

The Jersey Advisory and Conciliation Service

ANNUAL REPORT 2017



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Page 3 **Board members and staff**

Page 4 **Chairman's Foreword**

Page 6 **Director's Report**

Annual Report 2017

The Board

Chair Sarah Beirne

Board members Alison Mellor
Zoe Blomfield
Lynda Vautier
Jimmy McCormack
Donna Abel
Sara Garwood (appointment effective 23 March 2017)

The JACS Team

Director Patricia Rowan

Team members Colette Wilson Senior Advisory and Conciliation Officer (started 6 January 2017)
Patricia Weston Advisory and Conciliation Officer
Sharon Timoney Business Liaison/Outreach Officer
Bruno Sousa Administration Officer

Chairman's Foreword

During 2017 JACS saw a significant increase in the amount of contacts, receiving almost 1,000 more than in 2016; up to 9927 from 8977 in 2016. This increase is against the backdrop of a small core team of 5 staff. Both the JACS website and the newsletters – for those who have subscribed to it – continue to prove to be an excellent additional resource for clients and our statistics show this.

Both public and in-house bespoke training sessions for individual organisations, continue to be very popular and these provide a small supplementary source of income to support the grant JACS receive from Social Security. The charges for these sessions are made on a cost recovery basis which means that access to affordable training is within reach of charities and smaller employers as well as larger organisations. Along with the training sessions is the production of freely accessible pro-forma templates, guidance notes (which breakdown the legislation into an understandable and usable format), leaflets and other documents that assist in supporting employers and employees alike.

The JACS Outreach Service has been available for 4 years now and allows JACS the opportunity of engaging proactively with smaller organisations and to ensure they are aware of the services JACS offer. A benefit of this is that it has led to the development of good relationships with employers which is particularly useful to those companies who do not have a dedicated HR function. I wish to extend my thanks to the Social Security Minister and her team for the continued financial support JACS receive to enable this valuable business resource to continue.

Internally the JACS team have been preparing for the imminent arrival of GDPR and have been reviewing internal processes in a timely way to ensure that we comply with the new legislation.

It is inevitable that individual issues arise in the workplace and those that are unable to be resolved swiftly and amicably can result in claims to the Employment and Discrimination Tribunal. JACS' role in this process is to offer conciliation. This is an important and substantial part of the work we undertake. Progressing claims can be stressful for all those involved as well as time-consuming. In 2017 JACS conciliated on many of the new claims and these were resolved without the need to proceed to a full Tribunal Hearing. JACS have observed that the earlier conciliation takes place following the lodging of any claims, the more likelihood there is of resolving matters. Late conciliation can result in a failure to engage meaningfully and/or very entrenched positions are established by the parties, which can create a barrier to conciliation.

During 2017 the Board met on 5 occasions to consider reports on JACS activity. The reports included volume of number of client contacts along with operational expenditure against the budget agreed by the Board in late 2016. The Board overview ensures that the grant received from Social Security is being properly and effectively used and that JACS is achieving the agreed objectives and is delivering value for money. In 2015 the Medium Term Financial Plan agreed by the States set down a reduction of 8% over 4 years to the grant received. In 2017 we maintained the plan of a further reduction of 2% (from 2016) on the annual grant JACS received.

The role of the JACS Board is also to have an overview of the operational spending against budget and to ensure that funds are used effectively and that JACS continues to meet its statutory obligations agreed in a revised Service Level Agreement with Social Security. The Board is also responsible for input into the preparation of a balanced budget at the end of each year.

During 2017 we welcomed a new and valued member to the JACS Board, Sara Garwood, who brings a wealth of public sector experience.

I am very grateful to all the Board members who have served during 2017 and thank them for their continued support and for freely giving of their time and experience. On behalf of the Board I would also like to express our appreciation to the Social Security Minister Deputy Susie Pinel for her support and to her team in the Department for their help in sustaining a positive and constructive relationship with JACS.

