

2.6 Deputy P.V.F. Le Claire of St. Helier of the Minister for Health and Social Services regarding time off in lieu of paid overtime for nurses:

Has the Minister yet investigated the issue I raised in questions in the Assembly on 27th March 2007 about whether nurses are having to take time off in lieu instead of receiving paid overtime, and if so, would he provide details of the position for Members please?

Senator S. Syvret (The Minister for Health and Social Services):

Nurses and midwives are paid overtime when their hours of work are in excess of 37.5 per week. These rates currently stand at time and a half for Monday to Saturday and double time for Sundays and bank holidays. Part-time workers will receive plain time for additional hours up to 37.5 per week; hours in excess of 37.5 per week are paid at normal overtime rates. This is in keeping with the States of Jersey Nurses and Midwives Joint Executive Terms and Conditions handbook. There is a requirement that any overtime is approved by the senior nurse on duty, and once approved there is no restriction on offering overtime rates when the need arises based on fluctuating service demand. As a flexible and supportive employer there may be occasions where nurses and midwives would prefer to take that time in lieu for extra hours worked instead of the money, as it may suit her personal situation better.

2.6.1 Deputy P.V.F. Le Claire:

Given that I did explain to the Minister in my previous question that it was reported to me that nurses were unwillingly working - well, not unwillingly; they were working willingly, but they were being forced to work longer hours and then being made to take time off in lieu. What I am trying to say to the Minister is there has been an incidence of staff reporting that to me. Given the answer that he has just given us he sets out quite clearly the structure that operates within the Health Service, but he does not identify the fact that there is and have been occasions - and nor has he identified if it is to his knowledge - that nurses are, not to their preference, working longer hours than they wish to and then being forced to take time off in lieu rather than being paid the overtime. Would the Minister not undertake to investigate with the nurses themselves to see whether or not, aside from the policy he stated this morning, there are incidents occurring?

Senator S. Syvret:

Again, the Deputy is correct; this is the same assertion he made last time. And I have examined the matter and I would have to ask him, through you, Sir, to produce the evidence that he relies upon in making that assertion, because the terms and conditions are absolutely plain; no nurse is required to take time off in lieu instead of paid for overtime they have worked. And if any such incident has occurred it is not in keeping with the terms and conditions, and I would ask, Sir, the Deputy to produce the evidence to me and I will certainly look into it.

Deputy P.V.F. Le Claire:

I will be happy to produce that in private to the Minister for Health, Sir, rather than naming the individual in the public forum.

2.6.2 Deputy R.G. Le Hérissier of St. Saviour:

I wonder if I could ask the Minister, as a percentage of overtime worked, to what extent is the Health Service currently using bank nurses as opposed to using nurses currently in employment performing overtime?

Senator S. Syvret:

In terms of bank nurses; we have more registered nurses now working on the bank than ever before and more health care assistants. The total complement of nurses, including day surgery and new postings, is approximately 29 short of the total number we would wish to have. Therefore we are using bank and agency nurses to some extent, but we have had an improvement in recruiting nurses recently because of conditions in the United Kingdom, so that factor is reducing.

2.6.3 Deputy G.P. Southern:

Would the Minister agree to bring figures to the House showing the comparisons between 2005 and 2006 of the rates at which bank and agency nurses are employed, and also the amounts of overtime done and T.O.I.L. (time off in lieu) taken?

Senator S. Syvret:

Certainly, I am happy to do that, and I do not think the figures would reveal anything that would come as a surprise to us. We know that there has been a shortage of nurses for a variety of reasons, and there will have been significant amounts of overtime worked in the years 2005 and 2006, and a significant amount of use of bank and agency staff, but I am happy to ask for the precise figures to be produced.

2.6.4 The Connétable of St. Lawrence:

Will the Minister confirm that it is the case that agency nurses are brought in when existing staff nurses are very happy to work overtime but are not asked to do so?

Senator S. Syvret:

Well, I am not aware of that because bringing in agency staff is expensive and it is preferable to us to employ regular staff, but the Connétable has to understand that there are clinical governance restrictions in some cases on the amount of hours that nurses can work without taking sufficient periods of time off work. These are clearly established clinical governance requirements for patient safety and it may be that nurses are being required to take that time off according to the standards that are necessary.

2.6.5 Deputy R.G. Le Hérisier:

Approximately 15 months ago when there were nurse protests about the implementation of the Job Families Agreement we were assured by the Health Minister and the Chief Minister that this was but a blip and that the Job Families Agreement was well on-track. Would the Health Minister confirm that the Job Families Agreement is indeed, as he said 15 months ago, well on-track and it is indeed contributing to an uplifting of morale among the nursing staff?

Senator S. Syvret:

Times change; it is said a week is a long time in politics and 15 months is a very long time. I would have to say that I think time has demonstrated there to be some issues and some flaws of the Job Families Agreement which we are co-operatively and constructively working with the staff at the moment to resolve and those discussions are ongoing.

2.6.6 Deputy R.G. Le Hérisier:

Could the Minister identify those issues because on the one hand we were sold a project which was apparently going to bring a labour relations paradise; we now find it is the cause of major problems?

Senator S. Syvret:

The Job Families Agreement itself is a very, very substantial and complex document and I could not stand here without notice and give a precise description of each of the details that may have been problematic in the policy. I have said that there are some issues, some problems that have been identified and we are working co-operatively with staff to resolve those.

2.6.7 Deputy S.C. Ferguson of St. Brelade:

There was also, with regard to this, meant to be a programme of assessing the utilisation of agency and bank staff and making it more efficient. I do begin to wonder whether that is achieving any results. Would the Minister care to comment?

Senator S. Syvret:

As I have explained in the Assembly on previous occasions, the degree to which we use such staff is often not within our control. We have things like maternity leave, sickness among staff, the complete inability in some cases - certainly in the last couple of years - to recruit the nursing specialisms has forced our hand. We have had no choice other than to use agency and bank staff in those cases, especially agency staff within those specialisms that are very, very difficult to recruit.

2.6.8 Deputy K.C. Lewis:

Further to Deputy Le Hérisier and Deputy Le Claire's comments, I too have had phone calls from nurses very late at night in tears stating that they cannot cope anymore. As was stated previously, we were informed this was a blip that happened 15 months ago. Can the Minister assure Members that this is well and truly solved? I can understand the pressures of not wanting to use bank staff for the reasons of economy, but can the Minister assure us that this has come to an end?

Senator S. Syvret:

I am not quite sure that the Deputy identified in his question what should have come to an end. If he is saying that staff are being compelled to take time off in lieu instead of being paid for overtime they work then I can assure you that I am not aware that that has occurred. If it has occurred it is not compatible with the terms and conditions of employment and if the Deputy, as indeed any other Member, has evidence of those kinds of issues please bring the evidence to my attention and I will happily investigate.

Deputy K.C. Lewis:

It is regarding the Job Families Agreement I am referring to. Most of the people that have contacted me for obvious reasons do not wish to be identified, but I am sure the Minister can source the information from his end.

Senator S. Syvret:

I thank the Deputy for that clarification. As I have said in answer to a previous question, there are problems and issues that we have identified and recognised with the Job Families Agreement and we are working co-operatively with the staff to iron-out those problems and move forward in a constructive and positive way.