

2020.06.02

2 Deputy K.G. Pamplin of St. Saviour of the Chair of the States Employment Board regarding complaints of bullying and harassment in the public sector (OQ.134/2020):

Following a recent freedom of information request which revealed that there have been 11 cases of complaints of bullying or harassment this year against senior managers in the civil service, compared to 20 during the whole of last year, will the Chief Minister state what assessment, if any, has been undertaken of the reasons for this increase and what action, if any, will be taken to address the matter?

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

The Connétable of St. Ouen is taking this question.

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

The Government's efforts to address poor behaviour within the workplace has been a priority for the States Employment Board senior management for the last 2 years. Bullying and harassment is not acceptable and must and has been tackled. As Members know, we commissioned some while ago an external report by the HR Lounge and the outturn of this and the Team Jersey phase one report reiterated the need to act. We have acted. We introduced a new bullying and harassment policy, a whistleblowing policy, and have put in place ways to report concerns, including a confidential reporting line. Furthermore, every single line manager has now attended mandatory training in identifying and addressing bullying behaviour. A new induction programme has specific information about these policies on our behaviours and values and how to report concerns. We are encouraging reporting and we think employees are feeling more confident that we will take their complaint seriously. We have centralised all investigations, we record all complaints and investigate each one independently of local management. It is for these reasons I believe employees are more confident about coming forward and because of this greater confidence in the system we are seeing an uptake in complaints.

3.2.1 Deputy K.G. Pamplin:

I thank the Connétable for his answer. What troubles me about this is the increase. It seems very high in this year for all years, we all know what we have been through the last few months, and my original question, and I thank the detail for the work going into all of this and I think right at the end he talked about a slight tick because of that. But again my question is asking about the assessment of the reasons of the nature of these complaints. Can he give an indication what they are surrounding and what they are about?

The Connétable of St. Ouen:

I thank the Deputy for his question. Each one is about bullying and harassment. I cannot give the Deputy details of each complaint but in essence they are not that much different from complaints we received on that subject from previous years. If I give him a summary of where we are with those cases; of the 11 reported, 6 have required full investigation, 3 were resolved informally and 2 are still currently being reviewed for more information. The 6 that were requiring full investigations, 3 of those were not substantiated, 2 are pending a formal outcome and one is an ongoing investigation. I cannot give a single reason for this.

Deputy J.M. Maçon of St. Saviour:

I was going to ask for a breakdown of the stats because there is a difference between allegations and what has been upheld but I feel the question has now been answered, thank you.

3.2.2 Deputy R.J. Ward of St. Helier:

Given the amount of money that was spent on the HR Lounge and the amount of money that was spent on Team Jersey, systemic failures were recognised and we are still getting higher numbers of cases. Is this not a pointer to the fact that this issue of bullying within the States workforce is still real and present and needs even more work to correct the issues that are there?

The Connétable of St. Ouen:

I thank the Deputy for his question. That sort of has a resonance with me because one of the things we have done, and unfortunately been a bit interrupted with the COVID pandemic, was to invite the HR Lounge back to review the work that we have done and to give us some recommendations on how we can improve further on what we have already put in place. There is no complacency within the S.E.B. (States Employment Board) and the Deputy is right, we are still concerned that we are receiving complaints through the anonymous line. We are pleased to see those complaints because it means people trust the line. Any complaints about bullying is a concern to us and we are taking it seriously.

3.2.3 Deputy R.J. Ward:

Is it not the case that as we return after COVID there will be even more pressure in the workplace and so it is even more important that we have systems in place to protect workers who will inevitably face pressure, and particularly to look after their mental health given the pressures of work as they come back?

The Connétable of St. Ouen:

There are support mechanisms in place for those employees who are suffering mental health problems and we have mentors who provide counselling and support through occupational health. I just reiterate the points I made. We do take it seriously. We are concerned about what will happen when we all return to the workplace and things return to normal, and that is the reason why we have asked HR Lounge to come over to make sure that the work we have done is of good quality and to give us further guidance on how we can improve things further. Yes, we do recognise the risks of a bullying problem within the workforce but I can assure the Deputy we are doing everything to eradicate that, that is possible.

3.2.4 Deputy K.F. Morel:

Is the Assistant Minister satisfied that the seriousness with which S.E.B. takes the issue of bullying is being reflected within the organisation and passed down appropriately through the organisation in line with S.E.B.'s wishes?

