

2019.01.29

**11 Deputy M.R. Higgins of the Chairman of the States Employment Board regarding salary increases which had wrongly been paid to staff in the Health and Community Services Department: [OQ.28/2019]**

Will the chairman explain the rationale for the payment of hundreds of thousands of pounds under compromise agreements to the civil servants who were responsible for the scheme that wrongly led to 126 members of staff in the Health and Community Services Department being given salary increases, only for them to be withdrawn, especially given that they had submitted evaluations and information which were not representative of the jobs that were being undertaken?

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

I thank the Deputy for his question, although I have to say he is probably not going to be very happy with the way I am going to answer it. First, as he is well aware, I cannot speak about any member of staff in a way that makes that individual identifiable in this House. Unfortunately, also the matter is subject to a collective dispute and it makes it difficult for me to comment in any great depth. Furthermore, the compromise agreements reached with members of staff contain publicity clauses, which makes it difficult for me to comment about individuals. What I can say is that one individual was made redundant under the T.O.M. (target operating model), as the job did not exist anymore; one individual left under a compromise agreement; 2 have left for personal reasons; and 2 remain employed. I think I would agree with the sentiment, I am sure the Deputy is thinking, that this whole incident is most unfortunate and the report makes very poor reading and does nobody any credit.

**3.11.1 Deputy M.R. Higgins:**

Does the vice-chairman of the S.E.B. (States Employment Board) accept that the public are losing faith with the States of Jersey because of failures like this and the fact that people are compensated for failure? We have had discussions about this. How soon will the S.E.B. be bringing policies so people who have been guilty of gross misconduct or negligence can be dismissed without getting compensation?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for his question and I have to say I completely agree with the sentiments he expressed. We are working very hard to introduce a proper performance management framework, which will be rolled-out within the next 3 or 4 months. That will allow us to actively manage people's performance, which has not been the case up until now, which is why we find ourselves in the position that we do find ourselves in. I have to agree, I think the general public opinion will be with the Deputy and also it reflects my opinion on the subject. I think it is disgraceful that we have been allowed to get to this situation for so long and have had to make compromise agreements with so many members of staff.

**3.11.2 Senator S.C. Ferguson:**

Is the Connétable aware that there is a move towards removing the confidentiality clauses in compromise agreements and have the S.E.B. considered clawing-back the money that has been paid under the compromise agreements?

**The Connétable of St. Ouen:**

Yes, in answer to the Senator's question, I am aware that that is a move for the future and, yes, consideration has been given to that, clawing-back money under that agreement, although I have to say the legal costs involved would probably make that not worthwhile.

**3.11.3 Deputy R.J. Ward:**

May I ask the assistant chair of the S.E.B. whether either of the 2 members who remain in employment in this situation have been promoted in a new target operating model following this debacle?

**The Connétable of St. Ouen:**

I thank the Deputy for his question and the honest answer is I do not have an answer to that question but I undertake to get back to him shortly with a response.

**3.11.4 Deputy G.P. Southern:**

Will the Assistant Minister assure Members that his use of a phrase "active management" is not code for a tick-box culture?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for his question. I am with him with this; tick-box management and performance management is a thing of the past. What we are trying to introduce with the culture programme - which, I have to say, has received a lot of criticism because perhaps it was not explained carefully - is to produce a proper framework of culture and performance management that is real and is interactive and alive, so that the regular reviews with staff members are at a norm and they are fully aware of where they are with their performance and they are also aware that the objectives they have been set are achievable.

**3.11.5 Deputy G.P. Southern:**

Again, and in his use of the word introducing a culture, does he think that that culture contains and maintains a policy for not paying your civil servants properly?

**The Connétable of St. Ouen:**

I think the 2 policies are discrete from each other and, as we have said publicly in the press, I am not prepared to comment on the current round of pay issues, as we are in this period of negotiation with the unions.

**3.11.6 Deputy R. Labey:**

Who negotiated these dismissals and compromise agreements? Were S.E.B. or Ministers consulted or am I right in thinking that this is done entirely within the Civil Service and that Ministers or the S.E.B. do not need to be consulted at all?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for his question. I have difficulty answering that question because I was not part of the S.E.B. when they were negotiated. I think the best I can do is to offer to get back to him with a written response setting out the details of how they were arrived at.

**3.11.7 Deputy M.R. Higgins:**

The question I was going to ask has been asked by someone else. But can I ask the vice-chairman, it is said in the report that the people involved in this have submitted evaluations and information which were not representative of the jobs that were being undertaken, this is to (a). Was that a deliberate act or was it a negligent act? In other words, were these people trying to

get through these pay rises based not on objective facts but based on misinformation that was being given to the evaluators?

**The Connétable of St. Ouen:**

I thank the Deputy for his question. I have to take him back to my first comment, this issue is now subject to a collective dispute and I am not inclined to comment further, as it could prejudice our case. I am sorry I cannot give him a fuller answer.

**3.11.8 Deputy M.R. Higgins:**

How is this related to the dispute? Which dispute are you talking about?

**The Deputy Bailiff:**

I will allow that, it is a point of clarification to the answer you have given.

**The Connétable of St. Ouen:**

Yes, thank you for the clarification. Clearly, it is related to the dispute because the nub of the issue is the increases that have been given to members of staff and the question around the legality or the appropriateness of those increases.