



**OFFICIAL REPORT**

**OF THE**

**STATES OF GUERNSEY**

**SCRUTINY MANAGEMENT**

**COMMITTEE**

Good Corporate Governance

**HANSARD**

**Guernsey, Friday, 8th December 2017**

**No. 8/2017**

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**Members Present:**

*Panel Chair:* Deputy Chris Green – President  
Deputy Peter Roffey – Vice President  
Advocate Peter Harwood – Non-States Member  
Mr Alistair Doherty – Advisor  
Miss Suzanne Randle – Scrutiny Officer

**Business transacted**

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# Scrutiny Management Committee

## Good Corporate Governance

*The Committee met at 9.30 a.m.  
in Moulin Huet and Petit Port Rooms at St Martin's Community Centre.*

[DEPUTY GREEN *in the Chair*]

### **Procedural – Remit of the Committee**

**The Chairman (Deputy Green):** Right, let us make a start.

Can I welcome everybody who has come here today and just remind everybody to turn your phones off, so we can make sure we can hear what the witnesses say?

I remind people that this is a formal parliamentary proceeding and, therefore, members of the public are, of course, welcome to be here, but they cannot speak or contribute.

Just to remind people that, as with all of our public hearings, proceedings are being recorded and there will be a *Hansard* transcript of the hearing today, produced in due course.

Just a bit of introduction from me. The Committee for Education, Sport & Culture's abandoned publicity campaign about the three-school option has been the subject of much media and public comment over the last week. Our purpose, this morning, is to establish the facts; certainly, to try to establish the facts, by a process of taking and testing the evidence from the key players, in public session.

We will begin with a short session specifically on the £93,000 funding request for the two-school model. This will be with Deputy St Pier; the Chief Executive, Mr Whitfield; and Mr Vaudin, the Chief Information Officer.

We will, then, take evidence from all members of the Committee for Education, Sport & Culture. After a short break, we will then resume with the acting Principal Officer and acting Director of Education, followed by a wrap-up session with Deputy St Pier, the Chief Executive and Mr Vaudin, the Chief Information Officer, again.

There are issues here which affect governance arrangements, both within Principal Committees and in our new system of government, more generally. There are also wider concerns about the way the States engages with the rapidly evolving world of social media campaigning.

### **EVIDENCE OF**

**Deputy Gavin St Pier, President, Policy & Resources Committee,  
Mr Paul Whitfield, Chief Executive, and Mr Colin Vaudin, Chief Information Officer,  
States of Guernsey**

**The Chairman:** Right, without further ado, could we start with an introduction to the witnesses we have here, please? Starting with Mr Vaudin on the left, as I see you.

**Mr Vaudin:** Good morning, ladies and gentlemen. My name is Colin Vaudin, I am the States of Guernsey Chief Information Officer.

30 **Deputy St Pier:** Gavin St Pier, the President of the Policy & Resources Committee.

**Mr Whitfield:** Good morning, Paul Whitfield, Chief Executive, States of Guernsey.

**The Chairman:** Good morning, welcome.

35 Can we start: in the chronology that we have been provided with the minutes, there was a P&R Meeting on 3rd October 2017, when, on the face of those minutes, a request for money of up to £93,000 was apparently made by the Committee for Education, Sport & Culture, in order to work up the two-school model.

Deputy St Pier, can you explain, exactly, what the genesis of that request was?

40

**Deputy St Pier:** Yes, of course. I should begin by saying, of course, you have invited me here, I am the only representative of my Committee. So, I am obviously speaking for myself, except when I am speaking about facts; or if I clearly express it as being an opinion of the Committee.

I think, the £93,000 is a little bit of a red herring in this case, because I think it has emerged  
45 from the front-page story of the *Guernsey Evening Press*. The reality is, the Committee for Education, Sport & Culture are £2 million overspent on their budget for this year. So, they did not have the budget to commit to this programme.

The third thing, by way of introduction, in getting to your question, it is important to emphasise that it is normal for the Civil Service to assist States' Members, in looking at alternative  
50 proposals. It happens a lot, probably whenever amendments have been laid, the Civil Service are there to impartially assist Members.

**The Chairman:** In the minutes for the meeting on 3rd October, it made it sound like, on the face of it, it was a request made by the Committee for Education, Sport & Culture. Was that quite  
55 right?

**Deputy St Pier:** It is correct, and I will come to that. But I think it is important to emphasise that it is normal for the Civil Service to assist Members.

I think what is unusual in this case is the size of the assistance and I think, Deputy Green, the  
60 phrase you have been quoted as using in the media is it is 'unprecedented'. What may be unprecedented about this case is the use of the Budget Reserve to assist the Committee to enable them to assist States' Members.

To come to your question, the minutes for the Policy & Resources, which you have seen, refer to a table dated 27th September. I do not think you have had that. The genesis of this matter  
65 began at a meeting on 18th August, with a number of Deputies, who tasked four of their number, who have become known as the Gang of Four, to go and meet with the Committee for Education, Sport & Culture. That meeting took place on 7th September, and the beginning of the paper, which is referred to in our minute, says:

On 7th September, the Committee for Education, Sport & Culture and officers met with four politicians, representing a larger group, who were interested in exploring further a two-school, 11-19 option, prior to the targeted November States date. The Committee has agreed to work with the group to look further at a possible two-school model.

So, that meeting took place on 7th September, between the Gang of Four and I do not who  
70 from the Committee of Education, Sport & Culture. It may have been all of them. I do not know.

The paper then goes on to refer to a further meeting, which was held on 20th September, at which I was present, Deputy Le Pelley, Deputies Meerveld, Fallaize, Dorey, Graham, Tooley and officers from P&R, to discuss the review.

It then goes on to say:

The purpose of this review is to obtain a high-level understanding of the possibilities, issues and requirements for a two-school model and should provide some indication of whether it is actually deliverable within our existing estate.

75 So, it was that paper which the Committee for Education, Sport & Culture considered at their meeting. They then submitted it to us, which we considered at our meeting and the minute then follows.

**The Chairman:** I think the point I am driving at, Deputy St Pier, is that, although the minutes refer to the request being made by the Committee for Education, Sport & Culture, in reality they were only a conduit for a request being made by somebody else, a group of four Deputies who are not party to Education. That is correct, is it not?

**Deputy St Pier:** The four non-members of the Committee for Education, Sport & Culture, had approached the Committee and said, 'We wish to look at a two-school model.' The Civil Service, in order to assist them, which is a normal process, determined that the only way they could do that in the timeframe available was by using additional, external resource.

Hence, the request from the Committee to seek that additional resource.

90 **The Chairman:** Do you not think that would have undermined the Committee for Education, Sport & Culture?

**Deputy St Pier:** That clearly is a question to put to them. Clearly, they decided, at their meeting on 7th September, at which Policy & Resources was neither present nor represented, that, as they recalled in their own paper, 'the Committee has agreed to work with the group to look further at a possible two-school model'.

I cannot explain that decision by the Committee for Education, Sport & Culture.

100 **The Chairman:** Deputy Roffey.

**Deputy Roffey:** Do you see this as possible precedent, if other groups of Deputies want to amend Policy Letters or potential Policy Letters?

That needed a great deal of work. Would P&R be mindful to issue £50,000 there, £100,000 there, to help with that work?

105 **Deputy St Pier:** As I say, no, it is not a precedent, because it is normal for the Civil Service to assist Members in looking at alternatives.

Another good example of where this happened in the past is where a group minority report, was produced – I think, by Deputy Fallaize, at the time – on the question of the borrowing bond, which had been proposed by Deputy Parkinson, when he was the Treasury Minister. Now, that group would have had assistance from the Treasury team to enable that to happen. So, that is normal.

115 What is unusual is the scale of this and what may be unprecedented is the use of the Budget Reserve to fund it. But it is important to emphasise that, had the Committee for Education, Sport & Culture been within budget, then the response from Policy & Resources would have been: 'Do not come to us looking for additional resources; manage it within your budget.'

**Deputy Roffey:** But that was not the case, so they did come to you and you, by majority of the Committee, granted it.

120 Can you just spell out exactly what strings were attached to that? Was it just a general uplift to their budget, or was it very specifically limited to a particular task?

**Deputy St Pier:** I will answer that, but before I do so, just also dealing with this question of whether it is unprecedented.

125 It is worth also quoting from the minutes that I referred to of that meeting on 20th September, at which I was present, because that records:

All parties agreed that the worst outcome would be an inconclusive States' debate. A clear strategic direction required the States' Members to have reliable information on both options two- and three-school. Information did not need to be complete, but had to be sufficient to enable the States to make a strategic policy decision.

**Deputy Roffey:** So Education wanted this work to happen?

130 **Deputy St Pier:** Education wanted this work to happen, to enable that debate to take place and then I confirmed at the end, again recorded in the minutes:

Deputy St Pier confirmed that the Policy & Resources Committee had no single view on the options being put forward, but considered that it had a role in co-ordination, facilitation to ensure that the States of Deliberation had the necessary detail to enable a well-informed debate, producing a solid decision that the Committee would offer additional resources if necessary and would encourage a pragmatic approach.

135 **The Chairman:** What was it, though, Deputy St Pier, which was so significant about this particular request in this particular subject matter, in terms of the two-school model, that it had to be studied, in your view, hence why you granted the money? What was so significant about it, bearing in mind that it clearly went counter to the actual proposals that the Committee for Education, Sport & Culture planned to argue in the States?

140 **Deputy St Pier:** The recollection of my meeting that I attended on 20th September, which I think is well captured in the minutes, was a recognition that this is a political issue, which has been bouncing around, in essence, for the best part of 20 years, really, determining the direction of travel for our secondary system.

It is a multi-million-pound decision, tens of millions of pounds of capital and revenue, hundreds of millions of pounds of capital and revenue, over the next 20 years, over the next generation of children.

145 It is so important that we get it right. That was the view of the meeting and, therefore, rather than having ill-informed debate, with an amendment proposing two schools that had not got sufficient information, that could have ended up with a *sursis* or whatever, that was the view: that it was more important to ensure the debate was fully informed.

150 **Advocate Harwood:** Can I just follow up? The amount is fairly specific, £93,000. Was there an itemised account or a statement to back that up? Did that include any element of PR spend?

155 **Deputy St Pier:** No. It comes back to Deputy Roffey's question. In the paper referred to in the minutes, which was the one that was submitted by the Committee for Education, Sport & Culture, they had prepared an estimate of the costs, which is itemised. It is directly to do with looking at the two-school model, there was no question of any of it ever being allocated to communication. So, curriculum and timetable modelling, traffic assessment, architects, quantity surveying, project management survey, services, etc.

160 **The Chairman:** How much of the money was spent? Mr Whitfield?

**Mr Whitfield:** If I can assist, there: up to date, £73,000. I would also like to add, I think, very relevant to the context and the pressure that was borne on this. I think there has been a long distance of travel, the ESC was following a Resolution of the States to refine a three-school model and that is what their resources were concentrated on, and the work of the Committee.

165 Without question, obviously, some fundamental decisions have been taken on grants for independent schools, on selection processes, which has stimulated increased thinking around potential other options, such as the two-school model. That thinking, and the noise around that,

accelerated to such an extent, I think the discussion at that particular meeting that Deputy St Pier refers to was concerned that the debate would be distracted and possibly not be able to reach a reasonable conclusion.

Bear in mind that of January 2018 is the last selection for the secondary element of schools. Therefore, the requirements and the scoping put in by ESC, as you can see, having done an analysis of that, a lot of the work could be done in-house, particularly around the curriculum modelling; but in terms of analysis of the viability of sites, etc. design and traffic regulations, clearly – one must not forget the time parameters that were available, we were down to a number of weeks – there was no way that ESC staff, who were still completing the three-school model would have had the time to supply the Deputies that are asking the questions with the information, and there was concern that actually there would be differing data sets that would be produced at the States' debate.

That was the necessary requirement for potentially additional resources.

**The Chairman:** Thank you. I think the concern I have got, really, is a political one and it is probably a question more for Deputy St Pier. Is this really the best way to be determining education policy, when we have a Committee in place which has a mandate to pursue education policy?

What does it really say about the way in which we make policy in the States, Deputy St Pier?

**Deputy St Pier:** Ultimately, of course, the decision is not one for the Committee for Education, Sport & Culture, it is one for the States of Deliberation and all the Committee can do is bring its recommendations.

Given that amendments can be laid by any two Members, then to have a policy decision made on the back of an amendment brought by any two Members, which is ill-informed, is definitely not the way to make policy and that, absolutely, was the consensus view. In fact I do not think it was even the consensus view; it was the unanimous view of those present at the meeting on 20th September, that that would be the worst possible outcome and therefore it did need to be better informed.

**The Chairman:** Can I just ask one final question, before we move on? We were intending to just set the scene, at this stage, and then we will move on to other matters.

I think the last question would be, in terms of P&R's involvement, was there anything specific said to the Committee for Education, Sport & Culture about what should happen and what should be done if there was to be an underspend on that £93,000? Was there any direction given?

**Deputy St Pier:** Not at a political level that I remember, but I cannot speak for any officer dialogue.

**The Chairman:** At officer level, Mr Whitfield?

**Mr Whitfield:** The expectation was it was to focus on provision of resources, in order to fulfil questions that are around the two-school model; bearing in mind that the refinement of the three-school model was still ongoing at that time.

So, it was always focused on providing adequate resources for the questions raised by those other Members.

**The Chairman:** What is the general expectation, though, on a budget like that, that has been granted on a kind of *ad hoc* basis, £93,000 from the Budget Reserve? What is the expectation, generally, if some of that money is not used for the specific purpose that it was allocated for?

What is the general understanding?



220 **Mr Whitfield:** My expectation, in the way that it was authorised, was that it would be returned to Treasury function.

**Advocate Harwood:** Just following up on that.

225 **The Chairman:** We will make that the last question.

**Advocate Harwood:** The Resolution of P&R on 3rd October, says 'approve additional funding of up to £93,000 to support the Committee for Education, Sport & Culture, to be funded from the Budget Reserve'.

230 That Resolution, on the face of it, does not appear to make any condition that it should be attached particularly to the work to be done on working on the two-school model.

**Deputy St Pier:** It does not. The opening sentence of that minute is relevant, which is that it is in the context of the paper tabled, which I know that you do not have, but it is the one that sets the scene for it being in relation to the purpose of the review as for the two-school model, and sets out this table of costs.

**Advocate Harwood:** Do you believe the Committee for Education, Sport & Culture actually realised this was to be ring-fenced for that particular purpose?

240 **Deputy St Pier:** The estimate of costs was only that, an estimate of costs, and it was accepted to be a fairly broad estimate.

So, I think there was always an expectation that it could well come in under the £93,000 and the £93,000 was regarded as the upper limit. The costs quoted were actually arranged, so there was a very realistic expectation that it would come under that, which then speaks to Mr Whitfield's expectation that it would come back.

**The Chairman:** Deputy Roffey, we will make this the final question.

250 **Deputy Roffey:** No, mine for the time ...

**The Chairman:** Okay.

Well, thank you very much. Sorry, Mr Vaudin, we did not have a chance to speak to you on this occasion, but we will see you again in a moment!

**EVIDENCE OF  
Deputy Paul Le Pelley, President,  
Deputies Neil Inder, David De Lisle, Andrea Dudley-Owen, Members,  
and Deputy Carl Meerveld, Vice-President,  
Committee for Education, Sport & Culture**

255 **The Chairman:** Our intention, now, is to begin with questions directed to Deputy Le Pelley, but if the members of the Education board would like to come up?

Yes, our intention is to begin with questions directed to Deputy Le Pelley, the President of the Committee. We, then plan to turn to Deputies Inder, De Lisle and Dudley-Owen, who may wish to add to the President's answers, or of course offer their own responses, if they so wish.

We may have specific questions to address to those individuals.

Then, we will move to ask questions to Deputy Meerveld. We do have a number of questions for Deputy Meerveld, which we will put to him, once we have finished hearing from the Committee President and the other Committee members.

I hope that makes sense!

Deputy Le Pelley, good morning.

You have had a chance, I think, to see the collection of minutes that were put together by the Chief Executive; I think I sent that to you this morning?

**Deputy Le Pelley:** Yes, indeed. We received them at 7.45 this morning.

**The Chairman:** There was a kind of perfected version, which corrected a few matters.

**Deputy Le Pelley:** Yes, before we start, I believe that you have asked our permission to have our minutes publicly discussed. But that, of course, needs my full Committee's permission. I have not got that just yet; so, if they would like to just intimate that they are happy to do that.

Before they do, I would just like to say that it is for the approved minutes only, not for draft minutes or notes that may be in margins, etc. Approved minutes only. I am happy with that. You would need to ask –

**Deputy Inder:** I second that

**Deputy Roffey:** Can I ask what the objection is for using the draft minutes?

**Deputy Le Pelley:** Pardon?

**Deputy Roffey:** What is the objection to referring to the draft minutes?

**Deputy Le Pelley:** The objection to referring to draft minutes is that they are not approved minutes and corrections of fact may have been made. So I do not want to be drawn on inconsistencies or incorrect facts.