Finally I would like to extend the Board's thanks to Patricia Rowan and her team, for their enthusiastic commitment during 2017 thus helping JACS continue to achieve its prime objective of improving industrial relations on the Island.

Sarah Beirne
Chairman

Director's Report

Overview

I am pleased to present the JACS Annual Report for 2017, which gives me the opportunity to give an overview of JACS performance and workload for the year. Our overall enquiries figure of 9927 is an increase of 950 on the number of enquiries we received this year when compared to 2016. JACS training events continue to be well subscribed throughout the year across the full range of topics offered. Over the years clients have come to expect that the service JACS provides will cover all employment matters and more recently discrimination legislation as well. As a consequence of this broad spectrum the figures alone can only provide a snapshot of the work undertaken, and cannot effectively reflect both the complexity and diversity of the queries JACS receive.

In 2017 there were very few amendments and inclusions for the employment legislation however employers have been aware of the further changes to discrimination in respect of the removal of the retirement age that will be effective from 1 September 2018. The JACS Retirement Guide on our website has proven to be a useful document with 483 people viewing this page throughout 2017.

Pre-claim conciliation (PCC)

In 2017 JACS were contacted to provide assistance in a significant number of pre-claim conciliations (PCCs) to resolve matters without the need for Tribunal claims to be taken forward. PCCs are an important part of JACS role where impartial advice and conciliation between the parties can bring about solutions swiftly without the added stress, time and cost for both parties that can be a result of pursuing matters through the Tribunal. Without this part of our service there would undeniably be a significant increase to the number of Tribunal claims being lodged.

PCC is seen as an alternative dispute resolution process which JACS have always offered. The very nature of this process allows for outcomes that cannot be achieved at Tribunal, and can allow the employment relationship to continue rather than end, if a resolution can be reached via mediation. In 2017 we successfully assisted employers and employees in achieving a resolution to their disputes using PCC on 185 occasions.

Conciliation in lodged Tribunal Cases

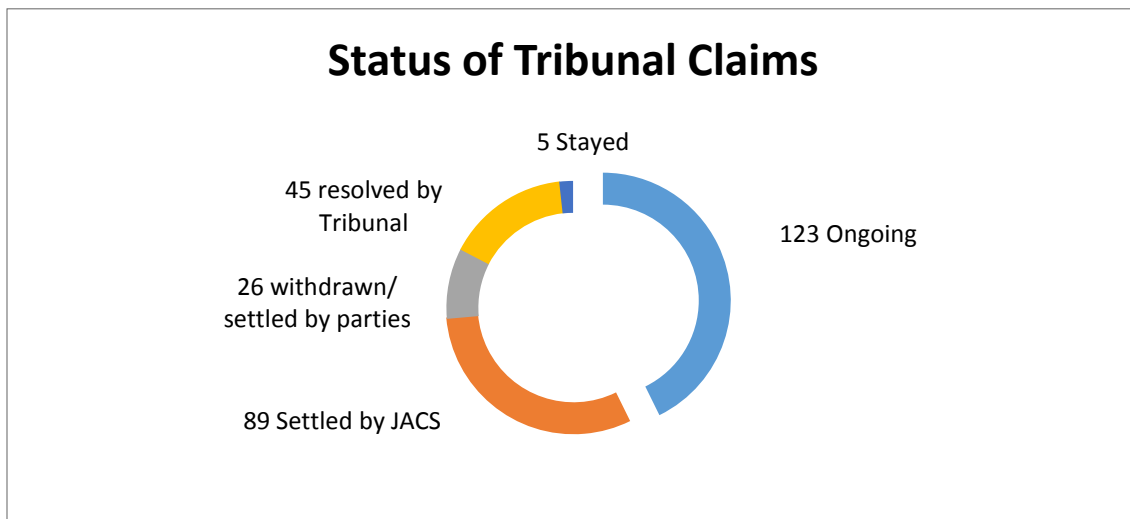
Between 1 January 2017 and 31 December 2017 JACS received 239 claims from the Employment and Discrimination Tribunal, an increase of 64 claims for the same period in 2016. JACS receive claims in respect of discrimination in employment, and 58 such claims are included in the figure of 239. Discrimination claims that are raised as a result of goods and services are provided to Citizen Advice Jersey.

