

4.13 Deputy T.M. Pitman of the Chief Minister regarding disciplinary action arising from the Napier Report:

Given that I and several other Members have continuously maintained that there was evidence of malpractice within the process underlying the suspension of the former Chief Officer of the States of Jersey Police and in light of his recent email correspondence to all Members regarding the delayed *Napier Report*, will the Chief Minister advise whether an employee is now facing disciplinary action and, if so, outline the reasons for this?

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

Members have now received the report from Mr. Brian Napier Q.C. (Queen's Counsel), which provides a detailed analysis of the suspension process and in the conclusions Mr. Napier does level some criticism of a procedural nature. I believe it is only right that I act on that criticism even though I am satisfied, and subsequent events have shown, that the suspension was justified. In my email to Members on 6th October I stated that I was taking advice on whether it was appropriate to release the report when there were grounds for considering disciplinary action. It was on receipt of this advice that I decided to release the report as I felt it was in the public interest to do so. As far as disciplinary action is concerned, it is a matter that will be dealt with through normal procedures. Any individuals must be treated fairly and with respect and I will apply the same level of respect and confidentiality as would be given to any other States employee. This being the case, I do not intend making any further statement of the outcome of any such procedures.

[11:30]

4.13.1 Deputy T.M. Pitman:

Contrary to the impression the Chief Minister seems to have, the finding that the original suspension was not correct is quite clear in the *Napier Report*. Thus I have to push the Minister and ask: why is the States C.E.O. (Chief Executive Officer) not already suspended if we are at all committed to consistency, never mind justice?

Senator T.A. Le Sueur:

I think because the Deputy and I have different points of view.

4.13.2 Senator T.J. Le Main:

Will the Chief Minister confirm that I was also a member of the C.O.M. (Council of Ministers) together with the Minister for Home Affairs of the time, who confirmed at all times that he took professional advice from the Crown Officers, H.R. (human resources) professionals, the Chief Executive and Council Ministers? Is it also correct that Deputy Lewis then, as the Minister for Home Affairs, often challenged the advice given to him and it is unfair and incorrect that procedures were not carried out correctly by him as the Minister for Home Affairs? Will the Chief Minister confirm that is the true fact of what happened?

Senator T.A. Le Sueur:

I confirm that the Senator was indeed a member of the Council of Ministers at the time in question and that the former Deputy Lewis was the Minister for Home Affairs. In view of the fact that I am continuing with my consideration, I do not intend to make any public comment.

4.13.3 The Deputy of St. Martin:

Will the Chief Minister confirm to Members that the terms of reference were not to inquire whether the suspension was justified; it is whether it was carried out in a professional manner? So I would ask the Chief Minister to withdraw his comments saying that Mr. Napier's report says that the suspension was justified because that is a fact it does not say the suspension was justified. What the report says was the suspension was carried out unfairly. In actual fact it could be said also unlawfully because the particular Discipline Code comes under the States of Jersey Police Law; so, therefore, also unlawful apart from being procedurally incorrect.

Senator T.A. Le Sueur:

I hope I did not give the impression that Mr. Napier had said that the suspension was justified. I said that subsequent events had shown beyond doubt that the suspension was justified. Mr. Napier was commissioned to examine the suspension process and, in his view, there were certain procedural errors in the suspension process. He did not comment on whether the suspension was correct or not. I simply said that the suspension has subsequently been shown to be fully justified. While I am on my feet, I omitted, in responding to Senator Le Main, to point out that the investigations that I am continuing to look at have no bearing on the actions of the former Minister for Home Affairs.

4.13.4 The Deputy of St. Mary:

Will the Chief Minister be making a statement, when he has finished his digesting, as to what lessons have been learned so that we can hear what is going to happen and, as I say, what lessons have been learned?

Senator T.A. Le Sueur:

At this stage I cannot say.

4.13.5 The Deputy of St. Martin:

The Chief Minister mentioned earlier that the cost of *Napier* was somewhere between £45,000 and £50,000, which is 3 times as much as my open public committee of inquiry. Will the Chief Minister inform Members, is he satisfied that his quick, simple, inexpensive review has now turned out to be an absolute farce and has cost the taxpayer 3 times as much to have an inquiry that was closed and *in camera*?

Senator T.A. Le Sueur:

All I would say is that the cost of £45,000 is 3 times what the Deputy suggested that his committee of inquiry might have cost. The original estimate for the *Napier Report* was in the region of £5,000 or £10,000. Events have proved that wrong. I suspect that had the committee of inquiry been set up, the Deputy's estimate of £15,000 would also have been wrong because the similar sort of requirements would have come through and the same level of costs or even greater costs would have been likely to have been incurred.

4.13.6 Deputy T.M. Pitman:

Does the Chief Minister agree that, like his Minister for Home Affairs, perhaps sometimes it is better to just eat your humble pie and admit you were wrong?

Senator T.A. Le Sueur:

That may be the case sometimes. This is not one of them.

The Deputy Bailiff:

Very well, we come on to question 14, which the Deputy of St. John will ask of the Minister for Treasury and Resources.