



Corporate Services Scrutiny Panel

Send by email to scrutiny@gov.je

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Dear Corporate Services Scrutiny Panel,

Many thanks for your invitation to participate in your review entitled People and Culture. We have addressed the questions identified in your Call for Evidence paper and respond as follows.

1. What are the current challenges facing the public sector in relation to tackling bullying and harassment

There is often a reluctance to raise bullying and harassment complaints for fear that it may impact on one's career, or even result in the complainant being moved from their current position. Where complaints are investigated by local managers there is always a fear of lack of impartiality, especially if complaint is made against line manager and the complaint is then handled by their line manager. Where cases are investigated by case management and substantiated they are then handed back to the local manager to decide what if any disciplinary action is taken. Where staff have made bullying and harassment complaints, and the complaint is found to be true, there appears to be a mismatch in the disciplinary procedure, and we have had cases where minimal disciplinary action has been taken even where the bullying and harassment complaint has been proven. Often if you raise an issue regarding someone senior you will be told something along the lines of 'That's just how X is/comes across but they really get things done' implying that GOJ wouldn't want to lose them. People in lower grades would not get away with the level of behaviour seen in more senior roles.

Another significant factor is that the case management team are poorly trained to interview. They have very little experience of conducting investigation, they are led by people who have been getting it wrong for so long and are never held accountable.

There seem to be a rising number of cases, especially within health. In this area individuals are very reluctant to report cases of bullying and harassment and when cases are reported individuals need to feel safe and secure to do so and protected from repercussions when they do so.

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2. How effective are the current disciplinary and grievance procedure and bullying and harassment policies for employees and are any changes needed?

The grievance policy is often ineffective, with the process being slow, or even ignored. Whilst the employer is working on making changes to these policies, one area of proposed changes involves these grievances being dealt with at local manager level. We have raised serious concerns that there needs to be an independent investigation as of grievances to reassure staff that they will be listened to. There appear to be significant bullying and harassment issues in certain departments, one would certainly ask why these are not being addressed by their respective Director Generals.

There is no connection between the bullying and harassment policies and the disciplinary policy. The bullying and harassment policies can be followed and the case substantiated, but there is no clear policy to ensure all get the same punishment for a similar issue.

In reality policies are dated and do not support victims. They should be victim lead not, no victim until you are proved to be a victim. They are not believed to be independent and Case Management are seen to support managers at all costs

We have experienced situations where the whole process is inefficient and flawed. Statements from witnesses are not recorded correctly leading to misinterpretation of what was actually said in interviews. Staff conducting the investigations need to be expertly trained in the process and be aware of the importance of accurate record/note taking.

Public sector employees need to see that this works to have any confidence in entering into the process in the first place. This is a small community and it is difficult to decide to go down this route when you know you may bump into the person that you've made the complaint about whilst going about your everyday business outside of the working environment as well as at work. Your line manager could be part of the problem so greater discretion on how/where you instigate the process would possibly improve take up from employees. In practice, many would rather find alternative employment than go through what can be a very difficult and ultimately fruitless process. Again, we need to see clarity and equity in the way that the policies are followed. If professional relationships are to be maintained or reconciled this becomes far more difficult as timescales stretch.

The bullying and harassment policies need to be amended to consider the impact on employees when 'false' allegations are made or they are investigated and found to be unsubstantiated. The affected employees are then asked to go back to do their jobs as if nothing has happened. The policies should be developed to cover the repairing of relationships and putting in place firm plans to address how we can get back to 'normal'

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day to day management. Currently there is a significant absence of policy and hence action on these important matters.

3. How could the existing employee exit interview policy and procedures be improved?

The biggest issue appears to be what is done with the results of exit interviews. There appears to be no feedback or action to address any issues identified in the exit interview. Whilst historically staff turn over has been small, it has increased significantly over the last few years, is this a sign of a disgruntled workforce? Does the employer even care when experienced staff leave?

Staff leaving often have the opinion that whatever they say will no longer affect them so are not honest in their interviews. They feel that they have not been listened to so far so there is no point in exit interview.

The majority of employees leaving that could benefit the States are never spoken to as they are constrained by compromise agreements.

4. How is workplace culture impacted by employment policy and practice?

A number of the HR policies seem to lack any flexibility, leaving managers to have to follow them to the letter, regardless of circumstances. This is highlighted many times with the absence policy, where staff with good historical absence records are put on formal absence management following absences which could be related to say serious illnesses, or operations. This leaves the employee feeling undervalued and being punished for absences beyond their control.

Flexitime was removed from all public sector employees on 1st May 2020 due to the Covid lockdown and many people working from home. In spite of numerous calls from the unions to have this reinstated for those working back in the office this has been refused by the employer stating the new offering of flexible working as the new practice. However, there is no policy as a framework for managers and staff to work to on flexible working even though jobs are being advertised as offering flexible working. As a result, managers at all levels are having to deal with this on a case by case basis leaving them open to criticism that they are either being too flexible with some or not flexible enough.

One of the most transparent offerings for flexible working is a flexi-time system. There are clear policies and systems to clock in and out of that monitor your attendance.

Yet another UK consultancy has been taken on to review flexible working, the preliminary results of which are not expected until October/November 2021. In the interim we need something to work to so that managers are not constantly having to monitor requests for flexible working. Flexitime should be reinstated in the meantime as a framework for managing flexible working. You cannot announce such a big change in working terms and conditions without a clear policy in place that has been agreed by all the pay groups through the unions.