The Employment and Discrimination Tribunal (Procedure) Order 2016 sets out the transition and process for the lodging and handling of claims clearly. Once a claim has been submitted, the Tribunal will look to set a date for a Case Management Meeting (CMM) with the parties involved in attendance. A CMM will often help in determining what the claim concerns, and the Directions issued by the CMM Chair enable the parties to prepare and provide the information and evidence that a full Tribunal Hearing will require in order to determine an outcome to the claim. The inclusion of CMMs in the Tribunal process continues to be successful and effective in encouraging the parties in a dispute to enter into conciliation with a JACS officer, which can then result in a conciliated settlement being reached or the claim withdrawn from the Tribunal.

Whilst the conciliation process can be lengthy and may, in some cases, still be ongoing until the actual Tribunal Hearing date, we believe that if conciliation is considered early in the Tribunal process outcomes can be achieved with less stress and expense being incurred.

Along with the 239 new cases JACS have received from the Tribunal Registrar in 2017 there were a further 49 claims carried forward from previous years. Throughout 2017 of the 288 live claims, a total of 160 of these have been resolved. Of these 160, JACS have resolved 89 (56%); with 45 (28%) resolved by the Tribunal; and 26 (16%) were withdrawn or settled by the parties themselves. A further 5 claims have been stayed for various reasons by the Tribunal leaving 123 in ongoing conciliation. (It should be noted that when claims are lodged under the Discrimination Law there can be more than one named Respondent and these are counted as individual claims.)

Claims lodged for Discrimination in employment for Race, Sex or Age has increased in 2017. Of the 58 claims that were lodged 41 were for sex, 10 were for race and 6 for age discrimination.



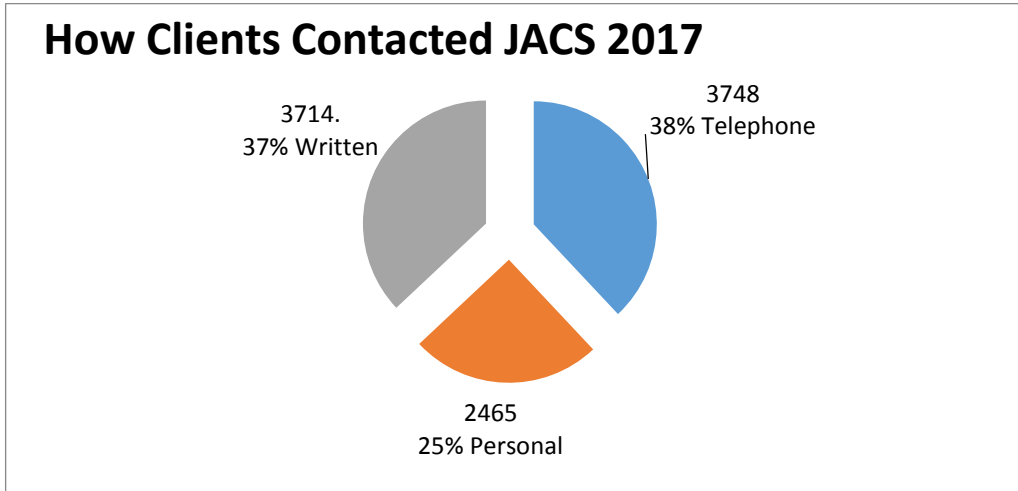
Resolving collective disputes and improving relationships

There were very few collective issues raised in 2017, and only a couple of these remain outstanding. JACS counted 3 ballots for different organisations in relation to pay, industrial action and representative nominations. We also coordinated arbitration for a long running matter. Collective disputes are dealt with under the Employment Relations (Jersey) Law 2007 which functions using three Codes of Practice that clearly sets out the process and expectations both parties in a dispute need to adhere to. This element of JACS workload differs from other parts, due to the complexity of the work it also requires significantly more time to resolve issues.

