

People and Culture Review

Corporate Services Scrutiny Panel Report

6th September 2021

S.R.12/2021



States of Jersey
States Assembly



États de Jersey
Assemblée des États

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1. Chair's Foreword

I would like to take this opportunity to thank all of the people who have contributed to this review. Many of them faced personal risk or discomfort in doing so. It was clear that their motivation was to help their colleagues and their island, and I sincerely hope they will be able to see positive change in the island's largest employer as a result of their submissions to this review.

The importance of culture within a workplace cannot be underestimated. The well-respected Head of People Services for US company Booz, Allen Hamilton, Betty Thompson, describes workplace culture as "what motivates and retains talented employees."

It was the regularity with which concerns were being raised with The Corporate Services Scrutiny Panel about retention issues within the Government of Jersey (particularly within the Health and Education departments) coupled with the uncertainties created by a lengthy structural change programme - which almost 4 years on is yet to be completed – that indeed prompted the panel to decide to undertake this review.

The Panel hopes that this report and in particular its recommendations, will lead to improvements and ultimately improve retention rates, so that islanders can benefit from the expertise and care of those who commit themselves to providing public service. Those people who were described in 2018 in a report prepared for the former Chief Executive as "good, committed and capable."

Despite that, a report into bullying by HR Lounge published earlier in 2018 identifying concerns. Simultaneous programmes of structural and cultural change followed. However, a follow up report by HR Lounge and the Be Heard staff Survey point to ongoing areas of concern.

During the course of this work we have become aware of a puzzling mismatch of views expressed on this subject by unions and witnesses and that of the senior leadership team, who tend to adopt a practice of deflection.

Our key findings and recommendations identify that a lack of openness is an issue that must be addressed, and we urge government to pay close attention to this report and to act upon our advice.

As the co-founder of Pixar, Ed Catmill has said "A hallmark of a healthy creative culture is that its people feel free to share ideas, opinions and criticisms."

Jersey has been fortunate to have "good, committed and capable people" serving the community. But for those people to continue in their work, or indeed return to public service and give of their best, they deserve a healthy and respectful working environment.

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I am very grateful to the Panel and its advisor who understood the need to conduct this piece of work and have worked diligently to ensure that it is concluded in a thorough and helpful manner.



Senator Kristina Moore

Chair of the Corporate Services Scrutiny Panel

2. Executive Summary

The People and Culture Review was established by the Corporate Services Scrutiny Panel (the Panel) to scrutinise the structure, strategy, policies and procedures of Government which significantly influence the culture of the public sector.

The Panel report outlines the background and timeline of Government decisions which led to the Panel's decision to undertake the Review.

The report consequently reviews the effectiveness of the employment board and the people strategy which is being implemented, the use of independent advisors and consultants by Government, the application and outcome of relevant policies and procedures, the impact of its target operating model and One Gov initiative to ascertain how all of the components combine to influence workplace culture.

The report considers recommendations provided by various specialist reports and targeted surveying by Government which were relevant to its review. This includes the Comptroller and Auditor General entitled 'Role and Operation of the States Employment Board' (March 2019) (the C&AG Report).¹ [HR Lounge Ltd Report "Review of Bullying Cases", 21 February 2018](#) and [R.38/2021 HR Lounge Report and Be Heard Survey Summary Findings, 15 March 2021](#).

The Panel wrote, on several occasions, to the Chief Minister and States Employment Board and completed two public hearings with Ministers and Government Officers to obtain further information on views and policy direction. The Panel also held a public hearing with Union representatives and held two private hearings with Government employees. Many of the findings and recommendations which the Panel has made in the report are directly related to these meetings and information provided.

Alongside this, the Panel members engaged with the public via social media and by issuing a call for evidence. The Panel received a range of comments and written submissions from Islanders and employees regarding their views. A large majority of the 45 written submissions were confidential to the Panel. All publishable evidence is included on the Scrutiny website.

The Panel's findings and recommendations has suggested that there are various areas of improvement for the States Employment Board, relevant Ministers and Government Officers to consider. It is evident that the Public Sector is continuing to go through a significant period of change from a Human Resource management perspective and that this needs to be carefully managed to ensure employees feel valued and supported. It is also apparent that the States Employment Board needs to consider the framework it requires to deliver to its legal requirements and lead the delivery of the People Strategy, policy and procedures which are fundamental to the future of the Public Sector. The Panel's Report highlights areas of concern which must be a priority for the States Employment Board, Ministers and Government Officers.

¹ [Comptroller and Auditor General, Role and Operation of the States Employment Board, 29 March 2019](#)

3. Findings and Recommendations

Findings



Key Finding 1

The States Employment Board have not provided minutes to Scrutiny since November 2019. Despite an indication being provided to the Corporate Services Scrutiny Panel that they would be forthcoming; the Chair of States Employment Board has since confirmed that the minutes will not be provided.



Key Finding 2

The 2020 Annual Report of the States Employment Board [R.130/2021] was not provided to the States Assembly until the 3rd August 2021. The States Employment Board has therefore breached a statutory requirements under the terms of the Employment of States of Jersey Employees (Jersey) Law 2005 which stipulates that the Annual Report should be provided by the States Employment Board to the Assembly within three months of the end of the calendar year.



Key Finding 3

The 2020 Annual Report for the States Employment Board lacks transparency as it does not:

- conform to an agreed framework to enable year-on-year analysis.
- measure against policy objectives; or
- contain clear statistical information.



Key Finding 4

The completion of the People Strategy, recommended in the Comptroller and Auditor General's report, has highlighted a significant amount of fundamental work which will need to be overseen by the States Employment Board.



Key Finding 5

The reluctance by the States Employment Board to release its 2020 Annual Report alongside the refusal to release its minutes and the lack of awareness from third parties, such as Trade Unions on matters such as the People Strategy, highlights that a culture of transparency has still to be fully developed



Key Finding 6

The People Strategy can be a public document for use in a consultation but has not been shared by the States Employment Board. Effective internal communication of strategy is recognised by the Chartered Institute for Personnel and Development as important for developing trust within an organisation and has a consequential impact on employee engagement, organisational culture and productivity.



Key Finding 7

The people dashboard, to monitor human resource management, has been progressed by the States Employment Board following recommendations in the Comptroller and Auditor General's report, but it lacks relevant content such as historical data and has not been quality assured. Therefore, it is not possible to confidently track if areas are improving or requiring improvement.



Key Finding 8

The States Employment Board is allowed two Independent Advisors to inform its work as per the Employment of States of Jersey Employees (Jersey) Law 2005. At the present time the States Employment Board has decided to only engage one independent Advisor, who has been in post for 10 years, to inform its work which has restricted its ability to focus on the detail of the data, proposed policies and codes of practice to ensure proper engagement with the process and the Executive.



Key Finding 9

The States Employment Board has not agreed or published a structured timetable for the review and implementation of the revised Codes of Practice. This has significantly reduced the Board's ability to measure progress and hold Government officers to account as per its legal requirement.



Key Finding 10

The States Employment Board does not appear to have a coherent strategy, structure or focus on good performance to reduce the likelihood of Policy being required.



Key Finding 11

Training on discrimination including bullying and harassment is optional for managers and employees. This creates risks to the public service and appears to conflict with the behaviours and culture which the Government of Jersey is seeking to deliver for its managers and employees.



Key Finding 12

The Unions have raised concerns regarding inconsistent policy implementation which could compromise the organisation's stated values and needs to be resolved.



Key Finding 13

The initial HR Lounge report presented in February 2018 has been taken seriously by the States Employment Board and most actions have been implemented. However, there are some actions which remain outstanding and some are not yet at a satisfactory level. This has resulted in significant stress to some employees.



Key Finding 14

The HR Lounge update report (February 2021) stated that a new Grievance Procedure would be launched in early 2021. At the time of writing this report this has yet to be implemented.



