

STATES OF JERSEY



SALARIES OVER £100,000: NOTIFICATION TO STATES ASSEMBLY (P.30/2011) – AMENDMENT

**Lodged au Greffe on 1st March 2011
by Deputy T.A. Vallois of St. Saviour**

STATES GREFFE

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After the words “or other external body),” insert the words “and following the signature of a ministerial decision by the Minister responsible for the Department where the public employee is to be employed confirming the Minister’s support for the post and the proposed remuneration,”.

DEPUTY T.A. VALLOIS OF ST. SAVIOUR

REPORT

The amendment herewith is merely an administrative matter and will serve to identify the appropriate accessibility, not only for States Members, but for scrutiny to be able to take place, by established Panels and the public.

At present, in terms of budget allocation for a department the Minister has corporate responsibility; however, it is the States Employment Board (SEB) that determines the terms and conditions and the pay for employees of each department. Although this may be satisfactory for SEB to have responsibility for these areas, it is also satisfactory to assume that the Minister responsible for the allocation of funds within a department is ensuring these funds are being placed in the most appropriate areas. This amendment therefore seeks clarity and assurance that the Minister is in agreement on establishing a role for the department.

The basis and process for making and recording Ministerial Decisions was set out in R.C.80/2005 presented by the former Policy and Resources Committee, and further supplementary guidelines were produced under R.93/2006 by the Council of Ministers.

These are required to achieve the following:

- *Demonstrate that good governance and clear lines of accountability are in place. In particular the separation of advice to Ministers, the actual process of decision-making and the implementation of decisions.*
- *Provide a record of decisions and actions that will be available for examination by Scrutiny Panels, States Members, the public and the media.*
- *Provide a historical record and point of reference in the event that a decision should be challenged or form part of an investigation or legal challenge.*
- *Provide a record of the action needed to implement the decision (normally by the department).*

Absence of properly recorded ministerial decisions can have a number of consequences, not least exposure of officers and Ministers to criticism over decisions that are not formally recorded, lack of clarity over advice provided and decisions taken in some circumstances, decisions which may not be supported in law and decisions which may not be in line with established practice (e.g. Standing Orders of the States of Jersey). It should also be noted that due to the Public Records Law, departments are required to produce Ministerial Decisions. This ensures that there is always a record available of all decisions taken within departments.

The above is an extract from the Recording of Ministerial Decisions Guidelines for States Departments which was published by the Chief Minister's Department in January 2009.

I have used this specific area of these guidelines in order to add strength, not only to my amendment, but also to Deputy Le Hérissier's proposition in terms of transparency and accountability, and how important it is to ensure appropriate measures are taken, such as rigorous scrutiny, before the establishment of a post within a department that

results in high costs to the public purse at a time of recession, higher taxes and reduction in public funding.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from this amendment.