

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**POLICY & RESOURCES COMMITTEE**

**THE ADMINISTRATIVE DECISIONS (REVIEW) (GUERNSEY) LAW, 1986 – THE APPOINTMENT  
OF A PANEL CHAIR AND MEMBERS OF THE COMPLAINTS PANEL**

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled "*The Administrative Decisions (Review) Guernsey Law, 1986 – The Appointment of a Panel Chair and Members of The Complaints Panel*", dated 13<sup>th</sup> August 2019, they are of the opinion:-

- 1) To appoint Advocate Michael John Adkins as a member and as the Panel Chair of the Complaints Panel;
- 2) To appoint Mr. John Paul Bate as a member of the Complaints Panel;
- 3) To appoint Mrs. Jennifer Lesley Benjamin as a member of the Complaints Panel;
- 4) To appoint Mrs. Audrey Mary Branch as a member of the Complaints Panel;
- 5) To appoint Mr. Roy David Burke as a member of the Complaints Panel;
- 6) To appoint Mr. Ian Charles Carter as a member of the Complaints Panel;
- 7) To appoint Ms. Shelaine Kay Green as a member of the Complaints Panel;
- 8) To appoint Mr. David Gwyn Harry as a member of the Complaints Panel;
- 9) To appoint Mr. Nigel Boyd Kelly as a member of the Complaints Panel; and
- 10) To appoint Advocate Julia Anne Springlett as a member of the Complaints Panel.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

## POLICY & RESOURCES COMMITTEE

### THE ADMINISTRATIVE DECISIONS (REVIEW) GUERNSEY LAW, 1986 – THE APPOINTMENT OF A PANEL CHAIR AND MEMBERS TO THE COMPLAINTS PANEL

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port  
Guernsey

13<sup>th</sup> August, 2019

Dear Sir

#### 1. Executive Summary

- 1.1 Recent changes to The Administrative Decisions (Review) (Guernsey) Law, 1986 require the appointment of members to serve on a new Complaints Panel. Persons are also required to form a standing panel of Independent Members who may be appointed to sit on Review Boards.
- 1.2 The Purpose of this Policy Letter is to ask the States of Deliberation to appoint:
- a) Advocate Michael John Adkins as a member and the Panel Chair of the Complaints' Panel ("the Panel") in accordance with section 1A(1) and (3) of the Administrative Decisions (Review) (Guernsey) Law, 1986, as amended ("the Law"); and
  - b) Mr. John Paul Bate, Mrs. Jennifer Lesley Benjamin, Mrs. Audrey Mary Branch, Mr. Roy David Burke, Mr. Ian Charles Carter, Ms. Shelaine Kay Green, Mr. David Gwyn Harry, Mr. Nigel Boyd Kelly and Advocate Julia Anne Springlett White, as members of the Complaints Panel, in accordance with section 1A(1) of the Law.

#### 2. Background

- 2.1 In March 2016<sup>1</sup>, the States of Deliberation approved several amendments to the Law which is now in force<sup>2</sup>, making the review board process more independent

---

<sup>1</sup> Article 13 of Billet d'État VI of 2016

<sup>2</sup> The Administrative Decisions (Review) (Guernsey) (Amendment) Law, 2017 which was registered and came into force on 3<sup>rd</sup> June 2019 gives effect to the March 2016 States' Resolutions referred to above.

and fit for purpose. For the purposes of this Policy Letter, this included the amendment of sections 1, 2, 3 and 6 of the Law, which replaces the roles of the Chief Executive and H.M. Greffier with that of a new independent body to be known as “the Complaints Panel”, led by a Chair to be appointed by the States.

- 2.2 The Policy & Resources Committee is the sponsoring Committee for the Law and its functions and is responsible for proposing candidates to serve as members of the Complaints Panel, for election by the States of Deliberation.
- 2.3 Section 4 of the Law also introduces a fourth independent person who is not a States Member nor a Dean of the Douzaine to sit on each review board convened by the Chairman of the Panel of Members. The Chairman of the Panel of Members is tasked under the Law with appointing an independent Member to each the Review Board convened to hear and administrative review. A standing panel of independent Members has been recruited and formed for that purpose.
- 2.4 A jointly advertised recruitment for members of both the Complaints Panel and the standing panel of Independent Members was undertaken between the Policy & Resources Committee, as the sponsoring Committee, and the Chairman of the Panel of Members during June and July 2019. Most of the applicants applied to be appointed to the Complaints Panel and to be part of the standing panel of Independent Members, given the similar skills and experience required for both roles.
- 2.5 For ease of reference, a diagram showing how the new panels fit into the Administrative Review Board process may be found in Appendix 2.

