatible with the office they hold.
7	a)	Members of the judiciary shall not exercise any profession, business or trade which conflicts with their judicial obligations.
	b)	Members of the judiciary shall not hold any office or post, even though of a temporary, voluntary or honorary nature, and may not perform any activity, which, in the opinion of the Bailiff, may compromise or prejudice their independence or the performance of their duties or functions.
8		Members of the judiciary have a right to their private life. However, in this context, members of the judiciary are to ensure that their conduct is consistent with their office and that it does not tarnish their personal integrity and dignity, which are indispensable for the performance of their duties.
9		Members of the judiciary shall not join any political organisation, association or body, nor one which, by reason of its nature or purpose, could conflict with judicial independence or impartiality; nor shall members of the judiciary participate, provide financial assistance or show support for any such organisation, association or body.
10		Members of the judiciary shall not, while out of court, discuss cases that are pending in court. Members of the judiciary should discourage persons from discussing, in their presence, cases that are sub judice.

11	Members of the judiciary shall carry out their duties according to the dictates of their conscience, objectively and without fear, favour or partiality, and in keeping with the laws and customs of the Island. They shall decide cases objectively and solely on their legal and factual merits.
12	Members of the judiciary shall conduct themselves, both in court and outside court, in such a manner as not to put in doubt their independence and impartiality or the independence and impartiality of the office which they hold.
13	Members of the judiciary shall not disclose to others the content of discussions between members of the court when reaching a decision in a case.
14	Members of the judiciary shall not give evidence as character witnesses for any person, particularly if the said person stands accused of a crime, unless compelled by law or in cases involving relatives, and in other cases after having consulted with and obtained the approval of the Bailiff. Official notepaper should not be used other than for official purposes.
15	Members of the judiciary shall not sit in a case where they have a financial or other interest or where the circumstances are such that a fair minded and informed observer, having considered the given facts, would conclude that there was a real possibility that the member was biased: in all other cases they are bound not to abstain from their duty to sit.
16	Members of the judiciary shall not accept any gifts, favour or benefit which might possibly influence them in the proper fulfilment of their judicial duties or which might give an impression of improper conduct.
17	Members of the judiciary shall not comment or grant interviews to the media or speak in public on matters which are sub-judice. In general, members of the judiciary shall not seek publicity or the approval of the public or the media.
18	Members of the judiciary shall notify the Bailiff if they are convicted of any criminal offence, whether in the Island or elsewhere, other than an offence involving speeding or unlawful parking.
19	If any member of the judiciary is in doubt whether his or her conduct might be contrary to any provisions of this Code, he or she should consult the Bailiff so as to secure a ruling in advance in relation to that proposed conduct.

12. Appendix Four

Part six States of Jersey (Law) 2005 – Officers of the States

PART 6

OFFICERS OF THE STATES

41 Greffier of the States

- (1) There shall be a Greffier of the States, who is the clerk of the States.
- (2) There shall be a Deputy Greffier of the States, who is the clerk-assistant of the States.
- (3) The Greffier of the States shall be appointed by the Bailiff with the consent of the States.
- (4) The Deputy Greffier of the States shall be appointed by the Greffier of the States with the consent of the Bailiff.
- (5) The Greffier of the States and the Deputy Greffier of the States shall be appointed on such terms and conditions as to salary, allowances, pensions or gratuities, if any, as are determined by the States Employment Board after negotiation with the Greffier of the States and the Deputy Greffier of the States respectively
- (6) A sufficient number of officers, who shall be persons who are States' employees within the meaning of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#), shall be appointed to ensure the service of the Greffier of the States and Deputy Greffier of the States.^[92]
- (7) An officer shall not be appointed under paragraph (6) except with the consent of the Greffier of the States.^[93]
- (8) An officer who is appointed under paragraph (6) –
 - (a) shall not have that appointment suspended or terminated; and
 - (b) while so appointed shall not have his or her employment by the States Employment Board suspended or terminated,except with the consent of the Greffier of the States.^[94]
- (9) An officer who is appointed under paragraph (6) –
 - (a) shall discharge his or her duties under that appointment under the direction and general supervision of the Greffier of the States; and
 - (b) shall not be directed or supervised in the discharge of those duties by the Chief Executive Officer, the States Employment Board, a Minister or a person acting on behalf of such a person.^[95]
- (10) The Greffier of the States, Deputy Greffier of the States and officers appointed under paragraph (6) shall be known as the States Greffe.
- (11) The Greffier of the States –
 - (a) may be suspended from office by the Bailiff, who shall refer the matter to the States at their next meeting; and
 - (b) may be dismissed by the States.
- (12) Any discussion by the States with regard to the appointment, suspension or dismissal of the Greffier of the States shall take place in camera.