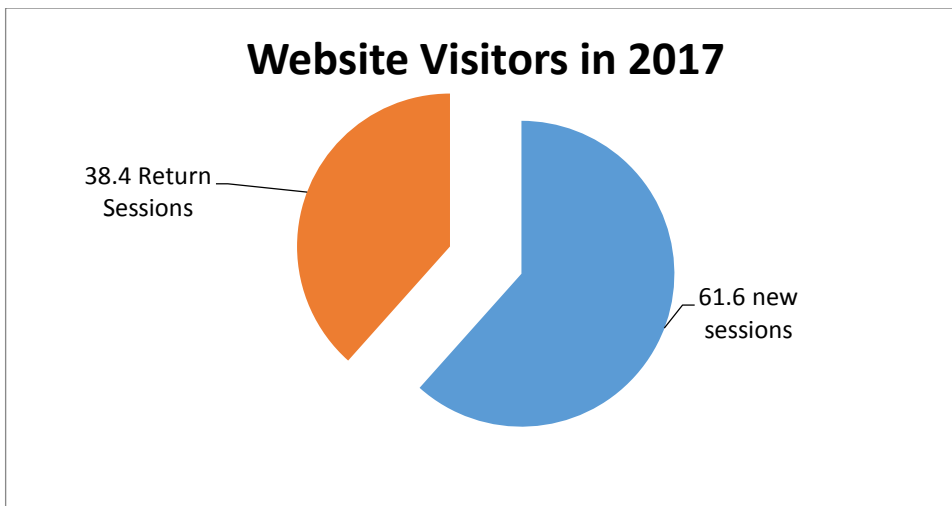
Contacting JACS

The total number of contacts made to JACS in 2017 was 9,927. The number of clients calling into JACS in person during 2017 was 2,465, which is a slight increase of 40 from 2016. The central position of the JACS' offices enables callers (whether they have an appointment or otherwise) to drop in, which along with a slight extension of our opening hours (from 8.00am) means clients can access our services easily. It is however our advice line that remains the main point of contact for clients with

3,748 callers contacting us via telephone on 730503. The final direct contact with us is in writing via email (or occasionally letters) and 3714 client contacts were made using this method.



The JACS website is regularly revised with changes to the legislation and the public training sessions that we run. However, we strive to constantly update the website with policies, procedures, general information and guides to assist clients further. Those clients who have signed up to receive the JACS newsletter are directed to the website to see the recent additions along with information about Employment Forum consultations and updates on both the Employment and Discrimination legislation.



The top 10 most viewed topics in 2017 were:

