

# STATES OF JERSEY



## **COMMITTEE OF INQUIRY: ACTIONS TAKEN BY THE R.N.L.I. AND THE JERSEY GOVERNMENT WHICH LED TO THE REMOVAL OF THE ALL WEATHER LIFEBOAT (P.36/2018) – ADDENDUM**

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**Presented to the States on 14th March 2018  
by Senator S.C. Ferguson**

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**STATES GREFFE**

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**Re-issue Note**

This publication is being re-issued to correct an oversight within Appendix 7 as originally published.

Preliminary Report into  
the events leading to the  
formation of the  
Jersey Lifeboat Association

Date: 12<sup>th</sup> March 2018

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## 1. Declaration:

- 1.1 This report has been compiled by Keith Perchard for the recently formed Jersey Lifeboat Association (JLA) to provide, from information currently available to them, a preparatory summary of the events which led ultimately to their formation. It is based upon verbal and documentary information provided Mr. Andy Hibbs including documents disclosed to him by the R.N.L.I. as well as publicly available sources. This report should not be interpreted as making any judgment in respect of any individuals mentioned. It is intended to assist the JLA in their ongoing endeavours to achieve a professional, impartial enquiry into the circumstances surrounding the breakdown of the relationship between former crew of the St. Helier Lifeboat Station with the R.N.L.I. and the Jersey Coastguard. This breakdown resulted, on 17<sup>th</sup> November 2017, with the St. Helier Lifeboat station locked up for a second time and Jersey's only All-weather lifeboat sailing away to Poole, leaving the island with no All-Weather lifeboat and the crew no means of deployment. The author has had no previous association with the R.N.L.I. nor any members of the former R.N.L.I. St. Helier crew.

## 2. Lifeboats

- 2.1 The dangers presented to mariners on the high seas is legendary. The word "lifeboat" and the letters "RNLI" immediately inspire respect in the knowledge that volunteer crews have been and remain ready at a moment's notice to brave any conditions to save lives.
- 2.2 As both the RNLI and JLA would acknowledge, as the UK maritime industry has declined, nationally, so has the pool of experienced seafarers reduced. Lifeboat men and women nowadays come from all walks of life. Since the 1960's the RNLI has seen rapid change; the transition from conventional to fast lifeboats, the introduction of inshore lifeboats (ILBs) and the expansion to cover beach rescue and sea safety have dramatically changed the RNLI.<sup>1</sup> Today, seaside towns are often no longer the domain of mighty fishing fleets, and the volunteers who man the boats are drawn from all professions. Although there are calls from large ships, *"it is the hobby sailor with his leisure craft who is now more likely to fall foul of weather, time and tide."*<sup>2</sup>
- 2.3 Whilst it is true that the lifeboat's crew remain ready to exercise their seamanship and lifesaving skills in perilous conditions, and on occasion have done so, the more usual "shout" is to the routine vessel in trouble and calling for assistance. The Lifeboat is more than a mere sea-going ambulance, it is a service provided by unpaid but highly trained volunteers for whom training sessions and exercises are an essential part of maintaining readiness. That being the case the absence of the R.N.L.I. Jersey Lifeboat volunteers in the emergency services major exercise "Operation Resilient Islands" in March 2017 might raise some questions.
- 2.4 The RNLI has developed from a charitable organisation of volunteers to a major Corporation run by a large and comprehensive management team in Poole, Dorset but the crews of the

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<sup>1</sup> Kipling, Ray and Susannah, "Never Turn Back" History Press 2013.

<sup>2</sup> Farrington and Constable, "Mayday! Mayday!" Collins 2011.

349 lifeboats at the 238 RNLI Lifeboat Stations in the UK and Ireland remain largely volunteers.

- 2.5 The concept of an organised lifeboat facility was pioneered in the Isle of Man, a seafaring island community. As is Jersey with its long history connected to the sea including a significant ship building industry which became a serious business in the Islands in the late 18th Century with the requirement to build ships larger than fishing boats. The first lighthouse appeared in 1724 on the Casquets, with ships passing it paying a fee of 1/2d a ton.
- 2.6 Prior to 1830 there was no official lifeboat in Jersey and sea rescues were dependent upon the bravery of individuals working together to save lives. Notably, the famous launching of a boat in 1825 by the le Quesne brothers and others who rowed into a rough sea to save the lives of stricken “Fanny” in St Aubin’s bay.
- 2.7 In 1830 the States of Jersey established a lifeboat station for which they funded a lifeboat kept at Havre des pas.
- 2.8 In 1861 the States of Jersey asked the RNLI for advice for supplying a lifeboat and a 30ft ten-oared self-righting boat was supplied to Jersey.
- 2.9 In 1884 Jersey asked the RNLI to take over the Jersey lifeboat station. The St. Helier lifeboat station has been managed by the RNLI since then apart from during the Occupation in World War II. A further lifeboat station was opened in St Catherine’s in 1969. In 1993 new purpose-built shore facilities were constructed on the Albert Pier incorporating a souvenir shop, maintenance workshop and a crew room.
- 2.10 As a result of a fundraising campaign in Jersey, and some substantial legacies, millions of pounds were raised to provide a new lifeboat. The Tamar-Class lifeboat, “George Sullivan,” costing £2.6 million, entered service in 2009. The R.N.L.I. in Poole have a “restricted fund balance” for Jersey reported to be almost £7 million of which less than 1% is specifically restricted to the St. Helier lifeboat station.<sup>3</sup>

### 3. RNLI Protocols

- 3.1 The RNLI provide a structure and protocols for managing, administering and operating their services. Traditionally a lifeboat can be launched on the command of the Coxswain or station manager. However, a policy last updated on 15/09/2016 (Appendix 1) describing who may authorise a lifeboat launch, authority to launch was mandated to “Designated Launch Authorities” only. The Lifeboat Operations manager (LOM) in charge of the station or a Deputy Launch Authority (DLA) only may authorise a launch of the lifeboat. A unit commander, such as the Coxswain, may launch prior to obtaining authority for the purpose of saving life. “The final decision whether to launch always rests with the SAR (Search and Rescue) unit commander who has ultimate responsibility for the safety of the crew and the craft whilst at sea.”<sup>4</sup> It is understood that this policy was not widely known among volunteers for some time after its publication by the RNLI.

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<sup>3</sup> Press release dated 21/11/2017 from R.N.L.I attributed to RNLI CEO Paul Boissier

<sup>4</sup> RNLI Policy PO1001 Launching of a Lifeboat or other Rescue Craft

- 3.2 The RNLI have a "Volunteer Commitment" (Appendix 2) in which the RNLI make commitments to volunteers in return for the volunteers' own commitment to the RNLI. The RNLI's seven commitments to its volunteers include,
- Provide you with appropriate training and the right equipment for the task.
  - Treat you and all volunteers equally and fairly
  - Listen to your concerns if things aren't going right
- 3.3 All organisations have rules and regulations to provide a framework to achieve the common purpose of the organisation. It is particularly important to have a recognised set of procedures and protocols where lives are at risk in hazardous circumstances. The RNLI regulations were published in their "Green Book" which is kept at all lifeboat stations. It is understood that this is now superseded by a set of policies called "Horizon," under which the launching policy mentioned in paragraph 3.1 was included.
- 3.4 Where breaches of any regulations are suspected by any individual then it is to be expected that fairness and an impartial approach should be undertaken in the interests of natural justice. In Jersey the Jersey Arbitration and Conciliation Service (JACS) provide advice on how to deal fairly with disciplinary matters. (Appendix 3) This advises that the appointed investigator should
- "gather information"
  - "take formal statements"
  - "collect evidence"
  - "put hearsay to one side"
  - "keep records"
- 3.5 If the employee is at risk of losing their job due to their alleged actions, they should be advised of this at the same time. If new facts emerge it may be necessary to decide whether further investigation is required. If so the meeting should be adjourned and re-convened when the investigation is completed.
- 3.6 JACS further advise that "it would not be considered good practice if the person who conducted the management investigation also chaired the hearing and decided upon the disciplinary action to be taken. In a fair hearing, the 'judge' is not the 'investigating officer.'"
- 3.7 The RNLI have a "Volunteer Code of Conduct Policy for Operational Volunteers at Lifeboat Stations" (Appendix 4.) RNLI Volunteers are advised of the processes to be adopted in the event of a complaint against them in the "Volunteer Problem Solving Policy for Operational Volunteers at lifeboat Stations" (Appendix 5.) This document provides an indication of how the RNLI deal with complaints of misconduct in which it speaks in terms of "solving problems." While primarily directed at issues between volunteers the policy allows that *"should a complaint be received about a volunteer from a member of the public, the principles outlined in this policy are broadly applicable."* The policy allows for a process that may involve up to three stages. The first, "Stage 1 – informal" approach may be sufficient for minor problems that can be resolved by the Lifeboat Operations Manager (LOM.) For serious "problems" a written complaint is required which *"needs to be specific"* and the complainant *"should be prepared to give examples."* The investigating manager is required to investigate the complaint fully *"which may involve investigating further and involving others."* The RNLI make a decision and states that *"the volunteer will not necessarily be party to all the steps taken, particularly if they involve someone else."*



- 3.8 There is no provision for the volunteer to direct the investigation to particular witnesses and the scope of the enquiry seems to be entirely at the discretion of the investigating manager. The volunteer may “challenge the outcome” explaining their reasons in writing to the RNLI Human Resources department. The RNLI will consider the “challenge” and may ask the volunteer to attend a further meeting. The RNLI will then notify the volunteer of their decision in writing against which there is no right of further appeal.
- 3.9 The RNLI problem solving policy states, *“If the relationship between a volunteer and the RNLI starts to break down and ceases to be a collaborative and mutually positive one, this policy should be used as a way of resolving difficulties. However, if those difficulties prove irreconcilable, then either the volunteer or the RNLI can decide to bring the volunteer arrangement to an end at any stage. Equally, the volunteer or the RNLI may decide to end the volunteer arrangement at any time for any other reason.”*