- (13) The Deputy Greffier of the States may be suspended or dismissed by the Greffier of the States with the consent of the Bailiff.
- (14) In the event of the absence or incapacity of the Greffier of the States the functions of that office shall be discharged by the Deputy Greffier of the States.
- (15) In the event of the absence or incapacity of the Greffier of the States and Deputy Greffier of the States the functions of those offices shall be discharged by an officer of the States Greffe appointed by the Bailiff as Acting Greffier of the States.
- (16) The Greffier of the States and Deputy Greffier of the States shall, on assuming office, take oath before the States in the form set out in Part 2 of Schedule 2.
- (17) An Acting Greffier of the States shall, on assuming office, take oath before the Bailiff in the form set out in Part 2 of Schedule 2.
- (18) Notwithstanding anything in any enactment the Deputy Greffier of the States, on the authority of the Greffier of the States, may discharge any function appertaining to the office of Greffier of the States.

13. Appendix Five

Code of Conduct for Elected Members (States Assembly) - Schedule 3 Standing Orders of the States of Jersey

1. Purpose of the code:

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. All elected members are required, in accordance with Standing Orders, to comply with this code.

2. Public duty:

The primary duty of elected members is to act in the interests of the people of Jersey and of the States. In doing so, members have a duty to uphold the law in accordance with their oath of office and to act on all occasions in accordance with the public trust placed in them. Elected members have a general duty to act in what they believe to be the best interests of Jersey as a whole, and a special duty to be accessible to the people of the constituency for which they have been elected to serve and to represent their interests conscientiously. Elected members must give due priority to attendance at meetings of the States in accordance with the terms of their oath of office and should be present in the Chamber when the States are meeting unless they have very compelling reasons not to do so.

3. Personal conduct:

Elected members should observe the following general principles of conduct for holders of public office –

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family and friends, their business colleagues or any voluntary or charitable organization they are involved with.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest, or rules on freedom of information, data protection or confidentiality clearly demand.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example to maintain and strengthen the public's trust and confidence in the integrity of the States and its members in conducting public business.

The principles in practice

4. Conflict between public and private interest

Elected members should base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the 2, at once, and in favour of the public interest.

5. Maintaining the integrity of the States

Elected members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Jersey and shall endeavour, in the course of their public and private conduct, not to act in a manner which would bring the States, or its Members generally, into disrepute. 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, notwithstanding the disagreements on issues and policy which are a normal part of the political process.

6. Public comments etc. regarding a States' employee or officer

Elected members who have a complaint about the conduct, or concerns about the capability, of a States' employee or officer should raise the matter, without undue delay, with the employee's or officer's line manager (or, if he or she has none, the person who has the power to suspend the employee or officer), in order that the disciplinary or capability procedures applicable to the employee or officer are commenced, rather than raising the matter in public.

Elected members should observe the confidentiality of any disciplinary or capability procedure regarding a States' employee or officer and its outcome. If an elected member is nevertheless of the opinion that it is in the wider public interest that he or she makes a public disclosure of or comment upon the outcome of any such procedure, he or she should inform the parties to the procedure before so doing and, when so doing, refer to the individual by the title of his or her employment or office rather than by his or her name.

In this paragraph, “States’ employee or officer” means a States’ employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005, a member of the States of Jersey Police Force and any officer mentioned in the Schedule to that Law who is not a member of the States.

7. Gifts and hospitality

Elected members should not accept gifts, hospitality or services that might appear to place the recipient under any form of obligation to the giver. In receiving any gift or hospitality, members should consider whether they would be prepared to justify acceptance to the public.

