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# **STATES OF JERSEY**



## **STATES EMPLOYMENT BOARD: ANNUAL REPORT 2010**

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**Presented to the States on 5th April 2011  
by the States Employment Board**

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**STATES GREFFE**

## REPORT

### 1. The Constitution of the Board and changes made during the year

1.1 Initially in 2010 the Board, for the main part, consisted of the following members –

Senator T.A. Le Sueur, Chief Minister (Chairman)  
Senator P.F.C. Ozouf (Minister for Treasury and Resources)  
Connétable M.K. Jackson of St. Brelade (Minister for Transport and Technical Services)  
Senator T.J. Le Main.

1.2 The Board's constitution changed on 18th May 2010. Having previously been constituted from members of the Council of Ministers, the Board was reconstituted as follows –

- (i) the Chief Minister (or another Minister nominated by the Chief Minister) as Chairman,
- (ii) 2 Ministers or Assistant Ministers appointed directly by the Chief Minister, and
- (iii) 2 States Members appointed by the States, of whom neither could be a Minister or an Assistant Minister.

1.3 From 18th May 2010, Senator Le Main left the Board, and Connétable D.W. Mezbourian of St. Lawrence and Deputy D.J. De Sousa of St. Helier joined.

### 2. The number of meetings held during the year

2.1 In 2010, there were 15 Board meetings of which 5 were conducted by electronic e-mail. The Board elected to continue utilising the services of a Committee Clerk from the States Greffe to prepare an independent record of proceedings.

### 3. A summary of the key matters considered by the Board in 2010

#### A. Public Sector Pay Review

3.1 The Board determined a pay policy for all pay-groups which are not U.K.-linked for pay purposes of 2% from January 2010 and 2% from January 2011. The various trade unions and staff associations accepted this policy, including the conditions that –

- (i) the pay review date moved from June to January each year,
- (ii) that they co-operate with the review of terms and conditions of service.

**B. Voluntary and Compulsory Redundancy Policy**

- 3.2 The Board gave consideration to revising the Voluntary and Compulsory Redundancy terms (a final decision was made in February 2011 after consultation with the trade unions).

**C. Comprehensive Spending Review – in-depth terms and conditions review**

- 3.3 The Board gave detailed consideration to the applications received for Voluntary Redundancy as part of the 2011 Comprehensive Spending Review and made recommendations to the Minister for Treasury and Resources that funding be approved.

The Board also discussed the in-depth terms and conditions review with the consultants, Tribal, and approved their final report. It instructed Officers to take the Tribal proposals forward in negotiations with Staff Representatives.

**D. Miscellaneous matters**

- 3.4 The Board considered a number of miscellaneous issues, including the following –

- staff suspensions – the SEB suspensions summary report is attached at Appendix 1;
- recruitment and retention of registered nurses and midwives;
- the PECRS actuarial valuation as at 31st December 2007, the review of PECRS being conducted by the Committee of Management;
- the States’ personal accident policy;
- revisions to the constitution of the SEB following the adoption of P.175/2009 (Employment of States of Jersey Employees Law – proposed changes);
- public allegations made by former Senator S. Syvret against staff in public service;
- staffing of the new ‘Energy from Waste’ Plant at La Collette, St. Helier;
- an independent review of the exclusion of a Hospital consultant;
- the Annual Report of the Jersey Appointments Commission;
- the employment of persons with disabilities within the States of Jersey;
- Air Traffic Control staff payments for sessional training;
- the securing of a ‘no impairment of Service’ agreement with the Fire and Rescue Service;
- the re-appointment of the Data Protection Commissioner.

**E. Key Manpower Statistics**

Attached at Appendix 2 are key manpower statistics for 2010.

**APPENDIX 1****CONFIDENTIAL  
STATES EMPLOYMENT BOARD****SUMMARY OF SUSPENSIONS 2006 – 2011****Introduction**

The purpose of this report is to update SEB on the conduct of the Suspension Review Panel and provide information about reviews that have been held during the 5 year period 2006 – 2010.

