

# **PAN-ISLAND** COMMISSIONER FOR STANDARDS



Commissioner for Standards Annual Report, Jersey 2023

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# 1 Introduction

- 1.1 This is my first report since taking up the role of Pan-Island Commissioner for Standards in March 2023.
- 1.2 This report is submitted in accordance with Part 3 Paragraph 12 of the Commissioner for Standards (Jersey) Law 2017. It provides information on complaints received in Jersey from March 2023 to 31 December 2023 including analysis of the number of complaints, summary of investigation reports and recommendations, resources associated with the Office and other work carried out during this year.

## 2 Functions of the Commissioner

- 2.1 The functions of the Commissioner are set out in Part 3 Paragraph 9 of the Commissioner for Standards (Jersey) Law 2017 and may be summarised as follows:
  - to investigate a complaint to the Commissioner that, at a relevant time, a breach of a code as in force at that time occurred;
  - to initiate an investigation if the Commissioner believes that, at a relevant time, a breach of a code as in force at that time may have occurred;
  - to report to the PPC on the outcome of any investigation;
  - on the Commissioner's own initiative or, if requested by the PPC, to give advice on any matter relating to standards of conduct of elected members of the States or standards of conduct and practice of Ministers and Assistant Ministers, including proposals to change a code;
  - if requested by the Chief Minister, to give advice on any matter relating to standards of conduct and practice of Ministers and Assistant Ministers, including proposals to change the code referred to in paragraph (b) of the definition "code".
- 2.2 Part 3 Paragraph 11 of the Commissioner for Standards (Jersey) Law 2017 states that "The Commissioner shall make and publish a statement of the manner in which he or she proposes to discharge his or her functions under this Law and any other enactment".
- 2.3 In accordance with the 2017 legislation, I published my statement in March 2023 and updated it in June 2023. All investigations are carried out in accordance with the processes contained in the Statement.

### 3 Complaints Overview

- 3.1 A total of seventeen complaints were received during the 2023 reporting period up to 31 December 2023. Of the seventeen complaints received, nine were inadmissible (53%), eight were admissible (47%) with seven proceeding to full investigation and two remaining open at the time of writing. Table 1 shows a breakdown of complaints received.

**Table 1. Complaints overview 2023**

	<b>March to December 2023</b>
Complaints submitted	17
Complaints by member of public	7
Complaints by a Member	8
Complaints by a Minister/Assistant Minister	2
Inadmissible	9
Admissible	8
Discontinued	0
Ongoing	2

- 3.2 Of the complaints received, 59% were submitted by Members/Ministers against Members/Ministers and 41% were complaints from members of the public against Members/Ministers.
- 3.3 Six investigations were completed to end December 2023 which resulted in five investigation reports submitted to the Committee (one report containing two investigated complaints). All six investigations related to complaints by Members/Ministers against Members/Ministers.
- 3.4 I successfully carried out preliminary assessments and full investigations through in-person and remote interviewing, obtaining legal advice when necessary.

## 4 Investigation Report Summaries

4.1 I submitted five investigation reports to the Committee this year in relation to six complaints. The following is a summary of each.

4.2 Complaint by Deputy Sam Mézec against Deputy Scott (202300001J)

Deputy Sam Mézec, President of the Scrutiny Liaison Committee referred a matter in March 2023 which concerned language used by Deputy Moz Scott towards Deputy Max Andrews. It was alleged that Deputy Scott used inappropriate language towards Deputy Andrews on two occasions: once in November 2022 over the telephone and once on a Microsoft Teams meeting in February 2023. On 12th January 2023, Deputy Scott apologised to Deputy Andrews for the November 2022 swearing incident, which he accepted. In relation to the February 2023 swearing incident, there is disagreement between the two Deputies as to whether Deputy Scott apologised. I concluded that Deputy Scott breached the requirements of Article 5 of the Code of Conduct for Elected Members by using the language that she used towards Deputy Andrews. I recommended that Deputy Scott should apologise to the States for her behaviour (language) which led to a breach of the Code of Conduct. PPC accepted my findings that Deputy Scott breached Article 5 of the Code which specifies that Elected Members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process. Additionally, PPC agreed with my recommendation that an apology be made by Deputy Scott, but that it would be sufficient for Deputy Scott to write a personal letter of apology to Deputy Andrews.

