

Appendix G

States Employment Board

1. Introduction and background

The States Employment Board is established in the Employment of States of Jersey Employees (Jersey) Law 2005. It is a political body chaired by the Chief Minister, or their nominee (who must be another Minister), and comprises two Ministers or Assistant Ministers (appointed in writing by the Chief Minister) and two other members of the States Assembly (who are neither a Minister nor an Assistant Minister and who are appointed by the States Assembly). The Board may also appoint one or 2 advisors who have the right to attend and speak at meetings. The States Employment Board may delegate (in writing) to any of its members, or to the Chief Executive Officer, any of its powers or functions.

The States Employment Board is the employer of States of Jersey employees but has a more limited role in relation to certain specified senior appointments including within the Non-Ministerial Departments, Crown Officers and police officers.

The States Employment Board is responsible for giving directions regarding consultation or negotiation with States' employees, or with representatives of States' employees, concerning pay awards and the term and conditions of employment of those employees. This is particularly important in financial terms as a large proportion of overall States expenditure is incurred on staff costs.

Other legislative and States approved functions of the States Employment Board include:

- ensuring that the public service conducts itself with economy, efficiency, probity and effectiveness
- accountability for the health, safety and well-being of States' employees
- issuing Codes of Practice (strategic policy documents) with which Accountable Officers (including those for Ministerial and Non-Ministerial Departments) have a duty to comply (Accountable Officers are required to produce a Policy statement setting out how they and their delegates comply with the directions set in the relevant Code)
- approving the engagement of senior employees, interims and contractors under the requirements of P59/2011
- oversight of the Jersey Appointments Commission including recommending appointments to the Commission
- preparing an Annual Report to the States Assembly.

All States Employment Board meetings are supported by the Group Director of People and Corporate Services who ensures that:

- meetings are formally recorded (by the States Greffe) and that minutes are agreed at a subsequent meeting
- decisions are notified to the relevant Minister and Accountable Officer – decisions which have financial implications must also be reported to the Minister for Treasury and Resources and Treasurer of the States.

P.59/2011 – Salaries over £100, 000 – Process for Review and Scrutiny imposes a duty on the States Employment Board to control and monitor all pay proposals where the salary is likely to be over £100,000 per annum. There are established arrangements for reporting on

such proposals to the States Employment Board, using a standard proforma containing key information. The States Employment Board is supported in this process by the Group Director of People and Corporate Services. Approval is required from the States Employment Board for the salary band/daily rate, and also where an alternate arrangement is required to engage the most suitable candidate.

In addition to the common risks identified in the Background and Introduction section of this Manual a number of significant risks relating to this section include:

- Accountable Officers are not fully aware of the legal, and States approved, responsibilities and accountabilities required of them by the States Employment Board
- the States Employment Board does not receive the support required to meet its statutory and States approved obligations
- expenditure approved by the States Employment Board may exceed the amount set aside by the States Assembly.

2. Principles

1. Effective oversight of people management is a critical component of the operation of the Government and States of Jersey. The role of the States Employment Board is to set the standards and give direction on its functions to officers rather than to conduct the work itself.
2. The States Employment Board should receive sufficient support to fulfil its obligations and it should ensure that it follows the requirements of the Public Finances (Jersey) Law 2019 and the Public Finances Manual when meeting those obligations.

3. Requirements

1. **Consultation by the Group Director of People and Corporate Services (or their authorised delegate(s))**

The Group Director of People and Corporate Services (or their authorised delegate(s)) must consult with the Minister for Treasury and Resources and the Treasurer of the States before any proposals are put to the States Employment Board which would result, or would be likely to result, in the amounts allocated, and approved, in a Government Plan to be exceeded.

The Group Director of People and Corporate Services, or their authorised delegate(s), must also consult with the Treasurer of the States and the relevant Accountable Officer (with responsibility for the budget out of which any costs would be met) prior to the States Employment Board offering an employment contract with non-standard clauses that could expose the States of Jersey to future liabilities.

The Group Director of People and Corporate Services must ensure that the Treasurer of the States (or a nominated representative from Treasury and Exchequer) is invited to all States Employment Board meetings with attendance required where either:

- any proposals are to be put to the States Employment Board which would result, or would be likely to result, in the amounts allocated, and approved, in a Government Plan to be exceeded; or

- the States Employment Board are considering offering an employment contract with non-standard clauses that could expose the States of Jersey to future liabilities.

2. Funding

Where a decision made by SEB has financial implications the Accountable Officer, of the department(s) affected, will be required in the first instance to meet additional costs within existing heads of expenditure. Where this is not possible a business case for supplementary funding from the Reserve head of expenditure must be made by the affected department to the Minister for Treasury and Resources (see section on Reserve head of expenditure).

The Accountable Officer must, in advance of any recommendation or decision of the States Employment Board, seek advice on any business case for funding from the Reserve from the Treasury and Exchequer.

3. Posts where remuneration is estimated to exceed £100,000

In order to meet the requirements of the Governance Statement Questionnaire (specifically Principle 9 – Accountability, Decision Making and Scrutiny – point number 9) an Accountable Officer must ensure that all documentation relating to the filling, establishment or extension of any post(s) within their department where remuneration is expected to exceed £100,000 is properly completed and submitted to the States Employment Board in line with any deadlines set, in advance of finalising any decision.

4. Codes of Practice

In order to meet the requirements of the Governance Statement Questionnaire (see Principle 5. People management frameworks) Accountable Officers must complete an annual statement of compliance against the Code (applicable to the Codes issued from 2020 onwards) along with any breaches or exemptions applied to the Codes.