

**Response to a Question Pursuant to Rule 14
of the Rules of Procedure of the States of Deliberation and their Committees**

Subject: Senior States of Guernsey Appointments

States' Member: Deputy St Pier

Date received: 19th May 2021

Date acknowledged: 19th May 2021

Date of reply: 2nd June 2021

Questions and Response

On 23rd April, the Policy & Resources Committee issued a media release entitled, "Policy & Resources apply additional oversight to senior States of Guernsey appointments."

The Committee's ambition and intention to control the public sector wage bill is commendable. To be effective, any new controls and processes must be properly authorised as well as consistently and objectively applied. The release stated that "the Policy & Resources Committee will be reviewing all proposed appointments to senior staff roles within the States of Guernsey going forwards until further notice" but makes clear that it will be more than merely reviewing appointments as it is assuming authority to "agree recommendations, propose a different grade for a post (taking into account the position of relevant committees) or refuse new or replacement appointments." Appendix A of The Rules of Procedure of the States of Deliberation and their Committees sets out committee mandates. In relation to the Policy & Resources Committee, this includes:

*"To advise the States and to develop and implement policies and programmes relating to:
..(b) fiscal policy, economic affairs and the financial and other resources of the States,
which includes:...*

8. the role of the States as an employer;"

Annex 2 to the mandates in relation to Operational Functions provides:

"Policy & Resources Committee – Operational Functions

The Policy & Resources Committee shall deliver or oversee the delivery of –

(a) Operational functions relating to -...

3. Public Sector Remuneration...

7. Provision of corporate services including:...

j. OneHR"

Notwithstanding that the media release purports that the Committee has "statutory responsibility as employer" there is no such statute, Law or Ordinance to support this statement and more correctly it is the States not the Policy & Resources Committee which as a matter of legal fact acts as employer.

1. **Having regard to the legal position and the Committee’s mandate, on what specific authority is the Policy & Resources Committee relying to “agree recommendations, propose a different grade for a post (taking into account the position of relevant committees) or refuse new or replacement appointments?”**

Response to question 1

Thank you for the opportunity to respond to these questions. The Policy & Resources Committee is ultimately responsible for all matters relating to the remuneration and conditions of services of all staff employed by the States following successive transfers of functions, including those statutorily transferred functions of the (now defunct) Civil Service Board.

2. **Does the Committee intend to bring a policy letter to the States of Deliberation pursuant to its mandate “to advise the States...relating to...the role of the States as an employer” to ensure that the States of Deliberation has properly delegated this authority to the Policy & Resources Committee?**

Response to question 2

No. The Committee does not consider this to be necessary. The Committee sees the scrutiny of Senior Officer roles within the Civil Service as a natural extension of its responsibility on behalf of the States as employer.

3. **Does the new process only apply to Established Staff (broadly, ‘civil servants’) or to all public service roles of *equivalent* grade, for example, within Health & Social Care, Education, Sport & Culture or the ‘blue light’ and other public services within Home Affairs? How many individuals occupy ‘senior staff roles’ and what proportions of both Established Staff and the public service does this represent? How many vacancies exist at these levels, broken down by Committee?**

Response to question 3

The position adopted by the Committee is an extension of the scrutiny being applied at officer level; however, the Committee is only scrutinising Senior Officer roles within the Civil Service i.e. Senior Officer roles with established staff terms and conditions and not others who are on an equivalent grade.

There are 408 Senior Officers within the Civil Service representing 7.44% of all States employees. As at the date of this response, there are 16 positions formerly occupied by Senior Officers currently vacant. Some of these vacancies are reflected in the answer to question 6. The breakdown by Committee is as follows:

E&I	1
Home Affairs	5

ESS	1
STSB	3
ED	1
P&R	4
ESC	1

4. Could you please publish an extract of the Policy & Resources Committee’s minutes setting out the scope of Deputy Mahoney’s delegated authority under Rule 51 and/or the States (Reform) (Guernsey) Law, 2015?

Response to question 4

The Committee appointed Deputy Mahoney as representative for the Employer at its meeting on 20th October 2020. It was at its meeting of 27th April 2021 that the Committee resolved to implement the approach whereby all proposed appointments to Civil Service Senior Officer roles, that had been approved by the recruitment panels, should be reviewed with Deputy Mahoney providing political scrutiny. Any roles that Deputy Mahoney wished to challenge would be referred to full Committee.

5. Could you please publish any framework, policy, guidelines or criteria developed to ensure that the exercise of this authority is objective and consistently applied?

Response to question 5

A prerequisite of the Committee scrutinising any Senior Officer post within the Civil Service, is the fact that each post has already been scrutinised and supported by one of two independent recruitment panels. Each case submitted to a recruitment panel is subject to the completion of an Organisational Change Authorisation Form (OCAF). This comprehensive form is completed each time a service area wishes to either:

- Create a new position
- Change an existing position
- Recruit to an existing position
- Change working hours/pay bands/grades

Before reaching a recruitment panel, each OCAF is reviewed and authorised by (1) the Director of Operations (2) the Finance Business Partner and (3) the HR Business Partner.

It is the OCAF that provides the objectivity to all decision making both at recruitment panel and Committee level. The information and justification set out in the OCAF forms for Civil services roles of SO1 and above are shared with Deputy Mahoney for review.

6. To date, how many such requests have received and considered by the Committee and with what outcomes?

Response to question 6

These are set out in the table below:

Decision taken by	Approved	Rejected	Deferred
Committee	2	1	1
Deputy Mahoney	6		1

Deputy Peter Ferbrache
President
Policy & Resources Committee