

22.03.01

13 Deputy M.R. Higgins of the Chair of the States Employment Board regarding the policy on officers found lying (OQ.47/2022)

I know the chair is not here but the deputy chair is and I am sure can answer the question. Will the chair explain the States Employment Board's policy on officers found wilfully (or deliberately) to have lied to Ministers, Scrutiny Panels, States Members or the judiciary, including what penalties any officer would be subject to if any allegation of lying were proven?

The Connétable of St. Ouen (Vice-Chair, States Employment Board - rapporteur):

I thank the Deputy for his question as always. The States Employment Board has in place codes of practice and policies in relation to the conduct of employees and I am sure the Deputy is aware of this. If an allegation of wrongdoing is alleged, we investigate it objectively and fairly. If a wrongdoing is found to have occurred, then sanctions are dependent on the severity of the wrongdoing and any mitigating factors. The range of sanctions runs from informal warnings, written warnings, through the dismissals with or without notice and pay. I cannot prejudice the outcome of any investigation or hearing by setting out exactly what the sanctions should be because this would depend on the circumstances of each individual case.

3.13.1 Deputy M.R. Higgins:

The vice-chair is saying essentially there is a difference between white lies and full-blown lies. What I would say though is in the codes of practice it does not specifically, from my recollection, mention lying. But it goes to the very heart of confidence in the system and integrity. Now, would the Minister say that lying to a court, for example, it could be perjury if all the elements of perjury are there ...

The Bailiff:

I am not sure we are strictly in the narrow compass of a preamble statement prior to the question here, Deputy Higgins.

Deputy M.R. Higgins:

I am asking a specific question because judiciary was mentioned in my question.

The Bailiff:

Yes, it was, and you are more than capable of asking a supplemental question in connection with the judiciary, but an explanation as to what might happen in a court of law I think is a step too far.

Deputy M.R. Higgins:

I was trying to do that for the benefit of Members, they realise that lying is not quite a straightforward thing in the sense that I think it is a straightforward thing but the court does distinguish between a number of elements. If all those elements are not there it may not find perjury.

The Bailiff:

What is the question?

Deputy M.R. Higgins:

Does the Minister accept that any officer should, in the course of their employment, lie to the court?

The Connétable of St. Ouen:

Sorry, could I ask the Deputy to repeat that question because I thought I heard ...

The Bailiff:

The question was: does the Connétable accept that any officer in the course of his employment should lie to a court?

The Connétable of St. Ouen:

With the greatest respect to the Deputy, my answer is obviously no. It is clearly an offence in the court and it would be a breach of the code of conduct.

3.13.2 Senator T.A. Vallois:

May I ask the vice-chair whether the code of conduct, in particular with regard to this, has been updated in light of the new people strategy and the values that are laid out in that, which are far in advance of normal rules, which States Members have to abide by?

The Connétable of St. Ouen:

I believe they have but I will confirm back to the Senator that is the case.

Deputy M.R. Higgins:

I will leave it as it is. The Minister has said that lying is not acceptable and people should be dealt with for it.