



OFFICIAL REPORT
OF THE
STATES OF DELIBERATION
OF THE
ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 27th November 2025

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Present:

Ms J. E. Rowland, Deputy Bailiff and Deputy Presiding Officer

Law Officers

People's Deputies

C. P. A Blin	M. S. Laine
Y. Burford	M. Malik
T. L. Bury	A. D. S. Matthews
A. K. Cameron	L. J. McKenna
H. L. Camp	P. S. N. Montague
G. M. Collins	A. J. Niles
R. P. Curgenven	G. A. Oswald
D. F. Dorrity	J. M. Ozanne
S. J. Falla	C. N. K. Parkinson
A. Gabriel	S. R. Rochester
J. A. B. Gollop	T. M. Rylatt
L. T. Goy	A. S. Sloan
S. T. Hansmann Rouxel	G. A. St Pier
M. A. J. Helyar	J. D. Strachan
R. M. Humphreys	L. C. Van Katwyk
N. R. Inder	S. P. J. Vermeulen
B. R. Kay-Mouat	S. Williams
A. Kazantseva-Miller	

Representatives of the Island of Alderney

Alderney Representatives E. Hill and E. A. J. Snowdon

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (States' Greffier)

Absent at the Evocation

Deputy H. L. de Sausmarez (*relevé à 9h 44*) ; Deputy M. P. Leadbeater (*relevé à 10h 00*) ;
Deputy J. P. Le Tocq

Business transacted

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States of Deliberation

The States met at 9.30 a.m.

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

Billet d'État XXX

STATES' ASSEMBLY AND CONSTITUTION COMMITTEE

2. Appeals Commissioner Report on a complaint under the Code of Conduct – Debate continued

The States' Greffier: Article 2, States' Assembly and Constitution Committee, Appeals Commissioner Report on a complaint under the Code of Conduct, continuation of the debate.

5

The Deputy Bailiff: Who wishes to speak in debate?
Deputy Sloan.

Deputy Sloan: Thank you, madam.

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Members, before I begin, I want to express my concern for all those involved, all those affected by these events over recent years. As I set my views today, it has been an extremely difficult experience for everyone touched by this, and that deserves clear acknowledgement from the outset. Let me also be clear about what this debate is not about. It is not about self [*Inaudible*]. It is not about clinical practice. It is not about the adequacy of the medical complaints system. It is certainly not about whether Members should or should not speak to the press. All of that is none of this. It is important for context but wholly separate of the matter before us.

15

The real issue today is simpler, starker and far more serious. Can Members of this Assembly make serious claims about individuals or institutions without governance, without accuracy and without accountability. That is the question that runs through this entire debate. Everything else is commentary. Let me echo Deputy Curgenven, this is not about getting him back. He and I may have political disagreements: historic, current and some to explore in future maybe about policy, but I am sure we will enjoy those in future. But that is for another day. Today is about behaviour and standards in the public eye.

20

The Appeals Commissioner upheld the ruling that the Member shared confidential information which was misleading due to its inaccurate and unsubstantiated nature. This is not a minor technical breach, but it goes to the heart of public trust. When a Member confirms information to a national newspaper about identifiable individuals, the minimum expectation is accuracy, evidence and fairness. Here, that standard was not met. That is the breach. Everything else flows from that.

30 Before we go further, we must remember what we are considering. We are not retrying the case. We are not evaluating the Commissioner's first draft. We are considering the conclusions of the Appeals Commissioner, the final independent stage of the due process chain. He is not a commentator. He is not a columnist. He is not a politician with a scientific background. He is an experienced senior adjudicator with full access to the documents, submissions, and both parties' explanations. This is the highest level of scrutiny available under our system. And he upheld the four 35 findings involved.

That matters. Because due process is not an inconvenience. It is the protection that ensures fairness, impartiality and credibility. It is the architecture that protects all of us, should any of us face a complaint in the future. If we say today that the Appeals Commissioner's judgment carries no weight, then we are not just disagreeing with the conclusion, we are undermining the system that 40 protects this Assembly from becoming arbitrary, merely political and personal.

In a podcast last week, Deputy St Pier twice alleged a lack of independence in the Code of Conduct process. He described the Code of Conduct process as a so-called independent and ostensibly independent process. Those, madame, are not neutral words. They are crafted to plant suspicion without having to prove it.

45 This is important, because if you read Deputy St Pier's appeal letter, he understands the language of influence and the importance of precise language perfectly well. He spends pages warning the Appeals Commissioner of its implication and assumption. He knows the rules of the game, which makes his rhetorical choices all the more important. Yet the Appeals Commissioner examined the allegation of unconscious bias and firmly rejected it.

50 Continuing to cast doubt on the independence of that in a public broadcast, in my opinion, is not justified or appropriate. It is insinuation without evidence. That goes directly to the behaviour at the heart of this case.

To take another example, it was also said in that same podcast, there was a clear implication that 55 the complainant had been removed from her safeguarding role. This speaks to a deeper problem; the manipulation of language. The subtle implication, the framing that nudges the listener to conclusions the evidence does not support. It is something we see far from dropping the context. It becomes habitual. Some stop recognising it for what it is. It is not cleverness, but a corrosion of honesty.

The email in question did not say she was removed. It did not link her departure to the 60 investigation. It simply stated that she was no longer acting in that capacity. Deputy St Pier explained after the email exchange, in which all Members were copied, that he mentioned it to show that she had already left the post. That may explain the reference, but it does not justify the presentation. The framing, the tone, the placement all carried a clear and unnecessary implication that her departure was linked to safeguarding concerns. That inference did not come from the evidence. It 65 came from the Member, and that is the crux of the issue.

We heard repeatedly yesterday that this is just about leaking information. It is not. The Code does not prohibit Members from speaking to the press. The issue is what was shared. The Appeals Commissioner upheld that it was misleading, inaccurate in nature and unsubstantiated. That is the breach; not the act of speaking but the act of misrepresenting.

70 We have been told that previous behaviour has no bearing on conclusions. With respect, my opinion is that this represents judgement. Specific allegations must be assessed independently, yes. But context, patterns of reasoning, the consistency of explanations, the credibility of accounts inevitably shapes how evidence is interpreted. The Commissioner did not find the explanations convincing. The Appeals Commissioner did not overturn that judgement. That is not prejudice. That 75 is an assessment.

I want to speak personally, I am a parent too. I have had a visit from the MASH too, and I know 80 how unsettling, how powerless safeguarding processes can make people feel, even those who are articulate and informed. Because I have been through that myself, I want to be clear about something else. When your own family is caught up in the safeguarding process, it is not credible to pretend you are acting in purely a dispassionate public interest space. Families do that to you.

They collapse the distance. They blur the line between private emotion and public purpose. This does not make anyone a bad person. But it does mean that when a Member insists their actions were entirely in the public interest, in circumstances where their family was directly involved, this Assembly is entitled – indeed obligated – to examine that claim with care and realism. This is not an attack. It is a simple human truth. And it is relevant.

I want to be balanced, too. The Code of Conduct system is not perfect. I empathise with Deputy St Pier's frustration with the review process. My own complaint regarding my removal from the Fiscal Policy Panel last year revealed, in my opinion, structural weaknesses. I provided evidence that the then Chief Minister had lobbied against my appointment as a backbencher, and there was no evidence of a Committee decision to revoke my membership of the panel until after I had objected. The Commissioner spoke to the Chief Minister and determined not to investigate and to dismiss the case.

I, too, was frustrated. I, too, felt wronged. In my opinion, that points to a structural weakness in the investigative process, and one that SACC may, in future, wish to investigate further. But none of that affects this case. This case was investigated, it was appealed, it was fully tested, and the findings were upheld. We must keep those distinctions sharp and forefront of mind.

I want to be fair. I genuinely believe that Deputy St Pier believes he is right. But belief is not evidence. Sincerity is not accuracy. I re-read everything again last night. The report, the appeal, the Appeal Commissioner's decision. Not one of the core points of that appeal landed with the Appeals Commissioner. Madam, I am afraid, they did not land with me.

Finally, I would like to come to the heart of why our decision matters today. This debate is not really about the sanction. It is not about reframing this debate as an issue of free speech or the right to represent constituents. Those are diversions. Attempts to change the terms of the debate. At its core, this case is something far more fundamental. A Member knowingly passed on misleading, inaccurate, unsubstantiated information, and did so in a way that conflated private emotion with public interest. That is the essence of the finding. That is what the Appeals Commissioner upheld. That is what must not be obscured.

This is where our responsibility becomes clearest. The majority of the public will never read the documents we have read. They will, quite reasonably, rely on headlines and commentary, informed or otherwise, biased or not. We cannot outsource judgement to the court of public opinion when the public has only fragments of the evidence. It falls to us to weigh the facts, to uphold due process, to act with the seriousness that our roles demand. If we cannot uphold standards when one of our own has fallen short, then we cannot claim the integrity that the public has every right to expect.

Facts matter. Standards matter. It is neither right nor proper to use language in a way that distorts people, particularly in matters as sensitive as these. Today is about acknowledging that what has happened is wrong, and ensuring that this Assembly acts with the gravity, fairness and integrity expected of a parliament. For those reasons, madam, in my opinion, it is our duty today to accept the findings and the recommendations of the Appeals Commissioner.

Thank you.

The Deputy Bailiff: Thank you.

Deputy de Sausmarez, do you wish to be relevée?

Deputy de Sausmarez Yes, please, madam.

The Deputy Bailiff: Thank you.

Deputy Bury.

Deputy Bury: Thank you, ma'am.

At the last States' meeting, someone advised that we keep our speeches as we often end up debating the same or similar things more than once. Rarely does something come to pass so quickly

in the States, but that piece of advice has for me today as I reference a speech from last term relating to a similar subject. I am going to start this speech where I started that one.

135 As States' Members, the majority of us perform a variety of roles within our day to day. We are elected, firstly, as People's Deputies. But for most of us, we will also become a member of at least one Committee. It is a multi-faceted job. Sometimes in this Chamber we are representing the public, sometimes our own Committee, the two being intrinsically linked of course. In Committee when we are developing policy hopefully we are representing the public while acknowledging and understanding the workings and challenges of our respective Departments. Back in this Chamber 140 sometimes we will be representing and often defending our Departments under the rightful scrutiny of other Members.

145 These distinct roles of People's Deputies and Committee members combined can sometimes be exceptionally useful, for example when helping a member of the public navigate a complicated system within your Committee's mandate. On occasion, balancing the two roles is something that can be rather tricky.

150 On a Committee you feel part of the Department and want to recognise and advocate for all of the hard-working members of staff within it. That can get difficult when a member of the public has an issue with your Department and you feel this is a valid concern. The hope in this situation is that, as a Deputy wearing both hats, as it were, you are in the best position to bring the two together to a mutually agreeable position. But I have found through my own experience, particularly at HSC last term, that it is not always that simple. If forced to, ma'am, and sometimes I have been, nine times out of 10 I will choose my People's Deputy hat to wear. That is for the very simple reason that it is the public who put me here. They put me here to represent them and I take that responsibility very seriously.

155 Perhaps other Members on less service delivery-focused Committees may not recognise this description, but on a Committee such as HSC, delivering arguably the most emotive of services to our community, I can assure them that this dichotomy quite regularly occurs.

160 I started at this point last time and do so again to speak towards what I believe to be Deputy St Pier's motivation for the issues that bring us to this point today, and that motivation is representing the people that come to us in need, in hope and sometimes in desperation.

165 As VP of HSC for just over three years last term, I am one of very few people in this Chamber who has actually sat in a room with the families at the heart of this matter and heard what they had to say and, with that in mind, I think that I understand Deputy St Pier's motivations more than most. The families sat around that table, some of whom were visibly traumatised and have even left the Island in light of their experiences, sharing their stories was enough for me to realise that something had gone very wrong at HSC.

170 Their experiences echo a frustration that I have seen time and time again there. I have seen it when I was there as a member of the Committee, I have seen it from outside of the Committee and I have seen it as a service user. While I was not explicit about it when I resigned from the Committee, stating the way the Department handled some of the challenges it faces has not sat comfortably with me, my personal values for some time, this is the sort of thing I meant.

175 I meant the apparent unwillingness to acknowledge and accept responsibility for mistakes and errors. I meant the behaviours that I have seen that can only be described as defensive when some medical professionals are challenged on their practice or conduct. I meant how the complaint system, with little independence or objectivity built within it, goes on to further compound the negative experiences of those who try and use it. There is a systemic issue and no willingness to address it.

180 I want to be very clear that I am not speaking about every HSC employee because there are many amazing staff looking after our community. But this is about a pernicious culture that has set in within the organisation and, in fact, the staff see it. It was often them coming to me about it. But they are stuck because there is nowhere else for them to go. There is not another trust down the road or in a close town nearby that they can move to.

When systemic issues like this exist, this sort of mess that we have in front of us today is what happens. Because when all formal avenues have been tried and people get nowhere, desperate times call for desperate measures. I doubt very much, in fact I know in speaking directly to one of the families, that they want to be in the public eye like this. I know from personal experience that when your child is unwell every ounce of your energy is consumed by fear and the relentless need to be present for your child.

In those circumstances, no parent should have to fight with the very systems that are meant to be supporting them, because when your energy is already depleted and you are holding yourself together just to comfort and care for your child, the last thing you need is another battle.

We are going to move on to the specifics of the complaint. Firstly, on reading the grounds of the complaint and not focusing on all the reference to previous complaints, the grounds appear limited. Initially, there is a reference to a letter from the journalist, the contents of which the complainant is clearly [*Inaudible 9.50.45*]. However, how that relates to Deputy St Pier is unclear. The statement from the complainant is:

It is clear to me that this latest attack has been spearheaded or, at the very least, included active participation by Deputy St Pier.

Yet, no evidence is provided for this statement and throughout the course of the investigation, it has proven to be untrue. This was included in the Commissioner's evidence in the form of a letter from Jane St Pier, and it has been backed up numerous times by the Family Court.

The Deputy Bailiff: Deputy Bury, can I remind you not to name people who do not have a right of reply?

Deputy Bury. Apologies.

The next specific accusation against Deputy St Pier relates to an MP speaking in Parliament. In summary, the MP spoke and cast doubt on the complainant's suitability as an expert witness. The assertion from the complainant is that this is further evidence of a smear campaign at the behest of Deputy St Pier. But I do not see how. How are eight families complaining to the GMC and an MP referencing it evidence of any behaviour of Deputy St Pier? No evidence is provided to support this accusation and the Commissioner has recognised it in her findings.

While the letter does go on to cite various areas of the Code that the complainant believes these actions breach, there really are not any further accusations. All of the alleged breaches are anchored to these two accusations. That is the bones of it: two accusations, neither evidenced, one that has since been disproven, and one that has not been proven either way.

I will now move on to the process of the investigation and the conclusion reached by the Commissioner and the Appeals Commissioner. I find it astounding that we can have reached this place when the MSDs themselves have confirmed to HSC that they know it was not Deputy St Pier that provided the information to the journalist. Then the Commissioner has received the letter from a member of the public, advising that it was them on behalf of the families that provided the information.

With regard to the process, which, as we are all subject to the Code, we should be fully cognisant of and concerned with, it is worrying to me that the Commissioner did not interview the author of the letter. Nor did she contact the families to see if they provided the information.

In the transcript of the interview with Deputy St Pier, it shows that the Commissioner asked questions on this specific issue again and again; his responses indicating that it was not him that provided the information, so he could only assume it was the families. Why did the Commissioner not seek to verify this?

It is really concerning to me that this was not deemed an important part of this inquisitorial process and unfortunately, by this action, the families are once again left feeling without a voice as

though their experiences have been dismissed while the person who they have complained about has been listened to and believed with little evidence.

235 There are only four findings of fact listed. The first two speak to the points I have just made and show that all that really stands up here is that Deputy St Pier confirmed some information that the journalist already had. The second two findings of fact relate to what is defined as a complaint. The Commissioner essentially finds that as the complaints Deputy St Pier was referring to may not have been formally examined or upheld that he was misleading the journalist, I find these findings concerning and have to disagree with them.

240 I have two major issues with them and the first is one of perspective. The Commissioner's roles, by their very nature, work in the realm of formal complaints, so I can absolutely see why they would see it through this lens. However, the role we perform as Deputies is fundamentally different to that of the Commissioners, and we receive what I would refer to as complaints all the time. Of course there is a distinction between something that gets taken through a formal process and an expression of dissatisfaction that lands on my inbox, that I would still prefer to vote as a complaint, that is absolutely the language that I would use. I think any reasonable person would too, so I cannot support that this was inherently misleading.

245 The fact of the matter is that it would have been the journalist's job to ensure that anything printed was accurate and aligned with the official data and legally safe terminology, and I cannot imagine that the *Guardian* is unsure of its legal obligation around what it calls as fact. Actually the letter from the journalist to the complainant is very clear in that it uses the language of allegations directly. In its section, as a point of fact, it does not reference complaints or an amount of them at all.

255 The journalist may very well have cited these as informal complaints alongside formal complaint data. We simply have no idea how she intended to frame this because the article was never published and so we do not know that she was misled. That is an assumption.

260 The second issue I have with the two findings relating to the complaints is quite frankly the big one, and in my opinion is actually the crux of this whole matter. This issue is the HSC complaint system itself. The issues we have with the complaint system, within HSC and our Departments further afield, go beyond this case and the individuals and families within it. The complaint systems we have in place are simply not fit for purpose, they are not independent of the Departments that they relate to, they are not open and transparent, they are not conducted with open minds and a willingness to take accountability, listen and learn. Even specifically commissioned investigations and reports, like the Royal College of Paediatricians one that Deputy Oswald referred to, are often limited by specific forms of reference, that on a closer look appear designed to block and hinder a complaint.

270 The Commissioners rightly rely on complaints data provided to them as evidence to aid their conclusion, but when that data comes from a system that is not fit for purpose then I am afraid it cannot be relied on. Once Members appreciate this systemic weakness, they will surely see why the foundation of this conclusion is currently unstable.

275 I know this because of my role at HSC last term. By virtue of that role, I was close to this set of issues and many others, and I saw this pattern emerge again and again. After years of unsuccessfully trying to effect change, I admit that I gave up. That is not usually in my nature, but I could no longer stand by to see my principles and values be associated with this way of dealing with things. It is why I left them, and it is why I will be voting against this today.

