

STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – STATES EMPLOYMENT BOARD

**Presented to the States on 21st March 2006
by the Chief Minister**

STATES GREFFE

REPORT

On 13th January 2006, the States Employment Board made an Act delegating certain of its functions under the Employment of States of Jersey Employees (Jersey) Law 2005.

The terms of the delegation were recorded in an Act of the Board as follows –

“A1. The Board considered a report dated 5th January 2006, which had been prepared by Mr. P. Nicolle Corporate Human Resources Director in connection with its power to delegate certain of its statutory functions and the level of delegation the Board might wish to apply.

It noted that under Article 10(1) of the Employment of States of Jersey Employees (Jersey) Law 2005, it has power to delegate its functions to any of its members to the Chief Executive Officer. It further noted that under paragraph (3) of that Law, if a power was delegated to the Chief Executive Officer, he was entitled, with the approval of the Board, to delegate this power to another person or class of persons.

The Board recalled its statutory functions, as set out in Article 8 of the Employment of States of Jersey Employees (Jersey) Law 2005, and decided that, other than in the case of Article 8(1)(a) where policy matters with significant resource implications were involved and Article 8(2)(e), it would delegate its powers to the Chief Executive Officer. It noted that it was being proposed that the following functions would then be delegated by the Chief Executive Officer in the following manner –

(1)

Legislation:	Article 8(1)(a) Employment of States of Jersey Employees (Jersey) Law 2005
Delegate:	Assistant Minister, Chief Minister's Department
Function delegated:	To determine policy relating to the employment of, and the terms and conditions of employment of States employees other than procedures for recruitment of States' employees.
Scope of delegation:	The States Employment Board will exercise all policy-making powers where such policies have significant resource implications. Otherwise its powers will be delegated to the Assistant Minister, Chief Minister's Department.

(2)

Legislation:	Article 8(1)(b) Employment of States of Jersey Employees (Jersey) Law 2005
Delegate:	Assistant Minister, Chief Minister's Department
Function delegated:	To ensure that the Public Service conducts itself with economy, efficiency, probity and effectiveness.

Scope of delegation:	In exercising the Board's powers, the Assistant Minister must ensure that he acts within the scope of any policies, guidelines and procedures that are in force at that time, bearing in mind the powers delegated to him under Article 8(1)(a)
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(3)

Legislation:	Article 8(1)(c) Employment of States of Jersey Employees (Jersey) Law 2005
Delegate:	The member of the Corporate Management Board with responsibility for a particular department or the relevant head of administration of the States in the case of a non-executive department.
Function delegated:	To ensure the health, safety and well-being of States' employees.
Scope of delegation:	Any action taken by the member of the Corporate Management Board 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.

(4)

Legislation:	Article 8(2)(a) Employment of States of Jersey Employees (Jersey) Law 2005.
Delegate:	The member of the Corporate Management Board with responsibility for a particular department or the relevant head of administration of the States in the case of a non-executive department.
Function delegated:	To employ persons on behalf of the States and administrations of the States.
Scope of delegation:	Any action taken by the member of the Corporate Management Board 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.

(5)

Legislation:	Article 8(2)(b) Employment of States of Jersey Employees (Jersey) Law 2005
Delegate:	Deputy Chief Executive of the Chief Minister's Department
Function delegated:	Where appropriate to consult or negotiate with States' employees, or representatives of States' employees, collective agreement as to the terms and conditions of employment of States' employees.
Scope of delegation:	Any action taken by the Deputy Chief Executive must fall within the scope of any instructions issued by the Board or the Assistant Minister, Chief Minister's Department.

(6)

Legislation:	Article 8(2)(c) Employment of States of Jersey Employees (Jersey) Law 2005
Delegate:	Director of Human Resources
Function delegated:	To determine the employee training and development needs of States' employees or representatives of States employees and appropriate procedures for appraisal and transfer of States employees.
Scope of delegation:	Any action taken by the Director of Human Resources must fall within the scope of any policies that are in force at that time.

(7)

Legislation:	Article 8(2)(d) Employment of States of Jersey Employees (Jersey) Law 2005
Delegate:	The member of the Corporate Management Board with responsibility for a particular department or the relevant head of administration of the States in the case of a non-executive department.
Function delegated:	To discipline, suspend or terminate the employment of States' employees.

Scope of delegation:	Any action taken by the member of the Corporate Management Board 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.
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(8)

Legislation:	Article 8(2)(f) Employment of States of Jersey Employees (Jersey) Law 2005
Delegate:	Director of Human Resources
Function delegated:	To determine other matters that may reasonably be considered necessary for the proper administration and management of States' employees.
Scope of delegation:	Any determination by the Director of Human Resources must fall within the scope of any policies that are in force at that time.

The Board, having considered the abovementioned, approved the further delegation of powers as outlined. In doing so, it agreed that the delegated might be required to provide data to the Board relating to the manner in which its powers had been exercised on its behalf. The Board accordingly requested that the Greffier of the States arrange for this Minute to be presented to the States for information.”