

STATES OF JERSEY



CHIEF EXECUTIVE TO THE COUNCIL OF MINISTERS: OPEN COMPETITION

Lodged au Greffe on 3rd November 2015
by the Deputy of St. John

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the States Employment Board to cancel the extension to the contract of employment of the Chief Executive Officer to the Council of Ministers with effect from 31st December 2015 (being the date on which the contract entered into with him in July 2012 will finish) and to further request the States Employment Board to ensure that the recruitment for the post of Chief Executive Officer is subject to open and fair competition and complies with the standards set out within the Jersey Appointments Commission Guidance on Senior Recruitment.

DEPUTY OF ST. JOHN

REPORT

At the States sitting on 14th July 2015 the States approved “Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201-” ([P.60/2015](#)) which enabled a change in the way that the Chief Executive Officer of the States of Jersey carries out their role. This particular amendment under the Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 2015 ([R&O.81/2015](#)) specifically, under Regulation 2, stated the following –

“2 Role of Chief Executive Officer

For Article 3(3) there shall be substituted the following paragraphs –

“(3) As the Head of the Public Service, the Chief Executive Officer shall lead chief officers in –

- (a) the administration and general management of the public service; and
- (b) the implementation of corporate and strategic policies.

(4) In so leading chief officers, the Chief Executive Officer shall have the power –

- (a) to require a chief officer to account for the matters in paragraph (3)(a) and (b), so far as the Ministerial department for which he or she is the chief officer is responsible for them; and
- (b) to direct a chief officer as to the duties to be undertaken by him or her in the course of his or her employment as a States’ employee.

(5) The powers in paragraph (4) –

- (a) do not override a chief officer’s accountability under –
 - (i) Article 26(6) of the States of Jersey Law 2005,
 - (ii) Article 38(1) of the Public Finances (Jersey) Law 2005, or
 - (iii) Article 10A of this Law; and
- (b) cannot be used to direct or seek to influence a chief officer –
 - (i) in the discharge of a function delegated to him or her by a Minister, or
 - (ii) in the discharge of a function imposed on him or her by any enactment.

(6) In this Article –

‘chief officer’ means the senior States’ employee in a Ministerial department;

‘Ministerial department’ means an administration of the States for which a Minister is assigned responsibility.””.

This particular change was long awaited and was in agreement with previous Corporate Services Scrutiny Panel and Public Accounts Committee’s requests in various reports identifying weaknesses in the structure of governance in the public sector.

On Tuesday 3rd May 2011, the Deputy Chief Minister advised the States of an interim position after the loss of the Chief Executive Officer with the intention of a full review and restructure of the role accepting that there were improvements to be made to the role.

The last time a full fair and open competition was enabled for this position was in 2003 before the beginning of Ministerial Government.

On 11th September 2012, Deputy J.A.N. Le Fondré of St. Lawrence asked a [written question 1240/5\(7050\)](#) of the Chief Minister regarding the post of Chief Executive (see **Appendix**).

Specifically under the Chief Executive Role Profile it is noted that this was only for a 3 year contract post during which time it is proposed to undertake a thorough review of the ministerial and managerial structures. The role and responsibilities of the Chief Executive will be redefined in the light of that review.

During this time the Jersey Appointments Commission has gone through many changes in not only membership but also its responsibilities under the Law. As an independent body they recognise the importance of the States being able to have trust in their processes and that all appointments are carried out in an open and fair manner.

In September I met with the States Employment Board to discuss this particular proposition and was advised that there would be issues contractually and the fact that there is no person to replace the current incumbent. Based on this premise and the fact that I had been raising the issue of this role with the Chief Minister since the PAC report on compromise agreements in 2012, I requested that he make a full statement to the States Assembly about what has happened and that the information provided in written answers were not in fact the case. He has so far failed to do this.

Financial and manpower implications

I consider that the cost could be up to £500,000 and I recommend this is paid either from contingency funding or the budget of the Chief Minister's Department (or with some funding from both).

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE
ANSWER TO BE TABLED ON TUESDAY 11th SEPTEMBER 2012**

Question

Further to the recent announcement of the appointment of the new Chief Executive, would the Chief Minister provide the following information:

- (a) a copy of the job description under which the successful individual was appointed;
- (b) a copy of the previous job description that was applicable when the earlier process of recruitment was performed in circa June 2011, which did not result in a successful appointment to the post;
- (c) details of the process followed in relation to the selection and appointment of the new Chief Executive, including the individuals (or positions thereof) involved in that process?