280 To finish, ma'am, I would like to say that whatever the outcome of this debate, there will be no winners here. Whatever happens today, everyone involved has experienced degrees of stress, turmoil, reputational damage, fear and numerous other negative emotions experienced within this system. What might appear to be justice for one party will not undo any of that and it will only serve to feel like further injustice to others.

Justice in a silo not considering the bigger picture is not justice. The real justice will come from making the change that is required. The real justice will come from making sure we do not find ourselves here again. The real justice will be to save others from going through this in the future.

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285 But that will only come by acknowledging the systemic and cultural issues and taking real, tangible action to do things differently.

Thank you, ma'am. (Applause)

The Deputy Bailiff: No, Deputy Curgenvan, we do not clap speeches.

Deputy Goy.

290 **Deputy Goy:** Thank you, madam.

295 I just want to second what Deputy Bury was saying about having a good complaints system. All of this could have been avoided if HSC has actually a very good complaint system where if there are any grievances by the public, the public can be assured that their grievances will be taken into account fairly and then the doctors will be dealt with properly as well. Because there is no such system at the moment, the public is then forced to go to Deputies to air their grievances, and this is why we are having what we have today.

300 **The Deputy Bailiff:** I am terribly sorry, Deputy Goy. Deputy de Sausmarez has rightly pointed out you have already spoken, I should have picked that up and I am sorry, it was on my notes from yesterday. I am afraid you cannot enter into debate again. You spoke at five o'clock yesterday afternoon. I apologise to all the Members for allowing that, I should have noted that.

While I am doing this, Deputy Leadbeater, do you wish to be relevé?

305 **Deputy Leadbeater:** Yes, please, madam.

The Deputy Bailiff: Deputy Helyar.

Deputy Helyar: Thank you, ma'am.

310 There have been some excellent speeches today and I have to say, in general with the matter, notwithstanding what we are talking about, there is clearly some noise in this issue and it does need to be resolved. I feel very deeply for those who have been affected by a procedure that they feel has dealt with them unfairly, including the complaints process. Because I was reflecting on this yesterday listening to everyone's speeches and I am the only qualified lawyer Member of the 315 Assembly; there are two other Advocates obviously in the Assembly today, and I was not going to speak, in fact I promised Deputy Bury I was not going to as we were going home last night, but I changed my mind.

320 The reason for that is because I thought I do have 30 years of experience, I ought to really give everybody the benefit of that while we are debating this. So I wanted to bring it back to – because if this was a television series, the akin would be that the police have gone out and conducted an investigation after a complaint, they would have passed on the report, but instead of it going through a process of an adversarial process, a court process, you simply give the report to a jury and ask them to make up the rules as they go along. If this was a proper courtroom, the Deputy Bailiff presiding would be guiding us in what is relevant for us to consider when we are making the judgements that we are making today. We have had no guidance at all.

325 I think, really, that when we look at this procedure going forwards, there ought to be a much clearer tramline about what it is we can raise, what we need to consider as a group of individuals when we are coming to the conclusions on these matters. Because they are exceptionally difficult.

330 We are having to deal with making value judgements about things we may not have experience about. I do not personally wish there to be repercussions for any of the parties concerned, whether it be the complainant, those people who feel aggrieved by the process, or indeed Deputy St Pier, who has an incredibly difficult job to do in Government at the moment.

335 Notwithstanding that, I would like to bring us back to what it is that we are supposed to be considering. Our task is important, but it is also very clearly defined and limited. We are not being asked to retry this case, to relitigate the evidence or to pass moral judgement on the character or

motives of any person or third parties involved. The findings of the Code of Conduct process stand as the established account of what happened. A Member's responsibility is to decide how this States of Deliberation should respond to those findings in accordance with its standards and its procedures.

340 It may be helpful for Members to think of this, ma'am, as a two-stage process. The first stage, the investigation and findings of fact, has already taken place, been appealed, and confirmed. That first stage belongs to the independent Commissioner, in much the same way that a trial court or jury determines whether conduct occurred and whether rules were breached. That first stage has been re-examined on appeal, and reconfirmed.

345 The second stage, which is now before us, is akin to the sentencing exercise. The Assembly considers, in light of those established findings, what consequence, if any, should follow. In that role, we must accept the findings as we find them. We should not seek to reopen or indeed try to justify them or explain them away out of sympathy for the plight of third parties. Accordingly, there are clear tramlines of what is irrelevant. It is not our function to re-examine witnesses in our own minds, to speculate about what additional evidence might have shown or to substitute our own justifications for rule or process breaches or factual conclusions for those that have already been reached. Personal views as to whether the Commissioner was too harsh or too lenient, whether we would have weighed the evidence differently or whether we think the complainant or respondent is more or less likeable are all outside our remit. So too are wider political loyalties, factional considerations and calculations about media reactions or electoral advantages.

350 355 Our proper focus should be on matters that are for this States as an institution. Those include the seriousness of the established breaches within the framework of the Code, consistency of any proposed response with how comparable cases have been treated, the need for fairness and proportionality as between Members and the impact of our decision on public confidence in this Assembly and in the standards to which its Members are rightly and properly held. In professional terms we are acting like the governing council of a regulatory body, deciding what is necessary – I emphasise 'necessary' – to uphold the integrity and the effective functioning of the institution. We are not here to reward friends or indeed to punish opponents.

360 365 Speaking personally now, I cannot find any fault in the application of the process, which has been probed and tested thoroughly at every step by Deputy St Pier. The correct application of the process and its conclusions have been confirmed on appeal, including a downward adjustment to the proposed sanction. In so doing I take note of the seniority of those who are charged with considering the matter at first instance and on its appeal.

370 I do not consider that the proposed sanction is manifestly excessive or unreasonable, particularly given much more significant recent sanctions approved by the Assembly for what I consider to be less serious misconduct under the very same Code.

In terms of impact on this Assembly, I believe that the dismissal of a factual finding of this nature would be a grave error of judgement, would seriously undermine the status and legitimacy of this Assembly and would call into question our ability to govern effectively.

375 I wish matters were different and that these events had not occurred but, in the circumstances, I will be supporting the recommendation to the Commissioner and I will be supporting the Proposition.

The Deputy Bailiff: Thank you.

380 Deputy Matthews.

Deputy Matthews: Thank you, madam.

385 Madam, as a member of HSC I feel obliged to begin with offering an apology to the claimant for the heavy impact and distress she has clearly experienced throughout the whole experience, and I extend an apology to the families of those affected, many of whom have been in touch with Deputies by email directly to explain the very difficult ordeals they have been through. In my view, it is never acceptable for families to feel harassed or intimidated at the hands of procedures which

appear adversarial when seeking to do the best for their children by seeking second opinions or alternative approaches.

390 I have met with families who have been let down by the system and greatly empathise with the distress they have felt, adding unnecessary hardship to an already difficult situation. I will be voting against the Proposition to suspend Deputy St Pier for the reasons I set out here.

395 Firstly, the claim that Deputy St Pier has mounted a sustained vendetta simply does not match with my own experience. Certainly there has been strong representation of allegations by a group of families who have felt let down by the system, and it has been explained many times that these families did not have faith in the formal complaints procedures in Guernsey that they were sufficiently independent from services where the complaint was directed. I share those concerns and I have sought for greater independence with complaints handling. Some progress has been made in this area but there have also been setbacks, for example our Director of Quality, Safety, 400 Improvement and Safeguarding, a role set up to be independent from HSC, is a role that, as of last month, is vacant and I see that as a serious issue.

405 But it is quite normal for elected Deputies in Guernsey to take up causes on behalf of their constituents. Historically, when formal complaints procedures were less developed it was the only way for the public to complain about some services and contacting Deputies remains the only mechanism to complain about an aspect of policy as opposed to an application or operation of an existing policy. This is an essential part of the role of democratic representation and must not be interfered with or curtailed. It is entirely understandable that Deputy St Pier would represent the views of families whose claims closely matched those of his own lived experience. This has been presented as a reason in the past, and is sufficient justification to me that those views would be championed by Deputy St Pier.

410 The Commissioner sets out the timeframe of interest on page 14 of her report, figure 1, indicating a four-year period from 2021 to 2024. I note that this is not in the background section but in the evidence section. As a member of Health & Social Care during the timeframe referred to I did not see any evidence of a vendetta or bullying or harassment. In my view, for any behaviour to constitute bullying or harassment it would have had to have been conducted through the Committee because that is where the power relationship would lie, not with an individual Member of the Assembly. The mere fact that I saw no such behaviour is proof enough for me that it simply did not take place.

415 It is my view that the medical profession can take comfort from the knowledge that the actions assumed to be motivated by an individual vendetta are in fact, in my view, not the case. It is simply that of an individual politician advocating on behalf of a group of families who have expressed a grievance about their experience of our healthcare procedures. This first aspect I see is largely irrelevant. This has already been through a previous Code of Conduct procedure, and although I did not vote for it, a reprimand has already been issued. It is my assessment that for the Assembly 425 Members who did vote in favour the belief was that that was an end to it, a drawing of a line under the issue and yet here we are again with essentially the same complaint represented again. It would be entirely wrong, in my view, to vote for a reprimand for the same issue for a second time. It would be an instance of what the Americans call a double jeopardy or, as we know it, as *autrefois convict*, applying a second penalty – pardon my French, madam – for the same alleged offence.

430 So how have we arrived at this second complaint? Well, I have some insight into how it came about. In April 2024 Deputy St Pier was elected as a member of Health & Social Care and in March this year the Medical Specialist Group wrote to HSC to submit an official complaint in essence claiming that Deputy St Pier had misused his position as a Committee member and disclosed confidential information to the *Guardian* during a phone call. The complaint was dismissed by HSC for two reasons, firstly, that it was simply the wrong complaints procedure. The HSC complaints 435 procedure, T107, is intended for use by individual service users about medical or other healthcare providers. It is not intended to refer to elected Members of a political Committee.

Second, it was clearly determined that there had not been any dissemination of confidential information obtained as a member of the Committee. A strict information firewall was in place to

440 ensure that the past Committee material was separated. This goes above and beyond any requirement to do so but it was put in place precisely for the purpose that no such allegation could be made.

445 Madam, there is a misconception here. Patient complaints generally are not seen by political members of the Committee. Complaints are a delegated function and it is exceptionally rare for a patient's confidential information to be disclosed to Committee members. So the HSC recommendation was instead to refer any complaints to the parliamentary Commissioner, which is where this conduct complaint has come from.

450 Now, this completely changes the facts. Numbers 1 and 2 of finding of fact on page 17 of the Commissioner's report are simply misstated. These were not details of complaints received as a member of HSC. The numbers 3 and 4 facts refer to something else entirely. There is clearly some confusion around the terminology and the definition of the word 'complaint' throughout this whole paper. Fact 3 clearly refers to informal allegations submitted to Deputy St Pier. It is quite clear to me, and I think it is clear from the context in Guernsey, we often refer to complaints simply as a member of the public contacting their Deputy, as is their right to do so, to complain about some 455 aspect of service. This is entirely normal and a function of the role of politicians in our constituency work. It may be more correct and less confusing to refer to these as allegations rather than complaints. The front page of *The Guernsey Press* on Tuesday confirmed that in many instances these contacts were made specifically for the purpose of gaining a wider audience and publicity as some of these allegations.

460 So referring to fact 4 now. I have seen as part of my role as a Committee member the full letter from the *Guardian* to the claimant while the Commissioner's report provided only extracts from what I can only assume is a different letter. In my opinion, it is abundantly clear that fact 4 is simply incorrect. It is abundantly clear that the journalist was fully aware of the status of the information as allegations and not formally upheld complaints. Having established the facts are in this case, in 465 my view, incorrectly stated then I have difficulty in accepting the finding of intent. It is interesting to me that in the cases of bullying and harassment it is typically not always necessary to establish intent.

470 This is something I discovered when I was involved in the introduction of a bullying and harassment policy into the local workplace. It has become well-established that knowing the internal motivation inside the mind of someone reported for bullying or harassment is an exceptionally difficult case to make and so often in the professional context more modern policies often disregard intent altogether and consider the effect of the conduct, not the purpose, and this would simply prohibit any behaviour where an individual could have known or should have known it was likely to cause offence. The effect of Deputy St Pier's actions clearly have a considerable effect on the alleged 475 victim and this is persuasive for some that transgression has taken place, however I would argue that in an Island where we only have one named professional with responsibility for safeguarding any legitimate criticism of the service would inevitably refer to that named individual.

480 Politicians though must be able to do their jobs. If a service is seen as failing in specific areas criticism of it is justified. However, the Commissioner has gone further and simply stated that the facts demonstrated an intention to harm reputation but the facts are incorrectly stated so it follows that any attribution of intent is simply conjecture, which to my mind is incorrect on this occasion.

485 Furthermore, the paper refers to a definition of bullying as an abuse or misuse of power in a way which intends to undermine, humiliate, criticise or unfairly injure someone and later in the paper describes Deputy St Pier as a senior elected representative. It is of material significance that during the timeframe in question Deputy St Pier was not in a senior position, he did not sit on any Committee and was a backbencher with no direct power over the healthcare service. The idea that there was an abuse of power is just logically incorrect.

490 I would again emphasise that when the allegations were presented to the Committee for Health & Social Care in confidence, actions taken were proportionate and sensitive. Again, I think the medical profession and the Island as a whole can take very great comfort from that.

495 There has been no breach of confidence from the Committee in power of our healthcare services. I would go further and say that the statement is conceptually misleading. Individual Deputies are not in a position of power over civil servants or senior doctors. In fact the power dynamics in our system are very much reversed. The Commissioner's report assumes a ministerial system and prosecutes a form of unacceptable behaviour within it, which simply does not exist.

500 In conclusion, madam, and in response to Deputy Oswald along with Deputy Leadbeater, we are all three agreed and demonstrated there was no breach of confidence from HSC and the remaining issues of past behaviour have already been the subject of a prior ruling made by the last Assembly, of which I was a Member, and I appreciate Deputy Oswald was not a Member of that Assembly. The only remaining issue is the phone call to confirm allegations already in the public domain. I cannot possibly allow it to be set as precedent that politicians present and future would be denied the opportunity to communicate with the *Press* or anybody else by a deeply flawed and limited Standards Commission investigation.

505 There are voices who would say we should accept the independence of the Standards Commission however, as much as I am in favour of independence from Government, ultimately this Assembly must always have sovereign decision-making capability. We are the elected representatives of the people.

510 As a side note, I have heard many mentions that the States would not have the courage to enforce the proposed suspension. From my point of view I see the reverse. The easiest thing to do as a Deputy is simply to nod through every recommendation put before you. You can have a very easy life that way. Professionals will provide you with written copy and you can get through without really ever having to make your own judgements. That would be the easiest thing to do. The easiest thing for me as Vice-President would be to simply go along with the recommendation but I have gone with what I believe is right and I ask Members to join me.

515 Thank you, madam.

The Deputy Bailiff: Thank you.

Deputy Rochester.

520 **Deputy Rochester:** Firstly, I would like to thank my fellow Members of the Assembly for their excellent speeches. I find myself agreeing with each and every one, which I think is testament to the thought and care that each person has put into their speeches today and the merits of the positions that have been put forward. It is also a deep regret of mine that we find ourselves in this position today and that the parties that are involved in this process have suffered as they have and that there are clearly issues that need to be addressed.

530 The reason I stand to speak, and I was not sure if I was going to contribute to the debate, is that I have taken a slightly different view to those who have spoken so far. In considering how to vote today I have kept at the forefront of my mind the Proposition presented to us and the guidance offered by SACC in the associated Policy Letter. The Proposition is simply whether Deputy St Pier should be suspended for 25 days without pay. In the Policy Letter we are advised that our role is not to re-examine the evidence but for the conclusions reached by the Commissioner and the Guernsey Appeals Commissioner to decide whether they are proportionate, fair and reasonable and that I have sought to do.

535 The Commissioner starts her conclusion with the following wording:

Deputy St Pier's decision to publicly disclose details of informal unsubstantiated complaints that are serious in nature is incompatible with the duty to act impartially and in the public interest.

540 Taking these facts at face value, given that it is not our role to re-examine the evidence, I have then asked myself whether the decision to publicly disclose details of informal and unsubstantiated complaint was indeed incompatible with the duty to impartially fulfil these duties and act in the public interest. Taking the duty to act impartially first, I cannot agree that disclosing complaints to

a journalist was impartial or incompatible with the duty to act in the public interest. Assuming that such complaints existed, Deputy St Pier was in fact advocating for the constituent's concerns about safe healthcare provision, which I would argue is an important part of our political responsibilities and, if successful, will result in a safer healthcare provision, which of course is in the public interest.

545 The Commissioner then goes on to say that Deputy St Pier risked misleading the public and undermining trust in both the complaints process and the institutions of public accountability. Again I question why publicly disclosing complaints undermines trust in the complaint process or the institutions of public accountability. Her conclusion continues by determining that Deputy St Pier's disclosure and I quote:

550 Represents a misuse of the platform afforded to Deputy St Pier by virtue of his public office.

555 I believe that those that exercised their vote to put me into public office would expect me to disclose facts to the media where they are accurate, truthful and supported or highlighted a matter of public interest. I consider healthcare to be a universal matter of public interest and so I cannot agree with this statement.

560 She concludes by saying that the serious and repeated nature of behaviour constitutes bullying. Given that the conclusion does not provide sufficient context for this statement to be critically assessed, I was obliged to return to the body of the Commissioner's report to understand what she meant by 'serious and repeated nature of behaviour' and the following extract is relevant:

565 Deputy St Pier's actions in this case confirm that confidential and seriously inaccurate and misleading information, coupled with similar behaviour including making seriously and fundamentally misleading statements about the complainant, for which he was reprimanded in October 2024, suggest a pattern of unacceptable behaviour that I consider to be bullying.

570 Here I would draw the Assembly's attention to the justification used by the Commissioner. She builds on a previously upheld Code of Conduct complaint to assert that Deputy St Pier confirmed confidential and seriously inaccurate and misleading information. Again I look to her report to understand why she concludes this is the case and, while I am inclined to agree with her conclusion that Deputy St Pier should have made it clear that the complaints were unsubstantiated and so that could be misleading, I cannot agree that he confirmed seriously inaccurate information. As to whether the information is confidential, he said that he had permission of the complainants and I have spoken to data protection experts who said he had no obligation to obtain the complainants' permission to disclose the complaints meaning that I cannot conclude that they were confidential.

575 There is no way of the Commissioner determining whether the complaints were seriously inaccurate given that they had not been formally considered, however given Deputy St Pier's failure to clarify the complaints were unsubstantiated it is fair, in my opinion, to conclude that the confirmation of complaints was misleading.