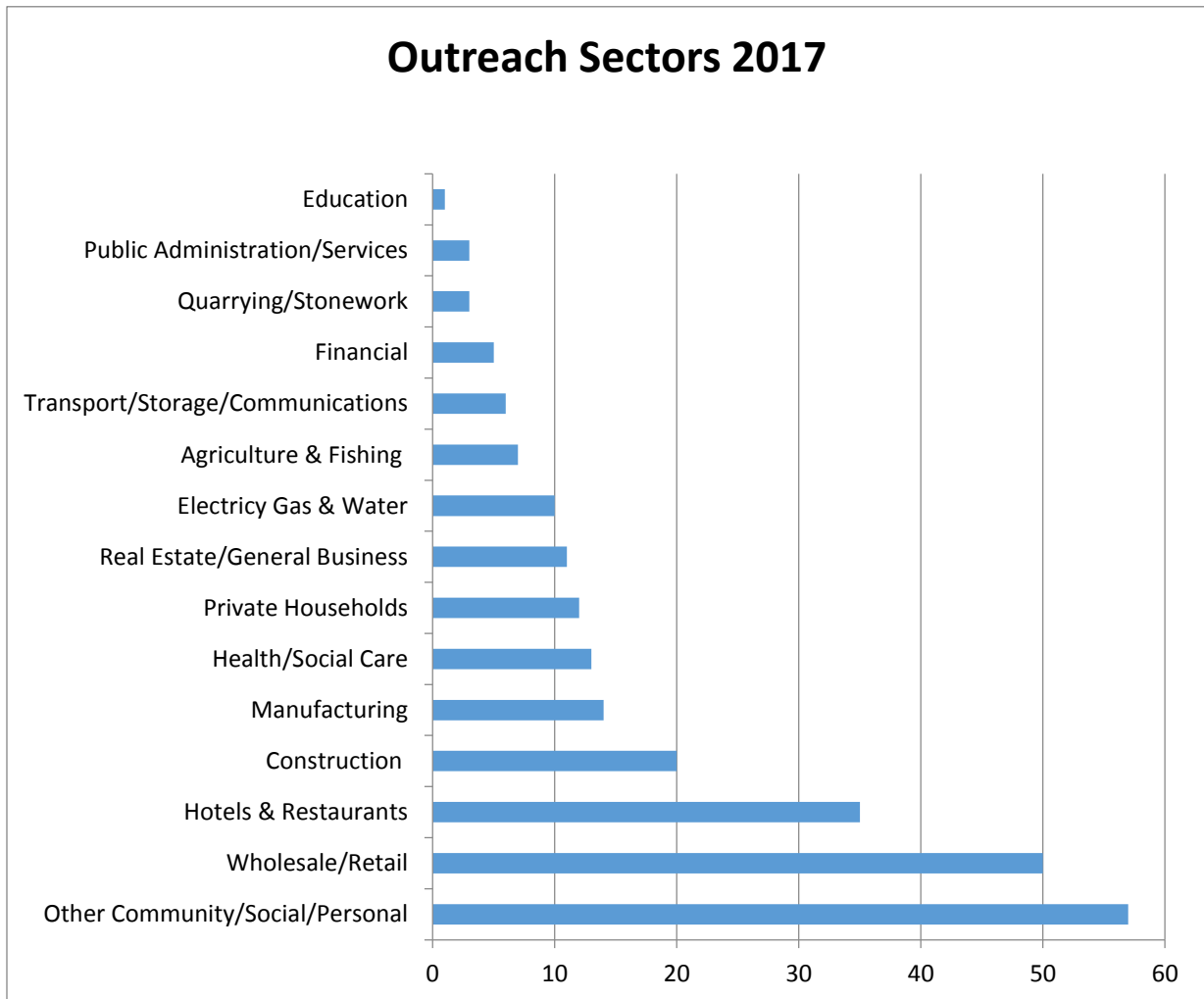
- Policies - Model Letter 3697
- Contact Page 2044
- Employment Law 1397
- Redundancy Process & Payments 1163
- BMA Letter (supporting ill health policies) 1047
- Discrimination 951

- Working hours & Breaks 943
- Unfair Dismissal 926
- Maternity Rights 814
- Minimum Rest Periods & Holidays 807

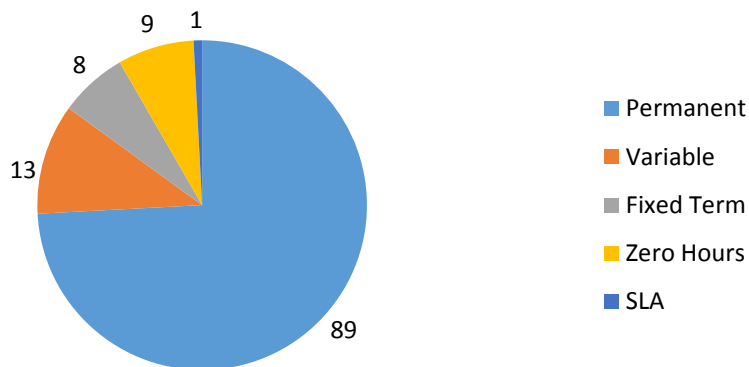
Outreach Service

Our Business Liaison Officer has continued to provide an Outreach Service – a service that is available at times and places to suit the employer, such as out of town workplaces, either within or outside normal office hours - proactively to employers. This service gives practical assistance and advice to employers to help them set up and develop the range of employment documents that are required under the legislation, like terms of employment, pay slips along with policies and procedures.