Answer

Both job descriptions requested are attached for information.

During March to June the Council of Ministers (CoM) and the States Employment Board (SEB) considered various options with regards to how the Chief Executive role for the States of Jersey should be filled. In considering the options both CoM and SEB were cognisant of the ongoing Governmental reform agenda. When defining the requirements of the role both CoM and SEB focused on the delivery of the Strategic Plan and the 7 strategic priorities, in particular the huge challenges the Civil Service faces in delivering this agenda, particularly the Reform of the Public Sector. A new Job Description was developed and circulated to CoM and SEB for comment. The previous recruitment process had led to the appointment of an Acting Chief Executive for a period of one year.

In June CoM selected a panel of three Ministers to take forward the recruitment of the Chief Executive. The Jersey Appointments Commission agreed and chaired the recruitment process. The interview process took the form of an assessment of the competencies of the then Acting Chief Executive against those of the job description and against the States competency framework. The new role was approved by SEB in July and the contract for the Chief Executive was agreed and signed at the end of July.

JOB DESCRIPTION QUESTIONNAIRE

DEPARTMENT: Chief Minister's
JOB TITLE: Chief Executive
REPORTS TO: Chief Minister and Council of Ministers
TYPE: **Maintenance** - if this box is ticked, please indicate job number below
 New
JOB NUMBER (if maintenance): 07.001
GRADE: (please leave blank)
EVALUATION DATE: (please leave blank)

1. JOB PURPOSE

To be the principal adviser to the Chief Minister and the Council of Ministers on all matters within the Council's remit, including the formulation of strategic plans, business plans and policies.

To lead the Reform of the Public Sector in order to deliver a sustainable and efficient Public Sector delivery model to meet the demographic and socio economic challenges faced by the States of Jersey.

To lead the Corporate Management Board and thereby ensure:

- Departments provide professional advice and support to Ministers and deliver their policies efficiently, effectively and in a co-ordinated manner;
- Public Servants are equipped with the skills and capability to deliver the Reform agenda and meet the demands placed upon them.
- Ensure the development of an empowered and engaged management team that works in a fair and decent environment.

Ensure that all departmental duties, responsibilities and delegated functions within the Chief Minister's Department are discharged effectively and appropriately and that the department meets the needs of the Chief Minister and Council of Ministers.



CHIEF EXECUTIVE – (3 YEAR CONTRACT*) ROLE PROFILE

Job Title: Chief Executive to the
Council of Ministers and
Head of the Public Service

Department: Chief Minister's

Reports To: Chief Minister and
Council of Ministers

Date: April 2011

Role Purpose:

As Chief Executive, act as the principal adviser to the Chief Minister and the Council of Ministers on all matters within the Council's remit, including the formulation of strategic plans, business plans and policies.

As Head of the Public Service, lead the Corporate Management Board and thereby ensure:

- The Council of Ministers policies are delivered efficiently and effectively;
- Departments provide professional advice and support to Ministers and deliver their policies efficiently, effectively and in a co-ordinated manner;;
- Public Servants are equipped with the skills and capability to meet the demands placed upon them and that they work in a fair and decent environment.

As Head of the Chief Minister's Department ensure that all departmental duties, responsibilities and delegated functions are discharged effectively and appropriately and that the department meets the needs of the Chief Minister and Council of Ministers.

*NOTE – this is a 3 year contract post during which time it is proposed to undertake a thorough review of the ministerial and managerial structures. The role and responsibilities of the Chief Executive will be redefined in the light of that review.

PRINCIPAL ACCOUNTABILITIES:

The following must be viewed in relation to the three principal roles of the postholder as:

- Chief Executive to the Council of Ministers
- Head of the Island's Public Service
- Head of the Chief Minister's department and, as such, Chief Executive to the Chief Minister