580 The Commissioner finally states that in the public interest Deputy St Pier should have resolved the conflict by providing no comment to the journalist. I would agree that Deputy St Pier should have been clear about the nature of the complaints but I see no reason why he should decline from confirming the facts if he was satisfied that they were truthful and accurate.

585 My consideration of this matter has raised significant concerns for me, which I will work to address with the relevant Committees. The first is the adequacy of the Code of Conduct and associated appeals process, and the second is the public perception of the value of the complaints process across HSC. Those I think need to be reviewed and enhanced to ensure that these critically important processes provide the robust outcomes that our community deserve.

So to conclude, I do agree with the findings in the report that Deputy St Pier should have made clear to the journalist that the complaints were unsubstantiated but do not consider that wrongdoing to justify the sanction, and so I will not vote for the 25 days' suspension.

The Deputy Bailiff: Deputy Gabriel.

590 **Deputy Gabriel:** Thank you, madam.

Firstly, let us acknowledge the distress that this unfortunate series of events has caused to all parties involved. Nobody wants this but we are here and in a position to discuss it and to do something about it.

595 Let us be honest with ourselves, because if we cannot do it in here no one outside this place will believe we are capable of it. The Proposition in front of us today seeks to impose a suspension under the Code of Conduct and manages, in my view, to combine the very worst of the Assembly's habits: vague rules, elastic interpretations and a remarkable enthusiasm for attempting to address symptoms rather than fixing causes. If that rings uncomfortably true, Members, it is because various 600 commentators have been pointing it out for years and yet here we are today proving their point yet again.

Members, if this Code were fit for purpose we would not be interpreting it; we would be applying it. The fact that this debate consists of Members explaining what they think the Code is or is not tells me everything that I need to know. To wield a rule book as if it were a scalpel is dangerous but to wield it as a hammer, as this Proposition does, is worse.

605 We know that perception matters and the perception outside this Chamber is becoming painfully clear. Our processes are beginning to look more like political theatre than principles. We know what happens when standards are opaque. We drift sometimes deliberately, sometimes accidentally, into personalisation, factionism and point scoring. This sets a dangerous precedent for elected representatives. It is, in my opinion, contrary to a politician's fundamental right to speak 610 without fear or favour. Our system, built for incremental change and muddling through too easily, slips into this habit of drift. It lacks the structural discipline to distinguish a genuinely public interest issue from a political irritation and this Proposition does nothing – absolutely nothing – to correct that. A 25-day suspension is not a light tap on the wrist. It silences a constituency, interrupts Committee work and creates a public spectacle.

615 Let us remind ourselves of our title. People's Deputy. The public do not vote for Deputies to watch them close ranks or protect institutions. They vote for People's Deputies who should stand up for those who do not have a voice, status or connections. So Members must ask themselves: is the alleged misconduct so clearly defined and would you have done the same? For the Deputy to confirm in a short phone call data that was in the public domain, is that so wrong? Is the ruling fair and reasonable based on that information? Is it so unequivocally serious that a suspension of this 620 magnitude is justified? What comparators have been used that reflect a similar misdemeanour? Are they fair and reasonable? Because if the answer is anything short of an unambiguous yes then the Proposition is wrong. We cannot have a Code that is unfair and a sanction that is excessive and unsubstantiated. That is the worst possible combination and exactly the combination before us 625 today in my view.

630 For me, the problem is that it seems that we are using disciplinary cases as a substitute for fixing the system. What good is the suspension of a Member if those families that a Member represents do not have a voice? The system is broken if that is so. We have an extraordinary capacity to avoid real change. We tinker, we talk, we create working groups, we delay, we treat structural failure as an accident or Act of God rather than a consequence of our own choices.

635 If Members truly care about integrity, if we genuinely want a Code that means something, then let us repair the foundations before we start addressing the administration. This Assembly cannot keep assuming that everyone understands the boundaries until they accidentally cross one. Suspending a colleague without fixing the system is like bailing out water from a boat you refuse to repair. What rebuilds trust is not punishment; what rebuilds trust is clarity, consistency and courage. This Proposition demonstrates none of those things, in my view.

640 Madam, Members, we must stop confusing motion with progress. A suspension may make us feel decisive but feeling decisive is not the same as governing well or even good governance. Members, until we fix the system we will keep returning to the same place, frustrated, divided and no wiser than before. For those reasons, and in the interests of public confidence, political fairness

and simple common sense, I urge Members to reject this Proposition. Let us fix the process properly, transparently, comprehensively and only then ask it to carry the weight we are placing upon it today.

Thank you.

645 **The Deputy Bailiff:** Deputy Humphreys.

Deputy Humphreys: Madam, I have listened to the debate yesterday and today and there have been some impassioned and emotional speeches both in support of and against the Proposition. I genuinely feel for everybody involved and I, for what it is worth, am sorry.

650 Deputy Bury's speech resonated strongly with me today. Already I am finding challenges between my constitutional and Committee work, not quite so heated as some of these have been but ultimately we are put here by the people for the people and on behalf of the people. Deputy Helyar rose to support the Proposition and not look outside the sanction itself, but surely we are here specifically to consider the appropriateness of the sanction, and to do that we have to look at the reasons for it. I do not want to rehearse again the points my fellow Deputies have already made probably far more well than I could have done and so, madam, through you, I have some questions for my fellow Deputies to ask themselves when considering their vote.

660 Do you believe that the work Deputy St Pier has done to represent the families has been done out of support and care for the families or as a result of wanting to bully them? Do you consider that Deputy St Pier did something that in the same circumstances you would not have done or may have done? Do you consider that this suggested sanction may make you think twice about representing your constituents in a sensitive or difficult matter?

665 Have you read the comments from the families involved who themselves still feel that they did not benefit from the fair, impartial process? Do you believe that the MSG involved the families in a fair and helpful process and listened to their concerns? Can you imagine having real concerns for your child's health – I have been there – questioning whether your long-held position of trust in the doctor who knows best may not be exactly true, and daring to question authority and being met not with compassion but conflict? Can you imagine following a proper process and still feeling unheard, feeling powerless to help your child, the person who you would give your life for?

670 Can you imagine the internal turmoil you would go through if you wanted to raise a complaint about any member of the medical profession but being part of a small community were fearful as you may encounter that person again in the future? Can you imagine the relief when someone in a position of power listens to you, advocates for you and does their best to fight your corner? Can you imagine how it feels as one of those represented to see that individual then vilified when they were the only people willing to help? Do you believe that our role today is simply to accept the decision process and not to question it for fear of upsetting the Commissioner? I have even heard the fear she may resign.

680 Do you accept that we, as an Assembly, have a real role in the Code of Conduct process, engaging with it fully and considering all of the facts, not just simply nodding it through or not forming an opinion; the easy option, as Deputy Matthews called it? Do you think this suspension will be for the benefit or detriment of the people we promised to represent just five months ago? Ultimately, do you believe Deputy St Pier did in fact leak confidential information?

685 All I ask of each and every one of you is to put aside personality, relationships and personal feelings and to consider your responses to these questions prior to voting today. I urge you to vote carefully, cautiously and thoughtfully. This vote and any sanction will set a precedent for this Assembly and the Assemblies beyond us. I have asked myself these questions and I will be voting against the Proposition.

Thank you.

690 **Deputy Cameron:** 26(1), please.

The Deputy Bailiff: 26(1)? Deputy Cameron has asked for a 26(1), which is a guillotine motion. Those who still wish to speak in debate please stand in your seats. Do you still wish to put it to the vote, Deputy Cameron?

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Deputy Cameron: No, madam.

The Deputy Bailiff: Okay.

Deputy Blin.

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Deputy Blin: Thank you, madam.

The speeches have been really powerful for the last two days on all sides, and this debate on this sanction goes to the heart of what kind of Assembly we want to be and it is not just for today but it is for all the future Members who will sit in these seats long after we have gone as a precedent. 705 Are we an Assembly where Deputies can support constituents, raise concerns responsibly and engage transparently with the media or are we becoming an Assembly where even routine factual interactions carry the threat of a suspension of 25 days, 30 days or five days by choice? That is the real question for us.

I would like to say before going further, I have respect for medical professionals, the HSC, the MSG and also empathy for many of the families who have struggled with different cases. I have enormous respect for our medical professionals, having been through with my family and myself, and I have nothing but praise and everyone working with the HSC. Their jobs are demanding, often emotionally heavy and they work under pressure that most of us can barely imagine. They support Islanders at their most vulnerable, and we are fortunate to have such people with such skill and commitment serving our community. But showing respect for our clinicians does not mean pretending that systems never fail. It does not mean ignoring moments where communication breaks down, where processes fall short or where individuals feel left without answers and when that happens families can feel frightened, frustrated or simply unheard and they deserve that empathy too.

720 So we can hold both truths at once. We can support and value our medical services and we can recognise that some families, in fact in this instance 28 families for a number of years, have turned to Deputy St Pier because they felt they had nowhere to go. No one comes to a Deputy lightly, and we will all know that in here. People come to us because they feel stuck in the system, because they are not being heard or because they simply do not know where else to turn and our role in those moments is to listen and to help them navigate an often complex world.

725 The offence in context is in the course of doing that work, the normal work of a Deputy, that Deputy St Pier did something any one of us could easily do. We heard about the confirming factual information, confirming allegations on a call to a journalist but he did not disclose confidential information. He did not introduce new allegations. He confirmed information that was broadly already understood and was not aware that an article was ever published. We must ask ourselves honestly, is a 25-day suspension proportionate for this aspect of confirming of information that was not private and was not confidential and had never appeared in print? Is this really the level of seriousness that justifies a most severe sanction at our disposal, at this time? I do not believe it is.

730 Here is the wider concern. If a Deputy can be suspended for confirming information in a conversation out of nowhere what does it mean for the rest of us? Will Deputies hesitate before raising questions? Will they hesitate before supporting constituents who feel lost within a system? Will they hesitate before speaking carefully and responsibly to journalists, because that is the culture this decision risks creating. Our job as Deputies requires courage. It requires us to ask difficult questions, to challenge respectfully and to shine a light on systems where they are not working for individuals or families.

740 We are not clinicians and should not pretend to be but we are accountable to the people who come to us in good faith seeking help when all other avenues feel closed. So that is not misconduct; that is representation at its most basic level, and if the Assembly – this Assembly – chooses to punish

745 a Member for performing their duty then we risk weakening not just one individual but the entire foundation of our public trust in this institution.

750 So this debate is about far more than one conversation with a journalist about the incidents and the report. It is about whether or not we are confident enough and fair enough to distinguish between serious wrongdoings and a Deputy acting in good faith on behalf of his constituents. It is about whether we want a culture of fear where Members avoid engaging with difficult issues or a culture of openness where Members are trusted to act responsibly, honestly and transparently and it is about whether this Assembly remains a place where Islanders know that their elected representatives can speak up for them without the threat of disproportionate punishment hanging over their heads. The term 'disproportionate' is the key. We can support our medical services wholeheartedly and still protect the essential democratic responsibility of Deputies to speak up when systems fall short. Those principles go hand in hand.

755 So for these reasons I will be voting contre, not because I wish to diminish our services or undermine our clinicians or excuse carelessness, but because this sanction is out of proportion and sets a dangerous precedent and risks silencing the very people who we are elected to give our community a voice. So please let us choose fairness and let us choose balance.

760 **The Deputy Bailiff:** Deputy Rylatt.

Deputy Rylatt: Thank you, madam.

765 I would also firstly like to acknowledge, as many other colleagues have, the difficult position of the families both represented by Deputy St Pier and the family of the complainant herself. I recognise how challenging it will have been to see something so personal played out in such a public arena.

770 Madam, I find myself in the same curious position as Deputy Humphreys. There may be an assumption that as a party colleague of Deputy St Pier I will view the report looking for reasons to rebuke it rather than carefully review it. I can only offer my reassurance that I have approached this report in exactly the same way as I would any other, by asking whether the reasoning is sound and the recommendations well founded. Having taken that approach, I cannot vote for the suspension today.

775 Members have ably covered arguments for both sides but I want to home in on two specific conclusions of this report and whether they are fair and reasonable, as the President of SACC has outlined is our responsibility to do, namely the finding relating to the nature of the complaints received by Deputy St Pier and the proposed sanction itself.

780 Now, it is clear that the conclusions and resulting sanction from this report rest heavily on the belief that Deputy St Pier in his call with the *Guardian* journalist should have clarified that the complaint that he had received were not all of a formal nature. Two of those are at the very epicentre, two of the four fundamental findings of facts at paragraph 38 of the Commissioner's report rest on this point, that Deputy St Pier in failing to clarify the nature of the complaints risked misleading the journalist and causing undue harm to the complainant's reputation.

785 I have tried to judge whether this finding is fair and reasonable, and I have seen no evidence or material presented in this report which makes it so. The natural meaning of the word 'complaint', which you will find in every dictionary, is one we are all familiar with very simply as an expression of dissatisfaction. Further, the Parliamentary and Health Service Ombudsman, which is the UK body responsible for investigating complaints about the NHS in England, uses the following definition of a complaint:

790 An expression of dissatisfaction either spoken or written that requires a response.

Crucially its guidance also provides that:

The person complaining does not have to use the word 'complaint' for something to count as a complaint. They may talk about feedback, an issue or a concern. In this guide the term 'complain' covers all variations people might use.

795 So even to a UK audience to whom the *Guardian* publishes in the context of an investigation into an NHS complaint the word has an unequivocal meaning, one which aligns with how we, as Deputies, would likely define a complaint from a constituent.

Now, the Appeals Commissioner at 3.2.3 of his report says:

Whilst there may not be a readily available definition of what constitutes a formal versus informal complaint the characterisation of how the Commissioner used the distinction at paragraph 47 is a fairly comprehensive one and is one that would make sense to a reasonable independent person picking up her report for the first time.

800 That may be so, but whether the Commissioner's own definitions made sense to a reasonable independent person does not in itself demonstrate that Deputy St Pier created any credible risk by failing to adopt that same distinction. The issue is not whether the Commissioner's definition is coherent but whether there was a real risk of misleading the journalist at the time, and I would say 805 there is no supporting authority cited to evidence such a risk. Without that I cannot find that this Commissioner's findings on this point are reasonable.

810 But let us entertain the idea that there is a material risk, that the journalist and the *Guardian's* readership would be misled by a lack of clarification as to the nature of these complaints. Well, in a letter to the Commissioner dated 11th March, Deputy St Pier referenced three articles showing the 815 existence and nature of many of these complaints were already in the public domain. The second of those articles on 2nd October 2023 quotes Deputy St Pier as saying that a 17th family had recently contacted him and then goes on to quote him, describing this new case as a draft 15-page 9,000 word letter of complaint that the family were only, 'about to lodge with the leadership of the States.' Now this is the crucial point here because it demonstrates that even in the public reporting of the time, at least one of the complaints counted within the 17 was clearly informal and not yet submitted. In other words, it was already public knowledge that the term 'complaint' in this context did not necessarily mean a formal, substantiated or upheld complaint.

Given that context the Commissioner's concern that:

820 Deputy St Pier risked giving the impression that these informal concerns were formally upheld 825 is not reasonably supported by the surrounding facts. A journalist who had already read publicly available articles – as most journalists would do – would have understood that these were concerns raised with a Deputy, not formal, upheld complaints. This specific risk described by the Commissioner therefore appears to be substantially overstated because the material in the public 830 domain already made clear that the complaints received varied in formality, therefore the critical inference that the complaints could have been perceived as formal and upheld is not one that a reasonable reader or journalist could draw from the basis of information already in the public domain. Why is this important? Well, it is the suggested blurring of lines between informal and formal complaints which substantiate the Commissioner's key conclusions; the conclusion of bullying, bringing the States into disrepute and the type of sanction itself. To me this section of the report makes every expectation of semantic perfection with no acknowledgement for the realities 835 of public life.

840 Secondly, we are being asked to set a very significant precedent in terms of sanctions yet we are offered little in the way of explanation for why this is the appropriate sanction. To be clear, there is considerable explanation as to why the Commissioner believes the Code has been breached but not as to why 25 or 30 days is the appropriate corresponding sanction. Those who practice law like Deputy Helyar will know, and as you will know, madam, when a judge hands down a decision that is likely to set a significant precedent, there is an expectation that they will explain, in detail, how they have arrived at a specific sanction. That explanation provides accountability, transparency and a framework to guide future decisions. While the Commissioner obviously is not a judge, she does operate in a quasi-judicious capacity. She may not create a finding precedent in law but she does

create precedent for the lawmakers themselves and the Appeals Commissioner has acknowledged this point where he says:

The sanction tariff will set a new precedent for Guernsey which warrants careful thought.

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I am not satisfied that that careful thought has been demonstrated. When the Commissioner recommended a 30-day suspension, the totality of the explanation was as follows:

Due to the serious and repeated nature of similar misconduct, of which Deputy St Pier has been formally reprimanded in October 2024, a proportionate sanction would need to go beyond that. And, similarly, when the sanction is reduced to 25 days on appeal, no substantive reasoning as to why five days was an appropriate reduction was provided.

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The Appeals Commissioner described 30 days as being at the very highest end of what could be expected. Yet the report lays out no justification and no line of logic which takes us from a formal reprimand to a 30-day suspension. No explanation as to why one day or two days or three weeks were not appropriate alternative sanctions. No reference to parliamentary precedent or any sort of formal guidance.

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In short, neither report evidences in the essential components which should underpin the sanction of this significance, mainly a clear and transparent methodology showing how the Commissioner and Appeals Commissioner arrived at their respective sanctions. Very simply, getting from point A to point B, there is no substantive justification, and it is point B that we are being asked to endorse as an Assembly. I would encourage Members to reflect on the fact that we routinely make decisions of far less consequence on the basis of far more information.

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There are Members who are understandably concerned that, if we reject this report, what will it mean for the Code of Conduct going forward? Speaking as an individual Member of SACC, I think it is clear that this process needs to be further iterated upon. When we have a 25-day suspension without detailed justification, I think it highlights the need for a sanction so that we can see exactly how recommendations are decided upon which will provide greater accountability.

Further, the Reform Law and the Code contradict each other. The Code expects SACC to act as a post box to simply deliver this report to the States. Whereas the Reform Law clearly envisages a role for SACC that goes beyond that. In schedule 1 of the legislation, it says:

The recommendations of the Commissioner are not binding on the Committee.