Key Finding 15

No evidence has been received from the States Employment Board to confirm the timetable or completion of the recommendations contained within the second HR Lounge reports which could have a detrimental impact on the confidence in the culture of the organisation.



Key Finding 16

The Relaunch Whistle Blowing Policy contains typographical errors and has only been partially updated with variations in terminology being a prevailing issue throughout the document. The Flowchart does not highlight the ability of employees to refer to the confidential helpline and no confirmation on rates of use have been provided in a report format to the Panel to show the impact of the external line.



Key Finding 17

The Whistleblowing policy relies heavily on line managers to complete functions which in other organisations would be completed by either independent managers or trained specialists and does not take into account those scenarios where the management lines are the issue. Evidence provided to the Panel has confirmed this is a significant issue which needs to be addressed.



Key Finding 18

No policy has been determined by the States Employment Board for the exit interview process. This lack of clarity prohibits the Board from building and analysing suitable data and analyse the results.



Key Finding 19

The current disciplinary policy requires additional significant review. There are currently several separate documents, making the process complex and confusing.



Key Finding 20

Consultation with employees on the One Gov Target Operating Model took place, however the lack of justification for the restructure led to a disconnect with employees and there are those in the organisation and wider stakeholders who feel they have been unable to have their say on changes. Involving employees and building a case for change in conjunction with those impacted could have helped alleviate this issue.



Key Finding 21

The programme of work for the Target Operating Model should be governed by project management principles. The failure to do so has led to systemic inconsistencies, delays, suspicion and an undermining of the entire process.



Key Finding 22

The One Gov Target Operating Model has introduced wide ranging restructuring which has required recruitment across the organisation whilst professional training programmes are implemented. The model will continue to be updated as new technologies and systems are introduced.



Key Finding 23

Contradictory timelines mean that decisions have been made before consultation, this has taken place throughout the implementation of the Target Operating Model and risks being continued in any future iterations.



Key Finding 24

The Panel has received mixed reports on the consultation of staff during the development of job descriptions, including those updated as part of the Target Operating Model process, this may suggest an inconsistent approach across departments and managers.



Key Finding 25

It has been suggested to the Panel that almost identical roles will differ in grade depending on the proposer of a job description.



Key Finding 26

There are examples of good practice in the creation and grading of job descriptions, although these are not always learned from and applied throughout departments.



Key Finding 27

The One Gov Target Operating Model has sought to centralise functions such as Human Resources.



Key Finding 28

The implementation and introduction of the Target Operating Model is still underway in some departments and it may be many years before full benefit is realised.



Key Finding 29

Although much of the overall H.R. function has been centralised it appears that a significant amount of responsibility for running day to day elements of H.R. procedures has been placed upon line managers.



Key Finding 30

Accountability for Human Resources ultimately lies with the States Employment Board and Assistant Chief Minister, however responsibility for its implementation is held by all levels of the organisation, including Ministers, Director Generals and Managers.



Key Finding 31

Workforce morale has been negatively impacted in some departments by the implementation of the One Gov initiatives.



Key Finding 32

The benefits of the One Gov initiatives have yet to be fully realised and it is anticipated that it will be some time before these benefits are seen by all government employees and the general public.



Key Finding 33

There has been a concentration of power in the position of Chief Executive which could result in a risk to the organisation from a corporate governance and cultural perspective which must be independently reviewed.



Key Finding 34

There has not been enough focus on utilising Jersey-based skills, both from a consultancy and employee perspective.



Key Finding 35

There is a lack of transparency around the appointment of consultants, including those utilised for Chief Executive appraisal reporting, which has created a culture of distrust in the Government of Jersey and alienated employees.



Key Finding 36

Dissemination of the results of the Be Heard survey has been mixed, and at times has excluded specific relevant information on a number of questions asked in the survey.



Key Finding 37

Results of the Be Heard survey suggest that although employees are proud of the work of the Government of Jersey, there are somewhat mixed feelings towards senior leadership and the One Gov change programme. There are those whose wellbeing is suffering, and many do not believe their remuneration package is fair. The differences in opinion and experience vary in different areas of the organisation.



Key Finding 38

Staff morale and wellbeing varies significantly across different areas of the organisation and is worryingly low in some parts particularly in health.



Key Finding 39

There is a concerning level of staff turnover within the Government of Jersey. The severity of this is unclear, however a large proportion of employees have indicated in the Be Heard survey that they may be wishing to leave the Government of Jersey and this may impact succession planning or create skill deficit.



Key Finding 40

The messaging around Team Jersey which focussed on 'get on the train or get left behind' has alienated employees, this position seemed to be maintained by the former Chief Executive upon his departure.



Key Finding 41

It was identified in 2019 that key stakeholders, such as politicians, should be brought into the Team Jersey programme early as they were pivotal to its success. However, the Council of Ministers did not gain access to workshops until May 2021.

Recommendations



Recommendation 1

The States Employment Board minutes from November 2019 to date must be provided immediately to the Corporate Services Scrutiny Panel and thereafter on a regular quarterly basis to the Panel to ensure the actions of Government are subject to proper scrutiny.



Recommendation 2

The States Employment Board must confirm to the Assembly why it was unable to release its Annual Report for 2020 in the required timeframe and fulfil its statutory obligation as laid out in the Employment of States of Jersey Employees (Jersey) Law 2005.



Recommendation 3

The States Employment Board report must adequately reflect its activities as laid out in the Employment of States of Jersey Employees (Jersey) Law 2005. The report must conform to an agreed framework to deliver year-on-year analysis, provide measurements against policy objectives and provide clear statistical information.

The Employment of States of Jersey Employees (Jersey) Law 2005 should be amended to ensure the Annual Report of the States Employment Board is released at the same time as the States Annual Report and Accounts.



Recommendation 4

A communication strategy and timeline for formal release of the People Strategy must be developed by the States Employment Board within the next three months. This must align to Chartered Institute of Personnel and Development principles to ensure an effective communication strategy is developed.



Recommendation 5

The States Employment Board must actively engage with Unions in a structured and clear format. The States Employment Board must give direction regarding consultation with representatives of States' employees to ensure it fulfils its duties under the Employment of States of Jersey Employees (Jersey) Law 2005.



Recommendation 6

The People Dashboard, to monitor human resource management, must include historical data and provide a brief commentary to ensure the States Employment Board has a high-level overview on changing issues and trends to inform strategy by the end of 2021.



Recommendation 7

The States Employment Board must immediately focus on enhancing its skills and resources and ensure insight, knowledge and expertise goes beyond a political cycle. The States Employment Board should engage a second independent Advisor and consider the terms of its current Advisor and how other stakeholders, who are not States Members, could bring their specialist skills to strengthen the outcomes of the Board



Recommendation 8

The States Employment Board must publish, before the end of 2021, a structured timetable for the review and implementation of the revised Codes of Practice, policies and procedures.



Recommendation 9

The States Employment Board must publish a policy agenda which focuses on good performance and ensure managers and employees understand the behaviours expected before the end of 2021.



Recommendation 10

Training on discrimination including bullying and harassment should be made mandatory immediately, to build and create a culture where wrong behaviour is quickly called out by colleagues and enable opportunities for changes in behaviour.



Recommendation 11

Ad-hoc reviews of policy implementation should be immediately completed and thereafter on a quarterly basis by the States Employment Board on a quarterly basis to reduce inconsistencies.



Recommendation 12

The States Employment Board must ensure a code of conduct is adopted by the senior leadership team prior to the end of 2021.



