

4.18 Deputy R.G. Le Hérissier of the Minister for Home Affairs regarding suspension and discipline procedures in the States of Jersey Police:

Would the Minister confirm whether or not the principles embodied in P.46/2009 - Suspension of States Employees and States of Jersey Police Officers: Revised Procedures - adopted by the States on 30th April 2009, are an integral part of suspension and discipline procedures in the States of Jersey Police?

Senator B.I. Le Marquand (The Minister for Home Affairs):

The answer to the question is that they are, apart from 2 issues. Members may remember that the debate was unsatisfactory on this because although the States voted in favour of the first part they also voted in favour of my amendment to the second part, which completely undercut the first part, in relation to the police. We had a kind of no score draw on this one. The 2 areas where the principles are not applied are firstly, that there is no provision for outside involvement in relation to reviews of suspensions. The advice that I am receiving is that that is in accordance with U.K. principles. Members will also remember that the local Police Association were fully happy with that and that there are very good reasons why there should not be an outside involvement; they want to rehearse the arguments again. The second area in which principles are not followed is that it is not custom, when conducting a 28-day review, for there to be a right to appear personally before the reviewing person but apart from that principles are followed.

4.18.1 Deputy R.G. Le Hérissier:

Is the Minister in support of the principle that a person does not have the right to appear before the reviewing person? Secondly, in the light of experience and the need for checks and balances, is he holding firm to the view that there shall not be outside involvement?

Senator B.I. Le Marquand:

I have an open view as to whether or not there could be outside involvement in the sense that the Minister might be involved, and I am still in discussions with the acting leadership on that point. I have asked the question as to why the Minister cannot be involved and they have shown me that he should not be but they have not told me why yet, in relation to that. In relation to the right to appear personally or not, there is of course available an appeals procedure of a different nature and that is that if a person wished to appeal against their suspension, the suspension decision normally being made by the Deputy Chief Officer - at the moment the Acting Deputy Chief Officer - they have a right of appeal to the Chief Officer. So, although that is not external, if they wanted to exercise that right they would get another hearing, as I understand it.

The Bailiff:

I think in fairness I am going to stop you there, Deputy, and I am going to give Senator Shenton the chance to ask his question. Senator Shenton will ask the final question of the Minister for Education, Sport and Culture.

Senator B.E. Shenton:

That is very kind of you, Sir. I am a Man. City fan, I am not that keen on extra time at the moment. [Laughter]

The Bailiff:

It will only be extra time if you delay, I think.