**Current Situation**

The Panel meets on a monthly basis normally towards the middle of the month to review any suspensions that have lasted 28 days or more, with the exception of any suspensions that are made by the Police service, as these are covered by separate procedures. As SEB are aware, a report is made to the Board after each Panel.

The Panel examines the process of the suspension and does not examine the substance of the complaint or accusations relating to that suspension. The Review Panel does not review the reasons for a suspension; the role of the Panel, as described in the Code of Practice, is to review the process adopted in carrying out the suspension.

The Panel has been challenged to make comment on the nature of a suspension and to recommend to Chief Officers that suspensions are concluded before investigatory or other actions have been concluded. This is outside the remit of the Panel, whose role is to ensure that appropriate steps are being taken to conclude suspensions as expeditiously as possible, whilst following due process such as investigation and/or disciplinary action.

During the last 6 months, steps have been taken to improve the administration of the Panel. These include:

- Ensuring the ongoing availability of trained Panel members to make sure, not only that the quorum of 2 is met, but also that the Panel can regularly consist of 3 members.
- Changing the way that employees are invited to attend the Panel (this is now being undertaken centrally by Employment Relations rather than Departmental HR).
- Making HR reports available to suspended employees before the Panel, if they are attending, to ensure the review is transparent to all parties.
- Ensuring that there is clear delineation by the Panel between each case reviewed.
- Providing revised guidance to HR colleagues to ensure suspensions are conducted according to employee's terms and conditions of employment, and that adequate support is provided to the individual throughout their suspension. This will be followed in early 2011 by further briefings of HR staff so they are familiar with the role and working practice of the Panel.

The following provides summary data about suspensions reviewed during the period 2006 – 2010 as is provided as information for SEB.

### Summary of Suspensions 2006 – 2010

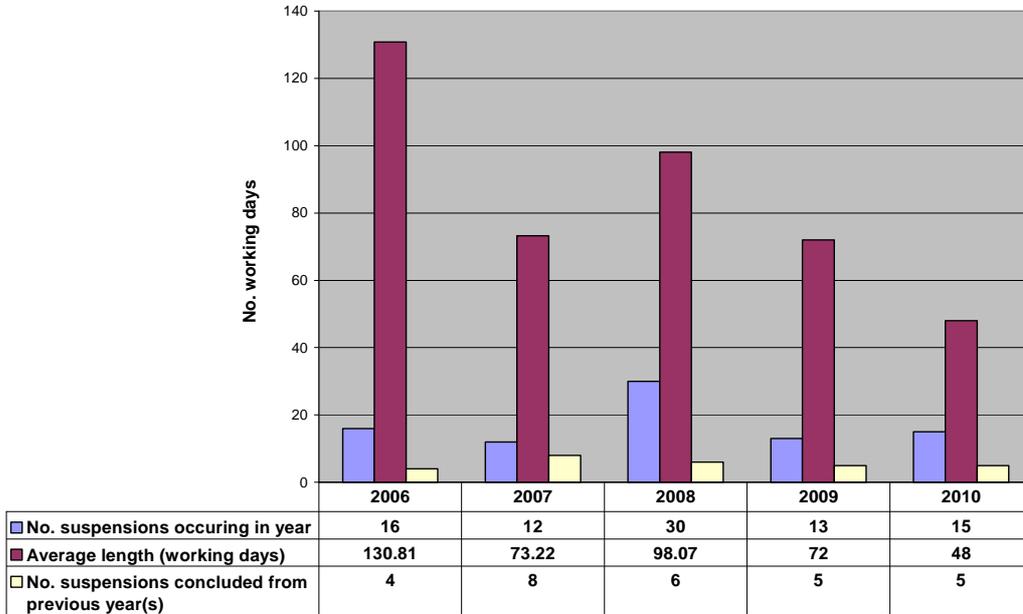
Table 1 below shows the breakdown of suspensions by Department over the 5 year period. Key points form this:

