



Corporate Services Scrutiny Panel

People and Culture Review

Witnesses: Prospect and Unite the Union

Friday, 4th June 2021

Panel:

Senator K.L. Moore (Chair)
Senator T.A. Vallois
Connétable R. Vibert of St. Peter
Deputy S.M. Ahier of St. Helier

Panel Adviser

Mr. R. Plaster

Witnesses:

Ms. L. Feltham, Chair, Civil Service Branch, Unite the Union
Mr. J. Turner, Regional Officer, Unite the Union
Mr. C. Hopkins, Vice-President, Prospect
Mr. G. Davies, President, Jersey Civil Service Association, Prospect

[11:02]

Senator K.L. Moore (Chair):

Welcome to you all. This is a public hearing of the Corporate Services Scrutiny Panel. We have very simple rules of engagement at the moment. There are no members of the public present obviously due to the COVID rules but it is being streamed online and there will be a transcript circulated afterwards. We will start just by making our introductions for the record and then we will kick off with our questioning if we may. I am Senator Kristina Moore and I am the chair of this Scrutiny Panel.

Senator T.A. Vallois:

Senator Tracey Vallois, member of the panel.

Connétable R. Vibert of St. Peter:

Constable Richard Vibert, member of the panel.

Deputy S.M. Ahier of St. Helier:

Deputy Steve Ahier, member of the panel.

Panel Adviser:

Richard Plaster, adviser to the panel.

Chair, Civil Service Branch, Unite the Union:

I am Lyndsay Feltham and I am chair of the Civil Service Branch of Unite the Union.

Regional Officer, Unite the Union:

I am James Turner, I am a regional officer here in Jersey for Unite the Union.

Vice-President, Prospect:

Chris Hopkins, vice-president of Prospect.

President, Jersey Civil Service Association, Prospect:

Gary Davies, President of J.C.S.A. (Jersey Civil Service Association), Prospect.

Senator K.L. Moore:

Excellent, thank you all. If we can recap, perhaps, on your submissions. You have identified the culture and values to an extent but if you would just like to take a moment and perhaps it might be slightly difficult for us to organise this as there are 4 different views represented. We just thought we would start by asking you to express your perception of the culture of the organisation at present.

Chair, Civil Service Branch, Unite the Union:

It is really important, firstly, to acknowledge that it is the largest employer on the Island. We have lots of departments and then sub-areas within those departments so the culture does vary within the organisation. Having said that, I think the employees have been very much impacted by the top down approach that has been taken most recently and very much so by the target operating model as well. Generally, that has led to a lack of morale, very low morale, within the general employees and also it has had an impact on how managers treat their staff and how colleagues treat each other as well.

Senator K.L. Moore:

Over what timeframe would you say that has occurred?

Chair, Civil Service Branch, Unite the Union:

I am just thinking through ... definitely since the T.O.M. (target operating model) process was implemented and that was coming out of the workforce modernisation work as well. You had change upon change upon change. I think perhaps Gary has a longer history than I have of being involved in all of this so he will be able to tell when exactly it was.

President, Jersey Civil Service Association, Prospect:

I am trying to think when the workforce modernisation project kicked off, that was about 2015, was it not? It has been going on for 6 years, certainly the target operating model is over the last 3 years. I think to summarise that target operating model, each department has obviously done their own review and version of that T.O.M. We have seen significant differences in the approach of each of those departments, some have been abysmal, some have been, shall we say, encouraging and some departments perhaps either they have learnt from it or the management of those departments have approached it in different ways and it has had a different impact for the staff. Certainly one of the early reviews - it went on for over a year, which was the finance review - was terrible. I think the impact of that was we saw a number of staff leave, often finding better paid work in the private sector. The misconception that all civil servants are overpaid and would not get a job elsewhere, that was certainly an area where there was a huge amount of transferrable skills. The staff decided: "No, I would rather take the plunge and leave the public sector and go to the private sector." I certainly think there was a large brain drain.

Senator K.L. Moore:

Would you say that has happened on a gradual basis since 2015 and the workforce modernisation?

President, Jersey Civil Service Association, Prospect:

The workforce modernisation was fundamentally looking at changing terms and conditions and harmonising of pay scales and such like. Ultimately that was rejected by the majority of pay groups, not just civil service pay groups but the majority, but the overall package, the overall way that was done just did not come up with a palatable solution. For most pay groups it was a very small number of groups that decided to accept those changes. So it did not happen. It was almost throwing everything up in the air and nothing came out of it. Then almost the rev 2 of that was the target operating model that came out after that, which in some respects probably would have come out anyway. The workforce modernisation was more about harmonising pay scales, grades and re-evaluating jobs. The target operating model was even more brutal than that because it was literally

ripping apart the organisation and then rebuilding it. That is not to say in some sections that may have been required but certainly the scope of those reviews was impacting on everyone, all members of staff or certainly civil servants. It does not seem to have impacted so much on other pay groups. Certainly the target operating model has singled out civil servants for those reviews.

Senator K.L. Moore:

What do your membership feel about the workforce modernisation programme now, having gone through the T.O.M. process? Do they have view generally?

Vice-President, Prospect:

If I could just bring in one point before we move on to that. As Gary mentioned, one of the biggest issues here is that the whole point, the whole ethos that was sold to us was that the entire States were going to be one company equally treated across all pay, et cetera. But as has also been mentioned, and is evident, that totally depends where you are, who you work for and what department you work for. Whoever is making the decisions, clarifying the job descriptions, et cetera, clearly is not the same people. One department are getting graded higher than maybe other departments with almost identical job descriptions. The whole point was meant to be one big company, everyone is treated the same but they are not. Whoever is submitting the job descriptions, the assessments of the work, clearly is different across departments.

Senator K.L. Moore:

I was going to ask if you have any evidence that can identify those different practices in the different departments but perhaps it may be something that we can follow up with after the hearing because it becomes quite technical. Gary also identified that there were examples of one department that had much better practice than another. Do you feel able to identify which those are and how you compare and contrast them?

President, Jersey Civil Service Association, Prospect:

As I say, one of the early ones was finance where there were a large number of staff that were downgraded, regardless of their skills or anything else. It was like: "There is your job today, that job now ..." and some of them were significantly lower. We are talking about 2 grades difference, which is a significant difference. The approach of some later departments, and I will use the example of Modernisation and Digital, when they did their grading they had a broad range for those jobs. So rather than just saying: "Right, that job is a 9 or 10", they would evaluate that job as, say, a 9 to a 10 to allow people that had less experience to go into that job as a 9, the more experienced people to go in as a 10. Whereas Finance was going: "That is a great 9 job" whether you have more experience or not, you are going in almost at the entry level or the lower level and there is no automatic development into there. That is a fundamental and there were a couple of departments

that have gone down that approach. The other thing I think is worth pointing out is the different approaches to the selection process. If you have been in States 20, 30 years to have to essentially apply for your own job, go through the trauma of an interview ... I cannot think of many people who love interviews, it is extremely stressful, especially when the end result is are you going to have a job or are you going to have the job that you want, or are you going to have to go back and start again. Most people, if you are going for a job, you are going from one job, apply for another, if you are not successful you stay in your existing job. So the stress created from that is ...

Panel Adviser:

You suggested that some of the earlier ones were more difficult and some of the more recent ones have been better, in your view is that a case of the organisation learning what is working and what is not or is that an approach by different managers?

Chair, Civil Service Branch, Unite the Union:

So interestingly we had this conversation yesterday with somebody from H.R. (human resources) with one of the departments that has not had a good T.O.M. and has not had good outcomes for members. It is unfortunate that it is the last one that has gone through. We make the comment: "Have you spoken to your colleagues within H.R. and learned from what has gone right and wrong within other target operating models and how they have been handled?" Unfortunately the answer was that the H.R. people had not been speaking with each other more recently around what has gone right and wrong. This is incredibly disappointing because part of the reason why we were told that centralising the H.R. function was a positive thing was around having that community of practice that could share learnings so you would not repeat the same mistakes twice. Now, it may well be because of working practices during COVID and people having to work from home and not being co-located in the same office, but unfortunately what we are seeing right now is all of the disadvantages of having a centralised H.R. team away from their departments and sitting away from the team but none of the advantages.

Senator T.A. Vallois:

I was going to ask about the job descriptions. In terms of what those job descriptions look like now compared to what they were before, from your membership's point of view, does it enable them to carry out their roles better or could there be more done around that job description position?

President, Jersey Civil Service Association, Prospect:

Generally the approach to the job description is to make them more generic. Whereas probably historical job descriptions were almost like a shopping list and here is your task or here is your specific ... very detailed - especially in technical areas - technical things on it. Now the job

descriptions are more generic. I think some staff have struggled with that because: “Hang on, that is what my existing job description is, this new one looks nothing like it.”

[11:15]

Certainly from our point as a union trying to explain to members it is not going to look the same, the important bit is that new job description is set at the appropriate level, knowledge, understanding, complexity, emotional strain, those sort of things, and that is ultimately what is getting evaluated. I think that is where the whole evaluation process ... when jobs go for evaluation you could have exactly the same job written in very slightly different subtle ways and they will come out to different grades. Members want their own description that has been written by H.R. and the departments.