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But we also need, I would suggest, some evidentiary rules to support and guide the Commissioner's process so that this Assembly is not left to speculate on what was and what was not considered. In essence, my decision to reject this Proposition today is not a rejection of the system wholesale but an acknowledgement that further work needs to be done to strengthen it.

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Deputy Inder yesterday raised the idea that we must approve this no matter what or it will undermine the system. But, to me, that itself risks sending the message that this Assembly is more concerned with how things look rather than whether or not they are fair, and surely it is that sensible that the idea that appearances matter more than substance poses the greater threat to public trust. A healthy and robust public debate about what our system does well and where it can improve is not a weakness. It should only surely strengthen this process. It surely must be the case that a poorly justified sanction is far more dangerous to the credibility of the vote than a principle public rejection.

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Finally, I would ask, as a community, what is our threshold for change? How many families need to come forward on an Island of 64,000 people before we recognise that this should never have been about one political figure and, over the years, our preoccupation with personality with who is making the argument rather than the argument itself? It has drawn us so far away from the individuals and issues that deserve our attention and our efforts.

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Madam, I hope today we reaffirm that the role of Deputy is to robustly represent those who rely on us to do so and to scrutinise our institutions, whether they have the appetite to be scrutinised

890 or not. If that is what being a States' Member fundamentally requires, then for that reason and with great respect to the Commissioner, I would strongly urge colleagues to reject this Proposition.

The Deputy Bailiff: Thank you.

Deputy Burford.

895 **Deputy Burford:** Thank you, madam.

For the avoidance of doubt, I am speaking in my own right as a Deputy and not in my role as Vice-President of the States' Assembly and Constitution Committee, nor as a member of P&R. I will begin by saying that I am sure this process has been difficult for all the parties to it, the complainant and her family, the families who have concerns with the services provides and the subject of the 900 complaint, but this debate is a legitimate part of the process.

The correct role of this Assembly is as final arbiter in this process, and we cannot and should not shy away from that in discharging our responsibility. At the outset, I also wish to stress that I am looking at the matter from the point of view of the process and proportionality. It does not and 905 should not matter who the subject of the complaint is. Of course, by far the easiest thing to do today would be to stay silent and to support the Proposition, and that is a very attractive and alluring option and I have flirted with it.

But on the other hand, the truth is I do have troubling concerns about the process and the sanction; so what to do. First, I point to the publication of this Policy Letter and, in the run up to this 910 debate, I have had discussions with Deputies on their thoughts about this matter, as I do with most Policy Letters. With a few exceptions, the views have been that there are concerns with the process and the recommendation, but a feeling that there is an obligation to support the Proposition.

Reasons given include fear of prejudicing one's position in the event of receiving a Code of Conduct, concern that it will look to some members of the public as if Deputies are closing ranks, a 915 concern that a rejection of the recommendation might cause the Commissioner to resign and a fear of loss of political capital individually or collectively. None of these issues should be a consideration.

There have also been separate discussions in recent weeks among Deputies about whether the standards in the Code of Conduct are too strict and, indeed, that was touched upon yesterday in 920 debate. Let me say here and now, I do not believe they are. A robust Code of Conduct is indispensable to the credibility of this Assembly. It exists to ensure integrity, accountability and courtesy in public life. Every Member must uphold its principles.

The Code also demands that any judgement about a colleague's conduct be fair, evidence-based and arrived at through a visibly impartial process because a system that cannot demand confidence 925 weakens the legitimacy of the very standards it seeks to uphold. I task you to decide whether we are content that the process which has led to a recommendation of what is a severe sanction by any measure, temporary exclusion from a legitimate legal and practically elected position, is fair and proportionate in all circumstances.

I will highlight a few concerns with the process and the resulting sanction. My first concern 930 relates to the interview between the Commissioner and Deputy St Pier. I feel that it is impossible to read the transcript of the interview without a measure of concern. What should have been a mutual forensic examination strayed into commentary, personal anecdote and even reprimand. At points, it felt as though conclusions were forming before evidence was completed.

I was troubled by the references to the Member's earlier reprimand. The investigation should 935 have been assessed on its own facts but the language shows that the previous case loomed large throughout. By returning to it, it risks importing a previous position into what should have been an entirely separate inquiry. My second concern was the failure to interview either Deputy St Pier's wife or a representative of the family. Of all the potential witnesses and sources the Commissioner could have drawn from, these people must have been at, or very near, the top of anyone's list. While the Commissioner does indeed have sole discretion on what evidence she seeks, the decision not to interview people so clearly involved is incomprehensible to my mind.

940 She repeatedly implies that it must have been Deputy St Pier who gave the details to the journalist but declines to interview those people most likely to have supplied the information. The Commissioner also spends considerable time on the meaning of the word 'complaints', appearing to use it in a different context herself throughout the report but, at the same time, basing her conclusions on the fact that Deputy St Pier was using it in the informal and everyday context rather than the formal sense she considered appropriate.

945 She says that Deputy St Pier should have made it clear to the journalist that these complaints have not been substantiated through an official complaint channel, something I am quite sure any journalist would have been aware of. After all, any journalist understands the need to stand up a story, particularly one of this nature, to avoid being sued. I really question whether this is in fact a Code of Conduct matter at all. The *Guardian* gave the complainant ample opportunity to state her case. Had the paper published wrong or libelous information about her, the remedy was to sue the newspaper.

950 The Appeals Commissioner dismissed three of the four grounds of appeal and partly upheld the fourth reducing the sanction from 30 to 25 days but this five-day adjustment makes essentially no tangible difference. It does not alter remuneration in any meaningful way, and the reputational effect and the public declaration that a Member has been suspended remains absolutely identical whether it is 30, 25 or even five days. It is hard to see the reduction is anything but symbolic.

955 Speaking more generally now, every Deputy has a duty to represent constituents even though constituents' complaints might be unproven or contentious. I am inclined to believe that Deputy St Pier considered he was acting within that representative role when he confirmed that families had approached him. If acknowledgement of a constituent grievance is reclassified as misconduct, we risk silencing the advocacy this Assembly exists to provide.

960 While Deputies must act prudently in managing information, they must also remain able to express constituent concerns without fear of disciplinary sanction. There is a risk that the effect of upholding this decision will be a chilling one on ordinary constituency work and fetter us, even if only out of an abundance of caution. This Assembly's constitutional function is to consider whether the report and its recommendations meet the standards of justice and proportionality required to justify such interference with an elected Deputy's mandate. Deputy St Pier may be so censured for unwise judgement but I do not believe that the penalty presented today merits deception.

965 970 Punishment must rest on foundations that are beyond reproach and that are proportionate. Crucially, and as confirmed in the report, this case will shape future sanctions. The only comparable modern precedent, the year-long suspension of a Member for online abuse under an alias, involved sustained, deliberate, deceitful and harmful conduct. By contrast, this case stems from what could be characterised as a single lapse of judgement in the context of public representation. Those who seek to compare these two cases are very wide of the mark.

975 I would like to add in a comment here, and something I was not going to say – speeches by Deputies Oswald and Bury have prompted me to make the point – some years ago, I attempted to raise a complaint with the MSG about a serious matter. It was not taken seriously. It went nowhere. The organisation closed ranks. I sought legal advice, which confirmed the seriousness of the matter but, by then, the time window to pursue it legally was expiring.

980 985 I had to think for a long time about complaining, partly because I was simply trying to block the experience out and partly because there is always the fear that, if you have raised a complaint and then you or, god forbid, your child needs emergency treatment, you might have the same consultant. So while I am absolutely not using my own experience in any deciding factor in how I vote, I completely understand why people would seek out a Deputy to help them rather than ask the very people who caused the problem to adjudicate on it or fix it.

990 In moving to a close, I want to say that both the Commissioner and the Appeals Commissioner has performed complex work within the constraints of their statutory framework. This is a relatively new system for administering a Code of Conduct and this is its first real test. It is the role of Members, uncomfortable as it may feel, to determine and explain whether or not they think it has passed that test. I am also not blind to the wider effect in the community of the decision we make

today. The risk clearly exists of being conceived to be flying in the face of an independent process only recently established.

That said, being an avid watcher of social commentary, as I am, there appears to be a strong acknowledgement in our community that this decision could have an effect of muzzling Deputies and further reducing transparency and accountability. A poll conducted on a popular social media site has had over 350 responses in less than two days with 80% of responses believing the Proposition should be rejected. This is of course not a reason of itself to reject the Proposition, but it is informative of the views of some in our community.

Additionally, all Members will have received an email from a former Deputy States' Greffier and principal officer of the States' Assembly and Constitution Committee attached with a 10-page comprehensive report. I do hope Members have had time to read this document. It sets out with clarity and honesty why she, with her extensive and relevant experience, believes that this Assembly should reject the Proposition before us.

I do not think a rejection of the Proposition today needs to lead to the resignation of the Commissioner, as suggested by some. It is their job to investigate and make a recommendation. I will quote from the Reform Law where it says:

In making the report to the Committee, the Commissioner shall state his or her conclusions and recommend what action, if any, shall be taken. The Commissioner's conclusions and recommendations are not binding on the Committee.

The Committee has acted as a post box bringing the report and the recommendations to this Assembly and, in the same way as with the Committee, it is not binding on the Assembly to accept the recommendations. Regardless, whatever the Assembly's decision is today, the next step should be constructive. The States' Assembly and Constitution Committee should review the disciplinary architecture. This paper has thrown up numerous areas and greater clarity in terms of the wider conduct process would be useful and most welcome, and I intend to put that suggestion to the Committee.

In closing, I have genuinely struggled with this matter. However, I have come to the firm conclusion that the process has material flaws and the sanction is inappropriate and I will be voting against the Proposition.

Thank you.

The Deputy Bailiff: Thank you.

Deputy Niles.

Deputy Niles: I am sure that we all agree, ma'am, this is an incredibly difficult matter for us to consider and we had invited an independent Commissioner to look at this for us, and that is an appropriate process. I do not see that, in any way, the finding should better our work as a Deputy representing our constituents in carrying out sometimes the difficult things that we must do. But it gives us guidelines as to how we do it and how we conduct ourselves, and to have a framework is important for us to do so.

I must also recognise that it is also an extremely difficult emotional issue, and I empathise with all of those who have been affected. There are some among us who would like us all to focus on individuals and organisations and other processes that may be related to this matter but are not relevant to us today. What we should be concentrating on is the only matter that is important today; the Proposition laid by SACC and the report by the Guernsey Appeals Commissioner regarding Deputy St Pier's appeal against the conclusion and recommendations of the Commissioner for Standards relating to a Code of Conduct complaint.

The findings are that Deputy St Pier has breached the Code by misuse of confidential complaints, disclosing unsubstantiated complaints received in his official capacity to a journalist breaching confidentiality and the duty to act solely in the public interest. The findings also deal with the complicated and difficult matter of bullying and engaging in repeated deliberate actions intended

to discredit and harm reputation. We must have compassion with all of those affected, but our opinion of the underlying issues and Deputy St Pier's involvement is relevant.

1045 An independent commission has reviewed the facts in full and found Deputy St Pier's behaviour to be wanting. It is not for us to undermine this, less we risk establishing a culture where rules apply to some but not to all. (**A Member:** Hear, hear.) If this was happening in another setting – and it is difficult to imagine that sometimes because we do live in a bubble here – in a corporate workplace or in a school, the discussion around proportional sanctions would not happen. The individual would expect an immediate and strict sanction to be delivered and it would be done immediately.

1050 Ma'am, as compelling as the underlying issues are, we must focus only on the findings and the proportionality of the sanction which has, on appeal, been reduced from 30 to 25 days. We must not be distracted by the illusion that it is anything other than about the findings. To undermine an independent Commissioner on which the very framework of our governance relies will create significant difficulties for us in the future. Ma'am, I will be voting for the Proposition.

1055 **The Deputy Bailiff:** Thank you.

Deputy de Saumarez.

Deputy de Saumarez: Thank you, madam.

1060 To begin with, I will make it clear that I too speak in a personal capacity rather than from a Committee perspective. Policy & Resources does not have a Committee position on this matter and each Member speaks and/or votes according to their own personal judgement. In thinking about this matter, in my case certainly, I have made a very conscious decision to think about the Deputy subject to the recommended sanction and not as an individual or colleague but as a generic Deputy because the conduct applies to all of us. It needs to be agnostic as to the individual and we need to be comfortable with its application where that is applied to any individual, including ourselves.

1065 I am going to start with something personal and relevant, of which the Proposition might not be immediately obvious, but will become clearer. For a quarter of my life now, 27th November has been a date I dread. Twelve years ago today, a very close friend died suddenly and unexpectedly. In that instant, her parents and siblings lost a daughter and a sister, her husband lost his soulmate and her toddler and baby lost their mum.

1070 For those close to her, it was a deeply personal tragedy. Yet, for some reason, the national media took an interest. Soon we were being hounded for interviews. I felt deeply protective of her bereaved husband and children in the home and indignant at the very suggestion that her death might be splashed across the newspapers. It felt simply voyeuristic and I could not see any rationale for it being in the public interest. Having once been a news journalist myself, I tried to dissuade them from covering it at all.

1075 I told them in no uncertain terms that neither I nor any close friend of a family member would provide an interview nor any insight. Editors in far off places had other views. To them, this was a story of a young fit, ostensibly healthy woman with a sparkling career and a gorgeous family who died in a dramatic fashion. The journalist told me that the story would run regardless whether we liked it or not. They accepted that none of us would provide an interview.

1080 But I distinctly remember the conversation with the most persistent of them. He said, 'Look, I know you do not like it but we are running the story either way. You may as well take the opportunity to check I have got my facts straight. I am going to tell you what I know and if you can confirm the accuracy, then at least you will not have the added insult of seeing anything inaccurate in print'. I very reluctantly agreed to confirm what I could, being careful not to offer new information or insight.

1090 I share this story because it illustrates how I understand the difference between actively disclosing information and confirming facts that are already known. A distinction that is essential to the question we are conspiring today. When we pare it back to the fundamentals, the recommended sanction is, in my view, based on an acceptance of two disputed issues. First, the Deputy should not

have confirmed his understanding of facts already held by a journalist and, second, that in the course of having done so, he was deliberately misleading.

1095 So to take each in turn, should the Deputy have confirmed his understanding of facts already held by a journalist? I accept that different people will hold legitimately different views and other Deputies here made the right judgement. My own experience makes me more understanding of his position than perhaps others, but let us assume, for argument's sake, that it was the wrong decision and that he should have been resolute in providing no comment whatsoever.

1100 In those circumstances, is the sanction to confirm the information already held as distinct from disclosing new information or providing comment appropriate and proportionate? I put it that those who argue that this sanction is not intended to stifle the freedom of Deputies to speak out about concerns shared with them by their constituents or the freedom of the media to publish such a perspective, but I am deeply concerned that that will be its effect. For this reason, I am troubled by the prospect of setting what the Appeals Commissioner fully acknowledges is a new precedent.

1105 The second issue at the heart of the matter is whether the Deputy was deliberately misleading. This hinges, to a considerable extent, on the definition of the word 'complaint'. I will save time, because it has been very well covered by others already, by simply endorsing Deputy Bury's explanation of the difference of interpretation by those who work within an official complaints system and complaints as we understand and work with them, as People's Deputies when constituents come to us with them. Deputy Rylatt and Deputy Matthews have also argued compellingly why it is reasonable to assume that the journalist would have been very clearly aware of the interpretation of the word 'complaint' in this context.

1115 The Code of Conduct was never designed for cases like this, but the findings of fact themselves were disputed. It was never envisaged that it would act as a quasi-court. That is why the situation feels particularly uncomfortable and why the Assembly is struggling so much with it. The findings on which the logic leading to the sanction is dependent rely heavily on assumption and subjective interpretation, and this puts all of us in an invidious position.

1120 The previous debate the Assembly had on a recommended suspension was of course uncomfortable simply because we were debating a Member's conduct but, in that case, the facts at the heart of the matter were fully evidenced and not open to subjective interpretation. That made it uncomplicated in one respect. All we had to decide was whether the recommendation sanction was appropriate and proportionate. Given that, in that case, the behaviour was inherently untruthful and deliberately deceptive, it was a more straightforward decision.

1125 The Proposition before us today is much more difficult because the facts at the heart of the matter are not clearly evidenced and are disputed. This puts us in a position of having to choose whose interpretation sounds most credible or reasonable and where still that decision about whose interpretation to rely on becomes a proxy debate of whose rights we prioritise over others. I really feel for the complainant, a medical professional whose expertise played a positive part in one of my own children's recoveries in a critical condition in which he was born, something for which I was forever grateful.

1135 I can empathise with the profound impact that the events over the last few years have had on her professionally and personally. I also understand why others in the medical profession and institutions are framing this Proposition as a matter of protecting the integrity of the sector and those who work within it. However, I also feel deeply for the family who believe that the medical establishment has not only failed them in various ways but frustrated their efforts to address that failure. And I care very deeply about the role of People's Deputy and our ongoing ability and, indeed, our duty to represent our constituents.

1140 I care too about the role of the free press. Indeed the previous suspension of the Member came about because of the work of an investigative journalist who asked uncomfortable questions, who was relentless in pursuit of evidence and, ultimately, brought to light the behaviour that led to that sanction. All of these perspectives; the complainant, the medical establishment, families and the Deputy, are legitimate and worthy of respect and sensitivity, and this is where some of the arguments in this debate have, I believe, been over criticised.

1145 I do not think that we can frame this, as some have done, as a question of public confidence in
the States and the integrity of the political system. The public are not a homogenous mass and do
not share a single unified perspective. Indeed, there are many people who would consider our
support for this Proposition as a betrayal of our duty to represent our constituents' concerns. So we
are damned if we do and damned if we do not. If we support the Proposition, we will have done the
1150 right thing in the eyes of the complainant and the medical establishment but we will have let down
many others, including families who feel that formal channels of complaint are not viable or effective
and who fear that vulnerable people remain at risk.

1155 If we vote against the Proposition, the family may have indicated that the complainant and the
medical establishment will interpret it as a failure to back their essential sector. The very fact that
we face this dilemma points to the reality that the Code of Conduct process is not the right tool for
this kind of job. We should not be having a debate that puts the medical establishment against
members of the community. There is no win win here, only win lose, whichever way we vote.