1. Provide, and ensure the provision of, all necessary support to the Chief Minister and the Council of Ministers, so that the machinery of government in the Island operates smoothly and effectively, based on well founded decision making.
2. Act as the principal adviser, and ensure the provision of co-ordinated advice, to the Chief Minister and Council of Ministers.
3. Having regard to the needs of the strategies, policies and decisions of the Council of Ministers, prepare the strategic policy programme, oversee preparation of the annual States business plan and lead the development of corporate strategy and policy.
4. Ensure that there are satisfactory and sufficiently resourced arrangements in place to enable the Chief Minister and Council of Ministers to communicate with and receive views from Members of the States, the public and other stakeholders.
5. Chair and lead the Corporate Management Board (terms of reference attached as Appendix 2) to direct and co-ordinate the work of Executive departmental Accounting Officers in order to deliver accountabilities 6 to 11 below, taking account of available resources.
6. Ensure that the strategies, policies and decisions of the States and Council of Ministers are implemented and delivered efficiently and effectively.
7. Oversee Chief Officer's performance in the provision of advice to Ministers and the efficient and effective delivery of their policies.
8. Provide professional advice to the States Employment Board and ensure that as a good employer their delegated functions are discharged properly by Departments.
9. As Head of the Public Service and with the support of the Corporate Management Board ensure that States staff are properly performance managed, supported and developed in order to create a corporate culture in which staff deliver efficient and effective services that meet client needs.
10. Oversee a corporate governance structure and culture that ensures good governance, effective assurance over the use of resources, effectively identifies and manages risks and ensure that departments comply with relevant statutory, legal and international provisions.

11. Oversee the delivery and implementation of the CSR as agreed by the Council of Ministers and the States. (Governance structure shown in Appendix 3)
12. As Head of the Chief Minister's department, ensure that all departmental duties, responsibilities and delegated powers are discharged effectively and appropriately and that the functions and services provided by the department continue to meet the needs of the Chief Minister, the Council of Ministers and government as a whole.
13. Ensure effective working relationships are maintained and developed on all relevant matters with and between the Council of Ministers, the Chief Minister and his or her department, the Bailiff and Law Officers, the Lieutenant Governor, the States Assembly, Scrutiny Committees the States Greffe and other non-executive departments, the Comité des Connétables and the Parishes.
14. To facilitate the proposed review of the working of Ministerial Government and the roles and responsibilities of Ministers and Civil Servants.
15. Provide and ensure the provision of, all necessary support to the Chief Minister and the Emergencies Council to ensure that Departments are prepared for a major emergency and that there is an effective and co-ordinated response in the event of such an emergency.

PERSON SPECIFICATION

Knowledge, Skills & Experience:

- Extensive experience and a proven track record in the public sector environment at a senior level, including substantial experience of a large and complex public sector organisation.
- Significant knowledge and understanding of the process of government including interaction between politicians and officials.
- Significant experience of the policy-making process in government.
- An ability to acquire an understanding and appreciation of the system of government within the States of Jersey, and of the factors underpinning the move to a ministerial system.
- A good understanding or the ability readily to acquire the same, of the wider international context within Jersey must operate.

Qualifications

The postholder will have extensive experience and a proven track record. In addition, it would be essential for the postholder to have one or more of the following –

- A degree or professional qualification;
- A formal management qualification;

ORGANISATION CHART

Attached

DIMENSIONS

States of Jersey Dimensions

Financial: Annual Revenue Budget (2011) - £650m (net); £770m (gross)

Annual Capital Budget (2011) - £38m

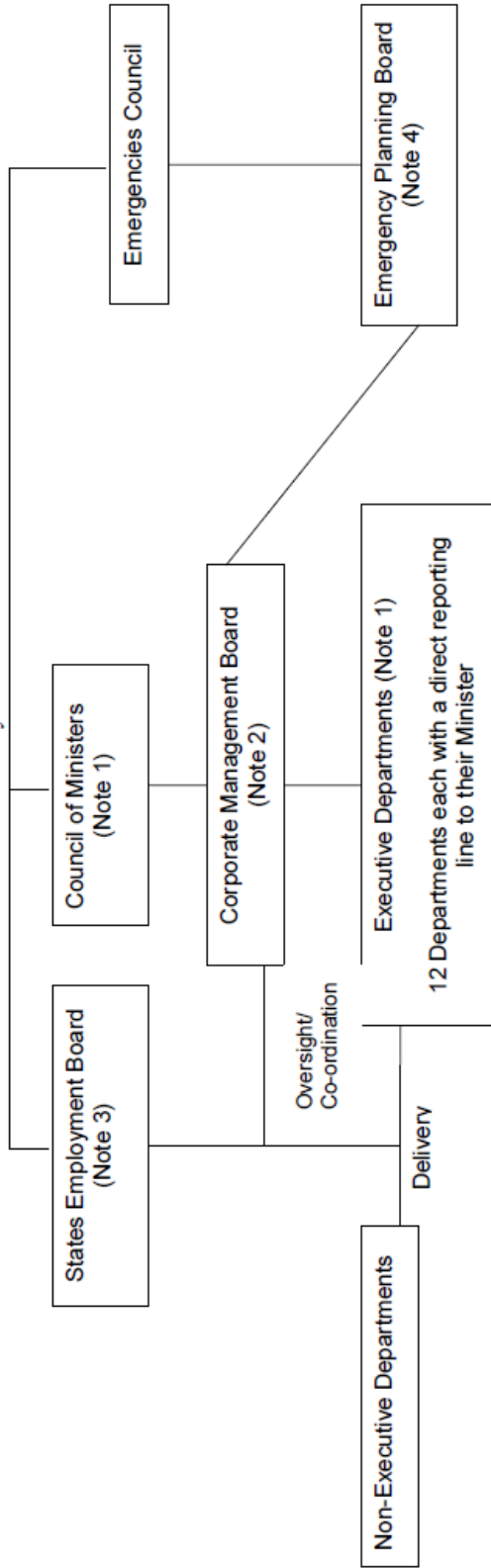
Employees: at 31.12.10 – 6, 800 headcount
6, 000 FTE

