

4.9 Senator S.C. Ferguson of the Minister for Health and Social Services regarding negotiations with staff in the pathology laboratory:

Would the Minister for Health and Social Services outline the negotiations which have taken place with staff in the pathology laboratory and advise whether the significant number of recent press releases has been considered appropriate to this process?

Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):

My Assistant Minister will answer this question.

Connétable J.M. Refault of St. Peter (The Assistant Minister for Health and Social Services - rapporteur):

First and most crucially, I must point out that patient care and safety is the utmost importance in everything that we are doing in Health and Social Services. Our main priority in all our dealings with our staff is to make sure that patient care and safety is never compromised. Senator Ferguson's suggestion as a question and I quote: "A significant number of recent press releases has been considered appropriate to this process." Firstly, I must state that the issuing of press releases while going through any negotiation with our staff is not something that we would normally do. However, in this case, the department had a public duty to respond to the media after being approached by several sources on the back of information and, more importantly, misinformation that they had been given. We could not stand back and allow the public to be frightened by such inaccurate stories and implicit threats about public safety. We therefore issued one, just one, press release on 17th September 2013 and not a significant number as suggested in this question, in order to reassure the public with the truth about our out-of-hours pathology services and their safety. In terms of the ongoing negotiation with staff in Pathology, I could detail every meeting, exchanges dating back to the start of the current negotiations in 2011. However, the detailed timeline runs to 6 pages and would take far too long for me to recount here in this Assembly this morning. What I can say is that since the current agreement was extended in June 2012, when the Pathology staff were given a full 14 months' notice that the agreement would not be renewed in its existing form, there has been a continuous dialogue, discussion and attempts to resolve this matter.

4.9.1 Senator S.C. Ferguson:

Would the Assistant Minister like to explain why the overtime position has arisen and would he perhaps not consider that it is a failure of management?

The Connétable of St. Peter:

The situation goes back to 1998. This out-of-hours duty is not a contractual obligation. There is no obligation on staff to do it. They entered into the agreement in 1998 on the basis they would volunteer to do it for a certain amount of money. That was set up in 1998 as a 3-year agreement and has been renewed 3-yearly post then. Certainly in more recent time, which I am more aware of, each time it has been tried to be renegotiated, the staff have reminded management that it is not a contractual obligation and they could not guarantee the out-of-hours service if we were to tamper at all with monies that were being offered. That is why we are in the position we are in today. Is it a failure of management? One could say possibly yes, but possibly no because at the previous times the contingency that we have currently put in place was not considered.

[10:30]

Senator S.C. Ferguson:

Is the Assistant Minister not aware that ...

The Bailiff:

One moment, Senator. You have asked your 2. I will see if other Members want to ask any questions and then come back to you. Deputy Southern.

4.9.2 Deputy G.P. Southern:

Could the Assistant Minister state whether negotiations or discussions are still continuing and does he not feel that the importation of these members of staff is rather a heavy-handed approach to take?

The Connétable of St. Peter:

I would like to take the second part first. No, it is not heavy-handed. It is the only way that I can guarantee and the Minister for Health and Social Services can guarantee the safe delivery of services required by the people of Jersey. Is the door still open for negotiation? The staff have refused and rejected our final offer. We are all still waiting to hear whether they will come back with an improved offer from their side.

4.9.3 Deputy G.P. Southern:

If I may, this is rather reminiscent of the S.E.B.'s approach to negotiations anyway. They make final offers and then withdraw from negotiations.

The Bailiff:

Is that a question?

The Connétable of St. Peter:

The Health and Social Services remain ready to receive any offer which improves the position to a level at which the service would cost in any other jurisdiction. If that offer came today, the locum would be out on the first flight out tomorrow morning.

4.9.4 Deputy S. Power of St. Brelade:

Could the Assistant Minister confirm that the point at which negotiations with the Pathology Department staff is now less than the contingency for flying in locums and pathology people from the U.K. and is he able to confirm to the Assembly that he will review the situation?