1160 Like Deputy Gabriel, I agree that we should be thinking of addressing the underlying issue
because, until we do, everyone loses to some extent. As this States' Meeting alone has shown, the
inadequacies we are facing in our Code of Conduct system are by no means limited to that system
but stretch much wider. Deputy Bury has given an articulate and moving account of her view of
failings within the complaints procedures for people with concerns about healthcare. Yesterday, in
1165 an earlier part of the meeting's agenda, others touched on similar inadequacies within the police
complaint system and I, of all people, am acutely aware, given the contents of the P&R Statement
yesterday, that the procedures for raising concerns about and within the public sector more
generally are clearly not working as well as they need to.

1170 I am reading a book at the moment called *Black Box Thinking* by Matthew Syed, in which he
considers the impact of different attitudes towards failure and feedback. Now he argues that
progress depends on systems that encourage transparency, learning and accountability rather than
punishment or concealment. He contrasts two very different cultures; one in aviation and one in
healthcare. Aviation, he argues, treats failure as valuable data for learning and systemic
improvement, fostering a culture of openness and transparency, whereas healthcare, and this is his
view, often responds to failure with defensiveness and blame, which inhibits learning and progress.

1175 I do not have enough relevant experience or insight to have an informed view as to what extent
that might be true in our own local context, but I have listened with interest to colleagues who have
served on HSC, who suggest that to some extent at least we are not immune from this wider
phenomenon.

1180 If formal channels are compromised or perceived as pointless or even punitive, the public
interest in exposing systemic failings becomes stronger. Elected representatives may feel morally
obliged to act as advocates or whistleblowers, yet as this process has shown, that obligation is
difficult to reconcile with the Code of Conduct as it has been interpreted in these reports.

1185 This creates a structural dilemma. Transparency versus procedural propriety, advocacy versus
impartiality. The very fact that we face this dilemma points to the need for change. The Code of
Conduct process as it stands is not, in my view, the right tool for this kind of job. We should not be
forced to choose between the rights of families, professionals and the integrity of our institutions.

1190 As I said earlier, there is no win win here, whichever way we vote. So whatever the outcome
today, I urge people, whether they are Members of this Assembly or members of the public or
commentators in the media, not to look at the outcome as a binary oversimplified verdict one way
or the other, or indeed as a binary judgement on the fitness of the system. We should look at it as
an acknowledgement of the systemic problems we face, and most importantly, look at it as an
opportunity for improvement. Our Code of Conduct system is important. Our healthcare system is
important.

I give way to Deputy Ozanne.

1195 **The Deputy Bailiff:** Deputy Ozanne.

1200 **Deputy Ozanne:** I am very grateful to Deputy de Sausmarez for giving way, and I am also grateful for her way in which she has pointed out systemic failures, not just in one sector but across. We have talked and touched on the complaints process. I am wondering if she believes that we have issues with our whistleblowing processes too, so that those within our system are able to highlight themselves concerns that they have. I would be interested to hear a view on that too, please.

1205 **The Deputy Bailiff:** Deputy de Sausmarez.

1210 **Deputy de Sausmarez:** Yes, I think Deputy Ozanne raises a very good point, and I think it is all part of that bigger picture. As P&R outlined yesterday in our statement, we have actually had people from within the public sector telling us what is wrong, what is not working for years, and we need to find effective ways of listening to them in a way that they are not afraid of using. So I think that is an important point and I do think it is part of the big picture.

1215 All of these things are important, our Code of Conduct system is important, our healthcare system is of course important, and the practitioners that work within it are vitally important. These families and their children and our wider community are important and our role as People's Deputies is important.

1220 So I add my voice to those calling for a review of the Code of Conduct or at least a refinement of it and our complaint handling systems across the whole of the public sector to provide greater clarity, independence and trust because only then can we ensure that our processes serve the public interest, foster learning from failure, and can restore confidence in our institutions. For that reason, I am unable to support the Proposition today.

1225 **The Deputy Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you.

1230 Some of my colleagues berate me for not making up my mind too, or for putting both sides of an argument. I would say that one of my roles in the Chamber, both now and probably in the past, is to provide a degree of balance. As was pointed out yesterday, I am like an acting president, not because I am skilful, potentially, but because I have just been around the longest, and therefore I am Father of the House.

1235 Actually, I was very interested in the always thoughtful speech from Deputy Burford, who is a fellow member of SACC – I will come on to SACC's role in a minute – who said that even she was tempted to say nothing and just vote for the Proposition, which in some respects is the easiest thing to do, but we are also probably aware that public opinion, such as being monitored, appears to be in favour of the other view.

1240 I actually agree that a lot of useful material has come out of the reports by the Commissioners and indeed the debate today, because one has to sit here and think – and indeed this point was made on a recent podcast by an interviewer as well – that actually it is obvious, despite the best wishes and good speech from Deputy Oswald yesterday, that there is a perception that something is not quite right with not just safeguarding in the broadest sense, but in the perception of some parents towards the process that they have been through.

1245 Some of those points that have been raised anecdotally by parents I do not have detailed knowledge of, but they talk almost about bedside manner and empathy. It is a very abstract form and, as Deputy de Sausmarez has implied, it is just part of the wider system. But I think what has come out of this is we do need some form of work on that, a process of inquiry.

1250 I may have been seen to make a little boring and pointless speech yesterday there about the Channel Islands Competition and Regulatory Authorities (CICRA) report, but I had a reason to point out not only the work that they have done on telecommunications, a very able work, but also on a particular senior medical partnership, where in their professional view, their impartial view as

regulators, they upheld a perspective. We also know that we have data protection commissioners who have done that.

1250 But I do agree, I am afraid, with Deputy Goy in many ways. He may have come at this a bit like a bull into a China shop (*Laughter*) politically but the Code of Conduct is a curious beast, because I think that regulators, like CICRA, like people connected to the courts, like data protection, have duties to attend. They have very clear rights. If an investigation is announced, then that is their prerogative. But if a Deputy just starts shooting his or her mouth off, making suggestions about what does or does not happen on even those topics, the Deputy would be honest with you. This debate only reinforces that.

1255 To stay focused, for example, on the material issues today – this screen is literally disappearing, and it does not recognise my face every time, but we will not go – but it very much says that we have to put the matters under consideration and are we of the opinion? That is an interesting word. 1260 An opinion is not a fact. Are we of an opinion to support it? As many Members have said, the actual relevant Proposition today is, do we – the 39 of us, really – support the Proposition, which is fundamentally about the sanction?

1265 Quite a few Members have said the sanction is itself disproportionate. But the Commissioners are empowered to do that, and they base it on their professional and relevant experience. I think you can guess that I think the sanction is a bit disproportionate, because I supported the amendment yesterday, which was for five days. I think if we have sides in this debate, and I hope we do not, because I very much regret the personal upset all parties have had, including the very respected doctor and their family in this. But if we have sides in this, perhaps everyone could have walked away with having won something, if that is the right way of looking at it. The compromise did not win, and we are where we are.

1270 So I have misgivings about supporting it on proportionate grounds, although I do accept the principle that we need to refine the freedom and rights of Deputies to investigate cases. If we had had before us a formal reprimand, I would have voted for that without too much consideration. The problem is the proportionality.

1275 I also should mention SACC at this point, that I am a member of, and I was in the last term for a while. Being a member of SACC, it is intriguing because, when I started on SACC, if a SACC member was getting into trouble with the Code of Conduct – I was but fortunately got just a caution – but if it went further than that to the serious level, there was a procedure in place at that time that it would be reviewed by senior Deputies. We got rid of that with the appeals procedure. It only applied to SACC members, curiously enough.

1280 Here, Deputy Rylatt made a very powerful speech, I thought. But he voluntarily recused himself from all of the SACC issues, as did, of course, Deputy St Pier, so there are only the three of us. Collectively, we decided it was our duty to act as a neutral post box in bringing this today. I am speaking here really as an individual Member, not a member of SACC. But the process of the Commissioner, and I do support the work of the Commissioners, but there has been a degree in which past issues have gone into the report. I noticed in the dialogue between the Commissioner and Deputy St Pier that one of the issues raised was whether Deputy St Pier could reasonably have foreseen outcomes such as a lack of a member of the specialist group willing to act as a paediatrician. I am not sure we can consider hypotheticals.

1285 There is another issue as to whether in the future a safeguarding doctor might need to be employed by the States. That is off this topic a bit. But it is nevertheless an issue that should be considered by Health & Social Care and the wider States.

1290 The thing is, the role of SACC is a complicated one because we have our votes here as individual Deputies, but we work hard as a Committee. I thought Deputy Hansmann Rouxel's speech was particularly pointed and brilliant and pointed out the considerations. Nevertheless, for example, it is not our role to stifle democracy. But what we have seen are numerous parties on different sides, commenting in the media, or social media, or getting Deputies, or directly contacting Members prior to this. That needs to be looked at as whether that practice is acceptable or not.

1300 There is another issue as to whether the Member who has been found to have erred, should be present in the Chamber and able to speak. That would be another thing to reconsider. Also, whether the Commissioner has a right of reply, or whether it is SACC's role, or anyone's role, to put across views they might have. To consider, too, whether any party would be sending out solicited or unsolicited material have, in some way, included inaccuracies and misunderstandings. I am not choosing one side, but I think we have a lot of documents that we would all ask questions about.

1305 It is some of the speeches today, Deputy Helyar's powerful speech, Deputy Matthews as well, have actually drifted into very complicated leading points. High-level commissioners could, for example, hypothetically consider the interpretation of application of human rights, powers, what constitutes relevant evidence, evidentiary disclosure, procedural discretion, bias, freedom of expression to the media. These are the sort of things that one might expect His Majesty's Procureur or Comptroller to give specialist advice, or even take even more specialist advice, because we are dealing at the highest levels of evidential and constitutional law.

1310 I would respectfully suggest that even a very able Member like Deputy St Pier, who has access to lawyers and is a trained barrister himself, I believe, among other professional skills – I do not see how especially if we are being non-judgmental as to which Member it is, because it might not be Deputy St Pier, it might be me, whether we have the resources and skills to understand it. In that sense, I agree with Deputy Gabriel, because it is not clear what our relationships with the media are. That is another thing. I think, as Deputy Ozanne and other Members have suggested, I would have probably fallen into the trap. I almost did with the air transport licensing. Goodness me. And answered questions to people.

1315 1320 I think when you are in this quasi-judicial situation, it is extremely difficult. I would imagine, Madam Deputy President, that if a senior judge or a lawyer, prosecutor or defender, was rung up by the media to comment on a live case, they would literally put the phone down. Because there would not be a way around that. Maybe that is the way Deputies should cope with, especially in cases involving professional reputation of the families. But if there was a breach of the data, that possibly is a data protection issue. Like Deputy de Saumarez, I think this case is so different from normal Codes of Conduct in other places, which often confirm Members having freebies or being sexually inappropriate, or whatever.

1325 1330 This is different. This is a professional Deputy doing his job, and maybe not always doing the right thing. But he has no statutory powers, unlike a regulator or an investigator. He has a public profile. Again, I think there is another issue that, unlike some other jurisdictions, when a Code of Conduct is laid, apparently everyone has to be totally discreet and completely confidential. Indeed, you could also get a second Code of Conduct if you even reveal that you are the subject of the first.

1335 1340 The problem with that is, for example, Deputy St Pier is uniquely popular in a way because he was a poll topper in 2020, and he is still in the top 10 in 2025, unlike me and other Members. It does not matter how popular he is. But what is interesting is that he has had a renewed mandate. He had a renewed mandate despite the Code of Conduct reprimand last term, which was in the public domain, and the Privileges Committee, which I had the misfortune to chair.

1345 Because, as always, I was trying to go for what is constitutionally and parliamentary proper, which is we do have privilege in this Assembly to what we do or say here. While at the same time realising that maybe on that occasion things have been said in the media that should not have been.

That is another distinction here, because clearly how the media report something is different from our situation here, and nuance of course is we can say something here that has full privilege but when it is broadcast it is broadcast. If it is then packaged and then re-treated then you have a different issue.

I think, too, States' Members are not necessarily as aware as they could be on the nature of the question.

The Deputy Bailiff: Just to let you know, Deputy Gollop, you have 59 seconds left.

1350 **Deputy Gollop:** I conclude that, on balance, I am likely not to vote for the sanctions, but that does not mean to say I do not think that the Commissioner has relevance. I would also just quickly say the problem with the procedure is it is not a professional tribunal like the General Medical Council, nor is it a court of law, and in some ways it has not the openness and transparency of either. That is certainly an issue we will have to look at.

1355 **The Deputy Bailiff:** Thank you.
Deputy St Pier.

1360 **Deputy St. Pier:** Madam Presiding Officer, I want to begin with an apology to the families who have been left feeling powerless, unheard and abandoned by the very system meant to help them and for which we are responsible. I am deeply sorry. A number of them have been in the gallery today and yesterday and I want to say to them, I am sorry that your experiences have been repeatedly minimised and delegitimised. Most recently this has been done by the Commissioner for Standards.

1365 Those families who raised and those who continue to come forward to raise their concerns, their dissatisfaction, their complaints have done so in good faith. They will read the Commissioner's findings and repeated use of terms in her report, such as misleading, unsubstantiated and inaccurate as dismissive of their reality. The Commissioner has gone beyond her remit by taking on the task of juggling the family's complaints, too. For example, in relation to a joint complaint to the GMC, initially by eight families and the commission, and then later joined by a ninth, the Commissioner wrote:

I have not seen the original complaint, but if these are the family's claims, they do not appear to align with the evidence.

1375 That is quite a conclusion to reach without having seen either the complaint to the GMC or all the accompanying evidence submitted with it, and when the GMC themselves still had the matter under review after 18 months.

The Commissioner's report, regrettably, is not an emotionally intelligent, trauma-informed response to the families' experiences. The Commissioner did not seek evidence from the families, despite being aware of their existence and identity.

1380 First, madam, some technicalities. I know it is blindingly obvious to Members, but the rules are clear, I do need to declare somewhat of an interest in this matter. Madam, as you also know, but some Members may not recall, under Rule 17A(4)(d), as the Proposition is about me, there is no time limit in my speech.

1385 **The Deputy Bailiff:** That is correct.

1390 **Deputy St Pier:** I should advise Members that I do intend to speak at some length. So I will pause for a moment should anyone wish to make themselves comfortable or indeed to leave. In fact, Deputy Inder did ask that I let him know, but he has obviously pre-empted my speech. Alderney Representative Hill also told me not to start too late because he was concerned about blood sugar levels. I do not know whether it was his own or others, but I make my apologies to Alderney Representative Hill if I detain him a little before lunch.

1395 Madam, since I was first elected in 2012 I have no doubt spoken hundreds of times in the States. However, this speech may well not only be my longest, and actually, if it is even longer it is a direct result of Members' contributions to this debate, as a result of which I have made some changes and additions. But it will also rank in the top four of the most important that I have ever delivered. Not because I am the subject of the threat of suspension, but because of the underlying issues which I will address, and the precedent that the Proposition creates, threatening all current and future Members in their ability to act as People's Deputies.

1400 I will seek to proactively address and respond to many of the issues which have come up in debate. I will be going broader than Deputy Leadbeater, for reasons which I hope he understands. Firstly, it is my reputation and integrity on the line, which, as Deputy Vermeulen has acknowledged, is important.

1405 Secondly, the Commissioner's report has opened up, wrongly in my view, the matter beyond that which Deputy Leadbeater spoke. But having done so, I have no choice but to respond to the very many issues which have been raised.

I appreciate that this debate is one which most Members would rather not have. For me, my conduct is called into question. As I have said, my reputation is at stake, given that the Commissioner has called me out as an untruthful, vindictive bully.

1410 The previous debate in 2023 on the findings of the Privileges Panel can only be described as ugly and unedifying, and I am grateful for the tone of debate to date. There have been some very good speeches with some very deep analysis, albeit, obviously, I would rather think better on one side of the argument than the other. But let me make it clear, I have no intention of ramping up the temperature of this debate, and neither do I intend to enter into a tit for tat, he said, she said counter response to the various media lines.

1415 However, by keeping the debate focused on where it should be, the families at the heart of the story, it will be uncomfortable. Giving a voice to the families will at times make difficult listening. To be clear, in doing so, I will not be naming anyone when I speak.

1420 Madam, I would like to thank those colleagues who, in good faith, advised me that I should simply accept the sanction recommended. Others with equal good intent, of course, have mulled the idea of that good old-fashioned compromise, which would have involved a lesser penalty, in essence, choosing that number lower than 25. I do understand the basis of those suggestions, and, of course, have given them serious consideration. But I cannot, in good faith, do so. I would be failing those who I have been seeking to represent for nearly five years. The issues at stake, not least for all current and future Members of the States, are too great to accept without challenge and seeking to explain why colleagues should not accept the Proposition before them.

1425 Before I go further, I must make it clear that I do not have a vendetta against the complainant or medical profession in general. It has been characterised in that way to discredit me. We are blessed in Guernsey to have many high-quality clinicians. As I have said before, my family have cause to be thankful for the care and treatment we have received over the years from quite a number of clinicians, including specialists from the MSG and twice personally in the last two years.

1430 I should also say that I have no doubt whatsoever that the complainant has helped possibly thousands of children over her long career. We heard one such anecdote from Deputy de Sausmarez. While that is to be hoped and expected from a doctor, it should not be forgotten.

1435 We also should not forget the wider impact of the case. I am aware that the complainant has a family who are feeling aggrieved. That much is clear from social media. I, too, have a family who have lived with me and the stress of five Code of Conduct complaints and three debates in the last three and a half years, with all the accompanying social media comment and speculation.

1440 My family are not interested in and do not understand any of the politics at play. They, too, are feeling aggrieved at a finding that they do not recognise; that I am an untruthful, vindictive bully.

1445 Now, madam, as a realist, I know that colleagues' starting point and instinct will understandably, perhaps, be to want to accept the recommendation of an ostensibly independent process. I say 'ostensibly' because, as Deputy Sloan has challenged in email traffic in recent days and in his speech, I believe the independence of the process was substantially compromised, not least by unconscious bias.

1450 Accepting the recommendation would not have been my opening stance, too, if I had not experienced this case myself. I understand, too, that many Members, particularly new colleagues, do not have the benefit of a history and background to this latest complaint. So I must first just set out the background and context, not least, as we said, the Commissioner has chosen to go back at this particular period. To begin with, I will recap the factual background to this complaint, the fifth

in a series, and there is a prospect of a sixth, which I will say more on later. Briefly, in 2015 one of our children became profoundly ill. A locum paediatrician misdiagnosed her, and we took her off-Island and she rapidly got the correct diagnosis, which if left untreated could have led to her death. 1455 We engaged with the complaints process so lessons could be learned for those who followed us, and at this point we found ourselves the subject of safeguarding questions and enquiries.