I am quite happy to have my approved minutes available.

**The Chairman:** Okay. Are they available this morning?

**Deputy Le Pelley:** They are as you have received them, I believe, except for the very last set, which I believe you saw before we saw.

**The Chairman:** In terms of 30th November, you are talking about?

**Deputy Le Pelley:** Yes, indeed, 30th November.

**The Chairman:** Right, well thank you for that indication.

Deputy Le Pelley, can we just start with, obviously we have just asked some questions to Deputy St Pier and colleagues about the original granting of the £93,000? What is your take, Deputy Le Pelley, on the £93,000 that was requested, apparently by your Committee, and granted by P&R on 3rd October?

**Deputy Le Pelley:** I think we need to go back a little bit earlier than that.

Not only our board, but the previous Education board, had had a look at the two-school model – a very high view in our case. It had already been sort of put up on a meeting of Deputies, on 25th January 2017, and that particular model had had very little response or interest shown in it.

So, we had not actually progressed it. Of the six models that had been put forward, it was not one of the three that we decided to go forward on.

In August, or thereabouts, after we had published our preferred model in July, it became apparent that there was a meeting of a group of other Deputies, who wished to consider a two-school model. That meeting was held in August. I heard about it. I asked if I could or should attend. I was asked not to attend, because I could unduly influence discussion, whatever, they wanted to have a discussion without any members of the Education, Sport & Culture board present. So none of us turned up. Although we would have all been, I am sure, happy to be there, had we been available,

In September, we heard that there was going to be a lobby for a two-school model. As I understand it, the other group of Deputies spoke to P&R before they spoke to us. You will have to ask more questions of P&R about that.

But they asked P&R for assistance and the next thing that I was aware of was in a President-to-President meeting – that suggests two of us in the room, but there were not, there were other people. It was pointed to us that this two-school model did need, in the President of P&R's considered opinion, to be investigated further and that we, in all good governance, and in fairness and everything else, should actually get involved in more investigation of the two-school model.

We pointed out at that time that we were two full-time members of senior staff short at the office; that we had an acting director of education and an acting chief secretary, rather than people in those full-time positions and that the members of senior staff that were available were under terrific pressure and that we would find it very difficult to actually carry out those duties.

It was then put to us that the other four Deputies could be involved in doing some research. An officer, in particular, could be allocated. I do not really want to go down which particular officer; I do not think it is fair to identify any particular individual. But a particular lead officer could have been involved. In effect, we would have had a shadow education board, for the time it was taken to produce this two-school model.

It was really 'either agree to do this or have it done to you'. We preferred to do it, rather than have it done to us.

So, we said, 'Yes, that is okay. We will do our very, very best to accommodate you. We want to have control of it. We are the elected Education, Sport & Culture Committee.'

**The Chairman:** So, that is why the request came from your Committee, technically?

**Deputy Le Pelley:** Technically, that was the only way it could be done.

**The Chairman:** You were the conduit?

**Deputy Le Pelley:** We were guided to it.

**The Chairman:** Thank you, for that.

Can we move onto another matter, which is, from what we have seen in the minutes, if we can try to deal with this chronologically?

On 8th November, there was a meeting of your Committee, where a first discussion, certainly in terms of a Committee meeting in these minutes, there was a first discussion about whether to use an external PR company to support your preferred three-school model. My understanding is that the upshot of that meeting was the Committee decided not to pursue an engagement of an external PR company.

We then come on to 21st November, when that decision was, basically, subject to a U-turn and that decision was taken. I think the decision was taken on 21st November to engage a private PR company to promote your favoured secondary and post-16 Policy Letter.

365 The real nub of this issue, Deputy Le Pelley, for us, is what did your Committee understand was the nature of the authority that you had given to Deputy Meerveld, in that meeting, to do? What was the nub of that?

370 **Deputy Le Pelley:** You seem to have jumped to somewhere else, because I think, in the questioning that you asked the previous group, you were talking about the £93,000 and what we thought about.

Before I answer the question, the £93,000, or up to £93,000, was never, ever going to be used for anything other than the list that Deputy St Pier read out to you earlier. We considered it to be ring-fenced and we also considered that anything that might be not spent would actually be returned to centre. That has always been the case. It has never, ever been anything else.

375 I cannot be clearer than that.

**The Chairman:** That is very clear.

380 **Advocate Harwood:** Is that view shared by your Committee?

**Deputy Inder:** Absolutely, sir.

**Deputy Dudley-Owen:** Absolutely.

385 **Deputy Roffey:** Before we get onto the 21st, I am trying to work this through chronologically. It first appeared on the agenda on 8th November, the suggestion of going to an external PR company. *(Interjections)*

390 **The Chairman:** I think you have clarified your position on the £93,000.

**Deputy Roffey:** My questions have leapt forward a bit, with respect to the second meeting; I want to go back to the first one.

395 How did this concept emerge? Obviously, if it was on an agenda for 8th November, it must have ... I guess, the papers went out about 3rd, and it was not put there by the staff, because the staff were opposed to the idea. It must have been in October, some time, politically, you started talking amongst each other about going out to a PR company?

400 **Deputy Le Pelley:** I think you will probably need to talk to Deputy Meerveld, about exactly how he got involved in that, when you come to talk to him. But I will do what I know of it.

I was aware that Deputy Meerveld was keen on getting some form of engagement with the public. As we had been going around the various schools, giving various presentations to parents and politicians and whatever, there had been a limited amount of response. There were people who were saying they believed that we, as the Education, Sport & Culture Committee, were actually proposing a two-school model, which was not, in fact, the case at all.

405 Later on, I was even accused of having cut the funding to the Arts and Sports Commissions, because they thought that was a function that had been done by Education, Sport & Culture, not by the Economic Development Committee.

410 So, we have these problems of people not understanding exactly what is what. So we felt we needed to engage with the general public much more. The idea of some form of social media involvement was actually ... I do not know whether it was discussed within a Committee meeting, but I think it was just in the air that we really did need to engage with the public more. It was as simple as that.

415 They needed to be made more aware of what the options were, what the proposals were. We also needed to get them engaging with Deputies and other people, to tell people what they wanted.

I know that the decision, at the end of the day, will be a Deputies' decision, in the States of Deliberation, but we wanted to have people expressing a view, so that Deputies know what their electorate felt.

420 **Deputy Roffey:** It is less the rationale, which we will come onto afterwards, more the timeline. You had obviously asked your acting chief officer to put this on an agenda. In paperwork, that would have gone out about 3rd November. When did you start talking about this idea?

425 **Deputy Le Pelley:** This particular meeting, on 8th November, I think we are talking about, I think it was an emergency meeting, was it not? Was that a States' day? It was a States' Meeting, lunchtime meeting. So it was a very ... I would not say a rushed meeting, but it was a meeting that was not a scheduled meeting, it was an extra meeting.

**The Chairman:** This 8th November?

430 **Deputy Le Pelley:** This is 8th November.

**Deputy Roffey:** You invited staff from other Committees to come along and present. So, there must have been some planning for that meeting?

435 **Deputy Le Pelley:** That was not planned by us. We arrived at the meeting to find two or three people had been invited to attend the meeting, probably by the Chief Secretary.

**Advocate Harwood:** Was the purpose of that meeting to discuss social media or publicity generally? What was the agenda item? How was it described?

**Deputy Le Pelley:** We were going to look at a letter that has been prepared by two members of staff. It was an updated draft version of our secondary and post-16 Policy Letter.

445 **Advocate Harwood:** It was a Policy Letter you were –

**Deputy Le Pelley:** We were about to sign off.  
It was due to be published, you will remember, on 13th November.

450 **The Chairman:** On 8th November, the advice that you received from Mrs Putra, who attended the meeting, was pretty clear, was it not? From the minutes that we have got, let me put it to you verbatim.

Mrs Putra said that, although it was the case in the past, the States of Guernsey did not now generally employ external public relations companies. She advised that to do so could reflect particularly badly on the Committee, given its projected budget overspend.

The minute then goes on to say:

In those circumstances, the Committee dropped plans for engagement of an external PR company.

Can you confirm that was the advice given on that occasion?

455 **Deputy Le Pelley:** I can confirm that Mrs Putra said that, although it was the case in the past, but that does not mean that you cannot carry on doing it. It was a case that it had been done in the past.

460 What Mrs Putra did say, which is not in the minutes there, and what also shows you about our own PR, we had one member of staff who is PR. As I mentioned before, under terrific stresses and

strains, we are absolutely stretched to the limit. We have a massive mandate and we are cutting our staff and our staff have their own functions to do.

This is extra work to their normal work.

465 **The Chairman:** More than business as usual?

**Deputy Le Pelley:** Absolutely.

We also know that our own PR lady was entitled to her annual leave, so there was a problem in exactly what she could do for us.

470 On top of that, Mrs Putra explained that she only had four people on central coms, that she would be shortly engaged in work for another department, and could not guarantee to get round to giving us any help for four to six weeks.

475 Bearing that in mind, further down the line, we decided to reverse our policy. We took the view, 'yes, we hear what our officers are saying, this is not the current practice', but it is within your mandate to take or reject that advice. Originally, we accepted it. But as we were getting nearer to the day of debate and finding ourselves under terrific pressure, having not engaged with the people, we decided that we actually change our policy and engage a PR company.

**The Chairman:** I will come to Advocate Harwood in a moment.

480 Was it a case of wanting extra resources for PR; or was it actually that you wanted a different type of PR?

**Deputy Le Pelley:** We wanted a different type of PR. We are aware that we are likely to be over budget.

485 How do you describe over budget? It is important that you understand this. The budget that we put in was a certain amount. We were then told we had to pare back, £2.4 million, I think it was, to actually come within the budget cuts that had been approved. We were not going to achieve those cuts, but we were less in our spend than the previous year.

490 So, it is not a matter of overspending *per se*; it was a matter of not meeting the actual cuts that had been demanded of us.

**Deputy Roffey:** But was it the type of PR that made it different?

495 **The Chairman:** Was it about wanting more resources for PR, or was it wanting a different type of PR?

500 **Deputy Le Pelley:** We had a budget, there was a communications element to it, and we decided that we wanted to engage in a different way and that, to do that short-term, a quick thing over a period of something like eight weeks, engaging a PR company could be a way to help us out in our difficulties.

**Advocate Harwood:** Can I just focus again on the minute of 8th November, which I think is an approved minute? It said categorically, 'the Committee dropped plans for engagement of an external PR company'.

505 Then there was a note, action: Mrs Bougourd and Mrs Putra was to meet and discuss steps with regard to extra communication support.

It is clear, there was a positive decision not to proceed with an external PR company at that stage?

510 **Deputy Le Pelley:** At that stage, we took officers' advice.

**Advocate Harwood:** Was there a report brought back, between the 8th and the 21st, from Mrs Bougourd and Mrs Putra on the communications strategy?

515 **Deputy Le Pelley:** I do not remember talking to Mrs Putra again, but there were some soundbites and some bits of video, I think, were taken by our PR lead, and that they were going to be used on our official website and we were hoping that we could actually also use those in whatever the PR people were doing.

520 **Advocate Harwood:** That was done through internal communications?

**Deputy Le Pelley:** The various bits of talking to camera, advertising and promoting the three-school model, yes.

525 **Advocate Harwood:** Can we move onto the 21st?

**The Chairman:** Yes, I think we need to do that, 21st November.

**Advocate Harwood:** That is the chronology that we have, 21st November, which, again, these  
530 are approved minutes.

This item appears under 'any other business'. We have not seen the agenda, so we have no idea whether all members of the Committee were aware that this was going to be raised again at that meeting, the issue of communication.

Suddenly, under 'any other business' there is reference to –

535 **Deputy Le Pelley:** If it appears under 'any other business', it would not have been itemised on the agenda.

**Advocate Harwood:** So, therefore, those members who may not have been present at the  
540 meeting on 21st November, would not have been aware that this was going to be raised?

**Deputy Le Pelley:** I am pretty sure you are right.

**Advocate Harwood:** As a matter of corporate governance, when you have had a positive  
545 resolution not to proceed and then, suddenly, under 'any other business', there is a suggestion you should reverse that, was it appropriate to actually to proceed with that decision, at that meeting on the 21st? Would it not have been better to have deferred until you had the full Committee, who had all received notice of that intention?

550 **Deputy Le Pelley:** I take the point you are marking, but we were under terrific pressure of time. We were anticipating a debate on 13th December, and this needed to be moved pretty fast.

At the end of the day, we were also sure that, whatever was proposed or was presented, would actually not go live or not be put into operation until the full Committee had actually approved and given the go ahead.

555 **Advocate Harwood:** Again, I think it is worth noting, in the minute we have seen, in deciding to go ahead to commit to an external PR, you were acting against the advice of your acting chief secretary?

560 **Deputy Le Pelley:** Whereabouts are you in the minutes?

**The Chairman:** It is in page 3.

**Advocate Harwood:** There is a paragraph here:

Mr Nutley said he thought this matter had been resolved when it was last discussed. Members had agreed not to engage an external firm. Mr Nutley said that he thought the earlier decision was correct and advised against overturning it.

565 **The Chairman:** Half-way down the minute on page 3.

**Advocate Harwood:** It is still under 'any other business'.

570 **Deputy Le Pelley:** Mr Nutley did indeed say that.

**Deputy Roffey:** You have obviously got the right to go against that advice, but you would need a reason for doing in it.

In the minute it says:

Deputy Le Pelley supported the proposal, to give it the majority.

575 Was that your reason, just to make sure a majority vote went one way or the other?

**Deputy Le Pelley:** No, that is the wording that the person who recorded the meeting decided to put it in.

I did not say, 'I am going to vote this to give it the majority.'

580 **Deputy Roffey:** But, that minute, later on?

**Deputy Le Pelley:** Yes, because that is what happened. But it is not what I said.

We were asked, it was put around the table: 'Do you approve this?' Yes, yes and yes. Mine was the third yes. So, that was the approval.

585 **The Chairman:** Just so we are clear, that was yourself, Deputy Le Pelley, Deputy Meerveld and Deputy Inder. Deputy De Lisle abstained, I think.

590 **Deputy Le Pelley:** Deputy De Lisle asked a question, 'Is there money in the budget for it?' The answer that was given was, 'There is not specific money for it.' But, I think Mr Nutley was asked, and others will correct me if I am wrong, is there any way that money can be found, within other parts of the budget, that the States' Education, Sport & Culture Committee has got, that could be used to it? The answer was, 'Yes, we could find it somewhere, because there is a communications sub-budget.'

595 We moved on. You might want to class that as abstaining or saying no. I do not know. But the actual conversation had moved on.

You will have to ask Deputy De Lisle.

600 **Advocate Harwood:** I was going to say, can we ask Deputy De Lisle at this stage, what is his recollection of this issue and what led him to abstain or vote against?

**The Chairman:** Deputy De Lisle, 21st November, you abstained on this. What was your recollection?

605 **Deputy De Lisle:** Well, I was never for supporting it financially, in any way, because in the past, with respect to the other issues, drawing up minority reports and also amendments to Policy Letters, I had always put in my own efforts and I never asked for any assistance from anybody.

My point was that, if the Deputies that were making requests to the department wanted assistance, they could get that from the officers, perhaps, who might be amenable to that;



610 whereby the officers could answer whatever questions they had, but there should be no funding from the ESC department. There was no budget for it.

**The Chairman:** From the budget grant? Well, thank you, Deputy De Lisle.

615 I will return to Deputy Le Pelley. Can we just be clear, at this point in the discussion on 21st November, is the discussion still about extra resources for PR, or was it, to any extent, about the style of the communications campaign? Was there discussion about both the resources and the style of the campaign? Can we be very clear on that?

**Deputy Le Pelley:** I do not think we discussed the actual style of the campaign in detail. We  
620 were talking, Deputy Meerveld will answer the questions on that, because he was the one who brought the idea forward.

**The Chairman:** You were in the meeting.

625 **Deputy Le Pelley:** Deputy Meerveld wanted to engage the public through social media. We just did not have the staff that could be operating social media to the degree that would be required. It was a different direction, a different form of engagement with the public.

We did not actually discuss exactly how that would be lined up. It was a matter of, we asked the question of what permissions do we need to spend money and the answer was that if you  
630 wanted to spend up to £10,000, you needed three verbal quotations. If you wanted to spend up to £20,000, it had to be three written quotations, and if you wanted to spend more than that, I am not quite sure what you needed to do.

We looked around and said, with the time given and what we needed to do, 'Deputy Meerveld, we are happy for you to go and investigate and talk to other people about what could be done  
635 for up to £10,000.'

We agreed he could do the £10,000.

**The Chairman:** This is the nub of the issue, though. What exactly did your Committee  
640 authorise Deputy Meerveld to do? If we start with your understanding – I will come to you in a moment, Deputy Inder – as President of the Committee, Deputy Le Pelley, what was your understanding, in terms of what authority was given to your colleague, Deputy Meerveld, to do?