- Except for the peak in 2008, the number of suspensions averages at approximately 14 per year.
- There is a downward trend in the average duration (in working days) of a suspension, although these averages are distorted by exceptional suspensions which are of a long duration.
- There is one ongoing suspension from 2009, and the 6 for 2010 have arisen because the employees were suspended towards the end of the year and the associated investigations and/or hearings have not been completed as of year-end.
- Suspensions in Health and Social services account for approximately half the total suspension in any one year except 2007 (see also Graph 2). Separate action is being taken by working with HR Managers in Health to ensure the suspension process is more efficiently and effectively managed, and the overall average length of suspension for health employees is reduced.

DEPT.		YEAR					
		2006 – 2010	2006	2007	2008	2009	2010
	<b>CMD</b>	1	0	0	0	1	0
	<b>EDD</b>	4	1	1	1	1	0
	<b>ESC</b>	9	1	2	3	2	1
	<b>HA</b>	19	1	6	7	1	4
	<b>HSS</b>	42	11	2	14	6	9
	<b>P&amp;E</b>	1	0	0	1	0	0
	<b>SS</b>	1	0	1	0	0	0
	<b>T&amp;R</b>	2	0	0	2	0	0
	<b>TTS</b>	7	2	0	2	2	1
<b>Total Suspensions</b>		<b>85</b>	<b>16</b>	<b>12</b>	<b>29</b>	<b>13</b>	<b>15</b>
<b>Average length in days of suspension</b>		<b>86</b>	<b>135</b>	<b>76</b>	<b>101</b>	<b>68</b>	<b>48</b>

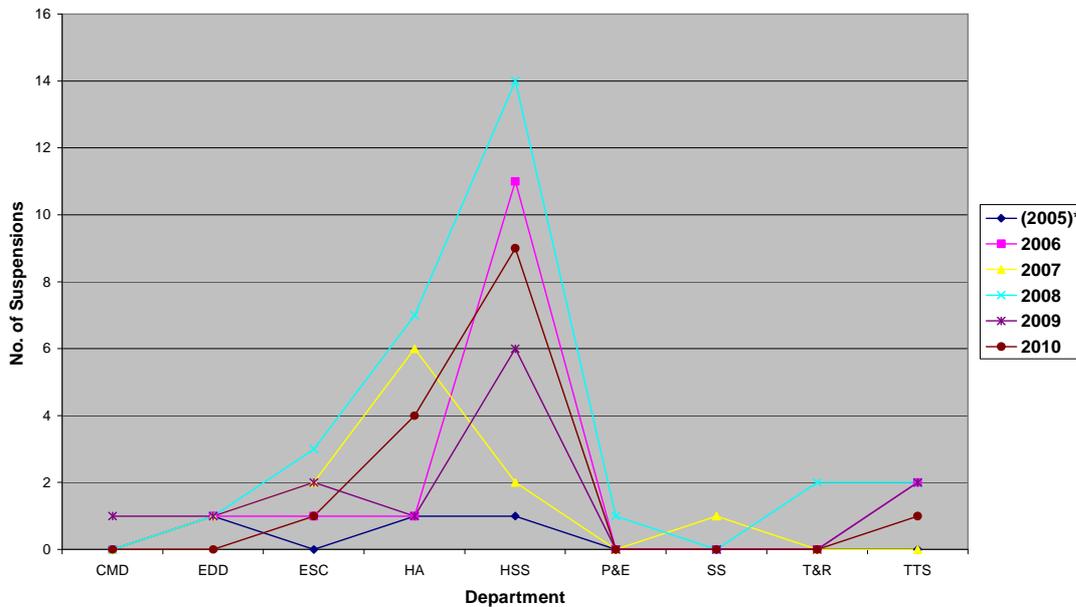
Suspension Conclusion		YEAR					
		2006 – 2010	2006	2007	2008	2009	2010
	<b>Disciplined</b>	39	9	7	15	6	2
	<b>Dismissed</b>	11	1	2	4	1	3
	<b>Reinstated</b>	14	2	1	8	2	1
	<b>Resigned</b>	13	4	2	1	3	3
	<b>Retired</b>	1	0	0	1	0	0
	<b>Ongoing</b>	7	0	0	0	1	6