4.3 Complaint by Connétable Karen Shenton-Stone against Deputy Kristina Moore and Deputy Kirsten Morel (202300002J)

This complaint was referred on 31 March 2023 by Connétable Karen Shenton-Stone, Chair of the Procedures and Privileges Committee against Deputy Kristina Moore, Chief Minister and Deputy Kirsten Morel, Deputy Chief Minister. The complaint related to the resignation announcement by the government of the CEO of the Government of Jersey and Head of Public Service, and issues surrounding that announcement. The complaint was focussed on whether, by act or omission 1) there was a deliberate obfuscation or avoidance by the Chief Minister and/or Deputy Chief Minister and 2) there was an intention to mislead or misinform the Assembly. Both of these allegations relate to the Code of Conduct and Practice for Ministers and Assistant Ministers, and in particular Rule 1 of the Code which states that: "Ministers and Assistant Ministers must always uphold the highest standards of propriety through compliance with the Code of Conduct for Elected Members and through observance of the Seven Principles of Public Life (selflessness, integrity, objectivity, accountability, openness, honesty, leadership) as outlined at section 3 of the Code of Conduct for Elected Members". After considering all of the evidence, I found that Chief Minister, Deputy Kristina Moore and Deputy Chief Minister, Deputy Kirsten Morel did not breach Rule 1 of the Code of Conduct for Ministers and Assistant Ministers.

## 4 Investigation Report Summaries (continued)

### 4.4 Complaint by Deputy Moz Scott against Deputy Max Andrews (202300004J and 202300006J)

This investigation was into two complaints submitted by Deputy Moz Scott against Deputy Max Andrews. The first complaint was received on 29 April 2023 and concerned various accounts of Deputy Andrews' conduct towards Deputy Scott. The second complaint was received on 10 May 2023 and concerned an incident which took place on 9th May 2023, Liberation Day. I concluded that Deputy Andrews breached the requirements of Article 5 of the Code of Conduct for Elected Members by his sustained disrespectful communications to Deputy Scott and about Deputy Scott including public posts, gratuitous insults and his continuous loose talk and malicious gossip about Deputy Scott. I concluded that Deputy Andrews had further breached Article 5 of the Code of Conduct by his use of language towards Deputy Scott on 9th May 2023, Liberation Day. Additionally, I concluded that Deputy Andrews breached Article 8 of the Code of Conduct when he disclosed confidential information, including information relating to live and confidential investigations. I recommended that Deputy Andrews should apologise to the States for his behaviour. I also considered the breaches of the Code of Conduct to be significant in nature and invited PPC to consider further sanction such as censure or suspension.

After submitting my report to PPC on 16 August 2023, but prior to PPC adjudication of the report (while the investigation was still ongoing), Deputy Andrews sent a document titled "Notes on Moz" to Deputy Scott on 23 August 2023, and in doing so, it was my view that Deputy Andrews further breached Articles 5 and 8 of the Code of Conduct and Article 3. The Committee agreed with my recommendation that Deputy Andrews should apologise to the States Assembly for his behaviour and the Committee requested that Deputy Andrews make a public apology in the Assembly by way of a personal statement, addressing the breaches of the Code of Conduct contained within my report. The Committee requested Deputy Andrews write a personal letter of apology to Deputy Scott. Further, PPC also agreed with my recommendation that it consider further sanction and PPC concluded that the breaches of the Code were significant in nature, and proposed a vote of censure. The States' Assembly voted unanimously to censure Deputy Andrews.

### 4.5 Complaint by Deputy Rose Binet against Deputy Karen Wilson and Deputy Geoff Southern (202300005J)

In May 2023, Deputy Rose Binet submitted a complaint against Deputy Karen Wilson and Deputy Geoff Southern. Deputy Binet alleged that in a letter written by Deputy Wilson dated 3rd February 2023 to Deputy Southern, Deputy Wilson made untrue statements including anecdotal statements, about Deputy Barbara Ward and Deputy Andy Howell. It was also alleged that Deputy Southern made untrue statements in his response to a Vote of No Confidence in him and in other statements made by him in relation to Deputy Wilson's letter. Deputy Binet alleged that much stress and unjustifiable reputational damage was caused to both Deputy Ward and Deputy Howell.

## 4 Investigation Report Summaries (continued)

I concluded that Deputy Wilson and Deputy Southern breached the requirements of Article 5 of the Code of Conduct for Elected Members. It was my view that Deputy Wilson, in failing to acknowledge and rectify the inaccuracies in her letter following publication, failed to show respect to Deputy Ward and brought the States, and Members generally, into disrepute in breach of Article 5 of the Code. It was also my view that Deputy Southern failed to listen, understand and act on Deputy Ward's concerns and the information contained in the Vote of No Confidence proposition. This included his failure to inform Deputy Wilson of the concerns raised by Deputy Ward and his failure to show respect to Deputy Ward which had brought the States, and Members generally, into disrepute in breach of Article 5 of the Code.

I recommended that both Deputy Wilson and Deputy Southern should apologise to Deputy Ward and that both Deputies apologise to States Members in order to set the record straight, given that Deputy Wilson's letter and Deputy Southern's response were central to the Vote of No Confidence proposition and debate which led to much commentary by both Deputy Wilson and Deputy Southern, including to the press.

