

20.11.17

5 Deputy M.R. Higgins of the Minister for Home Affairs regarding disciplinary procedures in the uniformed services (OQ.319/2020):

Will the Minister advise whether there has been any incidence of a disciplinary hearing organised by the ambulance service, Jersey Customs and Immigration Service, Jersey Fire and Rescue Service or the States of Jersey Police not being conducted in accordance with Article 6 of the European Convention on Human Rights, i.e. the right to a fair trial, and, if so, will he provide the reasons for the non-adherence to that Article?

Connétable L. Norman of St. Clement (The Minister for Home Affairs):

I am not aware nor have I been advised of any such incidence regarding disciplinary hearings being conducted in accordance with Article 6 of the European Court of Human Rights.

4.5.1 Deputy M.R. Higgins:

I would ask the Minister to look in more depth at this question and speak with the various departments because, to my knowledge, just recently an officer who was going to be disciplined in the States of Jersey Police was told that he had to attend a disciplinary hearing, even though at that point in time he had no legal representation or representation, which would be a breach of the Article. I might add, however, that he subsequently did get representation and the hearing was conducted properly by the chief officer. But it was very concerning that senior officers were all ...

The Bailiff:

Deputy, this is a speech, this is not a supplementary question.

Deputy M.R. Higgins:

It is, Sir.

The Bailiff:

Could you please ask ...

Deputy M.R. Higgins:

I will come to the question. The point is, will the Minister go back and make sure that senior officers do not order members of their particular force to attend hearings without proper representation?

The Connétable of St. Clement:

As I said, I have not been made aware of any such incidence. Obviously I did speak and I did check with the heads of the services named by the Deputy in his question. I have spoken to central H.R. (Human Resources), who assure me that all disciplinary matters comply with Article 6 of the European Convention on Human Rights. All employees have the right to a fair trial. If the Deputy, as he quite often does, thinks that something has not been done in accordance with the law, I am not going to investigate it unless he gives me the information.

Deputy M.R. Higgins:

I shall forward it to the Minister.

The Connétable of St. Clement:

It would have been helpful if he had done that in the first place.