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In terms of culture, staff feel ignored, undervalued and not listened to. Employing an ever-increasing number of locum staff is a clear indication that the recruitment/retention policy is not working. Increasing rent and property prices dissuade individuals coming to work here. If an individual has to take out a minimum year's rental agreement, then do not pass their induction period they are stuck with a rental agreement that is hard to get out of.

It seems the culture is that nobody wants to be seen as causing a problem by challenging management decisions, so they keep their heads down in case they become the next target. This cannot be the right nor healthy environment for GOJ workers.

5. Should there be a greater degree of support for employee morale and well-being due to restructuring and, if so, what does this look like?

The current restructuring has driven morale to rock bottom, the stress of having to reapply for one's job, possibly at a lower grade. Whilst the employer offers a 3 year pay freeze as pay protection, this is of little comfort at the end of this period. Many other employers offer an indefinite pay freeze until their new position reaches this level. This would at least give some financial security. It is also of great concern that the employer views a 2 grade drop as suitable alternative position and this leaves the employee feeling undervalued, demoralised. The Union would argue that staff should also be offered redundancy where a 2 grade drop is proposed, as an alternative to pay protection, but the employer will not offer this. Where staff are not matched to a new role they have to face an uncertain period on the redeployment register for their notice period, this is extremely unsettling as the employee does not know whether they will be offered another position, and only at the end of the notice period (say 3, or 4 months are they then given redundancy). This appears to be a way of driving the employee out of the organisation without paying redundancy as they can't take up another position outside the organisation until they have served their notice period without losing their right to redundancy payment. To improve this we would like to see staff being offered redundancy if they don't want to go through the redeployment process. Likewise we would like the pay protection period to be unlimited, like many other organisations.

There has been and still is a huge amount of uncertainty around the TOM process in departments. This is an ongoing process, some departments have largely completed the roll out others are still in consultancy. Even those who have completed it don't really know what this means long-term for them and their teams as structures have changed beyond recognition for many and how they interact with other teams in other departments. Everything has been thrown up in the air and we are still taking on board what the new GOJ landscape looks like.

On top of the structural uncertainty we have all been through 14/15 months of great upheaval and uncertainty with the Covid pandemic not only professionally but personally as people have been anxious about their health and that of loved ones. The one thing we cannot do in our personal lives is plan ahead too far. Also, we are constantly

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reminded of how our actions may affect others with social distancing in every aspect of our lives. Even though we accept this, it does not make everyday lives any easier.

To then be faced with constant uncertainty and change in the working environment only heightens stress. At organisation level it feels like any moves regarding wellbeing appear to be more of a tick-box exercise with little or no follow up rather like any of the policies.

In simple terms people should not be left in a situation where there is uncertainty about the future of their job and income this affects every aspect of their life makes them feel anxious and undervalued even with protected pay agreements these are only short term.

One possible solution is that an independent body set up, with no links to management, so that employees can feed back true concerns and arrangement can be made to support members.

6. Are there any other issues that the Panel should consider as part of the review?

We see many examples of highly paid interims and consultants being employed, some of which are working remotely in the UK. We question whether they represent good value for money, sometimes it appears that the appointment of interims / consultants is a way of avoiding the normal recruitment process, and thus deprives local applicants of the opportunity for these positions. One also has to question where these staff are recruited and paid via UK companies does this then mean that these staff are not paying local income tax on their full salary. The reliance on UK temporary staff may also be an indication that GoJ have now fallen behind in offering ,competitive packages, especially when recruiting specialist staff, so recruiting temps on individual contracts appears to be a way to bypass the GoJ pay scales.

There has been a rather colonial approach to the local workforce whereby it is assumed that whatever the previous structures and practices were that these were the root cause of any problems. People were recruited from off island into a number of senior roles and there appears to be little effort being made to put into place any succession planning to replace the interims and other off island consultants with local, resident successors once the One Gov has been implemented.

Wholesale changes have been made to the public sector without first taking time to understand how the island operated to identify where things did or did not work so well and without any prior knowledge of the Government, States or island culture. These changes did not then fit in with the legal, political and cultural structures of the public sector leading to confusion and further changes to attempt a better fit.

We are a Crown Dependency with our own legal structure and a unique demographic to serve. We are not like a UK local authority, we are a hybrid of local and central government and yet this is the assumption that appears to be made time and again.

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Also, we cannot as members of the public go to the next town to access public services should they no longer be available in our own town due to the physical limitation of being an island nation.

As public sector employees we are service users as well as those who help to deliver the services and as such are in a unique position to appreciate both sides of the experience of the public sector in our island. We are proud of the services that we provide. The consultation process, 'Big Conversation' events, did not start until December 2018/January 2019, after many very large changes to our structure had already been implemented.

We have lost a significant body of employees as a result of the discontent and uncertainty arising from the restructuring. We now have a dearth of historic knowledge of the organisation and the businesses that make up GOJ which leaves us supported by generalists in the core functions.

Team Jersey was aimed at changing the culture within the Government of Jersey especially amongst managers. There has been no culture change, communication and fair treatment remain areas of concern. Individuals get increasingly frustrated with HR as they are unable to get direct, fast responses as they are never available and responses are never received in a timely manner. If individuals are unable to approach their manager, they feel ignored and unsupported.

We would welcome the opportunity to discuss these issues at any Scrutiny Hearings you call.

Yours sincerely

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President, JCSA Prospect

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