Chief Minister's Department

Financial: Annual Revenue Budget (2011) - £21.3m (net); £22.5m (gross)

Employees: at 31.12.10 – FTE 204.8

Corporate Organisation of Responsibilities for Executive Functions
States Assembly



Note 1: The Chief Minister chairs the Council of Ministers.

Each Minister is a separate legal entity with a cash limit voted directly by the States.
The Council operates by collective decision making, but does not operate under the doctrine of collective responsibility on all issues.

Note 2: The Chief Executive chairs the Corporate Management Board (CMB)

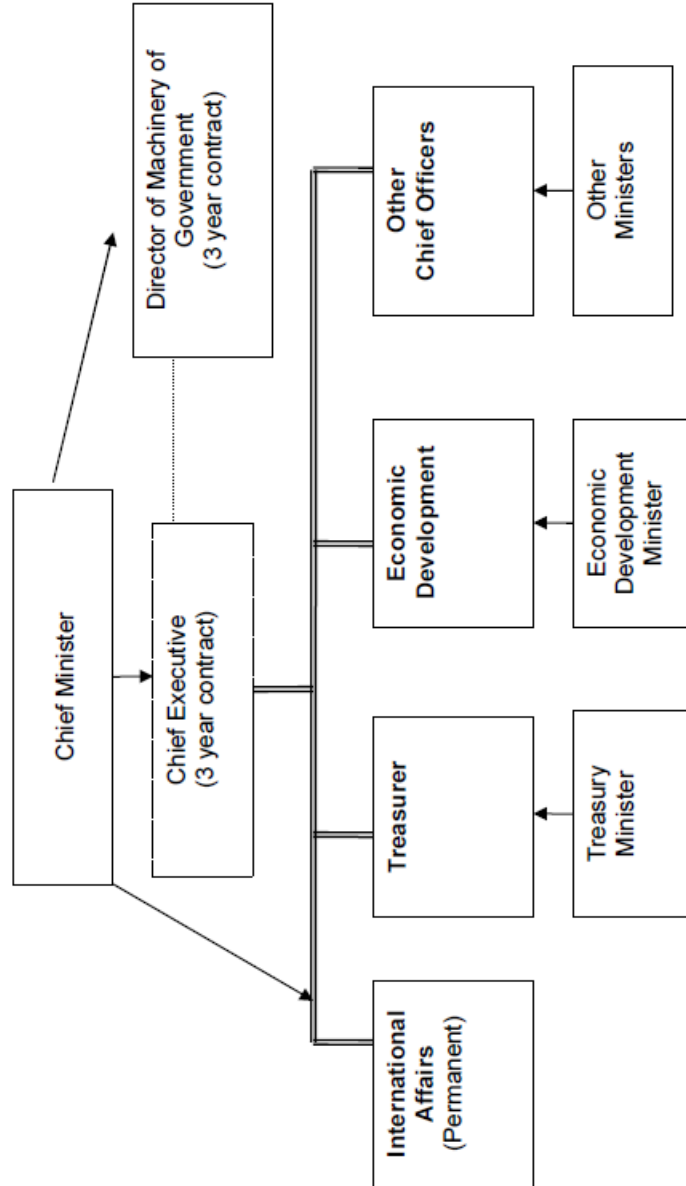
CMB reports to the Council of Ministers, its Terms of Reference are at Appendix 3.
CO's report direct to their Minister on policy and its implementation

CO's as Accounting Officers have personal responsibility for resources, efficiency and effectiveness as set out under the Finance Law

Note 3: HR matters are the legal responsibility of the States Employment Board which delegates its functions to the Chief Executive. They are then formally delegated to each CO to discharge in their department. In this respect CO's report to the Chief Executive.