Vice-President, Prospect:

If I can just come in for a second, Gary. That is exactly the point: who is writing them? Some of the points missed in them are so obvious to the person doing the job and yet they are not in their job description. I know, because my department is currently going through this assessment, that a number of very easy, most obvious thing of their job was not in the job description because they never wrote it. We do not seem to know who has written these job descriptions and who has done the assessment and what the day-to-day job is. For such simple things being missed, you have to ask the question: who wrote this? We do not seem to be getting answers.

Regional Officer, Unite the Union:

I tend to agree with Chris on that. My knowledge from the U.K. mainland, a committal hearing in January, I am quite surprised at the lack of involvement in the job descriptions from the workers themselves, the trade unions, especially in the grading process and the evaluation of the grading process. I would normally expect that there would be a trade union representative as part of the grading structure as well. That tends to be good practice or best practice and it gains the most beneficial outcomes for both sides because the members feel as if their union is represented and their roles have been represented correctly on those panels as well.

President, Jersey Civil Service Association, Prospect:

I think that is a key issue. We have been told that the job descriptions have been written and they have been sent away for independent evaluation. My understanding ... and the evaluation process is the Hay evaluation process, established process for many years, my understanding of that is the whole fundamental of that is, as James said, it is meant to be a collaborative approach to it but it is not. It has not even been evaluated with a sort of an external person, internal person, employee, union representative. It is just a bit of paper, it is going to an external consultant in the U.K., evaluate that, so they perhaps have not got the context of the role.

Senator K.L. Moore:

If somebody says: "I do not feel this is a fair reflection of my role and responsibilities", what happens then?

President, Jersey Civil Service Association, Prospect:

As part of the consultation process, so the initial part of the consultation process people are given their new job descriptions, they do have normally 30 days to comment on that job description. Sometimes their comments are not taken on board, changes are made, they may or may not be re-evaluated and obviously the outcome may not change. Sometimes their comments, for whatever reason, are not incorporated and that is maybe where some of the frustration in that sort of comes in. But they may be left out for good reason, so somebody might say: "I do X, Y and Z" and whatever and the person writing a job description will go: "Yes, it is already in there but it is not in the format, it is in this generic terms that is encompassed in that." I think that is probably where some of the problems arise. Because the person that is making that decision might not appreciate what the employer is telling them and say: "This is a different point", it is ...

Vice-President, Prospect:

To be fair because my department, literally, we have just done our 30-day consultation, that is 14 days ago. I think it now moves to senior management to meet, et cetera. But during the consultation period, having spoken to my line manager, he found that a lot of the smaller details, no cost details, were dealt with very, very quickly. He was contacted to be asked: "Do these people do this role?" One particular example is: "Absolutely, that is the main part of their job." "All right, okay, we will add it." How are you adding one of the most obvious parts of somebody's job? Who told them what the job involved? It appears that there does not ... there was training some years ago, Jets training it was called at the time and officers, members, staff went, were trained on how to produce these documents. The only one I am aware of in my department that did that training was not part of compiling these job descriptions, so what was the point in that?

President, Jersey Civil Service Association, Prospect:

I think the fundamental difference with the workforce modernisation that was using a hybrid of an N.H.S. (National Health Service) agenda for change job evaluation. The target operating model has gone back to pay evaluation, so there are 2 different evaluation models and I think that is the unknown. I do not know exactly what the key parts are within how our job is evaluated within the Hay, and that is likewise a challenge for every employee. What are the important things in that job description that will give you the most appropriate result from that job description? It is an unknown. We, as a union, have asked on countless occasions to have the feedback from those evaluations from the external evaluator. The employer has flat out refused that on every occasion, so it will not

... so we cannot go and critique each of those evaluations to go ... so within that note I assume it might go: "I have considered this, I do not view this as very important." Whereas if the unions or the employer can see that, now, hang on, the evaluators miss that critical point; they do not understand it. But, as I say, that is information that the employer will not give us. We have asked for it.

Regional Officer, Unite the Union:

That is going back to my original point. So if there was full engagement and involvement from the very start there would not be a need to challenge, potentially ... a lot less of a need at least to challenge.

Chair, Civil Service Branch, Unite the Union:

Interestingly, where there are the ... you were asking about the good examples, so if we go to the Chief Operating Office, the T.O.M.s were done, I think, at group director level. When you look at people in Corporate Services and when you look at Modernisation and Digital, they very much looked right at the beginning at the functions that were required. Once they had those functions then they were able to build up and have the functional job descriptions and then from that the generic job descriptions came. It came from what business required; you could see quite clearly and track. But also what happened within those T.O.M.s, which was good, was it looked at the career development path, so how can we build people's career through this department? Those target operating models were handled really very well. What is unfortunate, and just to repeat myself, so apologies, was that that was not going out through other departments. We have still got other departments which have not fully gone through their T.O.M.s, for example, C.Y.P.E.S. (Children, Young People, Education and Skills) and Health and Community Services but there is still a lot of work to be done. Morale really in certain areas of those departments is really at rock bottom.

Senator K.L. Moore:

Okay. Would you say that this process is quite symptomatic of the general culture, would that be a fair ...

Vice-President, Prospect:

If I can just put a point in there and, again, maybe I am misunderstanding what you are saying but I would suggest that the general culture is that we are not listened to. There is not proper engagement. We have regular team meetings with certain members of senior teams, nothing is ever really achieved. Notes go backwards and forwards and it is absolutely fair that they can say they meet with the unions every 2 weeks but there is no real point, there is no gain from it. I think that the general member looks around them and whatever they do, whatever they say, achieves nothing. They see that the unions also try their best. They can see that we are working for them but the actual gains, as opposed to the losses, are minimal, so they are losing faith.

Senator T.A. Vallois:

You mentioned the not being listened to theme that we are hearing quite regularly, but in terms of the positive that has just been explained around the Care Model, I suppose the next level is you have got that focus job description and you have got the general job description, how does that feed in terms of My Conversation, My Goals? Because if you are not being listened to, maybe that is the unions not being listened to, in staff employee through this My Conversation, My Goals, is that a general theme as well?

Chair, Civil Service Branch, Unite the Union:

It depends on where you are and who your manager is and, again, that comes back to, I would say, a lack of support and training for managers, which then brings up a myriad of other problems, which I am sure we will get into. But My Conversation, My Goals, yes, it is a structure and if you have got a good relationship with your manager, if your manager knows how to run that process well, that can work for you. But then there are other areas where I am getting members saying: "My Conversation, My Goals, what is that?" That had not happened or they have had a bad experience. I think it really depends on your individual circumstances. But, again, that comes back to not having H.R. people kind of embedded in departments as well because they are not having that one-on-one interaction with line managers and things.

President, Jersey Civil Service Association, Prospect:

I think that My Conversation, My Goals works very well in those departments that have potential for development, so whether they maybe have a turnover of staff or the vacancies or have people on in training progression schemes, I think they can work very well. Because it can set up some clear goals, it can work really well. The staff can go: "Right, I know where I am going, I am short term, medium term, 5, 10 years, I can see a path through", so that is fine in departments that are able to offer that. I think where it falls down is those departments where there is no progression. If somebody goes: "I am in this position, the chances of developing or moving elsewhere within that department is probably very difficult", whether that is because it is a specialist type of role or such like. It is a kind of the type of work they are doing is going to stay fairly similar year on year. Yes, they are going to come in, do their work to a good standard, go home. Where is the development in that? I think that is where staff kind of go: "What is the point? I am coming in, doing the work, going home, is it just another ..."

Regional Officer, Unite the Union:

Yes, I totally agree with Gary on that point because I have noticed the exact same thing, where there are limited progression opportunities through the grading structures or, as you say, that they are stuck within the role and, potentially, that role going forward for years. It might be worth looking at

alternatives for that progression to give them alternatives to the other groups or individuals, to give them something to progress or train in other avenues, then that might be worth looking at.

President, Jersey Civil Service Association, Prospect:

I think the other thing, and just picking on the training thing, is what training opportunities are there; wider than standard sort of in-house training type things? If you want to develop something are you looking at putting them on an H.N.C. (higher national certificate), a degree or higher-level qualifications and then giving them a purpose for that? There is the aspiration, this is where we want to develop. We want to develop your technical skills and there are the roles that are going to be available, not it is dead-man's shoes and you could do that and be waiting 10 years and there is no development, unless you decide to jump ship in whatever direction.

Regional Officer, Unite the Union:

Yes. To be honest, on that point as well, Unite the Union especially, we run a training programme for all our members. We offer over 7 courses for them to complete and take part in. If that was in conjunction with the employer in certain areas where the progression is limited, they could offer opportunities for you, as the employer, to work with the union and they would train new members to focus on courses which you believe will bring benefit to the working environment as well.

Senator K.L. Moore:

But the lack of training is not a new issue within the Government of Jersey, is it? It has been recognised by the States that there was a need to improve training opportunities for a considerable time.

Vice-President, Prospect:

I think that, again, goes back, as Lyndsay said, to which department you are in. If we can just jump back a second at conversations and goals, correct me if I am wrong but was there not a report recently that only 11 per cent across the States were taking place? I think certain departments were as high as 70 per cent but across the States My Conversation, My Goals was only 11 per cent take up, which is why they rebooted it, in effect. It has now gone from monthly to quarterly, I think it is, is it not? There were loads of really good reasons why only 11 per cent had taken part because some of them are teachers, teachers do it differently and people do it different. There were loads of reasons we were given but 11 per cent across the entire States does not sound very good.