Recommendation 13

The States Employment Board should ensure that the following steps in relation to policy and procedure implementation takes place in order that it fulfils its duties to a suitable standard as defined in the Employment of the States of Jersey Employees (Jersey) Law 2005:

- All draft policies should undergo a full technical review, by an experienced professional engaged by the States Employment Board, who has not been involved in the process up to that date, to bring a fresh mind to the policy, who is able to stress check and challenge a policy against the core values of the organisation, industry practice and appropriate legislation, and ensure it is consistent.
- A second element of the Technical Review should in conjunction with other policies associated with policy being reviewed, and as part of the

quality assurance process, seek to ensure that policies are consistent with each other and where an issue has to move between policies, for example from Bullying and Harassment to Disciplinary, that it is clear where the links are, that they will work and there is no duplication of process.

- A timeline must be agreed by the States Employment Board to confirm delivery expectations for all aspects of the policy framework.
- The States Employment Board should consider changes to policy and procedures to reduce their use.



Recommendation 14

The States Employment Board must immediately review investigation timescales to identify ways to significantly reduce the time taken to complete an investigation. This should include researching how the administration can be streamlined, or support given to managers to undertake and the time periods allowed for investigation.

The States Employment Board must consider dedicated investigators for the investigation process, and / or outsourcing some of the investigations, to enable timely resolution of issues.



Recommendation 15

Before the end of the year, the States Employment Board should consider further the pathway for the reporting of whistleblowing allegations to include the ability to report directly to HR professionals rather than just line managers or an external helpline. The States Employment Board should also clarify the point at which allegations are reporting to it, in what format and its promotion strategy of the policy to the workforce to build trust and confidence.



Recommendation 16

Before the end of the Quarter four 2021, the States Employment Board should produce a short policy paper confirming its objectives for the exit interview process to fulfil its requirements to a suitable standard under the Employment of States of Jersey Employees (Jersey) Law 2005.



Recommendation 17

There should be a review or report commissioned, and made publicly available, reflecting on the restructuring of the public service to date which includes advice received from third parties to channel the future mandate and the timing of decision making. This should take place by the next Government term.



Recommendation 18

Examples of good development of job descriptions within the Government of Jersey should be made available by the States Employment Board as soon as possible, in order to allow for best practice to be learnt throughout the organisation.



Recommendation 19

Further support and training must be given immediate priority by the States Employment Board to enable line managers to fulfil their Human Resource responsibilities, furthermore People and Corporate Services must be clear which elements of Human Resource function it oversees or actively participates in.



Recommendation 20

Benefit of the One Gov initiatives must be quantified in time for the next Chief Minister to decide which direction the programme should continue to take and enable the incoming Chief Executive to successfully deliver upon that political decision.



Recommendation 21

The appointment of the new Chief Executive should be delayed until after the States Employment Board report recognising lessons learned has been completed, the law changes are defined in the Employment of States of Jersey Employees (Jersey) Law and the 2022 elections have taken place to ensure transparency on Ministerial aims and objectives.



Recommendation 22

As a matter of urgency the full data and results of the Be Heard survey should be publicly released and workshops should continue with all relevant stakeholders, including staff and unions, to help communicate these as well as ascertain reasoning for low scores in some areas.



Recommendation 23

The States Employment Board should ascertain and publish staff turnover by department as soon as possible, using tools such as enhanced exit interviews to identify any issues causing departures and remedying these issues as able.



Recommendation 24

Moving forward, Team Jersey's contract should be halted and an alternative training programme introduced with a primary purpose to build skills and ethos to combat the specified low morale within the Government of Jersey, as opposed to principally being used to highlight the "One Gov" benefits.

4. Introduction

1. The Corporate Services Scrutiny Panel (the 'Panel') monitors the policy and actions of Government, specifically Ministers, relevant to its remit. A review of the Government's strategy, policy, and procedures specifically relevant to bullying and harassment, exit interviews, disciplinary and culture, launched by the Panel on 23rd January 2021, was considered to be a matter of public interest as per the Codes of Practice for Scrutiny Panels.²

Background and Context

2. The public sector in Jersey employed nearly 7,000 individuals in 2020 with a total wage bill of £420 million. Effective people management both at line management level and through the corporate centre is widely recognised as being pivotal to productivity, engagement and effectiveness of service delivery.
3. In the Government Plan 2020-23 the People and Corporate Services department funding increased by over 100% which related to around 3% of the total workforce cost. Several key indicators along with reports from the Comptroller and Auditor General (C&AG), scrutiny and internal audit have highlighted the need to improve the people management fundamentals to deliver a longer-term reform agenda.

For People and Corporate Services – enhanced capabilities:

2020-23 Budget Allocation v Spend GP		
Budget	Forecast	Actual (July 2020)
£5,400,000	£3,800,000	1,500,000

Investment Requirements					
2020	2021	2022	2023	2024	Totals
£3.8 million	£7.7 million	£7.5 million	£7.2 million	£7.4 million	£33.6 million

4. A 'Review of Bullying Cases' (the HR Lounge Report') was completed in February 2018 by the HR Lounge Ltd for the States Employment Board ('SEB').³ The Reports reviewed cases of bullying and harassment across all Government departments during the previous 2 years and also considered various related policies and procedures.

The HR Lounge Report found that levels of bullying and harassment in the Government of Jersey (the 'organisation') were 'significant' and highlighted a number of areas of concern relating to the culture within the organisation and the inconsistency with which procedure was applied across different departments.

The HR Lounge Report provided recommendations for improvements in respect of changes to policy and procedure, the promotion of values, and training for managers in aspects of bullying and harassment which would bring SEB and the Government of Jersey departments in line with best practice.

5. At a Corporate Services Scrutiny Panel meeting on 15th June 2020, the Vice-Chair of the SEB updated the Panel about the work of 'Team Jersey' and advised that a second

² [Corporate Services Scrutiny Panel – Terms of Reference](#)

³ [HR Lounge Ltd Report "Review of Bullying Cases", 21 February 2018](#)

review by the HR Lounge into bullying and harassment would be undertaken in order to provide a comparison to the 2018 Report. The Updated HR Lounge Report and an employee survey entitled the Be Heard Survey) summary of findings were published on the 15th March 2021. ⁴

6. In the preceding twelve months prior to the commencement of its review the Panel questioned the Chief Minister in Public Hearings about the development of strategy and policy in relation to bullying and harassment, disciplinary matters, culture and exit interviews.
7. In a letter dated 8th September 2020 from the Chief Minister to the Chair of the Corporate Services Scrutiny Panel,⁵the Panel were concerned to hear that there were 15 live cases of bullying and harassment in the organisation and that 9 of these were under investigation.
8. The Panel were also concerned about information provided in relation to the turnover of staff, particularly in certain departments. It was confirmed to the Panel that 1,691 employees left the organisation in the period 2017-2019. In the same period 2,798 employees had joined the organisation. It was not confirmed to the Panel how the overall employee headcount had changed over that time, as total employee figures have not been confirmed.
9. In a hearing on 11th February 2020, it was confirmed to the Panel that, at one point, there had been 43 vacancies within Revenue Jersey, which was a department with 120 full-time equivalent posts. ⁶
10. Prior to launching its review, the Panel also received confidential written communication from employees and former employees which raised concerns in relation to bullying in the workplace, restructuring of departments, exit interviews, and the impact resulting from changes to the culture of the workplace.
11. A report from the Comptroller and Auditor General entitled: 'Role and Operation of the States Employment Board', March 2019 and the outcome of the Be Heard staff survey highlighted issues to the Panel, which required further consideration in relation to the SEB around its obligations specifically in relation to governance, strategy, policy and procedures.⁷
12. This review therefore seeks to consider the following key issues:
 - findings and recommendations of the 2018 HR Lounge Report and 2021 Updated HR Lounge Report and whether they have been considered and implemented;
 - the employee exit procedure and establish number of employees leaving the organisation who have had exit interviews;

⁴ [R.38-2021.pdf \(gov.ie\)](#)

⁵ [Letter - From Chief Minister re Staff Absences, HR Lounge, Disciplinary Procedures - 8 September 2020](#)

⁶ [Transcript - Quarterly Hearing with the Minister for Treasury and Resources - 11 February 2020, p.14](#)

⁷ [Comptroller and Auditor General, Role and Operation of the States Employment Board, 29 March 2019](#)

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- establish the number of bullying and harassment cases reported in the previous 24 months, including the number of current active cases [and any evidence of unreported cases];
- the effectiveness of the States Employment Board in implementing the Bullying and Harassment policy and securing improvements for employee wellbeing;
- the impact of restructuring on staff morale and well-being;
- the culture of the States of Jersey; and
- the impact on disciplinary procedure.