### **3. The Complaints Panel**

- 3.1 Section 1A(1) to (5) of the Law sets out the composition of, and appointment process to, the Complaints Panel:
  - "(1) The States shall, upon recommendation of the Policy & Resources Committee, appoint a panel to be called the Complaints Panel which shall consist of such number of persons as in the opinion of the States is necessary for the purpose of carrying out the functions of the Complaints Panel established under this Law.
  - (2) The members of the Complaints Panel shall be persons who, in the opinion of the States, have sufficient experience and knowledge to enable them to decide matters likely to fall for decision by the Complaints Panel.
  - (3) The States shall from time to time appoint a Panel Chair from amongst the members of the Complaints Panel.

- (4) The Panel Chair may appoint a Deputy Panel Chair from amongst the members of the Complaints Panel who may perform the functions of the Panel Chair.
- (5) The following may not be members of the Complaints Panel –
  - (a) a Member of the States of Deliberation,
  - (b) a member of a Committee who is not also a Member of the States of Deliberation,
  - (c) a Dean for the time being of a Douzaine of one of the Parishes of the Island of Guernsey,
  - (d) any person who holds appointment to any judicial office in the Bailiwick, or
  - (e) an employee of the States."

3.2 Under sub section 1A(7), all Panel members, including the Panel Chair, may serve the Panel until they resign by giving notice in writing to the Policy & Resources Committee.

#### **4. The Appointments Process for Complaints Panel and standing panel of Independent Members**

4.1 In June 2019, the Policy & Resources Committee and the Chairman of the Panel of Members jointly advertised for expressions of interest from residents in Guernsey and Alderney interested in being appointed to both the Complaints Panel and the Panel of Independent Members of the Administrative Review Board.

4.2 The advertisement attracted a number of expressions of interest and the applications were assessed against the key criteria for all of the roles. Most of the applicants applied to be part of both panels given the similar skills and experience required for both roles.

4.3 The shortlisted candidates were interviewed by the President of the Policy & Resources Committee, the Chairman of the Panel of Members, the Chief Executive for the States of Guernsey and the Principal Officer to the Complaints Panel and Review Board.

4.4 The Committee wishes to thank all of the applicants for their interest in these roles.

## **5. Recommendations for Appointment to serve on the Complaints Panel**

- 5.1 The Policy & Resources Committee is satisfied that all of the persons listed in paragraph 5.4 below have the requisite skills and experience and are fit and able to carry out the functions of the Complaints Panel as established under the Law.
- 5.2 The interview panel was impressed with the calibre of and the broad range of experience of all of the candidates, especially as demonstrated during their interviews. All of the candidates showed a very good understanding of the roles and the skills that would be required of them to ably carry out their functions under the Law, including the ethics required to deliver unbiased and fair decisions. They all also demonstrated the important skills required to work together as a team.
- 5.3 The proposed composition of the panels is not only representative of our community of pan-Bailiwick customers but also represents a good balance and diversity in experience, skills, gender and backgrounds; all of which facilitate and enrich good team-work and decision-making. To have attracted the three very experienced and able candidates from Alderney is of particular importance, given the various services that Alderney residents receive from the States of Guernsey. The Review Board system enables citizens of Alderney to also challenge the decisions/actions of Committees (or officers acting under delegated authority of Committees) against which they are aggrieved after exhausting a Committee's complaints processes.
- 5.4 The Policy & Resources Committee proposes Advocate Michael John Adkins, Mr. John Paul Bate, Mrs. Jennifer Lesley Benjamin, Mrs. Audrey Mary Branch, Mr. Roy David Burke, Mr. Ian Charles Carter, Ms. Shelaine Kay Green, Mr. David Gwyn Harry, Mr. Nigel Boyd Kelly, and Advocate Julia Springlett White be appointed as members of the Complaints Panel, in accordance with Section 1A(1) of the Law.
- 5.5 The Policy and Resources Committee is of the opinion that all of the proposed candidates in paragraph 5.4 meet the requirements of Section 1A(2) of the law and they *"have sufficient experience and knowledge to enable them to decide matters likely to fall for decision by the Complaints Panel"* .
- 5.6 The Policy and Resources Committee confirms that the candidates listed in paragraph 5.4 meet the eligibility requirements of Section 1A(5) of the Law.
- 5.7 A short summary of the curriculum vitae of each of the proposed appointees is set out in Appendix 1 to this Policy Letter.
- 5.8 The Policy & Resources Committee believes that several of the applicants have the skills and experience to more than competently chair or act as Deputy Panel Chair. However, the Policy & Resources Committee considers Advocate Michael

John Adkins to be best able, given his experience in public law matters, to fulfil this role and therefore recommends that the States of Deliberation elect him as Panel Chair.