**Deputy Le Pelley:** He was allowed, or he was going to go, to talk to, I think it was one  
645 particular company, to see what they could do in, it was not a PR organisation, it was social media involvement.

**Deputy Roffey:** Deputy Meerveld recently has been on the media saying that he is pretty  
650 much a social media virgin, does not have accounts on this and that. You had a professional director of communications, you had a board member with a professional background in internet marketing. Why did you choose Deputy Meerveld to be the person to go out and set this up?

**Deputy Le Pelley:** Deputy Meerveld put himself forward. Deputy Meerveld was a person with  
commercial experience and had been involved in marketing. He volunteered his services to go  
and do that.

655 But I was pretty sure it was going to be pretty closely checked by other people on the Committee who had social media skills. I certainly do not have social media skills. I do not get involved in it, particularly. But we did have, do have, two people who are very, very savvy in social media.

660 **The Chairman:** Advocate Harwood, then I think I need to bring in Deputy Inder.

**Advocate Harwood:** Deputy Le Pelley, the extract from the minutes of the meeting – again, these are approved minutes – still under the item of ‘any other business’:

Members therefore agreed to engage with a private PR company to promote the secondary and post-16 Policy Letter. It was agreed that Deputy Meerveld could commit to up to £10,000 of expenditure on this matter.

Is that an accurate statement of the outcome of that meeting?

665 **Deputy Le Pelley:** I believe so.

Whatever he came up with had to come back to the Committee for further approval for the content. So, anything that was going to be published had to have the full support of the Committee; or the majority support of the Committee, anyway, if Deputy De Lisle has put the position he has put. Not only that, but we expected it to be compliant in every way with the guidelines.

675 **Advocate Harwood:** With respect, the minute does not actually reflect that sort of conditionality. All it says is you agreed Deputy Meerveld could commit to up to £10,000 of expenditure on this matter.

There is no reference to the content or anything else, is there?

680 **Deputy Le Pelley:** No, there is not. But I think if we were to go into the kind of details that you are talking about on every single issue, we would have minutes of about 40 pages long for every meeting.

685 **Advocate Harwood:** I accept that. But this is an important minute, because it was actually mandating an individual member of your Committee to go out and do something on behalf of the Committee.

**The Chairman:** Deputy Inder, Deputy Le Pelley has just indicated what his understanding was of what the Committee had authorised Deputy Meerveld to do, on 21st November. What is your understanding? You were there as well, and you gave them the majority –

690 **Deputy Inder:** My worry about the line of questioning and possible understanding of a couple of words, there is a vast difference between engaging with and appointing. On that day, we did not appoint anyone at all.

To give you an example: your tap is broken in your house, you call up a plumber; he is going to turn up at your house and, as soon as he walks through that door, he is charging you. When you engage with an advertising agency, and this is the difficulty, it is the use of the word PR; PR to me in a stricter sense, means public relations, in the main, the written word. In the context of the conversation, because there were still some expressions of concern from the officers, Deputy Meerveld was using this word ‘PR’, ‘PR’, ‘PR’. Now, that is an alarm bell to the officers, because we have clear public relations guidelines, messages, and it was important that there was not, effectively, two different messages going out.

700 If you have got an external PR agency –

**Deputy Roffey:** So, what was this, then?

705 **Deputy Inder:** Can I just finish?

If we got an external PR agency, and this was the word that Deputy Meerveld kept using, and I knew he meant ad agency, i.e. visualisations, logo, design, banners, and I explicitly said to the officers at that point, ‘Do not worry too much what Deputy Meerveld is likely to do – he might develop some logos, some messages.’

710 We did not actually know, at that point, where those initial designs would be placed. Of course, social media would have played a part in that, absolutely. You mentioned the fact, Deputy Roffey, I have got a background – I would have done it myself, to be perfectly frank. I would not have paid one penny for a social media campaign, because Facebook groups, Facebook pages are fairly easy to set up.

715 So, at that point, the intention, or my understanding of using the words 'engaging with' was for Deputy Meerveld to have gone out, designed, come up with some ideas and designs – possibly some strong messages – brought them back to the Committee, accepting that we were on such a short time, it might not have been the full pitch you would normally get.

720 **The Chairman:** But, the minute that Advocate Harwood just referred to a moment ago, is:

Members therefore agreed to engage with a private PR company ...

Was it a singular ad company that you were envisaging, or was it more than one?

**Deputy Inder:** I think, Deputy Meerveld is welcome to correct or comment –

725 **The Chairman:** We will come to Deputy Meerveld.

**Deputy Inder:** Back to your initial point, some time ago, when were we aware, I was aware that Deputy Meerveld, before 8th November, which I think was a point we did not answer, was keen to talk to an external agency.

730 I was aware that, just in private conversation, he was fairly keen. But it was not a PR company in the understanding. It was a visualisation and we do not know what would have come out of it.

**Deputy Roffey:** On this point of engagement, the minute also says 'commit to up to £10,000'. That is not just a plumber coming around to give a free estimate, is it?

735 **Deputy Inder:** My reading of that is that, if you set a budget, have got a budget up to something, which does not mean you spent it on the day that you have accepted there is going to be a budget. Had the due process been completed, inasmuch as had Deputy Meerveld come back to the Committee, within those designs, there would have been a media schedule, there would have been pricing, there would have been print costs.

740 Only at that point that we approved would we have known what that figure was. So that was my understanding of it. In the main, advertising agents in Guernsey, they do a lot of free work, they come up with some ideas. Only once a client has approved something, and attached to that is a quotation, is an invoice then prepared and given –

745 **Deputy Roffey:** So, this approved minute was rather incorrect, then? You did not approve that you should commit up to £10,000?

750 **Deputy Inder:** My understanding, and that is purely because of my background and it might be my perception, was it was not for him to appoint an advertising agency that day and spend £10,000. My expectancy would have been that he would have come back with a media schedule, quotes, a couple of ideas and then a cost attached to that.

My understanding, we would have spent up to £10,000 – and it may not have been £10,000 until we had seen the quotes and media schedules.

755 **The Chairman:** Advocate Harwood.

**Advocate Harwood:** But, how do you reconcile that wording, then, with that final sentence?

It was agreed that Deputy Meerveld could commit up to ...

760 Commit implies that there is a commitment to be given, on behalf of the Committee, to an item of expenditure.

**Deputy Inder:** I accept that that is written there, but I do not accept that would be my expectancy, having had 30 years' experience in it. You cannot fork out £10,000 with a company  
765 without the approval of the Committee.

**Deputy Roffey:** Given that the States' Rules make very clear that, if a Committee delegates a task to an individual member, they are acting on behalf of the whole Committee and the whole Committee takes responsibility, would it not have been sensible to have actually, rather than  
770 passing a minute that gives the impression that he had full authority to go and commit to £10,000, to absolutely define the limit of the responsibility that had been given to him?

**Deputy Inder:** I can only describe to you – and we can engage with, appoint, commit to – my understanding and add the nuance of my understanding of the end of that meeting.  
775

**The Chairman:** Let us have just one more question to Deputy Inder and then we need to get back to Deputy Le Pelley.

**Deputy Roffey:** Can I ask one more of Deputy Inder?  
780 I am fascinated. On 8th November, when this was first discussed, and it was a staff recommendation to decline it and, as I understand it, you are the only member of the Committee with a real professional background in this sort of area, you chose this agenda item to go out of the meeting to have a cigarette. What was going on there? Why were you not there to – ?

785 **Deputy Inder:** That is a nice piece of game there, Deputy Roffey. I actually left the meeting. I did not go out for a cigarette.

**Deputy Roffey:** Sorry, I am just reading the minutes before me.

790 **Deputy Inder:** I have already picked Mr Whitfield and Mr Vaudin up on that. You have been absolutely misled. I left the meeting. That is a bit naughty, because you will see that I just left the meeting, because I had somewhere to go with my child. There might have been a bit of a standard joke, 'Going out for a fag, Neil?' That is a bit naughty. (*Interjections*)

795 That is quite important, because that is your evidence and there are nuances in there and suggestions, a bit of churlish and bit of 'Ha, ha, Neil has gone out for a cigarette!'

**Deputy Roffey:** That is why I wanted to put it to you.

**The Chairman:** We will be coming back to you, Deputy Inder. Do not worry.  
800 Advocate Harwood

**Advocate Harwood:** Before we go back to Deputy Le Pelley, could I ask Deputy De Lisle, we are questioning the wording of this particular minute, under 'any other business'. What is your understanding of what the outcome of that meeting was, in terms of authority that was given to  
805 Deputy Meerveld?

**Deputy De Lisle:** I think it is very important to express that that proposal was supported by majority. I abstained from it. In fact, further on, it said:

Members, therefore agreed to engage ...

That is not correct; because I did not agree to it.

810

**Advocate Harwood:** No, but you were present at the meeting?

**Deputy De Lisle:** I was present at the meeting.

815

**Advocate Harwood:** What was your recollection of what actually was agreed by the majority?

**Deputy De Lisle:** My recollection was that –

**Advocate Harwood:** Do you think the minute is accurate?

820

**Deputy De Lisle:** Well, it is not, because it should have said that members agreed by majority to engage.

**Advocate Harwood:** Leaving that aside, are you content with the rest of that minute?

825

**Deputy De Lisle:** I think it is a little strong. That is all I would suggest. 'Could commit ... ' I am not sure.

From my point of view, this was going in the wrong direction, so I just dissociate myself from the whole thing. That was up to me. The Committee, by majority, decided to go in that direction. That was up to them.

830

**The Chairman:** That is understood.

**Advocate Harwood:** But you are happy with the wording, accepting the point that it does not reflect that it was by majority?

835

**Deputy De Lisle:** Again, it was agreed by majority.

I think whoever drew up these minutes looked, probably, at the earlier statement, where it says:

Deputy Le Pelley supported the proposal, to give it the majority.

840

So then perhaps they felt that it was not necessary to use the word 'majority'.

**The Chairman:** Okay, I think we accept that. Thank you for that clarification.

Can we return to Deputy Le Pelley? We have been talking about the minutes of the meeting on 21st November. In our pack of documentation, at page 4, we then have, dated 22nd November is the engagement letter, on headed notepaper. I am not going to refer to the name of the PR company, or whatever they are.

845

This is a day later, Deputy Le Pelley, 22nd November. A letter, which is addressed in the name of Carl Meerveld, States' Deputy, the Office for Education, Sport & Culture.

Did you see that letter? When did you first see that engagement letter, Deputy Le Pelley?

850

**Deputy Le Pelley:** The exact date? Sorry, I cannot remember. But I did see it and I understand what is meant. It was sent to me on 22nd November. I do not know when I opened it.

**The Chairman:** This is the day after the Committee meeting.

855

Can I just refer you to the text of that letter? There are three numbered points there. The third point, in a list of three, this is setting out the nature of the campaign aims, I think.

**Deputy Le Pelley:** It might be an idea to list all three, so we can see it in context.

**The Chairman:** Of course, yes.

1. Improve public awareness of the Committee's three-school plan.
2. Provide a level and informative platform, for the public to compare and consider your three-school model against that risks that the two school alternative presents.

860 And, this is the one that I was specifically interested in:

3. Engender active support, from the public, that could help influence the opinions of Deputies.

What did you make of that?

865 **Deputy Le Pelley:** What I made of it was that we needed to engage with the wider general public, to ensure that, when we came to make our decisions in the States, the views of the public were known.

We were also trying to publicise our own three-school model. If you get engagement with the public, you are going to have, probably, more than two sides or views expressed.

870 We were not trying to suppress anybody's views, we were trying to engage with people to get them to tell us what they wanted and what they thought.

The best way for the Island public to do that, before a States' debate, is for them to engage with their Deputies.

They can express whatever view they want to. We were hoping that we would persuade them to support the three-school model.

875

**The Chairman:** Deputy Roffey.

880 **Deputy Roffey:** Did it surprise you that a very specific engagement letter came in the very day after? You had done a U-turn and approved, in principle, that perhaps you were going to do this. It was only a 'perhaps', we have heard that, and yet, within 24 hours ... Does it not sound like the thing was already arranged, before you were asked to do the U-turn?

885 **Deputy Le Pelley:** I did not anticipate that it was already arranged. Deputy Meerveld had had to go out and get three verbal estimates, or quotes, which he had done. He had explained, I think, there was only one of the three quotes that was the best offer. Other people either could not do it or could not do it in the time given.

You would have to ask Deputy Meerveld exactly what they said to him. He had decided that this was the best option, and this was the one that he brought forward.

890 **The Chairman:** Did you think that kind of whipping up public pressure on Deputies was a slightly odd way of trying to influence a States' debate?

895 **Deputy Le Pelley:** Not at all. It was just to get people to express their views, so that we knew what the population of Guernsey wanted, whether they wanted a two-school model, or a three-school model.

If you have got three schools, our particular thing, was schools of between 600-1,000. Two schools were schools of 1,400 and 1,500 students. The general public would have had a view on whether they wanted those kinds of schools in Guernsey. It is a massive change from anything we have ever had before.

900 So, we were asking the public to engage with their Deputies, to express their view. We would prefer them to support three schools, but they could support anything they wanted.

They were not being told, 'You have got to support three schools.'

**The Chairman:** That is understood.

905 Could we go to page 7, where there is an email replicated? An email sent by Deputy Meerveld, on 29th November 2017, at 3.23 p.m. and it was sent to Deputy Inder, Deputy Dudley-Owen and yourself. Not sent to Deputy De Lisle. The subject is 'Forward visual assets for the campaign'.

I think Deputy Meerveld was sharing with you and colleagues, apart from Deputy De Lisle, the draft statements and other supporting imagery in relation to the campaign itself.

910 **Deputy Inder:** Deputy Green, can I correct you, there?

**The Chairman:** Deputy Inder, yes.

915 **Deputy Inder:** What was shared, and it is important this distinction connecting campaigns and visualisations, was a logo, three envelope banners – it might have been four, you will have to excuse me –

920 **The Chairman:** I think we have those replicated on pages 5 and 6. Are we talking about the same thing? Have you got that in front of you? It might be helpful if you can just confirm. Page 5, 'don't waste millions'?

**Deputy Inder:** Yes, that sort of thing.

925 Some headlines. You use the word 'campaign'. No campaign had been created, at that point. A campaign is the action following the media schedule. That is really quite important.

**The Chairman:** Let me rephrase that question then, because the question was to Deputy Le Pelley.

930 Deputy Meerveld is sharing with you and Deputy Inder and Deputy Dudley-Owen and not Deputy De Lisle, 'the draft statements and other supporting imagery are below', he asks:

I need your authority to get them started, otherwise we are reducing the time for them to have a beneficial impact.

Presumably, attached to that email are the square images that we see replicated at pages 5 and 6. Now, on page 6, the first image recreated there is 'two schools don't add up' and the text underneath that heading is, and I quote:

A two-school option could cost many millions of pounds more than three schools on planning, construction, conversion of premises and compulsory purchases, with few, if any, savings in running costs. Another example of the States wasting Islanders' hard-earned cash.

Deputy Le Pelley, did you read that email, first of all?

935 **Deputy Le Pelley:** No, I did not. I was in France at the time. I was in France from 28th to 30th November. That email, I did not receive. I had communications from time to time, but I was mostly on the move. I am not a person who uses my phone, particularly, or devices. Certainly, I was not having access to the internet on an iPad. I was out and about. When I was flying, I was in airplane mode with all devices switched off. Then I was in a car, with my iPad in the boot of the car in the luggage.

940 I had about an hour, of an evening, to actually go through emails. There was something to the tune of about 200 per day coming through, attachments not being able to be downloaded. So, I did not see this until I went back to Guernsey.

945 **The Chairman:** When did you read it?

950 **Deputy Le Pelley:** When did I read this? I would guess, probably, on the Friday afternoon, when it was drawn to my attention by the Chief Secretary.

**The Chairman:** Friday afternoon; what date would that have been?

**Deputy Le Pelley:** December 1st.

955 **The Chairman:** December 1st? Okay.

**Deputy Roffey:** What do you think of the appropriateness of that message? A States' department putting out 'another example of the States wasting millions'.

Was that appropriate for States' departments?

960

**Deputy Le Pelley:** As far as I am concerned, this was artwork that was to be considered. It certainly was not anything that was to be published. It was to be considered.

I certainly did not anticipate an emergency meeting of my Committee on Thursday, the 30th, and I certainly was not expecting anything to happen until the following Tuesday, which was when the next scheduled meeting was.

965

**Deputy Roffey:** Do you regard it as inappropriate, had that gone out?

**Deputy Le Pelley:** I would not have particularly approved it.

970

You are asking me to anticipate what I would or would not have done after the event.

**Deputy Roffey:** I am asking your opinion. Is a States' department going out and saying to the Island, the States wastes millions of pounds, is that a good way for a States' department to operate?

975

**Deputy Le Pelley:** I would not have approved that artwork, had it been given to me in time.

**The Chairman:** I think, bearing in mind the email was sent both to Deputy Inder and Deputy Dudley-Owen, as well, we now need to ask questions of those two on that.

