

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 17th NOVEMBER 2020**

Question

Will the Minister explain to Members how the disciplinary procedures followed by the States of Jersey Police, and the Fire and Rescue, Customs and Immigration and Ambulance Services are compatible with the principles of 'natural justice' (in that an employee should have the opportunity to state their case freely when facing disciplinary action and that no-one should be a judge in his own cause or act as a judge where there is a real possibility of partiality); and, if it is his assessment that these procedures do not meet those principles, will he explain how this situation will be addressed?

Answer

Everyone is entitled to a fair hearing within a reasonable time by an impartial tribunal established by law.

With the exception of Police who have their own procedure set out in line with the Police Complaints Authority the below procedure applies for all other departments set out above.

All employees have the opportunity to state if they believe there is a conflict of interest at any stage of a disciplinary process, this includes raising a conflict of interest with a commissioning manager, case manager, investigator or a member of a hearing panel. Hearing panel chairs must have delegated authority to sit as a chair on a panel and must have authority to dismiss. Hearings are chaired by a manager, who has the appropriate authority to take action in relation to the allegation and the level of the employee. Arrangements are made for a suitable alternative manager, of sufficient seniority, should a proposed chair be conflicted in any way.

In all circumstances we endeavour to have an independent panel, there are circumstances that a panel will need to incorporate someone from the department in cases of professional standards and practice. In these circumstances an independent will also sit on the panel to ensure impartiality.

The Government is in the process of reviewing all policies and procedures relating to disciplinary and grievance to ensure we remain in line with ACAS best practice. An employee facing a disciplinary process and a dismissal procedure is entitled to assume that the decision will be taken by an appropriate officer. Employees therefore have the right to raise any concerns they have regarding any conflict of interests at any stage of a disciplinary process including the hearing or appeal.

Regarding the States of Jersey Police, the relevant provisions detailing how a complaint is dealt with in relation to a States of Jersey Police Officer are contained in Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Complaints and Discipline Procedure) (Jersey) Order 2000.

There is an ongoing review of this Law and the Order, which has resulted in the development of updated legislation reflecting best practice in investigating and addressing complaints against the Police. This has been circulated more widely to seek the views of other interested parties following which it will be lodged in the normal manner for States scrutiny and debate.