## 4. Dismissal, Re-instatement, Retreat

- 4.1 On Thursday 6<sup>th</sup> April 2017, the Crew of our St Helier Lifeboat were addressed by the RNLI’s Regional Life Saving Manager for the South East (Glen Mallen) who informed them that he had personally dismissed their Coxswain. The grounds for Mr Hibbs’ dismissal were not given to the crew but Mr. Mallen is said to have said words to the effect that Andy Hibbs was a risk to life and public safety and unfit to be a Coxswain.<sup>5</sup> The news was received with shock and dismay by all present.
- 4.2 In the light of the historical issues and the anxiety caused by the discredited complaint for which they understood Andy Hibbs had been exonerated, the crew felt that this apparent summary dismissal without explanation called for their unequivocal condemnation. The crew announced that they had unanimously decided to make themselves available only on the basis that Andy Hibbs was re-instated pending his appeal. The crew’s appeal for Andy Hibbs’ retention pending appeal was not considered and Mr. Mallen arranged for the locks of the station to be changed effectively locking out all crew and staff.
- 4.3 The RNLI, having rejected the crews’ appeal that Andy Hibbs should remain in post pending appeal, made a public statement on 9<sup>th</sup> April 2017, *“On Thursday, after a serious breakdown in communication and breaches of the RNLI’s Volunteer Code of Conduct, we asked the volunteer coxswain at St Helier lifeboat station to stand down with immediate effect. Subsequently, other volunteers have chosen to step down, which has forced the RNLI to declare the St Helier lifeboats off-service temporarily..... we’re working hard to bring in extra support and put the St Helier all-weather lifeboat back on service as soon as we can.”*
- 4.4 In a public statement published on 13<sup>th</sup> April 2017 the crew said, *“We, as a crew have never had reason to doubt Andy. The majority of us have at some time or other placed complete trust in him, in terms of our lives, be that climbing up a ladder, jumping ship in poor weather or going to sea with him without a moment’s hesitation despite it blowing 50 knots of wind at the Pier Heads. He has been a tutor to us all whether that being as new ‘greenhorn’ crew, or as we have progressed up the ladder of responsibility at the station as helms, navigators or deputy coxswains/mechanics.”*
- 4.5 In their statement the crew called for Andy Hibbs to be re-instated as coxswain pending his appeal stating that, *“if Andy is re-instated while the appeal process is undertaken then we*

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<sup>5</sup> The context of Mr. Mallen’s use of the word “risk” at this meeting in relation to Andy Hibbs is disputed by a subsequent RNLI enquiry into Mr. Mallen’s conduct.

*would return to our posts immediately.” They emphasised that “if there was an emergency of a serious nature which required the expertise of Andy and his crew, all the Coastguard or RNLI need do is to call Andy on his mobile and we would all respond immediately.”*

- 4.6 Following his appeal on the 28<sup>th</sup> June 2017, Andy Hibbs was re-instated as coxswain. The crew made a public statement expressing their satisfaction and how they looked forward to building a positive working relationship with the RNLI.
- 4.7 To the astonishment of the general public in Jersey, who had shown their support of the RNLI over many years by their donations that had funded Jersey’s lifeboats, in November 2017 the Lifeboat station was again shut down, the entire crew stood down, the long serving fundraisers expelled from the premises and the locks changed. On 17<sup>th</sup> November 2017, St Helier’s lifeboat was seen to be sailing away to Poole, leaving the island with no All-Weather lifeboat and the crew no means of deployment.
- 4.8 The question is raised; how did this happen? How did a universally respected RNLI Lifeboat Station, its Manager, Coxswain, Crew and their fundraising volunteers, none of whom had the slightest blemish to their professional integrity find themselves in what they saw as an untenable situation with the Corporate Authority of the RNLI based in Poole? This report suggests that only a professional impartial enquiry can answer that question.

## 5. Background Issues

- 5.1 The St Helier Lifeboat Station in St Helier has had a number of issues from time to time as any group might have. The test of good management is how those issues are recognised, investigated and resolved. These issues have included dismay by the crew that R.N.L.I. senior managers had created a new paid post without consultation with the crew as to its efficacy and appeared to favour a particular candidate regardless of best practice in observing fairness and legal requirements. Also failing to be cognizant of the requirements of the “Control of Housing and Work (Jersey) Law 2012.” Other issues such as concerns over lifeboat servicing when it has taken place in Poole have also been raised. Some of these concerns were recognised, albeit in hindsight, by the RNLI managers responsible.
- 5.2 The former Lifeboat Operations Manager (James Gales) and the Coxswain, Andy Hibbs will say that there have also been a significant number of issues raised in the interests of the RNLI and the safety and welfare of the crew but which were never properly redressed. If evidence were gathered from the crew it is expected that they would confirm these concerns.

### Mechanic/Station Manager Position

- 5.3 Mr. Hibbs is prepared to provide further evidence on these issues. As an example, the paid position of St Helier Lifeboat Station Mechanic is significant since Mr. Hibbs would say that the firm stand he took on behalf of his crew in 2015 in relation to this issue was the beginning of the subsequent “breakdown of trust” between he and the R.N.L.I.
- 5.4 In July 2015, the employed station mechanic (Jonathan “Jono” Cornick) resigned. Mr. Hibbs will say that there were two or three suitable candidates among local volunteers. It appears that the RNLI took this as an opportunity for a new paid position of combined Station Manager/ Mechanic, a non-seagoing post, to be created in the wake of Mr. Cornick’s resignation. The position was not advertised publicly but only within the RNLI, nationally, and no local jersey advertisement was placed at all. Mr. Hibbs was reliably informed that a

Guernsey candidate, an ex-Royal Navy Bosun (Mike Harris) was invited to apply as the preferred candidate for the position.

- 5.5 Applications were received and three candidates short-listed one of whom was a local R.N.L.I. candidate (Rhees Evans.) However, it wasn't until October 2015 that interviews took place, by which time, it is understood that the "job description" had been changed to a seagoing "Station Mechanic" role. It is believed one applicant withdrew on learning of the seagoing responsibilities.
- 5.6 Shortly after being offered the position the Guernsey candidate (Mike Harris), declined the position, in favour of other employment. It is understood the process was re-started and the local candidate (Rhees Evans) subsequently secured the position of station mechanic. It will be stated that throughout this period the St Helier lifeboat had been occasionally suspended from service due to the absence of a mechanic
- 5.7 Mr. Hibbs will say that his exhortations to RNLI managers about this matter, relating to both the job-description of the post, assessment of applications and the legal requirements of the Jersey Housing and Work Law laid the foundation for the R.N.L.I. to regard him as a challenge to their authority. However, Mr, Hibbs maintains that his position on the matter was correct.

## R.N.L.I. St. Helier and Jersey Coastguard

### Lecume II

- 5.8 One of the first indications of operational difficulties between the St Helier R.N.L.I station and members of Jersey Coastguard was 7th January 2016 upon the rescue of a distressed vessel, the "*Lecume II*" approximately one mile north of Bouley Bay. The St Helier lifeboat was deployed with the States tug "Duke of Normandy" in support. Weather conditions were poor with force 8-10 winds. The lifeboat arrived at the vessel first and took on the tow back to St Helier. It appears there was a dispute about whether the tug should have taken over the tow. However, it is alleged that members of the coastguard later placed malicious comments on a facebook page. The details of this dispute are beyond the scope of this report other than identify the incident as a trigger point in the St. Helier RNLI's relationship with the Jersey Coastguard.

### Green Island Rescue

- 5.9 On the 20<sup>th</sup> August 2016 a dramatic rescue was undertaken in hazardous conditions when a young woman was lost in rough seas off Green Island. The St Helier lifeboats were deployed and among the crew were Lifeboat Medical Officer, Dr. David Howell. Dr. Howell is a GP with post-graduate qualifications in pre-hospital care and has twice attended RNLI Casualty Care Courses. The casualty was recovered from the sea and was in the care of Dr. Howell who administered first aid to the patient for the duration of the voyage to shore.
- 5.10 It is understood that the Coastguard had arranged for the ambulance to be waiting at La Rocque and instructed the St Helier Lifeboat to land at la Rocque. The Coxswain declined this order as he assessed that to attempt to take the lifeboats, crew and casualty in rough conditions, on a reducing tide through the notoriously hazardous approaches to La Rocque was far too dangerous. This is a decision entirely at the discretion of the coxswain. He took the decision to take the lifeboat and the casualty back to St Helier. The casualty was transported to St Helier, and admitted to the General Hospital where, tragically, she was

pronounced deceased. It is probably undisputed that the loss of the casualty was very distressing to all those involved.

- 5.11 This complex rescue operation has been subject of various criticism the details of which are beyond the scope of this report but for which further enquiries may explain apparent deepening rifts between the St Helier RNLI and the Jersey Coastguard.

#### An unfounded allegation?

- 5.12 The former Lifeboat Operations Manager and coxswain will say that there were difficulties presented by a particular former crew-member against whom complaints were made by various fellow crew about his behaviour and unprofessional conduct. These allegations, it is claimed, were never resolved by the RNLI but after a period of absence from the St Helier station, the crew member was re-assigned to the R.N.L.I.'s St. Catherine's lifeboat station by the RNLI. This report is unable to make any comment on alleged personal or professional differences that may be relevant as part of a broader enquiry.

