

2.10 Deputy M. Tadier of the Chief Minister regarding the suspension of the Chief Executive to the Council of Ministers:

Given that he has now agreed to an investigation into the circumstances and procedures surrounding the suspension of the Chief Officer of the States of Jersey Police, and in the light of concerns expressed about misconduct and political interference made against the Chief Executive at the Council of Ministers, will the Chief Minister undertake to suspend the Chief Executive immediately so that these serious issues can be investigated transparently?

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

No, I have no intention of suspending the Chief Executive at this stage. Suspension is a serious matter and will only be undertaken in one of 3 particular circumstances. Firstly, if there was evidence of gross misconduct or criminal behaviour or a police investigation was in train; secondly, if by the person remaining in post the alleged offence might be repeated; and thirdly, if there was a danger that evidence could be tampered with or removed. A key element in any decision to suspend an employee is whether there is *prima facie* evidence of wrongdoing. I have no such evidence in respect of the Chief Executive.

The Deputy of St. Mary:

Just repeat the second reason; I could not hear it.

Senator T.A. Le Sueur:

The second reason I gave was that if by the person remaining in post the alleged offence might be repeated.

2.10.1 Deputy M. Tadier:

Exactly, I would take up that last point. But first of all let us get it clear, suspension in this context would be a neutral act. We have had other neutral acts pending investigations and reviews. Also I think the last reason the Chief Minister gave was that the offence could be repeated, and this is exactly the problem. This is the person who is advising the Chief Minister; serious allegations have been made in the form of an affidavit and it is completely unacceptable, if we are to believe in transparency, that this person remains in a post to give advice about himself to the Chief Minister. Will the Minister accept that he is simply only giving ammunition to those who already have suspicions about corruption at the heart of government and the correct thing to do is to suspend the Chief Executive Officer, as a neutral act, while the review is being carried out?

Senator T.A. Le Sueur:

As I am not relying simply on the word of the Chief Executive, as the Deputy is well aware, I have also commissioned an independent review into the suspension process. If that review provides any evidence which might cause me to think again, or make a different decision, I will act on that evidence when it is produced.

2.10.2 Deputy T.M. Pitman:

Could the Chief Minister just confirm that the investigation he initiated some 18 months ago was carried out by one of the Chief Executive's subordinates and can that honestly have any credibility whatsoever?

Senator T.A. Le Sueur:

I confirm that the investigation into comments made was carried out by a member of the Human Resources staff and that is perfectly normal as an initial process. If anything untoward had come to light from that then further action might have been taken, but nothing untoward came to light and so the matter rests there.

2.10.3 Deputy T.M. Pitman:

Sorry, if I am being a bit dim-witted here, but is the Chief Minister telling us that it is credible that the most powerful civil servant in the Island is investigated by one of his juniors?

Senator T.A. Le Sueur:

It is not a question of the Chief Executive being investigated by one of his juniors. Comments were made and I wanted to make sure that those comments could be substantiated. I therefore tried to find ways of substantiating that and have so far failed.

2.10.4 Deputy P.V.F. Le Claire:

Helpfully this morning the Chief Minister has given us the 3 reasons why a member of the States employment will be suspended. In suspensions, people who are suspended pointed to the reason or the reasons why they are suspended among those 3 categories and, if they are, which of those 3 categories would the Chief of Police be suspended under?

Senator T.A. Le Sueur:

The person suspended normally would be advised of the reason why they would have been suspended. The suspension of the Chief Officer of Police was carried out by the Minister for Home Affairs, not by myself so the question has to be directed to him.

2.10.5 Deputy P.V.F. Le Claire:

The Chief Minister failed to answer, maybe inadvertently, are the 3 reasons that are given to suspended employees given to the suspended employee and identified as 1, 2 or 3 in all cases?

Senator T.A. Le Sueur:

They are not identified as 1, 2 or 3, but the reasons for the suspension would be given to the person concerned at the time of suspension.

Deputy G.P. Southern:

If I may on a point of procedure: in the absence of a Minister during question time is there not arrangements made for another Minister to cover or the Assistant Minister to cover question time if that Minister is absent; why is that not happening?

The Deputy Bailiff:

These are questions put of the Chief Minister; the matter does not arise at the moment. The Deputy of St. Mary.

2.10.6 The Deputy of St. Mary:

Firstly, the allegation was reviewed by a senior officer, that is the allegation about the meeting of the Corporate Management Board in July 2007. That is what we were told earlier today and now that made me understand that that was a police officer, so could the Minister just confirm who did this review of the allegation? Also can the Chief

Minister confirm that suspension is not a neutral act in that when he was talking about the Chief Executive Officer he used the phrase that he will take no action against the Chief Executive Officer.

Senator T.A. Le Sueur:

I have already indicated that the review of that allegation was carried out by a member of the Human Resources staff. I do not have a habit of naming individual people in the Assembly. It is simply a member of the staff. The question about suspension being a neutral act is something which clearly gives Members cause for concern as to what is neutral, particularly when a suspension goes on for some length of time. The intention of suspension being neutral is in the same way as there is normal presumption in justice that a person is innocent until they are found guilty.

2.10.7 The Connétable of St. Helier:

I understand from the Chief Minister's responses that he does not believe the destruction of the minutes before they were agreed by all parties involved in the original suspension meeting should be a ground for suspension. Could he say in that case what action he does believe should be taken in respect of that act?

Senator T.A. Le Sueur:

The matter of the so-called destruction of the minutes is a matter which has been taken out of all proportion. Handwritten records were taken of a meeting, they were subsequently transcribed. The transcribed version remains in existence and the handwritten version is no longer there. Questions of destruction of minutes suggests allegations that the evidence has been changed. The contents of the notes of the meeting were checked after they had been transcribed and they were consistent with that. I think the Constable is barking up the wrong tree here, and certainly it would give me no grounds whatsoever suggesting that that activity, even if proven, would be a matter for suspension under the reasons that I have just given.

2.10.8 The Connétable of St. Helier:

Does the Chief Minister not believe that it is good practice after any meeting to agree the minutes with the people who are present at the meeting? **[Approbation]**

Senator T.A. Le Sueur:

This was notes of a meeting and the notes of the meeting remain in existence. The notes are there, if the Constable wishes to see them, he is entitled to see them. But there is nothing untoward about the contents of those notes.

2.10.9 The Deputy of St. Mary:

That does not answer the question, Chief Minister. Through the Chair, the question was why were the minutes not shown to all parties in order to be agreed that they were a correct record?

Senator T.A. Le Sueur:

I was not a party to the meeting or to the handling of the minutes. I believe that they were shown to all parties of that meeting but I cannot corroborate that without having spoken to all 3 parties, but I certainly believe that they were shown to all 3 parties.

2.10.10 Deputy M. Tadier:

I welcome the comments that everybody is innocent until proven guilty; that applies to many police officers. That applies to also doctors who are suspended as a neutral act while investigations go on. But how can the Minister seriously expect us and the public to believe that a review will take place, part of which the terms of reference are to look at serious allegations against the Chief Executive Officer while he remains in place. It is simply not a tenable position and I would suggest that the Chief Minister is doing damage to the credibility of our government.

The Deputy Bailiff:

Is there a question there, Deputy?

[11:00]

Deputy M. Tadier:

There was a question buried in the middle. The question was: how can the Chief Minister say that a review will take place, a part of which the terms of reference are to look at whether the Chief Executive Officer did engage in serious misconduct while he remains in position? That is the question.

Senator T.A. Le Sueur:

I stand by the actions I have taken and I believe that the terms of reference for the current review are perfectly reasonable.