After a second complaint in relation to that matter, following a regulatory investigation 1460 commissioned by the Medical Director, we did eventually receive an unequivocal apology, accompanied by the Office of the Data Protection Authority (ODPA) finding a number of data protection breaches. As an aside, it is disappointing to note that the MSG have recently been fined £100,000 by the ODPA for data protection breaches, given that one of the outcomes from our case was supposed to be a review of data protection practices.

At that point in 2016 I regarded the matter as closed. Five years later, in 2021, I was approached 1465 by three families who had heard of our experience on the Guernsey grapevine. I imagine that they came to me because they felt that I would have empathy, given that their circumstances were remarkably similar, namely finding themselves at the heart of safeguarding processes, having complained or sought second opinions.

The Medical Director was sufficiently concerned with the fact pattern to commission a regulatory 1470 investigation, which resulted in two reports, one of which has never been seen or published because it is confidential to the Medical Director, and the other – the so-called learning report – contained many recommendations. Because no discernible progress was being made on the implementation 1475 of the recommendations, I chose to use parliamentary privilege to name the complainant as the named doctor for safeguarding. This was a decision of last resort, for exactly the reasons that Deputy Gabriel set out, all other routes having failed to obtain the engagement of those whose engagement was needed to ensure the timely implementation of the recommendations.

This led to the first four parallel Code of Conduct complaints, one alleging an abuse of 1480 parliamentary privilege, and three under other parts of the Code. I was cleared of abusing parliamentary privilege, following which there was a messy debate in the States in September 2023. However, I was reprimanded for the same conduct on which I had been cleared in a second States' debate in October 2024, perhaps the case of double jeopardy that Deputy Matthews referred to. That complaint would not now be admissible under the present Code of Conduct, which was changed after my case.

In June 2024, I was contacted by a journalist who was researching the complainant in the context 1485 of her work in the Letby case. Given I said I had no more knowledge of that case than was already in the public domain, I refused the interview. In November I received an unsolicited call in which I was asked to confirm facts the journalist already held. It has become very clear during the course of this Code complaint that she sourced those facts from a number of families, which they themselves confirmed in an email to all Members at the weekend.

On 25th November 2024, the journalist emailed the complainant regarding an article that was 1490 being considered by the *Guardian* for publication. As we know, no article has ever been published. Although the journalist's email was appended to the complaint, it does not appear in any of the material given to Members.

In January, the complainant lodged her complaint with the Commissioner. The complaint has 1495 not been published either. There is no explanation given as to its exclusion, and without sight of the complaint or the journalist's email, Members will understandably struggle to understand what triggered the complaint. Many other facts have been dragged back into play, stretching way back to 2015, but it is important to keep in mind that the heart of this case is a 90-second unsolicited phone call.

Following media coverage of the Code of Conduct complaints, I started to receive contact from 1500 many other families, and that continues right up to the last couple of days. I do not go seeking anyone. One of these families' concerns led to another Medical Director commissioned regulatory investigation, this one undertaken by the Royal College of Paediatrics and Child Health. All three

regulatory reports resulted in recommendations and it is unclear what has become of all of these recommendations. The families have asked me to say the following on their behalf:

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We feel it is essential that the narrative is challenged surrounding the assertion that no complaints have been upheld. This is fundamentally untrue. The three independents contained clear criticisms and multiple recommendations. The RCPCH partially upheld a number of complaints.

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Now, it was Deputy Sloane who said, 'Language is important' and it is Orwellian to keep denying that the investigations did not uphold any complaints, that they were partially upheld, or at the very least it is not indicative of a system that is truly open to learning. For example, in a commissioned report in one case, the findings include the following:

The lack of a definitive diagnosis and timely comprehensive contemporary healthcare plan has resulted in a disjointed approach to the health and social care of the child.

1515

When I receive contact from members of the public, I generally draw their attention to the complaints process and the link of the gov.gg website. I always seek their consent to log them as a complaint in my own records. If they do not consent, I do not record it. As an aside, I have seen many more names and stories appear on social media in recent weeks, none of which I was previously aware of. I am not logging any of those unless they contact me and consent for me to do so.

1520

I should emphasise that I am treating a matter as a complaint in accordance with HSC and MSG's own jointly agreed definition, namely an expression of dissatisfaction, which is, as Deputy Hansmann Rouxel said, the ordinary meaning for us as Deputies within all our other business. I am not of course in any position to judge the validity of any given complaint.

1525

To date, the total number of complaints that I have logged with this methodology since 2021 has grown to 35, and 20 of these are from families citing the complainant, two are from healthcare professionals citing the complainant, four are from healthcare professionals expressing concerns more broadly, four are from families citing other paediatricians, four are in respect of two pneumonic deaths, two of whom said the complainant was involved in some way, although I must emphasise that there is no attribution to any clinician of any responsibility for those deaths.

1530

It is worth remember that statistics are just people's stories with the tears wiped away. If the family wishes – and not all do – they can be introduced to the informal families group that has evolved and in which I have played no part. In my experience, most families do not complain for the sake of doing so. They are rarely looking for retribution or compensation. Sometimes they seek accountability, but the vast majority just want lessons to be learned for the future. They do not want others to go through what they have been through. They want to feel heard, properly listened to, with respect, compassion and understanding.

1535

It is only when that does not happen that they understandably become frustrated, but even then, in four years I have witnessed nothing but endless patience, courtesy and integrity, and they repeatedly seek acknowledgement of their experiences and improvements to benefit future patients and families. Yet in the last four years, until Tuesday, not once have these families ever been asked to tell their stories. Not once I have been asked, 'Who are these families? Can we meet them? Can you introduce us so we can hear them?' On the occasion that I approached a senior representative of the MSG a couple of years ago to suggest it might be worthwhile, I was rebuffed.

1545

On Tuesday, the MSG were quoted in the *Guernsey Press* in responding to the open letter from apparently 17 families:

We would welcome the chance to discuss the contents of the letter directly as a way to establish constructive dialogue, understand the situation fully from all sides and reach a resolution.

That is to be welcomed, and had it happened four years ago, we probably would not be here today. The only meeting that has taken place was at the instigation and insistence of the families.

1550 At that meeting, some members of the former Committee for Health & Social Care were visibly moved by the accounts that they heard. These are deeply concerning personal experiences that are both hard to tell and hard to listen to without emotion. Having continually to fight so hard just to have your voice heard is a pernicious form of injustice.

1555 I would like to take a moment to thank and pay tribute to a number of my colleagues in the States today: Deputies Bury, Matthews, Leadbeater and Alderney Representative Snowdon have all served on HSC and they have taken the time to meet and listen to the families. They know the deep –

The Deputy Bailiff: Yes, Deputy Oswald.

1560 **Deputy Oswald:** You do not name myself, who spent two years in –

Deputy St Pier: I am just about to, yes.

Deputy Oswald: Thank you, sir.

1565 **The Deputy Bailiff:** Thank you.

1570 **Deputy St Pier:** They have taken the time to meet and listen to the families. They know the deep systemic challenges that exist, but I would also like to recognise the work of Deputy Oswald. As a non-voting member of HSC, he went above and beyond his role. He rolled up his sleeves and put aside, by his own admission, his own perceptions and bias. He worked hard to develop the Code of Practice referred to by Deputy Leadbeater, which emerged from the recommendations in the 2021 learning report, to ensure that the changes in behaviour that might benefit future families faced with children who have complex medical conditions.

1575 He knows far better than I how challenging that process was, not because of the families, but because of the professional resistance. He knows too that the Code of Practice itself solves nothing unless it is adopted and practised by practitioners. There are still real issues with its implementation. Many of those who have contacted me have not and will not log complaints using the complaints process. This may be because they do not have the energy to enter an adversarial and administrative process – they have busy family lives and many still have a sick or even a very sick child to care for – and some may feel that it is a complete waste of time or they do not trust the process to be impartial and objective.

1585 Others will feel real fear for their family's future treatment if the very people they have complained about are required to treat them again. If clinicians honestly believe that that fear is absurd, unfair and misplaced, they have not walked in the shoes of patients and their families, for whom the question, 'What are the repercussions of complaining?' is entirely normal, as Deputy Burford has described.

1590 The Commissioner's findings are also predicated on the basis that I am a recidivist offender, but the evidence shows that all I have done since April 2022 is respond to the multiple complaints lodged against me. It is simply fact that each time one of the complaints has progressed in the public arena, more families have come forward. I repeat: I have not gone looking for anyone. This is the so-called Streisand effect in action. In essence, the more you try to shut something down, the greater the public's awareness, and we have all seen that in recent days.

1595 I want to speak for a moment about the consequences if the Proposition to suspend me is voted down. Like most political issues, most of the public are not of course following the detail, but it has been suggested that the Commissioner for Standards may resign, somehow imperilling the entire system. It is not obvious why. Her job is to produce recommendations and she has done that. It is the States' job to decide what to do with those recommendations. She could of course resign at any time for any reason, including personal or health reasons, and she will at some point cease to

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1600 be the Commissioner in any event, so whatever happens, the States will need to find a replacement, at which point the Code of Conduct is unaffected.

1605 If we honestly believe that the whole Code is dependent on this one individual, then there is a bigger issue we need to think about in relation to the Code, but there is no evidence of that. What is the wider impact on the healthcare system? Now, the BMA have said that if I am not suspended, and I quote:

The entire medical sector will be at risk of destabilisation as a result. It will be a real problem for recruitment, retention and morale.

1610 This is hyperbole. They are the doctors' union, so everyone would expect them to represent and defend one of their paid-up members. It is their job. They have been saying this repeatedly since 2022, yet there is of course no evidence that the medical sector is destabilised or recruitment impacted. On the contrary, plenty of new appointments have been announced in the intervening period. This is fear without foundation. The doctors have also said, and I quote:

Doctors expect to be held to account for their actions and have got robust governance procedures and regulatory bodies to make sure this happens.

1615 It is true, there are governance procedures and regulatory bodies, but they are far from robust. If they were, we would not be here today. We do not have the Care Quality Commission, we do not have a NHS Ombudsman and we do not have a complaints process that could be described by any measure as truly independent. We have a healthcare system that has monetised secondary healthcare in a contract with a monopoly provider, creating inherent vested interests, further compromising the independence or perceived independence of the complaints processes.

1620 With respect, the BMA ought to be as concerned as the rest of us at the volume of complaints with alleged repeat patterns of behaviour when questioned or challenged that have not been addressed adequately by our governance and complaints procedures. Our contracted medical provider and systems have allegedly allowed these behaviours to go unchecked. That does not serve the BMA membership well. That is also why this whole issue is a legitimate matter of public interest.

Let me share the thoughts of one healthcare professional who contacted me for the first time this month:

As someone who has worked in healthcare for many years, I can't tell you how many families I have heard from who have been distressed by the damage caused, families who have not felt listened to or heard, and if they ever question the care, they were gaslighted and a whole barrage of accusations began again and again. First-hand, I have been shot down and silenced and witnessed healthcare professionals reduced to tears. I'm not in a place where I can share my story publicly, but I wanted to say thank you to all the families who have spoken out.

1630 On 13th November, Deputy Oswald wrote to all Members expressing concern at the States' projected Proposition, saying:

I am particularly concerned at the impact such a States' decision could have on HSC staff.

1635 I completely understand why the President of the Committee, Deputy Oswald, feels compelled to express that opinion in that position, which of course he did yesterday too. However, what was notably absent from Deputy Oswald's speech yesterday was any reference to patients. I am sure that Deputy Montague would argue that teachers are pretty important and a fundamental part of our education system, but what really matters at the end of the day is pupil outcomes. Similarly, while I recognise the obvious value of clinicians in our health system, my main interest is in patient outcomes.

1640 Deputy Oswald referred to the 2024 service review by the Royal College of Paediatrics and Child Health. I would remind Deputy Oswald that in one meeting with families in 2023, he said, 'Reviews

1645 are lobbying exercises to expand services and' this is an approximate quote, 'aren't worth the paper they're written on.' As Members should also know, despite my request to the contrary, during that service review, the RCPCH only met with the service, in other words, practitioners. They did not meet with service users, in other words, patients, an odd omission, you might think, for a so-called service review. Members need to know that there is presently a –

1650 **The Deputy Bailiff:** A point of correction.

1655 **Deputy Oswald:** Yes. I accept your comments, sir, in some aspects, Deputy St Pier, but first of all, in terms of my reference to the families, I did reference them in my final speech yesterday, saying that we have to reconcile the situation and reach out to them to come to some form of conclusion on this.

1660 In terms of the RCPCH report, I am well aware of the debate that we had about involvement of families at that time. You may recognise at some point I was on your side in terms of referring the RCPCH to those families. This was discounted in terms of basically time, but also I pointed out at the time that if the visiting Commission, who were very experienced, chose to speak to the families in view of what had been said to them, they would have the ability so to do and they did not.

The Deputy Bailiff: Deputy St Pier.

1665 **Deputy St Pier:** Members need to know that there is presently no named doctor for safeguarding at MSG. As Deputy Matthews said, the Director of Quality, Safety Improvement – the title is so long I have 'safety' twice and I cannot believe that is correct – to whom Deputy Oswald also referred has left the States. I understand that there is presently no designated doctor and no designated nurse. Consequently, Deputy Oswald advised last week that there would likely be no further meeting possible with the families group in the foreseeable future.

1670 To ensure the best patient outcomes –

Deputy Oswald: A point of correction again, sir.

1675 You are right in saying that an important officer has left the States. Sorry, madam, I need to address –

The Deputy Bailiff: Yes.

1680 **Deputy Oswald:** – through yourself. Deputy Matthews also raises in his speech that we are aware of a gap in the service. The Director of Quality, Safety, Safeguarding and Improvement – if I have the name right – is an important role and is a fundamental part of our meetings with the families. Until such time as we have a replacement in post, it would be difficult to extend that role any further or continue that process any further, but there is no intention not to continue that process. Indeed, I referred to that in my speech yesterday.

1685 Thank you, sir.

The Deputy Bailiff: Deputy St Pier.

Deputy St Pier: I am not sure that was a valid reason for correcting me.

1690 **The Deputy Bailiff:** Yes, it did not correct you, but it certainly made it clear.

Deputy St Pier: Yes, I think I made it clear that consequently to those absences, no meeting was possible, so I think we are probably agreed on the point.

1695 However, to ensure the best patient outcomes, we now all need to support HSC in ensuring – in developing, I should say, robust complaints, governance and regulatory processes. It is not without

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reason that the regulation of health and care has been on the to do list for a number of years, and I hope that Deputy Oswald's Committee will be the one to finally deliver this work during this term of Government as one of the priorities of the Government Work Plan.

1700 We really cannot afford not to. We will have spent hundreds of thousands of pounds over the years on ad hoc commissioned reports, investigations and inquiries. I am aware of at least six, but there will, I am sure, be more. We would be far better off devoting the time and money to building truly robust complaints governance and regulatory systems. These processes will not only provide greater assurance to patients and their families, but also better protect healthcare professionals.

1705 We need to acknowledge without judgement that there are healthcare professionals in our system, as Deputy Bury said, such as the one I have just quoted, who do have real concerns, and they need to be able to express any concerns safely. The existence of whistle-blowing policies that Deputy Ozanne referred to and Speak Up Guardians are clearly insufficient reassurances for them.

1710 It has been repeatedly alleged that my conduct has impacted safeguarding on the Island, so first let us talk in facts. As Deputy Ozanne said, the Medical Director emailed me on 15th December 2021 to advise that there had, I quote:

been a change in the named doctor at MSG.

1715 In other words, the complainant ceased in that role four months before I named her in the States in April 2022. On that timeline, I cannot be held responsible for the MSG's failure to provide a named doctor for safeguarding. Secondly, the MSG have a contractual obligation to provide a named doctor for safeguarding, and by failing to do so, they are in breach of the terms of their contract. I know that is a concern for the Committee for Health & Social Care.

When I received the complaint in January from the Commissioner –

1720 **The Deputy Bailiff:** Sorry, Deputy St Pier, I am going to interrupt you for a moment. Is it correct that you are livestreaming this on Facebook?

Deputy St Pier: I am, madam.

1725 **The Deputy Bailiff:** We have appropriate sources of how this Assembly is recorded through Teams and also through the BBC. It is not appropriate for you also to livestream through Facebook.

Deputy St Pier: It has been done in the past, madam –

1730 **The Deputy Bailiff:** It may have done, but I do not –

Deputy St Pier: – but I understand if you do not wish it to be, that is fine.

The Deputy Bailiff: No, I do not.

1735 **Deputy St Pier:** I will cease it.

Forgive me, madam, I have lost my train.

The Deputy Bailiff: Sorry.

1740 **Deputy St Pier:** No, that is all right. I understand.

When I received the complaint from the Commission in January, I thought there was not any chance of it being given anything other than very short shrift. I summed this up in my opening reply to the Commissioner, which is attached to the Policy Letter, and I wrote:

1745 My short response is that this complaint is manifestly without any foundation and is a complete work of fiction. It is a defamatory and vexatious attempt to re-litigate a matter which has been settled, with the substantive re-presentation

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of the previous complaint. All the allegations raised subsequent the original Code of Conduct complaint are untrue and have been presented without any supporting evidence.

By way of example, the complainant refers to Sir David Davis MP's use of parliamentary privilege to name the complainant in an adjournment debate in the House of Commons in January this year. The complaint states:

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This is further evidence of the smear campaign at the behest of Deputy St Pier.

And the complainant wrote:

He has solicited members of the public to make complaints against me and also Deputy St Pier has used inaccurate information in an attempt to undermine my role as an expert witness in the Lucy Letby trial.

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All these statements are wholly untrue and all made without a shred of evidence. Even the most cursory research reveals that I have never – I repeat, I have never – made any comments about the complainant's role as an expert witness. The Commissioner's own statement requires at paragraph 4(g) that:

A complaint should, in relation to each act or omission complained of, be substantiated by sufficient evidence that there is a *prima facie* case.

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No such evidence was submitted to support the scattergun of allegations. Members who have read the original letter of complaint can make that judgement for themselves. The complaint had not met the Commissioner's own *prima facie* evidential standard to proceed any further at that point. The first guardrail that Deputy Hansmann Rouxel referred to when opening the debate had failed.

