

4.3 Deputy R.G. Le Hérissier of St. Saviour of the Chief Minister regarding the issue of a Disclosure Notice by the police in respect of a public servant's alleged actions:

What consequences follow if a disclosure notice is issued by the police in respect of a public servant's alleged actions?

Senator F.H. Walker (The Chief Minister):

The consequences of receiving a disclosure notice from the police are as follows. First, management would seek as much additional information from the police as they can provide on the basis for the allegations. Second, each case would be taken very seriously indeed while recognising that each case is unique. Third, management will make a risk analysis of what action should be taken depending on the facts of the disclosure notice and the nature of the employee's job. Action taken must be commensurate with the allegations. Actions which would be taken include the following: seek further information from the police; redeployment if, for example, it is considered that the employee needs to be removed from his or her current job but that no difficulties exist in their being temporarily redeployed to another job pending further information from the police; precautionary suspension if it is deemed that there is strong evidence for the allegations and that it would be inappropriate for the employee to remain at work pending police investigations. The priority is always to protect the interests of the public or vulnerable clients. Once that has been secured the employer must have regard to its contractual duty of care to the employee who is judged to be innocent until proven to be guilty.

4.3.1 Deputy R.G. Le Hérissier:

Would the Chief Minister outline whether the States Employment Board and, indeed, the Human Resources Department, has a policy in respect of reputational risk where, for example, a civil servant may be at a very senior position in the organisation. Would he comment on whether a suspension is by far the best as a neutral act in order that the investigation can proceed, as we have, for example, seen in respect recently of a senior member of the judiciary and of a senior member of a voluntary organisation?

Senator F.H. Walker:

The States Employment Board certainly takes the reputational risk to the States and to the Island very seriously indeed. As for the second part of the Deputy's question, it must depend on the circumstances of the individual case concerned.

4.3.2 Deputy R.G. Le Hérissier:

I must push the point. Is the Chief Minister saying that in terms of, for example, precautionary suspension where the issue may hypothetically or not revolve around a very senior person, he believes that if it does revolve around them, the criteria will apply and that it does not take on a much greater degree of seriousness and therefore requires much firmer and clearer action?

Senator F.H. Walker:

I do not disagree with the thrust of the Deputy's question but I repeat, each such question, each such matter, has to be considered and acted upon its merits and, of course, the advice from the police is extremely important in arriving at any decision.

4.3.3 Deputy S.C. Ferguson of St. Brelade:

Later today we are debating the suspension of Ministers, should the same parameters not apply to civil servants?

Senator F.H. Walker:

The rules concerning civil servants are very clearly laid out and are followed.

4.3.4 Deputy S.C. Ferguson:

But in the interests of transparency and openness, would it not have been more politic to have garden leave for anybody in this position?

Senator F.H. Walker:

I repeat that every case is judged on its merits and that the advice from the police is very important in enabling the States Employment Board to come to a decision.

4.3.5 Senator S. Syvret:

In the event of a very senior States employee being under serious police investigation for repeated episodes of violent child abuse, would the Chief Minister consider that to be a sufficiently serious matter and of sufficient reputational risk for the States of Jersey to at least merit suspension?

Senator F.H. Walker:

I am not going to get drawn into the trap of discussing individual cases, all I will say is that in common with everybody else, States employees are innocent until proved guilty and the appropriate action is taken in every case.

4.3.6 Senator S. Syvret:

Does the Chief Minister accept and recognise the current state of Jersey employment policy that suspension is a neutral act, it is not deemed as a punishment and it is precautionary and best management practice?

Senator F.H. Walker:

Yes.

4.3.7 Deputy R.G. Le Hérissier:

Would the Chief Minister outline, for example, when a very senior civil servant is involved, who takes the actual decision and would he not acknowledge that police advice is not advice as to whether suspension should or should not take place? That is a separate issue.

Senator F.H. Walker:

The decision is taken by the Chief Executive in consultation with the States Employment Board. Of course the police do not and cannot advise on whether or not an individual should be suspended. However, the police will, as I said in my answer, be asked to and do provide as much information as they are able to do at any particular stage in the investigation. I repeat proper procedures are clearly laid out, proper procedures have been and are being followed in every single case.

4.3.8 Senator S. Syvret:

Does the Chief Minister really not consider, given the seriousness of the issue and the nature of the investigations that are taking place, that it is wholly inappropriate for Mario Lundy, the Chief Officer of the Education Department to remain at work? Mario Lundy.

The Deputy Bailiff:

Senator Syvret, you, along with everyone else, are aware of Standing Order 104 which says that you should not refer to an individual's name unless it is unavoidable. You deliberately ...

Senator S. Syvret:

It is unavoidable and it is necessary in the public interest.

The Deputy Bailiff:

It is certainly not unavoidable. You need not answer that question, Senator, because it is an inappropriate question. It was a highly inappropriate question.

Senator F.H. Walker:

I need not answer the question but may I express my abhorrence at the question and the fact that Senator has yet again flagrantly and knowingly broken the rules of this Assembly. **[Approbation]**

The Deputy Bailiff:

Can I perhaps remind Members why that rule is there. Parliamentary privilege is an absolutely vital part of a democracy, Members must be free to speak their minds but with that comes responsibility to not cast aspersions on those who are not in a position to defend themselves before this Assembly.

Senator S. Syvret:

Do you accept, on a point of order, that it is in fact done from time to time in the House of Commons, for example, that M.P.s (Members of Parliament) name individuals when there is a public interest reason for doing so?

The Deputy Bailiff:

I have accepted that parliamentary privilege exists. It is up to Members to exercise restraint and responsibility. We come then, I think, to the next question, which is a question that Deputy Southern will ask of the Minister for Education, Sport and Culture.