## 6. Allegation of unauthorised launch

### RNLI Enquiry

- 6.1 On the 8<sup>th</sup> November 2016 the then St Helier Harbourmaster, (former Harbourmaster) made a complaint directly to the CEO of the RNLI Vice-Admiral Paul Boissier CB. MA. MSc.; both men had served together in the Royal Navy at a senior level as submariners. According to the RNLI report into the matter, the former Harbourmaster's complaint alleged that *"Andy Hibbs 'self-launched' to a boat on the east coast of the island and spent 30 minutes talking to the crew before towing the boat in."* The RNLI investigation report observed that *"If true this represents a breach of self-launch procedures, volunteer code of conduct and volunteer commitment"* which if he was found guilty he might be dismissed.
- 6.2 Thus, an otherwise innocuous routine incident that occurred on Friday 28<sup>th</sup> October 2016 became a pivotal point by becoming the subject of a complaint which, upon investigation, was found to be groundless. The incident in question referred to a call for assistance made at approximately 1:20pm on Friday 28<sup>th</sup> October 2016, to the Jersey Coastguard by a vessel in distress with fuel problems and drifting. At the time Andy Hibbs was in his own boat off Rozel. On hearing that the vessel was drifting without power, Andy Hibbs obtained authorisation from the Lifeboat Operations Manager to launch the St Helier Inshore Lifeboat to assist. The lifeboat was launched on the authority of Mr. Gales and the Deputy launch Authority (Mike Jackson) who was consulted and added his own authority to the launch. The Coastguard was made aware of the launching of the lifeboat to assist with the rescue operation.
- 6.3 The complaint against Andy Hibbs was investigated by the RNLI's Community Safety Manager, (Tony Wafer) who informed him of the complaint in late November. This was followed by an email on the 1<sup>st</sup> December 2016 with the Volunteer Codes of Conduct and Horizon Policy PO1001 attached. Andy Hibbs asked for details of the complaint. His request for the full terms of reference of the investigation he will say were refused. A redacted email subsequently disclosed to Mr. Hibbs is dated 01 December 2016 09:04 of which the following is a quote:

*“Hi,...Spoke to Andy yesterday afternoon. Long story short, he was very amicable on the phone but clearly frustrated about why this is happening. I outlined the severity of the claim and possible outcome, along with the process that will be followed. I did ask him to keep this confidential but he said he would probably tell the crew later.....*

*...Therefore, I’m happy with sending Andy all the relevant policies but can I send him the terms of reference or is there something else I can send him that summarises the investigation?”*

In another email subsequently disclosed to Mr. Hibbs and dated 01 December 12:09, sender and recipient redacted, the following is a quote:

*“Hi, [redacted]*

*Re, your initial conversation with AH – sounds like you said all the right things. It is unfortunate that he did not agree to your request to treat this as confidential....*

*....Re. the terms of Reference – I would avoid sending him this document.”*

6.4 On the 5<sup>th</sup> December 2017, at his request, Andy Hibbs was informed that the complaint had been made by the then harbourmaster directly to the CEO of the RNLI, Paul Boissier. In a subsequently disclosed redacted document text includes,

*“Based on the alleged breaches outlined in the terms of reference: [Redacted] from the Jersey Coastguard has been in to see [Redacted] to outline a specific concern regarding an incident in which Andy Hibbs allegedly ‘self-launched’ to a boat on the east of the island and spent 30 mins talking to the crew before towing the boat in.”*

Mr. Hibbs was subsequently informed that evidence made against him was by a member of the Coastguard (Coastguard1) and the then Harbourmaster (former Harbourmaster) The Coastguard member, Coastguard1, was the person who had previously served for the RNLI in the St Helier Lifeboat Station but had been re-assigned to St Catherine’s as described in paragraph 5.12 above. The only other witnesses whose identities are known to have provided evidence in respect of the complaint were the Lifeboat Operations Manager (James Gales) and the deputy Launch Authority (Mike Jackson) both of whom gave evidence after Andy Hibbs in interviews undertaken by Mr Wafer at the Somerville Hotel on Monday 19<sup>th</sup> December 2017. In addition, it appears from redacted listings that perhaps 5 other undisclosed witnesses may have provided information to the investigating manager. All of the interview notes subsequently disclosed recording statements by witnesses are heavily redacted; some in their entirety.

6.5 Mr. Hibbs will say that on arrival at the Somerville Hotel, with his “companion,” a former coxswain, (Stephen Pearl) he signed a document which he understood to ensure that he would be given copies of all evidence against him and on this basis he fully co-operated with the enquiry. He has however, despite a subject access request, not been provided with a copy of the document he signed. During his interview at the Somerville Hotel Mr. Hibbs gave a full account of the circumstances of the launching of the lifeboat (ILB) on the 28<sup>th</sup> October 2016. Mr. Hibbs was also asked whether he thought some of his email communication might not have been “appropriate” but he will say that no examples were put to him. And the question appeared to have no relevance to the investigation at all. Mr. Hibbs acknowledged that as a fisherman his English may not be the best but he was very passionate and felt that morale among coxswains nationally was “very low.”

- 6.6 Andy Hibbs was advised by Mr. Wafer in an email on 21<sup>st</sup> December 2016 that once his report was complete it will be passed to an “independent hearing manager” to consider his recommendations and decide on outcomes. Mr Wafer also wrote that it would be the role of the “hearing manager” to advise Andy on any of his recommendations but he was able to say, *“I can let you know that my findings for this specific complaint do not concern me for any formal action.”*
- 6.7 On Friday 23<sup>rd</sup> December 2016 Mr Hibbs received a call from the investigating manager, Tony Wafer, advising him that the investigation into the complaint against him had found no case to answer.
- 6.8 On Wednesday 11th January Mr. Hibbs was telephoned by the Regional Life Saving Manager (Glen Mallen) that as far as the complaint about self-launching was concerned “no further action is required.” However, Mr. Mallen also raised other issues which he said had arisen from the enquiry which related to *“critical relationship issues between individuals and the islands SAR organisations that need to be addressed to prevent a potential loss of life at sea,”* which he confirmed in an email.<sup>6</sup>
- 6.9 Mr. Hibbs will say that, having been subjected to a mischievous complaint and following the other issues that over some considerable time he and his Lifeboat Operations Manager (James Gales) had attempted to redress, these new issues appeared to be further evidence to him that he was under sustained attack.
- 6.10 Mr. Hibbs made application for a copy of the RNLI report and the evidence obtained against him. He subsequently received a heavily redacted copy which excluded the names and most of the evidence notes of all witnesses except himself. The redacted report did include examples of emails, which had hitherto not been raised.
- 6.11 The disclosed report revealed that *“Evidence through conversations with RNLI management and email examples all mention that Andy Hibbs’ competency on a lifeboat is second to none”* and *“There was no breach of Operational Policy surrounding the self-launching where lives are at risk. There is no evidence to suggest Andy’s actions for this self-launch (sic) had any negative public impact on the RNLI.”* It concluded that *“In the scope of this investigation, there is no evidence to suggest Andy has breached RNLI Code of Conduct for Operational Volunteers or the Volunteer Commitment as he was largely not part of the alleged incident.”*
- 6.12 Nevertheless, the report’s redacted disclosure revealed to Mr. Hibbs that the investigation, of which full terms of reference he felt were denied him, did make comment unconnected with the specific complaint that he had been given to understand was at issue. The investigating manager expressed the view that in the course of his investigations into the alleged “self-launching” he recognised what he termed a “personal relationship breakdown” between Andy Hibbs and [Coastguard1]” and perhaps on that basis considered the “wider interoperability between St Helier RNLI and Jersey Coastguard.”
- 6.13 The report found that *“the majority of the alleged ‘self-launch’ incident did not occur as described by [redacted.]”* It is left to the reader to speculate which witness’s evidence is being referred to.
- 6.14 In its conclusions the report states that *“The on-going issues between individuals have not been investigated and therefore cannot determine who is at fault.”* Nevertheless, the report ventures to opine that *“It is my reasonable belief that a personal feud between [redacted],*

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<sup>6</sup> Email from Glen Mallen to Andy Hibbs dated 15/01/2017

*Andy Hibbs and [redacted] has existed for numerous years that is affecting professional working relationships.”*

- 6.15 The report records that *“Andy Hibbs states in his interview that he has not received support for any issues that the station has raised.”*

### Internal investigation by Ports of Jersey

- 6.16 In late April 2017 Mr. Hibbs made a complaint to Ports of Jersey about his suspicion that their staff had an allegation against him which they knew to be unfounded.
- 6.17 The matter was investigated by the Chief Fire Officer, Jersey Airport (Andrew Munns). The investigation was completed in May 2017 and found Mr. Hibbs allegations to be baseless and without foundation. As a result of conversations he had with the CEO of the Ports of Jersey (Doug Bannister) Mr. Hibbs believes that they failed to seek the evidence in the form of the notes of interview held by the RNLI which they could have obtained by asking the suspects to request them from the RNLI. The absence of these, as well as Mr. Munn’s failure to interview pertinent witnesses, he believes, undermined any serious enquiry.

## 7. RNLI Extended Enquiry

- 7.1 Redacted documents since provided to Mr. Hibbs indicate that in January 2017 an enquiry was mounted looking further into allegations made against him by the Jersey Coastguard. Following a subject access request Mr. Hibbs has since received from the RNLI a hitherto unknown document of two pages dated 21<sup>st</sup> February 2016. The text reveals the author as *“the Lifesaving Manager.”* The author expresses his concern about Mr. Hibbs’ communication with RNLI management and claims that *“serious threats have been made to those staff involved”* – Mr. Hibbs will say that this allegation, which he denies, has never been made against him. The document focuses on the author’s concerns of opinion from the Jersey coastguard and states, *“The relationship between Andy and individuals within the Jersey Coastguard is in their view untenable.”* The author of the document, by implication based upon information from the Jersey Coastguard, states that *“It is evident that Andy is fixated on ‘revenge’ on what he sees as historical injustice and competence of an individual who works with the Coastguard but is also a crewman of the St Catherine Lifeboat station.”* The scope of enquiry and evidence for such assertions are not disclosed in the document.
- 7.2 A redacted email dated 08 March 2017 11:23 from the *“ALM”* (Area Lifesaving Manager) states, *“Currently we are reviewing the Coxswains [redacted] commitment in line with the ‘Volunteer Commitment’ and ‘Volunteer Problem solving policy.’”* It asks the recipient if *“you would be willing to provide a written statement regarding the following aspects of your relationship with the station. Specifically*
- [redacted]
  - *Your relationship with the Coxswain*
  - *Any specific incidents during your tenure with St Helier*
  - *Highlighted conduct that you feel pertinent to the above decision*
  - *General overview of your thoughts and concerns regarding the station”*
- 7.3 Meanwhile, Communications from Andy Hibbs and RNLI continued in respect of his desire to obtain the evidence presented against him which he had understood from the outset would be disclosed. It should be noted that the document he signed in the belief such disclosure would be forthcoming has not been made available to him by the RNLI. He continued to express concerns about professional relationships with the Coastguard and the apparent inability of the RNLI and Ports of Jersey to deal with them appropriately.

