

2018.12.03

16 Deputy M.R. Higgins of the Chairman of the States Employment Board regarding civil servants who had received financial settlements under compromise agreements: [OQ.232/2018]

Will the Chairman advise how many outgoing senior civil servants have received financial settlements under compromise agreements in the past 12 months and how much those payments have totalled? Will she advise whether an assessment will be made as to how effective current States policies on compromise agreements are, taking into account whether consideration should be given to adopting other approaches when seeking to remove non-effective and non-performing staff?

The Connétable of St. Ouen (Vice-Chairman of the States Employment Board - rapporteur):

If the Deputy is happy, the Chairman of S.E.B. has delegated me to respond to this question.

Deputy M.R. Higgins:

It depends on your answer.

The Connétable of St. Ouen:

That is a bit of a subjective response. I am not sure how to proceed now to be honest, but I will answer the question and you will decide afterwards whether you are happy with it. In response to the Deputy's question, there have been 5 senior civil servants, Tiers 1 and 2, that have left the States as a result of the implementation of target operating models. New proposals means that some roles are either redundant or individuals did not wish to apply for roles in the new structure, hence they have left under the existing redundancy policy with appropriate contractual payments. Total payments were £567,050. In response to the Deputy's second question about whether we are happy with compromise agreements, which I think, if I can go short form, the answer is no, we are not. Generally speaking within an organisation it is a sign of unsatisfactory performance management within that organisation and at S.E.B. we have already commissioned a workshop to look at the improvement of performance management throughout the whole of the States workforce to ensure that we do not have to resort to compromise agreements.

3.16.1 Deputy M.R. Higgins:

Can the Vice-Chairman say whether it was £100,000 for each individual or some got considerably enhanced money? Was it an average of £100,000 paid to the 5 who have left under the compromise agreements?

The Connétable of St. Ouen:

I do not have the breakdown unfortunately. I am happy to provide that to the Deputy within the constraints of G.D.P.R. (General Data Protection Regulation).

3.16.2 Deputy K.F. Morel:

I was wondering if the Assistant Minister could confirm, because I am slightly confused. I believed we had assurances from previous Council of Ministers that there would no longer be compromise agreements and payoffs for senior civil servants. Can you confirm whether that was the case and what the current case is?

The Connétable of St. Ouen:

I thank the Deputy for his question. I believe the Council of Ministers did make a similar statement but the unfortunate and sad answer is that, where you have a position where you have no other recourse to remove an employee for poor performance, a compromise agreement is the last resort you can use to achieve that end and that is why we have had to, in certain instances, resort to using that agreement. But I agree entirely, it is not a satisfactory position to be in.

3.16.3 Deputy K.F. Morel:

Does that not mean then that when the Council of Ministers says something, we should not necessarily believe it?

The Connétable of St. Ouen:

I am not quite sure how to respond to that question. It is not a question of trying to mislead the House. I think it is the intention of the Council of Ministers to move away from compromise agreements for the reasons I have outlined. I am sure they did not intend to mislead the House. Maybe a previous S.E.B. failed to implement a performance management system quick enough for us to avoid using these things.

3.16.4 Deputy M.R. Higgins:

Can the Vice-Chairman tell us whether they are actively working on a scheme that will do away with the need for these compromise agreements and when it will be brought before the Assembly?

The Connétable of St. Ouen:

Yes, the S.E.B. is actively working on improving the performance framework throughout the whole of the organisation. I am happy to bring back a report to the Assembly and we are trying to drive it through as quickly as we can, but it is also linked to the new culture project that is being run and also we are linked to some extent to working with the chief executive to work out what his objectives are, which, as I am sure the Deputy knows, is an active process that is ongoing at the moment. Those objectives should properly be cascaded throughout to all the D.G.s (directors general) within the new structure and then on-cascaded to their own staff members. So we are on one hand trying to encourage the existing performance management structure to work properly; on the other hand trying to introduce a new performance management structure to replace it. So it is an ongoing project and I am happy to come back with a report, say in 6 months, as to how we are progressing.

Information subsequently provided by the Vice-Chairman, States Employment Board:

Breakdown of the five compromise agreements paid to civil servants during the past 12 months.

Individual	Compromise Sum Received
Person A	£118,636
Person B	£187,639
Person C	£87,196

Person D	£102,834
Person E	£70,745
TOTAL	£567,050