

**WRITTEN QUESTION TO THE H.M. ATTORNEY GENERAL
BY THE DEPUTY OF ST. JOHN
ANSWER TO BE TABLED ON TUESDAY 30TH JANUARY 2018**

Question

Will H.M. Attorney General advise what current legal protections are in place in Jersey for employees who wish to act as whistleblowers and whether he is aware of any instances when these provisions have been used?

Answer

All States employees are subject to the Serious Concerns (Whistleblowing) policy which is available on the MyStates website (<https://soj/DocsForms/Policies/HR/Whistleblowing/Pages/Whistleblowing.aspx>)

If an individual has concerns in relation to activity which would constitute a criminal offence, they can report that matter to the States of Jersey Police. It would then be for the States of Jersey Police to decide whether to investigate the matter.

The Code of Conduct in respect of States employees, also available on the MyStates website (<https://soj/depts/TRD/treasury/Documents/Code%20of%20Conduct.pdf#search=code%20of%20conduct>) stipulates that it is incumbent on all staff to report concerns without delay. It provides that no-one will be penalised for making an allegation that is subsequently proved to be groundless provided the allegation has been made in good faith.

Reporting arrangements are in place to ensure that such concerns are treated responsibly, openly and consistently, and that anyone raising a concern is protected from victimisation or reprisal.

A failure to report and/or a failure to act may be considered to be a breach of oath and/or a contravention of a relevant Code of Conduct. However, this should be distinguished from a decision not to take a particular course of action where there is a reasonable basis to do so.

The Law Officers' Department does not hold information in relation to when these provisions have been used.