

DISCIPLINARY CODE FOR THE CHIEF OFFICER OF POLICE

1. APPLICATION AND PRINCIPLES

- 1.1 In the normal course of events, the Home Affairs Minister will raise, and attempt to resolve, issues arising which concern the performance, conduct, capability, etc., of the Chief Officer on a personal basis. The procedure described in this Code will be used only where such efforts to resolve problems arising have failed.
- 1.2 All parties involved in the operation of this Code will maintain confidentiality while proceedings are being progressed. The outcome of any particular case arising under the Code will not, as a general rule, be publicised but it is accepted that following the outcome of a particular case the Home Affairs Minister, and/or the States Employment Board and/or the Chief Officer might decide that public disclosure is appropriate.

2. DISCIPLINE PROCEDURE

2.1 Preliminary investigations

- 2.1.1 If circumstances arise where the Home Affairs Minister considers it justified, he will notify in writing the Chief Executive to the Council of Ministers, of any complaints relating to discipline, performance or capability against the Chief Officer. A copy of this letter will be given to the Chief Officer. At the discretion of the Chief Executive to the Council of Ministers, there may be a meeting between the Home Affairs Minister and the Chief Officer, to determine the requirement for the complaints to be pursued.
- 2.1.2 In the event that the complaints are pursued by the Home Affairs Minister, a preliminary investigation will be undertaken by the Chief Executive to the Council of Ministers, to establish the relevant facts. Facts will include statements from available witnesses and the Chief Officer. Following the investigation the Chief Executive to the Council of Ministers will produce a written report which will be given to the Home Affairs Minister and the Chief Officer. The results of the preliminary investigation will be discussed by the Home Affairs Minister, Chief Officer and Chief Executive to the Council of Ministers.
- 2.1.3 Where it is agreed that medical fitness is in question a separate procedure will apply to suit the circumstances.

2.2 Minor breaches of discipline or poor performance/capability

- 2.2.1 Minor breaches of discipline or poor performance/capability will be dealt with by the Home Affairs Minister. The Chief Officer will be given the opportunity to comment upon the complaint. If the Chief Officer considers it necessary, he will have the opportunity to be accompanied by a companion. In the event of the Chief Officer being accompanied, the Home Affairs Minister will have the support of a senior officer from the States Human Resources Department (other than the Director of Human Resources).
- 2.2.2 Minor breaches of discipline or poor performance/capability will be dealt with by recorded oral warning(s). These will give details of:
 - i) the breach of discipline/poor performance/capability;
 - ii) the required remedial action;

iii) the period of review. In cases of poor performance/capability this will be of a sufficient time to allow the Chief Officer a reasonable opportunity to perform at the level required;

iv) any assistance that may be given to the Chief Officer; and

v) the likely outcome of further misconduct or shortfall in performance/capability,

or such of the above as shall be deemed appropriate in any particular case.

2.2.3 Appeals against the above may be made to a panel consisting of the Home Affairs Minister and two members from the States Employment Board, whose decision will be final and will not be subject to Section 3 (below).

2.3 **Continued or serious breach of discipline/poor performance/capability**

2.3.1 If the preliminary investigation indicates that a more serious breach of discipline/poor performance/capability has occurred, or if the Chief Officer fails to improve and/or maintain improvements in conduct or job performance following the issue of oral warning(s), the issue will be considered by the Home Affairs Minister.

The hearing will be conducted by the Home Affairs Minister. The Minister will be advised by the Director of Human Resources.

2.3.2 The Chief Officer will be provided with, in writing, the following:

i) sufficient notice of the hearing;

ii) full particulars of the complaint;

iii) a statement of rights under these procedures; and

iv) details for the procedure for the hearing.

2.3.3 In more serious circumstances the Chief Officer may be suspended from duty on full pay by the Home Affairs Minister, pending the outcome of this procedure. In this event, the matter will be referred to the States of Jersey, in accordance with Article 9 of the Police Force (Jersey) Law, 1974.

2.3.4 At the hearing the Chief Officer may be accompanied by a companion.

2.3.5 The evidence (including documents, statements and calling of witnesses) in support of the complaint will be presented with the assistance of a senior officer from States Human Resources Department. The Chief Officer will be provided with the opportunity to present a response to the complaint (including the submission of documents, statements and calling of witnesses) and to respond to questions by the Minister. Witnesses may be questioned by the other party.

2.3.6 The Minister, or the Director of Human Resources, and the Chief Officer, or his companion will have the right to sum up at the end of the evidence.

2.3.7 In no case will the Minister hear one party without the other being present.

2.3.8 The Minister may choose to exonerate the Chief Officer or impose sanctions (see **Appendix**). The Chief Officer will be notified of the outcome in writing. The notification will state -

i. details of the misconduct/poor performance/capability;

ii. details of any sanctions and, where appropriate, the required remedial action for a period of review; and

iii. where appropriate, the likely outcome of further misconduct/poor performance/capability.

3. APPEALS PROCEDURE

- 3.1 In the event that the Chief Officer is dissatisfied with the decision reached in the process described in Section 2.3 (above) he may appeal to a panel of three. The chairman will be agreed from a panel maintained by the United Kingdom Advisory Conciliation and Arbitration Service (ACAS). The other members will consist of one nominated by the Home Affairs Minister and one by the Chief Officer. The conduct of the appeal hearing will be the same as for the hearing under Paragraphs 2.3.4, 2.3.5, and 2.3.7 (above), except that submissions on behalf on the Home Affairs Minister may be made by the Minister and/or the Director of Human Resources.
- 3.2 The recommendations of the panel will not be binding on the Home Affairs Minister, but the Minister will take cognisance of them.

4. BREAKDOWN OF NORMAL RELATIONSHIPS

- 4.1 It is possible that there could be an irrevocable breakdown in the special relationship that normally exists between the Chief Officer and his Minister.
- 4.2 In the event of the Home Affairs Minister feeling that the relationship with the Chief Officer is breaking down, he will bring it to the early notice of the Chief Officer and to the attention of the Chief Executive to the Council of Ministers, so that steps to improve the relationship can occur, or alternative action be taken.
- 4.3 If the procedure described in Paragraph 4.2 fails to resolve the problem to the satisfaction of the Chief Officer, the issue will be referred to a hearing as laid down in Section 2.3 (above).
- 4.4 This hearing will determine the appropriate course of action. In the event of the Chief Officer being dissatisfied he may appeal against the decision using the procedure described in the Section 3 above.

5. NOTIFICATION TO THE STATES OF JERSEY

Where, having exhausted the above procedures, the decision by the Home Affairs Minister is to dismiss the Chief Officer, the matter will be referred to the States of Jersey in accordance with Article 9 of the Police Force (Jersey) Law, 1974.

6. APPLICATION OF DISCIPLINARY ACTION

With the exception of warnings, any disciplinary action taken against the Chief Officer provided for under the above procedure must have the approval of the Home Affairs Minister.

APPENDIX

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Whilst not exhaustive, the following forms of disciplinary action may be appropriate:-

- recorded oral warning
- written warning
- final written warning
- alteration of duties and responsibilities
- suspension of pay for a specified period
- dismissal with notice
- dismissal without notice