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**WRITTEN QUESTION TO THE CHAIRMAN OF PRIVILEGES AND
PROCEDURES
BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR
ANSWER TO BE TABLED ON TUESDAY 30th JUNE 2009**

Question

Will the Complaints Board be able to comment on whether alleged contraventions of Human Rights are a factor in cases placed before it?

Answer

PPC is currently awaiting the outcome of the recruitment process for additional members of the Complaints Panel. The interview process is being managed by a member of the Appointments Commission without the involvement of any members of PPC and I understand that the selection panel should be in a position to recommend nominations to the Committee within a week. At that stage PPC will lodge a proposition asking the States to approve the nominations put forward.

Once the Complaints Panel is fully reconstituted PPC will arrange a meeting with the Chairman, Deputy Chairmen and members to discuss the work of the complaints system. As the issue of human rights has been raised by States members I am happy to undertake to place this matter on the agenda for the meeting. I think it is nevertheless important to stress that the complaints system is a way for complainants who are aggrieved by a *specific* decision of a Minister, Department or person acting on their behalf to have the complaint reviewed and it would not therefore be possible for a Board to consider human rights matters unless they were directly relevant to a particular decision. In addition the only remedy that the Board can recommend, if it finds in favour of the complainant, is that the Minister should reconsider the original decision in the light of the Board's findings. Although the current Chairman and Deputy Chairmen are legally qualified there is no statutory requirement for them to be lawyers and a Complaints Board is not a court. When PPC meets the members of the Complaints Panel it will be keen to discuss the extent to which the Panel should be alert to human rights issues that are raised by complainants even if it is only to know when further information or advice on matters raised should be sought. When PPC discussed this issue on 19th June 2009 it was interested to note the views of the UK Parliamentary Commissioner for Administration, Ann Abraham, who, in response to the inquiry launched in April 2008 by the UK Equality and Human Rights Commission, wrote in August 2008 that "*Formal findings of human rights infringements are of course a matter for the courts. But Ombudsmen need to ask human rights questions, use human rights language and play their part in nudging public authorities towards the sort of human rights culture that the Government envisaged with the Human Rights Act in 1998.*"^[1]

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http://www.ombudsman.org.uk/about_us/FOI/whats_available/documents/responses/human_rights_inquiry.html