- 7.4 In a letter dated the 15<sup>th</sup> March 2017 addressed to Andy Hibbs, the regional Lifesaving Manager, Glen Mallen, advised Mr. Hibbs that he was subject of a complaint alleging that he had demonstrated breaches of the RNLI Volunteer Code of Conduct in the following ways:
- Inappropriate tone of communication both via email and telephone
  - Refusal to enter into direct communication with myself
  - Failing to discuss any problems or issues in a reasonable, constructive manner without aggression.
- 7.5 No specific incidents were provided in the letter and no documentary evidence supplied in support of the allegations.
- 7.6 On the 6<sup>th</sup> April 2017, Mr. Mallen, the Area Lifesaving Manager and Investigating Manager, interviewed Mr. Hibbs. Mr. Hibbs was accompanied by a companion, the station's Lifeboat Operations Manager, James Gales. Mr. Mallen said the meeting was being held because they had some concerns about the relationship between the R.N.L.I. and Mr. Hibbs. Mr. Hibbs confirmed his objections to Mr. Mallen having asked, in a telephone conversation, if Mr. Hibbs ought to have counselling. Mr. Mallen regarded this as offering support. Mr. Hibbs recognised to a degree that offering counselling was supportive but he objected to being told that traumatic personal experiences had "affected his mental state" in the context of the alleged complaints being made against him. Mr. Mallen cited two examples of emails, one of which was from Mr. Hibbs to Mr. Mallen and read selected parts of them. He also cited a telephone call he had had with Andy Hibbs in which he alleged that Mr. Hibbs had used strong language in condemning the fact he was only to get a redacted report of the investigation of the "self-launch" complaint. During the interview no documents, emails or statements of evidence were provided to Mr. Hibbs.
- 7.7 After a short adjournment Mr Hibbs and Mr. Gales were recalled. Mr. Mallen told Mr. Hibbs that Mr. Hibbs had accepted his communications had not always been appropriate and that he had accused Mr. Mallen of being a bully and aggressive. Mr. Mallen told Mr. Hibbs that his relationship with the RNLI was not collaborative and mutually positive. Mr. Mallen told Mr. Hibbs that with immediate effect his position with the RNLI was terminated.
- 7.8 The Lifeboat Operations manager, Mr. James Gales, who had been present throughout the interview and who had intimate knowledge of the issues concerning the St Helier lifeboat station, demonstrated his dissatisfaction with the decision by immediately giving his own resignation as an RNLI volunteer. He will say that he did not wish to be a party to a "sham dismissal."
- 7.9 Mr. Hibbs dismissal was subsequently confirmed in a letter dated 10<sup>th</sup> April 2017, which stated that in relation to *"the relationship breakdown between yourself and the RNLI....the deterioration in this relationship impacts our ability to deliver a safe and effective service in St Helier."*

## 8. Review and Re-instatement.

- 8.1 Under the terms of the RNLI "Volunteer Problem Solving Policy" Mr. Hibbs "challenged" the decision of the investigating officer, the Area Lifesaving Manager, Mr. Glen Mallen."
- 8.2 Mr. Hibbs dismissal was thoroughly reviewed by the RNLI's Fundraising and Communications Manager, Anna Classon. Her review recommended Mr. Hibbs re-instatement. Andy Hibbs



was re-instated and his entire crew returned to station. A statement was issued by the RNLI dated 28<sup>th</sup> June 2017 (Appendix 6.) Both Mr. Hibbs and the RNLI accepted a share of responsibility in their previous actions and stated publicly their wish to continue to work together.

- 8.3 The crew also published a statement expressing their satisfaction with the results of the R.N.L.I.'s review and the decision to re-instate their coxswain. They looked *“forward to re-building a positive working relationship with the RNLI, including the re-instatement of James Gales, Lifeboat Operations Manager for St. Helier, in some capacity.”* Mr. Gales was never re-instated by the R.N.L.I.
- 8.4 In the belief that Glen Mallen had dismissed their coxswain without due process or good reason the crew indicated to the RNLI that they would be making a complaint against him. Subsequently, a letter of complaint was submitted to the RNLI

## 9. Dismissal and Departure

### Continued Tensions

- 9.1 An R.N.L.I paid Staff Coxswain (Mr. Phil Corsi) was temporarily transferred to Jersey from the UK to replace the previous LOM, Mr. James Gales. It is understood that he was a precursor to the new paid position of Station Manager, a post that was an RNLI recommendation which the crew were subsequently told was supported by both the States of Jersey and the Coastguard. It is believed that the post, to be filled by a UK applicant from within the RNLI, would be offering a salary of up to £40,000 and possibly with accommodation provided by the Charity.
- 9.2 It is understood that crew members will say that over the next few weeks there was regular intensive “training.” It will be said that Mr. Corsi’s presence became overbearing as various policies and procedures were examined in minute detail. On one occasion the crew were required to sit down and listen as the Volunteer Codes were laboriously read out to them.
- 9.3 The new “Horizon” Policy about who should authorise a launch places what some might see as an unnecessary layer of bureaucracy and raises the question of who should be appointed a designated launch authority and by whom? During the intensive procedural briefings conducted by the RNLI following Mr. Hibbs’ re-instatement, a policy was instructed which Mr. Hibbs understands as being a requirement for a lifeboat only to be launched where there is a trained navigator on board. As Mr. Hibbs commented at the public meetings held in December 2017, he feared an inflexible policy such as this might unnecessarily restrict a valid lifeboat launch when circumstances did not require a navigator.
- 9.4 It appeared to the crew that when the two enquiries conducted against Mr. Hibbs had been effectively dismissed, the underlying concerns with the Coastguard that manifested themselves in the initial complaint and the subsequent actions of Mr. Mallen which led to Mr. Hibbs dismissal, were not being redressed by the Institution. Rather, the emphasis by the RNLI on the appointment of a UK appointed station manager, and the subsequent treatment of the crew suggested to them that the RNLI considered it was they who were the problem. This feeling festered.
- 9.5 In a letter dated 3<sup>rd</sup> October 2017, the St Helier Lifeboat Medical Advisor (LMA,) Dr. David Howells tendered his resignation. Other crew members had resigned in the past and selected text from four example letters of resignation are attached to this report. (Appendix 7)

## 1<sup>st</sup> Meeting with Director of Community Lifesaving and Fundraising

- 9.6 On the Thursday 5<sup>th</sup> October 2017, the crew attended a meeting with the RNLI's Director of Community Lifesaving and Fundraising, (Leesa Harwood.) She had a look around St. Helier Lifeboat station and remarked to the crew that it was a well-run and a good, tidy station. However, she further also noted that she was not sure everything was running perfectly.
- 9.7 The meeting discussed the allegation of self-launch made by the Coastguard against Andy Hibbs and the subsequent complaint investigated by Area Lifesaving Manager, (Glen Mallen.) There remained profound concerns and suspicion about the processes involved and the motivations that set them in place. One crew member expressed the view that they felt that certain individuals in the coastguard had wilfully fed the RNLI unsubstantiated allegations and when found to have been so the matter had not been properly examined. Left unresolved could lead to further problems.
- 9.8 The crew also expressed concerns that the terms of their specific complaint against Glen Mallen had been inappropriately passed to other managers within the RNLI and they questioned the independence of the investigation into their complaint.
- 9.9 The issue of rules, regulations and compliance was raised. The view was expressed by the crew that the extensive policy book, covering the whole of the UK was essentially a "one size fits all" not allowing for variations of local requirements. The crew were reminded that some regulations were driven by legislation not just the whim of the RNLI.
- 9.10 While the RNLI recognised the crew's commitment, the crew felt that remote and inconsistent management could not fully appreciate the personal sacrifices and commitment that each crew member contributed. Their pride in being part of the RNLI remained undiminished but the crew maintained their lack of confidence in the Area Lifesaving Manager (Glen Mallen) because they felt sure he did not recognise, as did they, that Mr. Hibbs should never have been sacked. Questions were also raised about the lack of consultation with the crew in respect of the appointment of a Station Manager, which they felt could not be justified as a full-time position and, based upon their experience in the preceding weeks, the true purpose for which they were sceptical. The crew were told that the appointment of a Station Manager was one of the recommendations made by the RNLI which the States of Jersey and the Coastguard had agreed they would support.
- 9.11 Mr. Hibbs, and others present will recall that at that meeting Ms. Harwood revealed that she had heard "rumours" that the crew had lost trust in the RNLI and would consider moving forward as an independent station. The crew were of the view that such an option would depend on how matters progressed. It will be stated that Leesa Harwood said that she would support them whatever their decision.
- 9.12 As revealed in a Jersey Evening Post comment by former Senator Ben Shenton, Sir Andrew Ridgway, the former Lieutenant-Governor of Jersey, and he *"wrote to Paul Boissier and Stuart Popham of the RNLI on 9 October 2017 and offered to act as mediators in the dispute."* He reported that the reply they received was *"courteous and explained that 'the channels of communication between the RNLI and all the various stakeholders in the Island remain open', and there was no need for our services at that time."*<sup>7</sup>