13. The Panel have reviewed:

- the role and future strategies of the States Employment Board.
- progress made to date on relevant policy and procedures with particular reference to bullying and harassment, disciplinary and exit interviews and how this aligns to employee perception.
- how the outcome of the Be Heard survey, witness submissions and public hearings provide an insight into the culture of the public sector in Jersey.

14. The Panel agreed to include review of the impact of the One Gov initiatives, such as the Target Operating Model into the scope of its review on 18th May 2021, following the incorporation of the One Gov Review Panel's remit into the Panel's own work programme.⁸

Advisor Appointment

Following a full tender process, the Panel engaged Richard Plaster of Law at Work Ltd as Advisor (the Panel's Advisor) to provide expert technical assistance during the review.

The Advisor was engaged to:

Provide expert knowledge and insight to the Panel and undertake an in-depth assessment specifically on:

- i. Effectiveness and impact of the disciplinary procedure within the public sector, especially regarding cases of bullying and harassment.
- ii. Implementation of recommendations made through HR Lounge reports.
- iii. Workplace culture and how it is impacted by the employment policy and practice; and,
- iv. How organisation restructuring, employment policy and wider people management has impacted employee morale and well-being.

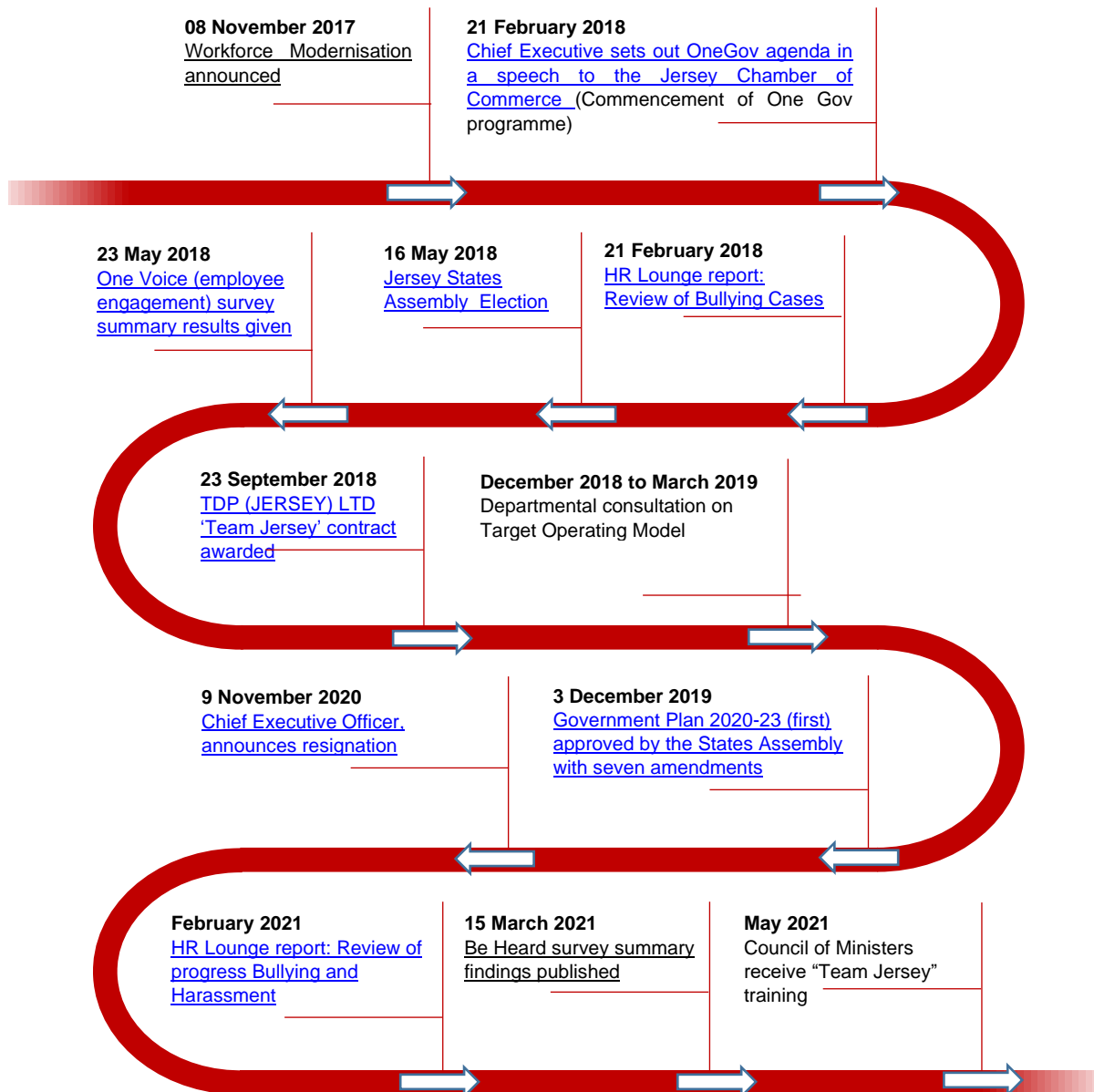
⁸ [Corporate Services Scrutiny Panel, Records of Meetings, 18 May 2021](#)

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- Provide technically informed analysis/interpretation, of relevant submissions received by the Panel from key stakeholders or other interested parties.
- Hold meetings (virtual where possible) with Departmental Officers and key stakeholders to clarify and receive answers to questions, on the Panel's behalf, that have resulted as the review has progressed.
- Assist the Panel in the development of information gathering techniques which in turn capture the voice and views of the public sector workforce in relation to culture.
- Assist the Panel in preparing for Public Hearings by providing specialist advice on areas of questioning.
- Study evidence gathered and brief the Panel accordingly to international best practice.
- Expose the Panel to the full range of views available relating to the Panels' work.
- Advise on specific issues and problems, as requested, by the Panel relating to its work.
- Complete a final report in July 2021 for the Panel's consideration. The report included findings and recommendations as appropriate, based on the evidence the Advisor gathered during the review and is appended to the Panel's report.

15. The findings and recommendations reflect the data received and the evidence of a number of interested parties.

Figure 1: Key Points leading up to the People and Culture Review



5. States Employment Board

Role and Operation of the States Employment Board

Comptroller and Auditor General Report

16. As part of its review, the Panel concluded that it would consider the effectiveness of the States Employment Board ('SEB') against the actions it had taken following the recommendations of the Comptroller and Auditor General in her report entitled 'Role and Operation of the States Employment Board' (March 2019) (the C&AG Report).⁹

