

For Immediate Use**COMPLAINTS LODGED BY DEPUTY CARL MEERVELD****AGAINST EACH OF****DEPUTIES MATT FALLAIZE, RICHARD GRAHAM, PETER ROFFEY, RHIAN TOOLEY AND MARK DOREY****MEDIA STATEMENT**

In August 2020 Deputy Meerveld lodged a complaint to the States' Members Code of Conduct Panel about the actions of each of Deputies Matt Fallaize, Richard Graham, Peter Roffey, Rhian Tooley and Mark Dorey asserting that the behaviour of all those Deputies, by being perceived as expecting a particular candidate to be appointed to the position of Head of Curriculum and Standards, had breached sections 6, 8, 9 and 10 of the Code of Conduct for Members of the States of Deliberation. Those are: "Personal Conduct" Section 6, "Members' Conduct" sections 8 and 9, and "Relationship with the Civil Service" Section 10.

In summary, Deputy Meerveld alleged that they each had not acted correctly because they acted to ensure a particular candidate was appointed irrespective of the merits of any other candidates. He also alleged that the Members expected and encouraged staff to progress such an appointment and that meant that they were expected to breach the Civil Service Code. In addition Deputy Meerveld alleged that the Members breached the Code by attending job interviews with the preconceived decision that the position would be given to a particular candidate. Deputy Meerveld referred to material which made reference to an "agreement" with the civil service which expected a particular person to be appointed to the post of Head of Curriculum and Standards.

It took some months for the matter to be concluded because the Code of Conduct Panel was given legal advice that the matter should be suspended (in line with the principles of the provisions of the Code) until it was known whether criminal proceedings would be brought in respect of the associated application for an Employment Permit for the person appointed. Once that matter concluded, the Investigation Panel took every possible step to bring matters to a speedy conclusion.

The Chairman established an Investigation Panel to consider the matter in detail. The Panel met on the 14th February 2020. It considered carefully all the evidence provided to it, both written and verbal. It met all the complainants individually and also Deputy Meerveld. The Panel found as follows:

Section 6 – the Panel found that there was no case to answer in respect of any of the Deputies and that none of them had breached that part of the Code of Conduct.

Section 8 – the Panel found that there was no case to answer in respect of any of the Deputies and that none of them had breached that part of the Code of Conduct.

Section 9 – the Panel found that there was no case to answer in respect of Deputies Graham, Roffey, Tooley and Dorey and that none of those four Deputies had breached that part of the Code of Conduct.

In respect of Deputy Fallaize, the Panel concluded that the e mail which Deputy Fallaize had sent to the then Chief Secretary of the Committee *for* Education, Sport & Culture was ill-judged and could be perceived as not treating the recipient with respect and courtesy.

The relevant part of section 9 reads as follows:

“Members shall at all times treat other Members, Civil Servants and members of the public with respect and courtesy ...”

He was therefore found to have breached that section of the Code of Conduct.

Section 10 – the Panel found that there was no case to answer in respect of Deputies Dorey and Roffey and that they had not breached that part of the Code of Conduct.

In respect of Deputies Graham and Tooley, the Panel was concerned that when considering the appointment at issue they appeared not to be fully aware of the contents of the Civil Service Code nor of the constraints under which Deputies and civil servants operated. Nevertheless, the Panel concluded that that did not constitute a sufficient breach of the Code of Conduct to warrant any sanction against those Deputies.

In respect of Deputy Fallaize, the Panel was concerned that, in believing that matters could be arranged to ensure that a particular person could be appointed, Deputy Fallaize appeared not to be fully aware of the implications of the Civil Service Code nor of the constraints under which Deputies and civil servants operate which was a breach of the Code. However, although he was unhappy with the outcome of the interview process for the position of Head of Curriculum and Standards (which led to the aforementioned e mail being sent) because he had expected and assumed that a particular person would be appointed to the position, he had not required that to happen.

The relevant part of section 10 reads as follows:

“Members shall uphold the political impartiality of the Civil Service and shall not ask civil servants to act in a manner which would conflict with the Civil Service Code. Members should familiarize themselves with the contents of that Code.”

In summary:

The Panel found that Deputy Dorey has not breached the Code of Conduct for States’ Members and dismissed the complaint.

The Panel found that Deputy Roffey has not breached the Code of Conduct for States’ Members and dismissed the complaint.

The Panel found that Deputy Graham has not breached the Code of Conduct for States' Members and dismissed the complaint.

The Panel found that Deputy Tooley has not breached the Code of Conduct for States' Members and dismissed the complaint.

The Panel found that Deputy Fallaize had not breached sections 6 or 8 of the Code of Conduct. However, it did find that he had breached section 9 and part of section 10 of the Code and issued a caution in respect of each breach.

Deputy Fallaize has accepted the cautions.

The matter is therefore now closed.

On application to H.M. Greffier, a copy of the Panel's report is available for public inspection whenever the Greffe is open for normal business.

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