

CODE OF CONDUCT**COMPLAINT AGAINST DEPUTY C PARKINSON****FINDINGS OF THE INVESTIGATION PANEL**

Deputy Charles Parkinson is a Member of the States of Deliberation.

On 28 February 2022, Deputy Mark Helyar wrote to the States Members' Code of Conduct Panel asserting that Deputy Parkinson had breached the Code of Conduct by: an insulting, unsubstantiated and unjustified description of Deputy Helyar's personal politics in social media postings in breach of sections 8, 9 and 11; wrongful and untruthful attribution of comments Deputy Helyar made in the States of Deliberation which also tended to malign the work of a long-standing local charity in breach of sections 8, 9 and 11; failing to disclose that he was a trustee of "Liberate" in breach of section 17; and wrongly saying that Deputy Helyar had called Deputy Parkinson a "snake oil salesman".

On 5 March 2022 Mrs Kate Miller-Helyar wrote to the States Members' Code of Conduct Panel asserting that Deputy Parkinson had breached the Code of Conduct by: using defamatory words to describe Deputy Helyar's politics in social media posts which were untrue and affected his reputation both professionally and personally and that of his family in breach of sections 9 and 11; asserting that Deputy Helyar had called him a "snake oil salesman" which was not correct and in breach of section 6; incorrectly stating that Deputy Helyar had said in a debate in the States of Deliberation that "discrimination doesn't happen" in breach of section 6; and failing to declare that he was a trustee of "Liberate" in breach of section 17.

On 8 March 2022 Mr David Piesing wrote to the States Members' Code of Conduct Panel asserting that Deputy Parkinson had breached the Code of Conduct by: using words which have certain connotations to describe incorrectly Deputy Helyar's politics in breach of

sections 9 and 11; and failing to declare that he was a trustee of “Liberate” in breach of section 17.

In relation to the first aspect of all three complaints (the words used about Deputy Helyar’s politics), the Panel decided not to state in this decision what words were used. This inevitably clouds the events giving rise to the complaints but we considered the point carefully before deciding not to repeat the words used.

Section 6 of the Code of Conduct is in the following terms:

Personal Conduct

Members shall observe the following general principles of conduct for holders of public office

- ***Selflessness*** *Members shall take decisions solely in terms of the public interest. They shall not do so in order to gain financial or other material benefits for themselves, their family or friends, their business associates or any voluntary or charitable organisation with which they are involved.*
- ***Integrity*** *Members shall not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.*
- ***Objectivity*** *In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, Members shall make choices on merit, and at no time improperly discriminate against or afford undue preferential treatment to any group or individual.*
- ***Accountability*** *Members are accountable for their decisions and actions to the States and the public and must submit themselves to whatever scrutiny is appropriate to their office.*
- ***Openness*** *Members shall be as open as possible about all decisions and actions that they take and must not knowingly deceive or mislead. They shall give reasons for their decisions and restrict information only when the wider public interest, or statutory provision, clearly demand.*
- ***Honesty*** *Members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.*
- ***Leadership*** *Members shall promote and support these principles by leadership and example.*

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

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

Section 9 is in the following terms:

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

Section 11 is in the following terms:

Members shall act in good conscience and exercise the privileges and discharge the duties of public office diligently and with civility, dignity, care and honour.

Section 17 is in the following terms:

Members must fulfil conscientiously the requirements of the Rules of Procedure of the States of Deliberation in respect of the registration of interests in the Register of Members' Interests and must always draw attention to any relevant and material interest in any proceedings of the States of Deliberation, its Departments or Committees.

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

The Investigation Panel was convened and comprised The Very Rev'd John Guille as Chairman, Dame Mary Perkins and Mr Stephen Trevor.

The Panel had separate meetings with each of Deputy Helyar, Mrs Miller-Helyar, Mr Piesing and Deputy Parkinson. The Panel is grateful to the three complainants and to Deputy Parkinson for their detailed written and oral submissions.

The Panel considered the complaints by type as there was considerable overlap between those made by the three complainants.

In summary, the first complaint (made by all three complainants) was that Deputy Parkinson had used in a Facebook post a phrase to describe Deputy Helyar's politics which was a slur and not an accurate description of Deputy Helyar's political position. They asserted that the words used breached sections 8, 9 and 11 of the Code.

Deputy Helyar said that his politics did not match the words used by Deputy Parkinson. They were a slur and went far beyond the usual exchange of views between politicians. The words had clear connotations for most people and suggested a set of extreme political views which he did not hold. His family had been harassed and the use of such a description of him might increase harassment. The words were insulting and besmirched his personal and professional reputation.

