

STATES OF JERSEY



CHIEF EXECUTIVE TO THE COUNCIL OF MINISTERS: OPEN COMPETITION (P.137/2015) – COMMENTS

Presented to the States on 30th November 2015
by the States Employment Board

STATES GREFFE

COMMENTS

The decision to extend the contract of the existing Chief Executive to the end of May 2018 was the best decision for the public sector and for the Island.

A restructuring programme is taking place to secure considerable efficiency savings, which can be re-invested in our strategic priorities of health and education. The current Chief Executive has considerable experience, and provides continuity while we do this. This work needs to continue and accelerate.

In 2011, a process was undertaken, supported by the Jersey Appointments Commission, to replace the outgoing Chief Executive, which included open local competition. The current Chief Executive was appointed in an interim capacity, leaving any permanent appointment as a matter for the subsequent Council of Ministers.

In 2012, the States' Employment Board and Council of Ministers considered, with the Appointments Commission, the approach to the selection of the Chief Executive. Full discussions took place and a process was agreed, which was confirmed as meeting the Commission's Code of Practice. The current Chief Executive was formally appointed until 31st December 2015. This appointment included an option to extend the contract by mutual agreement, subject to satisfactory performance. Such a review took place in the summer of 2015, facilitated by an independent third party.

While the appointment was for a fixed term, the current Chief Executive is a permanent employee, and is entitled to continuity of employment and commensurate protection in the same way as any other permanent employee. This aspect was considered within the process of review.

In 2015 and after due consideration, it was decided by the States' Employment Board, with the support of the Council of Ministers, to extend the Chief Executive's contract, having also discussed the matter with Deputy T.A. Vallois of St. John. This included considering whether it was appropriate to undertake open competition, with advice from the current Chairman of the Appointments Commission. In extending the contract, they made it clear that the existing Chief Executive will step down in 2018, and an open and competitive selection process will begin in 2016 for the next Chief Executive. The contract extension was signed on 28th September 2015.

To approve this proposition following the signing of the contract extension will incur significant costs. These are estimated at £500,000 by the Deputy, but the cost of any cancellation cannot be known at this stage. This cannot be supported.

Furthermore, it would be a poor reflection on the States of Jersey as an employer. It is not appropriate to breach a contractual arrangement, and this applies to the Chief Executive as much as it does to any other employee, and would not help in recruiting the next Chief Executive, given the prominence of this matter.

More generally, to approve this proposition would be poor recognition of a 'home-grown' employee who has progressed through the public sector since being first appointed in 1985. We should welcome and support this type of progression.

Instead, the States' Employment Board asks the Assembly to support an open and competitive selection process for a new appointment in 2018, and to uphold the agreed contractual relationship with the current Chief Executive, providing continuity as he leads the public sector through the ongoing transformation programme.

Statement under Standing Order 37A [Presentation of comment relating to a proposition]

These comments were submitted to the States Greffe later than the noon deadline on Friday 27th November (as specified in Standing Order 37A), as final internal review processes had not been completed.

APPENDIX 1

Extract from the advice of Dame Janet Paraskeva

“It seems clear to me that, notwithstanding the policy of full fair and open competition for the post at the end of the contract, the contract signed by the States allows for an extension to the initial three and a half years subject to satisfactory assessment, presumably by you (the Chief Minister), against the competencies required by the role.

It says “You are employed as Chief Executive to the Council of Ministers for a period of three and a half years. At the end of this period the Council of Ministers and States Employment Board will review its requirements for the future role of the Chief Executive and if it is deemed appropriate, will extend this contract, by mutual agreement, for a further 3 years, until December 2018.

This seems to me to be a contractual obligation to the current post holder and not therefore something that needs to be formally considered by the Appointments Commission as an exception.”

Chronology

- February 1985 – current Chief Executive appointed to first role in the public sector at the Public Health Service
- October 2000 – appointed Chief Officer designate for the Public Services Department
- April 2002 – appointed Chief Officer for the Public Services Department
- March 2009 – appointed Deputy Chief Executive
- April 2011 – ‘Acted up’ to Chief Executive following departure of previous Chief Executive
- June 2011 – Interviews held for Chief Executive position following local advertisement; Mr. Richardson’s ‘acting up’ was extended for 12 months
- June 2012 – Interviewed for the position of Chief Executive following evaluation process
- July 2012 – 3.5-year fixed-term contract issued as Chief Executive
- 12th September 2015 – Deputy T.A. Vallois of St. John raised the contract extension with the Chief Minister
- 14th and 15th September 2015 – States’ Employment Board meet
- 23rd September 2015 – contract extension issued
- 24th September 2015 – further meeting with the Chief Minister and the Deputy of St. John
- 28th September 2015 – contract signed
- 3rd November 2015 – P.137/2015 lodged *au Greffe*.