

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

**PANEL OF MEMBERS**

REVIEW OF COMPLAINTS UNDER THE ADMINISTRATIVE DECISIONS (REVIEW)  
GUERNSEY LAW, 1986 RECEIVED IN 2018

**1. Executive Summary**

- 1.1 The attached report is submitted in accordance with the requirements of section 8 of the Administrative Decisions (Review) (Guernsey) Law, 1986 (“the Law”). The report sets out on the complaints received between 1<sup>st</sup> January 2018 and 31<sup>st</sup> December 2018, including the findings of any Board in respect of any complaint referred to a Board and any steps taken on a reconsideration of any matter.
- 1.2 During this period, the Chief Executive received 4 formal complaints under the Review Board Law. Following careful consideration of the complaints, the Chief Executive did not refer any of the complaints not resolved informally between the complainant and the Committee whose administrative decision was the subject of the complaint, to the Chairman of the Panel of Members under section 3 of the Review Board Law.

**2. Complaints received in 2018**

- 2.1 Section 1 of the Law provides that all applications for a matter to be reviewed by a Review Board shall be made to the Chief Executive of the States, except where the matter complained of relates to the Policy and Resources Committee and its staff, in which case application is made to HM Greffier.
- 2.2. During this period, the Chief Executive received 4 complaints, and none were referred to HM Greffier. Table 1 below provides a breakdown of the disposal of the complaints and includes the number of complaints received in 2015, 2016 and 2017 for comparison.
- 2.3 In addition, the Chief Executive and members of the Panel of Members also received several general enquiries from members of the public about the Law. When complainants contact a member of the Panel of Members directly, they are referred to the Chief Executive in the first instance.

**Table 1**

Year	Number of Complaints	Number referred to the Chairman of the Panel of Members	Number not referred to the Chairman of the Panel of Members by the Chief Executive under section 3 of the Review Board Law	Number resolved informally between the complainant and the responding Committee
2018	4	--	3	1
2017	5	--	3	2
2016	7	--	3	4
2015	3	--	2	1

**3. Overview of complaints received in 2018**

3.1 Table 2 provides an overview of the complaints received during the above period and the disposal of each complaint.

3.2 Section 2 of the Review Board Law requires the Chief Executive or HM Greffier to,

*“On receipt of an application made under section 1 of this Law the Chief Executive of the States of Guernsey or Her Majesty's Greffier, as the case may be, shall enquire into the facts of the matter and, if satisfied as a result of his enquiries that the circumstances justify a review of the matter by a Board, he shall refer the matter to the Chairman of the Panel of Members who shall, as soon as may be, appoint a Board in accordance with this Law and thereafter forthwith refer the matter to the Board so constituted for the Board's action in accordance with this Law.”*

3.3 Further, section 3 of the Review Board Law sets out the circumstances where the Chief Executive of the States of Guernsey or HM Greffier shall not refer a complaint to the Chairman of the Panel of Members. Section 3 sets out six different circumstances where he is not required to refer a complaint to the Chairman of the Panel of Members, namely if he is of the opinion,

- (a) the matter complained of is not within the jurisdiction of a Board,*
- (b) the matter complained of relates to a decision, act or omission of which the complainant has had knowledge for more than twelve months,*
- (c) the subject matter of the complaint is trivial,*
- (d) the complaint is frivolous, vexatious or not made in good faith,*
- (e) the complainant has not a sufficient personal interest in the subject matter of the complaint,*

*(f) the complainant has in respect of the matter complained of a right of appeal, reference or review or a remedy by way of proceedings in any court of law unless, in any such case, [the Chief Executive of the States of Guernsey] or Her Majesty's Greffier, as the case may be, is satisfied that in the particular circumstances it is not reasonable to expect the complainant to resort to or to have resorted to that right or remedy."*

3.4 Table 2 below provides a brief summary of the complaints received by the Chief Executive between 1<sup>st</sup> January 2018 and 31<sup>st</sup> December 2018. The information is presented so as to ensure the anonymity of the complaints, especially as several complaints related to administrative decisions which affected children and vulnerable adults. Appendix 1 contains details of the complaints received during 2015, 2016 and 2017 for comparison and reference.

**Table 2**

	<b>Committee</b>	<b>Outline of Complaint</b>	<b>Action &amp; Decision</b>
A	Committee <i>for</i> Health & Social Care	A complaint against a decision of the Committee not to refer a patient for surgery off-Island.	The Chief Executive did not refer the matter to the Chairman of the Panel as the complainant had a remedy by way of proceedings in any court and it was not unreasonable for the complainant to resort to that remedy (see section 3(f) of the Review Board Law).
B	Committee <i>for</i> Education, Sport & Culture	A complaint against a decision of the Committee not to make an award under its policy for Independent Bursary Awards.	The Chief Executive did not refer the matter to the Chairman of the Panel as the complainant had a remedy by way of proceedings in any court and it was not unreasonable for the complainant to resort to that remedy (see section 3(f) of the Review Board Law).

	<b>Committee</b>	<b>Outline of Complaint</b>	<b>Action &amp; Decision</b>
C	Committee <i>for</i> Employment & Social Security	A complaint against a decision of the Committee in respect of classification as an insured person under the Social Insurance (Contributions) Regulations, 2000.	The Chief Executive did not refer the matter to the Chairman of the Panel as the complainant had a remedy by way of appeal to the Royal Court against the Committee's decision under the Social Insurance (Guernsey) Law, 1978 and it was not unreasonable for the complainant to resort to that remedy (see section 3(f) of the Review Board Law).
D	Development & Planning Authority	A complaint against a decision of the Authority in respect of an alleged breach of development control under the Land Planning and Development (Guernsey) Law, 2005.	The complainant did not pursue the matter following further discussions with the Authority.