980

Deputy Inder, if I could just start with you, because we see that you responded to Deputy Meerveld at 6.53 p.m. on 29th November:

I like the logo. Be careful of the £93k image, as it is not wholly accurate. It is an unavoidable fact that three on the Committee voted for it. What are the costs to date, what is the media schedule and is NB/MN aware of where you are going with this?

That is not an authority to proceed.

For the avoidance of doubt, what did you mean by 'that is not an authority to proceed'?

985

**Deputy Inder:** Deputy Meerveld had asked for our authority to proceed. I just made a comment on the visualisation and back to what I perceive as the end of the 30th meeting, where there were concerns expressed over PR and, I think I said, initially we were expecting an approval process. When I use the words 'what are the costs to date, what is the media schedule and is NB/MN aware of where you are going' –

990

**The Chairman:** Who are you talking about there, just for the record?

**Deputy Inder:** That is Nicky Bougourd, who acts as our communications manager with Education, Sport & Culture, and Malcolm Nutley.

995

In short, he asked for approval. He did not get approval from me and I wanted to ensure that, at least, the logos and the statements, had gone through a process. Obviously, I asked for costings. By asking for a media schedule, you are asking for costings.



1000 **Advocate Harwood:** Can I just go back, Deputy Inder, to the letter of engagement from the PR company. Do you recall having seen that?

**Deputy Inder:** No, sir. I had not sight of that.

1005 **Advocate Harwood:** That was not copied to you?

**Deputy Inder:** No, sir.

**Advocate Harwood:** Can I ask the same question, perhaps, of Deputy Dudley-Owen.

1010 **Deputy Dudley-Owen:** I do not recall seeing it.

**Advocate Harwood:** Deputy De Lisle?

1015 **Deputy De Lisle:** No

**The Chairman:** Deputy Dudley-Owen, you seem to have received the same email from Deputy Meerveld, on 29th November, did you read that at the time, or soon after?

1020 **Deputy Dudley-Owen:** No, I did not. We were in the middle of a very busy and quite focused debate on population management. I sit on another Committee as a member for Economic Development and we had brought a Policy Letter, which was a little bit contentious, due it being the opposite of what the Home Affairs Committee was bringing, as well as it voided amendments P&R had brought, to subsume various proposals into the original Policy Letter.

So, I was really very focused on another matter, wanting to speak on that debate.

1025 **The Chairman:** Do you remember when you did see that email for the first time?

1030 **Deputy Dudley-Owen:** I really do not remember, because 29th November was a Wednesday and I had a parent-teacher meeting straight after the debate that day. So, I did not get back home until after 7 p.m. and I work outside the States, as well, so I had to dedicate myself on catching up on emails there.

1035 **Advocate Harwood:** Can I just ask a supplementary? Taking you back to the minutes of 21st November, when the U-turn was agreed, you were not present at that meeting.

**Deputy Dudley-Owen:** No, I was not.

1040 **Advocate Harwood:** Were you aware that this item was going to be brought up, under 'another other business'?

**Deputy Dudley-Owen:** No, I was not. I was again engaged, I had been asked to attend a P&R meeting, with regard to matters surrounding the Economic Development issue with the public trustee and so I was fully focused on that.

1045 **Advocate Harwood:** You have also confirmed that you had not seen the PR company's letter of engagement?

**Deputy Roffey:** If you were not aware that it was going to be brought up as a matter of 'any other business', you had been party to the original decision to say no; so, at what point were you

1050 told, after that, that actually the decision you had been a party of had been overturned in your absence.

**Deputy Dudley-Owen:** It is a very short timeline, so I cannot remember exactly when I was told, in a very informal way, between that meeting happening and the next meeting, the extraordinary Committee meeting that was called during the States' debate on 30th November. But I am afraid I cannot tell you exactly when.

It was such a condensed, very busy period, it is difficult to actually pinpoint when.

**Advocate Harwood:** Just as a matter of interest, did you respond to Deputy Meerveld's email of 29th November, when he asked for authority?

**Deputy Dudley-Owen:** I do not recall responding.

**The Chairman:** 30th November, I think we are back with you, Deputy Le Pelley. We are almost done with you, as it were!

**Deputy Le Pelley:** Thank you for that. It is a reassurance!

**The Chairman:** 30th November when, we were just discussing, there was this kind of meeting during the lunchtime recess of the States' Meeting. The minute seems to suggest we had Deputy Meerveld, Deputy De Lisle and Deputy Dudley-Owen, together with Mr Nutley and other officers. Not present: yourself and Deputy Inder.

You, obviously, were not at the meeting. We are led to believe that the social media campaign itself went live, kind of Thursday or Friday of that week. Did you know about that?

**Deputy Le Pelley:** On which date?

**The Chairman:** I believe it was the Thursday, which was 30th November, not Friday.

**Deputy Le Pelley:** I am told about it, seven o'clock in the evening, of 30th November. I am in France. I got back to Guernsey some time later than that, at eight o'clock, or whatever it was, in the evening, and I was not aware of any of this happening. Because, again, my baggage was in transit. I flew from Paris –

**Deputy Roffey:** So, you never saw that material on social media?

**Deputy Le Pelley:** No. I still have not.

**The Chairman:** Deputy Dudley-Owen, you were at the meeting on 30th November, do you remember the term 'guerrilla marketing' being used in that meeting?

**Deputy Dudley-Owen:** It is noted as being used in our red book, which is the written notes that capture, quite succinctly and accurately, phrases that are used during the meeting.

**The Chairman:** Was there a discussion in that meeting about what that term meant?

**Deputy Dudley-Owen:** No. But I have a marketing background, so I am aware what the term is. It is a commonly used term within the marketing field.

**The Chairman:** What does it mean?

**Deputy Dudley-Owen:** It is alternative ways of getting your message out to the public and raising awareness. Now, it could be gimmicks that you use. It could be social media campaigns, but used in a slightly different way.

1105

**The Chairman:** In the meeting on 30th November, did, to your knowledge, anyone including yourself raise any concerns as to how guerrilla marketing might conform or not with the States' communications guidelines?

1110

**Deputy Dudley-Owen:** No. The context of the meeting was that it was called very hastily, in the last minute, late in the morning, of 30th November, as I have just alluded to earlier, within the middle of a heavy debate on the population management issue; and other issues, as well, that were raised.

1115

I cannot recall the exact time, but I seem to remember, about late morning, that I received an urgent email, asking me to respond to say whether I could or not attend. I put other arrangements aside and said that I would. This was specifically to discuss publishing information that we had commissioned, using the £93,000, for looking at high-level feasibility studies for traffic and access, which you are aware of. We were very keen to show that that money had been spent wisely, and that it was only right and proper that that research was put in the public domain, first to Deputies and then out to the wider public, so that they can make an informed decision about the debate.

1120

That was the meeting, the substance that was on the agenda.

1125

The context is that we leave the States' Chamber and, obviously, your mind is a lot on other things, because you are in the middle of a debate. I received phone call saying one of my children was in A&E. So I am in a meeting, keen to get out. Luckily, it was not serious. But the commentary that was given by Deputy Meerveld was extremely brief; less than five minutes. I had not been briefed on the terms of the engagement because, as I said to you before, the timeline was so short. We had not had a full Committee meeting. I had not been adequately appraised of the terms upon which the PR agency, or the agency had been engaged.

1130

So I was not in a position to comment.

**Deputy Roffey:** Can I ask, when it did go live, did you view the Facebook page?

1135

**Deputy Dudley-Owen:** I saw the header of it, because I go onto Facebook, and when I saw the header of it – I cannot remember when that was, I think it was after this meeting – but as I say, that was such a condensed period, on Friday –

1140

**Deputy Roffey:** Did you realise it was the campaign that you had been talking about, or did you think –

**Deputy Dudley-Owen:** I put two and two together and I was not happy with what I saw.

**Deputy Roffey:** Did you ask for it to be taken down?

1145

**Deputy Dudley-Owen:** Not that evening, but I did agree for it to be taken down. I asked for it to be taken down, in a subsequent email.

1150

**Deputy Roffey:** Did you share the link with anybody else? Did you promote people to look at it?

**Deputy Dudley-Owen:** No, it was something that I did not quite understand; because I did not understand what the message was behind it.

1155 **Deputy Roffey:** You have given us a definition of guerrilla marketing, it has been put to me that the classic definition of this would be an 'astroturf campaign', something designed to look like grass roots, but not grass roots. Would you agree with that?

1160 **Deputy Dudley-Owen:** No, I would not. I would say that marketing in its traditional format, you could go into the newspaper, you could put adverts out, or you put posters up. There are different ideas around marketing, now, and getting your messaging out, from, I am not quite sure off the top of my head, but there are different ways that people do it, flash mobs, things like that, in the street.

1165 That is not to say that was what we would want to do in the high street, do a flash mob dance, or something like that. But certainly, it is more creative ways of getting the message out to the public.

1170 **Deputy Roffey:** One more question, if I may. We all tend to live in silos, politically, don't we? You refer to the population debate, that you had been very much involved in. How do you think you would have reacted – obviously your Committee had a very different view from that of Home Affairs – if they had embarked in this sort of campaign and spent £10,000 to say why their approach to population was right and that yours was wrong?

1175 **Deputy Dudley-Owen:** Sorry, can you repeat that? I am not quite sure I understand the context.

1180 **Deputy Roffey:** This £10,000 was to promote the fact that the three-school idea was right, and the two-school idea was wrong. That obviously felt right to you, because you believe it. I am trying to wonder where we go, if other Committees start going down this line and how you would have felt if Home Affairs, for instance, had spent £10,000 promoting their approach to population control, as opposed to Economic Development's.

1185 **Deputy Dudley-Owen:** If that was how that Committee felt was the right way to promote their message, then there is a democratic process to go through to discuss whether or not the decision is the right one. How they promote their message is up to them as a Committee and it is within their gift, I think, to have that £10,000. If it is gone through the right way, with going out with the different options and there is full Committee approval, I cannot see the problem with that.

1190 **Deputy Inder:** Can I just respond? It is worth saying that there is a little bit too much connection between the communication message and what Education, Sport & Culture did.

Bear in mind that, at some point after this portion of the hearing, you will be talking to Deputy Meerveld, who has already accepted he made a number of mistakes. He took it on his own shoulders, and he has resigned as a consequence of that.

1195 **The Chairman:** We are testing the evidence. That is all we are doing. We are not saying one thing or another.

**Deputy Roffey:** As Deputy Inder has brought that up, can I ask the same question I did to Deputy Dudley-Owen? Did you look at the campaign online, did you look at the page?

1200 **Deputy Inder:** I will tell you what I did do. I know where you are going with that, because it has already been used once.

I remember seeing something on my phone. Mr Fernandez re-published something on Twitter. That is not the Facebook page. He basically published, effectively, a screenshot of the banner, or something, and I saw it on a very small device.

1205 What I did do, I obviously retweeted it and the reason you retweet things sometimes is it just how you use your devices. You can go back later and look at that portion of the content that you have retweeted. Straight after that, I remember going back to my Facebook app, because there was not a link from the Fernandez Twitter feed to a page. It was just a screenshot of something he had seen.

1210 I cannot actually remember what the message was; it happened so quickly.

**Deputy Roffey:** Did you realise it was your campaign?

**Deputy Inder:** Let me finish.

1215 I then went straight to the Facebook app and put in 'campaign three schools', 'three schools campaign Guernsey'. I never actually ended up finding that page.

**Deputy Roffey:** You did not find that page?

1220 **Deputy Inder:** No. To this day, I have never seen the page that was published.

**Deputy Roffey:** You must have realised, when Mr Fernandez put this campaign for three schools on, that what you were looking at was the thing you had sent off one of your members to do, on behalf of the Committee?

1225 **Deputy Inder:** Yes, I think that was fairly clear.

**The Chairman:** Is that not –

1230 **Deputy Roffey:** He resigned because it was inappropriate. He resigned because what finally made it to air, if you like, to use an old-fashioned term, was inappropriate. You disseminated that. Were you not doing the exactly the same thing as him?

1235 **Deputy Inder:** That argument can be made but the point is, very quickly, I saw something, life got busy, we were in the States. I went looking for it, I could not find it and then, I think it was a day later, it was taken down.

Yes, I could have been criticised for retweeting that and I may have to accept that –

**Deputy Roffey:** Who did order it taken down?

1240 **Deputy Inder:** If I remember correctly, on the Friday ... was there a bunch of media questions? Mr Nutley might be able to –

**Deputy Roffey:** Okay, I will ask him.

1245 **Deputy Inder:** I seem to remember some media questions came in and, then, the phones went fairly hot, obviously, and there was an email back that said, 'Please unpublish it.'

1250 **The Chairman:** Just before we turn to Deputy Meerveld, I think, out of fairness, I just need to ask Deputy De Lisle, because you were there on 30th November, when the meeting happened during the lunchtime recess, and there was some discussion of these matters, that we have just been talking about. Deputy De Lisle, do you have anything to add about what happened in that Committee meeting on 30th November, last Thursday of the States' Meeting?

1255 **Deputy De Lisle:** The meeting was all about the timing of the debate and an amendment that the department had put in and also discussion surrounding public meetings – because, public

meetings had been set at Beaucamps and Beau Sejour; there was a drop-in as well – and, whether or not these meetings would be continued, if a later date was established, in January, for the debate. There was also discussion about the feasibility of research on the two-school model and when this should be released to States' Members and the public.

So, that was the meeting. That was the substance of the meeting.

**The Chairman:** In terms of the discussion, if any, about the use of an ad company to produce a particular campaign, is there anything that you wanted to say about that? Out of courtesy, really.

**Deputy De Lisle:** I just find myself outside of that, because I had not been involved with it and, also, I think, Carl Meerveld was on about getting outside help to market the three-school model. This was something that I did not agree with, anyway.

**The Chairman:** Okay, thank you for that clarification.

I think Deputy Roffey had one more question for Deputy Inder and then –

**Deputy Roffey:** I do, before we move on, yes.

Actually, I have got two, I am sorry. Were you the member of Education that asked Deputy Meerveld to step down?

**Deputy Inder:** Yes.

**Deputy Roffey:** You obviously felt, then, the material that made it onto the Facebook page was inappropriate. Was it just the fact that it was not badged by Education, or was it the nature of that material which really did replicate a grass roots campaign?

**Deputy Inder:** No, it was none of those reasons whatsoever.

What actually irritated me is that this had gone on too far, too fast. I clearly referenced my email, which said, in my head, 'you had no authority to proceed'. He had proceeded. We then had two headlines, actually.

What we had had that week was actually a very good week. We had had a public meeting, with very little pushback.

I am answering your question ...

**Deputy Roffey:** Yes, yes you are. I think I understand that. It is the fact, the way you did it without –

**Deputy Inder:** There were two headlines. There was the £93,000, which just was absolutely incorrect; along with the fact there was a Facebook page.

It just had all come and it was just time. In my opinion, he had acted –

**Deputy Roffey:** So, it was done in completely the wrong way. But were you happy with the content of the Facebook page?

**Deputy Inder:** I have just told you, Mr Roffey, I have never seen it.

**Deputy Roffey:** You have never seen it?

**Deputy Inder:** I have never seen the whole content of the page. We never approved it. I would have had to have found the Facebook page to have looked at it.

**Deputy Roffey:** You have not seen the wrecking ball.

1310 **Deputy Inder:** I will answer your question again. The only thing I saw was the screenshot and that was on a very small device. I looked at it for about two seconds. I explained in my last answer to the question, I went looking for it and I never actually have seen, in its entirety, that Facebook page. I could not find it on Facebook.

1315 **Deputy Roffey:** One very final question. If Environment & Infrastructure carry out a guerrilla marketing campaign on social media in favour of knocking down the L'Ancrese sea wall, how do you think you would have felt about that?

1320 **Deputy Inder:** I would not have been that happy, But maybe next time, I will ask for £93,000 to come up with a different budget, so I have got an alternative recommendation to it.

**The Chairman:** Right, okay. Before we turn to Deputy Meerveld, is there anything else any of the other four would like to say.

Deputy Le Pelley, is there anything else you would like to add?

1325 **Deputy Le Pelley:** Not today. I thought former Deputy Harwood might want to ask something.

**The Chairman:** I think Advocate Harwood has just been prompted by something I was thinking about.

1330 **Advocate Harwood:** We come back to the nature of the authority that was granted to Deputy Meerveld on 21st November, under 'any other business', at that meeting. Were you aware of the implications of actually granting a mandated authority under Rule 51, I think it is, and the consequence if any function is carried out by a particular member on behalf of the Committee, then the whole Committee becomes liable for the outcome of that?

1335 **Deputy Le Pelley:** I was under the impression that we had given Deputy Meerveld a task; a task that he was to go and inquire and to report back etc. He was not given the permission and I did not anticipate that permission to be given until the Tuesday meeting, which was going to be early December, for the actual thing to be launched.

1340 I was expecting that he would be coming back, with various other bits and pieces, and saying. 'Do I have final permission to actually go with this?'

