

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 17th JANUARY 2017**

Question

Will the Chief Minister, as Chairman of the States Employment Board, explain:

- (a) what rules are in place regarding financial compensation to employees who leave the employment of the States either of their own accord, by mutual consent or at the employer's behest;
- (b) what rules there are, if any, that govern confidentiality in such agreements;
- (c) who negotiated the termination agreement with the former Chief Officer of the Economic Development, Tourism, Sport and Culture Department and who agreed the payment of six-months' salary in lieu of notice; and
- (d) the full role of the States Employment Board in the agreement with that former Chief Officer, giving full details of all formal and informal meetings of the Board that took place in relation to this matter and the members of the Board that took part in them?

Answer

- a) The contractual notice period in an employee's contract covers both the notice the employee is required to give the States Employment Board, the Employer, and the notice the employee is required to give to terminate the contract. The notice period varies with grade and seniority.

Employees who leave the States of their own accord are required to give contractual notice that they wish to leave. The notice period may vary by mutual consent and agreement e.g. if the employee wishes to leave early, or the Employer wishes the employee to remain longer for handover purposes. The Employer may offer payment in lieu of notice in such circumstances.

If the Employer requires that the employee leaves, then except where an employee is dismissed without notice e.g. by reason of gross misconduct, an employee is given payment in lieu of notice to end the contractual relationship with the employee.

In cases where it is appropriate, the agreed termination of a contract of employment may be accompanied by an associated compromise agreement. These are carried out in line with the Utilisation of Compromise Agreements Report issued by the Comptroller and Auditor General dated March 2012 and follow up Report dated 5th May 2016.

- b) Employment matters involving individuals are normally kept confidential to protect against infringement of personal data under the Data Protection Law. If a formal termination agreement is in place and part of this includes a compromise agreement, then both parties are bound by confidentiality clauses.
- c) This was not a negotiated agreement. The former Chief Officer of the Economic Development, Tourism, Sport and Culture Department tendered his resignation in line with his contractual notice period (i.e. six months). The Employer (i.e. States Employment Board) accepted his resignation in line with their contractual obligations.

- d) The States Employment Board as the Employer, made the majority decision to accept the resignation of the former Chief Officer and the terms attached to his leaving the service, at an electronic meeting dated, pm 23rd December 2016 with the contribution of all members of the Board.

This decision was the culmination of a series of discussions and briefings as follows:

05/12/16 oral briefing provided by the CEO to SEB concerning the request for Voluntary Redundancy from the former Chief Officer of EDTSC. The CEO indicated that the request should be rejected which was endorsed by the SEB.

22/12/2016 electronic brief given by Director of Employment relations to SEB members, Chief Executive and advisor to the SEB in relation to advice and options for the SEB to consider in dealing with the resignation of the former Chief Officer dated 15th December 2016. This brief included potential terms of a settlement agreement and confidentiality agreement.

23/12/2016 AM - A meeting took place between the Chief Minister, Chief Executive, the Minister for Economic Development, Tourism, Sport and Culture, Assistant Ministers for Economic Development, Tourism, Sport and Culture (Connétable Pallett & Deputy Norton) and the Assistant Chief Minister (Senator Routier) and the Law Officer Department to discuss the options when dealing with the resignation of the former Chief Officer of the Economic Development. The consensus view of the meeting recommended the decision to accept the resignation. Subsequently taken by the SEB later on that day.

23/12/2016 PM - Chief Executive provided an electronic brief to SEB members and Advisor to SEB together with the consensus view of the morning meeting.