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<sup>7</sup> Jersey Evening Post 21<sup>st</sup> November 2017

## 10. RNLI option for the St Helier Station to become Independent

### Ultimatum and options

- 10.1 On Wednesday 8<sup>th</sup> November 2017, a further meeting took place between the crew and senior RNLI managers, including the Director of People and Transformation, (Sue Barnes) and the Director of Community Lifesaving and Fundraising, (Leesa Harwood.) The purpose of the meeting was to inform the crew of the outcome of their complaint against the Area Lifesaving Manager, (Glen Mallen) and to discuss the future of the station and its crew.
- 10.2 Ms. Harwood said early on that if anybody stormed out in anger leaving their pagers, she would accept that as a resignation. She also said that she preferred that whatever the result of the meeting that the RNLI and the crew should agree on whatever should be announced publicly.
- 10.3 Ms. Barnes gave a summary of the investigation which she said could be divided into various points of issue. An analysis of those issues is beyond the scope of this report but two of the points may be described as an indication of the nature of the complaint. One issue was the complaint that Mr. Mallen had allegedly said to the crew that the coxswain was a “risk to life.” This was disputed and Mr. Mallen had claimed that view had not been shared with the crew until they had raised it after the coxswain had been stood down. Furthermore, Ms Barnes said that enquiries with the crew had indicated that the comment of being a risk had been interpreted as criticism of the coxswain’s technical skills which was not the case.
- 10.4 A second issue related to a complaint made concerning a conversation that had taken place between Mr. Mallen and a crew member on Saturday 8<sup>th</sup> April 2017 shortly after the crew’s conditional maintenance of service on 6<sup>th</sup> April 2017. It was alleged that a medal had been offered a crew member as a “bribe” for the crew to unconditionally return. It was accepted that the possible recommendation for an award was discussed but it was also noted that Mr. Mallen had no power to award a medal. The RNLI enquiry found that the mention of an award to the crew member was simply an indication that the crew member’s past service would be recognised despite his handing in his pager.
- 10.5 Ms. Barnes continued to describe and give the RNLI’s conclusions on each issue. She informed the crew that the complaint against Mr. Mallen had not been upheld and that the decision was final. Mr. Mallen would also continue to manage the South east regional area which included the Jersey lifeboat stations.
- 10.6 The crew made clear they would need some time to consider their response to the decision, and that they would also need to consult widely with all stakeholders. Extensive discussion took place in respect of options.
- 10.7 It will be stated that Ms. Harwood told the crew that if the “independent option” were to be chosen there could be a phased approach and the RNLI, the States and the Coastguard could support that option. She stated that the RNLI would support the crew whichever option they chose. She wanted an answer but the crew were of the view that this had to be a decision involving other interested parties. The crew understood that the alternative option being offered for consideration was that the St. Helier lifeboat station become an independent station with the blessing of the RNLI.

## Consultation and decision

- 10.8 On Saturday 11<sup>th</sup> November 2017, a meeting took place between the crew, including Andy Hibbs and the Deputy 2<sup>nd</sup> Coxswain, (Steve Manning) and others and politicians and officers of the States of Jersey and the Ports of Jersey. Those present were apprised of the current situation and the crew understood that providing all required protocols were observed the Jersey stakeholders, including the Ports of Jersey would be amenable to work with the St Helier Lifeboat station whether it was R.N.L.I. or independently managed.
- 10.9 On Monday 13<sup>th</sup> November a further meeting was held during which the crew informed Ms. Harwood that they felt that the station should become independent. The crew subsequently issued a statement (Appendix 8) in which they conclude:

*“Having held initial discussions with some of the Jersey stakeholders we would now like to explore further setting up an independent lifeboat station at St Helier. Clearly this is not something that can happen overnight and therefore we confirm that we will continue to operate with the RNLI under your policies and procedures to provide Search and Rescue for the Island of Jersey, until such time as Jersey has its own independent operational lifeboat service.”*

10.10 A further offer of mediation was made by Mr. Shenton on Tuesday, 14<sup>th</sup> November 2017, which was again declined by the RNLI.

## 11. The shutting of the station and the removal of lifeboat

- 11.1 On Wednesday 15<sup>th</sup> November 2017, the crew were invited to a meeting at Cyril le Marquand House at 10:00am on Friday 17<sup>th</sup> November 2017. Such a meeting with crew would ordinarily be expected to take place, as had all previous meetings, at the St. Helier lifeboat station at an hour when the volunteer crew could attend without disrupting work commitments. However, the time date and location were not negotiable.
- 11.2 First thing on the morning of Friday 17<sup>th</sup> November 2017 the staff-mechanic on duty was instructed to attend at the RNLI Lifeguards support facility at Beaumont, thus removing him from the St Helier lifeboat station.
- 11.3 The meeting convened at Cyril Le Marquand House at 10:00 addressed by Leesa Harwood and in the presence of Will Stephens and Liam Krige. The crew were told that the RNLI no longer had confidence in them and advised them that they were being stood down, the station closed and the lifeboat taken to Poole.
- 11.4 Meanwhile, a lifeboat crew had been flown in from the UK, and attended at the lifeboat station. The ladies of the fundraising team managing the souvenir shop were told to leave the premises which were locked up. The UK crew boarded the *“George Sullivan”* and sailed RNLI’s St. Helier-based Tamar-class lifeboat to Poole.
- 11.5 As subsequently revealed in a public statement by the RNLI CEO, Paul Boissier, *“Removing the ALB temporarily to Poole allows it to be fully serviced while a replacement crew is found. We did this as soon as the crew were told our decision. This decision was not rushed, but made after talks with key partners including the States of Jersey and the Harbourmaster to ensure contingency plans were, and continue to be, in place.”*

## 12. Observations

- 12.1 As stated in its opening paragraph this report can come to no conclusions about the merits or otherwise of personal or corporate decisions. This might be the pursuit of further enquiry.
- 12.2 The right of Mr. Hibbs to receive, or the obligation of the RNLI to disclose, the documents Mr. Hibbs has asked for in relation to the “self-launch” enquiry may be subject of legal argument. In the event, no further action was taken in respect of that unfounded complaint. However, in the subsequent investigation conducted by the Area Lifesaving Manager, (Glen Mallen) no documents were disclosed to the accused, Mr. Hibbs, before or after the hearing which executed his immediate dismissal; albeit his own emails might have still been accessible by him. No report on the matter, if it exists, has been disclosed apart from the document dated 21<sup>st</sup> February 2017, apparently written some six weeks earlier.
- 12.3 No evidence of incompetence is known to have been alleged against Mr. Hibbs, although a conclusion that he posed a “risk to life and public safety” perplexed the crew.
- 12.4 Mr. Hibbs was subject of a complaint of self-launching which was unsubstantiated, only to be followed up by a further enquiry, which appeared to have been largely based upon a few cited historical disagreements between the Coxswain and the RNLI for which Mr. Hibbs will say that his observations on those occasions were correct and were recognised as being so by the R.N.L.I.
- 12.5 What was seen to be a disproportionately intensive “micro-management” of the crew subsequent to Mr. Hibbs re-instatement appeared to the crew to be a consistent pattern of behaviour which far from allaying their suspicions of unfairness confirmed them.
- 12.6 The crew understood that the option being offered to them was an honest invitation to have the St Helier lifeboat station become independent with the co-operation of the RNLI during a transitional period and the support of the States of Jersey.
- 12.7 The shutting down of St. Helier lifeboat station on 17<sup>th</sup> November 2017, the removal of the “George Sullivan,” the expulsion of the souvenir shop volunteers, and the dismissal of the crew was not an option previously offered to the St Helier lifeboat station.

Signed \_\_\_\_\_

K. Perchard



Lifeboats

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## Policy

**Policy Number:****P01001****Policy Title:****Launching of a Lifeboat or other Rescue Craft****Applicability:**

Rescue Craft Launching Authorities

**Reason for Policy:**

The rationale for a separate Launch Authority from those undertaking the rescue has been established to allow wherever possible an additional control to assess both the appropriateness of the tasking and the risk before a task is accepted from a coordinating agency.

**Objective of Policy**

To establish the authority to launch an RNLI lifeboat or other rescue craft

**Policy:**

The RNLI delegates the mandate to launch an RNLI lifeboat or other rescue craft to a designated launch authority.

**RNLI Designated Launch Authority**

Lifeboat Operations Manager (LOM) or Deputy Launch Authority (DLA)

Lifeboat Station (Humber)

Lifeboat Superintendent or Duty Coxswain

Lifeboat Station (Thames)

Station Manager or Duty Helm

Beach Lifeguard Unit

Senior Lifeguard

Flood Rescue Team

Team Leader

The Launch Authority will receive information from the Coastguard (or other Coordinating Authority) detailing the circumstances, the nature of distress and the request to launch. The Launch Authority will assess the request and, if in agreement, will pass this authority to launch to the SAR unit commander (Coxswain, Helm, IRH Commander, RWC operator or Flood Boat Helm). The Launching Authority may also use their discretion whether to authorise launch if such a report is received from a source other than the Coastguard or other Coordinating Authority.

A SAR unit commander will only be able to launch following receipt of authorisation from the Launch Authority. However, exceptionally, a SAR unit commander may be in the position where they deem it necessary, for the purposes of saving of life, to launch ahead of authorisation being passed by the Launch Authority. If this is the case every effort must be made to inform the Launch Authority of the action taken as soon as reasonably possible.

The final decision whether to launch always rests with the SAR unit commander who has ultimate responsibility for the safety of the crew and the craft whilst at sea. However the SAR commander is not permitted to launch if the Launch Authority has specified that launch authorisation is not given.

