

3.14 Deputy R.G. Le Hérissier of the Chief Minister regarding reforms to the disciplinary process for public employees:

What reforms, if any, of the disciplinary process for public employees will be put forward as a result of the issues arising from the suspension of the Chief Officer of the States of Jersey Police?

[16:00]

Senator T.A. Le Sueur (The Chief Minister):

I need to make it clear to Members that the disciplinary code for the Chief Officer of Police is radically different from the procedure for public employees. Accordingly, no changes to the disciplinary process for public employees are planned as a result of issues arising from the suspension of the Chief Officer of the States of Jersey Police, since the disciplinary code for the Chief Officer is, as I say, totally different from that of other employees. I am aware that the Minister for Home Affairs has expressed some concern about the disciplinary code as in relation to the Chief Officer of Police and if he intends to make any changes to that the Human Resources Department will be available to assist him if required. On a separate matter I can confirm that the disciplinary processes for States employees do meet the standards of A.C.A.S. (Advisory, Conciliation and Arbitration Service). Having said that there may still be a need to review those procedures from time to time.

3.14.1 Deputy R.G. Le Hérissier:

Would the Chief Minister not concede that there are indeed some similarities which have been a source of great concern to the public? Firstly, the length that such inquiries take, be they with the police or be they in non-police parts of the public service, the complexity of the process, the apparent inability, if rights are asserted, to directly engage with the person as a witness at the information collection stage and I wonder if the Minister could comment on that because it strikes me there is this tension between the need to give justice to the people who have been subject to these codes and the need to convince the public that the thing can be run so that justice is done by delivering results in a reasonable amount of time.

Senator T.A. Le Sueur:

Yes, I do consider there are some similarities and matters, like the length of separation and the complexity and the involvement of employees, was and is already being addressed irrespective of anything coming out of the results of the suspension of the Chief Officer of Police. That is a matter which is ongoing but not directly as a result of this suspension.

3.14.2 Deputy T.M. Pitman:

Following on from Deputy Le Hérissier really, does the Chief Minister know if it is possible and, if so, will he consider inserting a clause so that no Chief Executive Officer, for example, under suspicion or allegation of breaching his contract, could be classed as a witness to avoid questioning in any inquiry?

Senator T.A. Le Sueur:

I will certainly consider it. I would need to have a lot more information about the advantages and disadvantages of that but I will certainly say it is worth looking at.

3.14.3 Deputy A.E. Jeune:

Would the Chief Minister agree, as a member of S.E.B. (States Employment Board), to work with the Minister for Home Affairs to ensure that a contract, as that given to the last Chief Officer of Police, does not ever happen again?

Senator T.A. Le Sueur:

If the Minister for Home Affairs requires my assistance in amending any contracts then the Human Resources Department would be glad to assist in that respect. I think the Minister has made it quite clear that there may need to be reforms to the way in which contractual arrangements are made in the future but that is a matter which I have total confidence in and to be able to address.

3.14.4 The Deputy of St. John:

If changes are to be made to the working practices of any new police chief, will it be necessary to delay the appointment process for his successor and how long can we have the Acting Police Chief in place in this type of scenario?

Senator T.A. Le Sueur:

I have to keep pointing out that the appointment of a police chief and all those procedures are matters for the Minister of Home Affairs. I do not think that it is particularly relevant to ask me whether that should cause any delays. Certainly I would have thought that it was in everyone's interest that that probably should take place as soon as possible but that the contract should be properly drawn-up.

The Deputy of St. John:

Sir, on a point of clarification, the Chief Minister is the person who appoints his Ministers and therefore it is right that he answers the questions and not tries to push it across to one of his subordinates.

The Deputy Bailiff:

The Minister for Home Affairs is responsible for the appointment, through the States, of the Chief of Police and he also has to face Questions without Notice in due course, so we will come to the Deputy of St. Martin.

3.14.5 The Deputy of St. Martin:

Maybe the Chief Minister will confirm, as from today, there is now only one States employee who is suspended, so quite clearly a number of reforms have taken place as a result of the work done by S.E.B., and in suspensions in particular, but will the Minister accept that maybe there are definitions required, something like a definition of what does a "neutral act" mean so that we really know what a neutral act is? Also, where there is a conflict of interest that conflict of interest is also clearly defined. I do have sympathy for the Minister for Home Affairs. He knows that he has found himself placed in such a difficult position simply because of the conflict. Would the Chief Minister really take it to heart to define a number of the issues that come out here so that we do not have this farce that we have just experienced now for the last 2 or 3 years?

Senator T.A. Le Sueur:

Certainly, as far as the first part of the question is concerned, the number of employees suspended, when I asked last week there were 2: if it is down to one then the Deputy knows more. That is a step in the right direction, I am sure he would agree. As to the definition and changing our procedures to improve on definitions,

yes, as I say, if there is a need to review the procedures we will do so. I just do warn that trying to tie things down in precise definitions often ends up creating more difficulty than not but certainly we will have a look at it.

3.14.6 Deputy R.G. Le Hérissier:

Would the Chief Minister not accept that there are, as he partly accepted, similarities between the 2 cases? Could he arrange for the States Employment Board and Human Resources to come back with a report to this House identifying lessons learnt because the public have got the impression that the system is out of control, it goes on for ever and never seems to come to any satisfactory conclusion for either party? Could he come back to this House with a report drawing lessons from both the police and the other suspensions?

Senator T.A. Le Sueur:

I am preparing, in due course, to come back to the House with a report on the suspensions which fall under my control or the control of the States Employment Board. I do not think it is in the remit of the States Employment Board to report on the defects, if any, of the disciplinary code relating to the Chief of Police but that does not matter, as I said before, you have a Minister for Home Affairs. But certainly if there are matters which he would care to draw to the attention of the States Employment Board I can assure him and Members that we will be happy to listen to him.