The Connétable of St. Ouen:

I thank the Deputy for his question. The short answer is yes and I spent a lot of time working with my chief officer to ensure that that is the case, and I know he is as committed as I am to, (1) modernising the workforce and (2) ensuring that the States of Jersey is a place that people want to work and we are an employer of choice. One of those drivers is to make sure that we do not have issues like this going forward. So, both the S.E.B. and the H.R. (Human Resources) Department are very much behind this and working very hard to ensure that the problem is solved.

3.2.5 Deputy K.F. Morel:

Given the Assistant Minister's last answer, will he explain as to why he believes, by his own admission, that there is still a problem of bullying in the government as an employment organisation?

The Connétable of St. Ouen:

I thank the Deputy for his question. It goes back to a previous culture that we had when the current S.E.B. took over. We are doing everything we can to change that culture, which is why we engaged Team Jersey to work with us. Sadly the current pandemic has meant that has all been put on hold but I can assure the Deputy that once we are through the pandemic we will be doubling our efforts to drive that through the organisation and improve our culture.

3.2.6 Deputy C.S. Alves of St. Helier:

Bullying is usually systematic because of the culture in the workplace so how does S.E.B. hold managers to account for ensuring they change their culture?

The Connétable of St. Ouen:

I thank the Deputy for her question. Essentially it will be through their performance agreement and part of the metrics of their performance agreement will be to support and drive through the organisation the Team Jersey culture programme. It is through that that we believe we will improve people's cultural approach to their colleagues and ultimately drive out bullying altogether from the workplace.

3.2.7 Deputy C.S. Alves:

So how does the S.E.B. measure whether the Team Jersey programmes are working?

The Connétable of St. Ouen:

The outcomes of Team Jersey were measured a number of ways but I guess the most specific for managers is their performance against the metrics that we set them in their performance agreements. Also feedback that we will be taking from the staff on how they feel culture has improved. We were hoping to do an all-staff survey but again unfortunately COVID has interfered with that. But that is on the agenda going forward in September that that will be the case.

3.2.8 Deputy J.H. Perchard of St. Saviour:

The original question was about analysis after cases had been reported. I just want to draw back to that point because the HR Lounge report, I believe one of the recommendations was to carry out post-incident review and analysis so that organisational learning could occur going forward. As the respondent said, there has been a 2-year process of implementing these things. Is that post-incident review process now in place and what can we learn from it going forward this year as to why there might be more complaints?

The Connétable of St. Ouen:

There are multiple questions there. In terms of the review process, we are due to receive a full review at S.E.B. in June, which will outline all the details I think the Deputy was referring to. But I forget the second part of her question, if she could be very kind and repeat it I would be grateful.

Deputy J.H. Perchard:

This is an atypical year, will there be a review of the reasons for these cases and how is S.E.B. going to manage a further increase of this year, especially under the circumstances?

The Connétable of St. Ouen:

A full report showing detailed outcomes from each of the cases plus analysing trends is due to be presented to S.E.B. in June. We then intend to engage with HR Lounge and review the way forward thereafter including what we do based on the outcomes of the report that we receive in June. But we do get interim updates on trends. Some of which I can share, some of which I cannot.

3.2.9 Deputy K.G. Pamplin:

Thank you, colleagues, for joining in and some of my final supplementaries were taken. But it was reassuring to hear other States Members join in questioning and thank you, Connétable, for answering the questions. I fully believe him when he says ...

Senator S.C. Ferguson:

Oh, for God's sake.

Deputy K.G. Pamplin:

Sorry, Senator Ferguson, I will carry on though. My supplementary is this: this is an unprecedented year and he did start by saying it is a priority. This pandemic has thrown up various problems of how can everything be a priority. How can he today reassure me and the members of staff and the States Assembly that we will see a decrease in bullying by senior managers of the States of Jersey?

The Connétable of St. Ouen:

I thank the Deputy for his final question. It is our intention to carry on monitoring this and also to engage with HR Lounge so that eventually we end up with a very small number of cases. I cannot give an absolute assurance that this year we will not see any further incidents. But all I can assure him is that the S.E.B. take this matter very seriously. The Deputy refers to other priorities in the current pandemic and, yes, we are all struggling with those. But this, in our minds, is a very important theme.

[10:00]

We are trying to drive towards being an employer of choice in Jersey and the only way we are going to do that, or one of the many ways we are going to do that, is to ensure that we have the right culture in place and that people want to come and work for the States. Stories and rumours of bullying in the States workforce will not encourage people to do that so I can assure him that despite the current pandemic we are taking this incredibly seriously.