Deputy C Green  
Chairman of the Panel of Members

## Appendix 1

Complaints received under the Administrative Decisions (Review) Guernsey Law, 1986 in 2015, 2016 and 2017

<b>2015 Complaints</b>			
	<b>Committee</b>	<b>Outline of Complaint</b>	<b>Action &amp; Decision</b>
A	Housing Department	A complaint against a decision of the Department under the Housing (Control of Occupation) (Guernsey) Law, 1994 in respect of a non-employment-related housing licence.	The Chief Executive did not refer the matter to the Chairman of the Panel as the complainant had a right of appeal under the Housing (Control of Occupation) (Guernsey) Law, 1994 to the Royal Court and it was not unreasonable for the complainant to resort to that remedy (see section 3(f) of the Review Board Law).
B	Environment Department	A complaint against a decision of the Department under the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (Enforcement) Ordinance, 2007 in respect of the authorised use of land.	The Chief Executive did not refer the matter to the Chairman of the Panel as the complainant had a right of appeal before the Planning Tribunal and it was not unreasonable for the complainant to resort to that remedy (see section 3(f) of the Review Board Law).
C	Environment Department	A complaint against a decision of the Department in respect of a change of the authorised use of land under the Land Planning and Development (Use Classes) Ordinance, 2007.	The complainant did not pursue the matter following further discussions with the Department.

<b>2016 Complaints</b>			
	<b>Committee</b>	<b>Outline of Complaint</b>	<b>Action &amp; Decision</b>
D	Housing Department	A complaint against a decision of the Department under the Housing (Control of Occupation) (Guernsey) Law, 1994 in respect of a decision in an application for an employment-related housing licence.	The Chief Executive did not refer the matter to the Chairman of the Panel as the complainant had a right of appeal under the Housing (Control of Occupation) (Guernsey) Law, 1994 to the Royal Court in relation to the matter from which the complaint arose and it was not unreasonable for the complainant to resort to that remedy (see section 3(f) of the Review Board Law).
E	Commerce and Employment Department	A complaint about changes to arrangements for the doorstep delivery of milk.	The Chief Executive did not refer the matter to the Chairman of the Panel as the complaint was in relation to commercial arrangement and so outside the jurisdiction of the Board (see section 3(a) of the Review Board Law).
F	Committee <i>for</i> Employment & Social Security and Committee <i>for</i> Health & Social Care	A complaint against a decision of the two Committees not to reimburse the complainant for the costs of private medical treatment in the UK.	The complainant did not pursue the matter following further discussions with the two Committees
G	Committee <i>for</i> Education, Sport & Culture	A complaint against a decision of the Committee not to allocate a secondary school place out of catchment.	The complainant did not pursue the matter following further discussions with the Committee.
H	Committee <i>for</i> Education, Sport & Culture	A complaint against a decision of the Committee not to allocate a primary school place out of catchment.	The complainant did not pursue the matter following further discussions with the Committee.

	<b>Committee</b>	<b>Outline of Complaint</b>	<b>Action &amp; Decision</b>
I	Committee <i>for</i> Education, Sport & Culture	A complaint against a decision of the Committee not to allocate a “special place” on the basis of the 11+ assessment.	The Chief Executive did not refer the matter to the Chairman of the Panel as the complainant had a remedy by way of proceedings in any court and it was not unreasonable for the complainant to resort to that remedy (see section 3(f) of the Review Board Law).
J	Committee <i>for</i> Health & Social Care	A complaint against a decision of the Committee not to approve an application under its Policy for the Management of Individual Funding Requests (G1003).	The Chief Executive did not refer the matter to the Chairman of the Panel as the complainant had a remedy by way of proceedings in any court and it was not unreasonable for the complainant to resort to that remedy (see section 3(f) of the Review Board Law).
K	Committee <i>for</i> Health & Social Care	A complaint against a decision of the Committee not to reimburse the complaint for the costs of private medical treatment in the UK.	The complainant did not pursue the matter following further discussions with the Committee.

### **2017 Complaints**

	<b>Committee</b>	<b>Outline of Complaint</b>	<b>Action &amp; Decision</b>
L	Committee <i>for</i> Home Affairs	A complaint against a decision by the Committee in relation to prisoner transfers under the Prison (Guernsey) Ordinance, 2013 and the Crime (Sentences) Act 1997	The Chief Executive did not refer the matter to the Chairman of the Panel as matter fell outside of the jurisdiction of a Board (see section 3(a) of the Review Board Law) and the complainant had a remedy by way of proceedings in any court and it was not unreasonable for the complainant to resort to that remedy (see section 3(f) of the Review Board Law).

	<b>Committee</b>	<b>Outline of Complaint</b>	<b>Action &amp; Decision</b>
M	Development & Planning Authority	A complaint by third party representors against a decision of the Authority to grant permission for a planning application.	The Chief Executive did not refer the matter to the Chairman of the Panel as the complainant had a remedy by way of proceedings in any court and it was not unreasonable for the complainant to resort to that remedy (see section 3(f) of the Review Board Law).
N	Committee <i>for</i> Health & Social Care	A complaint by a third party about the care arrangements for a family member.	The Chief Executive did not refer the matter to the Chairman of the Panel as matter fell outside of the jurisdiction of a Board (see section 3(a) of the Review Board Law).
O	Committee <i>for</i> Education, Sport & Culture	A complaint against a decision of the Committee not to provide funding for post-16 off-Island vocational training.	The complainant did not pursue the matter following further discussions with the Committee.
P	States Trading Supervisory Board	A complaint about the impact of maintenance of States owned land adjoining land owned by the complainant.	The complainant did not pursue the matter following further discussions with the Board.