Action Plan

17. The SEB provided an action plan to the Panel to indicate the progress it had made against the recommendations provided in the C&AG Report.
18. The Panel questioned the status of the action plan at its Public Hearing with SEB and Government Officers. It was confirmed by the Group Director for People and Corporate Services (the "Group Director") that eight recommendations were still open, that ten recommendations had closed and two had moved outside the remit of the SEB.
19. The Group Director further advised the Panel that packs now go out in advance of SEB meetings, written officer papers are always included (unless they are an urgent item) and that options are presented to SEB rather than just a single recommendation.
20. It was also highlighted to the Panel that, moving forward, SEB would be looking at the risk management strategy and links to workforce planning, talent, succession and investment in development.¹⁰
21. The Panel and its Advisor were unable to complete a full review on the status of recommendations from the C&AG Report as requested SEB minutes were not provided to the Panel. This restricted the Panel and its Advisor's ability to review how some of the recommendations were achieved. The minutes were pertinent to the workings of the SEB and the inter-relationship with senior officers.
22. Several requests for the SEB minutes were made by the Panel to the Chair and the Vice Chair of SEB. Conflicting responses by the Chair and the Vice Chair as to the availability of SEB minutes were recorded by the Panel. When the Panel asked the Vice Chair for the reason for the delay in receiving the SEB minutes in a Public Hearing, following a documentation request letter sent to the SEB Chair,¹¹ the Panel were advised:

"If you have not received them, I can only apologise and if you ping me a note of the ones you have not get, I will make sure you get them."¹²

A follow up letter was therefore subsequently sent by the Panel following the hearing to the SEB Chair requesting that the SEB minutes be provided from 29th November 2019 to 2nd June 2021 be provided,¹³ a second follow up letter was also sent.¹⁴ No

⁹ [Comptroller and Auditor General, Role and Operation of the States Employment Board, 29 March 2019](#)

¹⁰ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.21](#)

¹¹ [Letter - to Chief Minister re People and Culture Review document request - 1 April 2021](#)

¹² [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.25](#)

¹³ [Letter - to Chief Minister re People and Culture Review documentation - 24 May 2021](#)

¹⁴ [Letter - to Chief Minister re People and Culture Review documentation - 02 June 2021](#)

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minutes were received following the written requests by the Panel and no written reply to its letters were received by the Panel. The Panel therefore questioned the SEB Chair on the provision of the minutes at its next Public Hearing and it was advised “normally those minutes are not released, and it is a matter for the whole of the SEB to make a determination.”¹⁵

23. Despite the refusal to release the minutes to the Panel, the Panel and its Advisor were able to review certain outputs which were not reliant on the SEB minutes and from other information provided.



Key Finding 1

The States Employment Board have not provided minutes to Scrutiny since November 2019. Despite an indication being provided to the Corporate Services Scrutiny Panel that they would be forthcoming; the Chair of States Employment Board has since confirmed that the minutes will not be provided.



Recommendation 1

The States Employment Board minutes from November 2019 to date must be provided immediately to the Corporate Services Scrutiny Panel and then on a regular quarterly basis to the Panel to ensure the actions of Government are subject to scrutiny.

Annual Report

24. The Employment of States of Jersey Employees (Jersey) Law 2005 (the Law) appendix 11.4 stipulates under clause 3 (11) that the Annual Report of the SEB should be provided to the States, within three months following the end of each calendar year. The Law also confirms that the Annual Report should cover the SEB's activities under the law during the year. The action plan report provided to the Panel indicates that the SEB report would be published in January 2021. When questioned on the Annual Report at a Public Hearing the Panel were advised by the Vice Chair of the SEB that this would be with the Panel 'very shortly'. The Annual Report [\[R.130/2021\]](#) was subsequently released to the States Assembly by the States Employment Board on the 3rd August 2021. The Annual Report was released four months late with no explanation to the States Assembly for the delay.
25. The Panel Advisor's report notes that the reluctance to release the report alongside the refusal to release the SEB minutes “suggests that a culture of transparency has still to be fully developed”.
26. Recommendation 8 of the C&AG Report in relation to the Annual Report highlighted the need for greater transparency and enhancements of the Annual Report and identified that more information should be placed in the public domain by highlighting the matters that the SEB had considered throughout the year.
27. The Panel Advisor's report reiterates the need for greater transparency and enhancements of the Annual Report.

¹⁵ [Transcript - Chief Minister - People and Culture Review - 21 June 2021, p.41](#)

28. On reviewing the 2020 Annual Report [R.130/2021] of the States Employment Board the Panel held a number of concerns in relation to the transparency of the report. The Panel highlighted that the Annual Report should confirm to an agreed framework to enable year-on-year analysis, measurements against policy objectives and contain clear statistical information to comply with its legal requirements. The Panel also noted that the preparation of the 'Standards in Public Life' document, which is a Code of Practice, did not provide correlation to this document and that the report could be released at the same time as the States of Jersey's Annual Report and Accounts to support transparency and complement its statutory requirements.



Key Finding 2

The 2020 Annual Report of the States Employment Board [R.130/2021] was not provided to the States Assembly until the 3rd August 2021. The States Employment Board has therefore breached a statutory requirements under the terms of the Employment of States of Jersey Employees (Jersey) Law 2005 which stipulates that the Annual Report should be provided by the States Employment Board to the Assembly within three months of the end of the calendar year.



Key Finding 3

The 2020 Annual Report for the States Employment Board lacks transparency as it does not:

- conform to an agreed framework to enable year-on-year analysis.
- measure against policy objectives; or
- contain clear statistical information.



Recommendation 2

The States Employment Board must confirm to the Assembly why it was unable to release its Annual Report for 2020 in the required timeframe and fulfil its statutory obligation as laid out in the Employment of States of Jersey Employees (Jersey) Law 2005.



Recommendation 3

The States Employment Board report must adequately reflect its activities as laid out in the Employment of States of Jersey Employees (Jersey) Law 2005. The report must conform to an agreed framework to deliver year-on-year analysis, provide measurements against policy objectives and provide clear statistical information.

The Employment of States of Jersey Employees (Jersey) Law 2005 should be amended to ensure the Annual Report of the States Employment Board is released at the same time as the States Annual Report and Accounts.

People Strategy

29. At a Public Hearing with the Group Director, People and Corporate Services (the "Group Director") it was highlighted to the Panel that the People Strategy (the "Strategy") was initially a three year horizon and that this could stretch to five to seven

years dependent on the appetite of the next SEB. The Group Director confirmed that the stabilisation and sustain phase within the Government Plan would last until the 'back end of next year' and that most of the focus would be on the next 18 months, beyond that the Group Director confirmed that the intention would be to take stock and see how much progress had been made and where the organisation was in its maturity and what it needs to go forward.

30. The Vice-Chair of SEB highlighted to the Panel at the same Public Hearing that the SEB wanted to complete the job properly and that it was the intention to start with the people strategy and then cascade down to codes of practice, people policy and detailed procedures. When questioned on the timetable, the Vice-Chair highlighted that it was not the intention to put a timetable in but that Government wanted to make sure it got it right.¹⁶

"I think where speed is important and one of the other criteria that we emphasised whether we do it properly this time and we end up with policies that reflect the people strategy, which at the moment I think it is fair to say that in some areas they probably do not."

31. The Panel Advisor's report highlights that "the overarching People Strategy recommended in the C&AG report (recommendation 3) did include the States future workforce requirements, the assumptions, beliefs and aspirations which guide SEB as an employer, how SEB plans to discharge its statutory duties, linkages to key strategic HR policies and the respective roles of SEB, the Principal Accounting Officer and the Council of Ministers."

32. The Panel Advisor's report concludes that the size of the challenge faced by the SEB and the public sector following the completion of the People Strategy had "clearly exposed the amount of work required".