[11:30]

Senator K.L. Moore:

Okay. Shall we move on and talk about the Be Heard survey? Obviously that was carried out in August of last year. Do you, as the representatives, feel that the results are a fair reflection of the current state of affairs?

Chair, Civil Service Branch, Unite the Union:

I think they appear to be a fair reflection. Obviously there is a big gap between the survey being undertaken and the results being published, which was, I think, very regrettable because action could have been taken far sooner. Obviously what the results bring to that was a lack of trust in the leadership of the organisations, that is at the very top level and then in most departments as well, in senior leadership in departments. I have to say, depending on what department, there has been a different approach, so I use my department that I work for, C.L.S. (Customer and Local Services), as an example, they have handled that really well. They have gone out with team results already and very quickly had workshops within teams to look at what could be done at a team level, as well as at a senior management level. However, other departments, for example, Health and Community Services, the results have not been published as yet, so the staff do not have the departmental, and group director level even, results for their own department. It is very much dependent on the department. Obviously H.C.S. (Health and Community Services) may well have a very good reason for not doing that and taking a different approach. But we cannot see a solid consistent approach happening, which, again, when you are looking at a centralised H.R. function within the OneGov model it does not quite make sense as to why different approaches are being used in different departments.

President, Jersey Civil Service Association, Prospect:

I think some of the criticism I will have on the format of the survey, I think some of the questions were rather leading. They were worded in a certain way to give a certain reply. I think of an example where it talks about leadership, so when somebody is asked that question they are sort of confused. Are you talking about my line manager or are you talking about sort of director general, chief operating officer, whatever? What level are you talking about of leadership? It was not clear and I think people ... even some of the results that came back, you could have some great local management but those staff could be responding going: "I am unhappy with what is coming from on high", those sorts of things, could be quite happy with local management. What the results that are coming back is almost targeting the wrong people.

Panel Adviser:

Can I just be clear because that is quite a good point? The results I have seen I can quite easily separate out the feedback on the leadership, director generals and that type of level, and those who we might describe as line managers. But when you are answering the questions, as employers in

answering them, it was not clear to you whether you were answering for the senior leadership or others.

President, Jersey Civil Service Association, Prospect:

Even line manager, is it your immediate line manager, is it your next line manager, which part is it? I think there is still a confusion. The questions, I think, were written in a certain way to maybe not be specific as far as what do you think of your senior management team, top level, chief executive? It was not targeted in that vein, I felt it was more diluted down.

Vice-President, Prospect:

Yes, the other point I recall from that one of many briefings, there was quite a percentage that did not take part. There were quite a few, and I cannot remember the percentage, but I know it was a reasonable percentage that never filled the survey in at all. When I questioned that I was told it is because they are happy in their work. I tend to suggest that that has nothing to do with being happy in your work; that is you giving up. There is no point in responding because nobody is listening. That is how I read that percentage but maybe that is just me.

President, Jersey Civil Service Association, Prospect:

I think the delay in publishing the results, I mean it was months later, was it not? It was well after Christmas and it is kind of: "Well that is how much you cared about it because you did not even want to share the results with us." We were asking sort of Christmastime: "Yes, we will share the results" and I think they did share some and they delayed sharing it with the rest of the staff for another few months after that.

Senator K.L. Moore:

Okay. Were some of the results shared with the unions at an earlier stage? Because the survey, I think, was carried out in August and the results were published on 15th March.

Chair, Civil Service Branch, Unite the Union:

Yes, we got them when they were published. We did ask to have group director-level results given to us but I do not think we have got that for any departments. We get lots and lots of information, so forgive me for ... but I think we have only had a department-specific meeting with Health and Community Services. I think the departmental level of engagement with the unions could well be better.

President, Jersey Civil Service Association, Prospect:

From my knowledge it was shared at extended senior management team much earlier than March and, again, I am not 100 per cent sure on the timescales but it was probably around about the time that it was shared with the S.E.B. (States Employment Board).

Senator T.A. Vallois:

Can I ask how the Be Heard survey compares and contrasts to the survey that was done in 2018 from a union perspective and through the employees, whether there was a feedback process, whether they were listened to? How do you compare and contrast, if at all?

Chair, Civil Service Branch, Unite the Union:

It is interesting because I do not think we had very much engagement with the 2018 one at all, from memory. I think that one is due to be followed up within a year. It was supposed to be an annual survey. What I recall from that time period is really we were asking, why is that not being followed up sooner? Because it then was not followed up until 2020, which was 2 years later and then it was followed up using a different supplier, so the questions have changed. What we do not have is a clear benchmark of where we were back in 2018, compared to the answers that we got in 2020. That is obviously quite difficult because you cannot see whether there has been any improvement or whether anything has slid.

Senator K.L. Moore:

Could I ask, in this Be Heard survey it was identified that I think 20 per cent of those who responded were positive about the OneGov vision. Do you believe that low level of support is ... but why do you believe that is, please?

Chair, Civil Service Branch, Unite the Union:

I think it is probably because people are not seeing the outcome or a positive outcome. I think what was misunderstood when the OneGov vision went out because a lot was made of the silo culture and lots of teams across Government were already working together. Some people were saying: "Hang on a minute, I am already doing this." Now it is OneGov and maybe again COVID had an impact last year because people were working from home, they were not able to work necessarily from Broad Street. You were not getting those coffee-room discussions that you might get from that co-located building and things like that. It might be less visible what that impact might be but also accountability is different under a OneGov structure because the ultimate accountability goes through to the chief executive officer. Also, I remember during at least the first few months it was all about what Charlie said: "This has to happen", so people were very much seeing, again, that top-down approach having an impact on departments.

President, Jersey Civil Service Association, Prospect:

I think just picking up on the whole OneGov thing, I think some of the criticisms that have been levelled at sort of the majority of staff is a silo mentality and all that has been extremely demoralising for those people. As Lyndsay says, they are working with other sections. It misses the point that they are working within the guidelines and procedures that are set by others, whether that be political, whether that be at chief executive level, so it is not their fault. If you sort of say, you have, say, a payroll system, the person operating that thing, they are working with that system within those rules that they have to work with. If it is not perfect, it is not they cannot ... those people on the shop floor cannot change that system, they are not empowered. Yes, I cannot change the finance law because I do not like it. I cannot change the purchasing procurement guidelines, well not guidelines, the toolkit and I cannot change that because I think: "Hang on, I can buy that. That is more expensive than that but the guidelines are saying I have to pay the more expensive price. That is crazy, I cannot do it because it is ... no, that is the agreed corporate supply route, I have to follow those procedures." Then within the second breath we are being told: "Managers need to exercise more freedom" and they are going: "Hang on, we are tied by other things. Which do you want us to do? Do you want us to act with freedom and, potentially, make better decisions or do you want us to go and buy these? Some of those are coming from the States, from political decisions. You, as our leaders, tell us what you want us to do. Do not criticise us for what we are then going out to do. I think the whole OneGov thing is how can you have OneGov when politically you have got umpteen different Ministers, even within the same department? How does that work? I work for I.H.E. (Infrastructure, Housing and Environment), as we now are after we got a few name changes, so how many Ministers have we got there that are all conflicting? How can you get a OneGov decision when you have got 3 Ministers, essentially, responsible for different parts of that section?

The Connétable of St. Peter:

I totally agree with you that silo mentality is not created by the staff, it is created by the management and structure around them and you cannot level any blame at staff for a silo mentality. It is just that is totally outside of their control. I have seen it before because working in big banks, I mean that was exactly the same phrases that were used possibly even up to 2 decades ago, it is all to do with the silo mentality. Yes, I have got to concur with what you are saying.

President, Jersey Civil Service Association, Prospect:

It was one of Charlie Parker's sort of leaving comments that: "It is down to middle managers, it is them not being flexible and everything else." It is kind of he had had every opportunity to change all the top and now it is blame somebody else. That sort of comment is coming through, that does not impact well on people's well-being.

Senator K.L. Moore:

We had a similar comment in a hearing we conducted with the vice-chair of S.E.B. and the director of People's Services last week or the week before. In answer to our question about the responses in the Be Heard survey on this question, the response was very much: "Well, we have only really conducted the T.O.M. process through tiers 1 and 2, therefore, those people who are lower down the organisation do not yet properly understand what it can deliver for them." But that was the response we received. In hearing your point there, I wonder perhaps whether you can see that there is opportunity to join up or improve the flow of policy and its implementation. Would you have any advice or ideas?

President, Jersey Civil Service Association, Prospect:

It has stated, and I think it has been explained to you, that the top has been sorted; I would challenge and say that is where the problem lies. Because the policies and direction are not coming down from there. We have got the policies that we have to abide by. You cannot say: "There is your policy." The complaints procedure now, it details rightly a complaint in and resolution and everything else, you can only go on some of this. Who is empowered to make some of those changes? If somebody comes into Social Security and goes: "How come I have to fill out this form when this form is far too difficult?" At what level can those changes be made? It is certainly not down to the person that it is being reminded to, it is, ultimately, from the top; how those things can be changed. How often? There are things that people at grassroots would love to change but cannot because it is tied from the top. But then the top seems to be blaming the bottom, we are not working together. Hang on, I am just trying to ...

