

STATES OF JERSEY



DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT No. 8) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 14th February 2017
by the States Employment Board**

STATES GREFFE



Jersey

DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT No. 8) (JERSEY) REGULATIONS 201-

REPORT

Purpose

The States are asked to approve amendments to the Employment of States of Jersey Employees (Jersey) Law 2005 (“the Law”) concerning the role of the Jersey Appointments Commission (“the Commission”) specifically in relation to the recruitment of the Chief Executive Officer (“CEO”) role for the States of Jersey.

Background

A renewed focus in the function of the Commission has resulted in wider engagement with the States Employment Board (“SEB”) and the States of Jersey Human Resources Department (“HR”). As a result, the Commission is looking to provide consistency within the legislation, and clarity of its role in the recruitment of the CEO role for the States of Jersey.

This Projet replaces a previously lodged Proposition, P.105/2016, and an amendment to P.105/2016 (*both withdrawn on the day that this Projet is lodged*), following helpful discussions with the Corporate Services Scrutiny Panel and the Jersey Appointments Commission.

Jersey Appointments Commission

Part 4 of the Law covers the function, responsibilities and ways of working of the Commission. The proposed amendments are outlined below under the relevant Article heading.

Article 18: Membership of Commission

This amendment is being proposed to reflect the guidance being provided by the Commission in their guidelines in relation to the length of terms of office that may be held. As it is currently drafted, the legislation provides for different terms for the Commission, which has never been the intention of the Commission. The SEB and the Commission wish to remove this discrepancy by applying the same rules to the Commission. In summary, this amendment allows for a Commissioner to be appointed for 9 years inclusive of time as the Chairman.

Article 26AA: Recruitment to the post of Chief Executive Officer

This amendment focuses on enabling the SEB to engage with the Commission to undertake the specific recruitment of the role of CEO for the States of Jersey. On notification by the SEB, the Commission are charged with nominating a Commissioner or Commissioners to undertake the recruitment process. In this instance, the role of the

Commissioner involved in the recruitment panel changes from their normal role of oversight only, to one of active participation.

In light of this change, this amendment then allows for the appointment of an independent person to carry out the oversight role that would ordinarily be performed by the Jersey Appointments Commission.

Financial and manpower implications

There are no direct financial or manpower implications for the States arising from the adoption of these draft Regulations.

Re-issue Note

This Projet is re-issued to correct an error in the formatting and layout of the text on page 7 as originally published. No changes have been made to the text itself.

Explanatory Note

These Regulations amend the Employment of States of Jersey Employees (Jersey) Law 2005 (“Law” as defined in *Regulation 1*).

Regulation 2 amends Article 18 of the Law so that a Commissioner of the Jersey Appointments Commission cannot hold office for more than a total period of 9 years, regardless of whether the Commissioner holds office on re-appointment during that period or holds office as Chairman during the whole or part of that period.

Regulation 3 inserts a new Article in the Law that applies where a recruitment takes place to the post of Chief Executive Officer. The term “Chief Executive Officer” is defined in Article 3 of the Law. The effect of *Regulation 3* is that the Jersey Appointments Commission is required by the States Employment Board to nominate a Commissioner to be involved in the recruitment, including making decisions on which candidates are to be interviewed and which candidate is to be offered the post. This is in contrast to the role of the Commissioner under Article 26 of the Law which is limited to observing a recruitment to a senior States’ office. The States Employment Board must, however, nominate a person other than the Commissioner to oversee the recruitment process to the post of Chief Executive Officer. Such a nominated person must chair any interviews but must not be involved in any decision making concerning which candidates are selected for interview or which candidate is to be offered the post.

Regulation 4 sets out the title of these Regulations and provides that they will come into force the day after they are made.



Jersey

DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT No. 8) (JERSEY) REGULATIONS 201-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 42 of the Employment of States of Jersey Employees (Jersey) Law 2005¹, have made the following Regulations –

1 Interpretation

In these Regulations “Law” means the Employment of States of Jersey Employees (Jersey) Law 2005².

2 Article 18 amended

In Article 18 of the Law –

(a) for paragraphs (4) and (5) there shall be substituted the following paragraphs –

“(4) Subject to paragraph (5), a Commissioner shall not hold office for a period exceeding 9 years regardless of whether, during the period of holding office, the Commissioner holds office for a term that is less than 9 years and is re-appointed and regardless of whether during all or any part of that period the Commissioner holds office as Chairman.

(5) In exceptional circumstances, a Commissioner’s appointment (whether or not as Chairman) may be extended by a period of not more than 12 months beyond the period of 9 years referred to in paragraph (4) for the purpose of facilitating a transition period before a replacement is appointed.

(5A) Where paragraph (5) applies, the total period for which a Commissioner holds office shall not, in any event, extend beyond a period of 10 years.”;

(b) paragraphs (7) and (8) shall be deleted;

(c) in paragraph (9) the words “For the purposes of paragraphs (7) and (8),” shall be deleted.”.

3 Article 26AA inserted

After Article 26 of the Law there shall be inserted the following Article –

“26AA Recruitment to the post of Chief Executive Officer

- (1) This Article applies –
 - (a) when a recruitment is carried out for the appointment of a person to the post of Chief Executive Officer; and
 - (b) notwithstanding anything in Article 26 to the contrary.
- (2) The States Employment Board shall require the Commission to nominate a Commissioner or Commissioners who are to be involved in the recruitment to that post.
- (3) The Commissioner or Commissioners nominated under paragraph (2) shall be involved in deciding –
 - (a) which candidates for recruitment shall be interviewed;
 - (b) which candidates following interview have met the required standard for recruitment; and
 - (c) which candidate is to be offered the post.
- (4) The States Employment Board shall nominate a person other than a Commissioner who shall be responsible for overseeing the recruitment to ensure that –
 - (a) it is fair, efficient and conducted in accordance with best practice and principles; and
 - (b) the successful candidate is appointed on merit.
- (5) The person nominated under paragraph (4) shall chair any meeting at which candidates are interviewed but shall not be involved in deciding any of the matters referred to in paragraph (3).”.

4 Citation and commencement

These Regulations may be cited as the Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 201- and shall come into force the day after they are made.

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- ¹ *chapter 16.325*
² *chapter 16.325*