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CODE OF CONDUCT

COMPLAINT AGAINST DEPUTY A CAMERON

FINDINGS OF THE INVESTIGATION PANEL

Deputy Andrew Cameron is a Member of the States of Deliberation.

On 30th June 2021, Deputies Dudley-Owen, Murray, Aldwell, Haskins and Advocate Jason Green (non-voting member) as members of the Committee *for* Education, Sport & Culture lodged a complaint to the States Members' Code of Conduct Panel against Deputy Andrew Cameron. The complaint was that he had breached sections of the Code of Conduct by sending an e mail to 13 other States Members on the 4th June to which was attached the notes of an engagement meeting held on the 27th April with teachers of the Grammar School and Sixth Form Centre.

The complainants asserted that Deputy Cameron had breached sections 8, 9 and 21A of the Code of Conduct for States Members because the notes were confidential and should not have been shared without the prior consent of the Committee.

Section 8 of the Code of Conduct is in the following terms:

Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Deliberation and never undertake any action which would bring the States, or its Members generally, into disrepute.

Section 9 is in the following terms:

Members shall at all times treat other Members, civil servants and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process.

Section 21A is in the following terms:

For the avoidance of doubt, all correspondence, howsoever received, between a Department or Committee of the States and a Member of the States shall be treated as confidential under the Code of Practice for Access to Public Information unless expressed otherwise and shall not be disclosed to any third party, whether within the States or outside, in whole or in part, by any means, without the express consent of the author of that correspondence.

The Chairman undertook an initial assessment of the complaint and determined that prima facie evidence had been submitted to support it. An Investigation Panel to consider the complaint was therefore established and Deputy Cameron was asked to respond to the complaint.

The Investigation Panel was convened and was composed of The Very Rev'd John Guille as Chairman, Mr Allister Langlois and Mrs Sandra James M.B.E.

Deputy Cameron provided a detailed written response to the complaint. He was afforded, in accordance with the procedures for hearing complaints under the Code, the opportunity to appear in person to speak about the complaint which he did.

The Members of the Committee *for* Education, Sport & Culture were also offered the opportunity to meet the Panel and two of them – Deputy Andrea Dudley-Owen and Advocate Jason Green did so.

The Committee members' complaint had set out that the Committee had been holding engagement sessions with stakeholders including teachers who would be affected by its plans for a reorganization of secondary and post-16 education. Seven meetings had been held. One of them was at the Grammar School and Sixth Form Centre on the 27th April 2021. Notes were taken by a member of staff and approved by the independent facilitator of the session and the independent overseer before they were sent out. The notes had then been sent to

secondary and post-16 staff but had not been circulated more widely. The Committee had intended to share the content in due course in one consolidated document, with comments grouped by themes, when it disseminated the information more widely. That consolidated document would also be “signed off” first by the independent facilitator and the independent overseer. Before the consolidated document had been finalized or sent out Deputy Cameron circulated the notes of the session on the 27th April (only) to 13 States Members.

The complainants asserted that the notes fell under the definition of confidential information as set out in sections 20, 20A and 21A of the Code of Conduct. They acknowledged that the notes were shared with secondary and further education staff but did not consider that that altered their confidential status.

Deputy Dudley-Owen said that her fellow Committee members felt they had no option but to refer Deputy Cameron to the Code panel because of his actions. He had declined to refer himself to the Panel despite the suggestion being put to him twice. The release of the notes was a clear breach of the Code. The Committee had not been asked to agree to their release. One of the 13 recipients had e mailed the Committee to express their concern at being sent the notes.

They confirmed that none of the notes had been specifically marked as being private or confidential.

Deputy Cameron accepted that he had shared the notes. He did not know who the author was. The document had not been marked as private or confidential and there was nothing to that effect in the covering e mail. He had felt obliged to do so because of his concerns with how the process of engagement was progressing. He felt that the views of the stakeholders were not being properly portrayed. When he had been sent the notes the e mail had said that they would be shared with all staff across the secondary and post-16 sector. The notes had been shared widely with staff before he sent them to the 13 Deputies.

The 13 recipients had approached him wanting to know what was happening with the Committee’s proposals for the reorganization. He had not singled out certain Deputies.

He had been motivated by his surprise at the reaction to the Committee’s proposals from the staff at the Grammar School and Sixth Form Centre. He did not see how the Committee

could proceed with its proposals given the views of a significant proportion if not a majority of teaching staff.

After investigation the Panel concluded that Deputy Cameron's actions could not be regarded as having breached the Code of Conduct in relation to the public's trust and confidence in the integrity of the States of Deliberation (section 8). Numerous people had already seen the notes before Deputy Cameron shared them with the 13 Deputies. The public would expect their elected representatives to discuss policy proposals with their colleagues in advance of their being finalized.

The Panel also concluded that Deputy Cameron had not breached his duty to treat other Members with respect and courtesy and without malice (section 9). His actions were naïve and showed his inexperience rather than being malicious.

However, it did conclude that section 20A had been breached because the notes fell within the definition of "confidential information" as papers circulated to members of the Committee for Education, Sport & Culture and Deputy Cameron had not sought the agreement of the rest of the Committee before circulating them by e mail.

Section 20A is in the following terms:

For the avoidance of doubt the 'confidential information' referred to in the previous paragraph includes, but is not limited to, Department and Committee minutes and other papers circulated to members thereof. The content of such minutes and other papers is not to be disclosed to any third party other than by resolution of the Department or Committee concerned.

The Panel also concluded that section 21A had also been breached as what was disclosed to the Members who were sent the e mail fell within the definition of "correspondence" between a Committee of the States and a Member, without agreement for its disclosure having been obtained.

The Panel concluded that his actions were naïve and showed his inexperience rather than being malicious. He should have thought through the consequences before sending the e mail. However, given that the notes were not marked as confidential, nothing specific had

been said to indicate that they were, and that they had already been shared with a large number of people (stakeholders) we regard this as a minor breach of the provisions of the Code. The Panel believes that all of this series of notes should have been marked as confidential on the face of the documents before they were circulated to anyone so that their status was clear.

We think that this case falls under section 38 in that, although we find that part of the complaint has been substantiated, it was a minor breach of the Code of Conduct and it can therefore be disposed of by cautioning Deputy Cameron. If such caution is accepted, a report of our decision will then be forwarded to the Presiding Officer and to Her Majesty's Greffier, so that the report can be made available to members of the public.

The Very Rev'd J. Guille

Mr A. Langlois

Mrs S. James

Dated 6th August, 2021