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# STATES OF JERSEY



## REVIEW OF THE SUSPENSION PROCESS FOR THE CHIEF OFFICER OF THE STATES OF JERSEY POLICE: APPOINTMENT OF COMMISSIONER

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Presented to the States on 14th April 2010  
by the Chief Minister

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STATES GREFFE

## REPORT

When the States considered and rejected P.9/2010 – Committee of Inquiry: suspension of the Chief Officer of the States of Jersey Police – the Council of Ministers proposed an independent investigation as an alternative to the Committee of Inquiry as it felt that it would be a quicker and simpler process. Also, the appointment of a specialist with a strong background in employment law would ensure that all elements of the suspension process would be fully investigated and reported on.

The selection process was initiated through an approach to the Jersey Advisory and Conciliation Service (JACS) who were asked to identify specialists. A list of 9 experts was provided to the Chief Minister, all of whom are on the ACAS list of Arbitrators with experience in undertaking investigations of this nature.

As part of the Council of Ministers' Comments on P.9/2010, the Chief Minister advised States Members that he would invite the Deputy of St. Martin to be part of the selection process. The Chief Minister and the Deputy reviewed the 9 candidates and selected a shortlist of 3 who appeared to have relevant experience and a strong background in employment law. Following approaches to 2 of the 3 experts, I am pleased to advise members that Mr. Brian Napier Q.C. was offered and accepted the commission to undertake this Review.

Mr. Napier is an experienced Barrister who specialises in employment and discrimination law. Mr. Napier was also able to start the investigation immediately and, following an initial meeting in Jersey on 25th March 2010, agreed the final Terms of Reference (copy attached at Appendix 1) and also agreed to commence a Review on 6th April 2010. Mr. Napier plans to complete his Review and submit his final Report in early May.

A copy of Mr. Napier's CV is attached for information at Appendix 2.

**TERMS OF REFERENCE****A review of the management process that led to the suspension of the Chief Officer of Police**1. Commissioner

The Chief Minister wishes to appoint a Commissioner to undertake a Review of the manner in which the Chief Officer of the States of Jersey Police was suspended from his duties on 12th November 2008. Given the length of time that has elapsed since the Chief Officer of Police was suspended, and the concerns raised by States Members, particularly following the publication of the Affidavit from the suspended Chief Officer of Police, the Chief Minister is proposing to commission an independent review to assure himself and States Members that the management of the process was conducted correctly.

2. Terms of Reference

The purpose of the Review is to –

- (a) Examine the procedure employed by the Chief Minister's Department and the Minister for Home Affairs in the period leading up to the suspension of the Chief Officer of Police on 12th November 2008.
- (b) Review the manner in which senior officers collated the information and presented it to the Minister for Home Affairs that ultimately led to the suspension of the Chief Officer of Police.
- (c) Investigate whether the procedure for dealing with the original suspension was correctly followed at all times, including –
  - (i) The reason for the immediate suspension of the Chief Officer of Police.
  - (ii) Whether there were any procedural errors in managing the suspension process.
  - (iii) The recording of material relating to the primary events of the suspension process.
- (d) Review all information relating to the original suspension procedure including relevant sections of the published Affidavit from the suspended Chief Officer of Police.
- (e) The Report should highlight any areas where in the opinion of the Commissioner sufficient evidence exists that would support in the interests of open government a full Committee of Inquiry into the manner in which the Chief Officer of Police was suspended on 12th November 2008.

3. Report

A Report should be prepared for the Chief Minister. The Commissioner must be aware that the entire disciplinary process for the Chief Officer of Police is conducted under his Terms and Conditions of Employment which include a Code of Conduct for Disciplinary Process. This Code requires confidentiality to be maintained by all parties throughout the disciplinary process. As such, the report should therefore be in 2 parts –

- i. Part I should consist of matters appropriate for immediate publication to States Members and the Public;
- ii. Part II relating to those matters specific to the Chief Officer of Police which under his Code of Conduct have to remain confidential until the disciplinary process has been completed.

## ACAS ARBITRATOR/MEDIATOR

## CURRICULUM VITAE

**Name:** Brian William Napier, M.A., LLB, PhD Q.C.

**Date of Birth:** 9th January 1949

**Occupation:** Barrister

**Career History:**

1975 – 1989 Lecturer in Law, University of Cambridge

1989 – 1996 Professor of Law, Centre of Commercial Law Studies

1996 – 1999 Visiting Professor of Law, Centre of Commercial Law Studies,  
Queen Mary and Westfield College, University of London

1995 – Barrister and Advocate (Scotland)

2002 Q.C. (Scotland)

**Other information and publications:**

I have a particular interest in the impact of the new technology (especially computers) on work practices. I also have a good knowledge of labour law and labour relations in France and Germany. I have worked as an expert for the International Labour Organisation (ILO) in a number of developing countries, including Uganda and Bangladesh.

Since moving into legal practice as a Barrister I have specialised in employment and discrimination law.

I am one of the editors of Harvey on *Industrial Relations and Employment Law*, which is the leading work for practitioners in this area of the law.

I have fluent spoken and written French.

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**Re-issue Note**

This Report has been re-issued at the request of the Chief Minister as the version of the Terms of Reference forwarded to the States Greffe in April 2010 inadvertently omitted one page, meaning that paragraphs 2(d) and (e) and 3 were missing from Appendix 1 of R.39/2010 when it was first published.