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## **CODE OF CONDUCT**

### **COMPLAINT AGAINST DEPUTY D DE LISLE**

### **FINDINGS OF THE INVESTIGATION PANEL**

Deputy David de Lisle is a Member of the States of Deliberation.

On 23 April 2022, Mrs Anna Taylor wrote to the States Members' Code of Conduct Panel asserting that Deputy de Lisle had breached the Code of Conduct by posting on his Facebook page a link to a video about glyphosate, chemical farming and autism which included an infographic which was incorrect and wholly unacceptable in its portrayal of autistic people in breach of sections 8 and 9 of the Code of Conduct.

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.*

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 de Lisle was asked to respond to the complaint.

The Investigation Panel was convened and comprised Mr Allister Langlois as Chairman, Advocate Louise Hall and Mr Micky Fooks.

The Panel had separate meetings with Mrs Taylor and Deputy de Lisle. The Panel is grateful to Mrs Taylor and to Deputy de Lisle for their written and detailed oral submissions.

In summary, Mrs Taylor's complaint was that Deputy de Lisle had posted on his Facebook page a link to a video about "Chemical farming & the loss of human health". The link produced an infographic headed "Scientific evidence is overwhelming that glyphosate deletes the natural medicine out of our food and soil and increases autoimmune diseases. You and I are the solution – strive for 16 percent organic farming. To aim for a diverse regenerative future." And below the heading was a graph suggesting that incidences of autism had increased with the rise in chemical farming. Next to the graph were pictures of two people from which Mrs Taylor drew the inference that one was a portrayal of someone with autism, and it was a gross and damaging impression.

She believed the post was irresponsible, disturbing and reprehensible behaviour by Deputy de Lisle. She said that it relied on "fake science" to try to link chemicals with autism.

Mrs Taylor said when she met the Panel that there was no evidence to support the claims in the video. By posting it in a Facebook account which is called "Deputy Dr David de Lisle" he gave it credibility. The heading was completely wrong about autism. She had found it upsetting. It had undermined her trust in States Members generally.

She accepted that it had been removed from the Facebook page soon afterwards, she presumed after complaints made privately. She was not aware that Deputy de Lisle had issued an apology.

In response, Deputy de Lisle said that Mrs Taylor's complaint arose from a misunderstanding and misinterpretation of a video documentary which he had shared on his Facebook page. He apologised to anyone who might have been affected as it was never his intention.

When Deputy de Lisle met the Panel, he explained the sequence of putting the link on his Facebook page. He had not posted the link himself but had asked for assistance in doing so.

It had been posted on the 23<sup>rd</sup> April sometime in the morning (perhaps as late as lunchtime). The next day (at 15:06) he had been contacted by someone by e mail, to the effect that the video link, giving misleading information on autism, would be of some concern to some individuals. Deputy de Lisle told the Panel that he quickly took steps to have the video link removed and that it was withdrawn within hours of his receiving the objection. He had not realised that an infographic would appear when the video link was posted. He simply wanted to promote the message in the video itself, attacking the use of glyphosate. The video had received over a million views and over 68,000 likes so he assumed that it was proper.

He had apologised by means of a return e mail to the person who had complained to him about it. He had contacted the author of the video to tell him about the infographic. On the web, a new infographic was now being used.

After discussion the Panel concluded in respect of the complaint as follows.

In respect of section 8, the Panel concluded that Deputy de Lisle's action could not be regarded as being conduct which called into question the integrity of the States as a whole or Members generally. It was the action of one Deputy and reflected on him alone. As such, the Panel did not find a breach of section 8.

In respect of section 9, the Panel noted that the section requires that Members '*shall at all times treat other Members, civil servants and members of the public with respect and courtesy and without malice*'. The Panel construes 'shall' as imposing a mandatory obligation, regardless of whether the treatment is intentional or inadvertent. The Panel therefore concluded that Deputy de Lisle had breached section 9. It was not appropriate to have shared a link online which could offend a section of the community without checking how it would appear, what it contained, or the bona fides of the author independently.

In determining what, if any, sanction should be imposed for the breach of section 9, the Panel had regard to the following factors.

#### *Seriousness*

Deputy de Lisle was not aware of the existence of the infographic until it was drawn to his attention. He had no intention to offend or to be disrespectful to any individuals or sections of the community. The breach was wholly inadvertent. This was therefore a mitigating factor.

### *Experience*

Deputy de Lisle has been a Member of the States for 18 years and therefore has longer States experience than most of his colleagues. The fact that he is a multi-term Member was therefore an aggravating factor.

### *Impact of conduct*

The Panel was told of, and accepted, the impact which the infographic shown on Deputy de Lisle's Facebook page had had on Mrs Taylor and could have had for autistic people. This was an aggravating factor. However, it was limited by the fact that the link had been removed from his page within 36 hours of being posted there.

### *Inadvertence or culpability*

Deputy de Lisle had chosen to post the link to the video on his Facebook page. However, he did not upload the video himself, but rather he requested someone else to do this. As such, the unacceptable part (the infographic) was posted unwittingly without Deputy de Lisle's knowledge or approval. Whilst some criticism can be levelled against Deputy de Lisle for failing to check the post himself, overall, the fact that the infographic appeared inadvertently was a mitigating factor.

### *Self-referral*

Deputy de Lisle had not referred himself to the Panel. However, he had removed the link within hours of receiving a complaint directly from a member of the public about the infographic and before becoming aware that a formal complaint had been lodged under the Code of Conduct procedure. Overall, this was therefore a mitigating factor.

### *Personal mitigating factors*

Deputy de Lisle had realised the potential dangers of posting items on his Facebook page and had had second thoughts about whether he would continue to use it. This was therefore a mitigating factor.

### *Other mitigating or aggravating factors*

Deputy de Lisle had contacted the author of the video to draw his attention to the infographic and it had been replaced. This was therefore a mitigating factor.

In considering the scale of seriousness, and taking into account the above factors, we find that, although there was a breach of section 9, there should be no sanction for it.

**Mr A. Langlois**

**Advocate L. Hall**

**Mr M. Fooks**

**Dated 6<sup>th</sup> June 2022**