

2.3 Deputy R.G. Le Hérissier of St. Saviour of the Chief Minister regarding the employment of the Chief Officer of the Fire and Rescue Service:

Would the Minister explain the circumstances surrounding the move of the Chief Officer of the Fire and Rescue Service to permanent status and outline whether 5-year contracts have any validity?

Senator T.A. Le Sueur (The Chief Minister):

The Deputy raised a similar question at the last States sitting and, not surprisingly, the answer remains the same. As I indicated in my previous answer and in the media release issued by the Minister for Home Affairs, there are sound reasons supporting the change in employment to permanent status in this particular case. Any contract for a fixed term for an employee, either in the public or private sector, can be terminated subject to the conditions attached to the contract at the time of issue. If the contract is for a specific period and for a specified piece, which is completed at the end of that fixed period with no further requirement for the work, the contract comes to a natural end and the employee's contract is terminated fairly. However, where the work continues and there is no other substantial reason to terminate the contract at the end of the fixed period, any dismissal could be deemed to be unfair. This situation applies to all employees, not just those employed in the public sector, in either a senior or a junior position.

2.3.1 Deputy R.G. Le Hérissier:

Can I deduce from the answer, therefore, that 5-year contracts as structured by the States are not working with the intended result?

Senator T.A. Le Sueur:

It is not a question of 5-year contracts structured by the States. As I said in my answer, this applies to any contract of employment in the private or the public sector.

2.3.2 Deputy A.E. Jeune:

Is it not correct that we are always going to need a Chief Officer of the Fire Service? Therefore, when we give out 5-year contracts for such positions, they should be able to be ceased?

Senator T.A. Le Sueur:

I fully concur. We will always need a Fire Chief and I would hope that in future we will have them make decisions whereby more local people are encouraged and are able to take up that position.

2.3.3 Deputy A.E. Jeune:

They will not be if the contracts of the person who is currently in the position are not such that we can ask them to vacate their position to allow a Jersey person or local person to enter it.

Senator T.A. Le Sueur:

No, my answer was quite clear. I said if the contract was for a specified piece of work, which would be completed by the end of that 5 years, then that contract can be fairly terminated.

Deputy M.R. Higgins:

My question has been answered.

2.3.4 Senator T.J. Le Main:

I do not agree with the Minister. When I was Minister for Housing, I gave a 5-year (j) to the Fire Service for a Chief Officer for a 5-year contract on the basis that they had told me that they could train someone local to do the job. What has gone wrong?

Senator T.A. Le Sueur:

It may well be that the original contract was not worded in the appropriate way, bearing in mind also, of course, that employment law has changed over the years.

2.3.5 Deputy M. Tadier of St. Brelade:

Just in relation to one of the other questions or the inference thereof, does the Chief Minister agree that the test of whether or not a licence should be renewed and the post should be renewed should be as to whether the previous incumbent has been doing a good job rather than where they happen to come from in the U.K. (United Kingdom) or elsewhere?

Senator T.A. Le Sueur:

I agree that the Island should always endeavour to employ the best person to do the appropriate job. Certainly, when the person was appointed to this job on a 5-year basis, it was in the expectation that a successor could be trained to replace him at the end of that 5-year period. As it turns out, the nature of the post and the nature of the job for the future is such that it was more appropriate from an employment point of view to maintain the present person in the position on a permanent basis.

2.3.6 Senator S.C. Ferguson:

Surely part of the performance appraisal for the Chief Officer should include evidence of succession training and if not, why not?

Senator T.A. Le Sueur:

Yes, it should and it does.

2.3.7 Senator S.C. Ferguson:

In that case, have we any evidence that he has been doing that particular job?

Senator T.A. Le Sueur:

You can train a successor and you can provide the environment in which a successor could be appointed but unless that successor is willing and able to come forward, you cannot appoint someone against their will.

2.3.8 Deputy R.G. Le Hérissier:

Would the Chief Minister not acknowledge that this has effectively undermined the whole notion of succession planning, made a mockery notwithstanding the excellence, I should add, of the individual concerned and we have got it badly, badly wrong?

Senator T.A. Le Sueur:

No, I think we are looking here at an isolated case. In many cases, succession planning does work very well and we have to continue to ensure that we are providing the right environment and encouragement to staff to apply for senior positions. I have to say in passing that in many cases staff are reluctant to apply for senior positions because it puts themselves more into the spotlight and many staff in the current climate feel that is undesirable.