1765

In April, I had a recorded formal interview with the Commissioner, which was surreal. Anyone who reads the transcript, which begins on page 73 of the Policy Letter, will get a sense of that. The Commissioner's primary and extended focus was on safeguarding, which was and is, at best, tangential to the matter of my decision to confirm facts put to me in a 90-second unsolicited phone call with a journalist. The reason for this seems – to me, at least – to be revealed by the Commissioner's deeply personal experience. She says:

Off the record here for a second, I once had a real struggle. It probably went on for longer than I understand it went on. Anyway, finally I made a decision and I did it with great care because safeguarding is everybody's business, but it killed me to do it. The kids weren't taken out of the house, there were things put in place, etc. Don't get me wrong, I was worried about that, right?

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This gives context to her personal experiences, which were, by her own admission, underpinning her questions to me. Apart from being irrelevant and inappropriate to share this personal anecdotal experience, in my view it does reveal that the Commissioner mistakenly thought all the families' complaints were safeguarding-related, which they very clearly were not.

Very soon after her interview, I learned from HSC that they had received and investigated a separate complaint made by the MSG. The President of HSC wrote to me on 13th June saying:

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The Committee understands that new information has been provided to the MSG that makes it clear that the source of information shared with the *Guardian* newspaper is not new. In light of this information, the Committee asked the MSG to withdraw their complaint and is extremely disappointed that the MSG have not elected to withdraw the original complaint. We have asked for the new information to be shared with the Committee, but the MSG has not shared the new information. The Committee's view is that given the new information that has come to light, it would not be appropriate for the Committee to investigate this matter any further and the Committee will not be taking any further action in this matter.

Although I have received copies of both MSG's complaint and HSC's response, notwithstanding that the contents directly assist my position, they are not my documents to publish, but I would

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1785 invite you to do so, and therefore only quoted from HSC's letter to me. However, it is worth noting one detail in MSG's letter of complaint from HSC. They wrote:

Subject to how this complaint is resolved, it may well be that a further Code of Conduct complaint may be made.

In other words, if the MSG does not get its way on this complaint, it will try again with the sixth Code of Conduct complaint that I referred to earlier. I assume that still hangs over me.

1790 However, more importantly, the Commissioner had been directly copied in to all the correspondence. She was fully aware that MSG had advised HSC that I was not the *Guardian's* source. Let me say that again: MSG advised HSC that they had learned I was not the source of the *Guardian's* story and the Commissioner knew that. She did not disclose that to me. When I learned this, I invited the Commissioner to go to HSC and/or MSG for more information. The Commissioner 1795 has been given extensive powers by the States of Deliberation under the Reform Law to enable her to follow the evidence, but she declined to do so. Why? This was clear corroboration of my evidence that I did only confirm to the *Guardian* information that they had already sourced.

The families have asked me to say the following:

We also wish to make it clear it was us, as a group of families, who approached you of our free will and it was our group who entered into conversations with the *Guardian* and other media. We also simply do not understand why the Commissioner did not approach us. She knew of us from our previous correspondence with her. We would all have happily spoken with her to confirm the version of events, which was so fundamentally either misrepresented in the complaint to the Commissioner or misunderstood by the Commissioner.

1800 Madam, I am not going to cover all the process weaknesses in the Commissioner's and the Appeals Commissioner's reports. Members have seen my detailed appeal and will no doubt draw their own conclusion from the reports. However, I will draw attention to a few key points. First, there is key information missing. Why was the original complaint not published? It was seven pages long with 96 pages of appendices, mainly relating to the previous complaints.

1805 As my response to the Commissioner makes clear, the multi-faceted complaint is totally unevienced, making spurious and defamatory allegations, including that I had induced Sir David Davis MP to name the complainant in the House of Commons or that I was inducing members of the public to make complaints about the complainant. If Members had had sight of that complaint, I think they would have seen that it had no credibility.

Secondly, why was the transcript of the complainant's interview with the Commissioner not included, when the transcript of mine is? The Commissioner, in her report, has quoted the complainant without attributing the exact source. It would seem that her interview was key in persuading the Commissioner that the complainant was a victim of vindictive bullying, and yet I am 1815 in no position to challenge that narrative without sight of the evidence given in that interview.

Thirdly, why did the Commissioner refuse to explore with either HSC or MSG their information on the identity of the *Guardian's* source?

Fourthly, as quoted by Deputy McKenna, the Commissioner's report says at paragraph 45 of her report:

1820 It's my view that in order to be compliant with section 24 of the Code of Conduct he [that is me] would have required the consent of the families [which she says we had] but also the consent of the complainant, which he did not have, in order to confirm the information to the journalist.

1825 The idea that all States' Members now need to obtain the consent of those about whom the public are complaining to avoid breaching section 24 of the Code is best described as extraordinary. As an aside, Deputy Sloan, while telling us that language is important, chose to say that I have passed on information. For clarity, that is not the language the Commissioner used. She uses the verb 'confirm.'

Finally, the reports purports to be inquisitorial, with a civil evidential standard of reaching conclusions and the balance of probabilities, but the refusal to inquire and receive evidence from parties with direct knowledge means in fact there was no evidential standard at all.

1830 In another role, the Appeals Commissioner is the Commissioner for Standards in the House of Lords, but he is a former police officer, not a judge. In this role, with respect, he has simply taken the view that investigation is a matter for the Commissioner, who can determine her own standards. Under those circumstances, it is difficult to see how an appeal can ever succeed. We should not forget that under the Reform Law, it is the Commissioner who establishes, and I quote:

1835 a mechanism for making appeals against the decisions of the Commissioner.

In other words, while the Commissioner is not marking her own homework, or their own homework, they are responsible for establishing a mechanism that does mark their homework. It is also worth noting that the Appeals Commissioner is appointed by and can only be removed by the 1840 Commissioner. Neither the States' Assembly Constitution Committee nor the States can remove the Appeals Commissioner. Madam, these are governance issues that I suggest the States' Assembly Constitution Committee will need to consider after this matter is concluded.

1845 The Commissioner has placed much emphasis on my having in some way prioritised a private interest over the public interest, but my own case was settled with an unequivocal apology from the complainant and MSG in 2016. To determine that I was prioritising any private interest in the subsequent complaints from other families, Members will have to presume bad faith on my part. Members will have to conclude that my sole motive for representing others who have come forward is the pursuit of a personal vendetta.

1850 That is, I suggest, clearly the conclusion that the Commissioner has reached, but she has done so without any evidence because there is no evidence. She has imputed my state of mind; she has inferred my intent. The vindictive vendetta hypothesis is also a hypothesis without any logic. Why would I wait six years between receiving a full unequivocal apology in 2016 and naming the complainant in the States in April 2022?

1855 If I were a bully, would I not have used the bully pulpit of my office and status of Chief Minister between 2016 and 2020? The timeline does not logically support the Commissioner vendetta theory. I have only ever acted in the public interest in seeking to represent other members of our community.

1860 **The Deputy Bailiff:** Deputy St Pier, can I just ask how much longer you think you are going to be? I do not want to put any limitation – you have no limitation – but I am just mindful of the time.

Deputy St Pier: Probably 10 minutes.

1865 **The Deputy Bailiff:** Members, I propose we let Deputy St Pier finish his speech and then we will adjourn for lunch once that is finished. Does anybody oppose that motion? No.

1870 **Deputy St Pier:** I have only ever acted in the public interest in seeking to represent other members of the community. Indeed, because of my personal experience, I may well be the best person in the States to do so. The most hurtful conclusion from the Commissioner is not that I have breached the Code or even, in her view, that I have breached the Code in multiple ways, it is that I am a vindictive, untruthful bully.

1875 I would invite any States' Member who has worked with me in the last five months to honestly say if they have seen these character traits, and I would ask anyone who has worked with me in the last 30 years in the States to say if they have seen these character traits in my behaviours. In fact, I would ask anyone who has worked with me in the last 40 years to speak out if they have experienced those character traits.

1880 Madam, my decision in April 2022 to use two words in the States of Deliberation, the name of the complainant, has cost me and my family very dearly, financially in terms of legal costs, and personally in terms of stress on us all. I feel guilty and have apologised to my family that responding to these Code of Conduct complaints has utterly taken over my life at times and, worse, it has been utterly unproductive in terms of achieving any change or improving patient outcomes or experiences.

1885 To be fair, I was warned against doing so, not least by Deputy Matthews on the floor of the States on the morning of that debate. In one sense he has been proved right. His warning was prescient, but I have no regrets. I instinctively knew by doing so it would enable more families to come forward, and that is what has happened time and time again, albeit in far greater numbers than I anticipated.

1890 On the day this Code of Conduct case was reported in the *Guernsey Press* in October, I received an email. The family do not wish to be named, but have asked me to share their story in this debate as follows:

Seeing the front page of the *Press* today, I wanted to write you a quick email of support. My child was in the PH for a month or more a few years ago [the child is fine now, thankfully] and we witnessed bullying and aggressive behaviour by a doctor towards another parent sat on the ward, before we ourselves, a week or so later, also fell victim to out of control, bullying behaviour, which I can only describe as a tantrum. Our crime was asking whether they were sure of their diagnosis. We'd been given a plan for gradually phasing my child back home, but we were almost literally thrown out with a torrent of abuse and almost screaming on the part of the doctor, which massively upset my child, who was fragile emotionally after being seriously ill for months and in hospital for over a month, and who didn't understand why the carefully laid out plan was changed to, 'Leave immediately'.

I think we can all agree that it does not matter who the clinician may have been in that account or the quality of care. That lived experience is unacceptable.

1895 The six complaints against me in the last four years on this matter have incurred hundreds of hours of time, generating thousands of pages of paper at a cost of tens of thousands of pounds of public money. Yet this case is not primarily about me and it is not primarily about the complainant in her role as a local paediatrician or as an expert in the Lucy Letby trial. If it were as simple as that, if it were as simple as being a case of one bad apple, everybody could line up and decide whether the bad apple is me or the complainant. Having done so, everyone could go back to pretending that everything is just fine. If Members truly believe that suspending me is the answer, I respectfully suggest that they have not understood the nature of the problem. For the avoidance of doubt, as Deputy Sloan said, this case is not primarily about safeguarding either, which the Commissioner has mistakenly assumed.

1905 While fully recognising the dedication and outstanding care given by the vast majority of healthcare practitioners, what this case is about is a culture which is systemically resistant to responding appropriately to anything perceived as challenge or criticism. Deputy Bury has described this as a pernicious culture. It does not matter whether this is the result of vested interests or ego, whether clinical failure or unintentional mistake. This case is about the families who have experienced poor behaviours, poor clinical judgements, accepting that is a subjective judgement on the issue, and who have experienced trauma and stress. It is about a paternalistic culture in which clinicians and practitioners know best. They are not to be questioned. They are not to be challenged. We have complaints, governance and regulatory systems which are not fit, or certainly not fit enough, for purpose. It is about a health system, our most important and largest public service, that has no capacity or appetite to learn when things go wrong.

1910 The joint MSG/HSC complaints policy says any complaint must be seen as an opportunity to improve the quality of services and to learn lessons from events that have occurred in the past. These are fine words on a page but there is no evidence that this is reflective of the embedded culture. Anybody who has served on Health & Social Care will know that from their insight and oversight of the complaints system. This case is about a system that is currently not able to improve and evolve on its own into a healthcare system that is truly trusted, non-adversarial and trauma informed. It is about a system which is not outcome focused or capable of properly evidencing

1925 quality assurance. Now, that does not mean that all care is poor or dangerous and it does not mean that there is not excellent care. But the families have repeatedly asked HSC how they know that paediatric outcomes are as good as they should be. They have never received an answer because there is no means of providing that assurance.

1930 We spend tens of millions of pounds without really knowing whether we are getting the best patient outcomes for that spending. These intrinsic failings will not be resolved with a website, poster or another media release that says, 'We listen'. Neither will it be resolved whether I am suspended or not. Whatever the outcome of this case, these challenges remain and they remain all our problem.

1935 After the 2023 debate I called on HSC to put out a public call for cases to come forward. I suspect if they had done that we would not be here today. Now, today I go a step further and I call on them to begin an independent review. If we do nothing, we will be back here. We all need to own this problem and to support HSC in fixing it.

1940 In my interview with the Commissioner in April, I conceded that my decision to confirm facts to the journalist was a judgement call. I believe I made the right judgement call, but in any event an error of judgement is not a breach of the Code. It would still be necessary to demonstrate malicious intent behind that judgement. There is no such evidence because it does not exist. It is also worth noting that the Code of Conduct panel in their report on their findings in 2023 on the original complaints found that I had not acted with any malice.

1945 Despite the Appeals Commissioner's findings that the original recommended sanction was not proportionate, it remains disproportionate. By any measure, a 90-second unsolicited phone call with a journalist confirming facts does not warrant suspension of 25 days. This puts me into the category, as Deputy Ozanne mentioned in other Parliaments, with Boris Johnson lying to Parliament, serious sexual misconduct or selling parliamentary questions for cash. It is patently disproportionate. Now, the Appeals Commissioner makes no attempt whatsoever to objectively justify his recommended reduction to 25 days. He says simply without any explanation 25 days is an appropriate recommendation. It looks and feels like he wanted to be seen to do something.

1950 The Appeals Commissioner rightly observes that this sanction will set a precedent, even as Deputy Hansmann Rouxel says that was not the Commissioner's intent. So I submit to the States it will create a very bad and very dangerous precedent. If Members are to be sanctioned for confirming facts to a journalist, while it may not have been intended, it will, as Deputy de Sausmarez said, have a chilling effect that will impede our ability, all our ability and our successors' ability, to do their job. That will be to the detriment of our community by impeding the ability of elected representatives to effectively represent them, particularly when faced with vested interests, powerful lobby groups or those with deep pockets. Members need to ask themselves: can I be sure that I will never be subject to such a complaint in the future?

1960 When I talk of families' trauma, Members may feel that is hyperbolic, but this is best illustrated by a parent who has contacted me in the last week, prior to which they were unknown to me. Their case is quite a few years old but their experience remains raw. This is the result of the systemic culture I have described and as is set out in the learning report, namely offensive practices, alienating families, finding blame and the refusal to listen. It is all summed up in this single quote, a parent who is living with trauma and guilt:

1965 I find it too painful to confront my own failings because after being such an engaged and involved advocate for my child for so long in Southampton I was quickly broken down by Guernsey. I stopped fighting or feeling I could question. I will spend the rest of my child's life wondering if I had pushed back harder whether their developmental outcomes might have been better.

1970 Having responded to the wider issues raised in the Commissioner's report, I want to bring us right back to the Proposition before us. Much has been made by many Members about the process. At the end of the day, this part of the process is political, not quasi-judicial. Before they vote, some Members will have read the reports and everything else, multiple times as some have said, and some will not have read the reports at all but they do not feel they need to in order to know how

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they are going to vote. For others, the following three questions may help. One: was I wrong to take an unsolicited call and confirm facts already held by the journalist? Irrespective of the answer to that, does taking an unsolicited call and confirming details already held by the journalist amount to being vindictive, untruthful bullying? Thirdly, is 25 days' suspension a rational and proportionate penalty? If the answer to any of those questions is no, then I think Members should vote contre to the Proposition.

1975 Madam, the families have also asked me to say:

1980 We would like to thank you once again for supporting us in our most desperate times with helping bring this issue to light publicly. We never envisaged it would cause you such distress and upset and for that we are truly sorry. You have been handed a role you never played in this episode and that is a great injustice.

1985 I want to finish where I began with an apology to the families. For nearly five years I have fought to turn their pain and negative experiences into a positive systemic change and there has been none. I pressed for cultural change and there has been none. I have failed them, but I will not apologise for trying and I will not apologise for doing the job that I was elected to do. I will not stop trying to represent their interests for as long as they want me to. I will continue to press for systemic and cultural change and I will continue to press for the acknowledgement and the apology they deserve for the harm, the trauma and for the stress that they and their families have experienced. Whether the States today endorses or rejects the recommended sanction, I promise you this. I will not stop fighting, not just for change but for a future where no parent and no patient feels silenced and every family knows they will be heard.

1990 Thank you.

The Deputy Bailiff: Thank you.

We will adjourn now for the lunchbreak and meet again at 2.30.

1995 *The Assembly adjourned at 12.46 p.m.
and resumed its sitting at 2.30 p.m.*

Appeals Commissioner Report on a complaint under the Code of Conduct – Debate concluded – Proposition lost

The Deputy Bailiff: Who else wishes to speak in debate?

Deputy Parkinson.

2000 **Deputy Parkinson:** Thank you, ma'am.

2005 This has been a very high quality debate, full of good speeches, a lot of passion, and I am not going to try and follow or emulate those speeches or to compete on the levels of passion and sincerity that have been on display. Obviously, one of the things we are not here to do is to retry the merits of this case. We have heard eloquent arguments, well-articulated by Deputy St Pier, justifying what he has done over the course of a number of years, as he would say and I think we can all agree, in defence of the interests of a group of parents particularly on this Island. But we do not have the other side of the story. Nobody here is giving the evidence on behalf of the doctor concerned and we cannot, therefore, make any kind of reasonable judgement about what the rights and wrongs of the underlying case are. I think all we are here to do, as others have said, is to decide whether a proper process has been followed and, if we agree with the conclusions of that process, whether the penalty recommended by the Commissioner and the Appeals Commissioner is appropriate to the offence which is alleged to have happened.

2015 There has been a lot of great forensic analysis of what happened at the hearing and so on and what evidence the Commissioner did consider or did not consider, but I do not really want to go into that because I think it is straying into attempting to retry the merits of the case. The point I want to make is simply that the process itself is very important. As States' Members we all have an incredible amount of privilege and an incredible amount of power. I could stand here and say almost anything I like about almost any member of the public in Guernsey and they have no recourse in law and they have no right of response. They simply are exposed to whatever abuse I choose to level at them. The only protection that the public have is the Code of Conduct that we are all supposed to comply with. The operation of the Code, the existence of the Code, the fact of the Code and the efficiency of the Code is very important. It is the only bulwark that constrains us as Deputies in the Assembly.

2020 2025 So I think we tread very carefully when we are considering overturning decisions of the Commissioner and the Appeals Commissioner. The reality, it seems to me in this situation, is it seems likely that the States will vote to overturn their decisions. It also seems to me likely that all of the Members of the States' Assembly and Constitution Committee are going to vote to overturn their decisions. Now, there has been some discussion about how they might react to that. In my view, they would have no alternative but to resign and it is further my opinion that it would be very difficult for the States to recruit anyone to replace them. If the answer to the problem is that whatever they turn out it will be reheard, re-adjudicated in this Assembly with all of the politics that may be at play and that their decision could be overturned, as they might see it, capriciously, then why would anyone take the job on?

