

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

COMMISSIONER FOR STANDARDS - REVISIONS TO THE CODE OF CONDUCT

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Commissioner for Standards – Revisions to the Code of Conduct' dated 17th March 2023, they are of the opinion:-

1. To appoint in accordance with paragraph 2(1) of the First Schedule to the Reform (Guernsey) Law 1948, Dr Melissa McCullough as Commissioner for Standards with immediate effect and for a term ending on 26th April 2028.
2. For Parts II, and III of and Appendix 1 to the Code of Conduct for Members of the States of Deliberation substitute the Part and Appendix set out in Appendix A to the Policy Letter; renumbering the subsequent sections of and cross references in the Code and amending the Table of Contents accordingly.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

COMMISSIONER FOR STANDARDS – REVISIONS TO THE CODE OF CONDUCT

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

6th April 2023

Dear Sir,

1 Executive Summary

- 1.1 In September 2022, the States of Deliberation approved the Projet de Loi entitled ["The Reform \(Guernsey\) \(Amendment\) Law, 2022"](#) (the law) which came into force by regulations made by the Committee on 22nd May 2023.
- 1.2 The law amends the Reform (Guernsey) Law, 1948 (the 1948 Law) by inserting provisions which establish the post of Commissioner for Standards and replace the States Members' Conduct Panel and is in accordance with the resolutions of [Billet d'État No XVI of 2020](#). The post has been recruited jointly with Jersey thereby establishing a Pan-Island Commissioner who will fulfil a distinct role in each Island.
- 1.3 The joint recruitment process culminated in February 2023 with the offer of the post to Dr Melissa McCullough the current Commissioner for Standards for Northern Ireland. Dr Mc McCullough has already been appointed in Jersey where the post of a Commissioner for Standards has been in place since 2017. Dr McCullough's career summary is attached at Appendix B.
- 1.4 To bring the Code of Conduct for Members of the States of Deliberation (the Code) into conformity with the legislation and the appointment of a Commissioner the following revisions are now proposed.

2 Proposed Amendments to the Code

- 2.1 The amendments to the code as set out at Appendix A have been drawn up in line with the recommendations of the Policy Letters dated [25th February 2020](#) and [6th May 2022](#).
- 2.2 Part II of the Code “States’ Members Conduct Panel” has been deleted and Part III “Procedure for Complaints relating to Part I” has also been deleted and replaced as Part II, with a consequent renumbering of sections of the remaining parts of the code. Appendix 1 has been revised in line with information appropriate for the post of Commissioner.
- 2.3 Those sections of the Code which are now replaced or rendered otiose by the law have been removed. These are sections 22 -27 in respect of the establishment of the now defunct Conduct Panel and sections 31-34 in respect of functions relating to investigations, complaints and other matters, which are now covered by paragraph 5 of the First Schedule inserted by the law into the 1948 Law.
- 2.4 Section 41 of the code which relates to appeals has been deleted as it is dependent on the existence of the Conduct Panel.
- 2.5 In accordance with the resolution of [Billet d’État XII of 2022](#) Part V of the Code (now renumbered IV), continues to reserve allegations of abuse of privilege to the Privileges Panel.
- 2.6 In accordance with paragraph 7 of the First Schedule to the law as inserted into the 1948 Law, the Commissioner for Standards may make and publish a statement of the manner in which he or she proposes to discharge his or her functions which the Committee must as soon as practicable lay before the States. The statement of Dr McCullough, should the States agree to her appointment, will be laid before the States as an Appendix report to the June Billet. It is anticipated that in line with the Pan-Island aspirations of this post the Guernsey and Jersey statements will be closely aligned.

3 Compliance with Rule 4

- 3.1 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.
- 3.2 In accordance with Rule 4(1):
 - a) The propositions contribute to the States’ objectives and policy plans by progressing Resolution 1a made by the States of Deliberation on 19th August

2020, following consideration of the policy letter entitled "Review of the Code of Conduct for Members of the States of Deliberation" (Billet d'État XVI of 2020, Article 10).

- b) In preparing the propositions, consultation has been undertaken with the Law Officers of the Crown.
- c) The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d) There are no additional financial implications to the States of carrying the proposal into effect.

3.3 In accordance with Rule 4(2):

- a) The propositions relate to the Committee's duties and powers to advise the States and to develop and implement policies in relation to "matters concerning the propriety and conduct of States' members".
- b) The propositions have the unanimous support of the Committee.

Yours faithfully

Deputy C.P. Meerveld
President

Deputy L.C. Queripel
Vice-President

Deputy S.P. Fairclough
Deputy J.A.B. Gollop
Deputy L.J. McKenna

PART II

Complaints to the Commissioner for Standards

22. Any person may complain to the Commissioner for Standards (the Commissioner) that an elected Member has breached the Code of Conduct.

