

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY M.R. HIGGINS OF ST. HELIER
QUESTION SUBMITTED ON MONDAY 4th OCTOBER 2021
ANSWER TO BE TABLED ON MONDAY 11th OCTOBER 2021**

Question

Will the Minister explain what powers he holds in the event that an officer in his department is found to have failed to carry out their duties and functions under law (whether wilfully, recklessly, negligently or incompetently), and, in particular, will he advise –

- (a) what actions he can take in such cases, and what sanctions are available to him;
- (b) the number of times he has used these powers in this regard since he became Minister; and
- (c) what ability he has within these powers to rectify any identified failure on the part of an officer and to put any persons (both natural and legal) affected by such failure back to the position they were in beforehand?

Answer

A dereliction of duty, whether intentional or otherwise, can be addressed through internal policy – formal disciplinary, investigations, etc - or legal mechanisms where appropriate. It should be noted that depending on what duty has not been fulfilled, remedies, and the individual(s) required to ensure that said remedies are met, will differ. By way of examples:

- i. The [Public Finances \(Jersey\) Law 2019](#) contains specific article(s) in relation to ‘[Offences and related provisions](#)’.
- ii. The [Code of Conduct](#) for Government employees encourages employees to raise concerns with line managers and it may be for Director General and their officers to address issues in the first instance.
- iii. The States Employment Board are responsible for Government employees and have their own powers to review and investigate any supposed failures by officers and consider redress as appropriate/within their power.

Since becoming Minister, I have not had to use any powers available to me directly to address failures, if any, by officers when carrying out their duties.

In the scenario that a failure has been identified and that redress in some form is required for a natural or legal person, any powers to resolve this, whether with the Minister or otherwise, will depend on the specific issue at hand, the relevant legislation and the powers afforded therein.