

**WRITTEN QUESTION TO THE CHAIR OF THE STATES EMPLOYMENT BOARD
BY DEPUTY M.R. HIGGINS OF ST. HELIER
QUESTION SUBMITTED ON MONDAY 15TH NOVEMBER 2021
ANSWER TO BE TABLED ON MONDAY 22ND NOVEMBER 2021**

Question

Will the Chair advise members of the number of senior and middle grade civil servants who have, in each of the last five years –

- (a) been investigated for breaching the terms of their contract of employment;
- (b) been investigated for breaching the code of conduct;
- (c) been found guilty or innocent of any such breach (in either case);
- (d) been disciplined for such breaches, stating the nature of the sanctions imposed in each case (e.g. docked pay, moved to another position or had their contract of employment terminated); or
- (e) been allowed to resign from their positions rather than face disciplinary hearings for their actions;

and, in the case of Parts (d) and (e), will he further state whether anyone who left States employment as a result of a breach, or who was allowed to resign, received an enhanced severance package and was subject to a compromise or non-disclosure agreement?

Answer

- a. For the purposes of this part of the question, we have defined ‘breaching terms of their contract of employment’ to be a matter of either Probation¹ or Capability. Those so defined will therefore not be investigated but will be subject to performance improvement plans.

Year	Probation	Capability
2021	<5	0
2020	0	<5
2019	<5	<5
2018	<5	<5
2017	0	5
Total	6	12

- b. For the purposes of this part of the question, we have defined ‘breaching a term of the code of conduct’ to be Bullying and Harassment, Disciplinary and Grievance. Some form of investigation / fact-find will take place for any alleged breach of the Code of Conduct.

Year	Bullying & Harassment (‘B&H’)	Disciplinary	Grievance
2021	<5	16	9
2020	9	14	<5
2019	5	19	<5

¹ Probation for this purpose means someone who has started a new role and they have not been able to demonstrate skills, knowledge, capability, experience or values and behaviours during the probation period. The probation is managed with the support of a case manager.

2018	<5	15	7
2017	<5	15	<5
Total	25	79	23

- c. Those upheld include sanctions of informal, formal or final formal warnings. Within policy we are unable to reduce pay with the exception of Police Officers.

2021	Total	Upheld	Not upheld	Pending
Capability	0			
Probation	<5		<5	<5
B&H	<5		<5	<5
Disciplinary	16	<5	9	<5
Grievance	9	<5	<5	5

2020	Total	Upheld	Not upheld
Capability	<5	<5	
Probation	0		
B&H	9	<5	5
Disciplinary	14	7	7
Grievance	<5	<5	<5

2019	Total	Upheld	Not upheld
Capability	<5		<5
Probation	<5	<5	
B&H	5	<5	<5
Disciplinary	19	12	7
Grievance	<5		<5

2018	Total	Upheld	Not upheld
Capability	<5		<5
Probation	<5	<5	<5
B&H	<5	<5	<5
Disciplinary	15	10	5
Grievance	7	<5	5

2017	Total	Upheld	Not upheld
Capability	5	<5	<5
Probation	0		
B&H	<5	<5	<5
Disciplinary	15	<5	12
Grievance	<5		<5

d. Officers dismissed

Year	Dismissed
2021	<5
2020	<5
2019	<5
2018	0
2017	0

e. Resigned prior to disciplinary action

Year	Resigned
2021	<5
2020	<5
2019	0
2018	<5
2017	<5

‘in the case of Parts (d) and (e), will he further state whether anyone who left States employment as a result of a breach, or who was allowed to resign, received an enhanced severance package and was subject to a compromise or non-disclosure agreement?’

Less than 5 employees allowed to resign were subject to a compromise agreement².

² The figure of less than five has been used in this answer for reasons of data protection.