

STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – STATES EMPLOYMENT BOARD

**Presented to the States on 29th January 2009
by the Chief Minister**

STATES GREFFE

REPORT

On 27th January 2009, the Chief Minister made a Ministerial Decision delegating certain functions of the States Employment Board under Article 28 of the States of Jersey Law 2005 (MDC-2009-0008, available at www.gov.je).

The terms of the delegations, and the legislation under which those delegations were made, were recorded in a Report attached to the Ministerial Decision, as shown below –

States Employment Board Act dated 12th January 2009

A1. The Board considered its power to delegate certain of its statutory functions and the level of delegation it might wish to apply.

It noted that under Article 10(1) of the Employment of States of Jersey Employees (Jersey) Law 2005, it has power to delegate its functions to any of its members or to the Chief Executive Officer. It further noted that under paragraph (3) of that Article, if a power was delegated to the Chief Executive Officer, he was entitled, with the approval of the Board, to delegate this power to another person or class of persons.

The Board recalled its statutory functions, as set out in Article 8 of the Employment of States of Jersey Employees (Jersey) Law 2005, and decided that, other than in the case of Article 8(1)(a) where policy matters with significant resource implications were involved and Article 8(2)(e), it would delegate its powers to the Chief Executive Officer. It noted that it was being proposed that the following functions would then be delegated by the Chief Executive Officer in the following manner –

Legislation:	Article 8(1)(a) of the Employment of States of Jersey Employees (Jersey) Law 2005
Delegate:	Assistant Minister, Chief Minister's Department
Function delegated:	To determine policy relating to the employment of, and the terms and conditions of employment of, States employees other than procedures for recruitment of States' employees
Scope of delegation:	The States Employment Board will exercise all policy-making powers where such policies have significant resource implications. Otherwise its powers will be delegated to the Assistant Minister, Chief Minister's Department

Legislation:	Article 8(1)(b) of the Employment of States of Jersey Employees (Jersey) Law 2005
Delegate:	Assistant Minister, Chief Minister's Department
Function delegated:	To ensure that the Public Service conducts itself with

	economy, efficiency, probity and effectiveness
Scope of delegation:	In exercising the Board's powers, the Assistant Minister must ensure that he acts within the scope of any policies, guidelines and procedures that are in force at that time, bearing in mind the powers delegated to him under Article 8(1)(a)

Legislation:	Article 8(1)(c) of the Employment of States of Jersey Employees (Jersey) Law 2005, and Article 5(1) of the Health and Safety at Work (Jersey) Law 1989
Delegate:	The member of the Corporate Management Board with responsibility for a particular department or the relevant head of administration of the States in the case of a non-executive department
Function delegated:	To ensure the health, safety and well-being of States' employees and other persons visiting States' buildings
Scope of delegation:	Any action taken by the member of the Corporate Management Board or the head of administration of a non-executive department must fall within the scope of any policies, guidelines and procedures that are in force at that time

Legislation:	Article 8(2)(a) of the Employment of States of Jersey Employees (Jersey) Law 2005
Delegate:	The member of the Corporate Management Board with responsibility for a particular department or the relevant head of administration of the States in the case of a non-executive department
Function delegated:	To employ persons on behalf of the States and administrations of the States
Scope of delegation:	Any action taken by the member of the Corporate Management Board or the head of administration of a non-executive department must fall within the scope of any policies, guidelines and procedures that are in force at that time

Legislation:	Article 8(2)(b) of the Employment of States of Jersey Employees (Jersey) Law 2005
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Delegate:	Director of Human Resources
Function delegated:	Where appropriate to consult or negotiate with States' employees, or representatives of States' employees, collective agreement as to the terms and conditions of employment of States' employees
Scope of delegation:	Any action taken by the Director of Human Resources must fall within the scope of any instructions issued by the Board or the Assistant Minister, Chief Minister's Department

Legislation:	Article 8(2)(c) of the Employment of States of Jersey Employees (Jersey) Law 2005
Delegate:	Director of Human Resources
Function delegated:	To determine the employee training and development needs of States' employees or representatives of States employees and appropriate procedures for appraisal and transfer of States employees
Scope of delegation:	Any action taken by the Director of Human Resources must fall within the scope of any policies that are in force at that time

Legislation:	Article 8(2)(d) of the Employment of States of Jersey Employees (Jersey) Law 2005
Delegate:	The member of the Corporate Management Board with responsibility for a particular department or the relevant head of administration of the States in the case of a non-executive department
Function delegated:	To discipline, suspend or terminate the employment of States' employees
Scope of delegation:	Any action taken by the member of the Corporate Management Board or the head of administration of a non-executive department must fall within the scope of any policies, guidelines and procedures that are in force at that time

Legislation:	Article 8(2)(f) of the Employment of States of Jersey Employees (Jersey) Law 2005
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Delegate:	Director of Human Resources
Function delegated:	To determine other matters that may reasonably be considered necessary for the proper administration and management of States' employees
Scope of delegation:	Any determination by the Director of Human Resources must fall within the scope of any policies that are in force at that time

The Board, having considered the abovementioned, approved the further delegation of powers as outlined. In doing so, it agreed that the delegated might be required to provide data to the Board relating to the manner in which its powers had been exercised on its behalf. The Board accordingly requested that the Greffier of the States arrange for this Minute to be presented to the States for information.