Regional Officer, Unite the Union:

I just want to elaborate on what Lyndsay said earlier as well in terms of when a policy is applied and dealt with obviously correctly and there is a good outcome or a reasonable outcome, there is no learning from the other departments or the other H.R. people to learn from that. I think they apply the policies in the other departments in the same way and it does tend to be: who is in charge of handling the policy implementation that gets you the outcome? It should not be the case, it should be consistent across the board and fair and equal for everyone.

[11:45]

It tends to be if somebody is implementing a policy or a procedural disciplinary grievance or anything along those lines, they handle it totally differently and it depends sometimes who is in the process. It should not be that way, it should be equal for everyone and we are not seeing that at all. The policies themselves may need some changes but the people who are implementing those policies there is a dramatic difference between each individual.

Senator K.L. Moore:

Is there a structure of feedback, so that if it is visible on the ground that the implementation could be improved? Is there a way for that to be fed back up, the change to influence policy?

Regional Officer, Unite the Union:

We tend to do that at the appeals process, if there is one, because we want to identify where there has been a fundamental disparity of treatment, for example, from the last we are aware of into the next one. That tends to be what we do in terms of our feedback to the employer or other people who have implemented the policies. But that still falls on deaf ears in terms of the appeal process; it should not.

President, Jersey Civil Service Association, Prospect:

We have recently been involved, and Lyndsay is the representative from civil service, on a number of H.R. policies that have been rewritten and when we had the kick-off meeting to discuss how we saw this working, one of the first things I highlighted was I felt we should be involved at step nought. Before you write the policy, as you have the workshops with the unions and with the sort of employees of what it needs to look like. That appears to have gone on deaf ears because we are stuck on at stage 3 involvement, we are at stage 3 when the policies are written; can you comment on them? It is kind of the fundamental approach, get us involved, employees and representatives at the start of that process to do some blue-sky thinking, as opposed to: "Here is your almost *fait accompli* but you can make a few little changes, a few comments, which we may or may not incorporate." It is the wrong way round, it needs it to start from scratch. This was pointed out to them but it was not taken on board because it was a ...

Chair, Civil Service Branch, Unite the Union:

No, that is my job this afternoon, to review 2 new policies because ...

President, Jersey Civil Service Association, Prospect:

Likewise I have not had time to do them.

Vice-President, Prospect:

I have a saying that I stole but I feel it fits. Unfortunately it is that senior management are so intoxicated with their own self-importance they do not listen to us. They believe they know and that is it, nothing feeds down. Street level, the lowest normal member hears nothing. All they see is what the press put out. The press put out that 26 senior management went. Then they see that 24 are re-employed under a different title. They see that millions of pounds of property needs to be bought for the OneGov and we did not need it before. The general people see millions and millions

of pounds being wasted and all they hear back is the feedback on the T.O.M.s. Their job is going to change. Another couple of managers are needed. Well, that is not good.

Panel Adviser:

Could I just bring you back to a point you made just before? You say you are reviewing current policies; can you tell us which policies they are?

Chair, Civil Service Branch, Unite the Union:

Yes. People in Corporate Services have a policy framework and they are going to rewrite all of the policies. At the moment, as Gary said, they had started rewriting those policies before consultation. However, there is going to be a change to that, so they are starting now to consult at an earlier stage. Thanks to Gary's comments at one of those meetings, which is good. The ones that are being looked at now is the disciplinary policy, which I am sure we will get on to, because there are big issues with the disciplinary process; the individual grievance policy; and also the probation policy for the probation period. They are the 3 that are being looked at now. The intention for people in Corporate Services is to look at every single one of those policies. We would say that that review is very much overdue. What they need to do is couple any policy review with really good training for middle managers and managers who are dealing with staff, so that things get nipped in the bud before they end up at a disciplinary process. Right now the disciplinary process that is put in place basically has managers acting as judge and jury in an almost courtroom scenario, which is completely out of step with the level of misdemeanour that may well have happened. To be honest, if I had gone through one of those processes as the employee you would wonder why you would want to step back into that workplace after it.

President, Jersey Civil Service Association, Prospect:

The other thing on policies which has historically been a problem is a number of policies over the years have had a soft roll-out. The idea of a soft roll-out is they just appear on our employee intranet and you are suddenly expected to know that it is there and it has changed. We had another example the other day where somebody was looking for policy. We are told: "All the policies are on MyStates, all on that particular thing and that is the latest one." It was not there. It had been pulled. It had been taken down. We often see this, where there is no policy there. There is a policy, but it is not there. So how do you find it? We were going back to Employee Relations: "Where is this policy?" "Oh, we are in the process of changing it, so we have pulled it out." You are going: "Well, hang on, as of today, somebody needs to know what is the policy ..." and it was a collective grievance policy. So you have a big issue, what is the rule book that somebody has to follow? There was nothing on MyStates on there. It had been pulled: "Oh, we are rewriting that." That does not matter. You need the current one. In the future if you put a new one in, that is fine. So we quite often find that. Somebody goes looking for a policy and it is not there or they go look for it and they have changed

it: "When did that change?" Now we have seen some improvements. We have highlighted to Human Resources, but each change should have a change register highlighting what the changes are, so you do not have to read the whole thing and try and work out where the change is. There is a simple sheet. They have made some changes to try and highlight what changes are being made and where they are. Certainly the roll-out and the implementation, as Lyndsay said, of training and how those were applied, that is where they are severely lacking. Now, the other problem, it is easy to say: "Right, managers need more training," whatever. When are they going to fit that in their diaries? We have got the OneGov training and those sorts of things. I am a senior manager and I struggle to have time to attend those and fit in a day job. So it is easy to keep saying: "Right, we need more training in this and more training in that." We need a way so people have the scope to fit that training in. It is no good fitting that in and then they are playing catch-up on other things or other things are slipping and not getting done properly, because they are getting pulled away in these different directions. There is a conflict there with people's time.

Panel Adviser:

Could I also just come back to the point about the grievances and disciplinary processes? I would expect that you have done some work on the amount of time people are suspended for, the amount of time investigations take, the points about wasting people's money. It is incredible for me to see, after I have been here 5 months, the amount of grievances and also, as Lyndsay said, the failure to nip things in the bud and deal with things. In the early stages, the suspensions for months upon end when there is no need to do that, it is a big waste of the public purse. It needs some project to look at how much money over the last 12 months and some data from yourselves to establish how much time and money has been wasted in that process. Although the outcomes may have been dealt with, it has taken so long to do.

Senator K.L. Moore:

Have you gained any understanding of why that occurs at the moment?

Regional Officer, Unite the Union:

In my view it is what Lyndsay's point and Chris's as well, where it comes down to the people who are dealing with the suspensions of the disciplinaries in the first instance, the middle managers, maybe getting a little bit power happy or power hungry and suspending people in the first instance when something occurs, instead of doing a very simple process of basic handling of disciplinary grievance. It comes down to training as well, training of the management and consistency across the management. When there is a good example, why can the others not learn from that good example?

Vice-President, Prospect:

There is no accountability. I dealt with one not that long ago where a manager did seek advice, was given good advice from case management, ignored it. Suspension went on for many months. Nobody ever went back to that manager and said: "Why did you do this when you were advised not to?"

Senator K.L. Moore:

What is your view of the case management process at the moment?

Chair, Civil Service Branch, Unite the Union:

At the moment they are completely overwhelmed. We need to look at why we have got to a stage where we have a case management team that has to grow and is overwhelmed. We would be in a better place if we have human resources people within departments working with teams. Unfortunately, we are at the stage where we do not have that. We have 4 H.R. processes happening. Certain departments are worse than others, I have to say. You have 4 H.R. management within departments and then you have to grow this case management team. Case management, when they undertake investigations, they tend to be very objective on the whole. But then what we see is when case management then handover, the outcomes to the senior managers or the commissioning manager, the outcomes of that can be handled differently, dependant on who the employee is that the disciplinary action is being taken against. I am aware of an instance with somebody fairly senior. An investigation found that there was evidence of bullying taking place. There was no disciplinary action brought against that person. However, I have seen much harsher disciplinary action being taken against lower-level members of staff within the same department for much more minor indiscretions. What we are seeing is the way people are treated in certain departments very much depends on who you are and what grade you are. I would say the big trouble for that happens to be Health and Community Services. That top-down approach and the way that people are treated has had a very big impact on the morale within that specific department. I would say some of that culture transferred to parts of C.Y.P.E.S. Certain parts of C.Y.P.E.S., that culture transferred with it. Again, we hear from members that some of them may have specific career aspirations and they feel like they are being held back by some senior managers. Others feel like they are being bullied. Again, we are seeing instances of people reporting bullying to us more and more frequently in those areas.

Senator K.L. Moore:

Can I just clarify: in one of the submissions we received from yourself, Gary, it was mentioned people in lower grades would not get away with the level of behaviour seen in more senior roles? You basically just said the same thing. When you talk about senior roles, just so I can clarify, is it different in different departments, in terms of the level of that seniority or is there a consistent level of seniority that seems to be the issue?