## **6. Panel of Independent Members**

6.1 The Law requires the Chairman of the Panel of Members to appoint an independent Member who is not a States Member nor a Dean of the Douzaine to sit on each Review Board convened after referral from the Complaints Panel. The Chairman has selected the following persons to serve on a standing panel of Independent Members:

- Advocate Michael John Adkins
- Mr. John Paul Bate
- Mrs. Jennifer Lesley Benjamin
- Mrs. Audrey Mary Branch
- Mr. Roy David Burke
- Mr. Ian Charles Carter
- Mr. David Gwyn Harry
- Mr. Nigel Boyd Kelly
- Advocate Julia Anne Springlett White.

## **7. Compliance with Rule 4**

7.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

7.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.

7.3 In accordance with Rule 4(3), the costs associated with the operation of the Complaints Panel and the operation of the Administrative Review Board process will be met from with the budget already allocated for this function.

7.4 In accordance with Rule 4(4), the Propositions have the unanimous support of the President and Members of the Policy & Resources Committee.

Yours faithfully

G St Pier  
President

L Trott  
Vice-President

J Le Tocq  
A Brouard  
T J Stephens

**SUMMARY OF CURRICULA VITAE OF PROPOSED COMPLAINTS PANEL MEMBERS AND INDEPENDENT MEMBERS**

**Summary Curriculum Vitae for Advocate Michael John Adkins**

Advocate Michael John Adkins is a partner at Collas Crill Advocates.

Advocate Adkins was called to the Guernsey Bar in 2014 and specialises in regulatory and public law, insolvency and dispute resolution. He is a Solicitor of the Senior Courts of England and Wales and a Barrister and Solicitor of the Supreme Court of Victoria, Australia.

Before moving to Guernsey in 2009, Advocate Adkins was employed within the Enforcement Division of the Australian Securities & Investments Commission. In this role he led and advised the investigation and litigation teams in a broad range of company and financial services cases.

Since moving to Guernsey, Advocate Adkins has acted in a number of high profile public law cases, including Sark Electricity v EPCC, Alderney Renewable Energy v ACRE and Guernsey Post v OUR.

**Summary Curriculum Vitae for Mr. John Paul Bate**

Mr. Bate moved to Guernsey in 2007, having spent most of his career as a naval architect.

Since moving to Guernsey, Mr. Bate has retrained in counselling and psychology and currently runs his own counselling practice. He has also worked with the Youth Commission supporting the Duke of Edinburgh Awards Scheme programme and has volunteered with a number of youth organisations, the Street Pastors and the Caritas Community Café.

In addition to his qualifications as a naval architect, Mr. Bate holds a degree in Forensic Psychology and a Diploma in Therapeutic Counselling.

**Summary Curriculum Vitae for Mrs. Jennifer Lesley Benjamin**

Mrs. Benjamin was a member of the Child, Youth and Community Panel between 2010 and 2018 and has also served as a member of the Panel of Prison Visitors at Les Nicolles Prison.



Prior to moving to Guernsey, Mrs. Benjamin worked as a health visitor in London. She has also worked as a Complementary Health Educator in Guernsey and was Chairman of the Guernsey Family Planning Service between 2001 and 2005.

Mrs. Benjamin has also held a number of charitable roles and is currently working with the Guernsey Multiple Myeloma Support Group.

### **Summary Curriculum Vitae for Mrs. Audrey Mary Branch**

Mrs. Audrey Mary Branch is a regulatory risk consultant. She is also a member of the Social Insurance Appeal Tribunals and the Tax on Real Property Appeal Panel.

Mrs. Branch has significant experience in the finance sector – particularly in regulation. From 1994-2015 she was employed by the Guernsey Financial Services Commission in various roles, including Deputy Director of Banking and Deputy Director of Fiduciary Policy and Supervision. She also has finance industry experience having worked for many banks including Barclays and HSBC.

