

3.1 Deputy F.J. Hill of St. Martin of the Minister for Education, Sport and Culture regarding an Employment Tribunal involving Highlands College:

With reference to the recent case at the Employment Tribunal involving Highlands College, would the Minister inform Members how the situation that led to the findings the Tribunal arose and what, if anything, has been done to prevent any reoccurrence?

The Deputy Bailiff:

Deputy Fox, I understand you are replying in the Minister's absence.

Deputy J.B. Fox of St. Helier (Assistant Minister for Education, Sport and Culture rapporteur):

In the recent case brought by a former lecturer of Highlands College, the Employment Tribunal found in her favour and made an award equivalent to 26 weeks salary. The situations which led to the findings arose from the changes to curriculum provision and management responsibilities within the college which affected the lecturer concerned who had expressed her opposition to these changes and chose to resign her post. She subsequently took out a grievance with which, in accordance with the States of Jersey grievance procedure, was heard by the college principal. She did not appeal this decision and so it was assumed that her grievance had been satisfactorily resolved. The further report of the Tribunal is available from the offices of the Jersey Employment Tribunal. Whilst accepting the outcome, the Department of Education, Sport and Culture was disappointed by the Tribunal's decision as the individual had not exhausted the provision for appealing the principal decision in accordance with procedure. Subsequently to the Tribunal, the Department of Education, Sport and Culture has brought the attention of all head teachers and other service managers to the existing guidelines and further detailed guidelines on the implications of the findings of the Tribunal in respect of the need for appropriate and adequate consultation with any member of staff affected by planned changes to this arrangement.

3.1.1 The Deputy of St. Martin:

Could the Assistant Minister inform us please, how is one member of staff able to change a job description of another member without the involvement of senior management?

Deputy J.B. Fox:

As far as I am aware that is not the case. One member of staff was doing his newly-appointed job in consultation with the principals at Highlands College and the result is what I have already indicated.

3.1.2 Deputy G.P. Southern of St. Helier:

The rapporteur talks of not exhausting the appeals mechanism. Could the rapporteur inform the House what appeal mechanism is set up internally or externally prior to an appeal to the Employment Tribunal?

Deputy J.B. Fox:

I think I would need notice of that question but I will happily find out the answer. I do not have all the information available to answer that.

3.1.3 Deputy R.G. Le Hérissier of St. Saviour:

For the avoidance of doubt, I am not employed by Highlands College. I wonder, Sir, if I could ask the Assistant Minister, were the Board of Governors at any stage involved in this and what lessons have the Board of Governors drawn from this particular episode?

Deputy J.B. Fox:

I do not have information as to precisely what the Board of Governors... clearly if the lady in question had continued with her grievance procedure the next stage after visiting the Principal would have been the procedure allowed for reference of a grievance to the Chairman of Governors of Highlands College or the Director of Education, Sport and Culture. As far as I am aware this procedure was not taken up and presumably when the notice was given of the impending Tribunal that would have been the point where the Board of Governors would have been informed. But I do not have any direct information on that, I am sorry.

3.1.4 The Deputy of St. Martin:

Would the rapporteur confirm that really the reason why the complainant did not bring the matter of her treatment whatsoever to the management was the fact that possibly the complainant felt that it would not have been given the due attention it deserved?

Deputy J.B. Fox:

That is a hypothetical question and I am not quite sure how to answer. Clearly, the former lecturer in question was not happy with the result, hence the grievance procedure, and then subsequently the Tribunal. I cannot answer that one, Sir. I do not know.

3.1.5 Deputy R.G. Le Hérisier:

The Assistant Minister said that the management were disappointed. I have great faith in the management but would he tell me why they were disappointed and would he tell me whether they have gone along the path of contrition and seen the errors of their ways?

Deputy J.B. Fox:

The answer to that question, Sir, is that they thought that the grievance procedure had been satisfactorily resolved and it was not until a full report of the Tribunal, and the application to be heard at the Jersey Employment Tribunal, that it was recognised that in fact it had not been resolved, and indeed on hearing the result of the Tribunal immediate steps were taken. Further guidelines of the implications, as contained in the Tribunal's findings, were then sent out for the attention of all head teachers and other service managers, as indicated in my previous answer.