

Appeal Panel 2nd Oct 2020, Court Committee Room

Barbara Benfield & Helen McGregor

Pursuant to Para 13.4.1 of the Code of Conduct for States Members (commencing 11th June 2020) In considering the documents provided the Appeal Panel considered 1) whether the Members Conduct Hearing Panel made an error in the process which demonstrably impacted on the outcome, and /or 2) that the decision of the members Conduct Panel was not reasonable or justified given the evidence available to them in the Hearing.

In relation to the first ground of appeal as listed by the Greffier in his letter to Mr Jean of 14th Sept, the Appeal Panel considered that the Hearing Panel had NOT delivered 2 separate verdicts. Mr Jean had properly been provided with the minutes of the Hearing of 29th July and also the Findings of the Members Conduct Review Panel of 29th July (dated 10th Aug). This Ground of Appeal fails

Ground 2: The Appeal Panel concluded that the application of the Code of Conduct for States Members is not obviated by any conduct also breaching any other regulation/law/rule. The Code of Conduct stands alone & binds all Sates Members at all times. Whether or not the Data Commissioner chooses to or is even able to take action is irrelevant. This Ground of Appeal fails

Ground 3: The Appeal Panel concluded that the Hearing Panel was properly constituted and were guided at all times by the paragraphs contained within the Code. This Ground of Appeal fails

Ground 4: Any statement made by the Chairman of the Hearing Panel on 29th July would only constitute a successful Ground of Appeal if it 'demonstrably impacted on the outcome'. We do not believe that it did. This Ground of Appeal fails

Ground 5: The Appeal Panel did not have before it any evidence to suggest that permission was required from the Data Commissioner prior to commencing a Code of Conduct Hearing. Quite properly advice had been sought from the Data Commissioner. The Code of Conduct binds all States Members at all times. This Ground of Appeal fails

Ground 6: On 9th July the President advised the appellant that his presence at the Hearing was to protect Mr Jean's interest and to ensure that the hearing was conducted in line with the Code of Conduct. The President stressed that he took no part in the decision making process. On 29th July the President advised the Panel that whether he was present during the Hearing was a matter for them. The Panel unanimously agreed that they wished him to be present to advise on process and to obtain legal advice if necessary. On the information before the Appeal Panel there is no evidence of any undeclared interest. This Ground of Appeal fails

The Appeal Panel find that there was no error in the process which demonstrably impacted on the outcome, and neither did we find that the decision of the members Conduct Panel was not reasonable or justified given the evidence available to them in the Hearing.

The Appeal fails

The Appeal Panel are content for their decision to be published. We would like to invite representations from the party on this one point.