

2018.10.23

8 Deputy M.R. Higgins of the Chairman of the States Employment Board regarding her assessment of the States of Jersey as an employer: [OQ.165/2018]

What assessment has the Chairman made of whether the States of Jersey is a good employer that follows best practice in all that it does, particularly in respect of whistleblowing and disciplinary matters and, if she considers that there is room for improvement, what plans does she have to make those improvements?

Senator T.A. Vallois (Chairman, States Employment Board):

I thank the Deputy for his question with regards to this. With anything, there is, of course, room for improvement, but particularly in respect of whistleblowing and disciplinary matters. This Board is conducting 2 workshops this autumn, which will provide a forum for the Board to discuss matters such as target operating model and in particular the Board governance to ensure that it functions effectively in its strategic role. The workshop approach will continue into the New Year. The Board has already considered significant revisions to the bullying and harassment and whistleblowing policies, which are being prepared for relaunch for the start of 2019.

5.8.1 Deputy M.R. Higgins:

Is the Minister prepared to go further and state that the principles of natural justice should be used by all States departments in treating disciplinary matters? In other words, they should know what the arguments are against them, they should be given the opportunity to review evidence, *et cetera*. That has been sadly lacking with the States bodies, will she ensure that they will all do that? If not, then that the States of Jersey could be at fault and should be forced to pay compensation to the people who were not treated properly.

Senator T.A. Vallois:

Can I just check with the Deputy, when he talks about principles of natural justice, is it in respect to the policy on bullying, harassment and whistleblowing, or is it in regard to a particular policy that he is referring to?

Deputy M.R. Higgins:

I am talking about in general. If we think of the Alwitary case, which came before the Assembly some time ago and there have been many other cases where the individuals were denied natural justice, the whole processes that were being followed by the departments were wrong. Equally, the Complaints Board recently has brought up a number of cases, including with Planning and Environment, where they have failed to act properly. What I am asking is: will you make it a principle that all departments should follow the rules of natural justice?

The Bailiff:

Through the Chair, please. If I may say, Chairman, that the Alwitary case is subject to court proceedings at the moment and so your answer should not go into that territory.

Senator T.A. Vallois:

With regards to the States Employment Board, and when I talk about its functioning effectively, the key issue here is with regards to its governance and it is the role that it plays in terms of delegating functions down to officers. One in particular I will speak to, because it is one that we are working on at the moment is, of course, the whistleblowing, bullying and harassment cases. There was a report published earlier this year with regards to issues in the public sector and our officers have been working tirelessly on redoing those policies. But not just the policies to issue out to staff, we are

going to put in place training development to ensure that everyone understands the roles of those policies and treating each other with respect. But also an anonymous line will be set up as from January 2019 to enable people to report any issues that they feel is necessary. That is just one example of a piece of work that the States Employment Board are moving on with. But I have asked for us to relook at all codes of practice that are issued under the name of the States Employment Board, to ensure that we are carrying out our legal role with regards to health and safety and well-being of all employees.

5.8.2 Deputy R.J. Ward:

May I ask the Minister that, as a good employer, one recommendation may be that the employer carries out, as a matter of course, exit interviews for every employee that leaves the States' employment and then acts on the outcomes of those, so that they can monitor what is happening to their employees and the reason we are losing public sector employees. I know that these do not happen.

Senator T.A. Vallois:

I thank the Deputy for his question. Of course, we have had a written question from Deputy Alves about exit interviews and recognise that there are issues around this. I think what has happened is there has not been sufficient checks and balances, probably from the States Employment Board, to ensure and hold to account properly to make sure that the appropriate policies are spread in a standardised way, ensuring everyone meets those basic best practice H.R. (Human Resources) requirements, particularly with regards to exit interviews. Because that is a vital piece of information to feed back to us as an employer, to ensure that we are providing the right support and development for our staff and ensuring that we are moving forward and valuing our employees.

5.8.3 Deputy M.R. Higgins:

I must say I welcome what the Assistant Chief Minister was saying about whistleblowing. I would like to say that I have been approached by a whistleblower and I would just like them to know that it is being actioned; I would like them to know that we are looking into their allegations. But I do think the States as a body, not just departments, should have a stated policy on the website saying where they can go to to get their things across and not necessarily have to come to States Members, but we are here to act for them if they are not getting satisfaction through the States body.

The Bailiff:

Was there a question there?

Deputy M.R. Higgins:

I was just saying I welcome what she has done; sorry, it is not a question.

The Bailiff:

I do not think you need answer that.