8. Access to confidential information

Elected members must bear in mind that confidential information which they receive in the course of their duties should only be used in connection with those duties, and that such information must never be used for the purpose of financial gain nor should it be used in their own personal interest or that of their families or friends. In addition, members should not disclose publicly, or to any third party, personal information about named individuals which they receive in the course of their duties unless it is clearly in the wider public interest to do so. Elected members must at all times have regard to all relevant data protection, human rights and privacy legislation when dealing with confidential information and be aware of the consequences of breaching confidentiality. Elected members must not disclose publicly, or to any third party, things said, or information produced, in a meeting of the States that is conducted in camera, unless the States have permitted such disclosure.

9. Co-operation with committees and panels

Elected members shall co-operate when requested to appear and give evidence before or produce documents to –

- a) a scrutiny panel, for the purpose of the review, consideration or scrutiny of a matter by the panel pursuant to its terms of reference and the topics assigned to it, or to a sub-panel or any person appointed by the scrutiny panel to review, consider, scrutinize or liaise upon any particular matter;
- b) the PAC, for the purpose of the preparation of a report upon or assessment of any matter pursuant to the PAC’s terms of reference;
- c) a committee of inquiry, for the purpose of the inquiry which the committee is appointed to conduct; and
- d) the PPC, for the purpose of an investigation of a suspected breach of this code, or to any person appointed by the PPC to investigate a suspected breach.

14. Appendix Six

Oaths of Office for elected members of the Parish

Oaths of office from Code of 1771 (translated)

OATH OF THE CONNÉTABLES

You swear and promise, by the faith and oath that you owe to God, that you will well and faithfully discharge the duties and office of Connétable of the Parish of.....; you will cause to be kept the King's Peace; you will protect and uphold to the best of your ability the rights appertaining to the said Parish, and as touching the public welfare thereof, you will be guided by the advice and counsel of the Principals and other officers of the said Parish; which officers you will convene, or will cause to be convened through your Centeniers, regularly to advise on the affairs of the Parish; you will execute the lawful orders of the Lieutenant Governor, of the Bailiff, of his Deputy and of the Judges and Jurats of the Royal Court, as pertaining to their respective offices, attending meetings of the States whenever you are called upon to do so; and all this and your bounden duty you promise upon your conscience to perform.

OATH OF THE CENTENIERS

You swear and promise by the faith and oath that you owe to God, that you will well and faithfully discharge the duties and office of Centenier of the Parish of.....; you will keep and cause to be kept the King's Peace; opposing and arresting all those who attempt or commit all manner of crime, délit or contravention, whom you shall bring to judgement to punished according to their misdeeds, abiding in this respect by the directions of His Majesty's Attorney General; you will protect and uphold to the best of your ability the rights appertaining to the said Parish, and as touching the public welfare thereof, you will be guided by the advice and counsel of the Principals, the Connétable and other officers of the said Parish; you will assist the Connétable to convene the said officers regularly, and convene them yourself should he require you to do so to attend as necessary to the affairs of the Parish; you will execute the lawful orders of the Lieutenant Governor, of the Bailiff, of his Deputy and of the Judges and Jurats of the Royal Court, as pertaining to their respective offices; and all this and your bounden duty you promise upon your conscience to perform.

OATH OF THE ROADS INSPECTORS

YOU swear and promise by the faith and oath that you owe to God, that you will well and faithfully discharge the office of Roads Inspector, in the Vingtaine of....., Parish of....., and that you will abide by, and duly execute, the Regulations from time to time made governing the repair and upkeep of the public highways, and generally discharge all the duties appertaining to the said office.

OATH OF THE PARISH PROCUREURS

YOU swear and promise by the faith and oath that you owe to God, that you will discharge the office of Procureur du bien public of the Parish of; that you will conserve and augment the property of the Parish as you would your own, and more so if you are able; that you will in the execution of your duties take heed of the advice and counsel of the Principals and Officers, and Chefs de Famille of the said Parish; and that you will generally discharge all other duties appertaining to the said office.

OATH OF VINGTENIERS

YOU swear and promise by the faith and oath that you owe to God, that well and faithfully you will discharge the office of Vingtenier of the Vingtaine of in the Parish of; that you will execute due service of summonses and faithfully record the same, and that you will assist the Connétable, or Centeniers, whenever required to do so; and that you will generally discharge all other duties appertaining to the said office.

OATH OF CONSTABLE'S OFFICERS

YOU swear and promise by the faith and oath that you owe to God, that well and faithfully you will discharge the office of Constable's Officer of the Parish of.....; and that you will assist the Connétable, or Centeniers, whenever required to do so; and that you will generally discharge all other duties appertaining to the said office.

