

STATES EMPLOYMENT
BOARD
ANNUAL REPORT 2020

R.130/2021

INTRODUCTION

This report provides information about the work of the States Employment Board (the 'Board') from 1 January 2020 through to 31 December 2020.

The States Employment Board is constituted by the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#). Our functions are wide ranging, covering matters of employment, pay, health and safety, the organisation of the States employees, and instructing and responding on legal matters that concern the Board.

The Board is the employer of all public employees in Jersey and is responsible for employee terms and conditions. It is chaired by the Chief Minister, or his nominee, along with two members who are Ministers or Assistant Ministers and two members who are not.

To assist in the discharge of our function, we issue Codes of Practice. Every accountable officer in a States-funded body (including non-ministerial bodies) must comply with these Codes.

CONSTITUTION OF THE BOARD

Members

- Senator J.A.N. Le Fondré, Chair
- Connétable R.A Buchanan of St. Ouen, Vice Chair
- Connétable D.W. Mezbourian of St. Lawrence
- Deputy S.J. Pinel of St. Clement
- Deputy G.J. Truscott of St. Brelade.

Independent adviser

The Board may appoint up to two independent advisers.

In 2019, the Board recruited Mrs Beverley Shears, who continued in the role throughout the year.

Mrs. Beverley Shears is an experienced executive and non-executive director across the public and private sectors, with an expertise in strategic employment matters.

A vacancy for a second adviser was not filled in 2020.

Governance

The Chief Executive and Head of Public Service provides advice and guidance to the Board, supported by senior officers as required.

Legal advice is provided by the Law Officers Department.

People and Corporate Services provide secretariat and co-ordinating functions.

The States Greffe provides administrative support for the Board and minute taking at meetings.

Meetings of the Board

In 2020, there were 25 meetings of the Board. Due to COVID guidance, 22 of those were virtual meetings. Also, from time to time, members received further information electronically to allow decision-making between meetings.

Sub-committees

The Board can create sub-committees to address specific areas, or to delegate decision-making. In 2020, there were no active sub-committees.

AUDIT AND ASSURANCE

(i) Report of the Comptroller and Auditor General

In March 2019, the Comptroller and Auditor General issued her report, '[Role and Operation of the States Employment Board](#)' setting out a number of suggested improvements to assist the Board in discharging their duties.

The Board welcomed the review and its 20 recommendations. We have made good progress in implementing the recommendations and completed most of them within a year of the 2019 report.

Recommendations relating to employment legislation are expected to be implemented in the last half of 2021, subject to States Assembly approval.

The Board understand that a follow-up audit is scheduled for 2021.

(ii) Report of the Jersey Appointments Commission (2019)

The States Employment Board has responsibility for the Jersey Appointments Commission (JAC). We received the [JAC Annual Report 2019](#) and welcomed the role that the commissioners play in ensuring fair and transparent appointments to public bodies.

The Chair of the Commission, Dame Janet Paraskeva P.C. has a standing invitation to the Board every six months as well as presenting her annual report.

We recognised and supported the need for additional secretariat resources to support the work of the Jersey Appointments Commission through the Government Plan. Additional resources were put in place to improve the support commissioners have and to ensure that all Government appointments comply with their guidance.

We have a joint concern about both the level of Island candidates being attracted for senior roles and the diversity of candidates. We have agreed that more work is required to monitor the diversity of candidates and understand how we can attract a more diverse field of applicants.

More information, including guidance, reports and details of the commissioners, is available on the [States Assembly](#) website.

GENERAL MATTERS CONSIDERED BY THE BOARD

(i) Public health emergency - Covid-19 pandemic

The Board received regular updates on the Covid-19 pandemic throughout 2020 and were supportive of the measures put in place for the workforce to be able to support the Island in its response to the pandemic.

The Board oversaw data collection exercises to understand our workforces underlying medical conditions, care responsibilities and any other issues which could impact their ability to work.

The focus was to maintain healthcare and other essential services while also ensuring the wellbeing of employees. The Board requested that the Executive Leadership Team were made aware that many employees were working extremely long hours and that measures should be put in place to safeguard against burnout. The Board was advised that coordination groups would be put in place to ensure there was an effective response to issues arising.

The Board expressed its thanks to all staff for their efforts during the expectational circumstances.

(ii) Chief Executive – Non-Executive Directorship

The Board were asked to consider the circumstances around a non-executive directorship held by the Chief Executive.

The Board held several meetings to discuss the circumstances.