Mrs Miller-Helyar said that the words used were categorically untrue of Deputy Helyar and would affect the personal and professional reputation of Deputy Helyar and also his family.

Mr Piesing said that the words used were universally understood to mean a set of extreme political beliefs. There was no evidence that those were Deputy Helyar's politics.

In response, Deputy Parkinson said that the words in question needed to be considered in the context of how he had written them – they immediately preceded the word “Deputy”. It was therefore obvious that he meant them to qualify the word Deputy and were a description of Deputy Helyar's politics in relative terms compared to other States Members, past and present. He did not mean them in the way asserted by the complainants and they did not apply to Deputy Helyar in any wider context. They therefore did not constitute a Code breach.

In summary, the next complaint (made by Mrs Miller-Helyar) was that Deputy Parkinson had posted on social media that Deputy Helyar had called him a “snake oil salesman” in a social media post which was not correct. He had therefore breached section 6 of the Code.

Deputy Helyar had posted on Facebook an item headed “Snake Oil”. He set out his definition of the term and then said that Deputy Parkinson’s “territorial tax regime” was such a thing. Deputy Helyar continued with further comments about Deputy Parkinson’s suggestions about tax.

In response, Deputy Parkinson said that the only reasonable construction of Deputy Helyar’s post was that Deputy Helyar regarded him as a “snake oil salesman” and that was the sense in which the reader was intended to understand it. The snake oil post had been before any of his own posts. Politics was a rough game and politicians frequently made disparaging remarks about each other and their opponents’ policies. He thought that the words used were defamatory but had not pursued the matter at the time, seeing it as part of the rough and tumble of politics.

In summary, the next complaint (made by Deputy Helyar and Mrs Miller-Helyar) was that Deputy Parkinson had wrongly and untruthfully attributed comments Deputy Helyar made in the States of Deliberation about discrimination in Guernsey and had maligned the work of the Citizens Advice Bureau as a long-standing local charity. Deputy Parkinson had said that Deputy Helyar had said that “discrimination doesn’t happen”. Deputy Helyar said that he had never made any comment either in the States Chamber or outside in relation to discrimination against LGBTQ+ people. The words quoted by Deputy Parkinson had been made in relation to whether secular beliefs should be protected. Deputy Parkinson had deliberately misused them for his own ends. He had refused to apologise or withdraw them. He had not mentioned the charity. His position had been falsely represented.

Mrs Miller-Helyar said that Deputy Parkinson had taken Deputy Helyar’s words out of context.

In response, Deputy Parkinson said that he read the States debate in the Hansard report as showing that Deputy Helyar was talking about all of the Ordinance being discussed and not just the section on secular belief. He was in no way criticising the work of the charity and had nothing but admiration for its work.

In summary, the final complaint (made by all the complainants) was that Deputy Parkinson had failed to disclose that he was a trustee of “Liberate”. He had not entered that trusteeship in his Declaration of Members’ Interests and yet Liberate’s charity registration with the

Guernsey Registry showed that he was one of its trustees. He had therefore breached the requirements of section 17 of the Code.

In his written response, Deputy Parkinson said that if the Panel found that his trusteeship of Liberate did fall within the category of trusteeships which needed to be declared he would willingly make the necessary declaration. He obtained no material benefit from his position and it did not occur to him that he needed to include it in his Declaration of Interests. He had included it in his manifesto. He was proud of the role and believed it was widely known and had been referred to in some States debates. When he appeared before the Panel, he stated that he had since resigned as a trustee (for reasons wholly unconnected with these complaints). Deputy Parkinson explained that he considered himself careful about disclosing and managing potential conflicts, giving an example of when he had done so to his own financial detriment.

After discussion the panel concluded in respect of each of the complaints as follows.

One, phrase used about Deputy Helyar's politics

The Panel concluded that the words used by Deputy Parkinson against Deputy Helyar breached the Code because they had a generally accepted meaning which is how the majority of readers would understand them. Even if they had not been meant in any malicious sense by Deputy Parkinson when he used them, they would be taken to mean something specific which was not acceptable or accurate to use in respect of Deputy Helyar. It was notable that Deputy Parkinson's main argument about the words used was that they should be understood in a relative sense (comparing Deputy Helyar's politics to those of other Deputies), and he had not intended to suggest that in an absolute sense they were a reasonable description of Deputy Helyar's politics. The Panel did not accept the relative interpretation and decided that Deputy Parkinson's conduct did constitute a breach of sections 9 and 11 of the Code.

