

2019.10.22

4 Senator K.L. Moore of the Chair of the States Employment Board regarding a follow-up review by The HR Lounge of the States of Jersey: (OQ.261/2019)

Will the Chair commit to inviting The HR Lounge to return to the Island and conduct a follow-up review of the States of Jersey?

Senator J.A.N. Le Fondré (Chairman, States Employment Board):

The Deputy of St. Ouen is taking this question.

The Connétable of St. Ouen (Vice-Chairman, States Employment Board - *rapporteur*):

Just to correct the Chief Minister; I am the Constable of St. Ouen. It is the third time this morning I have been called the Deputy. I was called a Senator as well. I am not sure whether I am flattered, or not. The States Employment Board welcome the full and frank review by The HR Lounge into bullying and harassment. As a result, the States Employment Board approved the development of new policies, training for all line managers, an independent and confidential reporting line and quarterly monitoring of reports and incidents. One year on from the introduction of the new policies and as recommended by the C. and A.G. (Comptroller and Auditor General), S.E.B. (States Employment Board) will be receiving its first annual review of the effectiveness of our response in January 2020. If it is felt then that a follow-up review is required, then S.E.B. would be open to such a suggestion. Members also ought to bear in mind that we are investing heavily in the Team Jersey programme to ensure all managers and employers understand the behaviours and expectations in the workplace.

3.4.1 Deputy G.P. Southern:

Will the *rapporteur* ensure that S.E.B. pays full regard to representatives of workers who are sticking up for their colleagues' rights as part of the job of being representatives within a department and will he ensure that no detriment occurs to those people, who are prepared to stand as reps within particular departments?

The Connétable of St. Ouen:

I thank the Deputy for his question and, as Constable of St. Ouen, as Deputy Chair for the States Employment Board, the answer is yes, of course I will.

3.4.2 Deputy J.H. Perchard:

Could the Deputy Chair of the States Employment Board please clarify how the efficacy of a response to The HR Lounge report is to be measured and by whom, given that we are not asking The HR Lounge to return?

The Connétable of St. Ouen:

I thank the Deputy for her question. We have regular reports on a quarterly basis, a dashboard of complaints received on the line. Effectively, as a first line of response, we will be looking at the level of complaints, the outcome of the investigation and how many cases were, or were not, upheld, which gives us an initial indication of the level of bullying and harassment within our employees.

3.4.3 Deputy J.H. Perchard:

Sorry, I did not feel that the Constable answered the question. I did ask how the efficacy of the response is to be measured and by whom. Is he suggesting that the States Employment Board are measuring their own efficacy?

The Connétable of St. Ouen:

A difficult question to answer. What I will say is one of the ways we are getting a measure of how effective this is, is through our staff survey. We conducted one in 2018 and we intend to run one next year. That will have measures around how safe people feel at work, whether they feel they are being bullied, or harassed, or indeed whether they feel that the measures we put in place are effective. That will be one of the ways that we measure this.

3.4.4 Deputy R.J. Ward:

Can I ask the Assistant Chair of the States Employment Board whether he can assure us that the situation whereby accusations are ... disciplinarys are taken by a manager who then decides on the outcome of that disciplinary, as outlined in The HR Lounge bullying report, that that situation no longer arises, as it was one of the biggest failings that was outlined?

The Connétable of St. Ouen:

I accept what the Deputy is saying and all I can do is encourage employees who feel that they have been wronged to use the confidential line. That is the only way we have of getting anonymous and safe feedback on that point. Essentially, the way that we are tackling this is a rather longer-term approach through Team Jersey, which is to give managers the appropriate tools to manage staff properly because, in my view, bullying and harassment is a symptom of managers who have not had training and do not know how to deal with staff properly. The longer-term way to deal with this is to equip our managers properly, give them the appropriate training so that they will deal with staff properly and effectively.

3.4.5 Deputy R.J. Ward:

Is it not the fact that the very line “all you can do is encourage” points out the need for a return of The HR Lounge to review whether we have made any steps forward because “all we can do is encourage” is simply not good enough? There should be clear procedures in place to prevent these situations happening and there is no confidence they are still not happening.

The Connétable of St. Ouen:

The Deputy will be aware that, as part of the roll-out of this policy, full training was given to everyone and all managers and staff are aware of this. I notice he is shaking his head at this and I am prepared **[Interruption]** ... I can tell you, full training was provided to all managers. All staff were made aware of this when they joined the States. We do measure all the outcomes regularly. I do take on board these comments and we will look to see whether there are pockets of bullying and harassment going on. If we find them, I can assure you we will stamp them out.

Deputy R.J. Ward:

Point of clarification: it is the procedure that is the problem.

3.4.6 Deputy K.F. Morel of St. Lawrence:

Would the Deputy Chair of the States Employment Board explain why the staff survey is only taking place every 2 years? Most responsible employees would undertake a staff survey on an annual basis and many also do it on a 6-monthly basis. Every 2 years seems to be somewhat wide of the mark.

The Connétable of St. Ouen:

I thank the Deputy for his question. Yes, the explanation for the initial time gap is that we are in the process of rolling out T.O.M.s (Target Operating Model) and until we have done that and it is settled down, it was not felt appropriate to run another staff survey until the middle of next year. Thereafter it will be annual.

3.4.7 Deputy K.F. Morel:

Precisely because the organisation is rolling out new structures it is during that period that staff need to be surveyed and the States Employment Board should be closer to its staff. Can you explain why this crucial period in the organisation's under-development is being ignored?

The Connétable of St. Ouen:

I thank the Deputy for his question. I think all I can say is we take on board his comments and we will look at them and I will get back to him with a response.

3.4.8 Senator K.L. Moore:

The HR Lounge report listed real problems with the previous whistleblowing policy and a distinct lack of trust among members of staff. How does the Vice-Chair reassure himself that staff are confident in the new whistleblowing procedures, because I can assure him that from those people I have spoken to the situation and the trust in the new system is no better than it was of the previous?

The Connétable of St. Ouen:

I am disappointed to hear the Senator say that, because that is not the feedback I have. All I can do is encourage members of staff, who do feel that they have a problem, to use the process, test it and see that it works because, I can assure you, from our point of view, we feel it does work. If, at the end of the period, our feedback tells us in January that it is not working then we will go back to The HR Lounge.