

23.04.18

10 Deputy M.R. Scott of the Chair of the States Employment Board regarding the independence of the People and Corporate Services Group Director (OQ.72/2023)

Further to paragraph 24 of the report of the Comptroller and Auditor General entitled *States Employment Board Follow-up September 2022* will the chair advise how the States Employment Board intends to address concerns regarding the lack of independence of the group director for People and Corporate Services as an adviser to the board?

Deputy K.L. Moore (Chair, States Employment Board):

The vice-chair is going to answer this question.

Connétable A.N. Jehan of St. John (Vice-Chair, States Employment Board - rapporteur):

Thank you for the question. As set out in the Government's legislative programme, which was published in October 2022, I expect to bring forward amendments to the Employment of States of Jersey Employees (Jersey) Law 2005 later this year. As part of this project, the law is being reviewed to ensure the constitution and role of the States Employment Board is underpinned by a modern legislative base. This includes consideration of the statutory role of officials and advisers who support the States Employment Board to carry out its functions. It should be noted that Article 6A of the law already allows S.E.B. to appoint up to 2 independent advisers to support our work.

4.10.1 Deputy M.R. Scott:

Could the vice-chair please outline the nature of these amendments and the extent to which consideration has been given to potential outsourcing of elements of management to the private sector in order to rapidly bring up the standard of the culture to professional standards outside the public sector?

The Connétable of St. John:

We already have one independent adviser to the States Employment Board and we have identified the criteria to appoint a second one as we are able to. The States Employment Board have a workshop on 4th May where we will be looking at the detail on what other requirements we need in terms of changes to the legislation.

4.10.2 Deputy L.V. Feltham:

In his answer, the vice-chair referred to having an independent adviser already in place. Could he give us some more information about the skills and also the tasks that have been given to that particular independent adviser?

The Connétable of St. John:

The independent adviser is a chartered director, is an H.R. (human resources) professional, is on a number of boards, including a large public health trust, and has provided very valuable independent advice to the States Employment Board both during its meetings and outside of its meetings when it has been requested.

4.10.3 Deputy L.V. Feltham:

Could the vice-chair let us know what kind of contract that independent adviser is on and what type of cost that might be coming at?

The Connétable of St. John:

I do not have that detail to hand but I am more than happy to provide the Deputy and Members that detail. The second post that we are looking at, we are looking for somebody locally based and with legal experience in H.R. matters.

4.10.4 Deputy R.J. Ward:

May I ask the Vice-Chair: do those advisers advise on pay awards?

The Connétable of St. John:

The adviser advises the States Employment Board as and when necessary when we are discussing different matters, and that may include pay. It includes a whole range of subjects.

4.10.5 Deputy R.J. Ward:

Can I ask the Assistant ... the Deputy of the S.E.B. - I am sorry, it is very confusing, all these titles - whether the adviser advised on the current pay awards?

The Connétable of St. John:

The current pay awards which we are going through at the moment are part of the Government Plan which was agreed by this Assembly, and we will be talking to the independent adviser as and when necessary on that matter.

4.10.6 Deputy M. Tadier:

Will there be a requirement for the eventual successful candidate to be personally sympathetic with the policies of the Better Way group?

The Connétable of St. John:

I am not sure which candidate the Deputy is referring to.

The Deputy Bailiff:

I am not sure this arises from the question.

Deputy M. Tadier:

I am talking about the person who ... unless I have misunderstood the thread of the question, the person who is eventually appointed to this new H.R. position.

The Deputy Bailiff:

Yes, that is the question that you are being asked.

The Connétable of St. John:

The requirements for the person will be down to their professional skills, not any political leanings.

Deputy M. Tadier:

Do I get a supplementary or have I had it?

The Deputy Bailiff:

Well, I am not sure so you can have one. [Laughter]

4.10.7 Deputy M. Tadier:

The reason I ask that is there is a requirement and level in the civil service which requires civil servants to be apolitical. So, for example, a member of a political party such as the Jersey Alliance,

the Jersey Liberal Conservatives or Reform Jersey would not be able to be a member of those parties, but where we have a grouping of Ministers who are not an official party it is conceivable that an individual may well be completely aligned with that grouping with no requirement to declare an interest. What mechanisms are there in place at the Better Way Cabinet to make sure that they are not just recruiting from within their own ranks, effectively?

The Connétable of St. John:

I am not well placed to answer that question because I am not part of a Better Way group. Any employee over a certain level, as the Deputy has alluded to, has specific requirements when it comes down to political engagement. The adviser would not be an employee but would be a consultant.

4.10.8 Deputy M.R. Scott:

Could the vice-chair please confirm that the current independent adviser has been in place for a number of years, has a background in the public sector and was in place at the time of the departure of the former C.E.O. in circumstances that were unsatisfactory and cost the public a certain amount of money and, if so, whether there has been any consideration of replacing that independent adviser?

The Connétable of St. John:

The independent adviser has been an adviser for a number of years. Their background is in the railways, H.R. within the railways and, as I mentioned earlier, as well as health and other industries. I do not know what advice the independent adviser gave in relation to the former chief executive's departure. All I can say is that I am very, very impressed with our current independent adviser.