President, Jersey Civil Service Association, Prospect:

It can be anywhere, all the way to the top, if I am brutally honest. If the top wants to try and say: "Oh no, we are all rosy." Well, no, there are issues at a number of levels, but it goes all the way to the top. This was something else we mentioned in our submission, certain things are brushed under the carpet, the compromise agreements. I do not know the details. I can only read between the lines. However, if you look at some of the senior people that have left under whatever circumstances, we do not know the circumstances behind that, that is rather concerning. If we just bring up a couple of cases. We had a director general that went on a compromise agreement. I will not put my unsubstantiated thoughts of why that happened, but we know that there is a director general got a £192,000 pay-out. That is on public record. We clearly, both ourselves and the taxpayer, need to know what were the circumstances of that. We know the prison governor, who I understand did an excellent job, left. Obviously there were issues there. I do not know if he went on a compromise agreement, I would not know. Again, those are senior positions. What were the circumstances there? What was the break down? Or is it just a case of someone deciding at the most senior level, well they are not getting on with that person: "It is not working. Have a bundle of cash. Keep your mouth shut and off you go."?

[12:00]

Vice-President, Prospect:

If I could just come in, because I think it is important? Some of the senior, senior level, I truly do not believe know what is going on. There is a medium senior level who are more so the issue. They shield the top people from a lot of the information. That is not across the board. There are cases that I have particularly dealt with and cases that are ongoing that I believe that. You are right again in relation to compromise agreements. There is an awful lot of money going out of this door and there can never be a review into it, because it is a compromise agreement. Everyone, including the Government, sign up to the fact they are not going to talk about it. So it is never going to come out. Or the person, in my opinion, the victim, most of the time, lose the money they have been given because of the way they have been treated. That is very, very difficult to come by. I have spoken to a member of the S.E.B. about my concerns in the past, because I have been defending people or investigating for the States now for over 21 years, and nothing really changes. The same mistakes are made time and time again, which, in my case, is related to 2 £181,000 of pay-offs, and it is all the same mistakes every time. As I said, I spoke to a member of the S.E.B. and they told me to bring them a Breach of Process and they would take action. I thought about that for a couple of days and I went back to them and said: "Well, you have given me an impossible task, because the process is disciplinary policies, procedures. The investigation is disciplinary. They are all in the process. Then when it all goes wrong and the chequebook has to come out, because it has all gone

wrong, that is part of the process. Until you break that I can never bring you a Breach of Process because at this time part of that process is to pay people off. Until you stop that and properly hold people accountable for every investigation or every hearing, whichever you want to put it at, it is not going to go away.”

President, Jersey Civil Service Association, Prospect:

The other point as well, even where it does not involve a compromise agreement or any sort of payout, we do have an inherent problem being on an Island, being a very small community. People are going to be reluctant to put their head above the parapets, because that will affect their career opportunities. I have heard examples of reps going: “I have to stand down because I am fearful it could impact on my career if I am too vocal.” I am fortunate I am at a stage in my career now where I can say what I feel. If someone does not like it, well, so be it. Certainly, people in the early parts of their career, who could have another 20 to 30 years career with the States, are certainly fearful of making complaints, whether that be grievances, bullying, harassment, et cetera. We certainly see that. That is not only making a bullying or harassment complaint, but also witnesses. There is a culture of reluctance to make statements, to be witnesses and everything else. Chris had some examples where somebody was criticised for being a witness in a harassment case. He only shared that with me today. That, in a criminal thing, would be tampering with witnesses, perjury, whatever, that someone was even criticised for engaging in that process and being a witness.

Chair, Civil Service Branch, Unite the Union:

To be honest, the process also is inherently unfair. If an employee is subject to a hearing and if they want to call witnesses, it is their responsibility to call those witnesses. Now, if a witness is asked by a senior manager, who is participating, or H.R. to participate as a witness, they are much more likely to participate as a witness than they are if they are being asked by a colleague who is subject to a disciplinary. So we very often find that people do not feel comfortable to be a witness on behalf of our members, because they are worried about how that will be seen by their senior managers. So we get the sense that that is stopping fair process happening.

Senator K.L. Moore:

Have you examples of people being silenced when they are in that disciplinary process? One recent submission we received has identified somebody going through that process and being told that they could speak to absolutely nobody. Firstly, there is no support. Secondly, there is no opportunity to go to that colleague who might be able to be a witness.

Regional Officer, Unite the Union:

It almost seems like the process itself is designed to be intimidating for individuals. It is a stressful situation anyway to be in a disciplinary process with that additional pressure or intimidation, it creates

a culture that no one wants to be involved in, no one wants to support maybe an individual who has been bullied by management. That is something that needs to be on the radar as the employer that you have a culture from a certain manager, who could be getting away with this regularly. If people are not willing to stand up and be counted because they suffer detrimental treatment for being a witness or providing a statement that is a bad culture to be in. That is what we are here for today. That is what we want to eradicate from the process. That is happening. I have seen it a number of times in the 5 months that I have been on the Island. I have seen that exact example take place, where witnesses or people who have provided statements suffer a detriment further down the line. That should not happen.

Vice-President, Prospect:

The case that Gary is referring to is on-going. I am restricted in what I can say in a public forum. But a witness who did not want to make a complaint was moved, hours changed, because they gave evidence at a case management hearing. They did not even attend the hearing, it was a statement. They never asked to attend. They never came forward. They were asked to give evidence. Now they are suffering for it. I am not the only one that knows that. You all now know that. Everybody in that department that that person works in knows that. It is not going to be long before you will not be able to get a witness, even if you ask. Nobody will put their job or their earnings or their hours at risk: "Did you see what happened to Billy?"

Senator K.L. Moore:

Chris, you mentioned that there are 2-weekly meetings with the unions. Have you made efforts to raise these concerns about the process at those meetings and what sort of responses do you get if you do?

Vice-President, Prospect:

Most of these meetings are titled "Catch-ups", 2-weekly catch-up. The majority of the ones that I have attended have been them telling us of what they have done at the moment. Lyndsay has and Gary and Tom have written saying: "Well, can you give us a bit more detail?" I believe you have even asked for an agenda, which does not seem to happen either. I, unfortunately, without being cheeky, have a day job. I do not get to many of these meetings. Gary is fortunate and I know Lyndsay does a lot, Tom does most of our meetings. So really those questions are better aimed at him, but unfortunately he is not here today.

President, Jersey Civil Service Association, Prospect:

Whether it is in those meetings or whether it is email exchanges, we often raise issues with the employer. Certainly recently, some of those we just do not seem to get responses back on them. I will give you an example of a member raised ... it was to do with holiday entitlements of term-time

staff. So we had a meeting, really fruitful meeting. There were documents: "Can we have copies of those." There was a table showing how much leave entitlement these people were entitled to: "Yeah, yeah, we will give you those." Nothing. Chase up: "Can we have that?" Chase up: "Can we have that?" We still have not had a response. It appears when they do not want to engage with us it just goes quiet.

Chair, Civil Service Branch, Unite the Union:

That goes up to the top level. It is interesting that we are meeting with this Scrutiny Panel now, a second time since I have been in this role. We have made consistent requests to the S.E.B. to meet with them in person. Not once has the S.E.B. met with us since I have been in this union role since 2019. That says a lot, that we have met with Scrutiny more often than we have met with the S.E.B.

Regional Officer, Unite the Union:

Just to go further on your question: have we made attempts in these meetings or in other ways? I know I have and I know Lyndsay has as well, approached senior level management to point them in the right direction of these cases where these things are occurring. It does not work. There is a fundamental problem where you cannot have a relationship and pick up the phone with these people outside of a public meeting. Just as the representative for the Island if I want to speak to them about a way a member has been treated, I believe, within a certain case, just to identify and have at it. Nothing happens. It continues. The process is not changed in any way. That has happened numerous times in the last couple of months.

Chair, Civil Service Branch, Unite the Union:

We do raise something that is not right with the process. We do try and raise that as high as we possibly can. It does not always come out with those things being looked at. What is also an important comment, and it might well change now, because obviously the public health messaging has changed, the head of Employee Relations is based in the U.K., so that means we cannot have those face-to-face conversations.

President, Jersey Civil Service Association, Prospect:

That has been the case for quite a significant period. They are not permanent in that position either. So again whereas historically we had someone who had a lot of knowledge on the employer relation side, the senior employer relation side, it has now been filled by an interim that is working from the U.K. and does not have that breadth of knowledge of how the States operate.

Senator K.L. Moore:

The former postholder sadly died over a year ago.

President, Jersey Civil Service Association, Prospect:

Longer. They stepped down before that due to ill health. The employee relations manager was then reporting to director level; again, that was on a temporary contract. Obviously they left in March.

Senator K.L. Moore:

Has any explanation been given to you as to why that might be the position, why it is deemed that is the appropriate way to fill that role?

President, Jersey Civil Service Association, Prospect:

No. Certainly the position of employee relations senior manager, I cannot see why that has not been filled. I cannot see why it has not been filled on-Island. Surely we have plenty of employee relations people on the Island that would be interested in that sort of senior level. Why are we still not filling it? Why does everything have to come from the U.K.? It is very frustrating. It is frustrating for us now that they are working from the U.K. and we do not have that direct contact with face-to-face meetings and such like.

