

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

**Subject: Termination of Employment**

**States' Member: Deputy Gavin St Pier**

**Date received: 5<sup>th</sup> October 2021**

**Date acknowledged: 5<sup>th</sup> October 2021**

**Date of reply: 19<sup>th</sup> October 2021**

### **Questions and Responses**

#### **Question 1**

- a) Can the Committee confirm that any costs incurred in terminating any employee whose annual remuneration details are disclosed in the accounts, will, in accordance with best corporate practice for disclosure, be disclosed in the States of Guernsey's annual accounts.

#### **Response**

In accordance with data protection principles, and employment law practice, any employee receiving a termination payment may reasonably expect the existence of such an agreement, and details of it, to remain confidential. For that reason in particular, any such payments which identify an individual's remuneration have not featured in the States of Guernsey's annual accounts.

- b) Having regard to normal and best practice to disclose such information in an organisation's annual accounts, will the Committee adopt a policy that any non-disclosure provisions in any settlements should not preclude the subsequent publication of such information?

#### **Response**

The Committee has no plans to adopt a policy of disclosure of such information. The Committee does not propose to depart from long-standing practice which protects former employees against disclosure of their confidential information in public records.

## **Question 2**

- a) Is formal legal advice sought and obtained in all cases from the Law Officers before the Committee terminates any individual's employment?

### **Response**

Legal advice is sought and received by Committee where appropriate. Any legal advice sought or received by the Committee (or the States of Guernsey more generally) concerning employment matters is subject to legal privilege, which is maintained at all times.

- b) Does the Committee in all cases follow States' guidance to mitigate litigation risk in relation to the termination of any individual's employment?

### **Response**

The States of Guernsey is the employing legal entity. Employees enter into employment contracts with the States of Guernsey, but not directly with individual Committees. The mandate of the Policy & Resources Committee includes responsibility for the role of the States as an employer. In reaching decisions about employment matters, the States of Guernsey considers any litigation risk as a factor within its deliberations.

## **Question 3**

- a) What process, if any, exists for the termination of an individual's employment by the Committee? If so, please publish this process.

### **Response**

As the employing entity, the States of Guernsey carries out any employment contract terminations conducted by the employer. The States of Guernsey has a comprehensive range of Human Resources Policies and Directives which apply to the different staff groups across its diverse workforce. The processes associated with such Policies and Directives are internal to the organisation and linked to an employee's terms and conditions.

- b) Has the Committee at any time agreed to delegate any authority to any member of the Committee in relation to the termination of any individual's employment?

### **Response**

No. The Committee has not delegated authority to any Member of the Committee concerning the termination of any particular contracts of employment.

#### **Question 4**

Does the Committee formally resolve to terminate an individual's employment before doing so?

#### **Response**

No. Any employment contract terminations are carried out by the States of Guernsey, as employer, and not the Policy & Resources Committee.

#### **Question 5**

a) Has the Committee reached or authorised any settlements with employees following the termination of employment?

#### **Response**

Yes. This Committee, and its predecessors, has authorised settlements with employees in circumstances where it may be appropriate to exceed the level of authority to agree such settlements bestowed upon the States of Guernsey Head of HR.

b) If so, what is the quantum for all such settlements agreed by the Committee?

#### **Response**

The question does not stipulate any particular timeframe. It is not, therefore, possible to establish the amount.

**Deputy Peter Ferbrache**  
**President**  
**Policy & Resources Committee**