

**WRITTEN QUESTION TO THE CHIEF MINISTER BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 28th APRIL 2009**

Question

“Given that Article 3.8 of Appendix B of the States of Jersey Teachers’ Disciplinary and Grievance Procedures (page 50) specifically precludes employees from taking part in political activities other than their statutory right of voting, will the Minister state how this policy in any way conforms with the spirit of P.17/2006 (‘Political activities by States employees’) or with the human right to full electoral participation?”

Answer

The document to which the question refers was a draft which was given to the Teachers’ Unions at a meeting of the Education Consultative Council on 12th March 2009 as policy in the course of development. They were asked to revert to the Education Department by 15th May 2009 but have not done so at this stage.

There was an error on the initial draft document concerning political activities. What it should have contained was a set of words similar to those now contained in the Civil Service Disciplinary Policy and Procedure since the adoption of the new arrangements regarding political activities of States employees. That reads as follows:-

4.11 Engaging in Political Activities

4.11.1 “A politically eligible employee must be careful not to participate in political activities in a manner that might constitute gross misconduct which might render them liable to disciplinary action. Such misconduct is described as follows:-

- Commenting on existing States’ Policies in an immoderate manner;
- Engaging in personal attacks on members of the States;
- Using for political purposes information that the employee was only able to obtain because he/she is a States’ employee.

Even in the case of an employee not seeking election, a similar approach would be applied where an employee takes a public part in a political manner and behaves in a similar manner to that described above.

4.11.2 Politically ineligible employees must not address electors or stand or announce that they propose to stand as a candidate for election to the States, nor can they publicly support the candidature of any person standing for election to the States. They may not take a public part in political activities other than to exercise their statutory right of voting.”

Under the new Regulations, teachers are deemed to be “politically eligible” and Head Teachers and Deputy Head Teachers and deemed to be “politically ineligible.”

The error, which would have been detected in the normal course of consultation, has been corrected by the Education, Sport and Culture Department.

In my view the policy is proportionate and complies with the spirit of P.17/2006, as well as with the principles of Human Rights. However I will consider and review any representations made as a result of the consultation process.