The graph below (Graph 1) shows the number of suspensions for 2006 – 2010, their average duration and the number of suspensions concluded in that year that were carried forward from previous years. As stated above, ‘carry forwards’ mainly occur where a suspension was carried out late in the year and there has not been enough time to complete the investigation and/or hearing. These are normally concluded by the end of the first quarter in the following year.



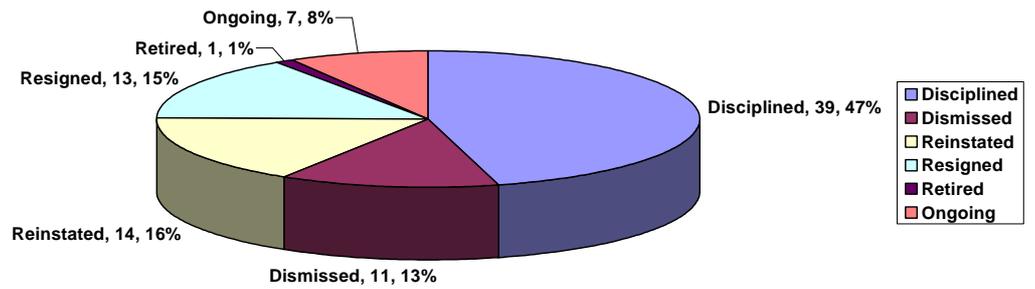
**Graph 1: Suspensions occurring between 2006 – 2010**

Graph 2 shows the breakdown of suspensions by Department. The higher incidence in Health and Social Services is clearly visible for all years except 2007.



**Graph 2: Suspension breakdown by Department 2006 – 2010**

The chart below shows the means by which suspensions have been concluded. In general, suspensions are concluded by disciplining, dismissal, reinstatement, and resignation. The majority of suspensions end in disciplinary action other than dismissal (which is recorded separately) being taken.



**Chart 1: Means by which suspensions have been concluded 2006 – 2010**

**APPENDIX 2****Key Manpower Statistics**

**Headcount** (the number of people actually in post as at 31st December 2010): **6,778**

<b>Department</b>	<b>December 2010 Actual exc. multiples in Departments</b>
Chief Minister's Department	220
Non-Executive Departments	225
Treasury and Resources	228
Economic Development	84
Planning and Environment	117
Transport and Technical Services	545
Health and Social Services	2,610
Education, Sport and Culture	1,914
Home Affairs	676
Social Security	151
Housing	38
<b>Total</b>	<b>6,808</b>
<b>Less multiple appointments across Departments</b>	<b>-30</b>
<b>Total reported actual December 2010</b>	<b>6,778</b>

**“J” category employees**

(the number of employees, as at 31st December 2010, with a “J” category housing licence) –

**548**: 8.1% of headcount. Of these 548, 483 are employed in Health and Social Services and Education, Sport and Culture.

**Non-locally qualified employees**

(the number of employees, as at 31st December 2010, non-locally qualified under the Regulation of Undertakings Law) –

**98**: less than 1.5% of headcount.

**Sickness absence**

Percentage of total possible days lost to sickness absence:	4.04%
Average number of days lost to sickness per employee:	8.97 days
Ratio of certified to uncertified absence:	34/66

**Turnover**

(the movement out of established posts):

Internal movements (between States Departments):	1.61%
External movements (out from the States):	10.53%
Total turnover during 2010:	12.14%

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**Re-issue Note**

This Report is re-issued because the presenter had omitted to redact the document fully.