Two, saying that Deputy Helyar called Deputy Parkinson a "snake-oil salesman"

The Panel noted that Mrs Miller-Helyar was correct to say that what Deputy Helyar had posted had been misrepresented because he had not actually written the word "salesman". However, it also noted that the phrase "snake oil" was frequently used by politicians and, whilst the Panel does not validate or encourage its use, it was not sufficiently insulting that it should necessarily be regarded as a breach of the Code. The Panel did not consider Deputy Parkinson's conduct on this point involved a breach of the Code.

Three, saying that Deputy Helyar had said in a States' debate that discrimination does not exist

The Panel decided that Deputy Parkinson had misrepresented what Deputy Helyar had said in the States' debate. Deputy Helyar had been speaking about the narrow matter of whether secular beliefs should have protection and the lack of evidence presented to show that there was a problem in that area. He had not been referring to discrimination in other areas (such as LGBTQ+ rights) as Deputy Parkinson had asserted. The Panel did not agree that section 6 had been breached, as asserted. However, it decided that sections 9 and 11 had been breached.

In respect of the other part of that complaint about Deputy Parkinson's comments about the Citizens Advice Bureau in Guernsey and Deputy Helyar's chairmanship of it, the Panel decided that Deputy Parkinson's references to it could not be regarded as a breach of any section of the Code. There was no negative inference about the work of the Citizens Advice Bureau.

Four, Deputy Parkinson's failure to declare that he was a trustee of Liberate

The Panel decided that the fact that Deputy Parkinson had not gained materially from his trusteeship was irrelevant to whether he should have registered it. While he had now resigned from it, it was a position which should have been included in his Declaration of Interests the whole time he held it. He had therefore breached section 17 of the Code by not declaring it during that period.

The Panel therefore found that the complaints that Deputy Parkinson had breached the Code of Conduct for States Members were in some case proven and in others not. In determining what the sanction should be in those elements that were proven, the Panel had regard to the following factors.

Seriousness

Deputy Parkinson breached several provisions of the Code. However, it regarded each breach as being relatively minor. In complaint one the words used were unacceptable. While it was possible to interpret them differently, the implied meaning was highly offensive (other than to a person who identified as having such views). However, there was the "rough and tumble of politics" factor and this was not a case of a Deputy abusing public office for personal gain

and, having met Deputy Parkinson and considered his comments, it appears to the Panel that his words had been a misjudged retaliation to Deputy Helyar's Facebook post, rather than intended maliciously. The failure to register the Liberate trusteeship was also minor because it was already a matter of public record and did not involve any personal financial interest.

Experience

Deputy Parkinson has served several terms as a Member of the States and should therefore have known what constituted acceptable behaviour and also the contents of the Code. This latter point was particularly relevant to his non-declaration of his trusteeship of Liberate. The fact that he is a multi-term Member was therefore an aggravating factor.

Impact of conduct

The Panel was told of, and accepted, the impact which Deputy Parkinson's offensive words had had on Deputy Helyar and his family. Deputy Parkinson had suggested that Deputy Helyar's political views were of an extreme nature which most people would consider offensive. This is an aggravating factor in relation to the words. In relation to the Liberate trusteeship, it seems unlikely that the failure to register it had any material impact as Deputy Parkinson had published it in his manifesto and it was on the public record at the Guernsey Registry.

Inadvertence or culpability

Deputy Parkinson had chosen to post the words describing Deputy Helyar's politics but did not appear to have realised how offensive they would be. This is a minor mitigating factor in relation to the words used. Similarly the failure to declare the Liberate trusteeship was inadvertent, the Panel was satisfied that Deputy Parkinson was not systematically careless about conflicts of interest, and this is a mitigating factor.

Self-referral

Deputy Parkinson had not referred himself to the Panel. However, the speed at which events moved probably precluded this in practice so the Panel regarded this as neutral. Deputy Parkinson did offer to correct the omission in his Declaration of Interests after the complaints were lodged but again we regard this as neutral because he did not actually do so.

Personal mitigating factors

We did not identify any such factors.

Other mitigating or aggravating factors

We did not identify any such factors.

In considering the scale of seriousness, and taking into account the above factors, we find that two of the breaches were serious enough to justify a sanction – complaints one and three. In respect of complaint four, we decided (by a majority) that while the Code had been breached it was sufficiently minor that there should be no sanction for it.

We think that this case falls under section 38 in that, although we find that three of the complaints have been substantiated, each breach of the Code of Conduct was a minor one. In each of the two complaints where we think that a sanction is justified (complaints one and three), it can be disposed of by cautioning Deputy Parkinson. If each such caution is accepted, a report of our decision will then be forwarded to the Presiding Officer and to Her Majesty's Greffier, so that the report can be made available to members of the public.

The Very Rev'd J. Guille

Dame Mary Perkins DBE

Mr S. Trevor

Dated 16th May, 2022