
STATES OF JERSEY



EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (JERSEY) LAW 2005: DELEGATION OF FUNCTIONS – STATES EMPLOYMENT BOARD – NOVEMBER 2018

**Presented to the States on 14th November 2018
by the States Employment Board**

STATES GREFFE

REPORT

Under Article 10 of the Employment of States of Jersey Employees (Jersey) Law 2005 (“the Law”), provision is made for the States Employment Board (“SEB”) to delegate any of its powers or functions under the Law to any of its members or the Chief Executive Officer (“CEO”). The CEO is permitted to further delegate any of these powers and functions to a person or member of a class of persons approved by the SEB.

The statutory functions of the SEB are set out in Article 8 of the Law and, other than in the case of Article 8(1)(a), where policy matters with significant resources implications are involved; and Article 8(5), which addresses remuneration and other related matters, it was agreed that the SEB would delegate its powers under Article 8 of the Law to the Chief Executive Officer.

The SEB approved the further delegation of powers from the Chief Executive Officer to the officers as detailed in this report, and agreed that the delegated officers would be required to provide data to the SEB relating to the manner in which its powers had been exercised on its behalf (i.e. produce reports to SEB as required to do so).

The Law states, *inter alia* –

“8 Functions of States Employment Board

- (1) The States Employment Board shall –
 - (a) employ persons on behalf of the States and administrations of the States;
 - (b) ensure that the public service conducts itself with economy, efficiency, probity and effectiveness;
 - (c) ensure the health, safety and well-being of States’ employees;
 - (d) determine any other matter that may reasonably be considered necessary for the proper administration and management of States’ employees; and
 - (e) discharge any other function conferred on it by or under any enactment.
- (2) The States Employment Board shall, for the purpose of the discharge of the functions described in paragraph (1)(a) to (c) –
 - (a) give directions regarding consultation or negotiation with States’ employees, or with representatives of States’ employees, concerning the terms and conditions of employment of States’ employees;
 - (b) issue codes of practice concerning –
 - (i) the training and development needs of States’ employees,
 - (ii) the procedures for recruitment of States’ employees,
 - (iii) the procedures for appraisal of the performance of States’ employees,
 - (iv) the procedures for disciplining, suspending and terminating the employment of States’ employees, and
 - (v) interventions by the Commission under Article 26A.

- (3) The States Employment Board may issue codes of practice concerning any other matter relating to the employment of States' employees.
- (4) In paragraph (2)(b)(ii), "States' employees" includes a person who is to be treated as a States employee by virtue of Article 15(2).
- (5) The functions referred to in paragraph (1)(e) include the functions conferred by Article 8(1) of the Departments of the Judiciary and the Legislature (Jersey) Law 1965, Article 3 of the Loi (1864) concernant la charge de Juge d'Instruction and Article 41(5) of the States of Jersey Law 2005."

"10 Delegation

- (1) The States Employment Board may, by instrument in writing, delegate to any of its members, or to the Chief Executive Officer, any of its powers or functions under this Law.
- (2) If a power or function has been delegated under paragraph (1) to a member of the States Employment Board, the member may, with the approval of the States Employment Board, delegate by instrument in writing the power or function to the Chief Executive Officer.
- (3) If a power or function has been delegated under paragraph (1) or (2) to the Chief Executive Officer, he or she may, with the approval of the States Employment Board, delegate by instrument in writing the power or function to another person who is –
 - (a) a person approved by the States Employment Board; or
 - (b) a member of a class of persons approved by the States Employment Board."

The terms of the delegations, and the legislation under which those delegations are made, are as follows –

Legislation:	Employment of States of Jersey Employees (Jersey) Law 2005: Article 8(1)(b)–(e); and Health and Safety at Work (Jersey) Law 1989: Article 5(1)
Delegate:	Direct reports to the Chief Executive Officer with responsibility for a particular department, or the relevant head of administration of the States in the case of a non-executive department.
Functions delegated:	To ensure the health, safety and well-being of States' employees and other persons visiting States buildings. To ensure that the public service conducts itself with economy, efficiency, probity and effectiveness. To determine any other matter that may reasonably be considered necessary for the proper administration and management of States' employees. To discharge any other function conferred on it by or under any enactment.
Scope of delegation:	Any action taken by the direct report of the Chief Executive Officer or the head of administration of a non-executive department must fall within the scope of any policies, guidelines and procedures that are in force at that time.

Legislation:	Employment of States of Jersey Employees (Jersey) Law 2005: Article 8(2)(a)
Delegate:	Group Director of People and Corporate Services
Functions delegated:	Where appropriate, to give directions regarding consultation or negotiation with States' employees, or with representatives of States' employees, concerning the terms and conditions of employment of States' employees.
Scope of delegation:	Any action taken by the Group Director of People and Corporate Services must fall within the scope of any instructions issued by the SEB or the Minister delegated by the SEB.

Legislation:	Employment of States of Jersey Employees (Jersey) Law 2005: Article 8(2)(b)(i) and (iii)
Delegate:	Group Director of People and Corporate Services
Functions delegated:	To issue codes of practice concerning the training and development needs of States' employees. To issue codes of practice concerning the procedures for appraisal of the performance of States' employees.
Scope of delegation:	Any action taken by the Group Director of People and Corporate Services must fall within the scope of any policies that are in force at that time.

Legislation:	Employment of States of Jersey Employees (Jersey) Law 2005: Article 8(2)(b)(iv)
Delegate:	Direct reports to the Chief Executive Officer with responsibility for a particular department, or the relevant head of administration of the States in the case of a non-executive department.
Functions delegated:	To issue codes of practice concerning the procedures for disciplining, suspending and terminating the employment of States' employees.
Scope of delegation:	Any action taken by the direct report of the Chief Executive Officer, or the head of administration of a non-executive department, must fall within the scope of any policies, guidelines and procedures that are in force at that time.

Legislation:	Employment of States of Jersey Employees (Jersey) Law 2005: Article 8(3)
Delegate:	Group Director of People and Corporate Services
Functions delegated:	To issue codes of practice concerning any other matter relating to the employment of States' employees.
Scope of delegation:	Any action taken by the Group Director of People and Corporate Services must fall within the scope of any policies that are in force at that time.