

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY D.W. MEZBOURIAN OF ST. LAWRENCE**

ANSWER TO BE TABLED ON TUESDAY 13th MARCH 2007

Question

Would the Chief Minister inform Members –

- (a) of the total number of staff, by Department, who were suspended as a result of disciplinary infractions during the year 2006 and in each case identify the employee group concerned, the nature of the alleged infraction, the period of suspension, and the means of disposal of the case?
- (b) out of the total number of staff who were suspended during the period 2000 to 2005 and who remain suspended, identify in each case the Department concerned, the employee group concerned, the nature of the alleged infraction, the period of suspension, and the means of disposal of the case?

Answer

The information requested by Deputy Mezbourian is given in the attached tables -

(see overleaf)

EMPLOYEE SUSPENSIONS

Table A – This table depicts the number of employees (defined by Department) who were suspended between January and December 2006

Department	Employee Pay Group	Suspension Commenced	Suspension Finished	Method of Disposal
TTS	Civil Service	23/8/06	15/11/06	Resigned
TTS	Manual Workers	27/12/06	Ongoing ^[1]	Ongoing
Harbours	Manual Workers	29/8/06	20/9/06	Disciplined
Harbours	Civil Service	8/9/05	31/8/06 ^[2]	Resigned
ESC	Teachers	30/6/06	19/7/06	Disciplined
Home Affairs	Police	6/9/06	Ongoing ^[3]	Ongoing
Home Affairs	Police	17/1/05	4/7/06	Disciplined
Home Affairs	Police	8/7/05	31/5/06	Resigned
HSS	Civil Service	1/12/06	9/1/07	Disciplined
HSS	Civil Service	20/3/06	11/4/06	Disciplined
HSS	Nurses & Midwives	17/1/05	25/9/06 ^[4]	Reinstated
HSS	Nurses & Midwives	27/1/06	10/2/06 ^[5]	Reinstated
HSS	Nurses & Midwives	12/10/06	22/1/07	Disciplined
HSS	Doctors & Dentists	19/10/06	Ongoing ^[6]	Ongoing
HSS	Civil Service	16/10/06	30/1/07	Resigned
HSS	Nurses & Midwives	1/6/06	Ongoing ^[7]	Ongoing
HSS	RCCO	4/8/06	31/12/06 ^[8]	Reinstated
HSS	Nurses & Midwives	3/7/06	Ongoing ^[9]	Ongoing
HSS	Nurses & Midwives	27/4/06	7/8/06	Resigned
HSS	Manual Workers	1/8/02	31/1/07 ^[10]	Disciplined

Notes to Table A.

- Despite the Deputy asking for the nature of the infraction, this has not been given in this report as there is a concern that it could be possible to identify an individual from the description of the nature of the infraction. Given that a suspension is carried out in the first instance on an accusation that upon investigation could subsequently be unfounded, it could be considered reckless and unreasonable of the employer to run the risk of identifying an employee in this way. This is of particular concern in a small island community such as Jersey where an individual's professional reputation could be severely affected by a spurious or unfounded allegation. However, it is factual to say that suspensions are carried out due to alleged behaviour or actions which, if proven, would constitute gross misconduct.
- There were 20 employees who were either suspended in 2006 or whose suspension carried on into 2006. They were made up of the following pay groups:
 - Civil Service x 5
 - Manual Workers x 3
 - Teachers x 1
 - Police x 3
 - Nurses and Midwives x 6
 - Residential Child Care Officer x 1
 - Doctors/Dentists x 1
- Following a report and recommendations presented to the States Employment Board (SEB) in May 2006, the situation regarding employee suspensions in the public sector has become more closely monitored. Foremost in that report were the recommendations that:
 - All suspensions be notified to the Employee Relations Section of the Chief Minister's Department at the time of the suspension thus enabling the level and duration of the suspension to be monitored; and,
 - Chief Officers to ensure that all suspensions were formally reviewed one month from the suspension date and no less frequently than a month thereafter.
 - The maximum time between suspension date and the disciplinary hearing be 8 weeks (with an expectation that it will be done before that time if possible).
- The SEB now reviews all employee suspensions by way of a twice yearly report.
- Despite the fact that 5 suspensions currently remain in place due to either the suspended employee being certified sick or the case requiring a lengthy and detailed investigation due to the nature of the alleged infraction, there is no doubt that the recommendations agreed by the SEB are resulting in a reduction in the time between suspension and disciplinary hearing. Clearly though, it remains the case that the Employer is unlikely to conduct a disciplinary hearing if a Police investigation is being conducted as it would not wish to risk interference in the legal process.
- Of the total of 20 employees under suspension, a total of 15 were actually suspended during 2006. Several of those cases have been delayed due to the need for an internal or external investigation or because the employee has been signed off sick. These are considered by the SEB to be genuine reasons for a delay to a case being resolved and if those cases are removed, the remaining cases were all dealt with within the recommended 8 week time period.

EMPLOYEE SUSPENSIONS (CONT.)

Table B – This Table depicts the number of employees (by department) who were suspended between 2002 and 2005 and who remain suspended.

DEPARTMENT	EMPLOYEES WHO REMAIN SUSPENDED
EDD	None
TTS	None
Airport	None
Harbour	None
ESS	None
ESC	None
HA	None
P&E	None
CMD	None
Housing	None
HSS	None
Treasury & Resources	None

Notes to Table B

- The 2nd part of the Deputy's question was possibly aimed at a recent and highly publicized case. That case was significantly delayed due to the resulting Police investigation. The particular case in question has now been decided in the Police Court and subsequently by a Disciplinary Hearing at which the employee in question was summarily dismissed.
- The case referred to above was clearly exceptional and it is the SEB's intention that such an unsatisfactory state of affairs is not repeated. It believes that the checks and balances it has put in to place will prevent such a repeat.
- In response to the specific question asked by the Deputy, no other employees suspended between 2002 and 2005 remain suspended at this time.

[1] Case delayed due to employee signed off sick

[2] Case significantly delayed due to employee signed off sick

[3] Suspension extended due to a delay in case coming to court

[4] Suspended for police investigation followed by internal investigation, no disciplinary case to answer and reinstated

[5] Suspended for police investigation followed by internal investigation, no disciplinary case to answer and reinstated

[6] Subject to investigation

[7] Case significantly delayed due to employee signed off sick

[8] Suspension lifted as after investigation, it was found that there was no case to answer

[9] Case significantly delayed due to employee signed off sick

[10] Suspension extended due to a delay in case coming to court