15. Appendix Seven

Discipline Code for the Honorary Police

Discipline Code from [Police \(Honorary Police Complaints and Discipline Procedure\) \(Jersey\) Regulations 2000](#)

SCHEDULE (Regulation 2(1)) **DISCIPLINE CODE**

1. Interpretation

In this Schedule “officers” means members of the Honorary Police.

2. Honesty and integrity

It is of paramount importance that the public has faith in the honesty and integrity of officers. Officers should, therefore, be open and truthful in their dealings; avoid being improperly beholden to any person or institution and discharge their duties with integrity.

3. Fairness and impartiality

Officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public and their colleagues.

4. Politeness and tolerance

Officers should treat members of the public and colleagues with courtesy and respect, avoiding abusive or deriding attitudes or behaviour. In particular, officers must avoid: favouritism of an individual or group; all forms of harassment, victimization or unreasonable discrimination; and overbearing conduct to a colleague, particularly to one junior in rank or service.

5. Use of force and abuse of authority

Officers must not use more force than is reasonable, nor should they abuse their authority.

6. Performance of duties

Officers should be conscientious and diligent in the performance of their duties. If absent through sickness or injury, they should avoid activities likely to retard their return to duty.

7. Lawful orders, directives, etc.

The Honorary Police is a disciplined body. Unless there is good and sufficient cause to do otherwise, officers must obey all lawful orders and directives and abide by the provisions of the Honorary Police (Jersey) Regulations 1977[9] and the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000.[10] Officers should support their colleagues in the execution of their lawful duties, and oppose any improper behaviour, reporting it where appropriate.

8. Confidentiality

Information which comes into the possession of the Honorary Police should be treated as confidential. It should not be used for personal benefit and nor should it be divulged to other parties except in the proper course of police duty. Similarly, officers should respect as confidential information about the policy and operations of the Honorary Police and the Force unless authorized to disclose it in the course of their duties.

9. Criminal offences

Officers must report to the Connétable of the parish in which they serve any proceedings for a criminal offence taken against them. Conviction of a criminal offence may of itself be an offence against discipline.

10. Property

Officers must exercise reasonable care to prevent loss or damage to property (excluding their own property but including police property).

11. Alcohol

- a) Officers shall not consume any alcohol whilst on duty. An officer is on duty at all times during his or her duty rota except during such times as the officer has, with the prior agreement of, if he or she is a Vingtenier or Constable's officer, the duty Centenier or, if he or she is a Centenier, another Centenier of the parish, been relieved of duty.
- b) Officers shall not be on duty having consumed alcohol before coming on duty to such an extent that their judgment or ability to perform their duties is likely to be adversely affected or is likely to bring the Honorary Police into disrepute.

12. Appearance

Unless on duties which dictate otherwise, officers should always be well turned out, clean and tidy whilst on duty.

13. General conduct

Whether on or off duty, officers should not behave in a way which is likely to bring discredit upon the Honorary Police.

Notes:

- a) The duties of those who hold the office of Centenier, Vingtenier or Constable's Officer include the protection of life and property, the preservation of the Queen's peace, and the prevention and detection of criminal offences. To fulfil these duties they are granted extraordinary powers; the public and the Honorary Police therefore have a right to expect the highest standards of conduct from them.
- b) This Code sets out the principles which guide officers' conduct. It does not seek to restrict officers' discretion: rather it aims to define the parameters of conduct within which that discretion may be exercised. However, it is important to note that any breach of the principles in this Code may result in the preferment of disciplinary charges which, if proved, in a serious case, could involve dismissal.

- c) This Code applies to the conduct of all officers whilst on duty, or whilst off duty if the conduct is serious enough to indicate that an officer is not fit to be such. It will be applied in a reasonable and objective manner. Due regard will be paid to the degree of negligence or deliberate fault and to the nature and circumstances of an officer's conduct. Where off-duty conduct is in question, this will be measured against the generally accepted standards of the day.

