



States Greffe

Chief Minister
Chair of States Employment Board
URGENT: BY EMAIL

19 July 2021

Dear Chief Minister,

Appointment Process of New Chief Executive

I am writing to you in your role as Chair of the States Employment Board (SEB) and on behalf of the Public Accounts Committee (PAC). We understand you are currently shortlisting candidates for the post of the new Chief Executive. In reviewing the States Annual Report and Accounts 2020, we are acutely aware of the difficult circumstances surrounding the employment of the former Chief Executive, from the announcement of his appointment before his contract negotiations had been completed, through to the compromise agreement reached prior to his departure, as discussed with you at the PAC's [public hearing of 9 July 2021](#).

Recommendation 6 of the Comptroller and Auditor General's (C&AG) Report: [States Employment Board - Follow-Up: Employment of the former Chief Executive](#) (May 2021) was to '*Undertake the proposed review of the original appointment process for the former Chief Executive as soon as practicable and implement the findings from the review in the recruitment and appointment process for the new permanent Chief Executive.*'

This recommendation was accepted in the formal [Executive Response](#) which indicated that a review of the original appointment process for the former Chief Executive would be carried out and the findings presented to the States Employment Board by 31st July 2021.

As a matter of urgency, the PAC requests the Terms of Reference for the review. We urge you to include in the review a sincere evaluation process of 'lessons learned' and take timely actions which address the inconsistencies, anomalies and weaknesses in the process which led to the costly severance payout by the taxpaying public. We also request that you make the findings, recommendations and actions of your review public **before** appointing the new Chief Executive.

In respect of the appointment procedure for the new Chief Executive, we seek your assurance that you are clear on the terms and conditions prior to interviewing candidates so that candidates fully comprehend the terms the SEB are prepared to offer prior to interview and potential offer of employment.

In addition to the review and the finalisation of terms and conditions, the PAC would urge the SEB to confirm the following matters will be addressed, **before** the appointment of the new CEO:

- Do not announce publicly the appointment until there is a robust binding contract in place
- Implement a disciplinary procedure specific to the post of Chief Executive
- Negotiated terms and conditions with the potential candidate should be independently verified as legally 'robust' by an independent HR specialist and employment lawyer
- Ensure any disputes to his or her employment will be fully and finally settled by the Jersey Employment Tribunal

- Update the scheme of delegation to formally document an unambiguous policy in respect of the line management of the Chief Executive Officer
- Clarify and align the responsibilities of the candidate in his or her roles as Chief Executive Officer, Principle Accountable Officer and Head of the Public Service
- Agree a stringent consistent, clear and robust understanding that undertaking any other role would be incompatible with his/her other responsibilities
- Where anomalies and inconsistencies exist between current Employment and Machinery of Government legislation, define and include specific, robust and legally binding terms and conditions for the incoming Chief Executive Officer

Some of these measures may be temporary, in lieu of a longer term undertaking to strengthen, update and align the current legislation and protocols. However, we consider it in the public interest that you use the resources at your disposal and your very best endeavours to remedy or at least mitigate against the weaknesses in the current procedures before appointing the new Chief Executive.

We will make this letter public and ask that you respond by 26 July 2021, your response will also be published.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Inna Gardiner', is enclosed in a thin black rectangular border.

Deputy Inna Gardiner, Chair, Public Accounts Committee