
STATES OF JERSEY



STATES OF JERSEY COMPLAINTS BOARD: FINDINGS – COMPLAINT AGAINST THE STATES EMPLOYMENT BOARD BY MRS. X REGARDING THE WAY IN WHICH HER REQUEST FOR ILL-HEALTH RETIREMENT WAS HANDLED (R.53/2017) – RESPONSE OF THE STATES EMPLOYMENT BOARD (R.53/2017 Res.) – RESPONSE OF THE COMPLAINTS BOARD

**Presented to the States on 21st September 2017
by the Privileges and Procedures Committee**

STATES GREFFE

FOREWORD

Article 9(9) of the Administrative Decisions (Review) (Jersey) Law 1982 (“the Law”) requires the Privileges and Procedures Committee (“PPC”) to present to the States the findings of every Complaints Board Hearing and the response of the Minister or other States body, when a Complaints Board has asked a Minister or other States body to reconsider a decision.

On 18th May 2017, PPC presented to the States the findings of a Complaints Board Hearing held on 3rd April 2017 to review a decision of the States Employment Board (“SEB”) (*see R.53/2017*).

The SEB, having reconsidered the decision as required by the Board under Article 9(9) of the Law, presented their response to the States on 24th July 2017 (*see R.53/2017 Res.*).

PPC now presents to the States the Complaints Board’s response to the SEB’s R.53/2017 Res.

REPORT

As Chairman of the Complaints Panel I am disappointed with the response provided by the States Employment Board, which I find to be poorly balanced, highly selective, and which ignores the context of the events surrounding the decision.

Moreover, it seeks to highlight that the Board did not consider there to be fault in the execution of the decision in relation to Mrs. X, whilst failing to acknowledge that the Board was **very** critical of the lack of duty of care afforded her, and challenged the way that she had been supported by Human Resources.

In concluding, that it fails to see any need for a retrospective review of the case, the SEB completely ignores the serious discrepancies in how Mrs. X was treated during earlier reviews of her case, and that the grounds for rejection of those earlier reviews were the entire purpose of the complaint.

The Complaints Board does not consider that Mrs. X received fair hearings at these earlier reviews, as she was not able to fully present her case.

Furthermore, it was acknowledged during the Hearing that there was scope within the PECRS procedures for there to be a retrospective review if new facts were presented or a definitive diagnosis was revealed. The Pensions Adviser cited at least 2 occasions where she had been able to exercise her discretion in this manner.

However, no such discretion was extended in relation to Mrs. X, who had a chronic long-term disease of unknown origin which had damaging effects on her ability to remain in her job. As stated in the Board's findings, this was not only unjust, but entirely contrary to natural justice.

Such a rigid approach does not reflect well on the States as an employer, especially when the employee concerned has worked tirelessly for the States and demonstrated a strong work ethic. The reward for her 'going the extra mile' was to be penalised by the system and, as a final insult, not even to be considered for a retrospective review. Such a review, whilst potentially producing a modest adjustment in income for Mrs. X, would be an entirely appropriate response by the SEB in acknowledging her dedication and years of service, and would go some way towards redressing the poor duty of care she was given by the States as an employer.

I urge the SEB to reconsider its response.

Re-issue Note

This publication is re-issued to correct the title, to state that it is the response of the Complaints Board, rather than the response of PPC.