WRITTEN QUESTION TO THE CHAIR OF THE STATES EMPLOYMENT BOARD BY DEPUTY M.R. HIGGINS OF ST. HELIER ANSWER TO BE TABLED ON TUESDAY 6th OCTOBER 2020

Question

"Will the Chair state –

(a) the names given to the different types of non-disclosure and compromise agreements used within the States and describe any differences that exist between them and their use; and

(b) who is able to enter into any such compromise agreements and non-disclosure agreements on behalf of the States of Jersey, outlining any checks and balances that exist on those who are allowed to do so?"

Answer

a. The names given to the different types of agreements used within the Government of Jersey are Compromise and Severance Agreements. Each agreement contains a confidentiality statement also known as a 'non-disclosure agreement'. These agreements are an important legal framework used to protect sensitive and confidential information from being disclosed by all parties that are subject to them.

a. Employees who have delegated authority are able to enter into these agreements. Advice is normally sought from the Law Officers' Department and an approval process is entered into prior to the agreement being signed.

The approval process includes the Director General responsible for the Department, the HR Business Partner and the HR Director. Audits are carried out to ensure checks and balances are in place. The signed approval form must be saved with all agreements for audit purposes.

For those involving senior officers or potentially a high liability, the Group Director for People and Corporate Services must agree before discussions are entered into with the employee or their representative and sets the parameters for such discussions.

The Treasurer will be notified of any high value agreements who in turn will seek his own assurance about the level of potential liability from the Law Officers' Department.

The States Employment Board has oversight of any arrangements with Tier One or Tier Two officers.

Financial Regulations require the Government not to enter into any ultra vires agreement through sums that exceed the potential liability. Should a commercial settlement in excess of these terms be preferable, the States Employment Board must agree to the terms in advance.