<b>Reference Documents:</b>	<b>Related Policies, Procedures &amp; Guidance:</b>	<b>Related Forms &amp; Instructions:</b>
None	P01030- Rescue Craft Capabilities and Limitations  GU1041 -ILB & Powered Rescue Craft Operational Limitations, ILB and ALB Survivor Carrying Capacities  Class specific fact sheets relating to each craft	None

**Policy Author:**

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**Policy Owner:**

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## **The RNLI 'Volunteer Commitment'**

The RNLI will:

- Welcome you, as a volunteer and provide appropriate opportunities to those who can help us achieve the RNLI's purposes.
- Provide you with appropriate training and the right equipment for the task.
- Give guidance and support your development in your volunteer role.
- Treat you and all volunteers equally and fairly.
- Ensure you have a safe working environment so far as is reasonably practicable.
- Listen to your concerns if things aren't going right.
- Recognise that you are a volunteer and have other commitments.

In return we ask you to:

- Commit to necessary training and give us your time.
- Comply with agreed standards.
- Be professional and loyal to the RNLI.
- Be fair to those around you.
- Talk to your RNLI colleagues (volunteers or staff) first if you have a problem.



## DISCIPLINARY INVESTIGATION

### INTRODUCTION

In order to conduct disciplinary proceedings fairly as specified in the Code of Practice for Disciplinary and Grievance Procedures, an organisation needs to carry out a disciplinary investigation to establish the facts. A thorough, well-conducted investigation may prevent cases of unfair dismissal and reduce the likelihood of a Tribunal claim.

In the most straightforward and minor/first breaches of rules an informal talk with the employee in question may be sufficient to correct the situation. If however a more formal approach is decided upon and there is a need for a formal verbal warning (with a record remaining on the employee's file for 6 months) then a brief meeting should be called and the employee afforded the right of representation, either the statutory right of a work colleague or union official, or anyone else if this is specified in the organisation's terms of employment.

However, where an employee currently has a warning on file that is not spent, or if the misconduct may warrant a sanction greater than a verbal warning, the following guidelines may assist:

#### **Investigation**

No action should be taken by an employer before a proper investigation has been carried out relating to the circumstances of the matter complained of. If appropriate, the employer may consider suspending an employee from work for a specified period whilst the investigation is undertaken. However, if the employee is suspended their contract of employment must continue together with all rights which the employee has under the contract including payment of salary/wages.

**Designate an investigator** - in a serious or complex case there might be a panel of investigators, including members of management and trustees, appropriate to the size of the organization. The role of the investigator is to:

**Gather information** - as soon as possible, speaking to witnesses and concerned parties while memories are still fresh;

**Scapegoat** - ensure that the employee in question is not being singled out by one or more employees for personal reasons;

**Take formal statements** - from witnesses and concerned parties, ensure that the witnesses understand that this evidence is confidential, but that it may be used by a disciplinary panel. The investigator(s) must determine - in the case of eye witnesses - where the witness was in order to see the events, the time of day and why they were there at the time. It is best practice to get any witnesses to sign and date their statements. Caution must be exercised if a witness wishes to remain anonymous. In such cases the importance of their evidence should be explained to the witness but if, despite reassurances, they still do not want their identity disclosed, it may be possible to edit their written statement in a way that protects their identity. If the witness remains dissatisfied or if he refuses to allow his evidence to be used, it is prudent to disregard that evidence.

**Collect evidence** - collect any relevant documents or material evidence. This may include CCTV footage or recordings, emails, correspondence, recordings of telephone conversations (bearing in mind that employees MUST be aware that calls are being recorded).

**Put hearsay to one side** - avoid making decisions or judgments based on hearsay.

**Keep records** - of the investigation, the correspondence, witness statements the Hearing and its outcome. Unfortunately many cases have shown that records have not been kept and such organisations have been unable to demonstrate that a fair process was followed at any subsequent Tribunal Hearing.

### DISCIPLINARY HEARING

If as a result of the investigation it appears that an act of misconduct has been committed the employer should proceed with a disciplinary hearing. The employee should be given details in writing of the complaint sufficiently in advance of the hearing in order to permit them to prepare themselves and to advise the employer who their representative will be, should they choose to be represented. NB: A recent judgment from the Tribunal sets down that 48 hours notice of a disciplinary hearing 'was an unreasonably short time' for the claimant to prepare before attending a disciplinary hearing. If the employee is at risk of losing their job due to their alleged actions, they should be advised of this at the same time.

On occasions, following notification that a disciplinary hearing is to take place, an employee tells the employer that they are unable to attend the hearing because they are sick. If this happens, the employee should be asked to obtain a medical certificate and the hearing should be re-arranged on a different date. If the employee subsequently states that they are still unable to attend, re-arrange the hearing once again but state that if the employee is unable to attend on the rearranged date, the employer may decide to continue the disciplinary process in the employee's absence.

At the hearing the employee should be given the opportunity to state their case and the employee should also be permitted the right of representation, either the statutory right of a work colleague or union official, or anyone else if this is specified in the organisation's terms of employment.

At the beginning of the meeting those present should be introduced and the purpose of the interview explained. The person chairing the hearing should ensure that the employee is fully aware of the nature of the complaint and he should be advised of the detailed allegations resulting from management's investigation. Depending upon the management resources of the organisation, it would not be considered good practice if the person who conducted the management investigation also chaired the hearing and decided upon the disciplinary action to be taken. In a fair hearing, the "judge" is not the "investigating officer".

The employee should be allowed to state their case and consideration should be given to any explanations put forward.

If new facts emerge it may be necessary to decide whether further investigation is required. If so the meeting should be adjourned and re-convened when the investigation is completed.

An adjournment should be called before reaching a decision. A clear view needs to be arrived at on the facts, and if they are disputed it will be necessary to decide on the balance of probability what version of the facts is true.

Before deciding on the penalty consideration must be given to:

- the gravity of the offence;
- the penalty applied to similar cases in the past;
- the employee's unspent disciplinary record and general service;
- any mitigating circumstances;
- whether the proposed penalty is reasonable in the circumstances.

The disciplinary meeting should then be re-convened and the employee should be clearly informed of the decision and penalty, if any. The employee's right of appeal and how it operates should be explained. In the case of a warning the following should be detailed: the improvement expected and

the frequency of any performance review meetings; how long the warning will remain active; the consequences of a failure to improve or to meet the required standard.

A record of the outcome needs to be made and should be confirmed to the employee in writing with a simple record of the action kept on file for future reference.

### APPEALS

The employee must be given the right of appeal, and this should be advised to them in writing. If the right of appeal is exercised by the employee a further hearing should be arranged. If the resources of the organisation are such that the appeal chair can be a person who was not involved in the original disciplinary decision, then this should occur. Whenever possible the appeal should be chaired by a person from a more senior level of management. The employee should be given, once again, the opportunity to state his case and put forward any explanations.

The emphasis on the appeal hearing is to ensure the disciplinary hearing was carried out correctly, the evidence presented appropriately, the employee was given the opportunity to present his case and the disciplinary action taken was proportionate to the misconduct. It does not need to be a re-hearing of the original disciplinary hearing unless there have been procedural errors which need to be addressed, or new evidence has come to light. In such circumstances a re-convened disciplinary hearing usually should be called and the process commenced again.

Finally, the employee's performance should be monitored. The disciplinary action should be followed up with the object of encouraging improvement and progress should be regularly discussed with the individual.

### RETENTION OF DISCIPLINARY SANCTION(S)

In most cases any sanction imposed on an employee following disciplinary action will have an end date - either 6 months (formal verbal) or 12 months (for written or final written warning). Once the date has lapsed these sanctions are 'spent' and should not remain on file nor should they be referred to or relied upon if disciplinary action is required at some later stage.

*JACS recognises that it is often difficult for small employers (i.e. those with a single manager/owner and a very small number of employees) to conform to all the recommendations. In particular, such employers may find it impossible to hold a disciplinary appeal using a different person to chair the appeal than the person who took the disciplinary decision in the first place. Similarly, the size of an organisation may make it inevitable that the same person chairs a disciplinary hearing having previously acted as the investigator of the alleged misconduct. In the Employment Law the Tribunal is able to consider the size and administration resources of the organisation in determining whether the employer acted reasonably. Providing employers in small organisations make every effort to ensure fairness, despite the limitations of their resources, the Tribunal should take that into account.*

JACS Jan 2014

<https://www.jacs.org.je/employment/model-policies-procedures/disciplinary-investigation/>

## **Volunteer Code of Conduct Policy for Operational Volunteers at Lifeboat Stations**

### **1. Purpose**

To provide a code of conduct which must be followed wherever possible by the RNLI and its operational volunteers at lifeboat stations. It is not an exhaustive list, but sets out the general principles expected by the RNLI.

### **2. Scope**

This policy applies to all operational volunteers at lifeboat stations and will be used by any staff or volunteers who manage those volunteers.

This is a detailed code of conduct designed specifically for operational volunteers at lifeboat stations. A more general Code of Conduct for Volunteers sets out the RNLI's generic code of conduct which follows the same principles.

This policy should be read in conjunction with the Regulations of the RNLI (the 'Green Book' kept at lifeboat stations) and other supplementary publications.

### **3. Code of Conduct**

At the heart of our policies is the 'Volunteer Commitment'. This statement outlines the spirit in which the RNLI and volunteers will act together to achieve the RNLI's objectives.

The Volunteer Commitment can be found in Appendix 1

Staff have their own detailed and separate Code of Conduct Policy.