PPC accepted my finding that both Deputy Wilson and Deputy Southern breached Article 5 of the Code which specifies that Elected Members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process. PPC agreed with my recommendation that both Deputies should apologise to Deputy Ward. In relation to my recommendation that both Deputies apologise to States Members, the Committee believed that Deputy Wilson should apologise to Members in order to set the record straight in light of the inaccurate information contained in her letter. In relation to Deputy Southern, the Committee considered that an apology to Members was not necessary, however, PPC believed that Deputy Southern should write to Members primarily to set the record straight on this matter from his own perspective.

The Committee considered that an additional sanction should be made for Deputy Wilson in light of the factually incorrect information contained in her letter and concluded that she should also provide an apology to Deputy Southern. Although I found that he too had breached Article 5 of the Code of Conduct (which he accepted), PPC concluded that as Deputy Wilson's letter was heavily relied upon for the Vote of No Confidence proposition and debate, Deputy Wilson should apologise to Deputy Southern for sending and publishing the letter, which "ultimately led to his demise as Chair of the Health and Social Security Panel".

## 4 Investigation Report Summaries (continued)

### 4.6 Complaint by Deputy B Ward against Deputy K Morel (202300013))

A complaint was received on 17th July 2023 against Deputy Kirsten Morel by Deputy Barbara Ward. Deputy Ward alleged that on 28th February 2023, after the first day of a Vote of No Confidence debate relating to the Chair of Health and Social Security Scrutiny Panel, Deputy Morel created an intimidating and hostile situation in front of her fellow States Members in the Chamber and failed to show her courtesy and respect. I concluded that Deputy Morel breached the requirements of Article 5 of the Code of Conduct for Elected Members by behaving in an unacceptable way towards Deputy Ward on 28th February 2023, and in doing so, failed to show her respect and courtesy. I recommended that Deputy Morel should apologise to Deputy Ward for his behaviour which led to a breach of the Code of Conduct for Elected Members.

PPC accepted my finding that Deputy Morel breached Article 5 of the Code of Conduct which specifies that Elected Members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process. PPC agreed that Deputy Morel should apologise to Deputy Ward for his behaviour.



## 5 Other Work

- 5.1 In addition to considering in-year complaints and carrying out to completion six investigations, I also attended internal and external meetings, provided advice when requested and contributed to external consultations.
- 5.2 Since being appointed, I visited Jersey three times and formally met with Members in May 2023 and November 2023.
- 5.3 The Pan-Island Commissioner for Standards website is now complete and will go live once Guernsey finalises its processes including appeals. The website was set up with the aim of engaging with the public, explaining the complaints processes and creating a space to promote awareness of the importance of high standards in public life.
- 5.4 WorkPro, a complaints software package, has been implemented and will be used to process all complaints from January 2024. The system is compliant with data protection and allows a more efficient handling of complaints. Additionally, complaints will now be able to be submitted via the website through the WorkPro software.
- 5.5 I attended the Standards Network on 30 and 31 March 2023 which was hosted on this occasion by the Welsh Parliament and took place in Cardiff. The Standards Network is made up of representatives from the Offices of the Commissioners for Standards and the parliamentary staff with standards-related responsibilities in the House of Commons, the House of Lords, the Scottish Parliament, the Welsh Parliament, the Northern Ireland Assembly, Jersey & Guernsey Assemblies and the Houses of the Oireachtas. It provides a forum for knowledge exchange and shared learning and meets approximately every eighteen months. The meeting provided an opportunity for open and frank discussion of issues of mutual interest relating to legislative ethics and standards of conduct, including best practice and developments across the jurisdictions.
- 5.6 Throughout the year, I complied with the Code governing my conduct and registered all relevant financial and other interests and all hospitality received.

## 6 Resources

- 6.1 The Commissioner is paid a daily rate of £500 per day (gross). Table 2 shows a breakdown of the costs for 2023.

Table 2. Commissioner's Pay (Jersey) 2023

	Days	Total
Investigation and casework	26	13,000
Report writing	20.5	10,250
Administration	19	9,500
Visits to Jersey	7.5	3,750
<b>Total</b>	<b>73</b>	<b>36,500</b>

- 6.3 Total cost for investigation, casework and report writing was £23,250. On average, each investigation costs approximately £3,800.
- 6.4 Administrative costs relate to general meetings, committee meetings, letters of advice, emails, and initial administration costs relating to office set up, website, WorkPro (complaints software), and other administrative issues arising.

## 7 Acknowledgements

I am grateful to all of those in the States' Greffe who have provided me with assistance and support over the past year including Lisa Hart, Will Millow, Kellie Boydens and Janice Hales. I have also been fortunate to have had support from Standards Commissioners across the UK for which I am extremely grateful.



Dr Melissa McCullough  
Pan-Island Commissioner for Standards  
24 January 2024

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