

4.4 Deputy M. Tadier of the Minister for Education, Sport and Culture regarding the practices and procedures for dismissing staff at private schools:

Will the Minister advise whether the private schools have to follow the same practices and procedures for dismissing staff as State schools, and state what mechanisms, if any, the department has to ensure good practice in private schools in relation to human resources issues?

Deputy P.J.D. Ryan of St. John (The Minister for Education, Sport and Culture):

There is no requirement for private schools to follow the same practices and procedures for dismissing staff as in State schools and, as the States Employment Board is not the employer, the department has no authority to intervene in matters of this nature. The Education (Jersey) Law 1999 does place a requirement on the Minister to register non-provided schools and to ensure that they are fit for purpose however.

4.4.1 Deputy M. Tadier:

Is the Minister happy with this state of play where there is no requirement on the private schools to follow the same good practices of the state schools when it comes to human resources, hiring and firing?

The Deputy of St. John:

The Education Law, as I say, does not provide the Minister with authority to intervene in employment matters other than to be satisfied that any teacher proposed to be a teacher in a school is a proper person to be a teacher in any school. So my authority is limited to educational matters. Employment practice specifically in private schools is, like all other private organisations, subject to the Employment Law 2003 that sets out an employer's obligations and provides employees with rights not to be unfairly dismissed.

4.4.2 Deputy M. Tadier:

That is the last question for now. Can the Minister confirm that, although he has compared perhaps private schools to having to follow the guidelines as other private businesses that, unlike most businesses in the Island, the private schools do receive funding from his department, so can he confirm that, if he has to be satisfied that a teacher in employment is qualified to be there, when a teacher is dismissed the Minister should also be satisfied that there were good grounds for the dismissal of that teacher?

The Deputy of St. John:

Service level agreements have been developed in consultation with the private schools and these are due to be finalised in the coming days, imminently. The question of employment itself, as I say, is covered by the Employment Law, and employees in those schools are covered and have rights in exactly the same way as any other employee would have. The only time that a service level agreement would come into play in a private school, is if that private school is found to have breached the Employment Law, in which case naturally the department would reconsider its position with that school.

4.4.3 Deputy G.P. Southern:

Does the Minister not consider that it is about time he took powers to ensure that teachers' terms and conditions were protected in private as well as in the State sector?

The Deputy of St. John:

Teachers' terms and conditions are between the school and the teachers themselves. As I say, they are covered by Employment Law in the same way as any other business. It would not be appropriate for the department to do what the Deputy is suggesting with regard to private schools who have autonomy in the way that they agree their terms and conditions with their teachers.

4.4.4 Deputy M. Tadier:

Would the Minister feel more comfortable, given the vast amounts of taxpayers' money that are given to the private schools, would he prefer to have more control over what the private schools can do in terms of their hiring and firing practices, to bring them into line with the good practices of the state schools?

The Deputy of St. John:

These are independent schools; they are not State schools, it would be inappropriate for me to be able to do as the Deputy suggests. They are either private schools or they are not, and the whole question of whether they should be private schools is another completely different question, and is not really the right kind of thing that we could discuss in this way.