**Advocate Harwood:** So you do not accept that he had mandated authority to commit to the Committee?

1345 **Deputy Le Pelley:** No, I understood that he could go and talk to these people. I understood he could talk to them as to what they could provide for us for £10,000, or up to £10,000, and I was also expecting that to come back to the Committee, for us to ratify it, 'Yes, that is okay. You may now press the buttons for go.'

1350 But that all happened ahead of time.

**Advocate Harwood:** Deputy Inder?

1355 **Deputy Inder:** When we received an email this morning from Deputy Green, which was a response to something overnight, I did actually want to ask some sort of legal clarification on that and it was based around the word 'function'.

**Advocate Harwood:** I do not think it is in our position to give you –

1360 **Deputy Inder:** Well, you are interpreting something, which I am not entirely sure, unless I can get –

**Advocate Harwood:** I am talking about the minute.

1365 **Deputy Inder:** I am talking the connection with the word 'function'. I am not clear –

**The Chairman:** You are talking about Rule 51?

1370 **Deputy Inder:** Yes, because I looked up last night. Now, I have seen, under the Machinery of Government in 2003, we moved physical functions from the Home Department to Home Affairs and it does not appear to me that asking someone to go out and have a look, talk to an advertising agency, is a function. A function of the Education Department is delivering education. So that is the bit I would like to seek some clarity on, at some point.

1375 **Advocate Harwood:** I think you may need to speak to the Law Officers.

**Deputy Inder:** It is important, the context.

1380 **Deputy Le Pelley:** In my answer to former Deputy Harwood, I understood I had given a task to Deputy Meerveld and that he was going to report back. I had not delegated a function.

**The Chairman:** That is understood. That is why, I think, the nub of this issue is exactly the nature of that authority that was given. Thank you for the clarification.

1385 Did anyone else have anything else to say? Deputy De Lisle, you have your hand up?

**Deputy De Lisle:** Yes, I just wanted to make the point that I was taken aback by the P&R approving £93,000 from the Budget Reserve and for that to be used, which I thought was unprecedented.

1390 I also felt that it was counter to the decision of the States, which was to work on a three-school model; because, essentially, it was undermining the work that the ESC Committee had been asked to continue by the States.

The fact was that, as I said, it set a precedent and as far as I am concerned, authorising it is a question of corporate governance, actually, that should be investigated.

1395 **The Chairman:** We are.

**Deputy De Lisle:** In reality, it allows this format to be repeated many times.

1400 **The Chairman:** Do not think that we are not concerned about it, because we are. Deputy Dudley-Owen?

1405 **Deputy Dudley-Owen:** Yes, I would like to make a comment that the incorrect statements published over the last few days by Deputy St Pier, before facts have actually been established through this Scrutiny process, or indeed an independent internal audit process, which the Committee have asked for –

**The Chairman:** You have requested that?

1410 **Deputy Dudley-Owen:** That is right. They have contributed to what I call an 'hysteria' on social media, by a few individuals that I shall not name, but they do know who they are – especially, targeted at Deputy Inder and myself, with some extremely, extremely distasteful comments, which



I am very, very upset about. I wish those individuals, through this forum, to take those posts down. I wish them to apologise to us.

1415 I think that Deputy St Pier has been very irresponsible, given his position, in putting out statements that are factually incorrect before checking with the Committee. I understand his position, that he needs to make statements, but given that the facts were wrong and that has incited individuals to be reprehensible in their comments and calling for our resignations and, in effect, I would say, trolling over this week.

1420 I think it has been a very sad consequence and it has been raised, recently, in States' Meetings, by other Deputies, Deputies Ferbrache and Queripel: they too have been abused over the last few weeks, with regard to statements they made.

So, I wanted to put that down on record, please.

**The Chairman:** Thank you.

1425 We will get to Deputy Meerveld.

**Deputy Inder:** Like Deputy Dudley-Owen, I am unimpressed with the leadership style of Deputy St Pier. Just for clarification, if you remember, I have sent an email to most of the Deputies here. Straight after I demanded Deputy Meerveld's resignation, we had the email, the incorrect statement, from Deputy St Pier, at 1.15 p.m., which invited us, or invited Members, to give him a call.

1430 I am pretty sure he was not expecting me to call him. He was on a train to Cardiff. I explained to him what had happened at the 9.30 a.m. meeting, because ultimately, he is the head of Policy & Resources. So, I would have thought, even though a pretty hideous error has happened, we would have got some support from him.

1435 That support, I thought, came from the fact that, in that conversation, I said to him, 'I accept you had to get a statement out at 1.15, because the headline is not good.' I let him know what had happened at 9.30 a.m. and the conversation with Deputy Meerveld and he said, 'I will tell you ...' – and I think he was going to call Deputy Le Pelley – 'it is for you guys to get your timelines together.' He told me to get the timelines together.

1440 I think I said, 'We are probably going to try and meet on Monday, but we are not scheduled before Tuesday.'

It was not implied in the conversation, but the expectancy would not have been to have another press release on Monday, another press release on Tuesday.

1445 To be perfectly frank with you, and I have said it publicly, it looks like trying to predetermine the outcome of this Scrutiny hearing.

It is absolutely deplorable how we have been treated. We acted immediately, when we found out. I spoke to Deputy St Pier and it looks to me, along with the officers, they are sending out a statement a minute – along with this rubbish, 'Deputy Inder went out for a cigarette'.

1450 With the greatest of respect, sir, it is pathetic, and it is understood by a lot of people. Even though we have made some errors, it is understood there is a political machination going on here.

**The Chairman:** Well, thank you for that.

1455 **Deputy Le Pelley:** Can I have my last word?

**The Chairman:** Yes, of course. Can we try to be slightly brief? I am conscious that Deputy Meerveld has been talked about a lot and has not had a chance to speak yet.

1460 **Deputy Le Pelley:** What I would also like to say, in finishing what I have to say is that I am quite upset and quite put out by some of the mis-reporting and the continued mis-reporting of the media, the *Press* in particular, that have been putting out stuff which is just not true. It has not been accounted. In fact, Deputy St Pier has actually added fuel to the fire. I, like Deputy Inder, did

1465 actually respond to him. I was warned that the sharks were circling, and I think I got that from the Great White Shark. *(Laughter)*

**The Chairman:** Alright, thank you.

**EVIDENCE OF  
Deputy Carl Meerveld**

1470 **The Chairman:** Deputy Meerveld, thank you for bearing with us. I am sorry you have had to wait.

Again, we have been trying to stick to a chronological approach with this and, if we start on 8th November, the first occasion when you suggested a particular approach in terms of PR?

1475 **Advocate Harwood:** Can we clarify, was that the first occasion when you suggested an alternative PR approach?

1480 **Deputy Meerveld:** I had been discussing with not only my Committee, but also other Members of the States, including Deputy Gavin St Pier, the fact that, in my belief, the States of Guernsey is reasonably good at telling people what it is going to do, but horribly bad at trying to engage with the public and sell the ideas to them, so they buy in.

1485 So that conversation has been going on since I was elected, basically, and as I mentioned, with Deputy Gavin St Pier on several occasions, and also said that, if we are going ahead with the transformation of education plan, we need to have budget in there for that engagement process on an ongoing basis. In fact, money was added to that proposal for the three-school model to accommodate that. So it has been an ongoing point of discussion.

1490 The point at which I suggested it to Committee: I had raised it several times, in the process of building up our models, that we were not being effective at reaching out to the public. This was confirmed by us going on a tour of all the principal schools, meeting with teachers who did not understand our three-school model, despite we had published consultation on 5th July, they had been copied into various emails.

1495 The fact is, the public do not read the States' media releases. The States makes a media release, the media then picks up the soundbites they want from it and they then proceed to put that into the public domain. It does not necessarily convey the whole message in the way that people relate to it.

1500 So, I think the first discussion at Committee when I was quite forceful about the fact we needed to reach out and engage with the public, with some urgency, to make sure the public was aware of what was happening, and as Deputy Le Pelley said earlier, we had members of the public chastising us for bringing forward a two-school model. So, we needed to get out there and not only highlight the benefits of our proposal but also the myriad issues with any two-school proposal that we had already examined and knew were there and had dismissed, before we ever got to this stage.

1505 **The Chairman:** This was to hit back, against the perceived momentum of the two-school model?

**Deputy Meerveld:** Correct.

**Deputy Roffey:** When did you first suggest that?

1510 **Deputy Meerveld:** It had been under discussion for a while. I had been pushing this idea for a month or two.

But it was specifically raised after the meeting of 6th November. When the meeting of 6th November was adjourned, we were sitting there, discussing these things with the members and I was saying that we need to do this, and the members were saying, 'We have got no money  
1515 to do it.'

I think I would be right in saying our acting chief secretary said, 'Look, if it has to be done, we will find the money from somewhere.'

I said at that stage I would go out and I would talk to some media companies and see what could be done.

1520

**Advocate Harwood:** Was this before the meeting of 8th November?

**Deputy Meerveld:** At the end of the meeting on 6th November.

1525 **The Chairman:** Sorry, we need to be clear, here. You said 6th November. I think we have been operating on the basis it was 8th November.

**Deputy Meerveld:** 8th November is the first time it comes up on the official minute. This was an informal discussion after the meeting was adjourned on the 6th. It was not part of the meeting  
1530 and it was an informal discussion and I said, 'I will go out and see what can be done.'

Then, without the Committee being consulted, Mary Putra was brought into the meeting on the 8th, to express her opinion about external media usage and, at that meeting, there were several things that were said.

First of all, I went through and described the kind of engagement I envisaged. First of all, we  
1535 had heard from our coms individual that she was massively over-worked and did not have bandwidth to do additional work. Then Mary Putra pointed out to us that, when I described the type of engagement I was looking for, she said, 'We have only got four people dedicated to servicing to all the coms needs of the entire States, so we do not have the human resources to do that. I do not have a budget to do that and, even if I did, we are tied up with another Committee's  
1540 coms work for the next four-six weeks.' Which would have put us after our target debate date.

So, I continued doing what I told the Committee I would do, on a personal basis, which was approaching PR and media companies and obtaining proposals and quotes, entering into those discussions.

1545 **The Chairman:** Was there any discussion at that point, on 8th November, about the start of the PR? Not necessarily about the resources for it, but the style of the campaign.

**Deputy Meerveld:** I was always advocating a different style of engagement; because, as I say, the public do not read States' media releases, which are typically very verbose and quite detailed.  
1550 We rely on the independent media to pick up the pieces they think are interesting and then put that out into the public domain.

That means you do not have direct control over your messaging and I wanted to have something where we would have that direct control and it was always viewed as a form of guerrilla marketing that would look at ways you can actually get your message out, cost-effectively, cheaply and would try and engage with the public in a different way.

1555

**Deputy Roffey:** Was that style appropriate for a fully-fledged States' Committee? We know what it led to. It led to cartoons of wrecking balls, claims that the States wasted millions all of the time.

1560 You have just gone to P&R, asking for £93,000 to investigate a two-school model and two or three weeks later, you were talking about spending more money on a PR campaign to rubbish a two-school model.

How is States' money being spent, here? It just seems strange, to me.

1565 **Deputy Meerveld:** I do not think it is strange at all. Yourself, Deputy Roffey, you are paid by the States and you write a weekly article in the *Press*, which is unerringly negative, criticising somebody and often criticising the Government for wasting money.

**Deputy Roffey:** I do not use States' money to do that. That is the point.

1570 **Deputy Meerveld:** You are being paid by the States.

**Deputy Roffey:** I am being paid by the States to do a job.

1575 **Deputy Meerveld:** So, I would say that, as a States' Deputy and as a Committee, I think it is beholden on us to always be questioning how the States are spending of money. Yes, I think the wasting of tens of millions of pounds, potentially building a two-school model, which will be unacceptable to the community, in my opinion, would be an issue. That needed to be brought to the public attention.

1580 **Deputy Roffey:** I fully understand that as an individual Deputy. But as a Committee, you were investigating. You were spending money to investigate that model and, before that investigation has finished, you decided to spend money on rubbishing it.

1585 **Deputy Meerveld:** The £93k was provided to do due diligence and to check whether or not it was even possible to do a two-school model, and that is all that that money was ever used for,

**The Chairman:** Advocate Harwood.

1590 **Advocate Harwood:** Can we just go back to the chronology? On 8th November, the minutes record the Committee dropped plans for the engagement of an external PR company.

**Deputy Meerveld:** Sorry?

1595 **Advocate Harwood:** The minutes of 8th November, the minutes approved, this is your Committee meeting, there is a statement here:

The Committee dropped plans for engagement of an external PR company.

1600 **Deputy Meerveld:** In that meeting, I said that I would carry on talking to PR companies –

**Advocate Harwood:** Even though the Committee said that they had dropped plans to engage one?

1605 **Deputy Meerveld:** So that I could come back to the Committee with an alternative proposal. At the end of the day, if a Committee considers something and dismisses it at that time, with the evidence in front of them at that time, they can always revisit that decision at a later date.

**Advocate Harwood:** We are trying to establish the basis on which there was the apparent U-turn, between the minutes of the meeting on 8th November and 21st November.

1610 **Deputy Meerveld:** That was my fault.

**Advocate Harwood:** Notwithstanding the fact the Committee dropped plans for engagement of an external PR company, you pursued your own individual research?

1615 **Deputy Meerveld:** I still had a belief that that was the right way to go and that we should do it and I pursued gathering the information, so I could come back to the Committee with a more solid proposal, with real costs attached.

**Advocate Harwood:** Did you go out to get formal quotations?

1620

**Deputy Meerveld:** Yes, I –

**Advocate Harwood:** What authority did you have to go for those quotations?

1625 **Deputy Meerveld:** At the end of the day, I was asked in the informal meeting at the end of the 6th November meeting to explore it.

**Deputy Roffey:** On the 8th, they decided not to take it any further?

1630 **Deputy Meerveld:** Correct. In that meeting, when they decided not to take it further, I said that I would continue exploring it and that was never –

**Deputy Roffey:** If you wanted to provide more evidence, to persuade them to change their mind, why did it not come on as an agenda item, with that evidence, later on?

1635 Why was it brought up as unscheduled and unslated 'any other business'?

**The Chairman:** This is 21st November, we are talking about.

1640 **Deputy Meerveld:** As you know, the agenda for a Committee meeting is published, typically, a week before a meeting. So, you do not have the timeline there to get it on the official agenda. It was discussed with the President, and other members, that I would bring this under 'any other business'.

**Deputy Roffey:** So, they did know it was going to come to that meeting?

1645

**Deputy Meerveld:** Actually, I am not sure who I told; but I had had a discussion. There was an expectation that I was coming forward with some kind of discussion on this, as it was a work in progress.

1650 **The Chairman:** Before we skip to 21st November, just so we can be absolutely clear, on 8th November, the official advice from Mrs Putra was that engaging an external PR company could reflect particularly badly on the States and on your Committee, in particular, because of the budget overspend. What was your reaction, or view on that advice? It was very clear advice, she gave.

1655

**Deputy Meerveld:** Absolutely. But she also agreed that, in the past, the States had engaged external PR companies. This was not an unprecedented move. As I pointed out to the Committee, at the time, the ludicrous situation you would have if you say, we are a Committee with a budget of nearly £80 million a year and yet, we cannot find £10,000 to fund an engagement process to inform the public about a proposal to spend £110 million.

1660

**Deputy Roffey:** Is that part of your job, as a Deputy, to explain to the public? You make policy; you explain it.

1665 **Deputy Meerveld:** Absolutely. It is incumbent on every Committee to go out and sell their proposals. Not just to the public, but also to the States' Members to try and gather support for that proposal.

We are not meant to work, as far as I know, in a black box. We are trying to promote, here, full disclosure and transparency.

1670 So, yes, we have an absolute need to go out there and tell the public exactly what we are doing.

**The Chairman:** Deputy Dudley-Owen?

1675 **Deputy Dudley-Owen:** May I just add, in response to that, Deputy Roffey, to expect five members of the Committee to engage solidly, on this particularly challenging matter, to be having public meetings, we would have to have them every day of the week.

It is well known now that engagement has to happen at different levels and to speak to different audiences in different ways, and a common tool nowadays is social media. Not everybody uses it, but there are various tools and face to face engagement, via traditional forms of media, one-to-one meetings.

**The Chairman:** Can we just stick with the chronology for now?

1685 Sorry, Deputy Meerveld. Can we come to the 21st November meeting then, because that is when the U-turn was performed, as it were?

I think what we are particularly interested in, you would have noticed the questions we asked your colleagues before, is the nature of the authority that was given to you by Deputy Le Pelley and Deputy Inder on that occasion.

1690 But before we come onto that, one thing we have noticed is, obviously when the first decision was made on 8th November and then the different decision made on 21st November, there was a differently constituted Committee. Do you have any particular observations about that? In particular, Deputy Dudley-Owen was in the first meeting and not the second.

1695 **Deputy Meerveld:** It is normal process of the States. If the Committee is quorate, they can make decisions.