Procedure for Complaints relating to Part I matters

23. Complaints, whether from Members or from members of the public, alleging that the conduct of a Member is in breach of the Code of Conduct set out in Part I must be addressed in writing to the Commissioner.
24. In the interests of natural justice, a complaint shall be made to the Commissioner in private and not publicised until the complaint has been determined and the decision communicated to the parties involved.
25. Whilst a complaint will normally be submitted by a third party, the Commissioner may initiate an investigation if they believe that a breach of the Code may have occurred. A Member can also request that their own behaviour is investigated by the Commissioner to establish if a breach of the Code has taken place.
26. Immediately upon receipt of a complaint, or notification that the Commissioner is initiating an investigation, the Greffier shall notify the Member concerned that a complaint has been made and the nature of the complaint.
27. All Members are required to co-operate fully and promptly with the Commissioner during any investigation, even if the Member concerned considers that the alleged breach is unsubstantiated. Failure to co-operate in any investigation will, in itself, be regarded as a breach of the Code.
28. If the Commissioner, in the course of the investigation, has cause to believe that a criminal offence may have been committed, he or she shall immediately suspend the proceedings and forthwith refer the matter to the Chief Officer of Police. The investigation shall not be resumed until either judicial proceedings have been concluded or the Chief Officer of Police has certified to the Commissioner that they have no further interest in the matter.
29. Where the Commissioner finds that a complaint has been substantiated but is of the view that the breach of conduct was of a minor nature he or she will normally dispose of the matter by cautioning the Member concerned. A report of the Commissioner's decision in such cases shall be forwarded to the Presiding Officer and to the Greffier who shall make the said report available for public inspection whenever the Greffe is open for normal business.

30. Where the Commissioner finds that a complaint has been substantiated and is of the opinion that the Member should be formally reprimanded, suspended, removed from a particular office or expelled, or, where a Member refuses to accept a caution in the circumstances set out in the previous paragraph, he or she shall report their findings to the States Assembly and Constitution Committee which, in turn, shall submit that report to the Presiding Officer for inclusion in a Billet d'État with the recommendations of the Commissioner and, where the Committee does not agree with any recommendation of the Commissioner, any recommendations that the Committee may have. Notwithstanding a Member's refusal to accept a caution, the States may resolve that the Member be cautioned.
31. Where the complaint concerns the President or a Member of the States Assembly and Constitution Committee, and where the Commissioner finds that the complaint has been substantiated and is of the opinion that the Member should be formally reprimanded, suspended, removed from a particular office or expelled, he or she shall report their findings to a panel comprising the five most senior Members of the States by length of service who do not have a seat on the States Assembly and Constitution Committee who, in turn, shall submit that report to the Presiding Officer for inclusion in a Billet d'État with the recommendations of the Commissioner.
32. For the avoidance of doubt mediation between the complainant and the accused Member is not permitted in the processing of complaints made pursuant to this Code of Conduct.

Appendix 1

COMMISSIONER FOR STANDARDS

**Commissioner
for Standards** Dr Melissa McCullough

Address: Commissioner for Standards
c/o The States' Greffier
The Royal Court House,
St Peter Port,
GY1 2NZ

E-mail Address: statesmemberscodeofconduct@gov.gg

Website Address: www.gov.gg/memberscodeofconduct

Melissa McCullough

Career History Summary

Role	Organisation	Dates
Commissioner for Standards	Northern Ireland Assembly	Sept 2020 – Present
Advisor, Ethics Committee	BMJ (British Medical Journal)	Sept 2022 – Present
Visiting Academic	Royal College of Surgeons in Ireland	Sept 2007 – Present
Chair and Panel Assessor; Ethics Panel	Medical Council Ireland	Sept 2017 – Present
Non-Executive Director	Health & Social Care Board NI	April 2009 – Aug 2020
Director	MTM Consultancy	Sept 2017 – Sept 2020
NICE Guideline Committee Member	National Institute for Health and Care Excellence	Sept 2016 – May 2018
Senior Lecturer, Clinical Ethics & Law	Brighton & Sussex Medical School	Sept 2015 – Aug 2016
Lecturer, Ethics, Law & Professionalism	Queen's University Belfast School of Medicine	April 2005 – Sept 2015
Company Director	Designco Ltd	Feb 2007 – Present

Qualifications

PhD	Biomedical Sciences	Queen's University of Belfast, N Ireland	1997
LLB	Law	University of London, UK	2005
MSc	Applied Ethics	Albany Medical College, New York, USA	2010
Cert	Values & Public Policy	University of Oxford, UK	2022
Cert	Diversity & Inclusion	Cornell University, New York, USA	2018
BA	Biology	Temple University, Philadelphia, USA	1992
Cert	Artificial Intelligence	University of Helsinki, Finland	2019
PG Cert	Higher Education Teaching	Queen's University Belfast, N Ireland	2007
Cert	Mediation	Centre for Effective Dispute Resolution, UK	2007

