

3.7 Deputy P.V.F. Le Claire of St. Helier of the Chief Minister regarding the protection of staff under the ‘whistle-blowing’ policy:

How does the States protect employees raising serious concerns under the whistle-blowing policy from reprisals?

Senator T.A. Le Sueur (The Chief Minister):

The States of Jersey’s Serious Concerns Policy, otherwise known as the “whistle-blowing policy”, was introduced in April 2009 and offers protection to people who work within the States of Jersey who raise legitimate concern about either the activities of the States or persons employed within the States. We recognise that the prospect of raising a concern may cause distress and anxiety and that people may be afraid of reprisal or victimisation if they raise a legitimate matter. Therefore within the policy, we have given assurances about protecting them if they raise a legitimate concern. There are a number of safeguards in the policy. There is a designated person under the policy who is charged with ensuring the concerns made under the policy are addressed appropriately. This designated person, the Comptroller and Auditor General, is independent of the States and concerns can be raised directly with him. Chief Officers in departments are also required to advise him of all concerns which have been raised within their department, which acts as an audit trail and a checklist. Individuals are encouraged to seek advice and support from a number of sources, including the Human Resources Department, their trade union, or their professional association. Finally, if the concern involves theft or fraud the Chief Internal Auditor can provide confidential and impartial advice about how the individual should progress the matter.

3.7.1 Deputy P.V.F. Le Claire:

I am sure it may just be an interpretation in relation to the answer the Chief Minister gave me, but I certainly will review this on Hansard and, before I do so, I would like to ask the Chief Minister to confirm that these employees if they ... he said: “If they raise legitimate concerns.” I would like him to qualify that sentence by assuring me that those legitimate concerns do not necessarily have to meet a certain criteria but they just have to meet the criteria that the individual reporting them believed them to be legitimate concerns at the time.

Senator T.A. Le Sueur:

I can confirm to the Deputy it is not a question of a checklist of does or does not. The person concerned will no doubt raise the concern with the Comptroller and Auditor General in good faith, and, unless the Comptroller and Auditor General believes that the concern raised is facetious or irrelevant, he will pursue it. This is just to indicate that it should be for legitimate reasons and not just for scaremongering or making unfounded accusations.

3.7.2 Deputy P.V.F. Le Claire:

I appreciate and thank the Chief Minister for his answers. May I just inquire please, in open session, who is the Chief Internal Auditor as I have a constituent contacting me on a potential fraud issue?

Senator T.A. Le Sueur:

One normally does not mention the name of individual employees within the States Chamber. If the Deputy wants to know the individual’s name I think it is more

appropriate for me to tell him outside of the meeting. But it is available on the States website anyway.