Her professional memberships include Chartered Fellow of the Chartered Institute for Securities and Investment, Associate Membership of the Institute of Chartered Secretaries and Administrators and she is a member of the Honourable Society of the Inner Temple.

### **Summary Curriculum Vitae for Mr. Roy David Burke**

Mr. Roy Burke is an Alderney resident. He has recently returned to Alderney after retiring in 2018 as the Chief Secretary for the St Helena Government.

Mr. Burke moved to Alderney in 2010 to take up the appointment as Chief Executive to the States of Alderney. He held this post until May 2014 when he moved to St Helena.

Prior to moving to Alderney, Mr. Burke had held a number of senior appointments within the UK Civil Service including Chief Executive at one of the Department for Transport's Executive Agencies and Chief Executive for the Criminal Injuries Compensation Appeal Panel.

### **Summary Curriculum Vitae for Mr. Ian Charles Carter**

Mr. Carter is an Alderney resident, having moved to Alderney in 2014 having retired from a career in education, including ten years as Headmaster of Poole Grammar School.

Mr. Carter is a member of the Teaching Regulatory Agency and sits on teacher misconduct panels of the UK Department of Education. He also undertakes consultancy work for Ofqual, the Independent Schools Inspectorate and Cambridge International Examinations.

Mr. Carter is also training as a Methodist lay preacher in the Guernsey Circuit.

He is also a member of the Alderney Wildlife Trust and a Council member of the Alderney Society. He is a Fellow of the Royal Society of Arts and the Galton Institute and a member of the Royal Society of Biology.

### **Summary Curriculum Vitae for Ms. Shelaine Kay Green**

Ms. Green retired in 2000 following a career in product management and marketing, including as European Marketing Director for Yahoo! Europe.

Ms. Green has undertaken a number of charitable roles on Guernsey since her retirement, including Chair and Social Policy Advisor of the Guernsey Disability Alliance, a member of the Guernsey Community Foundation Advisory Panel and a founder and chair of Headway Guernsey.

In 2015, Ms. Green received the Guernsey Community Foundation's Outstanding Individual Achievement award.

### **Summary Curriculum Vitae for Mr. David Gwyn Harry**

Mr. Harry is a retired Solicitor and is currently the Chief Executive of the Priaux Library.

Prior to his retirement in 2014, Mr. Harry specialised in property and land law and worked in Guernsey, London and South Wales.

Mr. Harry is the Chairman of the Planning Panel and has served as a member of the Panel since 2009. He is also a member of the Commonwealth Games Federation Court.

Between 2015 and 2018, Mr. Harry was the Chief Executive Officer for the Guernsey Sports Commission.

Mr. Harry has also served as a non-executive director for a number of trust companies and property funds.

He was also a member of St Peter Port Douzaine between 2008 and 2011 and a member of St Andrew's Douzaine from 2012 to 2016.

### **Summary Curriculum Vitae for Mr. Nigel Boyd Kelly**

Mr. Nigel Boyd Kelly is an Alderney resident and is a member of the Child, Youth and Community Tribunal and the Taxation of Real Property Appeals Panel. He is also a non-executive director of the Alderney Housing Association.

Between 2009 and 2012, Mr. Kelly was a member of the States of Alderney and also sat as an Alderney Representative in the States of Deliberation in 2011 and 2012. Mr. Kelly was also a member of the Home Department and the Legislation Select committee during this period.

Mr. Kelly moved to Alderney in 1999, after a career with the West Midlands Police. He has held several roles in Alderney, including as a gaming inspector with the Alderney Gambling Commission. He was also an analyst with the Fiduciary Intelligence and Enforcement Department of the Guernsey Financial Services Commission.

### **Summary Curriculum Vitae for Advocate Julia Anne Springlett White**

Advocate White retired from private practice in 2016 and currently serves as Chairman of the Social Insurance Appeal Tribunals, and Vice President of the Guernsey Tax Tribunal and Deputy Chairman of the Tax on Real Property Appeal Panel.

Prior to her retirement, Advocate White specialised in civil litigation, including land and property disputes, planning, and public law. She also undertook criminal defence work.

Advocate White also served as a member of the Planning Panel between 2011 and 2018.

**NEW REVIEW BOARD SYSTEM: DIAGRAM COMPLAINTS PANEL AND INDEPENDENT MEMBERS**