In 2017 saw 146 clients being assisted via our Outreach Service, with an average of 10 employees, per client.



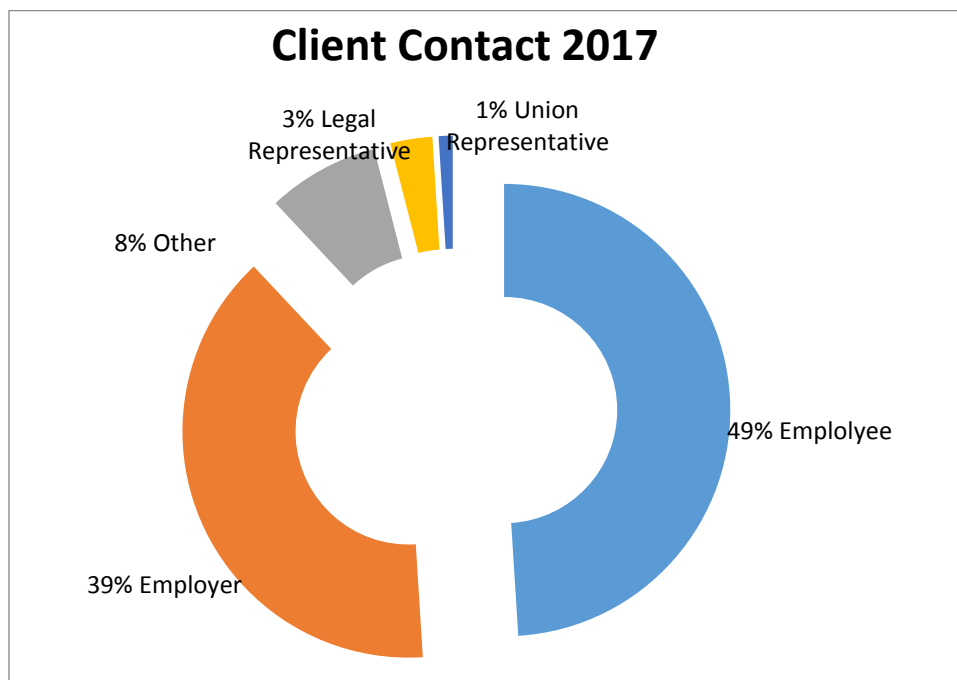
Outreach (known) Contract Types 2017



Information, advice and conciliation

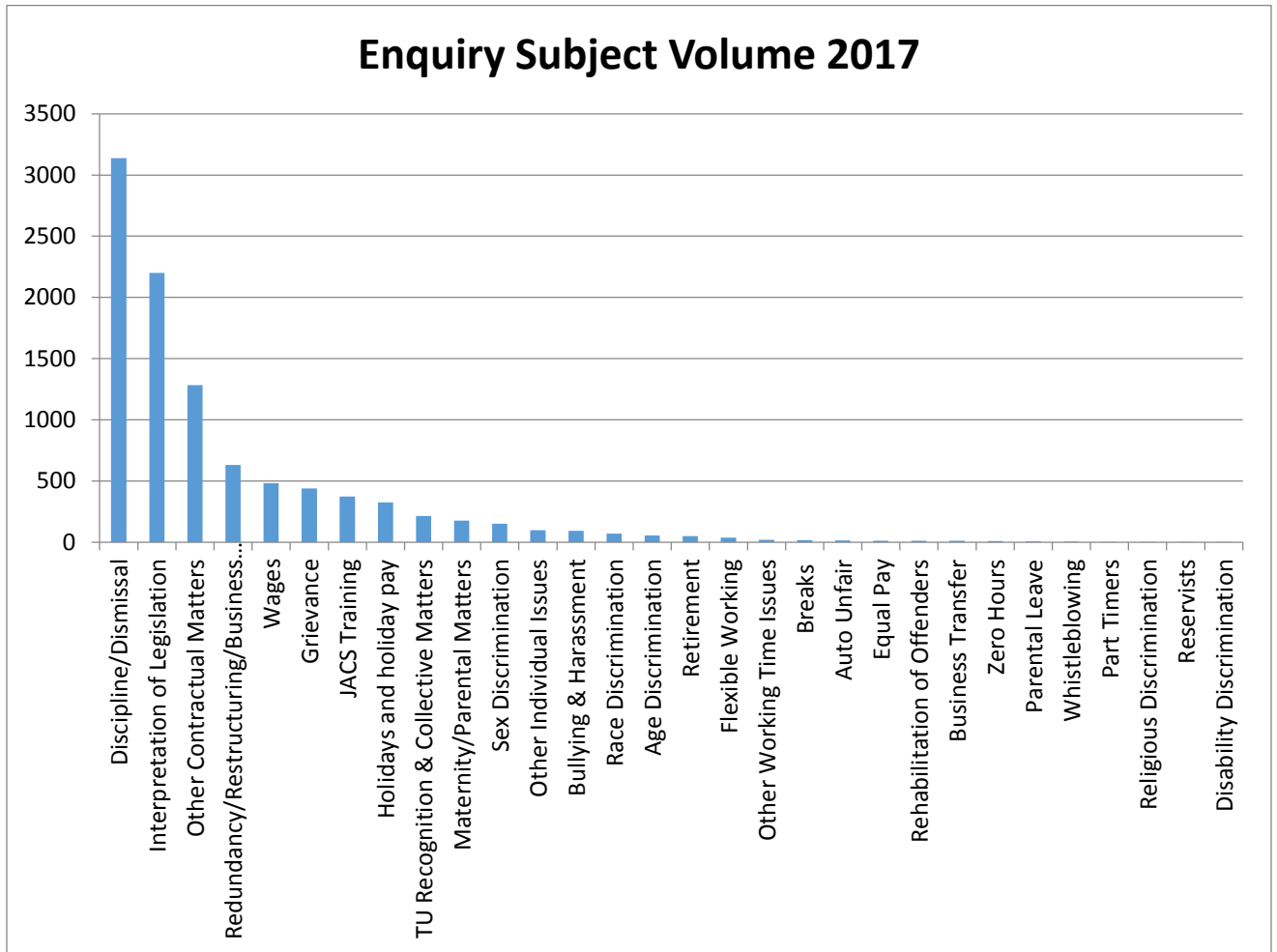
An average of 191 clients contacted JACS each week throughout 2017 and, as can be seen below, the majority of these contacts were from employees. The category of 'other' (shown below) captures those who call on behalf of someone else, e.g. a parent, or lay persons representing clients for a Tribunal claim.

Client Contact 2017



The subject volume chart overleaf shows the generic categories that JACS use to record the type of queries that have been received throughout 2017. As can be seen, the highest number of queries were in relation to disciplinary procedures and dismissal, and this is not surprising as this remains the main head of claim on lodged Tribunal claims. The second highest query is a generic category for

information and advice generally on the interpretation of legislation, model documents, policies and procedures etc.



Training and Other Support Services

JACS believes that having well informed and trained managers, staff representatives and supervisors within organisations goes a considerable way to ensuring that businesses apply good employment practices consistently throughout. JACS continues to offer training sessions on selected topics for both in house and public attendance. The public sessions remain well attended both as introductory sessions for those new to business or management roles as well as refresher/update sessions for others wanting to keep their knowledge current in respect of the legislation.

During 2017, 34 public training sessions were run with 471 attendees over the year. JACS received special funding from Social Security which enabled the sessions on employment discrimination to be delivered free of charge to attendees.

Throughout 2017 an additional 32 training sessions were run in-house for various businesses and education with 422 attendees at these additional sessions.