33. At the Public Hearing with the Group Director, the Panel questioned if the Strategy was a public document. The Panel were advised that the Strategy is and can be a public document. It was highlighted that it was very much in design phase to assist accessibility but there was no problem with sharing its content. The Group Director further advised the Panel that:

The focus on the team, bearing in mind that my department has only really been stood up since January, is getting the plan together, rather than making it look a little bit more shiny".¹⁷

34. When access to the Strategy was discussed at the Public Hearing with representatives from Prospect and Unite the Union (the "Unions") it was highlighted that the document had been mentioned but the Unions had not received copies. It was also confirmed that the Unions had not been consulted on the Strategy. The Chair of the Civil Service Branch Unite the Union confirmed to the Panel that:

"a general observation would be we tend to hear the right things being said by senior managers and people in corporate services about things that they want to resolve, but we need to see this come to fruition." ¹⁸

¹⁶ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.28](#)

¹⁷ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.25](#)

¹⁸ [Transcript - People and Culture Review - Unite and Prospect - 4 June 2021, p.35](#)

35. The Panel further reviewed the relationship between Unions and the States Employment Board against written communication it had received from the Chair of the States Employment Board dated 29th July 2021 and 3rd August 2021, the requirements of the States of Jersey Employees (Jersey) Law 2005 and models used for Union engagement within Government departments. The Panel were concerned that the current pathway of communication detailed in the letters from the Chair of the States Employment Board confirmed that the direction of the relationship with Unions was managed by Government Officers and not the States Employment Board and that this conflicted with the requirements of the States of Jersey Employees (Jersey) Law 2005 which stipulates Clause 8 (2) that the States Employment Board shall give directions regarding consultation with States employees, or with representatives of States' employees, concerning the terms and conditions of employment of States' employees. The Panel's evidence concluded with its members own Ministerial experiences from working in Government departments which identified how Ministerial leadership had been fundamental in the delivery of constructive relationships with Unions and that the same requirements of the States Employment Board were required in this instance to ensure positive relationships were built with the Unions. The Panel were also concerned that this needed to be in place to support the engagement with Unions on pay settlements before the elections in June 2022 to avoid previous issues.
36. The Panel Advisor's report concludes that "from the evidence provided that it would appear that the communication strategy for the People Strategy requires further consideration."
37. The Chartered Institute for Personal and Development principles for an effective communication strategy highlights that a truly effective approach to internal communication will be cohesive, strategic and support a culture of trust and openness. It highlights that successful communication must:
- Build a shared sense of purpose aligned to organisational strategy.
 - Receive attention and support from senior leaders.
 - Drive genuine dialogue.
 - Draw on a range of digital channels and tools.
 - Is essential to good people management.
 - be reviewed and assessed for effectiveness.¹⁹



Key Finding 4

The completion of the People Strategy, recommended in the Comptroller and Auditor General's report, has highlighted a significant amount of fundamental work which will need to be overseen by the States Employment Board.



Key Finding 5

The reluctance by the States Employment Board to release its 2020 Annual Report alongside the refusal to release its minutes and the lack of awareness from third parties, such as Trade Unions on matters such as the People Strategy, highlights that a culture of transparency has still to be fully developed.

¹⁹ [Communication & Consultation | CIPD](#)



Key Finding 6

The People Strategy can be a public document for use in a consultation but has not been shared by the States Employment Board. Effective internal communication of strategy is recognised by the Chartered Institute for Personnel and Development as important for developing trust within an organisation and has a consequential impact on employee engagement, organisational culture and productivity.



Recommendation 4

A communication strategy and timeline for formal release of the People Strategy must be developed by the States Employment Board within the next three months. This must align to Chartered Institute of Personnel and Development principles to ensure an effective communication strategy is developed.



Recommendation 5

The States Employment Board must actively engage with Unions in a structured and clear format. The States Employment Board must give direction regarding consultation with representatives of States' employees to ensure it fulfils its duties under the Employment of States of Jersey Employees (Jersey) Law 2005.

People Dashboard

38. The Panel were provided with a people dashboard developed by Government Officers as per recommendation 9 of the C&AG report to allow the SEB to monitor human resource management. On reviewing the people dashboard, the Panel's Advisor expressed concern that:

- oversight of the total number of employees would only be in place by the end of 2021.
- it currently only provides "data at a point in time" except for headcount and casework.
- With the exception of headcount and casework, no historical data is provided.
- some data does not look correct, especially around the cost of absenteeism.
- similar data reported in the health and wellbeing pack reports the number of days lost due to mental health, but the people dashboard reports a figure nearly four times greater.
- data is reported without commentary and it is not possible to understand the story that the data is telling.

For example: data in the Health and Wellbeing pack describes the age bands of those seeking assistance under the Employee Assistance Programme suggesting that one age group is seeking assistance more than others. However this needs to be compared to the demographics of the workforce, for if this is the largest age group in the workforce then that figure might be expected, but if it is the smallest then it identifies a particular issue which needs

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further investigation. (In this case demographics are provided in the dashboard and it is possible to extrapolate the data to confirm that there is one age group that comprises 28% of the working population but is responsible for 40% of the referrals to the Employee Assistance Programme.)

- data does not cover issues of culture or some of the issues which arise from the Be Heard survey or HR Lounge Report.

39. Consequently the Panel's Advisor report confirmed that "it was not possible to understand whether a reported area is getting better or worse and that consideration should be given as to how the data could provide historical context and enable SEB to monitor progress of issues."



Key Finding 7

The people dashboard, to monitor human resource management, has been progressed by the States Employment Board following recommendations in the Comptroller and Auditor General's report, but it lacks relevant content such as historical data and has not been quality assured. Therefore, it is not possible to confidently track if areas are improving or requiring improvement.



Recommendation 6

The People Dashboard, to monitor human resource management, must include historical data and provide a brief commentary to ensure the States Employment Board has a high-level overview on changing issues and trends to inform strategy by the end of 2021.

Independent Advisors

40. SEB is allowed two Independent Advisors as per the Employment of States of Jersey Employees (Jersey) Law 2005 section 6A Advisors to States Employment Board. At the present time SEB has one Independent Advisor who has been in post for 10 years.
41. It was confirmed in the Public Hearing by the SEB Vice Chair that its Advisor attends virtually every session and provides an impartial and objective view of matters as discussed and that the advice is taken on board by the SEB and greatly valued. The Panel were also advised by the Group Director of People and Corporate Services of a very good relationship with the independent Advisor and that the expertise was valued and that this provides an alternative point of view to benefit all parties.²⁰
42. The Panel's Advisor has suggested that a second Independent Advisor be appointed to specifically focus on the detail of the data, proposed policies and codes of practice to ensure proper engagement with the process and the Executive.
43. The Panel's Advisor has indicated that there appears to be a gap in the advice available to the Board and that there is an issue with detail.
44. The Panel's Advisor is concerned that given the composition and skill set of the SEB and the mandate for the People Strategy it is impossible for SEB to understand the

²⁰ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.26](#)

detail or be able to challenge on the detail provided to it on new policies, codes of practice with one SEB Advisor in post.

45. This observation by the Panel's Advisor correlates to the C&AG Report recommendations, Para 6.7 which concludes that the recommendations will inevitably require an enhancement of skills and resources to support the board.²¹.



Key Finding 8

The States Employment Board is allowed two Independent Advisors to inform its work as per the Employment of States of Jersey Employees (Jersey) Law 2005. At the present time the States Employment Board has decided to only engage one independent Advisor, who has been in post for 10 years, to inform its work which has restricted its ability to focus on the detail of the data, proposed policies and codes of practice to ensure proper engagement with the process and the executive.



Recommendation 7

The States Employment Board must immediately focus on enhancing its skills and resources and ensure insight, knowledge and expertise goes beyond a political cycle. The States Employment Board should engage a second independent Advisor and consider the terms of its current Advisor and how other stakeholders, who are not States Members, could bring their specialist skills to strengthen the outcomes of the Board

²¹ [Comptroller and Auditor General. Role and Operation of the States Employment Board, 29 March 2019, p.35](#)

6. Policies and Procedures

46. As part of its review, the Panel concluded that it would scrutinise the detail of policy and procedure implemented by SEB primarily in relation to policy development, how bullying and harassment is handled, the effectiveness and impact of the disciplinary procedure and the employee exit interview process.

Codes of Practice

47. Within the Employment of the States of Jersey Employees (Jersey) Law 2005 article 8 (2b) confirms that the SEB has a duty to issues codes concerning the:

- training and development needs of States' employees.
- procedures for recruitment of States' employees.
- procedures for appraisal of the performance of States' employees.
- procedures for disciplining, suspending and terminating the employment of States' employees, and interventions by the Commission under Article 26(a).

