

## Terms of Reference

### Designated Officer:

Name: Kirsty Hemsley, Executive Director of Policy Development, Cabinet Office

### Investigating Officer:

Name: Alan Gough

The purpose of this Terms of Reference is to commission an Investigation into a potential breach of the Government Code, specifically Part 2 of the Code in respect of the behaviours expected of Ministers in undertaking their responsibilities.

Under the Government Code, dated October 2022:

*"Para 4.2 - **A Minister is responsible to the Chief Minister**, and Tynwald for the conduct of his or her Department, and for the actions carried out by his or her Department in pursuit of Government policies or in the discharge of responsibilities laid upon him or her as a Minister.*

*Para 4.3 - **A Minister is accountable to the Chief Minister**, and Tynwald, in the sense that he or she has a duty to explain the exercise of his or her powers and duties and to give an account of what is done by him or her in his or her capacity as a Minister or by his or her Department."*

Under the Part 3 of the Government Code which applies to Members of Departments it states:

*Para 3.17 - **"The provisions of the Ministerial Code at Part 2 of this document apply, as appropriate, to Members of Departments when fulfilling their Government responsibilities. Advice on the application of the Ministerial Code to Members of Departments in particular instances, can be obtained from the Chief Secretary."***

The investigation is to establish the facts surrounding the following allegations;

- i. that the Minister for Health and Social Care Hon L Hooper MHK has "...broken the Nolan principles and Ministerial Code on 26<sup>th</sup> June by exhibiting intimidating and bullying behaviour", in a meeting on 26 June 2023 as alleged by the Health Services Consultative Committee within the letter of complaint dated 28 October 2023;
- ii. that the Member for Health and Social Care Ms T August-Hanson MLC has "...broken the Nolan principles and Ministerial Code on 26<sup>th</sup> June by exhibiting intimidating and bullying behaviour", in a meeting on 26 June 2023 as alleged by the Health Services Consultative Committee within the letter of complaint dated 28 October 2023
- iii. that the Minister for Health and Social Care Hon L Hooper MHK, broke the Government Code in the House of Keys on Tuesday 31 October 2023 using the platform "to wrongly accuse an independent committee of lying in its annual report" as alleged by ██████████ ██████████ to the Chief Minister on 8 November 2023.

### Method

Your investigation will be conducted in accordance with the Government Code.

### Exclusions

There are no specific exclusions.

### Witnesses

You should see such witnesses as necessary to ensure the effective conduct and completion of the Investigation, including all attendees at the meeting of 26 June 2023.

**Timeframes for the Investigation**

The investigation will be completed as soon as possible and every effort will be taken to expedite the process, however if delays prove unavoidable relevant parties must be kept informed on a weekly basis.

**Responsibility of Investigating Officer**

The Investigating Officer will:

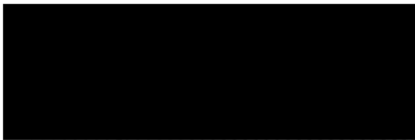
- carry out the Investigation in accordance with appropriate policy/ies and Terms of Reference and
- provide a final report to the Chief Minister.

**Report**

The report will include all relevant evidence gathered, including witness statements, and will be referred to the Designated Officer for onward referral to the Chief Minister for any necessary action.

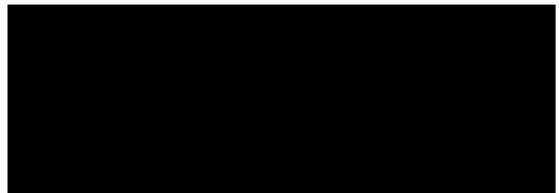
**Confidentiality**

This Investigation operates under a strict code of confidentiality within the requirements of the law. All information will be kept confidential and it may be appropriate to consider password protecting sensitive documents sent via email.



Hon. Alfred Cannan MHK, Chief Minister

14/11/23



Mr Alan Gough, Investigating Officer

14.11.23.