Working with employers

The chart below shows the breakdown of the different employment sectors recorded as contacting JACS in 2017. It should be noted that Real Estate, Renting & Businesses includes 'general businesses' that do not fit into more clearly defined sectors.



Legislation

Other than the annual increase to Minimum Wage we only saw previously notified, final parts of Amendment 10 being brought in during 2017. This Amendment gave Armed Forces Reservists employment rights protection; and also all employees the right to claim up to 4 weeks' pay as compensation for any breaches of statutory rights in relation to written terms of employment, uninterrupted rest days and pay slips.

Staffing and Standards of Service

Through 2017 the JACS team consisted of 5 members, and throughout the year we continued to monitor our service standards. The client satisfaction questionnaire sent to both employers and employees whose Tribunal cases had been referred to us for conciliation show that of the total returned, 100% reported they were 'very satisfied' or "satisfied" with the service they received.

Published standards of service were maintained or exceeded and we fully met the requirements of the Service Level Agreement that we have developed, together with officers of the Social Security Department, to ensure that JACS continues to deliver value for money.

Managing our Finances

The total cost of running JACS for the calendar year to 31 December 2017, based on its unaudited management accounts was below the budget set for the year. This underspend was primarily down to savings in staffing costs as a budget was set for a full time employee and we filled the role with a part-time resource. Key operating costs comprise staff costs, rent, rates and insurance, utilities, IT support and audit fees.

Our basic annual grant from the Social Security Department was £370,538 which is a 2% reduction from 2016 as per the agreement with Social Security as part of the Medium Term Financial Plan savings that need to be made year on year until the end of 2019.

Nominal fees (based on a cost recovery basis) charged to attend our public training courses and in-house training courses, to cover the costs of these events, contributed (around) a further £28,510 towards our income.

Our accounts will be audited by our incumbent auditors, BDO Limited, in due course and presented to the Social Security Minister, as required by the Jersey Advisory and Conciliation (Jersey) Law 2003.

Future Plans

It remains JACS commitment to offer assistance in avoiding and resolving disputes, by continuing to raise awareness of new legislation and other important issues along with best practice through the training sessions we offer, and updated, readily available information on our website. In 2018 there will be the introduction of Disability as a protected characteristic under the Discrimination Law, and JACS have already released dates for training sessions for this. Again this will be delivered free of charge to attendees due to special funding from Social Security. From September 1st 2018 the second phase of Age discrimination comes into effect, by removing retirement age from the legislation. JACS have produced a guidance note on retirement which is available on our website to assist both employers and employees.

The outcome of the Employment Forum's consultation into extending Family Friendly rights under the Employment legislation was released in December 2017 and any changes to the law are likely to start to take effect from 1 September 2018.

Our commitment is also one of support to all our clients in respect of advice and dispute resolution. The Outreach Service will continue to provide a service accessible to all businesses to ensure there is an understanding of the statutory obligations that employers need to meet.

Summary

JACS continues to offer practical advice in an impartial, professional and friendly manner. The training sessions JACS run offer assistance and understanding of the legislation already in place and allow for early preparation of incoming legislation.

JACS is both very fortunate and privileged to have a Board of honorary members upon whom we are able to call. The Board members have again willingly given their time to the organisation throughout 2017. I would also like to extend my heartfelt and sincere thanks for the assistance and ongoing support that JACS receives from our Board Members under the Chairmanship of Sarah Beirne.

I must offer my thanks for the support and loyalty shown by the team at JACS; members have again worked extremely hard to meet the expectations of our clients in delivering advice and guidance on the legislation in Jersey and supporting clients in their understanding of best practice and practical application of the laws in place.

I extend my thanks to the Social Security Minister, Deputy Susie Pinel and the Assistant Minister, Deputy Graham Truscott for their support in the work JACS undertakes. Further thanks go to the Social Security Officers for their support and I look forward to continuing to work with this Team throughout 2018.

Patricia Rowan
Director

16 January 2018