8(3) confirms that the SEB may issue codes of practice concerning any other matter relating to the employment of States' employees.

48. The C&AG report aware of the obligations of the Employment of the States of Jersey Employees (Jersey) Law 2005 (the "Law") recommended:

- the establishment of a clear framework that allowed for review and revisions to ensure HR policies are fit for purpose, rationalised and mapped.
- existing employment codes of practice were reviewed to ensure that ambiguities are addressed.
- the establishment of effective corporate oversight for the need for, and the content of HR Policies and guidance

49. The Employment Codes of Practice have not been reviewed or re-published since 2016. The Group Director confirmed to the Panel at its Public Hearing that some of the Codes go back to 2002 and have not been reviewed during that time. There are currently thirteen Codes of Practice in place.

50. It was also confirmed to the Panel by the Group Director that the Accounting Officers sign a governance statement declaring that they have complied with all policies and procedures and confirm if there are any material breaches at the end of each year to the Chief Executive and Treasurer.

51. The Panel were provided with a SEB report entitled Employment Codes of Practice framework for its review which was produced in February 2021. The Report confirmed that people policies would be developed and operated within the following framework:

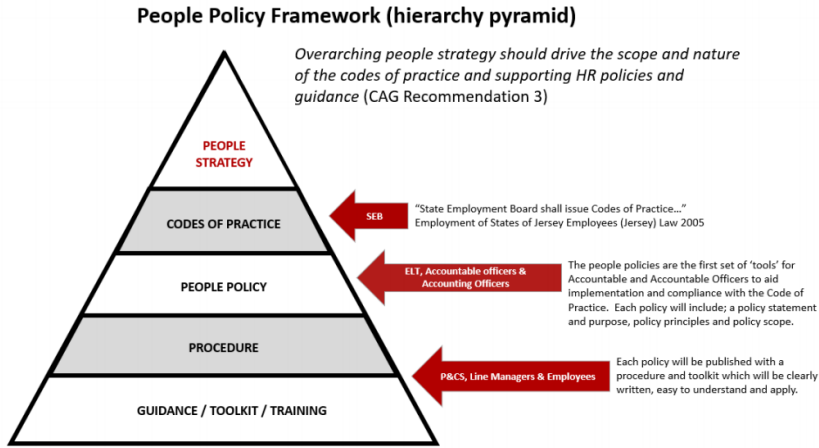


Fig. 3. People Policy Framework

52. The Employment Code of Practice confirmed that six new Employment Codes of Practice (the new codes) would be introduced in a phased approach as follows:

2021 New Codes of Practice	Description
	<i>Each Code of Practice will include a description of its purpose, will outline who it applies to, will set out explicitly the standards and guidelines which must be adhered to and will provide a list of policies which implement it</i>
1 Standards in Public Life	To cover values and behaviours, conflicts of interest, code of conduct, whistleblowing and duties to disclose and report.
2 Employee Rights	To cover employee rights, representation, equality and inclusion, dignity at work (bullying and harassment), health and safety.
3 Talent Development	To cover recruitment, probation, retention, training and development, succession planning, workforce planning.
4 Engagement	To cover trade union relations, employee networks and interest groups, staff survey and actions, recognition.
5 Performance & Accountability	To cover performance management, appraisal, standards at work, professional registration and development, disciplinary and grievances, management standards. In this Code we seek to establish the <i>Manager's Right to Manage</i> free from vexatious complaints.
6 Reward & Benefits	To cover Total Reward Review, pay and grading, performance related pay, staff benefits, terms and conditions.

53. The Employment Code of Practice provided a diagram demonstrating the proposed approval route to sign off on all policies, depending upon the contractual nature, or operational significance of the policy to implementation:

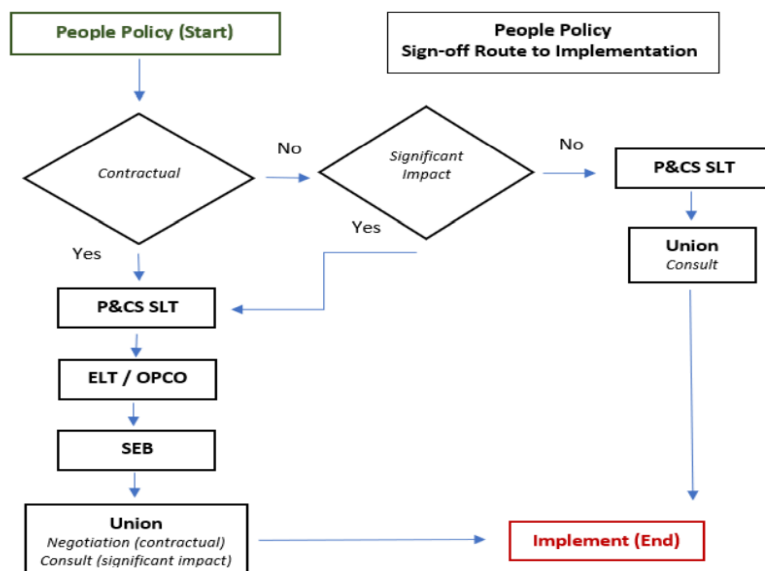


Fig. 4. People Policy approval route

54. The Panel questioned the timetable for the implementation of the new codes at a Public Hearing with SEB and were advised by the Group Director that the new policy team had only recently been established and they were working through an 'agile methodology' which did not give set timetables but provided 'sprint sessions' which means that the new codes move on to the next stage.
55. It was also confirmed by the Group Director that the new team engaged to complete the work required additional development and coaching through the initial stages which had not been anticipated.
56. It was also confirmed to the Panel that the Codes of Practice will be completed at 'the top level' by the end of this year and that the policies that flow from the Codes will be completed by the end of next year. The Group Director confirmed that there are currently 55 employment policies and when mapped against the new Codes of Practice they are 'rather random' and as the policy team will be 'writing from scratch' this will take some time.²²
57. It was confirmed that prioritisation has been completed and the big five for the first review would be whistle-blowing, bullying, disciplinary, grievance and managing attendance and would be "done this side of summer" and allow the case management team to move quicker than they are at the moment. It was identified that improvements had been made to some policies but that they were not in their 'final state' and that a continuous review cycle would be implemented. Finally, the Group Director confirmed to the Panel at its Public Hearing:

"One of the biggest changes that we are making though is that we are putting within policy the policy objectives because the policies that we have at the moment, as we review them, are reviewing process, they are not reviewing effectiveness, so that is one of the things we will put in."



Key Finding 9

The States Employment Board has not agreed or published a structured timetable for the review and implementation of the revised Codes of Practice. This has significantly reduced the Board's ability to measure progress and hold government officers to account which is its legal requirement.



Recommendation 8

The States Employment Board must publish, before the end of 2021, a structured timetable for the review and implementation of the revised Codes of Practice, policies and procedures.

Policy Development

58. The Panel questioned the Vice Chair of the SEB on the policy agenda at the beginning of its term at its Public Hearing. The Panel were advised that the structure of policies was somewhat lacking and 'inconsistent' when the current SEB had been composed but that it was now working hard to resolve matters and ensure that proper structure is implemented for policies. Reference was made by the Vice Chair that the change to

²² [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.27](#)

the Chair did not help the SEB but that it was not better focussed on what to achieve and how to get there.²³

59. Having reviewed the policy development framework the Panel's Advisor raised concerns that he had been unable to source adequate structures or a focus, to avoid the use of policies being required.
60. The Panel's Advisor confirmed in his report that evidence gathered confirmed that "it is widely understood that there are situations when policies are required but that there should be a culture that also encourages issues to be resolved in other ways. The Advisor highlighted that there are several ways as to how this could be achieved by the SEB. The Panel Advisor confirmed that some of the pathways were either in place or within plans presented, but not as a coherent strategy to focus on good performance, thereby reducing the likelihood of the Policy being required. The Panel's Advisor confirmed that policy should focus on ensuring Managers and Employees understand the behaviours expected."