Chair, Civil Service Branch, Unite the Union:

Certain elements of that previous role are currently being undertaken by the group director of People and Corporate Services, so he has taken on some of the elements of that, but still our conduit is through the head of employee relations, which is based in the U.K.

Senator K.L. Moore:

Can I ask if there is a clear understanding of responsibilities for implementation of policies? What I mean by that is as an equivalent we have the Public Finances Law that clearly states you have your principal accountable officer, who is the equivalent to the head of the public service, our chief executive officer. Then all director generals are accounting officers. Then you have your group directors underneath. You know ultimately who is responsible for spending that department's money. Is there a clear understanding from an H.R. point of view, in terms of implementation of policy, so employee relations or is it just expected that it will be H.R. and H.R. business partners?

Chair, Civil Service Branch, Unite the Union:

It is just expected that it will be H.R. and H.R. business partners. Lots of people, even managers, probably do not know who their H.R. business partner is sometimes. Again, that comes down to partly COVID, because people have changed roles. The people in Corporate Services, Tom is obviously new during that time. I think they have changed the name to H.R. Consultants now. Again, it would be nice to see those people tour departments on the ground and go to each and every workplace and maybe even go to each and every workplace with the union representatives as well and encourage people as well to be members of the unions.

[12:15]

As you said, if somebody is going through a disciplinary process they are told that they cannot discuss that process with any of their colleagues. What they can do is have a union representative support them. Having seen that process and how it plays out, I honestly do not know how somebody who is not a member of the union would survive through that process. Even when I am supporting somebody through that, I know then where I can get access to counselling for them, I know who to be able to talk to, I know the process, but somebody without that union support would find that even more difficult.

Vice-President, Prospect:

If I could just come in on a point you made a moment ago about knowing who H.R. are, we recently in our department took on 2 new staff. One had previously worked with us and left for a short period of time and the other one was brand new to the department. Now, it took so many months to get the advert for the job, the selection, the critique, the break down, the lines, the who we can interview, who we cannot interview. It took months. Then even after the 2 candidates had been selected - I checked this point this morning - it took 4 months to get the chap to start work. It was 4 months of waiting for this check, that check. My line manager, I know, was on to H.R. constantly. He in fact came to me on more than one occasion asking me if I knew any names that might be able to help, because he was getting nowhere. The one that had been re-employed, my head of department just said: "This is ridiculous. The guy has a young child. He has no income. He has only just left. We know him." So he started him. All sorts of grief over that. However, he stood up and was counted. He got the backlash. However, we got our member of staff. It relieved some of the stress on the couple of us that had covered for the entire COVID period, because we did not close at all. So we had that member of staff. We desperately needed the second, but we had to wait 4 months to start him.

President, Jersey Civil Service Association, Prospect:

That problem, again, coming back to Lyndsay's point, it is where you centralise the H.R. function, so each department level struggles for that H.R. support. Certainly my criticism of that is a lot of the H.R. processes are pushed on to line managers. Well, line managers are very good in their respective disciplines, they are not H.R. professionals. They are not H.R. experts. Everything seems to be pushed on to them, policies for example. That leads to different interpretations of policy, because someone reads it and says: "That is what it says, that is what I have to do." So you do not have that consistency led by an H.R. professional. It has been devolved down. It has probably done wonders for the headcount in H.R., because everybody else is doing the work that they formerly were doing, but you do not have the consistency. Whereas you might have had 38

H.R. people doing it, you now have 300 managers doing it all in different ways, because you have devolved it down. As I say, each time somebody is reinventing the wheel. So if I need to recruit staff, I have not recruited staff for 3 or 4 years, so I have to learn the process again. What is the latest one? How do I do this? How do I do that?

Regional Officer, Unite the Union:

That is something I want to continue on with what Lyndsay was saying, which is union membership is crucial - that is all the unions - because that does bring consistency. The representatives also assist the H.R. Department and the management of the disparity that is potentially creeping into a case and the consistency across the board in dealing with certain cases. To encourage that, as the employer, I would recommend that is the approach to take.

Senator T.A. Vallois:

As an example, we are using the latest bullying and harassment policy as an example where you have an informal process, you have a formal process, you have that line manager as your first port of call or if it is not them, their manager. How does that process work or is it conducive to good fair justice outcomes in an H.R. perspective for those individuals when you do not have that clarity with regards to who is responsibility for implementing and who is responsible for dealing with the case, when you have all those different processes? Do you understand where I am coming from?

Vice-President, Prospect:

If I could come in on that. As was mentioned earlier, that more and more of this that is being passed down to middle managers. The example I gave earlier, when a head of department sought advice on how to deal with this, was given the advice and ignored it, because it was not what she wanted to hear. So however hard you try, certain people you are not going to get on board. In relation to just standard processes, one of the things that seems to have been highlighted to me recently is we deal with case management and other H.R. on a fairly regular basis, far too regularly really. However, we do. The amount of people who have approached me and said: "Listen, I need help. Who is this woman?" "What do you mean?" "Well, she is now investigating me. Who is she? She knows nothing about me. What is this about?" Then we have to sit and explain to them how it works. I have to say, I explain to them how I think it works, because it does seem to change. Each one I have done, certain members of case management have been there some years and are very experienced and they are like: "Oh no, we do not do that anymore. This is how we do it now." "Oh right, okay." You almost learn every time you do a defending job and we are doing it all the time. Again, going back to the very well-made point by Lyndsay, any employee that does not have our assistance/protection, whatever title you want to give it, they are out on their own and they really have nobody to turn to. They are told: "If you talk to anyone, that is another disciplinary against you."

Senator K.L. Moore:

I take it from your description there that when the new bully and harassment policy was drawn up there was no consultation with yourselves about that?

Vice-President, Prospect:

Well, there was not with me, but I am fairly new.

Chair, Civil Service Branch, Unite the Union:

That was before my time.

Vice-President, Prospect:

I was going to say, that sounds like it was before my time.

President, Jersey Civil Service Association, Prospect:

They were just in the process of redrafting it.

Panel Adviser:

There was one issue in January/February.

Chair, Civil Service Branch, Unite the Union:

That was a slight change to the existing one. To go back to the point around the bully and harassment policy and trying to resolve things informally in the role of the manager and doing that, again, it comes down to very often managers have other day jobs, they have their functional operational tasks that they need to do as well as managing people. Also are they equipped to handle that and to do it well? If you are talking about bullying and harassment, that is quite a difficult thing to handle, especially to handle objectively. If you are looking at mediation, for example, does the line manager know that the routes to mediation exist and how to get there? Probably not. From my observation, by the time it gets to that point where somebody is saying to their line manager: "I have this issue" it has probably gone past the point of an informal resolution. People generally try and resolve these things informally themselves if they can. Managers should be spotting these things within teams if there are issues within teams. That is part and parcel of the day-to-day role of a manager. I have this conversation quite often with people: "Do you want to take this formally through a grievance process or the bully and harassment process, which is the external one?" Very often they will take a step back at that point and go: "Do I really want to go through that process? What does it mean? As unions, we always try and resolve things informally where we possibly can. In certain instances, I have felt like I have had to advise somebody to go formal or ask for something to go formal, so that we knew that we would get that fair investigation process. Like I said before, a

fair investigation process is all well and good, but then when it goes back to the commissioning manager that decision-making post that point gets very subjective and can be made on the basis of whether the manager likes that person or not.

Senator K.L. Moore:

Would you have any sense of the number of informal processes that are conducted as opposed to the formal ones?

Regional Officer, Unite the Union:

Informal processes happen on a daily basis. On the shelf or feet on the ground in the offices, the work that the representatives do, across both our unions, is putting out the fires all the time with your employees. You probably do not even realise it goes on half the time. It is that informal approach over a coffee or in the corridor - corridor conversations as we say - with colleagues in the workplace, that prevents a lot of formal process. Not so much the fear of going to the formal process, but just having a conversation and mediating ourselves with our members. It does prevent a lot of the disciplinary and grievances going forward.

Vice-President, Prospect:

I was going to make exactly the same point. It is unmeasurable. There is no definition of an informal resolution. Is that a formal informal resolution or is it a cup of coffee in the corridor? Even explaining what is going on to people. Some people that are facing something, somebody said something about them, if you sit them down: "This is what has happened. This is where you are going to go." "If you have done the right thing, you have nothing to worry about, we can resolve this." Going back again to the point Lyndsay made, if you are on your own and you do not have union support, an awful lot of people either jack it and run or go sick for many, many months, under the stress of it.

President, Jersey Civil Service Association, Prospect:

I see lots of examples, Unite reps and others, that say that the manual worker thing, where the amount of things that are getting escalated to the local convener for manual working to get things sorted out. I have a very good relationship with that convener and some of the things you think: "You are kidding me." But they are sorting it out informally. The convener is probably facilitating the meeting with that manager going: "Hang on, what have you asked this person? That is not acceptable", and a resolution is coming that way. That is not going on the formal thing, but it is a way that things are resolved. The disappointing thing is that has to even get to that level and take a lot of his time to sort out things that should never have got to that. Now, as we say, when that goes wrong and it goes to the formal stage, it has really gone wrong.

Senator K.L. Moore:

Why is it that you think that process gets escalated so often?

