

2024.10.22

3.2 Deputy M.B. Andrews of St Helier North of the Chair of the States Employment Board regarding the engagement of former employees to provide consultancy services to the Government (OQ.193/2024):

Will the chair advise what policy, if any, applies to the engagement of former employees to provide consultancy services to the Government; and what time period, if any, must have elapsed before a former employee may be engaged in such a way?

Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (Chair, States Employment Board):

With Deputy Andrew's permission, Deputy Ferey will take the question.

Deputy M.R. Ferey of St. Saviour (Vice-Chair, States Employment Board - rapporteur):

I thank the Deputy for the question. The Government of Jersey has re-employment guidelines and there are no restrictions if a former employee has resigned of their own accord. Individuals who have taken voluntary release, voluntary severance or voluntary early retirement from their employment with the States of Jersey may not return to work in any capacity with the States of Jersey for a period of 2 years or the duration of their payback period, whichever is the longest, unless they repay a proportionate amount of their redundancy payment. Individuals who have been made compulsorily redundant may not seek employment with the States of Jersey in any role for a period of 6 months and one day unless they repay a proportionate amount of their redundancy payment. Such payment will be waived only in exceptional circumstances and at the employer's sole discretion. Individuals who have left the employment of the States of Jersey under a compromise agreement may apply for re-employment on an open competition basis at the sole discretion of the employer. There must be a break of 6 months and one day before an applicant may be considered. However, agreements normally state a 2-year period.

3.2.1 Deputy M.B. Andrews:

I would be interested to know whether the S.E.B. (States Employment Board) have considered A.C.O.B.A. (Advisory Committee on Business Appointments) in the U.K. and the guidelines that they have for a 2-year period across the board.

Deputy M.R. Ferey:

I thank the Deputy for the follow-up question. The answer to that is no. The guidelines that we currently have, we deem to be working sufficiently at this moment in time.

3.2.2 Deputy I. Gardiner:

Would the Assistant Chief Minister advise if the same conditions apply for individuals being contracted through the company, through the business contract?

Deputy M.R. Ferey:

Generally speaking, yes. But we do not have those actual numbers; we do not keep data on how many individuals are re-employed through a company. But the same conditions broadly would apply.

3.2.3 Deputy I. Gardiner:

What measures are in place to ensure that succession plans are ready, that the individual who is leaving employment with the States of Jersey, Government of Jersey, will not become

irreplaceable, and it is the only person who will hold information and knowledge to be contracted to continue the work?

Deputy M.R. Ferey:

I am happy to answer the question, but is that within the bounds of the original question?

[10:00]

The Bailiff:

Well I think arguably it is, and if you therefore are prepared to answer it that would be helpful, I think.

Deputy M.R. Ferey:

Whenever any person leaves employment obviously we need to make sure that business continuity is in place and that that corporate knowledge or that individual knowledge is not lost. So there is succession planning in place for those eventualities and we do everything that we can to make sure that procedures are written and not in individual's heads so that that knowledge becomes corporate knowledge.