2030 2035 I think it is so important that that structure should exist and that the public should have confidence in it. That is the only bulwark against the abuse that States' Members may impose on members of the public. I am not saying that this situation is a case of abusive behaviour. I am saying that just as a general principle the only thing that constrains us is this Code of Conduct. The public need to have respect for it and to have confidence in it that it will prevent us from doing mischief which is completely unwarranted.

2040 So my message to the States is we should be very clear – I give way to Deputy Hansmann Rouxel.

The Deputy Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: I thank Deputy Parkinson for giving way.

2045 It is just I want to seek clarity from what he is saying regarding – he couched that the Code of Conduct was the only mechanism that controlled what would hold us accountable for what we say in the Chamber. However, the Code of Conduct specifically now does not allow the Commissioner to investigate anything that is said or done in the Chamber. That falls under the remit of the Presiding Officer. So it just appeared that that was the inference, that the Code of Conduct was to stop that abuse or hold us to account on that particular privilege, not on our behaviour outside of the Chamber.

The Deputy Bailiff: Deputy Parkinson.

2055 2060 **Deputy Parkinson:** Well, obviously if we make false statements, for example, outside the Chamber then we can be subject to the laws of defamation and so on, but we are very privileged in the Chamber in that we have virtually unfettered freedom of speech, for example. I was involved at a very early stage in these proceedings because I was on a small panel which had to decide whether there was a case to answer. That is actually in the 2023 proceedings. The panel agreed there was a case to answer.

In looking into the privileges that we have as Members, I was absolutely astonished to find that we could say almost anything we like. There are concepts of abuse of privilege and that could extend to saying something nasty about a member of the public, but frankly all a Member has to do to justify, according to precedent in other jurisdictions, if you say something nasty about a member of

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2065 the public, if you accuse them of something criminal, for example, you only have to have some evidence to justify what you are saying. That is according to Australian precedent. Abuse of the Code is simply not defined.

2070 So all I am saying is this is incredibly important for public confidence in this Assembly that we are seen to behave and seen to obey these rules in the Code of Conduct. That is why we have set up these independent arbiters so that we are not marking our own homework of the Commissioner and the Appeals Commissioner, who will adjudicate in any cases where a member of the public thinks that we have broken the Code.

2075 I think the point I am making is simply that we should not overturn these decisions lightly because the public need to know that there are some constraints, that we are bound to follow some rules. If this Assembly simply says, 'Okay, that is what the Commissioner said and that is what the Appeals Commissioner agreed with, but we do not agree so we are just chucking it out', I think the ramifications of that are deeply troubling for confidence in the Rules and in this Assembly.

2080 Deputy Goy said yesterday that the Rules exist to protect the States, implying that they did not exist to protect the public, but actually the way they protect the States is by protecting the public. It is because the public should know and should have faith that Members will behave in accordance with the Code of Conduct and that they are protected.

I think this is an incredibly difficult issue and listening to arguments about the merits of the case, of course, is, well, heartrending, but it is not our job to do that. As Deputy Helyar said, we are not here to try the merits of the case. That has been done.

2085 I give way to Deputy Ozanne.

The Deputy Bailiff: Deputy Ozanne.

Deputy Ozanne: I am very grateful to Deputy Parkinson for giving way.

2090 I would like to understand how he sees our duty to decide whether the recommendations are fair and reasonable if we do not actually go and look at the process and the recommendations that have been made. If I may, to Deputy Hansmann Rouxel's point, the point was made very clearly that the Code of Conduct does not cover what is said in the Chamber but is purely what happens outside. So I do think that was a point that sadly was misunderstood.

2095 Coming back, how does Deputy Parkinson believe that we should conduct our duty with due diligence in all good conscience if we do not actually look at the full report?

2100 **Deputy Parkinson:** I think my answer to that is in my opening remarks. I said that our job is to consider whether the process has been carried out properly and then to consider whether the penalties suggested are fair and reasonable. So the question I ask myself in relation to the process is: would a reasonable Commissioner for Standards or an Appeals Commissioner have reached the conclusions that they did? If I was persuaded that no, a reasonable Commissioner for Standards or Appeals Commissioner would not have reached the conclusion that they did, then I think I would be entitled to say, 'Well, that is an invalid conclusion'. I leave aside for the moment the issue of the penalties. That is a separate issue that we have to adjudicate on. Assuming that the Commissioners' decisions were reasonable, was the suggested penalty reasonable? Well, that is a separate question. At this point, I am saying I would only vote against the proposals in this Policy Letter if I was convinced that the Commissioner and the Appeals Commissioner had badly erred and that the conclusion that they had arrived at was simply unsustainable. Therefore, very reluctantly, I am going to support the Proposition.

2115 On the penalty, the trouble is that in Guernsey there is no precedent, is there, apart from the Deputy Le Tissier case, which was very different? I think it was reasonable for the Appeals Commissioner to look at precedents in other common law jurisdictions and to arrive at a conclusion that 25 days was appropriate. Again, if I was persuaded that that was manifestly absurd or just unjustified, I would disagree with them. I would not disagree with any of their decisions lightly because I think it is terribly important that the process exists and is seen to be effective.

So with great reservations and discomfort, I am going to have to support the Propositions. Deputy St Pier knows there is nothing personal in that. I have just had lunch with him and I count him as a friend, but I believe that the system needs to be protected and that without it – and I fear if we overturn these proposals, and I think we will, we will be left without a system, and certainly we will be left with a system which the public cannot have much confidence in because essentially, at the end of the day, we are saying, 'Yes, we have these independent people who are adjudicating on these matters, but whatever they say, if we do not like it we will just change it'. So that is where I stand.

2125 Thank you, ma'am.

The Deputy Bailiff: Thank you.

Deputy Camp.

2130 **Deputy Camp:** Thank you, madam.

As an independently elected Deputy I have no allegiance to any other Deputy. I have no conflict with the medical profession. I did not vote for the current system under which the Code of Conduct complaints are administered so feel no strong compulsion to either support it or defend it. I stand here on my own two feet fully recognising that whatever I say next will be agreeable to some and disagreeable to almost as many others. Nonetheless, this matter must reach a conclusion.

2135 As someone who has fought throughout my career for natural justice principles to be upheld, I come to this with the equal desire to preserve those principles. The issue before us today is not simply the conduct of one Member, it is the conduct of this Assembly and the process we rely on to police ourselves. Like others, I am cognisant of the deeply sensitive nature of the matters involved 2140 and if only one good thing emerges from this debate let it be some form of reasonable mediation between the parties at the heart of this issue, whatever that may look like.

2145 However today concludes, this debate alone will not solve the much bigger issues this matter has brought to the surface. In acknowledging that today is not about those bigger issues, I have worked very hard to remove emotion and instead adopt an objective forensic approach to reviewing the findings of the Commissioner for Standards' report and subsequent appeal only. I read everything in chronological order to seek to formulate my understanding of how the Commissioner arrived at the conclusion she made and how the Appeals Commissioner then confirmed them. Like others, I have considered how helpful my qualification as a lawyer might be, but when Deputy Inder said he is not a lawyer I realised actually none of us needs to be. Nobody in this process is a lawyer. 2150 Nothing in this process expects us to be. This is not a court of law.

2155 The process does expect us to be human, to exercise independence of thought and to focus only on the matter at hand. It does not ask us to merely nod through the findings of another. Were that true, this matter would not ever have come for debate. It does not ask us to judge another politician based on their popularity. It is not our job to hold fast to the concept that the Commissioner is infallible and her findings unchallengeable. Likewise, it is not our job to hold fast to the idea that the Appeals Commissioner can never err. Believing a system can never fail is not only naïve, it pretty much assures failure.

2160 All too often the mistake is made that because we slap an 'independent' label on something it automatically becomes independent. However, it is not the process itself here that makes it independent but the way in which it is executed. In any quasi-judicial process, the standard of proof determines the threshold before a finding of misconduct can be upheld. For a sanctions regime to be legitimate, this threshold must be clear, consistently applied and transparent in the reasons, otherwise trust in outcomes collapses regardless of the behaviour being investigated.

2165 When evidence was available to the Commissioner, why did she choose to discount it or give reduced weight to it? There are credible concerns about the evidence being discounted without clear rationale, refusal to interview or consider exculpatory witnesses, and weight given to a journalist over institution findings. In my review, the report never identifies the conflict of these evidential matters, never identifies why preference for one version was made over another, never

2170 shows why the preferred evidence is more persuasive and never explains why the contrary evidence was down-weighted to the extent it was. This lack of reasoning renders the standard of proof opaque and procedural safeguards thin, weakening the reliability of fact finding. The Commissioner's reasoning appears to draw on sustained criticism, harm to institutional credibility and perception of intent. While these may be valid for sanction, they are not a substitute for establishing the facts.

2175 A further red flag for me arises in the context of unconscious bias. In her interview with Deputy St Pier the Commissioner quite rightly acknowledged that her role requires her to step into other people's shoes. My concern is whether having done so she sufficiently stepped back out again to ensure that perceptions were then assessed through an objective and critically independent lens. Others have already raised concerns about questions that appear to incorporate personal accounts, 2180 and, like them, I struggle to understand how such material could avoid influencing the decision-making process. When coupled with the very narrow scope of the role of the Appeals Commissioner, this procedural execution appears to me to be even more problematic.

2185 That is before turning to the proposed sanction itself. The Appeals Commissioner reduced it from 30 days to 25 on the basis that the latter was more appropriate. With respect, that does not provide a clear or transparent rationale for such a significant penalty, including when contrasted against sanctions levelled in comparable jurisdictions such as the UK and Jersey. Allowing a process executed in this way to set a precedent would, in my view, be procedurally dangerous. It risks weakening democratic accountability, encouraging institutional defensiveness and reducing overall transparency. No Deputy should ever feel that listening to or supporting the concerns of their 2190 constituents could expose them to sanction under a system that permits subjective or selective interpretation or that applies significant penalties on the basis of inconsistent reasoning. That applies whoever the Deputy may be.

2195 It is natural that Deputies will be approached by members of the public when they feel other routes have failed them. I do not want the effect of today's outcome to be that we must all decline to help even where we feel compelled to assist. Speaking up for a potential underdog will undoubtedly result in uncomfortable moments, but true scrutiny and accountability cannot be meaningful if we shy away from the uncomfortable. What would it say for public representation where it is seemingly safer to remain silent than to speak out?

2200 In my view, until I am satisfied that the balance of probabilities has been applied clearly, consistently and transparently, I cannot support a sanction of this severity because standards matter and fairness matters even more. A flawed system serves no one, least of all the public. I therefore urge Members to reflect on that before they vote.

Thank you.

2205 **The Deputy Bailiff:** Thank you.

Does anybody else wish to speak in debate?

Deputy Dorrity.

Deputy Dorrity: Thank you, madam.

2210 As so many Members have mentioned before me, my thoughts go out to all of those affected by the matters under discussion this afternoon and this morning. Like I am sure many of those Deputies sitting here in today's debate, I have been contacted by many people who have specific views on whether the Standards Commissioner's findings should be upheld or not. Some of these have been received from prominent working GPs. One described the doctor at the heart of this matter as brilliant, honourable and an extremely professional paediatrician. Another described working alongside the doctor on a safeguarding case in which she was nothing but professional and put the kid at the centre of the decision-making process. He went on to explain that safeguarding is not an easy job, noting that, of course, parents do not like it. He explained that occasionally the child at the centre of the process will say things in private which informs actions

2220 that are taken and because they cannot share the information parents can become confused and angry at the course of events, though I am not suggesting that this is what has happened here.

2225 One explained that decisions in relation to safeguarding were taken by a team of healthcare professionals, not one person alone such as the doctor at the heart of this matter, and could not understand why this one individual had been targeted. That doctor is leaving her position and, indeed, the Island is having difficulty replacing her as the safeguarding lead, which is, as somebody has already mentioned, a requirement for the Island to provide. It is a position fraught with risk, and who would take it on and risk being at the centre of a process such as that we are discussing today without protection from attack from wealthy and powerful individuals who do not agree with their diagnosis? I do not believe that the Island would benefit by losing its safeguarding lead. In fact, I worry that we might find that we are leaving ourselves open to a Baby P type tragedy.

2230 I do not believe either that the Island will benefit from losing another female professional in the Standards Commissioner, whose position will surely become untenable if her findings are not upheld.

2235 We have heard many good and heartfelt speeches on this matter, not least that delivered by Deputy St Pier before we broke for lunch, but I feel the need to echo those comments made by Deputies Sloan, Niles, Parkinson, Helyar and others. We are here today to decide whether we agree that a Deputy's behaviour and actions have breached the Code of Conduct as laid out in the Standards Commissioner's report and the Appeals Commissioner's review. It is not today's business to judge the system but I do believe that that is something that we should look at on another day.

2240 Thank you.

The Deputy Bailiff: Thank you, Deputy Dorrity.

2245 Does anybody else wish to speak in debate? In that case, I will turn to Deputy Hansmann Rouxel, who is replying on behalf of SACC.

2250 **Deputy Hansmann Rouxel:** Members, thank you for what has been a difficult but throughout civil and considered debate. Every Member who has spoken has brought their own judgement and experience to bear. Some contributions have inevitably ranged wider than the strict boundaries of what we were asked to determine today, but we are a parliament, not a court. In reaching our conclusions, we are entitled to exercise our own discretion. That is both our privilege and our responsibility.

2255 What is clear from this debate is that there were wider systemic issues, genuine questions about aspects of our new Code of Conduct process. Those matters sit with SACC and we will reflect carefully on them once this Assembly has concluded its part. But for today, our task will have been completed. We have discharged the role assigned to us in this structure to consider the independent findings of the appeal, the proportionality of the recommendation and to make a decision. That is what we are tasked to do. The recommendations of the Commissioner, as in the Reform Law, are not binding on the Committee and the Assembly. Whatever view Members have taken, the Assembly has now done only what it can do.

2260 Let us now draw a line under this case by turning our collective attention to the real structural issues that have brought us here. If we address those openly and constructively, we can ensure that a situation of this kind is as rare as possible and that no complaint, no Member and no professional has to go through a process like this again.

2265 Thank you, Members.

The Deputy Bailiff: Thank you. Members, first make sure you have all signed on to SEV. You will see before you the Proposition as amended by Amendment 1. I will ask the States' Greffier to open the voting, please.

2270 *There was a recorded vote.*

STATES OF DELIBERATION, THURSDAY, 27th NOVEMBER 2025

Not Carried – Pour 11, Contre 22, Ne vote pas 5, Did not vote 1, Absent 1

Pour	Contre	Ne vote pas	Did not vote	Absent
Dorrity, David	Blin, Chris	Cameron, Andy	Goy, David	Le Tocq, Jonathan
Helyar, Mark	Burford, Yvonne	Hill, Edward		
Inder, Neil	Bury, Tina	Kay-Mouat, Bruno		
Malik, Munazza	Camp, Haley	Montague, Paul		
McKenna, Liam	Collins, Garry	Snowdon, Alexander		
Niles, Andrew	Curgenven, Rob			
Oswald, George	de Sausmarez, Lindsay			
Parkinson, Charles	Falla, Steve			
Sloan, Andy	Gabriel, Adrian			
Strachan, Jennifer	Gollop, John			
Vermeulen, Simon	Hansmann Rouxel, Sarah			
	Humphreys, Rhona			
	Kazantseva-Miller, Sasha			
	Laine, Marc			
	Leadbeater, Marc			
	Matthews, Aidan			
	Ozanne, Jayne			
	Rochester, Sally			
	Rylatt, Tom			
	St Pier, Gavin			
	Van Katwyk, Lee			
	Williams, Steve			

2275 **The Deputy Bailiff:** In relation to the Proposition, there voted pour 11, contre 22, there were 5 abstentions, and 1 Member was not in the Chamber at the time of the vote. I therefore declare that the Proposition has not been passed.

Billet d'Etat XXIX

POLICY & RESOURCES COMMITTEE

8. Schedule for Future States' Business

Article 8.

The States are asked to decide:-

Whether, after consideration of the attached Schedule for Future States' Business, which sets out items for consideration at the Ordinary States Meeting on 17th December 2025, they are of the opinion to approve the Schedule.

2280

The Deputy Bailiff: States' Greffier.

The States' Greffier: Article 8, Policy & Resources Committee, Schedule for Future States' Business.

2285

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: I have very little, if anything, to say on this, madam.

2290

The Deputy Bailiff: I presume nobody wants to debate it then. In that case, let us go straight to voting. States' Greffier, would you open the voting on the Schedule of Business, please.

STATES OF DELIBERATION, THURSDAY, 27th NOVEMBER 2025

There was a recorded vote.

2295 *Carried – Pour 38, Contre 0, Ne vote pas 0, Did not vote 0, Absent 1*

Pour	Contre	Ne vote pas	Did not vote	Absent
Blin, Chris	None	None	None	Le Tocq, Jonathan
Burford, Yvonne				
Bury, Tina				
Cameron, Andy				
Camp, Haley				
Collins, Garry				
Curgenven, Rob				
De Sausmarez, Lindsay				
Dorrity, David				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Hansmann Rouxel, Sarah				
Helyar, Mark				
Hill, Edward				
Humphreys, Rhona				
Inder, Neil				
Kay-Mouat, Bruno				
Kazantseva-Miller, Sasha				
Laine, Marc				
Leadbeater, Marc				
Malik, Munazza				
Matthews, Aidan				
McKenna, Liam				
Montague, Paul				
Niles, Andrew				
Oswald, George				
Ozanne, Jayne				
Parkinson, Charles				
Rochester, Sally				
Rylatt, Tom				
Sloan, Andy				
Snowdon, Alexander				
St Pier, Gavin				
Strachan, Jennifer				
Van Katwyk, Lee				
Vermeulen, Simon				
Williams, Steve				

2300 **The Deputy Bailiff:** In relation to the Schedule of Business, there voted pour 38. Those were all the votes of the Members in the Chamber so therefore it was a unanimous decision in relation to that Proposition.

Members, we have now reached the end of the Meeting over the last few days. Can I thank everybody for their conduct in the Chamber over what has been a very difficult couple of days, but I will now ask the States' Greffier to close the Meeting.

The Assembly adjourned at 3.00 p.m.

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