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# STATES OF JERSEY



## STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – STATES EMPLOYMENT BOARD

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Presented to the States on 24th October 2017  
by the States Employment Board

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STATES GREFFE

## REPORT

On 20th October 2017, the States Employment Board (“SEB”) decided to delegate certain of its functions under Article 10(1) of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) (“the Law”). The terms of the delegations, and the legislation under which those delegations were made, were recorded in a Report of the SEB, as follows.

Article 10(1) of the Law permits the SEB to delegate any of its powers or functions under the Law to any of its members, or to the Chief Executive Officer (“CEO”). Article 10(3) provides for powers or functions delegated to the CEO to be further delegated to another person, as prescribed.

The Law states, *inter alia* –

### “10 Delegation

- (1) The States Employment Board may, by instrument in writing, delegate to any of its members, or to the Chief Executive Officer, any of its powers or functions under this Law.
- (2) If a power or function has been delegated under paragraph (1) to a member of the States Employment Board, the member may, with the approval of the States Employment Board, delegate by instrument in writing the power or function to the Chief Executive Officer.
- (3) If a power or function has been delegated under paragraph (1) or (2) to the Chief Executive Officer, he or she may, with the approval of the States Employment Board, delegate by instrument in writing the power or function to another person who is –
  - (a) a person approved by the States Employment Board; or
  - (b) a member of a class of persons approved by the States Employment Board.”

The statutory functions of the SEB are set out in Article 8 of the Law. Other than in the case of Article 8(1)(a), where policy matters with significant resource implications are involved; and Article 8(5), which addresses remuneration and other related matters, it is recommended that the SEB delegates its powers to the CEO.

### “8 Functions of States Employment Board

- (1) The States Employment Board shall –
  - (a) employ persons on behalf of the States and administrations of the States;
  - (b) ensure that the public service conducts itself with economy, efficiency, probity and effectiveness;
  - (c) ensure the health, safety and well-being of States’ employees;
  - (d) determine any other matter that may reasonably be considered necessary for the proper administration and management of States’ employees; and
  - (e) discharge any other function conferred on it by or under any enactment.

- (2) The States Employment Board shall, for the purpose of the discharge of the functions described in paragraph (1)(a) to (c) –
- (a) give directions regarding consultation or negotiation with States’ employees, or with representatives of States’ employees, concerning the terms and conditions of employment of States’ employees;
  - (b) issue codes of practice concerning –
    - (i) the training and development needs of States’ employees,
    - (ii) the procedures for recruitment of States’ employees,
    - (iii) the procedures for appraisal of the performance of States’ employees,
    - (iv) the procedures for disciplining, suspending and terminating the employment of States’ employees, and
    - (v) interventions by the Commission under Article 26A.
- (3) The States Employment Board may issue codes of practice concerning any other matter relating to the employment of States’ employees.
- (4) In paragraph (2)(b)(ii), “States’ employees” includes a person who is to be treated as a States employee by virtue of Article 15(2).
- (5) The functions referred to in paragraph (1)(e) include the functions conferred by Article 8(1) of the Departments of the Judiciary and the Legislature (Jersey) Law 1965, Article 3 of the Loi (1864) concernant la charge de Juge d’Instruction and Article 41(5) of the States of Jersey Law 2005.”

Under Article 10 of the Law, the SEB can delegate its powers to ensure compliance with the Codes of Practice issued under Article 8(2)(b). It is recommended that this delegation should be to the CEO, and thence to the Chief Officers or the relevant head of administration of the States in the case of a non-executive department.

It is proposed that the following functions could then be further delegated with the approval of the SEB in the following manner –

<b>Legislation:</b>	Employment of States of Jersey Employees (Jersey) Law 2005 (Article 8(1)(c)); and Health and Safety at Work (Jersey) Law 1989 (Article 5(1))
<b>Delegate:</b>	The members of the Corporate Management Board with responsibility for a particular department, or the relevant head of administration of the States in the case of a non-executive department.
<b>Functions delegated:</b>	To ensure the health, safety and well-being of States’ employees and other persons visiting States’ buildings.
<b>Scope of delegation:</b>	Any action taken by the members of the Corporate Management Board or the head of administration of a non-executive department must fall within the scope of any policies, guidelines and procedures that are in force at that time.

<b>Legislation:</b>	Employment of States of Jersey Employees (Jersey) Law 2005 (Article 8(2)(a))
<b>Delegate:</b>	The members of the Corporate Management Board with responsibility for a particular department or the relevant head of administration of the States in the case of a non-executive department.
<b>Functions delegated:</b>	To employ persons on behalf of the States and administrations of the States.
<b>Scope of delegation:</b>	Any action taken by the members of the Corporate Management Board or the head of administration of a non-executive department must fall within the scope of any policies, guidelines and procedures that are in force at that time.

<b>Legislation:</b>	Employment of States of Jersey Employees (Jersey) Law 2005 (Article 8(2)(a))
<b>Delegate:</b>	Director of Human Resources
<b>Functions delegated:</b>	Where appropriate, to consult or negotiate with States' employees, or representatives of States' employees, collective agreements as to the terms and conditions of employment of States' employees.
<b>Scope of delegation:</b>	Any action taken by the Director of Human Resources must fall within the scope of any instructions issued by the Board or the Assistant Minister, Chief Minister's Department.

<b>Legislation:</b>	Employment of States of Jersey Employees (Jersey) Law 2005 (Article 8(2)(b)(i))
<b>Delegate:</b>	Director of Human Resources
<b>Functions delegated:</b>	To determine the employee training and development needs of States' employees or representatives of States' employees, and appropriate procedures for appraisal and transfer of States' employees.
<b>Scope of delegation:</b>	Any action taken by the Director of Human Resources must fall within the scope of any policies that are in force at that time.

<b>Legislation:</b>	Employment of States of Jersey Employees (Jersey) Law 2005 (Article 8(2)(b)(iv))
<b>Delegate:</b>	The members of the Corporate Management Board with responsibility for a particular department or the relevant head of administration of the States in the case of a non-executive department.
<b>Functions delegated:</b>	To discipline, suspend or terminate the employment of States' employees.
<b>Scope of delegation:</b>	Any action taken by the members of the Corporate Management Board or the head of administration of a non-executive department must fall within the scope of any policies, guidelines and procedures that are in force at that time.

<b>Legislation:</b>	Employment of States of Jersey Employees (Jersey) Law 2005 (Article 8(3))
<b>Delegate:</b>	Director of Human Resources
<b>Functions delegated:</b>	To determine other matters that may reasonably be considered necessary for the proper administration and management of States' employees.
<b>Scope of delegation:</b>	Any determination by the Director of Human Resources must fall within the scope of any policies that are in force at that time.