Details were published on the Government website in a [Letter from the Chief Executive](#) on 9 November 2020.

(iii) Chief Executive recruitment

The Board reviewed and approved the proposals for the permanent and interim recruitment panels. The Board agreed that both panels would be chaired by a UK Civil Service Commissioner and would include two members of the Jersey Appointments Commission, the Chief Minister and an independent local appointee. The panel for the permanent recruitment would include a further Jersey Appointments Commissioner and a local government expert. The recruitment process for the interim Chief Executive appointment started in 2020.

(iv) Public sector pay – Total Reward Review

The Board were presented with details of a planned Total Reward Review (TRR). The review covers the reward strategy, not just pay, highlighting the range of benefits within the employment package.

The intention is to promote and encourage employee engagement, by enhancing the psychological contract between employer and employee, thereby improving organisational performance.

The Board attended a series of workshops to explore and a range of options being considered under the TRR programme. It is due to be completed in 2021.

(v) Public sector pensions

The Board considered a report prepared by the Treasury and Exchequer department in connection with the draft regulations which set out to amend the legislation that provides benefits to members under the Career Average Scheme and members who had transitioned from the Final Salary Scheme to the Career Average Scheme on 1 January 2019. The Board agreed to request the Greffier of the States to lodge 'au Greffe' the draft Public Employees (Pension Scheme) (Miscellaneous Amendments) (No. 2) (Jersey) Regulations 2021 and the draft Public Employees (Contributory Retirement Scheme) (Miscellaneous Amendments) (No. 2) (Jersey) Regulations 202-.

The Board directed, following legal advice, the defense of a claim relating to the implications of the introduction of the CARE pension scheme for the Fire and Rescue Service. A Court appeal overturned the previous judgements of the Employment Tribunal and Royal Court, and indicated supporting the award of costs incurred by the Board in contesting the Fire and Rescue Association's claim. The Board observed that its position throughout the litigation had been one of protecting the CARE pension scheme and acknowledge the importance of continuing to work with unions to improve relationships.

(vi) People Strategy

The Board were presented with People Strategy which is needed to deliver the Government's 'OneGov' ambitions, ensuring that the right leaders are in place to develop a culture based on teamwork and collaboration, openness, learning and innovation and respect for customers. The Board was content to endorse the overall structure and approach of the People Strategy and for the People and Corporate Services department to work towards implementing, with regular progress updates on specific workstreams to be brought back to the Board for consideration.

(vii) Organisational culture – Employee 'Be Heard' survey

The Board were presented with a report in relation to the 2020 employee survey. the Board agreed the that the survey should progress as outlined. The Board were content with the proposed steps to increase engagement and ensure that as many colleagues as possible would choose to participate in the survey. The 'Be Heard' survey results were to be published in 2021.

(viii) Bullying and harassment

The Board were informed that the handling of bullying and harassment cases would be reviewed by HR Lounge, a specialist HR consultancy. HR Lounge reviewed recommendations they previously made and reported on how far the recommendations have been implemented by the Government of Jersey. In carrying out this review, they interviewed employees and reviewed the new and updated policies and procedures. The HR Lounge are due to complete the review in 2021 and the report will be presented to SEB.

(ix) Organisation of Government departments (Target Operating Model)

A significant amount of the Board's work is related to organisational change to continue to implement and embed the One Government (OneGov) structure. In 2019, Target Operating Models for Treasury and Exchequer, the Office of the Chief Executive, Strategic Policy, Performance and Population, and Customer and Local Services were completed.

In 2020, the Board had oversight of the development and implementation of the remaining Target Operating Models. The approvals are governed by OneGov design principles, to ensure greater consistency across the Government of Jersey and Non-Ministerial Departments.

Target Operating Models are complete across Health and Social Care, People and Corporate Services, Modernisation and Digital, Economy, Children, Young People, Education and Skills and Justice and Home Affairs. The implementation of the Target Operating Models will be complete across all departments in 2021.

To ensure that Target Operating Models met the needs of the Island and to achieve the objectives in the Government Plan, service reviews within functional areas will continue to take place as part of business as usual.

(x) Gender Pay Gap

The Board welcomed greater transparency through the second publication of our second [Gender Pay Gap Report](#) which will be published in April 2021. We have committed to the publication of our Gender Pay Gap report and action plan every year.

It will continue transparency about pay and pay parity across the Government and ensure that we have plans in place to remove an inequity or disadvantage across the Government.

