

2019.09.24

3 Senator K.L. Moore of the Chair of the States Employment Board regarding public sector employees deemed to be politically eligible: (OQ.216/2019)

Will the Chair advise whether public sector employees have been advised that they are no longer permitted to send correspondence to the media, even if they fall within categories of employment that are deemed to be politically eligible?

Senator J.A.N. Le Fondré (Chair, States Employment Board):

The Connétable of St. Ouen is answering this one.

Connétable R.A. Buchanan of St. Ouen (Vice-Chair, States Employment Board - rapporteur):

I thank the Senator for her question. Public sector employees have not been advised they are no longer permitted to write to the media, but employees are expected to abide by our policies on communications and codes of conduct.

3.3.1 Senator K.L. Moore:

Does the Vice-Chair therefore consider it appropriate for a teacher to be written to and advised that they should no longer, or that they should stop writing letters to the *J.E.P. (Jersey Evening Post)*?

The Connétable of St. Ouen:

I have a copy of the letter that I think the Senator is referring to and it does not say that. What it says, in summary, is that the letter that that particular individual has written breaches our codes and as such they have been asked not to do it again.

3.3.2 Deputy L.M.C. Doublet of St. Saviour:

Could the Assistant Chief Minister outline exactly what is in that code?

[10:00]

I think it says something about being a reasonable engagement. Can he just clarify exactly what is and is not permitted for States employees, in terms of engaging politically?

The Connétable of St. Ouen:

I thank the Deputy for her question. The 2 relevant paragraphs state that an employee must not comment inappropriately, or in an immoderate manner, about existing States policies and that an employee must not engage in personal attacks on States Members. Those are the 2 paragraphs I think that are relevant to your question.

3.3.3 Deputy L.M.C. Doublet:

Can the Assistant Chief Minister define what he means by “immoderate”? What that is understood to mean in the context of this policy.

The Connétable of St. Ouen:

I think it is like everything else in these situations. It depends on what comments have been made and it varies from case to case, but all I can say is that the Comms Department would be happy to advise an employee if they felt they might be in breach of the code before they sent the letter in.

Because of the wide range of comments that can be made on States matters, it is difficult to pin it down to an exact definition other than what the word said; “immoderate manner”.

3.3.4 Deputy R.J. Ward of St. Helier:

Would the Assistant Minister - sorry, I am not sure I am referring to him - not agree that it is the vagaries of the advice that leads to the situation whereby this depends upon the personalities of those who manage individuals and this is exactly the issue that was pulled out in the H.R. (human resources) bullying report and leads to issues within the workplace of bullying and harassment?

The Connétable of St. Ouen:

I am struggling to find an answer to that, other than to say that if there is any doubt about any States policy H.R. and Comms are happy to advise if an individual is unclear as to what they can and cannot say. I am not entirely sure how that runs into bullying and harassment. We, as a Board, have introduced a bullying and harassment policy. The policy is quite clear. If an employee feels that they are being harassed, or bullied, then it is up to them to use that policy.

3.3.5. Deputy R.J. Ward:

Is it not the point, though, that if a member of staff is unclear as to what they can say, they are unlikely to whistleblow, they are unlikely to expose a wrong and that is the issue that was pointed out in the H.R. bullying report all that time ago that we have said that we have acted on? We seem to have gone round in a big circle now and have some limitation to what staff can say.

The Connétable of St. Ouen:

Maybe I am misunderstanding the Deputy’s question, but we seem to be conflating 2 issues. One is about what people can write to the media about and (2) what they can complain about under bullying and harassment. I am not entirely sure the 2 issues are related. If you want to raise a bullying and harassment complaint, then you should read the policy guidelines and raise that complaint. I would suggest that writing to the media about it is probably less than productive in that situation.

3.3.6 Deputy R.J. Ward:

For clarification, what I am getting at is that if we have a situation where there is an unclear policy on what can be sent to the media and what employees can express, then that leads to a situation where managers have free reign to impose their will. That was the issue that was raised previously in H.R.’s bullying reports; the lack of clear systems to enable staff to raise issues. By limiting people’s ability to communicate to the media that is one of the issues that is there.

The Connétable of St. Ouen:

I thank the Deputy for his comments. A policy does not limit people’s ability to talk to the media. It limits the way in which they do it, so that it is seen to be appropriate for their role as a States employee. I still am struggling to understand how that runs into bullying and harassment. It is clear that if you are a States employee, then you have to conform to some sort of policy in terms of expressing your views to the media. The purpose of the policy is to be as clear as possible about that. I will reflect on the Deputy’s comments and we will look at the policy again and try to clarify it further, if he feels it is not clear, but certainly for me the wording of the policy is as clear as it can be under this situation.

3.3.7 Senator K.L. Moore:

A final supplementary. If I may draw the Vice-Chair to point 9 in appendix 2 of the latest Care Inquiry report, which is entitled: "Openness and transparency must characterise the culture of public services" and a quote is given in that point, which says: "Defensiveness seems to pervade the services and there is little transparency." This, I suggest, is an example of such defensiveness and I ask the S.E.B. what they are doing to address the nature of defensiveness that is pervading our public sector.

The Connétable of St. Ouen:

Yes, I thank the Senator for her comments. I would have to say I disagree. The whole purpose of introducing bullying and harassment policies is it gives the employees a channel in which they can complain about such things in complete confidence. I am not sure how that runs into a policy about how they communicate with the external media.