It is a bit like the waste debate and flip-flopping from an incinerator to a non-incinerator for 20 years. Different Assemblies met, with different groups, and they may or may not have the same Deputies present when the decisions were made.

1700 **The Chairman:** This is in Committee. I am asking the question generally, really, is it good practice, is it good corporate governance to overturn what is actually quite a key decision, when you have a differently constituted Committee on the second occasion?

1705 **Deputy Meerveld:** In retrospect, it now looks like a key decision. At the time, I did not think it was a key decision. Nor do I think the Committee did.

If we had made a decision to change from a three-school model to a two-school model, that would have been a key decision and, I think, we would have had to have everybody present for that decision. But this was asking for an allocation of a very small amount of money, less than £10,000 out of budget of £80 million, or nearly £80 million.

1710 **The Chairman:** It can be seen as quite a key decision, when it was actually made against official advice, surely?

1715 **Deputy Meerveld:** We receive official advice on all kinds of things, from all kinds of people. Whilst it is incumbent upon us to take that advice into consideration, it certainly is not incumbent on us to always follow that advice.

**The Chairman:** You at least accept, in retrospect, it was a key decision?  
Let us move on from that. The decision was made, the authority was given to you by your two  
1720 colleagues at this end of the table, Deputy Le Pelley and Deputy Inder. What exactly was that authority that you were given by them?

**Deputy Meerveld:** Well, I mentioned that I had requested access of a budget up to £10,000 to go out and engage a PR company, to start working on this and one has to remember the  
1725 extremely tight timelines we were working under.  
This is now 21st November, and we are anticipating a debate on 13th December.

**The Chairman:** Deputy Roffey.

1730 **Deputy Roffey:** What, exactly, did you believe you had been authorised to do?

**Deputy Meerveld:** I believe I had been authorised to go out and engage, through an engagement letter, formal process of committing to pay an external agency, to work up a guerrilla marketing campaign to get our message out to the public.  
1735

**Advocate Harwood:** So, you were satisfied you had authority to actually commit the Committee to a PR company, to spend money?

**Deputy Meerveld:** That is right and that is why they next day, after the meeting –  
1740

**Advocate Harwood:** Sorry, can we just focus on this? I think it is important, because a lot of issues are going to be around the wording of this particular minute and the extent of your authority and whether that bound down the members of your Committee.

I think Deputy Inder has already questioned the words 'engage' or suggested that there is  
1745 some constructive ambiguity around those words.

You took it as authority to get out and say, to XYZ company, 'You are appointed'?

**Deputy Meerveld:** Yes.

1750 **Advocate Harwood:** And you never had any question about that? You were satisfied you had that authority?

**Deputy Meerveld:** Yes.

1755 **The Chairman:** Did that authority extend to the content or the style of the PR that you were looking at doing? What were the limits of that authority?

**Deputy Meerveld:** It was always agreed that the content would come back to the Committee before it was released.  
1760

**The Chairman:** And before it was signed off?

**Deputy Meerveld:** Correct.

1765 **The Chairman:** What we have in the chronology is the very next day, 22nd November, we have a letter from the PR company, the ad company, whatever they are, to yourself, Carl Meerveld, States' Deputy – this is page 4 in the documentation. That was the very next day. That is quite a rapid kind of acceleration, do you not think? A decision made on one day –

1770 **Deputy Meerveld:** That is right. I went in to meet that company that morning, briefed them and told them to start work. I then sent an email to our chief secretary, saying:

'Further to our resolution, during yesterday's committee meeting, please can you execute the engagement letter attached and inform LRD of the billing arrangement? I spent this morning briefing them and they have already started work on our behalf.'

**Deputy Roffey:** Just go back a bit. What about the other two that you meant to ... ?  
The authority, I think, was subject to you getting quotes from three different companies.

1775 **Deputy Meerveld:** I had obtained – briefed and obtained price for the States – proposals from three PR companies.

**Deputy Roffey:** But the permission was only given at the 8th to go out and –

1780 **Deputy Meerveld:** Not to start a tendering process; to engage. This is an engagement letter. You sign the engagement letter to engage.  
Again, the timeframe. One of the things we discussed –

1785 **Deputy Roffey:** Your authority was given by the Committee on the 21st. You are saying that, before you had that authority, you had gone through the exercise of assessing three –

**Deputy Meerveld:** As I stated earlier, yes.

1790 **Deputy Roffey:** So, you did that without authority, in the hope you would –

**Deputy Meerveld:** No, I did that with the knowledge of the Committee, that I was going to go and explore this, as a proposal to bring back to the Committee.

At the end of the day, our Committee delegates or allows members to go out and explore all kinds of conversations, with all kinds of parties, on all kinds of issues. We cannot all form, as a Committee of five, on every single thing we do, but we have 50 subcommittees we sit on.

**The Chairman:** Obviously, you engaged the PR company rapidly. Presumably, there was very little due diligence done, before that engagement was actually engaged?

1800 **Deputy Meerveld:** We specifically asked the acting Chief Secretary, in committee, what was the approval process, what discretion did we have. Did we have discretion to spend up to £20,000 and we were told that we, as a Committee, had the discretion, certainly, to spend up to £10,000. The requirements were three verbal quotes, up to £10,000 and three written quotes, up to £20,000.

1805 **The Chairman:** Deputy Roffey.

**Deputy Roffey:** Excuse me for being dim, here, but you said very often people go out and do things on behalf of the Committee. You went out and got these three quotes and the last time it had been discussed by the Committee, they said, 'No, we do not want to do this.' There is a resolution saying we do not want to engage an external PR, whatever, company.  
Before that was overturned, you were still doing that work?



**Deputy Meerveld:** I said, in that meeting, that I would continue soliciting quotes; I would continue exploring it and come back to the Committee with a proposal.

1815 So, in other words, on the face of it, on the objections from officers, we are not appointing one today. I said I would go out and gather more information and come back with a further pitch to the Committee to pursue this course of action.

**Deputy Roffey:** Not appointing one today. My understanding of this minute was that you had dropped all plans to –

**Deputy Meerveld:** And there is nothing at all stopping a Committee – Committees regular do – reconsidering a matter and change their mind. That reconsideration is done on the basis of representations.

1825 **The Chairman:** The cost of engaging the external PR company was, as I understand it, just below the £10,000 limit. Is that correct?

**Deputy Meerveld:** Yes, £9,900, up to a maximum of.

1830 **The Chairman:** Any reason why that particular figure, if the limit was below £10,000?

**Deputy Meerveld:** No, other quotes were coming in at £15,000 and £18,000.

1835 **Advocate Harwood:** This particular firm was the lowest quote?

**Deputy Meerveld:** It was.

**Advocate Harwood:** The terms of engagement, we referred to the three paragraphs, were these crafted by yourself?

1840

**Deputy Meerveld:** No, they were not.

**Advocate Harwood:** Had you discussed these specific terms, the implication is that you had had discussions with this particular firm and this was the outcome of those discussions; this was a summary of the terms of engagement?

1845

**Deputy Meerveld:** That is correct.

**Advocate Harwood:** What did you understand to mean 'engender active support from the public that could help influence the opinions of Deputies'?

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**Deputy Meerveld:** To motivate the public to get engaged on this subject and express their opinions.

1855

**Advocate Harwood:** Were you working all the way along, to think in terms of a guerrilla campaign.

**Deputy Meerveld:** This word, 'guerrilla' marketing, has been, I think misinterpreted by many people. Guerrilla marketing, the phrase came into the vernacular of the marketing industry when Jay Conrad Levinson published his seminal work in 1983. Basically, he put forward that marketing was not the domain purely of big companies who bought massively expensive adverts on television and in print; but that any company, whatever size, could market, not just sell – the perception before this date was that small companies sell and big companies market – and that

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1865 any company could reach out and use a small amount of money, if they used it cleverly, they could reach out and attract attention in the market totally disproportionate to the amount of money being spend and this seemed very apt and appropriate, considering the position of the Committee.

1870 In fact, here is the three books I have, from the nineties, from Jay Conrad Levinson, about guerrilla marketing, including guerrilla marketing online.

**The Chairman:** Your colleague, who sits to your left, Deputy Dudley-Owen, referred, a moment ago, about trolling. Did you think, to some extent, having a campaign of this sort, on social media, possibly could lead to some sort of difficulties?

1875 That is why the States has got communication guidelines in place. They may be out of date and we will be thinking about that when we retire; but those guidelines are there for some reason, aren't they?

1880 **Deputy Meerveld:** They are. But I do not think they are specifically designed at trolling and not trolling.

The fact is, as Deputies, or as Committees, every time we open our mouths, there is somebody in the public domain who is going to throw a brick at us, because they do not like what we are saying.

1885 **The Chairman:** Was it playing with fire, do you think?

**Deputy Meerveld:** No more so than every statement we make. This Committee has been under attack from the day it formed; whether it was attack over our decision on selection, or whether it was an attack on the three-school proposal, or the structure of post-16 education, we are being attacked on a daily basis and this is one of the issues, as well.

Our coms' bandwidth is taken up, completely, dealing with those issues.

1895 **Deputy Roffey:** This was positively different. I know it was only you that signed them off, but what appeared on Facebook, whether or not it was badged, was material that was designed to look like it was a grass roots campaign from ordinary members of the public.

**Deputy Meerveld:** Exactly. It was designed to look, not like from a member of the public, it was designed to appeal to the people in a way that they could relate to, using a modern medium in their style; using humour to get a point across.

1900 I have read a lot of States' media releases and not many of them are very humorous.

**Advocate Harwood:** Can I just follow up on the engagement letter? This was addressed to you. Deputy Le Pelley says he thinks he might have seen it. Other members of the Committee had not seen it. Had you circulated to all members of your Committee?

1905 **Deputy Meerveld:** No, I had not. I sent it to Malcolm Nutley, our acting Chief Secretary.

**Advocate Harwood:** So, you assumed that you had the authority, effectively, to say this was a letter of terms of engagement, you were happy with them, therefore your acting Chief Secretary could sign up on behalf of the Committee?

**Deputy Meerveld:** Correct.

**Advocate Harwood:** You assumed you had that authority?

1915 **Deputy Meerveld:** Correct.

**Advocate Harwood:** We start skipping forward. What was your reaction to the material that this particular agency came up with?

You circulated it to some of your colleagues. Were you happy to endorse it?

1920

**Deputy Meerveld:** Basically, predominantly, yes. But, at the end of the day, I think, as Deputy Dudley-Owen said earlier, and I think some of the other members did, as well, you are talking about an incredibly intense period of time, with States' Meetings going on, us submitting amendments to P&R's schedule of business for the coming States, us still undertaking a huge amount of research, in fact, just finally publishing the last bits, but reviewing a huge amount of research done on the two-school model, for the £93,000 that had been allocated.

1925

Yes?

**Advocate Harwood:** Are you satisfied that the material they came up with actually satisfied item two of your terms of engagement, which was to provide a level and informative platform for the public to compare and consider your three-school model against the risks that the two-school alternative represents, particularly looking at the £93,000 out of nowhere?

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Do you believe that was consistent with the terms of engagement?

**Deputy Meerveld:** There was a lot of emphasis there on highlighting the issues with the two-school model, as opposed to putting the pitch for the three-school model.

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The intention was definitely to have that there, as well.

But, again, remember the timeline. We are here on 22nd November, discussing trying to get something in the media to influence a debate, or to build awareness, prior to 13th December.

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**The Chairman:** You have shared that email with three of your colleagues on 29th November. Deputy Inder went back to you. Did you have any response from any other member?

**Deputy Meerveld:** No.

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**Deputy Roffey:** Did you interpret that as permission to go ahead? How did you view that lack of response?

**Deputy Meerveld:** I viewed it as being the fact we were under a massive workload, we are sitting in the States' Assembly and, probably, members had not had time to view it.

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**Deputy Roffey:** But, you did push the red button, in the end, so you must have felt had the right to do that?

**Deputy Meerveld:** That was me exceeding my authority and that is one of the reasons that I tendered my resignation as soon as this became raised as an issue.

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**Deputy Roffey:** Isn't this one of the problems of the whole *ad hoc* approach? The Committee decides not to do this, you carry on and do it. This whole informal form approach, surely, was running the risk of something like that happening?

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**Deputy Meerveld:** Yes, and this is one of the problems when you have a Committee who are absolutely stretched to the limit and there are officers stretched to the limit. There are no resources available to do anything.

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You have got your officers also being distracted, having to do a massive amount of work, not just on the initial work for the two-school model, that would have been bad enough, but the fact that the 'gang of four' kept on coming back to us with new questions. Every time we gave them a

piece of information, 'Oh, it does not look favourable to two schools, how can we twist that? What more information can we extract?'

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**The Chairman:** Can I come back to the email that you sent on 29th November? Deputy De Lisle was not sent the email. Was there any particular reason why?

**Deputy Meerveld:** An oversight, on my part.

1975

**The Chairman:** You could see it as sending the material only to those who were on side.

**Deputy Meerveld:** Not at all. I do not think Deputy Inder would say that he was on side. No, it was simply an oversight, on my part.

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**The Chairman:** Was it also an oversight not to send it to the officers?

**Deputy Meerveld:** Sorry?

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**Advocate Harwood:** Was it also an oversight not to send it to your officers? They do not appear to have been included in that.

**Deputy Meerveld:** No, they were not included in that email. At the end of the day, I was trying to get it bounced off my political colleagues, first, before presenting to the officers. There is no point going to the officers and presenting something that the Committee itself was not interested in taking further.

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**Advocate Harwood:** But you did not think it of referring it to the officers, before you pressed the red button?

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**Deputy Meerveld:** Unfortunately, again, timelines. I pressed the red button, as it has been described, on 30th November, anticipating a debate on 13th December. I exceeded my authority, and, for that, I have tendered my resignation.

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**The Chairman:** Who is accountable for this?

**Deputy Meerveld:** I am, solely me.

**The Chairman:** No one else?

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**Deputy Meerveld:** I do not believe so, no.

**Advocate Harwood:** Can we just explore that? You said that you believed you had authority to sign the terms of engagement?

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**Deputy Meerveld:** Yes.

**Advocate Harwood:** So, you believe that you were speaking for the Committee, at least at that stage, in signing up for this particular agency?

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**Deputy Meerveld:** Yes.

**Advocate Harwood:** It is the actual content that you felt is where you exceeded your authority?

2020 **Deputy Meerveld:** There are two things, two major issues, and the reason that, when Deputy Inder requested my resignation, I resigned on the spot and I submitted my resignation to the Bailiff as soon as I got home a couple of hours later, prior to Deputy Gavin St Pier sending out his email to all Deputies. By then, it was already done. I had already accepted responsibility, I had already resigned my position.

2025 There were two things that I did wrong. First, I exceeded my authority by hitting the red button and, whilst I believe in my own mind I have justification for that, I exceeded my authority. Absolutely. I should not have done it and for which, I tendered my resignation.

The second issue is the fact that the page went live without the appropriate branding on it and that, also, was a major oversight and for which I have tendered my resignation.

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**Deputy Roffey:** There are three stages here, then. The decision to spend £10,000 or up to, when you were already overspent in your budget. That is a collective one.

The decision to give you permission to carry out the exercise and identify the right agency and engage. That is a collective one.

2035 It is the signing off of the material and going live, which you are saying was yours alone. Is that a fair summary?

**Deputy Meerveld:** That is a fair summary.

2040 **Deputy Roffey:** You have said, publicly, you do not even have a Facebook account, you are really a bit naïve, as far as social media is concerned. Why did you put yourself forward, as the points man, as you called yourself?

2045 **Deputy Meerveld:** Well, I must admit, I do not have the experience in social media, as an active participant. That is why I hired experts who were and, at the end of the day, if I need a lawyer, I hire a lawyer. I do not pretend to be one myself.

**Deputy Roffey:** You were assessing which of the experts to –

2050 **Deputy Meerveld:** That gave the pitch that was appropriate. I have hired PR agencies, lawyers, accountants on hundreds of occasions. If I need an expert in a field, I appoint and hire an expert in the field. I do not try and second guess their work.

2055 **The Chairman:** Do you still believe, Deputy Meerveld, that the style and content of the campaign is okay? Do you think it was not a mistake?

2060 **Deputy Meerveld:** Obviously, it is controversial. I believe that the approach was correct, in a sense of trying to engage the public and capture their attention to important issues. The problem you have with a lot of States' proposals, not just education, but health, waste strategy, is the complexity of the issues.

They are so big that people struggle to get their minds around it. Even the Deputies working in the appropriate Committee struggle to get their minds around all the issues.

**Deputy Roffey:** So, it is better to dumb it down a bit?

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2070 **Deputy Meerveld:** No, it is best to get snippets of information that people can understand and get them to focus on specific issues. That is the idea of a marketing campaign. A marketing campaign does not issue an essay on a subject, or a three-page media release. You pick up a title, or an image. In this case, guerrilla marketing, you are looking at using humour to try and capture people's attention and have them go, 'You know, I understand that. I may not understand everything else, but I understand that.'