President, Jersey Civil Service Association, Prospect:

The member of staff is not feeling they are being listened to. It is only when it is escalated, whether it be their line manager or whoever, take on board: "Oh okay, I better do something about that." The initial one was: "No, you are not having that." When it is escalated, whether that manager has to back down or they are then influenced by a more senior management: "No, no, that is not the right approach." If the initial informal thing has not worked and then the second stage informal where it has been escalated and a new involvement has gone in there and pointed out the error in their ways or whether that hopefully a resolution comes out of that.

Vice-President, Prospect:

My understanding from a member of case management is that either they have or they are about to or hopefully they are going to bring in, what was described to me as, a 14-day cooling-off period. If they receive some sort of complaint or grievance then they can work with that junior manager, whoever, they can work with the accused, victim, whatever title you want to put on them, and maybe mediate that before taking a disciplinary course. As rightly said, an awful lot of this stuff gets to disciplinary well before it should. If the managers had the experience or the H.R. were on scene, which are all the points we are making, an awful lot of this could be resolved well before disciplinary. In my experience, disciplinary, if it is not done absolutely by the book, costs money. The chequebook comes out, as I say.

Chair, Civil Service Branch, Unite the Union:

Also, by the time it gets to disciplinary, the manager has pitted himself against the staff member. So once you get to a disciplinary hearing, it is the manager making all of these points and cases as to why the staff member is such an awful person and why they should not have been doing their job in that way. That does nothing for a good workplace culture, when managers are put in a position where they are essentially criticising their staff in that, and I am not over egging this, courtroom-style situation.

[12:30]

President, Jersey Civil Service Association, Prospect:

It needs, and this is what we are lacking, that H.R. intervention into that process. So almost H.R. should be in that as that mediator to try and resolve it at an early stage. You just do not have that connect and the resources within H.R. to carry out that function so it does not happen. So it is left again for my managers and whatever to try and sort out this conflict resolution and are they best equipped to do it?

Vice-President, Prospect:

If I could just make one more point, I know we are getting very short of time, but the one thing I was going to say is that I have been called to do investigations when I was on, if you like, the other side of the fence. One of the first things I ask managers is: "What do you want to do about this? Where do you want to end up? Is this something we can talk through or is this really serious?" In my experience 9 times out of 10 the manager said: "Well, they have done it, so I have to do something about it, but I do not really want to lose them." "Well, let us sit down and talk about what it is really about." In effect, I will not say I have talked them out of it, but once you have talked through with that manager what they are doing, where they are going or where it will possibly end up, more often than not those managers were talking to me as a case worker, saying: "Well, I do not really want to do this." "If we could just talk it through, well, let us go and do that."

Regional Officer, Unite the Union:

Yes, because the informal process is a corrective action, whether you recognise that or not, it is not in the book, but it does work, it has that affect. I believe it is a culture that we encourage. We have always encouraged that as a trade union, even a conversation, as you say: "Get in here. I just want to have a conversation with you." Instead of issuing them a letter of discipline or first stage of discipline, investigation, suspension, let us just have a conversation with the person who has committed some minor level offence or not. Just get them in and have a conversation with their representative or some other union representative and mend the situation.

The Connétable of St. Peter:

I was going to ask Lyndsay, because I have seen it before, where the manager is pitted against the staff member. I do not know if you will be able to answer that. Irrespective of the outcome is a likely outcome down the road that that staff member leaves. I have seen it before. It does not matter what the outcome is, the staff member invariably leaves.

Chair, Civil Service Branch, Unite the Union:

Absolutely and it is almost like that is the way, in some cases, it has been pitched.

The Connétable of St. Peter:

It is possibly the worst way of dealing with these matters. I have seen it before. It means the staff member can never, ever return to that department. They invariably leave, which is very sad.

Regional Officer, Unite the Union:

You are exactly right. I have experienced a case about a month ago. The individual had 30 years' experience, an absolutely exemplary record and they may have just made a mistake one day and

they were suspended, under investigation. You had 30-year experience just walking out of the door. They did, they left their appointments and just walked away. That is not good, losing a player. The turnover for one, the loss of that experience and knowledge, for the sake of something that could have just been a little bit of retraining or just tell them what they did wrong.

The Connétable of St. Peter:

The informal approach is far better. Ideally, without the involvement of the manager in those informal discussions, because as soon as you introduce the manager of the department it is exactly as you say, that manager is pitted against the staff member and the outcome is easy to know.

Vice-President, Prospect:

This goes back to the points we made earlier; managers, an awful lot of them, will never admit they are wrong or back down. Everybody makes mistakes. It appears to me, the more senior manager the less likely they are to admit they have got something wrong, when they have all the facts. So rather than when they got the facts sitting down and saying: "Oh, you should not have done that but I have not dealt with this properly." Rather than doing that, as you say, it is money, sickness or whatever.

Senator K.L. Moore:

I am rather conscious of the time. Are you all able to stay for another 10 minutes? We have a couple more questions to get through.

Senator T.A. Vallois:

I just wanted to follow up on that theme. So the culture of not being listened to surely is not conducive to a culture of informal process resolving, in terms of bullying and harassment or getting to those points. You mentioned not being listened to and being heard. Could you pinpoint 3 particular things from your membership where they would feel that they were listened to and what the tangible outcomes they would see is appropriate for them? That is really important because we have gone around in one big circle talking about processes and policies, but this being listened to is clearly one of the big cultural issues we have here.

Regional Officer, Unite the Union:

I understand the first part of your question is you believe that the informal process that we have just all elaborated on is not conducive to them being listened to. Is that what you are saying?

Senator T.A. Vallois:

No, a culture of not being listened to as an employee is not conducive to more informal process resolving rather than going through that higher level grievance process.

Regional Officer, Unite the Union:

No, I disagree, I think it is. They felt listened to by their representative. They felt listened to by their colleagues and their peers. It has probably a greater effect than the formal process, that they feel listened to. It is a friendly ear, as they say, or it is sharing their experience. When they go through the formal process and they get a letter in the first instance, which has been raised several times today, you cannot speak to anyone about it. So how does that make them feel listened to? It does not. The informal gives them that better opportunity.

Senator T.A. Vallois:

What I was trying to say is that when you have an organisation who identifies that they do not feel like they are being listened to, particularly by the senior management, the ability to resolve some of these issues through an informal process, could be quite difficult. If they do not have a union membership, as not everybody is in a union, of course, they are still employees, they still have rights. I am trying to identify whether the cultural change of being listened to would make that difference.

Vice-President, Prospect:

If I can come in there, because I get where you are coming from, but it is almost like there is a gap in the middle. Most people, and I cannot speak for everybody, I believe, have a degree of trust or a degree of confidence in their line managers or their supervisors. It is beyond them is where everyone thinks nobody is listening to them. As the point has been made, informal action, informal resolutions, are definitely available and are far more likely to, first, work and, secondly, reduce a massive amount of wasted time and, in our case, our own private time, preparing, defending, meeting, et cetera. At that low level it can be dealt with because there is a degree of trust. It is only when it starts getting up that ladder that the not being listened to kicks in. That is the bridge. As has been very well said, at a lower level with a little bit of assistance from H.R., these matters could be resolved a lot quicker. As soon as it goes beyond that, that is when everyone kind of gives up. One more small point, can you think of one senior manager that has ever been held accountable publicly for what they have done? I can name 3 or 4 guys on the street. I can give names of members that have basically lost their job for things they have done. One of the biggest issues is once you start going up that ladder, the bigger mistakes, the higher the money, the more likely: "Oh, he needs to go. Give him a cheque." Away he goes. They do not want to be seen to be held accountable. Accountability is, in my opinion, an extremely important thing. If you are on a shop floor and you see God being held accountable, you know that everyone is being treated the same and fairly. If you know that beyond your line manager you are all right ... a description I have heard many a time is once they get on the top of that greasy wall they are all right, but it is getting on the way. That barrier is what desperately needs to break down.

Senator K.L. Moore:

Thank you for that, that is very helpful. We wanted to ask quickly one question about the Prospect submission that referred to a colonial approach to the local workforce. Whether you might just briefly explain the concern that lay behind that comment and the effect it is having on employees?

President, Jersey Civil Service Association, Prospect:

Yes, it is that fear that we are recruiting off-Island people that run councils, et cetera, that bear little resemblance of the challenges running sections with the Government of Jersey. For example, somebody that has come from a local authority or whatever does not have the breadth of responsibility that we have on-Island. So a local is not running their own hospital, certainly they have nothing to do with police, waste management, infrastructure, probably not even buses, whatever. Automatically, we are far wider than that. Education is not necessarily coming under a council, unless I have been out of the U.K. for too long and that is exactly what councils do. That is the problem, putting things into a Jersey context. There are some particular challenges and issues to how an Island will run its services. The fact that a number of our services are within Government control is totally different to what you would have in the U.K. in a council in a local authority, even down to the management of that and the accountability. I do not suspect an M.P. (Member of Parliament) gets involvement with the local council running, whereas within Jersey it is a totally different structure, very quickly you are accountable to the Minister for that. That Minister or politician equally well is accountable to the electorate in the U.K. Chances are you could be working in that council and living in another one. You do not see the electorate because you are going home somewhere else. That is not the case in Jersey, so it is totally different and the ergonomics of it are different. That is our concern. Lots of ideas, lots of staff come from the U.K., applying what they did in the U.K., not appreciating the peculiarities of Jersey. I came from the U.K., so I have had 20 years of seeing some of those differences.

