

**WRITTEN QUESTION TO THE CHAIR OF THE STATES EMPLOYMENT BOARD
BY DEPUTY M.R. SCOTT OF ST. BRELADE
QUESTION SUBMITTED ON MONDAY 20th FEBRUARY 2023
ANSWER TO BE TABLED ON MONDAY 27th FEBRUARY 2023**

Question

“Further to the responses provided to [Written Questions 23/2023](#) and [41/2023](#), including (for the latter) in respect of a list of activities which could potentially lead to the dismissal of a public employee, will the Chair –

- (a) specify which of these listed activities are characterised as gross misconduct in a public servant’s contract of employment with a sanction of summary dismissal without notice in the event of a breach having been proved following a disciplinary hearing;
- (b) provide the content of the ethical organisational guidelines and ethical standards that are intended to address each of these activities, specifying whether such guidelines are intended to encompass the ethical standards fully; and
- (c) advise whether each of these activities is covered in the training of public sector employees and, if so, in what way is this training delivered and how often it is refreshed?”

Answer

- (a) Section 18 of the Contract of Employment for Senior Employees states:

The Employer retains the right to terminate your contract without notice if you are guilty of gross misconduct. No payment in lieu of notice will be made if your contract is terminated for gross misconduct.

Section 23 of the contract states:

The Employer will apply policies and procedures in specific situations that may arise during the course of your employment. You will be expected to follow these policies and procedures, and to familiarise yourself with them. Of particular relevance are the policies/procedures relating to maternity, discipline, grievance, managing attendance, custody, redundancy and health and safety.

- (b) The disciplinary general rules and performance addresses areas considered to be Gross misconduct **(list is not exhaustive)**:
 - Theft fraud and dishonesty
 - Corruption
 - Serious misrepresentation
 - Aggressive behaviour
 - Being unfit for duty
 - Serious breach of the codes
 - Negligence or malpractice
 - Malicious or wilful damage to property
 - Confidentiality
 - Engaging in political activities
 - Misuse and inappropriate use of applications, emails, internet, or social media
 - Contravention of a duty restriction under the law/loss of legal entitlement to practice
 - Criminal offences outside of employment

- (c) The Codes of Practice and disciplinary policy were recently introduced and updated after considerable consultation. Toolkits have been developed to support managers and employees in the introduction of these policies and training is being developed. Mandatory training is in development for the codes of practice.