Operational volunteers at lifeboat stations must:

- Carry out their volunteer role activities with due care and diligence
- Comply with all reasonable requests by staff or volunteers who support and manage their volunteer activities
- Act within the law at all times. This includes complying with the Road Traffic Act, strictly adhering to drink/driving regulations and speed limits even when responding to a call out
- Maintain the trust and confidence and uphold the reputation of the organisation at all times
- Maintain the trust and confidence of others at the lifeboat station
- Be aware of health and safety notices and their meaning, seeking clarification if necessary
- Immediately report all injuries and accidents occurring whilst volunteering for the organisation

- Report any loss or damage to personal or organisation property to their LOM or DI
- Wear any protective clothing/equipment provided to them for their volunteer role and comply with any health and safety rules in force
- Respect, maintain and care for any property belonging to or paid for by the organisation
- Return all property belonging to the RNLI on or before the last date of their volunteering
- Comply with the organisation's no smoking policy when on RNLI property, afloat or ashore
- Only bring pets, children or other people to the lifeboat station with the specific authorisation of the LOM or DI
- Act with respect and courtesy towards others
- Accept both RNLI policy and the authority of those entrusted by the RNLI to manage lifeboat stations
- Set a positive example to other volunteers
- Discuss any problems or issues in a reasonable, constructive manner without aggression
- Make themselves aware of the content of the RNLI's Regulations (the 'Green Book'), kept at each lifeboat station and operate within those regulations
- Participate in any necessary training relevant to their role and maintain the relevant CoBT competencies
- Notify the organisation immediately of any illness or medical change

Operational volunteers at lifeboat stations must not

- Act outside the spirit of the Volunteer Commitment
- Participate in any form of inappropriate behaviour or activity when volunteering or act in any way that brings the organisation into disrepute
- Bully, harass or unlawfully discriminate against anyone
- Falsify records, expenses or defraud or attempt to defraud the organisation in any manner
- Carry out volunteer duties when in an unfit state due to the influence of alcohol, or other drugs or substances

- Be in possession of firearms or any offensive weapon whilst undertaking volunteer activities
- Carry out private trading on RNLI premises or use the RNLI 'brand' or equipment to promote private trading
- Participate in lifeboat activities whilst signed off sick from their employer, unless they have the express permission of the RNLI
- Damage or misuse RNLI property

#### **4. Serious Breach**

Serious breaches of the Code of Conduct and the Volunteer Commitment will be handled using the Volunteer Problem Solving policy.

#### **5. Responsibility**

All staff and volunteers referred to within the scope of this policy are required to be familiar with the terms of this policy.

Individual volunteers, staff members and managers are required to keep within the spirit and intent of the policy, as far as possible in their own area. Any queries on the application or interpretation of this policy must be discussed first with the supporting staff member or the senior responsible manager in the area concerned.

The HR department has the responsibility for ensuring the maintenance, regular review and updating of this policy. Revisions, amendments or alterations to the policy and supporting appendices can only be implemented following consideration and approval by the HR management team.

## **Volunteer Problem Solving Policy for Operational Volunteers at Lifeboat Stations**

### **SECTION 1 – Introduction**

#### **1.1 Scope**

This policy applies to all operational volunteers at lifeboat stations - whether retained or not – crew, prospective crew, boats officers, second and third mechanics, shorehelpers, and operational branch officials. It does not apply to full time lifeboat crew who are RNLI employees and should refer instead to the employee policies in the HR Policy zone of Porthole.

It sets out a framework to use if volunteers wish to raise a problem or concern they have with the RNLI, its staff, or its other volunteers.

The policy also clarifies what will happen if the RNLI feels the need to raise a problem or concern about a volunteer, their approach, their conduct, or their relationship with the RNLI and its staff and other volunteers.

This policy should be read in conjunction with the RNLI's Volunteer Code of Conduct for Operational Volunteers at Lifeboat Stations and the RNLI's Regulations – also known as 'the Green Book'. Every lifeboat station has a copy of these regulations which should be accessible to all operational volunteers.

#### **1.2 Glossary of Terms**

At the end of this document is a glossary of terms. This may be helpful for clarification, especially for newer volunteers.

#### **1.3 Background**

The RNLI wants its volunteers to have access to a policy through which problems can be aired and, similarly, a policy whereby the RNLI can address any problems with volunteers.

Maintaining the volunteer ethos is one of the underlying values of the RNLI and a bond of trust is established between the RNLI and its operational volunteers. This is based upon a voluntary two-way commitment, a relationship that is not intended to be a legally binding contract.

The RNLI wants this to be a collaborative and mutually positive relationship. Occasionally, however, a volunteer may have a problem or concern which needs to be addressed. Similarly, the RNLI may need to raise concerns and take action with a volunteer over their conduct, approach, suitability or availability for a role or other issue.

Initially, attempts will normally be made to resolve problems informally and volunteers are therefore encouraged to air difficulties locally and promptly as this informal approach usually provides the speediest and most effective solution.

If the relationship between a volunteer and the RNLI starts to break down and ceases to be a collaborative and mutually positive one, this policy should be used as a way of resolving difficulties. However, if those difficulties prove irreconcilable, then either the volunteer or the RNLI can decide to bring the volunteer arrangement to an end at any

stage. Equally, either the volunteer or the RNLI may decide to end the volunteer arrangement at any time for any other reason.

## **SECTION 2 - How a volunteer should raise a problem with the RNLI**

### **2.1 Three stage process for raising problems**

A lifeboat station is a unique environment where teamwork and trust are fundamental to the safe and efficient operation of the lifeboat.

Sometimes issues that are not directly involved with the RNLI such as business conflict, personal relationships or local history are brought into the lifeboat station and can cause difficulties in this close knit environment. Whilst the organisation wants to do all it can to promote the atmosphere of teamwork and trust, the RNLI can only help volunteers tackle issues that relate closely to RNLI business. Volunteers are asked to put aside any other differences whilst at the lifeboat station.

Should a volunteer raise an issue that is felt to be either outside the RNLI's remit, or to be very minor, this will be explained and the volunteer will be asked to resolve the problem in a different way.

If a volunteer has a problem they wish to air that is linked to the RNLI, there are potentially 3 stages to this process. The first stage is informal, the second is formal and the third and final stage is the opportunity to challenge the decision.

Problems should always be aired as promptly as possible as it is difficult for the organisation to investigate or resolve problems that happened a long time ago.

#### **Stage 1 – Informal**

Unless the problem is a major one, volunteers should first raise the problem informally with the LOM (or the DI for the LOM himself or if the problem concerns the LOM). He will try to resolve the problem informally, involving other people as needed. It is hoped that all problems of a relatively minor nature will be resolved in this way as it would be unusual for these to be taken forward to the formal stage.

For more major problems, an informal approach may be sufficient, or it may be the precursor to the formal stage. The LOM will keep the DI informed.

#### **Stage 2 – Formal**

If the problem is of a serious nature, or if it proves impossible to resolve a more minor problem informally, then a problem or complaint can be aired formally by the volunteer summarising details in writing to the DI. The LOM should be copied in to any such letter, unless the complaint is about the LOM himself in which case the DI will bring the matter to the LOM's attention.

The complaint needs to be specific as to what the problem is and the volunteer should be prepared to give examples. The DI will listen to the problem, either in a pre-arranged telephone call, or by inviting the volunteer to a meeting. If a formal meeting is required the volunteer will be given reasonable notice of that meeting and will be offered the chance to bring a companion.



Once the DI has considered the complaint fully – which may involve investigating further and involving others - he will inform the volunteer of his decision in writing. The volunteer will be given the opportunity to challenge the outcome.

Volunteers should be aware the RNLI will let the complainant know whether or not it feels there are grounds for the complaint and may explain what, if any, action is to be taken, but the volunteer will not necessarily be party to all the steps taken, particularly if they involve someone else.

### Stage 3 - Challenge

If the volunteer decides to challenge the outcome, they need to do so in writing, to the HR department within 5 working days, explaining their reasons. The RNLI will consider the challenge and may ask the volunteer to attend a further meeting. The RNLI will notify the volunteer in writing of the decision which will be final.

## **2.2 Bullying, harassment or discrimination**

The RNLI believes in equality of opportunity and does not tolerate bullying, harassment or discrimination. If a volunteer feels they are the subject of or witness to any sort of bullying, harassment or discrimination they should immediately inform either the LOM, DI or the HR department, whichever they feel is most appropriate. The LOM should then immediately notify the DI for support and guidance.

The principles outlined in this policy are applicable, but additional support is also available.

## **SECTION 3 - How the RNLI will raise an issue with a volunteer**

### **3.1 Three stage process for tackling problems**

Occasionally the RNLI needs to raise concerns with a volunteer. This might be about a volunteer's approach, conduct, suitability or availability for a particular volunteer role or other issues. The RNLI will do this in a fair way, making sure the volunteer understands what the concern is, giving the volunteer the opportunity to put across their views, and trying to agree an acceptable resolution.

Nonetheless, if there are very serious concerns where the relationship seems irreconcilable or is no longer a collaborative one, then the RNLI will consider a range of options which may include asking the volunteer to move to a different volunteer role, or ending the volunteer arrangement altogether.

There are potentially 3 stages to this process. The first stage is informal, the second is formal and the third and final stage is the opportunity to challenge the outcome.

#### **Stage 1 – Informal**

Issues of a relatively minor nature will normally be raised with the volunteer, initially on an informal basis, usually by the LOM (or the DI if the issue is with the LOM himself). Alternatively, the LOM may ask the DI to become involved at this stage.

The LOM will listen to the volunteer's side of the story and try to agree a constructive solution. It may be necessary to agree a review period to ensure that the agreed plan is working well. The LOM will keep the DI informed.

#### **Stage 2 – Formal**

Should this informal approach prove unsuccessful, or if the concern is either more significant or a series of cumulative concerns, then the DI will normally be involved.

The RNLI will make sure the volunteer understands what the concern is and will investigate the concern by asking the volunteer for their views and, where relevant, seeking the views of others involved.

If a formal meeting is required the volunteer will be given reasonable notice of that meeting, the volunteer will be told what the concerns are and will be offered the chance to bring a companion. The RNLI will warn a volunteer in advance if the issue is such that it may have to consider ending the volunteer arrangement.

The RNLI will notify the volunteer of the outcome and, if applicable, the volunteer will be given the chance to challenge that outcome.

#### **Step 3 – Challenge**

If the volunteer decides to challenge the outcome, they need to do so in writing, to the HR department within 5 working days, explaining their reasons. The RNLI will consider the challenge and may ask the volunteer to attend a further meeting. The RNLI will notify the volunteer of the decision which will be final.