The Connétable of St. Peter:

The current cost of the locums is less than the gross cost of continuing with the other arrangements. There are 3 elements to the costs that we are currently providing to the on-Island staff. One is the headline figure of the actual pay, which is in excess of £600,000 per annum. Another element is the time off in lieu they get the following day, which, when we factor that in, puts another £60,000 on top of that. On top of that there is mileage allowance for every time they are called in which accounts, in the last 12 months, to about another £12,000. The offer currently on the table is not less than the gross cost of the current locums.

4.9.5 Deputy M.R. Higgins:

I may have misheard the Assistant Minister but I do not think I did. He implied that it was the only way he can get a safe service, by bringing these people in from outside. Is he saying that the service before was not safe? Is he saying that we have to bring people in from outside to deliver a safe service or that the others were refusing it?

The Connétable of St. Peter:

I think as the Deputy posed his question, the others were refusing it. Basically the situation is they were not refusing it but they were not guaranteed to carry out the service, therefore it was the only safe option we had, given that they had stated they could not guarantee the continuation of providing out-of-hours services.

4.9.6 Deputy M.R. Higgins:

Is the Assistant Minister just saying it comes down to pay? We were not prepared to pay them and therefore they would not guarantee they would carry on doing the service. That is why it would have been unsafe. Is that not correct?

The Connétable of St. Peter:

No, it is not correct. We are quite prepared to pay them the true cost of the service. The amount we are paying now is 3 times as high as the service would cost in any other jurisdiction. We will pay them what is right for the job that they are doing. What we are not prepared to do is to continue to pay them something in the region approaching £500,000 per annum of monies which should be going in to fund patient care and treatments that people out here in Jersey are waiting for today.

4.9.7 The Connétable of St. John:

Could the Assistant Minister give us information on how many locums are bought into the Island weekly or annually across all areas of the medical profession, please? [Laughter]

The Bailiff:

I think we can safely say that that falls outside the purview of the ...

The Connétable of St. John:

You are cutting me off at the knees again, Sir.

The Bailiff:

I am so sorry, Connétable.

The Connétable of St. Peter:

If the Constable wanted to put a written question in we can provide him with that answer.

4.9.8 Senator S.C. Ferguson:

Will the Assistant Minister confirm that the cost of overtime has risen because of the increase in workload and that the cost of the overtime offer made by the department, the workforce, is some 70 per cent of the total cost whereas the cost of the locums is some 83 per cent of the total cost, therefore a real effort is being made by the staff. They have coped with an increase in workload, which is why their overtime has gone up and they have made an offer which is significantly less than the current overtime cost. Why are they being ignored? Why is nobody communicating with them?

The Connétable of St. Peter:

I must refute the Senator's last statement. They are not being ignored and they are being communicated with. I am sure you will not allow me the time but I can read out the time and date of every single meeting, which runs to 6 pages, including this year. I am afraid the Senator is wrong to make that assertion. I would hope she would have the good grace to withdraw that comment. The figures she provided are not the figures we have in the department. I must point out this is not overtime. This is on-call. This is payment for being on-call. It is not overtime and they get paid whether they get called in or not. They do not have to work as they would do on an overtime basis.

4.9.9 Senator S.C. Ferguson:

I think, if the Assistant Minister would like to check this and come back to the Assembly, I think he will find that a proportion of the money that is paid to these staff is tied in with the increase in workload. This is one of the things that was being negotiated with the previous hospital director and was included in a report which went to the S.E.B. some 2 or 3 years ago. But the staff are

not being communicated with and they would appreciate that. I would like the Minister to note this feeling by the staff and perhaps he would pay attention to it in the further negotiation.

The Bailiff:

Are you going to ask a question then, Senator? **[Laughter]**

Senator S.C. Ferguson:

Yes, I was. Where did we start on that one? If the Minister would check ...

The Bailiff:

You have said plenty already. A brief question for the Connétable.

Senator S.C. Ferguson:

If the Minister would just check he will find that a significant portion of the overtime or the extra payment is due to the increase in workload and would he perhaps like to check on that before he comes back to the Assembly with comments on it?

The Connétable of St. Peter:

I am afraid my answer is going to have to be no and no. Thank you.