**The Chairman:** Was it really humorous, though, to point out 'another example of the States wasting Islanders' hard-earned cash'?

2075 **Deputy Meerveld:** Deputy Roffey has said that numerous times.

**Deputy Roffey:** I have never spent the States' money to do it, though.

2080 **Deputy Meerveld:** Let us just be clear, no States' money has been expended – zero – on this issue.

**Deputy Roffey:** But, that was the intention.

2085 **Deputy Meerveld:** It was the intention, but none was spent.  
So, this is not like many of the other issues the States have faced, where they have lost millions of pounds.

**Deputy Roffey:** Who took this site down, was it you?

2090 **Deputy Meerveld:** I gave the instruction for taking the site down, yes.

**The Chairman:** When was that?

2095 **Deputy Meerveld:** It would have been Saturday morning.

**The Chairman:** So, how long would it have been up for? Two days?

2100 **Deputy Meerveld:** It was up for about 36 hours, I think, and it had 20 likes; 20 individuals clicked 'I like this page', apparently.

2105 **The Chairman:** Can we move, slightly, in the chronology? The PR company, obviously, had concerns that they did not have some signed terms of engagement from yourself, from the States. I believe they contacted you on the Friday afternoon of last week and you, then, signed terms of engagement yourself, personally. I believe that you settled the account yourself. Is that correct?

**Deputy Meerveld:** Yes.

**The Chairman:** Was it your intention to get the money back from the Committee?

2110 **Deputy Meerveld:** At the end of the day, I was securing ...

2115 Let us go back. On 22nd November, we had the decision by the Committee on the 21st, I submitted the engagement letter to our acting Chief Secretary for execution and for the officers to contact LRD. In that email, they mentioned the media guides, etc. although it is quite interesting to note, if I can find it here, in the policy guidelines and directives from the States of Guernsey, it actually says:

'There is currently no guidance for States' Members on the use of social media.'

But, anyway, I expected the officers to engage with the PR company and to share that information with them, as they said it was appropriate, should be. In fact, I have got subsequent emails from that company asking for that information, before Friday.

2120 On the Friday, what I got was a call saying, can I drop in for an impromptu meeting? I did not know what that meeting was about. When I arrived, they said they had grave concerns, because they had undertaken this work in good faith, on my instruction, my representations, and that they

had not received anything from the States of Guernsey, from the officers at Education, Sport & Culture.

2125 I am not criticising the officers at all for this. I know the workload they were under during this time period. But, nothing had happened, and this put me in a very embarrassing position, because this company had acted in good faith on my assurance.

So, I said, 'Look, there is no way I will leave you out there, hanging. To reassure you, print out that engagement letter, again, with my name on it and my home address, and I will commit to it.'

2130 **The Chairman:** So, you signed it and you settled the account?

**Deputy Meerveld:** As it turns out, they have decided to waive their account, subsequent to that date. But, yes, I was in a position where I would have settled that account myself.

2135 **The Chairman:** And, if you had settled that yourself, would you have then recouped it from the Committee?

**Deputy Meerveld:** That would have been a discussion for another day.

2140 **The Chairman:** But, you might?

**Deputy Meerveld:** Again, it would have been a discussion for another day.

2145 **The Chairman:** There must be warning signs there about good governance, though? It cannot be right for an individual Deputy to even intend to settle an account, because some Deputies would be in a position to do so, financially, and others would not. That must drive a coach and horses through good governance, generally?

2150 **Deputy Meerveld:** At the end of the day, what I was doing was making sure I was a man of my word. I had instructed this company to proceed and they had done so in good faith on my word and I was going to put my name behind that.

**The Chairman:** I can see that.  
Deputy Roffey?

2155 **Deputy Roffey:** Just for absolute clarity? I understand that a shadow version of this site appeared again, a couple of days later. That was nothing to do with yourself or the marketing company concerned? That was somebody being mischievous, was it?

2160 **Deputy Meerveld:** Somebody being malicious or mischievous.

**Deputy Roffey:** Okay, I thought that was the answer, but I just wondered.

2165 **The Chairman:** Colleagues, do you have anything else to say?  
Shall we have a 10-minute break and then we will come back.

*The hearing adjourned at 11.46 a.m.  
and resumed at 11.56 a.m.*

**EVIDENCE OF**

**Mr Malcolm Nutley, acting Chief Secretary,  
Committee for Education, Sport & Culture; and  
Mrs Helen Grand, Deputy Director of Education,**

**The Chairman:** Shall we start again?

2170 We just have one or two questions for Mrs Grand and Mr Nutley and then, when we have finished those sets of questions, you can leave.

**Deputy Roffey:** If you want to!

2175 **The Chairman:** Mr Nutley, first of all, governance points and the role of officers in advising politicians against a course of action, for example. Are there any particular governance points to learn here, do you think, in light of what has been discussed this morning?

Is there anything that you would like to, particularly, raise, as a general point of governance?

2180 **Mr Nutley:** No, thank you.

**The Chairman:** Mrs Grand?

2185 **Mrs Grand:** No, thank you.

**The Chairman:** Were there any questions, Deputy Roffey?

2190 **Deputy Roffey:** Yes. Can I ask when the officers first became aware that the political Committee were mindful to carry out this sort of campaign?

**Mr Nutley:** I think quite some weeks ago, when the Committee first started having to invest resources in research into the two-school options. There was a growing feeling that the focus was coming off the three-school central proposal, onto the two-school, and nothing was being heard about the three-school proposal, which was not yet a Policy Letter, but it had been well-trailed through the release, in July.

**Deputy Roffey:** So, that was back in October, some time?

2200 **Mr Nutley:** Yes.

**Deputy Roffey:** When the Committee decided not to pursue the course of action on the November 8th meeting, was your understanding that the idea was dead, or did you understand that it was dead just for that moment and it was still, actually, being investigated.

2205 **Mr Nutley:** It was closed, as far as I was concerned.

**Advocate Harwood:** What was closed was the suggestion you appoint an external PR?

2210 **Mr Nutley:** Yes.

**Deputy Roffey:** Were you given an indication that it was going to be brought up under any other business on the meeting of the 21st, or was it a surprise to you when it was picked up under 'any other business'.



2215 **Mr Nutley:** I think that Deputy Le Pelley spoke to me in the morning before the meeting started saying it was likely to be raised.

**Deputy Roffey:** What was the extent of the authority that you thought your board had given to one of their members to go out and set this up, on that meeting of the 21st?

2220 **Mr Nutley:** The 21<sup>st</sup>, the commitment?

**Deputy Roffey:** When the Committee did a U-turn and decided they did want to go ahead and delegated Deputy Meerveld to action that, what was the extent of the authority you believed they had given to him?

2225 **Mr Nutley:** I think he could secure the services of a firm – un-named at that stage – for a budget under £10,000.

2230 **Deputy Roffey:** Did you get the impression that he already had a firm in mind?

**Mr Nutley:** No. I knew, he had told us, that he had been talking to several firms, so that was clear. But, certainly, no names had been mentioned and I had no impression that he centred on one, in particular.

2235 **The Chairman:** Advocate Harwood, you go first.

**Advocate Harwood:** Do you consider that it was good governance for such an item as this, where, on the face of it, somebody is being authorised on behalf of the full Committee to do something, that this should be dealt with under 'any other business'? (**Mr Nutley:** It is – ) Nobody on the Committee had prior warning of it.

**Mr Nutley:** No. I said, I think that Deputy Le Pelley has told me it was coming up, so I suspect that Deputy Le Pelley knew that the item was likely to be raised. I do not know if others did, as well.

2245 It is not ideal for 'any other business', certainly.

**Deputy Roffey:** Did you ever see the material that ended up on Facebook? Beforehand or, actually, when it was live on Facebook.

2250 **Mr Nutley:** No. I saw the Twitter from Mr Fernandez, that other people have referred to and then the only thing I saw, subsequently, was when Deputy Inder sent me, on Sunday just gone, a copy of the email that he sent to some Members on 29th November.

2255 **Advocate Harwood:** Can we just go back in the chronology, back to the meeting of 21st November. Again, the officers had previously, 8th November, advised against using an external PR company. Now, you were being told, as I understand it here, you had expressed some reservation earlier in that minute –

'Mr Nutley said he thought the matter had been resolved and members had agreed not to engage an external firm, he thought the earlier decision was correct and advised against overturning it.'

2260 You must have felt uncomfortable when they actually did overturn it?

**Mr Nutley:** Very uncomfortable. These brief minutes are a condensation of a very lively discussion. When I re-trace, from handwritten notes on what was said, I remind myself that I pushed back very hard against it.

2265 **Advocate Harwood:** We will ask this question, I think, of the Chief Executive in due course; when you are in a position like that, as a senior civil servant, and your Committee is going against your advice and that of other officers, what is your recourse? Are you obliged to conform with the request of the Committee?

2270 **Mr Nutley:** It depends. If it was close to a whistle-blowing event, of course I would blow the whistle. If it was the nature, as it was, my judgement was, there, that the Committee are the elected members of the States, they have been elected to form the Committee for Education, Sport & Culture, they are the five people responsible.

I was asked, very forcibly, 'Are you really saying that we, as a Committee, do not have the authority to spend £10,000?'

2275 I said, 'Of course, you do,' And, I explained the consequence of the budget.

But I am quite certain I have to accept their decision, if it is within their scope and if it is not a statutory decision, even though I have given advice, I have to accept and implement the decision and I may choose to inform the chief executive of what has happened, as indeed I did, in this instance.

2280 **The Chairman:** After the decision had been made, on 21st November, did you give any advice about due diligence, before the actual engagement of the PR company in question was enacted? Did you advise at all on that?

2285 **Mr Nutley:** No, not beyond when I had the email from Deputy Meerveld, the subsequent day, asking me to execute and sort out the invoice arrangements. I then made some comments about the need to get the material checked with the other members.

2290 **Mr Roffey:** Can I go to the meeting of the 30th? We had the finalised, approved minutes through this morning and they made a really significant alteration to what had been in the draft minutes. Is your memory that the draft minutes were correct?

**Mr Nutley:** The revised minutes are more correct. The revised minutes are correct.

2295 In drafting the minutes, the minute clerk had used a different word to describe what was eventually changed to 'guerrilla' marketing.

**The Chairman:** This was the word 'anonymised', which was then subsequently changed, as being not accurate?

2300 **Mr Nutley:** Yes, because the minute clerk had heard the words 'guerrilla marketing' being used and, in their opinion, softened that a little bit to use 'anonymised'. But, these were very important minutes to have approved by the members, who were at the meeting, and when we convened to approve those minutes, we did look at what was actually said, and we reflected, and the members approved the revised wording, using the phrase 'guerrilla marketing'.

2305 **The Chairman:** Advocate Harwood.

2310 **Advocate Harwood:** Can I just go back to the letter of engagement? This was presented to you the day after the U-turn [*Inaudible*] on 21st November. At that stage, were you aware of whether Deputy Meerveld, or anybody else, had actually complied with the Rules relating to procurement? Did he give you any evidence of any quotes having been obtained before he selected this particular firm?

2315 **Mr Nutley:** I had no evidence, no direct evidence of the quotes. Although, I think I have a record of him saying that he had approached other companies for quotes.

**Deputy Roffey:** It must have been the case, surely, because he told us he went out for quotes before this meeting, some of them were over £10,000, this one was not, and he asked for authority for up to £10,000.

So, he clearly already had decided that this was the firm he was going to engage.

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**Mr Nutley:** I have no further information. The incoming letter told me that Deputy Meerveld had found a company, as he had been authorised to do, in my view, by the Committee. As far as I was concerned, I was interested in the identity, finding out who we were in business with.

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**Advocate Harwood:** Were you, at that stage, concerned about the procurement process? Had quotes been obtained?

**Mr Nutley:** I was not particularly concerned about the procurement process, because it was a relatively small sum of money, £10,000. There was the pressure of time, which was very much burdening the members and, as far as I was concerned, he had the authority of the Committee.

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**The Chairman:** Okay, I do not think I have got any further questions.  
Deputy Roffey?

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**Deputy Roffey:** One final question. You advise that the Committee, certainly, had the authority to spend £10,000, but it was a Committee that was already overspending their Budget by a couple of million.

What caution did you give them that it would add £10,000 to the overspend, or would have done, if it had gone ahead.

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**Mr Nutley:** It was on those lines. In the discussion, it was mentioned, 'Do we have the budget?' The answer was no.

Then it was, 'Do we really not have any scope to find £10,000?'

I said, 'Of course, as a Committee, you can spend £10,000, but the forecast overspend is £2 million, approximately, so the consequences, should you decide to do this, it will be £2 million plus £10,000.'

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**The Chairman:** Okay, thank you very much.  
Do you have anything to add, Mrs Grand?

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**Mrs Grand:** No. It is my view of the proceedings.

**The Chairman:** Thank you. We need detain you two no further. Thank you very much for attending.

**EVIDENCE OF**

**Deputy Gavin St Pier, President, Policy & Resources Committee,  
Mr Paul Whitfield, Chief Executive, and Mr Colin Vaudin, Chief Information Officer,  
States of Guernsey**

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**The Chairman:** Deputy St Pier, are there governance points to learn here?

**Deputy St Pier:** Yes, there are.

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**The Chairman:** The role of officers, in advising against particular courses of action and, also, the issue of potentially rescinding key decisions in 'any other business', do you have a view on those two things?

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**Deputy St Pier:** I think, what has been evident from the evidence that has been presented today is a pattern of conduct, in the way that meetings have been held, reference to several short notices and extraordinary emergency meetings, things under AOB without supporting papers. In my experience, that is relatively unusual. I do appreciate that this particular Committee has had the pressure of completing their Policy Letter and that would have, undoubtedly, necessitated extra meetings, as most Committees will find in their experience.

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It is interesting to note that, but I think the key governance question, for me, is that the decision on 21st November, to delegate authority to one of their number, empowering one of their number to contract with a third party, was a wholly inappropriate delegation. The normal process is for, as Mr Nutley said in his evidence, the politicians to decide and the officers to execute.

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What I would have expected was that it would have been a direction to officers, 'Thank you very much for your advice, we have decided to change our mind; we want you to go out and get on with this campaign, notwithstanding the previous advice, that is our decision.'

In my experience, I have never come across it before, where an elected official is effectively acting in that role, of being a States' official or officer.

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**The Chairman:** The gist of what Deputy Meerveld was saying was that the pressure was on, the timelines were very, very tight. A lot of this stuff was happening already. There was a certain momentum for the two-school model, they had to hit back.

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You have to be able to respond quite quickly and the States does not necessarily do that, ordinarily, that well.

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**Deputy St Pier:** I think, at this point, it is probably appropriate to bring in the two officers who can advise the Scrutiny Management Committee what work had already been agreed and was already being undertaken by officers, in relations to the coms.

2395

**The Chairman:** Mr Whitfield, first of all?

**Mr Whitfield:** Firstly, I would echo the point made by Deputy St Pier, in terms of the delegation of task. It is totally unconventional for that to be given, in task, to be carried out by a politician.

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**Deputy Roffey:** Did it actually break the Rules?

**Mr Whitfield:** I think it presents so many difficulties. For good reason, and it is understood because of the terms of governance served by our politicians, that we have, literally, thousands of policies, procedures, guidelines. To give the perception that every politician would understand all those procedures, it would be, at best naïve.

2405 So, the very basis for tasking officers to do that would be the understanding that they will operate and follow guidelines, processes, policies. In any case, it would be very rare for an officer to be tasked, not to come back, having scoped, having made that negotiation, and then taken it to the full Committee, to say, 'This is what we have found, this is what we can be offered, this is the value for money that can be delivered against this specific supplier.'

2410 **Deputy Roffey:** And, if that had happened, then the four members would say they did not see any of the content. Would they be able to say that, because that would come back with a –

2415 **Mr Whitfield:** I think so. I think it is very important to note, in this case, and I must make a correction on something that was previously said, that at the meeting of the 8th – where the head of corporate communications attended the ESC meeting – actually, a clear message was given, although, as across the States as a whole, we are under resourcing pressures, the corporate communications teams would work with ESC to provide material in order to promote their Policy Letter and the options therein.

2420 In fact, on the 16th, that work had already commenced. In fact, we engaged money to do that, within the corporate communications team; because we do not have our own filming capability, although we have the capability to write the PR and strategies of communication.

Indeed, the filming strategy was discussed with Deputy Le Pelley and Deputy Meerveld and then, in fact, enacted upon on 16th November, when a filming session was carried out, filming interviews with Deputy Dudley-Owen, Deputy Meerveld and Deputy Le Pelley.

2425 So, that work was well maturing. Also, the description of the strategy written by the director of communications in ESC, alongside corporate communications, had worked out that they would use elements of that; and animation that was done in order to portray the technical difficulty of the Policy Letter, would live-stream using Facebook and social media, in order to get it across to a wider audience.