### **3.2 Complaints from the public**

Should a complaint be received about a volunteer from a member of the public, the principles outlined in this policy are broadly applicable.

### **3.3 Technical or operational error or omissions**

Technical or operational error or omissions which lead to damage, reduce or jeopardise operational efficiency, risk the safety of the crew, vessel, casualty or members of the public will normally be handled within the principles of this policy. However, the specific circumstances or legislative requirements will be taken into account and may necessitate a different approach.

## **SECTION 4 – Additional Information**

### **4.1 Facilitated meetings**

Once a problem has been raised, either by the RNLI or a volunteer, a facilitated meeting may be set up as a constructive way of tackling difficulties or rebuilding a relationship. At any stage in these processes the RNLI may ask volunteers to participate in a facilitated meeting as a potential solution and way of moving forward.

### **4.2 Stand down**

During the airing, investigation or attempted resolution of a problem, the RNLI may ask a volunteer to temporarily stand down for a number of reasons. This temporary stand down means that a volunteer will not be involved in operational duties and will be asked to stay away from the lifeboat station for a specified period. Only the DI authorises such stand downs.

### **4.3 Resolution**

The RNLI will treat the resolution of complaints or problems seriously and fairly but it is not always possible to reach a solution that is to the satisfaction of all the parties involved. It is the RNLI's goal to ensure that volunteers feel fulfilled during their involvement with the RNLI, but the organisation will ultimately take decisions that they believe to be in the best interests of the RNLI and will ask volunteers to accept such decisions in the spirit they are made.

In certain circumstances it may be necessary for the RNLI to make some sort of change to the volunteer arrangement as a result of a problem. The RNLI will consider a range of options which may include asking the volunteer to move to a different volunteer role, or ceasing the volunteer arrangement altogether.

### **4.4 Confidentiality**

Problems raised by volunteers will be treated with discretion and the organisation will only consult with those who are involved and whose views need to be considered.

Volunteers should be aware, however, that if they make a formal complaint about an individual – whether another volunteer or member of staff – the RNLI will normally make that individual aware of the complaint and who has made it. For this reason, any complaint should be based on specific, factual examples.

If the RNLI raises a problem with a volunteer, it will be discreet and only involve those who are necessary. In return, the RNLI asks volunteers to treat the airing and resolution of problems in a discreet and confidential way.

## **SECTION 5 - Glossary of Terms and Abbreviations**

**LOM** means the volunteer Lifeboat Operations Manager who is responsible for the day to day running of the lifeboat station. A volunteer DLA (Deputy Launching Authority) would stand in for the LOM in his absence.

**DI** means either the Divisional Inspector or his nominated deputy (the Training Divisional Inspector, Deputy Divisional Inspector or Divisional Engineer, for example)

**Informal** – the informal stage is where an issue is addressed verbally, often by the LOM. The informal stage may be sufficient to resolve the problem or may be a pre-cursor to the formal stage.

**Formal** – the formal stage is where an issue is addressed in a more structured way, is recorded in writing and some sanction may result. The DI is usually involved in the formal stage. Notes will normally be taken during some parts of the formal stage.

**Challenge** – this is where a volunteer may have the opportunity to appeal against a decision made, by giving reasons why they are questioning the decision or saying why they think the process has not been fair.

**Companion** – during certain parts of the formal process a volunteer may be accompanied by a crew member or other representative from their station. The companion can ask but cannot answer questions on behalf of the volunteer.

# Coxswain invited to return to St Helier Lifeboat Station

Lifeboats Statement  
Wednesday 28 June 2017

The RNLI has today announced the outcome of its review into the standing down of St Helier lifeboat volunteer Coxswain.

On 6 April 2017 the RNLI asked Andy Hibbs to stand down from his position as volunteer Coxswain at St Helier lifeboat because of serious breaches of the charity's Volunteer Code of Conduct, and in line with its Problem Solving Policy. Andy challenged this decision.

The outcome of a fair and comprehensive internal review has upheld Andy's challenge.

The RNLI accepts these findings and has invited Andy to return to the lifeboat station as volunteer Coxswain on condition that he signs and adheres to the charity's Volunteer Code of Conduct and Andy has agreed to do this.

The investigation found that on a previous occasion, the RNLI did not meet the high standards of support and fairness that we expect and this contributed to the subsequent breakdown in relationships. Because of this, while the recent decision to stand down Andy would ordinarily be justified, the review recognises that Andy's behaviour could be attributed to previous actions by the RNLI and upheld his challenge to the decision.

We would like to apologise to Andy and reassure him, and the Jersey community, that we will be working hard to meet these standards in the future.

Andy has in turn recognised that his behaviour has not always been in keeping with the RNLI's expectations and has committed to adhering to the charity's Volunteer Code of Conduct.

We recognise that this has been a difficult time for all those involved. We will now focus on moving forward to rebuild relationships with the St Helier crew, the RNLI and the Jersey community, and work alongside our emergency service colleagues, States of Jersey and Ports of Jersey to restore a safe, effective and inclusive local volunteer lifeboat service. To also provide dedicated support in this transition period we will be recruiting a full-time Station Manager.

## Example Extracts from Crew resignations

Letter of resignation dated 25 September 2012: *"I have learnt some valuable skills and thanks to Andy Hibbs and Jono Cornic and Tim Gavey I feel I gained confidence and seaman skills that I never thought possible. On a slightly different note I do feel that one particular member of the crew [REDACTED] is not a team player and I certainly had first hand dealings of that. [REDACTED] would quite often not include certain people with certain tasks or try and belittle people as apposed (sic) to seeking there (sic) strengths. He would also criticise the coxswain and his actions in front of others and I felt this was totally unacceptable. I feel St Helier crew as a whole is a very well run organisation and has got some excellent crew members. Once again I would like to say I have been very proud to of been a crew member with the St Helier RNLI. Thanks for giving me the opportunity to of served with such a good station."* (David Fromage)

Letter of resignation dated 6<sup>th</sup> April 2017, *"It is with extreme regret that I have resigned my position as Lifeboat Operations Manager for St Helier. As a former member of the crew during the 1980's under Coxswain Mike Berry, I thought that I had something to contribute, unfortunately in this day's world this is not to be so.... .The reason for my resignation being that whereas it is recognised that all (either businesses) institutions need to re-invent and engage with change, I will not and never will support any organisation which uses pejorative tactics to achieve its aims at bullying, which the RNLI is supposed to be a supporter of defending against."* (James Gales)

Letter of resignation dated 7th August 2017, *"in light of the events that have happened between our station and the R.N.L.I. over the last few months I am disappointed and feel let down by the way it was handled by the powers that be.....I am also finding it difficult to dedicate my time to an increasingly more demanding institution, and you only have to look back over the last 18 months to see the thanks we get for all our time and effort"* (Graham Smith)

Letter of resignation dated 3rd October 2017: *"Though it has been a real privilege to serve alongside the crew of St Helier for the past 5 years, all of whom I hold in the highest regard and have the utmost respect for, since the organisation's appalling handling of the allegations against Andy and all that has followed, I have completely lost all respect for the organisation and with this, my motivation to continue to serve as crew, with all the time and sacrifices that entails."* (Dr. David Howell)

On 6 April 2017 the crew of the St Helier Lifeboat were informed that their Coxswain had been dismissed from his role, without any detailed explanation or evidence. Given that no reason was forthcoming for this decision by the RNLI, we chose to stand down during the appeal process in protest at the way our Coxswain was being treated.

Ultimately the Coxswain's appeal against the dismissal was upheld and he was reinstated. The Coxswain and crew received an apology from the RNLI and we were advised that false information had been provided and that the investigation should not have taken place in the first place. Furthermore, the RNLI undertook to work with the crew to rebuild the good working relationship built on trust and respect which both sides had enjoyed in the past.

At the time of the reinstatement it was agreed that a new station manager role would be set up for a 12-month period to provide assistance with paperwork and fill the 'gap' between St Helier and RNLI HQ. An interim station manager was appointed who had no real interaction with the crew and because of his role within the RNLI is frequently away for weeks at a time.

Given the conduct of the person directly responsible for the miss-handling of the whole process, including the impact on a good and committed lifeboat station, the crew made it clear to the RNLI that they had lost all faith in him and went so far as to lodge an official complaint. In the meantime, several key individuals including a second coxswain and our LMA Doctor have chosen to resign from the crew as a result of the handling of this investigation and its aftermath.

On learning that the complaint has not been upheld, and the manner in which it was delivered, we feel that there has been no evidence of the proposed 'working with the crew to rebuild the relationship' and we are now simply being threatened with RNLI policies and procedures and told to in effect 'do as you are told'. This has left us in a very difficult position.

Our view is that the RNLI chose to 'sack' the Coxswain. We have never been advised of the reasons for that decision and the RNLI continues to refuse to disclose details of the investigation to allow him to clear his name. The



behaviour and approach of the individual who clearly got it so wrong has not been addressed in any way and we have even been told he will continue to be responsible for us and that we have to work with him.

All the crew are volunteers and between us have over 250 loyal years of service to the RNLI. The St Helier Lifeboat Station has a proud tradition, however, given the RNLI's apparent lack of respect for its volunteers and its unwillingness to make changes despite the undertaking to work with the crew at the time of reinstatement, we feel the relationship in its current state is broken.

Having held initial discussions with some of the Jersey stakeholders we would now like to explore further setting up an independent lifeboat station at St Helier. Clearly this is not something that can happen overnight and therefore we confirm that we will continue to operate with the RNLI under your policies and procedures to provide Search and Rescue for the Island of Jersey, until such time as Jersey has its own independent operational lifeboat service.

Yours,  
The crew of the St. Helier lifeboats.

-- END --

Note to editors: any enquiries regarding this matter should be addressed to Mr Paul Battrick on 07797 717 542