

2014.12.09

8.1 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding contracts agreed with third sector or private companies to deliver residential support:

Will the Minister inform Members what contracts have been agreed with which third sector or private companies to deliver residential support or healthcare services in the community as per P.82/2012 and will he inform Members what mechanisms are in place to ensure contracts are subject to robust tendering processes, contain S.L.A.s (Service Level Agreements) which ensure value for money, and that tenders are not dependent on poor terms and conditions for employees?

Senator A.K.F. Green (The Minister for Health and Social Services):

Contracts for the provision of residential support or healthcare services in the community are based on the States standard contract. Staff terms and conditions are commercial decisions for the individual organisations and the States do not seek to influence or intervene in these decisions. It would be entirely inappropriate for the States to constrain organisations in this way. Contracts do however specify that organisations must comply with good practice, good recruitment; including that organisations must have personnel checks, employ or engage sufficiently competent and appropriately qualified staff, provide training, supervision and support to all staff. Health and Social Services has grants and contracts with over 20 voluntary and community sector organisations. There are 10 organisations on the framework for adult respite and 20 for homecare services. I am sure Members would not want me to read them all out; I am happy to do so if they wish me to, otherwise I can provide that separately. The contractual relationship is with individual patients through the Long-Term Care Scheme. Organisations are chosen primarily on the basis of their ability to provide services with the specifications in P.82/2012. These services were agreed with the former Minister for Health and Social Services and a robust process involving States procurement was implemented.

8.1.1 Deputy G.P. Southern:

I thank the Member for agreeing to circulate the list of organisations concerned but I particularly want to focus on the last part of this question. To what extent does the Minister examine the terms and conditions used in order to achieve a particular bid or tender? For example, I understand that one of the organisations with which he is dealing has no breaks built into the daily work routine which I think runs against employment law. To what extent is the Minister responsible for the delivery of terms and conditions which are appropriate for the job being done?

Senator A.K.F. Green:

My department write out the specification in terms of the service delivery and we expect the organisations to comply with current good practice, be that employment or care practice. We expect them to comply with that good practice but that is a matter for the organisation; that is operational for the organisation and something that we would leave entirely to them. However, if the Member has a particular concern about a particular organisation; if he wants to come forward and discuss it with me I would be happy to discuss it with that provider.

8.1.2 Deputy J.A. Hilton of St. Helier:

Is the Minister for Health and Social Services able to tell Members whether there is any evidence to suggest that private companies are abusing employees' rights?

Senator A.K.F. Green:

Sorry, I did not catch the end of the question.

Deputy J.A. Hilton:

The question was: has the Minister for Health and Social Services got any evidence that private employers in the care industry are abusing employees' rights?

Senator A.K.F. Green:

None whatsoever. But, again, if the Deputy has information she would like to share with me, I would be happy to discuss it with her.

8.1.3 Deputy M.R. Higgins of St. Helier:

One of the facts that has recently been highlighted in the United Kingdom and is also present in Jersey is the fact that as long as you have low pay and very few increases in pay then it is going to make the economy harder to get out of the recession. Does the Minister not think that by at least trying to encourage employers to pay a good wage, which not only results in good service and less skimping, but it might help the economy come forward and therefore the Minister should take an interest in the contracts that are there to try to encourage us to come out of the recession that we have been in for 6 years?

Senator A.K.F. Green:

Again, this is entirely a matter for the organisation that is providing the service. Of course I expect them to meet the minimum standards and at least meet minimum wages. But what will determine the wages that they pay will be the qualifications needed for the job and the availability of those skills in this Island. That determines it, not the Minister for Health and Social Services.

8.1.4 Deputy S.Y. Mézec of St. Helier:

Does the Minister agree that when tendering out these services to private companies that is the perfect opportunity to be promoting things like a living wage and good contract terms; lack of zero-hours contracts, and would he agree that when this is done in future that should be one of the criteria that is looked at for potential service providers and those that do give good conditions to their employees should be given priority?

Senator A.K.F. Green:

Again, the conditions of service that the providers have is entirely a matter for them provided that they meet statutory requirements and good practice. Interesting comment there about the zero-hours. Zero-hour contracts have a use in covering temporarily, for example, nurses that you might need to call in or care staff that you might need to call in occasionally. That is appropriate use of zero-hours so I would never ban it completely but anything else, I think, does require looking at.

8.1.5 Deputy S.Y. Mézec:

Supplementary, Sir. Is the Minister really saying that he does not believe that, in his role as Minister, he should have a duty of care to make sure that these service providers are not abusing their employees, are not making them stay on shifts for God knows how long, and are not being overworked like that especially when they have ...

The Bailiff:

That is not a parliamentary expression, Deputy.

Deputy S.Y. Mézec:

Okay, Sir, I withdraw that then. But does the Minister not agree that he should have a duty of care to these employees and that the Health Ministry in general should be trying to see that these service providers provide good terms and conditions for their employees?

Senator A.K.F. Green:

I do not think the Deputy was listening to me. I said that I would expect all the organisations, in fact it is a contractual arrangement with them, to comply with good practice and legislation.

Beyond that, I do not think it is my role to interfere in the running of private organisations. I might add that care organisations are also regulated and we have an independent regulation inspection.

8.1.6 Deputy M. Tadier of St. Brelade:

I was going to ask the Minister whether he thinks that, contrary to his statement, it is not entirely a matter for private companies when it comes to the provision of a health service which otherwise these services could and would, perhaps in a different ideologically-run jurisdiction, be the direct responsibility of the State, and when we outsource these provision of services to the private sector the Minister does have an obligation - a duty of care, as has already been said - to make sure that working conditions which will potentially and likely have an impact on service provision, it is then the Minister's role to make sure that working conditions do not lead to a detrimental delivery of service. Does the Minister not agree with that statement?

Senator A.K.F. Green:

I do not think the Deputy has been listening again. I said that the contracts would insist on having best practice and statutory requirements met, and when it comes to providing care to the service users that is clearly regulated.

8.1.7 Deputy G.P. Southern:

The Minister is aware that I have put a request in to meet with him and one of these organisations in the near future. Could we have exemplars of what he calls good practice circulated so that we can see what standards indirectly or directly his Ministry is providing? Secondly, is he aware that one particular company, which I believe is the single provider of nursing care in the community, in people's homes, is heavily reliant on zero-hours contracts for many of its positions and zero-hours contracts in the U.K. (United Kingdom) in this particular sector, the delivery of home care, are subject to serious worries on the part of anyone in government?

Senator A.K.F. Green:

Yes, indeed, the Deputy has requested to meet with me. I received that request yesterday afternoon. It was not his fault that it was late getting to me, he had accidentally sent it to the wrong Andrew. So I have that request and I will meet with the Deputy to discuss it. I am happy to point and direct the Deputy to good practice such as minimum wages and good practice within the care industry and they are all industry norms, and I am quite happy to direct the Assembly to. I am not going to discuss individual organisations on this floor but I am happy and already have agreed to meet with the Deputy to discuss the particular issue that he has in mind.

8.1.8 Deputy G.P. Southern:

Final supplementary, if I may. Will the Minister accept to investigate the extent and the use or abuse of zero-hours contracts in this particular sector of the economy that he has responsibility for and not give up his responsibility by contracting out to third parties in the way he is doing?

Senator A.K.F. Green:

As I understand it, there is some work going on across the Island on zero-hour contracts and I will seek to see whether that is included in this sector.

The Bailiff:

Very well, that brings that question to an end.