

# STATES OF JERSEY



## SUSPENSION OF STATES EMPLOYEES: COMPOSITION OF REVIEW PANEL

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Lodged au Greffe on 3rd June 2009  
by the Deputy of St. Martin

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STATES GREFFE

## PROPOSITION

**THE STATES are asked to decide whether they are of opinion –**

to refer to their Act dated 30th April 2009 in which they approved revised procedures relating to the suspension of States employees and States of Jersey police officers, and agreed, *inter alia*, that 28 days after a suspension, and every 28 days thereafter, the continuing need for the suspension would be reviewed by a Panel drawn from within the public service which would be independent of the department where the suspended person was employed, and –

to request the States Employment Board to rescind its decision to appoint the members of the Corporate Management Board as the pool from which the Review Panels will be selected and to appoint instead a pool of 9 States employees drawn from across the public service who are not members of the Corporate Management Board to fulfil this role.

DEPUTY OF ST. MARTIN

## REPORT

On 30th April 2009 the States approved my proposition P.46/2009: "Suspension of States employees and States of Jersey Police Officers: revised procedures". The purpose of the proposition was to provide for a formal suspension process and the appointment of a pool of States employees to form an independent Panel to review the continuation of the suspension of States employees.

The Chief Minister had lodged an amendment seeking to replace the proposed Panel with the States Employment Board; however he withdrew it during the debate.

Whilst it is accepted that my proposition did not specify which States employees would be appointed, it was made clear in my report and during the debate that if approved, 9 States employees would be appointed from across the public service to form a pool from which a Panel of 3 would review the continuation of States employees whose suspensions had exceeded a 28 day period. It was also made known that the Panel would be recruited from a range of States employees.

During my meeting with the Chief Minister prior to the debate, we discussed the formation of the pool and Panel. He was well aware that it would be formed from across the public service. In fact it was the Chief Minister's suggestion, that as the Panel might have junior ranking employees, the Panel should report its findings and recommendations to the States Employment Board.

It was envisaged that the States Employment Board would circulate a request to all States Departments seeking 9 employees to form a pool. Whilst I believed the task could be undertaken within 42 days, the Chief Minister lodged an amendment to extend the period to 3 months. During the course of the debate I agreed not to oppose the amendment.

In paragraph 3 of the Chief Minister's Department's letter dated 21 May 2009 (*see Appendix*) reference is made to a panel of 3 public employees drawn from a pool of 9 public employees.

In paragraph 6 in the same letter, it states that the pool of Panel members will be members of the Corporate Management Board.

The Corporate Management Board consists of Chief Officers, therefore it is most questionable whether they are independent; however they are certainly not representative of the public service. The Review Panel's role is to hear submissions from Chief Officers seeking to justify the continuation of suspensions they have imposed. Therefore it could hardly be said that the Panel is independent if it is comprised solely of fellow Chief Officers.

I believe the Chief Minister's decision to appoint the Corporate Management Board to conduct Reviews goes against the spirit and intention of my proposition. The Board is neither independent nor representative of the public service.

I therefore urge Members to support my proposition so that the Corporate Management Board is replaced by a pool of 9 States employees drawn from across the public service.

There are no financial or manpower implications for the States.

**Chief Minister's Department**  
**Employee Relations**  
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To Senior Staff Representatives

21 May 2009

Dear colleague,

**Staff Suspensions**

I am writing to advise you of changes to the States Employment Board's policies and procedures on staff suspensions following decisions made by the States Assembly on 30 April, 2009.

1. Henceforce, an employee being suspended must be given the right of representation by a trade union representative, workplace colleague or friend at the point of formal suspension.
2. An employee who is suspended should clearly be told the reason for his / her suspension at the point of suspension. But in any case, he / she must be given the reasons in writing within three days of the suspension.
3. After an employee has been suspended for 28 days, and every 28 days thereafter, there will be a formal review of the suspension by a panel of three public employees drawn from a pool of nine public employees. This will take the form of a hearing attended by the employee, his / her representative, the relevant Chief Officer or his / her nominee and the panel members.
4. The terms of reference of the Panel are as follows:-
  - to ensure that the process of suspension has been correctly followed;
  - to ensure that the employee has been given the reasons for the suspension in writing;
  - to ensure that the suspension is in accordance with the terms and conditions of his / her contract;
  - to ensure that the initial reasons for the suspension still apply;
  - to ensure that appropriate steps are being taken to bring the suspension to a timely conclusion, one way or the other;
  - to report its findings to the States Employment Board.
5. Departmental HR Business Partners will take responsibility for ensuring that the reviews of suspensions are held in accordance with the above provisions.

6. The pool of panel members are as follows:-

Members of the Corporate Management Board.

Some of these changes may need to be reflected in our disciplinary procedures at a suitable opportunity.

Please do not hesitate to contact me if I can be of further assistance.

Yours sincerely



**Mick Pinel**  
Head of Employee Relations

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