Career History

Commissioner for Standards, Northern Ireland Assembly (2020–Present)

- Investigate complaints relating to the conduct of Ministers and Members of the Legislative Assembly (MLAs)
- Encourage and promote high ethical standards in public life
- Develop strategy and influence policy relating to standards in public life
- Manage the office, including budgets, processes and systems
- Since being in post, I have cleared a three-year backlog of complaints, transformed processes, procured a new complaint handling system and developed/launched new website

Visiting Academic, Royal College of Surgeons in Ireland (Sept 2007–Present)

- MSc Healthcare Ethics; Law, Ethics and Resource Allocation

Panel Chair and Assessor for Undergraduate Medical Programs, Medical Council Ireland (2017–Present)

The Council's purpose is to protect the public by promoting and better ensuring high standards of professional conduct and professional education, training and competence among doctors.

Company Director, Designco Ltd (Jan 2007–Present)

- Manage finances and finance team
- Develop annual business strategy and plan
- Procure and implement new IT systems
- Since its inception in 2007, the company has been profitable in all but the pandemic year (2020-21)

Non-Executive Director, Health & Social Care Board NI, Ministerial Appointment (2009–2020)

The HSCB, the then arm's length body of the Department of Health Northern Ireland, commissioned health and social care services for the whole of the Northern Irish population.

- Member of Reference, Governance and Remuneration HSCB sub-committees
- Champion for equality, justice, human rights in decision and policy-making
- Designated Board Director “Whistle-Blower Advocate”
- Oversight and input into the development and implementation of transformational policies

Guideline Committee Member, National Institute for Health and Care Excellence (NICE) London (2016-2018)

NICE is a non-departmental public body that has a statutory duty to improve outcomes for people using the NHS and other public health and social care services by, among other things, producing evidence-based guidance and advice for health, public health and social care practitioners.

- Developed with the team the Lyme Disease Guideline; reviewed and analysed evidence, identified issues of concern for people with Lyme Disease, public health evidence and issues, and assisted in developing the final published guidance

Senior Lecturer, Clinical Ethics & Law, Brighton & Sussex Medical School, University of Sussex (2015-2016)

- Appointed Governor for Brighton & Sussex Medical School, West Sussex Foundation Trust
- Ethics & Law teaching, research, evaluation, curriculum development at undergraduate and postgraduate level
- Quantitative and qualitative research and program evaluation

Lecturer, Medical Ethics, Bioethics & Law, Centre for Medical Education, Queen’s University Belfast, School of Medicine (2005–2015)

- Curriculum Lead for Ethics, Law and Professionalism, Undergraduate and Postgraduate Medicine 2008-2015
- Director MSc Interprofessional Health and Social Care Management 2006-2015
- Director Patients as Partners program; recruitment, training, monitoring 2006-2015
- Deputy Director of Student Support & Guidance for medical school 2009-2014
- Lead for Diversity & Inclusion Training: “Enhancing Service Quality” University initiative, 2009-2011
- Scholarly Education Research Network, Research Lead for Ethics and Professionalism 2013-2015
- Research Ethics Committee Member, School of Medicine, Dentistry and Biomedical Sciences, 2005-2015
- Internationalisation Faculty Group, North America 2011-2014
- Institute for Collaborative Research in the Humanities, Member 2012-2015
- Dissertation module director and supervisor for MSc research students
- Postgraduate Taught Board (w/rotating chair) 2006-2015

Public Policy Work

Department of Health, Hyponatraemia Inquiry, Education & Training Workstream, Member	2018-2020
Diversity and Inclusion in Senior Recruitment NHS Northern Ireland, Department of Health	2016-2017
Complaints Evaluation Implementation Group, Health & Social Care Board NI	2012-2019
Medical Students, Professional Values and Fitness to Practice, General Medical Council UK	2014-2015
Stormont Knowledge Exchange Seminar Series, NI Assembly	2012
Human rights-based approach to policy-making: Transforming Your Care, HSCB NI	2011-2014
Diversity & Inclusion Theatre Event, General Medical Council UK	2010
Consultation group for GMC Consent Guideline, General Medical Council UK	2008

Professional Memberships/Affiliations

2021-date	International Ombudsman Association, Member
2011-date	Fellow UK Higher Education Academy
2008-2015	Northern Ireland Ethics Forum, Council Member
2002-date	Holy Family Parish, Belfast, Reader
2001-date	Down’s Syndrome Association, Strategic Advisor and Volunteer
2006-2015	Association of Medical Educators in Europe (AMEE), Member