2430 Now, we know we could also upload, which we have done in many other cases, where we have live-streamed meetings and debates and interview, also on our internal website, which has 60,000 hits per month. So, we could have a wide span, across our own States' website, across social media, using our own PR material, which has actually started, matured, been costed, and was ready to be uploaded.

2435 **Advocate Harwood:** Can I ask you, is your central communications team able to mount a guerrilla media campaign?

2440 **Mr Whitfield:** I do not think we would deploy that sort of tactic for one second. Although I do express that part of the definition of guerrilla is to do a media campaign at low cost, so you are innovatively looking how you might reach your broader audience, in order to get your message across, and it educate and sell your awareness, but it has to be said the States of Guernsey has very clear guidelines on the use of social media.

2445 Those guidelines express that any Facebook, any social media, must be branded with the States of Guernsey, must make sure it is clear it is representing the Committee that it is actually promoting the work for, and must make it clear that it is actually put up there by the officials, civil servants, on behalf of the relevant Committee.

2450 **Advocate Harwood:** Having heard what you have heard today, do you believe you need to revisit some of those guidelines?

**Mr Whitfield:** I think those particular guidelines are totally up to date and relevant. They are available on the States' website and, indeed, when the officers met with the Committee, expressed in terms of the return to a PR agency, that those guidelines should be made available and, indeed, they could be found, if not by themselves from the website, which Deputies have access to,

2455 actually they could be available from ESC's communications officer and the corporate communications officer.

**Advocate Harwood:** So, you are satisfied the guidelines are fit for purpose, notwithstanding some of the problems –

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**Mr Whitfield:** Absolutely.

**Deputy Roffey:** So, the conclusion from that, then, was that they just were not followed.

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**Mr Whitfield:** They were not followed.

**Deputy St Pier:** Do you mind if I come in at that point, because I think it is important to capture this? I do not think there was any intention that the guidelines would be followed.

2470 The pitch document, which was produced by the agency, said, 'We feel it is important for the campaign to look and feel relatively impartial and independent from the States.'

Point three of their letter of engagement –

**The Chairman:** I was just about to raise that.

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**Deputy St Pier:** Says:

'We intend to engender active support from the public that could help influence the opinions of Deputies.'

2480 Certainly, in the minds of, I think, the agency and Deputy Meerveld, who was acting as the delegate of the Committee, albeit that the rest of the Committee may not have been fully aware of it, I do not think there was any ambiguity that this was intended to be an anonymised and unbranded campaign. It is quite obvious, from the pitch document and from their letter of engagement.

So, in a sense the issue of the social media guidelines of the States is actually a bit of a red herring, because they are not really relevant.

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**The Chairman:** It is kind of less about the resourcing of PR from the central communications team and more about the style of the campaign?

**Deputy St Pier:** And the decision to go down that particular route.

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**Deputy Roffey:** On that subject, even if this material had been badged, do you have a view of the content? I asked members of Education that, I will ask you the same question. Were you happy that the content was legitimate, if it had been badged?

**Deputy St Pier:** No, of course I was not happy with the content.

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It was wholly inappropriate for Government to be seeking to ... It did not appear to be promoting the work of one particular policy solution; it was, in essence, knocking the alternative.

And, also, to be using public money and an external resource to knock Government and to criticise Government in a very cheap and populist way is wholly inappropriate.

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**Deputy Roffey:** It is the first time, to my knowledge, that this has happened. Are there concerns that it could become endemic; that all States' Members could get a taste for this?

2505 **Deputy St Pier:** I think one of the things which has surprised me, in the evidence that we have heard this morning, is that nobody from the Committee has accepted that this was a totally inappropriate way to proceed.

In my view, this was disingenuous and unethical; to have a fake social media campaign that looks and feels like a real campaign to influence public opinion and the outcome of the debate.

It is offering non-transparency.

2510 Absolutely, the public are entitled to expect open and honest, transparent communications that are balanced and fair. That is why this is so important an issue, that it is entirely right you should be dealing with it as a matter of urgency, because it cannot become endemic. It cannot become the way that we work.

This is a matter of integrity and trust in Government.

2515 **Deputy Roffey:** Could this be interpreted, this morning, that other than Deputy Meerveld, all other members of the Committee did not think that this was a sort of campaign, it was just extra resource?

They knew it was going to be different, there was talk about guerrilla, but they may have had no idea of the very negative States-bashing that was there.

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**Deputy St Pier:** I think, what we have heard this morning, from the other members of the Committee is they probably did not have that full appreciation, although some of them had received some of the material. Under time pressures, they probably had not fully appreciated it and did not realise it was going to go live.

2525

But, it comes back to, I am afraid, in my view, and it is only my opinion, it was an error of judgement for the Committee to delegate that level of authority to one of their own to get on and do it. He felt he had authority to do so.

2530 **Advocate Harwood:** Can I just clarify, in terms of guidelines, the breach of guidelines is the fact this may have gone out without the proper badging and attribution to the States of Guernsey. Is there anything in the guidelines that says the actual content of the campaign was in breach?

**Deputy St Pier:** I will leave, if I may, perhaps you to answer that.

2535 **Advocate Harwood:** And, if not, is that something that perhaps should be addressed? Should there be a general guideline that there should be no guerrilla media approach?

2540 **The Chairman:** We are concerned with whether the current communications policy of the States is actually fit for purpose, in light of the explosion of social media content, generally. Do you have view on that, Mr Vaudin?

2545 **Mr Vaudin:** So, the communications guidelines were updated in approximately May of last year, because we had recognised, already, there is this explosion of social media, both from a Government point of view and, as Deputy Meerveld quite rightly pointed out, we do not issue direction or guidelines to Members on their personal use of social media. But, we do issue guidelines to the use of States of Guernsey social media platforms.

In that, the entirety of how we do corporate communications, of course, it is not just social media, there are engagements, there are consultations, a whole range of areas.

It does come down to the point of transparency and openness, and the ability to engage.

2550 Will we be looking at it, will we review our guidelines off the back of this review? Of course, that would be part of our normal business, as you have said.

But, there are some points which are quite unequivocal. As it says, the short description which appears on the Facebook page, must include the official Government page of 'xxx' service.

2555 **Advocate Harwood:** That is a badging issue?

**Mr Vaudin:** Yes, that is a badging issue.

**Advocate Harwood:** But, I mean, as to content?

2560 **Mr Vaudin:** As to content, we do have guidance on content. When the website first appeared, of course at that point, from my internal team, we did not know whether this was an independent, grass roots activity, as of course it turned out to be.

2565 **Deputy Roffey:** So, you did not know, let alone members of the public work out where it was from?

**Mr Vaudin:** Not on the first viewing, no. If you look at the rest of the States of Guernsey tweets and Facebook posts we put out, I checked just before we came in, we have 3,193 followers on Facebook and 5,499 followers on Twitter.

2570 The standard of material we are putting out is consistent because, as we say in our guidelines, content on those States of Guernsey Government pages is controlled by trained, accredited officers. We have a States of Guernsey trained and accredited social media officer, who runs the Facebook and the Twitter account.

2575 So, there is commonality, through a trained officer who is responsible for this.

**Advocate Harwood:** You are not quite answering the question. Is there anything in the guidelines as to content of a campaign?

2580 **Mr Whitfield:** If I could step in there? I think a point made, which you would always, after an issue such as this, go back and review and see if there is anything else you can further tighten up and, of course, we will do that.

2585 Actually, communications is sometimes seen in a very narrow band of how you talk to people. If you actually turn to the internal intranet for the States' bridge, which is where both politicians and staff can get direction, actually it is a manual of communications and it covers a whole range from online branding, social media guidelines, including website guidelines, website build, tone of voice, media guidelines and consultation.

2590 So, when you look at it, it is very comprehensive on how you do that. The point was very well made by the chief information officer, we have had to change our act dramatically over the last three years, because of the surge of social media and we have got to be part of that and respond to it. We have still got quite lean resources, we always will, but we have trained staff, who are actually qualified to work with social media and the guidelines we had been referring to, which is the guidelines on social media, say it is incumbent upon States' Committees and their officers, if they are going to upload a new Facebook account, that it has to go through the trained staff first, to ensure it meets the standards that we have set.

2595 **Deputy Roffey:** So, that was a clear breach. What about this question of tone of voice? You may have guidelines for tone of voice, but, obviously Education have decided they wanted a different tone of voice. They wanted to speak in a different way. How is that resolved? These people are elected to make democratic decisions, they think the guidelines are wrong, obviously, they should not be trammelled by them.

How is that resolved, going forward, do you think?

2605 **Mr Whitfield:** I think there are two different issues. There is an issue of whether you were being potentially less than transparent by not articulating and saying who you are; the voice of who you are talking to our public and what is actually the promotion of a Government policy and strategy.

In terms of being able to put information in a clear understandable fashion, that can be understood by a broad band of people, I think, is something that we are all trying to do, in part in



2610 our tone of voice and our understanding of it. It is partly cultural, it is the way we write to our community, it is the way we correspond with our community and it is all captured in that.

2615 **The Chairman:** On the current guidelines, putting to one side the campaign we are talking about here, which has obviously been discontinued, under the current guidelines, do you think there is any facility for the States to undertake so-called guerrilla marketing, at all, within the existing framework?

2620 **Mr Whitfield:** I would only take the ingredient that I mentioned earlier, which was we always have to use our resources as effectively and economically as we can. We all know that doing expensive PR campaigns, PR can be expensive, but there are alternative ways of doing it, as expressed by Deputy Meerveld and the fact that you could use less of your budget, but be more creative and innovative in the way that you approach that campaign.

2625 We would do that. In fact, we do deploy some of those initiatives, but it still has to be done against the standards of transparency and openness that people would expect. Government has to be that bit more responsible in its standards and its duties.

**The Chairman:** Do you think there was something in what Deputy Meerveld was saying? There is obviously a perception out there, amongst some Deputies, I think that is probably fair to say, that perhaps the way in which the States of Guernsey communicates on some of these bigger items has been perhaps not as perfect as it could be, perhaps not as dynamic as it could be.

2630 Is there something in that? That perception, undoubtedly exists.

2635 **Mr Whitfield:** I would say three-plus years ago, I would have totally agreed with you. I think the way we were communicating with our community was very traditional. We relied upon church hall presentations, where you might get the same group of 30 or 40 people. Sometimes it would be stimulated, and you would get a greater attendance.

2640 We did not really look at using social media or film injects or putting Facebook pages up. I think we have also used a lot more expansion of things like simplified and animated, not in a humorous way, in a way of actually being able to put a message across, very complicated Policy Letters in a far more straight-forward manner.

We have done that a lot, even to the point where we have done open public meetings, in areas like Beau Sejour, where we have actually filmed them and live-streamed them and then uploaded them onto the website, so that those who cannot attend, for whatever reason, are able to watch from the safety of their own home.

2645 **The Chairman:** We might have to do that ourselves, as a Scrutiny Management Committee. Advocate Harwood, then I think we are almost at the end.

**Advocate Harwood:** Can I just go back to Deputy St Pier?

2650 You went public fairly early on, after this issue, questioning, possibly, that the whole Committee was responsible, because they had delegated or allowed one of their members to make a commitment on behalf of the Committee.

2655 Given the evidence you have heard today, are you still of that opinion? Deputy Inder, for example, questioned the word 'function' and was this a 'function' and therefore possibly was it caught by these rules?

**Deputy St Pier:** Clearly the reference to the Law is clearly a matter of legal interpretation. But, ultimately this is a matter of political judgement and I return to my response to my previous answer. I think it was politically ill-judged to assign responsibility to one member on this issue and for them to act as an officer.

2660 For that, there is political collective responsibility, irrespective of what the Rules or the Law says, because that is what allowed this situation to arise. If that decision had not been made, none of us would now be sitting here, today.

2665 Do you mind if I make a comment about the tone and content? Mr Harwood asked that question, earlier. It is an important issue to comment on, as to whether the guidelines deal with that and I think many of us would be surprised to think that we need to have guidelines that explain that we want to be open and transparent and communication should be structured in that way and that Government needs to have a guideline to say that Government is not a corporation and it is not trying to sell product by use of marketing puff.

2670 Those are things which I do not think many of us would assume were necessary. But, I think, again, perhaps in light of this experience, it is necessary for us to be very clear that those things that many of us assumed were fact, and that we all accepted, do need to be stated.

Clearly, not everybody had come to this table believing that.

2675 **Deputy Roffey:** Can I pick an example? We have heard that Education, Sport & Culture asked your Committee for a £93,000 uplift to carry out work. One of the bits of artwork showed £93,000 being conjured out of nothing and, obviously, it was seeking to deride that.

Did that surprise you, having been asked for it, that the people who asked for it then almost took the mickey about the fact that they had been given it?

2680 **Deputy St Pier:** Very little has surprised me in the last week.

**The Chairman:** I think we are at an end. Is there anything else any of you would like to add? Deputy St Pier?

2685 **Deputy St Pier:** If I may, I was accused, named a number of times in the previous session, given that that is on record, I would like to respond to that. In particular, the suggestion that I had made inaccurate statements.

2690 I think it is worth noting that the statements have been made on Monday and Tuesday this week have been with the approval of my Committee. The statement on Saturday that I made, I made off my own bat and accept responsibility for that, although I felt that it was a statement of which I was sufficiently confident that the rest of my Committee would concur. Indeed, they have not demurred from it. Just to clarify that.

2695 In particular, the statement on Monday, which used the term 'a decision to appoint', rather than a 'decision to engage with', has been picked up as being inaccurate, but I think the evidence from Mr Nutley and from Deputy Meerveld is entirely consistent with their belief that he had been authorised to contract, in other words to appoint.

So, whilst the language was not exactly the same as appeared in the minute, I think it is clear that the intent was the same, by the evidence that has been presented to you this morning.

2700 I do not know what other inaccuracies I may be accused of making. They were not presented in evidence, today. But I do wish to challenge that on record.

**Deputy Roffey:** Clearly, you are very motivated – sorry, I know we are running out of time here – almost vexed by events. Why were you so engaged?

2705 **Deputy St Pier:** Aside from the comment which I made on Saturday, which set out the Policy & Resources' unambiguous views. I said I was assuming that they would agree with me, and the vast majority across the States, is that the policy should be debated openly and transparently. That is the tone and content issue you have just discussed. Not through anonymised social media campaigns.

2710 I also have no doubt that that is a legitimate and reasonable expectation of Islanders. That is the only value judgement or comment I have made on this issue all week, knowing that this

session would be coming today. So, I have avoided, in any media or social media, making any other comment.

2715 But, yes, it does exercise me considerably, and I think this issue goes to the heart of the integrity of Government and to the public's trust and confidence in the political system and I do not think that any of us should attempt to justify or condone what has happened on this occasion. It risks tainting the whole system and has brought us into disrepute and that is unhealthy for the relationship between the political body and our electorate and needs to be robustly challenged to say this unacceptable. It is not what should have happened. It is underhand and deceitful, and it  
2720 will not happen again, in any part of Government.

All of that is a personal view. It is a personal view, which I am happy to express for the first time today, on the record, and I hope that many people, both in and outside the Assembly, would agree that that is a fair judgement.

2725 **The Chairman:** Mr Whitfield, do you have anything to add?

**Mr Whitfield:** I just wanted to return, for a point of clarity, on what has been perceived as the unprecedented use of the £93,000. My understanding, my sympathy for the Committee for Education, Sport & Culture, as they were carrying through a Resolution of the States to work up  
2730 the detail around the option of a three-school model and a huge amount of effort and time has gone in by the staff and the politicians on the Committee.

However, as part of responsible Government, life changes, the environment changes around us. If I could use an example: if, suddenly, there was a completely different and clean way of delivering fossil fuels to the Island and the States had already committed to building a new tanker,  
2735 for example, if that new idea was perceived to be a lot more effective and efficient, you might want to think again, before you build that new tanker.

In the same way, possibly, this term is entering the biggest capital spend it will look at in terms of the Education build around those options and it has become apparent in that time that other Deputies were asking questions. It is quite clear, under Rule 43, which requires Committees to supply complete and accurate information to allow the financial implications of amendments to be understood. The allocation of the £93,000, in fact, started with perfectly reasonable questions  
2740 being asked about other options, for which ESC made it very clear, with the pressure that was on them to deliver their Policy Letter, they simply did not have the resources to accurately provide that information.

2745 They were then asked what would look like, in terms of resourcing, and that was submitted, the £93,000.

Indeed, as I articulated, that has not been used in full, but it allowed us to actually use resources to provide the correct information against those potential amendments, so there can be an equal and fair comparison for a successful debate; which the community so needs, in order to  
2750 make a hopefully substantial decision on the future of education.

**The Chairman:** Mr Vaudin?

**Mr Vaudin:** No, sir.  
2755

**The Chairman:** I think we are at an end. So, thank you very much for everybody attending. What I should say is there will be a *Hansard* transcript of the hearing this morning.

We are not going to be making any media comment today. We plan to make some media comment on Monday. Obviously, this is a matter that will require considerable consideration,  
2760 before we articulate any thoughts.

So, thank you very much,

*The hearing adjourned at 12.39 p.m.*