
STATES OF JERSEY



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

**Presented to the States on 30th January 2012
by the States Employment Board**

STATES GREFFE

REPORT

During the course of its meetings held on 9th December 2011 and 10th January 2012 the States Employment Board, acting in accordance with Article 28 of the States of Jersey Law 2005, agreed to delegate certain of its statutory functions.

Under Article 10 of the Employment of States of Jersey Employees (Jersey) Law 2005, the Board is empowered to delegate its functions to any of its members or to the Chief Executive. The Chief Executive may then, with the approval of the Board, delegate powers to another person or class of persons.

The Board, having recalled its statutory functions as set out in Article 8 of the Employment of States of Jersey Employees (Jersey) Law 2005, and in the various pieces of pensions legislation cited at sub-paragraph (7) below, has decided to delegate these powers to the Interim Chief Executive. These delegations do not extend to policy matters with significant resource implications that fall within the scope of Article 8(1)(a), or to Article 8(2)(e). The Board has authorised the Interim Chief Executive to further delegate certain functions in the following manner –

(1)	Legislation:	Employment of States of Jersey Employees (Jersey) Law 2005 – Article 8(1)(c); and Health and Safety at Work (Jersey) Law 1989 – Article 5(1).
	Delegate:	The members 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 members 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.

(2)	Legislation:	Employment of States of Jersey Employees (Jersey) Law 2005 – Article 8(2)(a).
	Delegate:	The members 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 members 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.

(3)

Legislation:	Employment of States of Jersey Employees (Jersey) Law 2005 – Article 8(2)(b).
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 Chief Minister or Vice-Chairman of the Board.

(4)

Legislation:	Employment of States of Jersey Employees (Jersey) Law 2005 – Article 8(2)(c).
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.

(5)	Legislation:	Employment of States of Jersey Employees (Jersey) Law 2005 – Article 8(2)(d).
	Delegate:	The members 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 members 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.

(6)	Legislation:	Employment of States of Jersey Employees (Jersey) Law 2005 – Article 8(2)(f).
	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.

(7)	Legislation:	<ul style="list-style-type: none"> • Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989 – Regulation 7(1); • Public Employees (Contributory Retirement Scheme) (Existing Members) (Jersey) Regulations 1989 – Regulation 7(1); • Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Jersey) Regulations 1992 – Regulation 7 ; • Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967 – Regulation 7(1)(c);
-----	---------------------	---

	<ul style="list-style-type: none"> Teachers' Superannuation (New Members) (Jersey) Order 2007 – Article 17(1).
Delegate:	The Director of Human Resources.
Function delegated:	To pay or to decline payment of a pension, at any time before normal retiring age, to a member of the pension scheme, who to the satisfaction of the Employer, based on advice from the States Occupational Health Advisor, does or does not meet the requirements under the relevant Pension Scheme Regulations.
Scope of delegation:	Any action taken by the Delegate members of the Director of Human Resources of the States must fall within the scope of any policies, guidelines and procedures that are in force at that time.

Regarding the delegation cited at (1) above, the Board acknowledges that this does not absolve the Board of its ultimate responsibility for ensuring the health, safety and well-being of States' employees and other persons visiting States buildings.

Turning to the delegation cited at (4) above, the Board confirms for the avoidance of doubt that it expects in the short to medium term to consider proposals for further improving the effectiveness of the existing performance review and appraisal systems for public sector staff.

In approving the delegations recorded above, the Board reserves the right to require relevant officers to provide data to the Board relating to the manner in which powers have been exercised on its behalf.