Panel Adviser:

What you are suggesting, if I may say it back to you, is that the folk who are being recruited from the U.K. do not have the relevant experience of the type of situation they would find themselves in?

Vice-President, Prospect:

That is kind of what he means. If I can just give you an example of a situation that I have been in in the past during my police service. I met with chief officers. They came to Jersey and came up with all these brand-new inventions. Then realise: "Where is my back-up? Where are my extra 100 riot cops? Where are my motorbikes? I have nothing. I only have what is in Jersey." They came here, introduced what they had done in their borough in the U.K. or area, and then all of sudden realised where are all the computer services that they would normally use from somewhere else? It would be unfair to say bringing in a top council man he will have no idea what he is doing. That would be

unfair. But if you could retrain a local person or somebody who has been here for a longer period of time, you are going to get a far more effective local manager, is my thought on that.

Panel Adviser:

Why is that not happening, in your view?

Vice-President, Prospect:

A lot of these jobs are not being advertised as jobs. They are being brought in as consultants.

[12:45]

Chair, Civil Service Branch, Unite the Union:

It comes down to that lack of future planning and programmes. We are specifically talking about the higher-level roles that are coming in as very senior managers into Jersey and not appreciating the political context and also the context that you are basically what would be 2 tiers of Government in the U.K. or 3 tiers of Government in Australia. Here, if I think about the Australian context, we are more similar to a state government than a local government. Maybe we should be looking further afield for those senior managers, for somebody who had working in something like a state government context, rather than a somebody in local government. Back to people coming from the U.K. and those training up local people, some local people are going into more senior jobs, but again it is how you become one of those people. Is it that your face fits or you are doing the right thing? How do you get on to that leadership training? Does that come down to My Conversation, My Goals? How do you put your hand up and say: "I want that development"? I just want to make a point as well that not all people being brought into the Island are at that high level. We have lots of essential workers who are coming in from the U.K., which we absolutely need and we need their expertise. They are coming in with a wealth of experience for health and community services, education. But what we are seeing there, interestingly, is they are coming over and they feel like they have been mis-sold an opportunity. So they are coming over, they are starting their job on the Island: "We got told that we would have these great opportunities and this great lifestyle, but instead what we are getting from the employer is not what we were told we would be getting from the employer." I have had a number of members who have recently come to the Island come to me saying: "I am wondering what I have got myself into. I feel trapped, because I cannot afford to leave the Island." This is coming from multiple sources. Also, they cannot get over the culture on the Island, the bullying culture, the lack of support. They feel ultimately really let down. That is an observation that James has made to me as well.

Regional Officer, Unite the Union:

Yes, it was quite surprising the amount of cases that I have seen on the Island so far, in terms of bullying and harassment, et cetera. Lyndsay is exactly right, people do come to the Island, whether it be for high-level roles or for other roles, in the hospitality trade, for example, but when they come ... the limitations within Jersey are strong enough as they are. Looking for people off-Island, as they call it, for work, they have to have been shown to have looked on-Island first, I believe. Coming from the U.K. myself, I do not see the issue of freedom of movement so much as what some people might on the Island. I would encourage, I always have, diversity across all aspects and roles and jobs. I may not be aligned with that view as much as what these guys are.

Senator K.L. Moore:

If we have time, we briefly have a couple of questions about the people strategy and the remuneration of reviews as well.

Panel Adviser:

The new people strategy describes these codes of conduct. Have you seen them? First of all, this is a quick-fire question, because if it is a no ...

President, Jersey Civil Service Association, Prospect:

We have seen it mentioned, but I have not seen a copy of it.

Chair, Civil Service Branch, Unite the Union:

I have heard it mentioned.

Panel Adviser:

If you have not seen it, have you been consulted on the strategy?

Vice-President, Prospect:

I think that is a no.

Chair, Civil Service Branch, Unite the Union:

We have heard about it. A general observation would be we tend to hear the right things being said by senior managers and people in corporate services about things that they want to resolve, but we need to see this come to fruition.

Panel Adviser:

So you have not seen the new people strategy?

Chair, Civil Service Branch, Unite the Union:

No.

President, Jersey Civil Service Association, Prospect:

No.

Panel Adviser:

Has the employer talked to you at all about the 6 codes of practice that are within that?

Chair, Civil Service Branch, Unite the Union:

I am just trying to think back to the last PowerPoint presentation that we saw around the policies. I know that mention was made to it, but we have not been talked through.

President, Jersey Civil Service Association, Prospect:

That was introduced with the introduction of some new policies. That was mentioned as the overarching principle. I must admit, I do not have a full handle on what that means.

Panel Adviser:

As part of that the total rewards review?

Chair, Civil Service Branch, Unite the Union:

The total rewards review, we know that that is coming. Back to the conversation about workhorse modernisation, it sounds like it is workhorse modernisation by another name potentially. We have not seen any details.

President, Jersey Civil Service Association, Prospect:

The total rewards, whatever that means, has been mentioned for the last 2 or 3 years. We do not know exactly what they mean by it. Timescales, as I say, it has drifted over a number of years. It was due to come in 2 years ago: "You are getting that." "We are getting that." A year later and half way through this year I do not know when it is coming, what it means.

Vice-President, Prospect:

The only time I heard about that was many years ago now. It was: "Oh, this is the carrot to the stick." Well, there has been an awful lot of stick, but have not seen many carrots.

Panel Adviser:

There has not been a conversation about it so far. Are you aware of what your own involvement will be with that?

President, Jersey Civil Service Association, Prospect:

No.

Panel Adviser:

Another quick-fire question, a yes or no: are you aware of any training for managers or staff on bullying and harassment?

Vice-President, Prospect:

I know that my line manager and my head of department is just finishing some investigation training, whether it is part of that.

Panel Adviser:

No, quite specifically. For example, when the discrimination laws came in there was: "This is harassment." You may well have had training through your union on those. Has that been rolled out to staff and or managers?

Chair, Civil Service Branch, Unite the Union:

There is discrimination training, which now I understand is online, but not specifically with regard to bullying and harassment. It may well be part of the new online induction programme, which I personally have not done, so I cannot categorically say it is not.

President, Jersey Civil Service Association, Prospect:

There are a huge number of online training exercises that have been launched. I have done some of them, but it is almost an overload of those and having time to do them.

Vice-President, Prospect:

There are mandatory ones that are coming around. We have had a couple of those lately. You sit there, you push the button a few times and it is finished. Nobody really takes much notice of it. I do not think that is in any way a good way to ensure your staff know what they are meant to do and what they are not meant to do.

Panel Adviser:

Is there an assessment at the end of it?

Vice-President, Prospect:

Yeah, on the screen. It is like a multiple-choice guess and if you get a few, you have passed.

President, Jersey Civil Service Association, Prospect:

It is useful as an introduction to the subject, but if the employer is serious about the top line on bully and harassment, the investigation is dealing with that, that needs far more than an hour sit down in front the computer running through what the policy, et cetera, is. That is just informing you about polices. Is that really training you? Is that giving you...?

Vice-President, Prospect:

Was the last one dealing with conflict?

Regional Officer, Unite the Union:

That is not really training. It does not show an understanding.

Chair, Civil Service Branch, Unite the Union:

When an outcome of not meeting one of those policies may well be that very draconian superior process, that is a real issue in that we do not understand whether people are understanding what policies and what that means and how that relates to what they do in their workplace. Take data protection, I am in C.L.S. now, our risk in government section is absolutely great in ensuring that people are up to date with their data protection training. We know who to go to with questions. I could not fault that at all. However, I am not seeing that translate, necessarily, into other departments.

Senator K.L. Moore:

Very finally, I just wanted to read a bullet point from a briefing paper we have received about work that is being conducted to refresh and simplify our people management policies. It sets out: "As we undertake this refresh, we want to hear the views of the workforce. Therefore, engagement and co-production will play a much more important part of policy development." It says: "The principles for our approach include [first bullet point] we engage widely with our workforce, interested parties, union colleagues and those with lived experiences to help scope the content." Are you familiar with this work? Does that resonate with you as union people?

President, Jersey Civil Service Association, Prospect:

From the point of view of the policies, yes, Lyndsay is representing us on some of those workshops. As far as the wider engagement, I would question what they mean by that. On those policy workshops you are on, Lyndsay, yes they have limited how many union representatives can go. So out of both civil service unions we were told we could have one representative on that, to limit the number of people in there. Other people who are also on those workshops that I suppose tick the box as being from the wider community, but how they were selected to go on there I would challenge and say: "How can the employer demonstrate they have gone out to the wider community?" Yes, they can say there is some union involvement but, as I say, it is limited.

Chair, Civil Service Branch, Unite the Union:

It is the first time I have heard that paragraph. I would say, again, there is evidence of making the right noises. We would hope to see that approach being taken, but we really need to see it happen. It is all very well talking the talk, but we need to see them walking the walk.

Vice-President, Prospect:

It could have been one of our 2-weekly updates.

Senator K.L. Moore:

Thank you all very much for your time. Apologies for running over, but it has been very interesting to hear your thoughts and your input into this important project, so thank you all. I close the hearing.

[12:57]