16. Appendix Eight

Independent Jersey Care Inquiry – Summary Report – Recommendation Seven

Recommendation 7: The “Jersey Way”

Throughout the course of the Inquiry, we heard reference to the “Jersey Way” notwithstanding that there did not seem to be any set definition of the term. On some occasions it was used in a positive way, to describe a strong culture of community and voluntary involvement across the island, and this is something we recognise as a strength of the island, from the many contacts we had with voluntary organisations and individuals who give generously of their time to serve the interests of others. On most occasions, however, the “Jersey Way” was used in a pejorative way, to describe a perceived system whereby serious issues are swept under the carpet and people escape being held to account for abuses perpetrated.

A Phase 3 witness told us: “we [also] have the impossible situation of the non-separation of powers between the Judiciary and political and there is a lot of secrecy, non-transparency and a lack of openness. This brings with it the lack of trust, the fear factor that many have spoken about and contributes greatly to the Jersey Way”. It is this strongly held perception by many of those who experienced abuse that will continue to undermine any attempts to move the island forward from the matters into which we have inquired. We therefore recommend that open consideration involving the whole community is given to how this negative perception of the “Jersey Way” can be countered on a lasting basis.

Jersey has a long and proudly held tradition of governance, but that is not to say that steps should not be taken to reflect the modern world in which the island exists. As with many long-established jurisdictions, there can be a resistance to change, which is something that seems to be acknowledged. We are of the opinion that this serious matter cannot be addressed without further consideration being given, in the light of our findings, to recommendations contained in the Clothier and Carswell Reports.

While these involve constitutional matters, we are firmly of the view that the progress that must be made in relation to future care and safety of children in Jersey will be undermined if they are not dealt with such that all perceptions of there being a negative “Jersey Way” are eradicated once and for all. Achieving this would, in our opinion, provide a very strong visible marker that there was a deep determination in the island to use the conclusion of the Independent Jersey Care Inquiry as a platform to ensure that the island’s children and young people will be looked after in a caring and compassionate system that is underpinned by a system of governance in which there is the utmost confidence among all of the island’s citizens.

17. Appendix Nine

17.1 Review Panel Membership

The Care of Children in Jersey Review Panel is comprised of the following States Members*:



[Deputy Rob Ward, Chair](#)



[Deputy Louise Doublet](#)



[Deputy Mike Higgins](#)



[Deputy Montfort Tadier](#)

*Deputy Tadier joined the Review Panel in February 2021 and as such was not involved in the early stages and evidence gathering for the review

*Deputy Pamplin stepped down from the Panel in June 2021 and, as such was not involved in the reporting of this review.

17.2 Terms of Reference

The Review Panel's Terms of Reference for this review are as follows;

1. To examine and gather views on the complaints processes within the Government of Jersey, States Assembly, Court System and Parish administrations that are accessed by members of the public.
2. To identify whether these systems are open, transparent and accessible to the general public and in keeping with best practice.
3. To assess the various means of redress available to members of the public who raise a grievance with Government of Jersey, States Assembly, the Court System or Parish administration functions.
4. To identify and assess the policies and means by which the Government of Jersey, Court System and Parish Administrations hold employees, elected officials (specifically within the Parish system) and honorary staff accountable for their decisions and actions.
5. To identify and assess the procedures by which States Members are held to account for their actions in public office.
6. To identify any future work programmes within the Government of Jersey, States Assembly, Court System and Parish administrations that seek to improve confidence in the systems of governance and address the recommendations of the Independent Jersey Care Inquiry relevant to these systems.

17.3 Public Hearings

Witness	Date
Advocate Adam Clarke, Judicial Greffier	9 th March 2021
Timothy Le Cocq, Bailiff of Jersey Steven Cartwright, Chief Officer, Bailiff's Chambers	10 th March 2021
Senator John Le Fondré, Chief Minister Tom Walker, Director General, Strategic Policy, Performance and Planning Ruth Johnson, Head of Policy, Strategic Policy, Performance and Planning Sophie Le Sueur, Group Director, Customer Services Paul Wylie, Group Director, Policy	15 th March 2021

Connétable Deidre Mezbourian, Chair of the Comité des Connétables Sue De Gruchy, Secretary to the Comité des Connétables	18 th March 2021
Mark Temple QC, Her Majesty's Attorney General Sylvia Roberts, Director, Civil Division, Law Officers' Department Alec Le Sueur, Practice Director, Law Officers' Department	19 th March 2021

17.4 Review Costs

The costs of this review totaled £1,228.84 in advertising and public hearing transcription costs.



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