We are working alongside the Jersey Appointments Commission, to address both the pay gap and the low representation of women in senior roles within the public service sector, which is reflected in female appointments to senior roles.

We are supporting the I WILL (Women in Leadership and Learning) group within the Government to promote opportunities. A programme of work has been developed to support women in their career progression, professional development and to support ongoing activity to reflect the Government of Jersey as an exemplar and employer of choice for women. A mentoring and coaching scheme for colleagues has been established.

I WILL has partnered with [Board Apprentice](#) to run a pilot scheme aiming to increase board member gender diversity across the public sector, arm's length organisations (ALOs), and wider States owned bodies.

The initiative ran a programme of virtual skills and learning sessions during 2020 and will deliver a full suite of speakers and topics in 2021, including subjects such as Leading Virtually, Building Resilience and Effective Negotiation. I WILL plans to launch its delayed shadowing scheme in 2021, which will provide a great opportunity for employees to build new skills and gain insight into other areas of the business and the leadership style of senior colleagues.

In 2021, we will look to appoint a diversity and inclusion role that will focus on developing a Diversity Strategy as a specific aspect of the People Strategy.

The Board reviewed the Institute of Directors (IOD) Jersey Branch 2020 Diversity and Inclusion Vision Statement. The Board were informed that the IOD was presently formulating a Diversity and Inclusion Leadership Charter, which would seek commitment from the Jersey business leadership community to embed diversity and inclusion within their respective organisations. The Board expressed its support for the IOD Vision Statement and agreed to endorse the statement of support in connection therewith.

(xi) Policy and Workforce Improvements

The Board reviews and approves changes to employment policies. In 2020, interim changes to HR policies were introduced in light of operational pressures associated with resourcing the Government's response to the ongoing public health emergency as a result of the Covid-19 pandemic. The Board were advised that measures were put in place to ensure that staff resources were available when needed. The Board highlighted the need to support employee wellbeing by encouraging employees to take leave and avoid building excessive hours. The Board were also advised that recruitment must be limited to essential roles only, and a central recruitment panel established to review all recruitment.

The Board considered an interim Return to the Workplace Policy and were advised that employees had been provided with equipment and access to the systems, although some employees preferred to return to their normal workplace as soon as possible, particularly if they found home working stressful or did not have access to appropriate workspaces. In accordance with the Safe Exit Framework, they would be expected to return to the workplace, and so the interim policy sought to address any reason why an employee might decline to return to work and support, as far as possible, a safe transition back to the workplace for these individuals. The Board endorsed the interim Return to Workplace policy in accordance with the Safe Exit Framework.

In addition, changes to the family friendly rights within the Jersey Employment in resulted in the Government of Jersey parental leave policy being updated. The updates were unanimously approved by SEB.

The Board requested a review of the use of zero-hours contracts across the Government of Jersey. The Board reviewed the application of zero-hours contracts and directed officers to ensure that the policy is used appropriately and ensures employees who should accrue employment rights should do so through proper contracting arrangements. The Board requested updates on a quarterly basis and each Director General would receive data monthly so that numbers were kept under constant review.

The Board were informed of a review of the use of Fixed Term contracts across the Government. Their use enables departments to fill roles where specific or scarce skills were required, or where some flexibility in the employment relationship was considered helpful. The Board agreed that a proactive approach to recruitment, including the review of such contracts, was necessary in view of the Covid-19 situation.

(xii) Use of consultants (approvals and reports)

The Board received and reviewed requests for the appointment of senior officers, interim workers and contractors.

The Board considered a report, prepared by the Chief Operating Office, with a proposed new process for the appointment of consultants and setting of new limits for those appointed in accordance with P.59/2011 – Control and monitoring of senior salaries. The Board welcomed the key changes suggested to improve the process.

All requests and the actual spend will now be published as a result of [P59/2019](#), with set definitions. This has required a change to the internal process of collating information. The second report was presented to the States in June 2020 by the Chief Minister ([R.63/2020](#)).

(vi) Operational improvements

Improved workforce reporting through a new dashboard continues to be developed to bring together a single view of the workforce. The Board reviewed a copy of the People Dashboard and commented specifically on areas where there was cause for concern around H&S incidents or high turnover, which was mainly around fixed term contracts ending or termination of unnecessary zero hours contracts. The Board considered the statistical analysis provided by the People Dashboard and requested that the Dashboard should continue to be presented to the Board.