Note 4: The Emergency Planning Board reports to both the Emergencies Council and the CMB. It is chaired by the Chief Executive.

ORGANISATION STRUCTURE
SHOWING CHIEF OFFICER AND MINISTERIAL REPORTING LINES



NOTE:
 ——— Indicates HR responsibility, nominal performance management accountabilities and Council of Ministers delegated responsibilities.
 ———> Indicates political responsibilities

STATES OF JERSEY CORPORATE MANAGEMENT BOARD (CMB)

Role

- To provide advice to the Council of Ministers as required.
- To provide corporate leadership to staff in order to deliver policies and services efficiently and effectively as decided by the States and the Council of Ministers.

Functions

- Ensure there are effective corporate governance arrangements in place across departments. Regularly review performance to ensure effective accountability and identify corporate issues to be resolved. Examples are:-
 - Risk Management;
 - Health and Safety;
 - Internal Controls;
 - Welfare etc;
- Monitor and improve performance and accountability in relation to the use of resources and oversee the effectiveness of central resource functions:-
 - Human Resources
 - Property
 - Purchasing
 - Information
 - Shared Services Function.
- Maintain corporate oversight of financial management across departments and for the States as a whole in order to improve financial performance, rectify problems and advise the Council of Ministers as necessary.
- Keep the health of the organisation under review in order to develop and implement programmes to resolve issues and meet future challenges.
- Monitoring and improving the management of performance and accountability;
- Protecting and enhancing the organisation's reputation for professionalism, effectiveness, integrity and efficiency;
- Communicating the States purpose, policy goals and vision to staff and other stakeholders and ensuring that they are properly engaged in order to harness their commitment to creativity in delivering them as efficiently and effectively as possible.
- Undertaking regular future scanning to identify major issues which could impact on the management of the organisation or which need to be planned for.

It is expected that all departments will be represented and therefore substitutes would be expected to attend, as notified to the secretary.

Structure

- The Board is supported by four Sub-Committees:-
 - Audit
 - Risk Management
 - Emergency Planning Board.
 - Corporate Strategy Group
- The Board will meet 6 weekly, with agendas circulated 5 days in advance.

CSR PROGRAMME MANAGEMENT**Roles and Responsibilities of the CSR Programme Board**

(The CSR Programme Board will report to CoM and CMB)

Outline of Officer Accountabilities

The Chief Executive to the Council of Ministers holds overall accountability for the implementation of the CSR as the Programme Sponsor.

As such he is accountable to the Council of Ministers for the overall programme.

Each Accounting Officer will be responsible for delivering the CSR programme for their department within the agreed cash limit. (The cash limit will be adjusted to reflect the proper allocation of corporate savings once those programmes have been finalised). The Accounting Officer will be responsible to:-

- Their Minister for the policy content of the programme;
- The Chief Executive in respect of their application of HR and other Resources policies.

Role of the Programme Board

The Programme Board is responsible for ensuring that the CSR is delivered across the States Departments. In particular it will:

Oversee finalisation of the CSR in 2010 and 2011 in preparation for the 2012 Business Plan, (including corporate savings).

Ensure that the appropriate corporate support functions (Treasury, HR, IS, Procurement, Property, Project Management) are available to support departments delivery of CSR.

Ensure that there is a consistent application of corporate resource policies across departments in their implementation of the CSR;

Analyse the CSR programme as it develops to identify critical pinch points and re-organise the programme (in collaboration with Accounting Officers and CMB) to ensure the programme is deliverable.

Monitor implementation of the programme to ensure that the CSR savings are delivered.

Oversee the communication programme, both internal and external

Membership of the Programme Board

- Chief Executive to the Council of Ministers (Chairman)
- Treasurer
- Chief Officer EDD as a corporate lead