The SEB began the procurement for a new Integrated Technology Solution (ITS) to replace the multiple systems we use to manage the workforce in 2019. We are in the process of awarding the work to a third-party supplier, who will be in place by 2021. The Board is supportive of reducing the number of systems managers and employees need to use, and the simplification of systems and processes as part of the enhancement in the employee experience. It is intended to have a combined system with finance to enhance financial reporting and insight into the productivity of the workforce. The replacement system is expected to go-live in phases in 2022.

COMPLAINTS AND LEGAL MATTERS

(i) Health and Safety

The Board remains concerned about health and safety in the workplace. We recognise the improvements being made through the H&S board but still have concerns about the budget being made available to address the under investment over the past few years. We note that the organisation's senior leaders are engaging with the H&S training offered to them and will seek assurance that all line managers undertake mandatory training during 2021. The Board sought assurance that employees have the necessary training to do their jobs safely.

The Board gave particular attention to a number of legal cases served by the Health and Safety inspectorate over the preceding years alongside recent incidents. This remains an area of heightened concern for the Board.

(ii) Disputes and Collective Grievances

The Board were pleased to be able to resolve the pay disputes covering a number of pay

groups in respect of the 2018, 2019 and 2020 pay reviews. Agreement was reached with all unions early in 2020 with the exception of the Civil Service unions. An above-inflationary increase was given with effect from 1 January 2020. While the Civil Service unions did not reach agreement with the Board, they ended their campaign of industrial action.

The Board were also pleased to be able to address a longstanding claim by the nursing and midwifery unions that their pay lagged behind that for civil servants, through provision of additional funding over and above the general pay award. This effectively closed the pay gap for the vast majority of nurses and midwives, a move that again was agreed with the relevant unions.

Recognising that the pay disputes had, for those unions involved challenging relationships, the Board took steps to strengthen relations with all unions through early and meaningful dialogue on a range of issues including continued roll-out of the new Target Operating Models. The emergence of Covid-19 in early 2020 led to the establishment of a weekly forum with all unions invited to discussions with officers including senior medical staff on the Government's measures to address the pandemic, maintain services to the public, and keep staff safe. This continued throughout 2020 and the Board is pleased to report that there have been no disputes with any of the unions about Covid-19 related matters.

In June 2019, the Board instigated a full review of the circumstances surrounding an historical error in the grading of some Allied Health Professionals. This matter was the subject of a collective dispute raised by the Civil Service unions which have representational rights for this group. A full review of grading of all AHP's and related roles was concluded ahead of schedule and correct gradings implemented. This resolved the situation for everyone who had been incorrectly graded and was achieved with the support and involvement of the Civil Service unions. One collective dispute remains, raised by a small group of individuals who were not incorrectly graded, and that is listed for a hearing in the Jersey Employment Tribunal in 2021. The Board are contesting this claim.

(iii) Key cases

In the case of Mr. Alwitry, dialogue continues with Mr. Alwitry's lawyers. This case results from a contractual decision related to Mr. Alwitry, a Consultant Ophthalmologist. The Board was advised that the conclusions and report of the forensic accountants engaged to review the schedule of losses submitted by Mr. Alwitry would be circulated to SEB Members when available and a briefing arranged with the Law Officer's Departments to consider next steps in 2021.

(iv) States Complaints Board

No complaints were upheld against the States Employment Board by the States Complaints Board in 2020.

The States Employment Board will continue to improve the Board's oversight of the workforce and discharge our responsibilities. In 2021, we intend to bring greater structure and oversight to the delivery of our plans including:

Strategy: Implementation of a People Strategy and delivery plan to monitor progress. This will include our approach to workforce and succession planning, workforce development, Team Jersey and cultural development, improving the voice of the employee, leadership and management development, performance management and creating a unique employer value proposition to position the Government as a go-to employer.

Risk: Development of a strategic risk register related to employment matters, along with a plan to mitigate potential risk and issues.

Diversity and inclusion: A complete policy review of our approach as an employer to breakdown barriers to progression and equality, and to model best practice as the largest employer on the Island.

Health and safety: Greater oversight and assurance of health and safety across the government, including introducing an auditing function to assure the Board of compliance and address risks. This includes addressing concerns about mental health at work and supporting our workforce.

Total Reward: Putting in place a strategy to look at longer term pay, reward and benefits to position the Government as a responsible employer.

Trade Union relations: Establishing new machinery of industrial relations and committing to improving regular, structured engagement with the unions.