Key Finding 10

The States Employment Board do not appear to have a coherent strategy, structure or focus on good performance to reduce the likelihood of Policy being required.



Recommendation 9

The States Employment Board must publish a policy agenda which focuses on good performance and ensure managers and employees understand the behaviours expected before the end of 2021.

Training

61. The Panel's Advisor highlighted in his report that "training not only informs and enables individuals to reflect on their own behaviour, but in the Advisors experience also builds and creates a culture where wrong behaviour is quickly called out by colleagues, leading to changes in behaviour. The Panel Advisor confirmed that the public sector must not underestimate the power of peer pressure, and its effectiveness in preventing issues building into a problem where the Policies are required."
62. Confidential evidence was heard by the Panel that there had not been systematic training on issues such as Harassment (Racial, Sexual, Disability etc.). The Panel's Advisor confirmed that such behaviour was illegal under Discrimination legislation.
63. The Panel's Advisor highlighted that "all training should be mandatory as it was currently an option for Managers and Employees to complete fundamental aspects of the training. The Advisor to the Panel confirmed It is likely the case that those who opt for such training will have an interest in the subject and are going to be more open to change and a challenge to their own behaviour. Those who are not open to changing their behaviour, those who have a lack of awareness on how their behaviour might be affecting others and those who have attitudes which are no longer acceptable in the workplace are less likely to put themselves forward for this training."

²³ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.38](#)



Key Finding 11

Training on discrimination including bullying and harassment is optional for managers and employees. This creates risks to the public service and appears to conflict with the behaviours and culture which the Government of Jersey is seeking to deliver for its managers and employees.



Recommendation 10

Training on discrimination including bullying and harassment should be made mandatory immediately, to build and create a culture where wrong behaviour is quickly called out by colleagues and enable opportunities for changes in behaviour.

Performance Management

64. Confidential evidence was provided to the Panel that although performance management structures are in place they are not being used or followed and in some cases are ineffective. Witnesses spoke of the process being given “lip-service” by managers and not being seen as credible by employees. It was also confirmed to the Panel that performance management structures were being relied upon by the employer to manage those employees who might knowingly or unknowingly create issues by their behaviour.
65. The Panel’s Advisor report confirmed that “good performance management and consistent management are some of the most effective tools for resolving issues at an early stage and that mandatory training should be a top priority.”
66. Evidence provided by the Trade Unions suggests a strong view that “senior staff receive a greater level of leniency and even maybe acceptance of bullying and unacceptable behaviour sometimes described as behaviour in breach of the stated values, compared to more junior staff showing similar behaviour.” The Panel’s Advisor highlighted that “this was part of an overall behaviour pattern demonstrated in the Be Heard survey (Senior Managers truly love the values of this organisation Score 3,24) and repeated in the HR Lounge report (paras 98 and 99). This was further reinforced by the HR Lounge report (Para 96) which urged the top leadership team to discuss this issue and determine a code of conduct amongst themselves.”
67. The Panel Advisor’s report highlighted that such inconsistent behaviour leads to a number of risks to the organisation:
 - Employees and Trade Unions lose faith in the procedures;
 - Inconsistency can give rise to successful grounds for appeal and / or references to the Discrimination and Employment Tribunal;
 - Behaviour seen as unfair is contrary to the organisation’s stated values and will compromise the organisations stated values and its valid efforts to promote and embed these within the organisation and needed to be resolved.



Key Finding 12

The Unions have raised concerns regarding inconsistent policy implementation which could compromise the organisation's stated values and needs to be resolved.



Recommendation 11

Ah-hoc reviews of policy implementation should be immediately completed by the States Employment Board on a quarterly basis to reduce inconsistencies.



Recommendation 12

The States Employment Board must ensure a code of conduct is adopted by the senior leadership team prior to the end of 2021.

Bullying and Harassment Policy

68. In 2017, the SEB commissioned the HR Lounge to conduct an investigation into a culture of bullying and harassment across the States the Terms of Reference for the investigation focussed on:

- a. a review of existing policies and procedures relating to Bullying and harassment; and
- b. an assessment of the effectiveness of current processes; and
- c. consideration of the current whistleblowing policy, its rate of use and the suitability of the 'designated persons' nominated therein to receive reports from whistle blowers; and
- d. the use of employee focus groups; and
- e. a review of current training around issues such as Bullying and harassment.

The [HR Lounge report](#) published in February 2018 concluded that:

'(the States) have a level of bullying and harassment complaints that is significant and requires attention.... symptomatic of a style of leaderships that exists in some parts of the organisation'.

The report made 29 recommendations for improvements based on observations of:

- Inconsistent application of procedures
- Complainants feeling exposed and vulnerable
- Low quality of investigations
- Lack of clarity of roles and responsibility
- Capacity issues within the Case Management Unit
- Unclear set of expectations for the application of values and behaviours
- The time to investigate complaints took too long and didn't resolve the complaints at an early stage.

69. In Autumn 2020 the HR Lounge were invited by the Group Director acting on behalf of the SEB to conduct a re-review into matters and to look at progress made since the report. The terms of reference were confirmed:

- a. To conduct a follow-up to the HR Lounge report into Bullying and harassment in the Government of Jersey; and
- b. To review the actions and efficacy of such actions in building assurance that allegations of Bullying and harassment are addressed appropriately, and
- c. To undertake focus groups to gauge the perception of Bullying and harassment; and
- d. To undertake senior one-to-one interviews, including with elected Members; and
- e. To undertake an audit of a sample of Bullying and harassment cases; and
- f. To provide a management report for the Board, if necessary, with further recommendations for improvement; and
- g. To provide evidence of good practice.

70. From fieldwork, case audits and policy review, the follow up [HR Lounge report](#) published in February 2021 identified that 20 of the 29 recommendations had been fully implemented, 2 original recommendations were being progressed and 7 recommendations were yet to be put into place. The reports conclusion confirmed that:

'There remains some issues to address and a way to go yet but you should be complemented on the progress made and the way that you have responded to the challenges thus far.'

The seven recommendation not yet taking place focussed on:

- Introduction of a 'create a new friend' systems for complainants and respondents.
- Introduction of a new witness support programme.
- A review of how staff promotions occur and what information is taken into account and how such to ensure that negative and damaging information about complaints and the like, is not taken into account.
- Introduction of a system of post incident review in order to take organisational learning and response to all parties.
- Distribute a periodic bulletin on lessons learned from recent (unnamed cases) as a way of advising staff a willingness to learn from past cases.
- Overload situation developed in Case Management Unit and enhanced resources urgently required.
- Further advancement of the re-design the case management system in order to:
 - Have an appropriate tracking system; and
 - Ensure that all data pertaining to the case is properly secured

The recommendation on the introduction of a new fourteen-day resolution process places an onus on managers to resolve was agreed but it was confirmed that process is still to be consistently applied.

The report identified that the Education department should be more involved in organisation-wide culture and behavioural programmes to ensure consistency with all employees. Additionally, an individual service area was identified as having a particularly problematic approach to a complaint raised. This was redacted from the report [R.38/2021] which was presented to the States Assembly to avoid identifying individuals within the particular case.

71. SEB minutes were requested so as to review decision making process and to enable the Panel to understand the reasoning for 7 recommendations either being outstanding or rejected by the Panel, but the minutes were not supplied. It was therefore not possible to fully assess the effectiveness of the SEB in this area.
72. The Panel were advised by the SEB Vice-Chair that regular litmus tests are provided from the Unions, and it was suggested that they are a good source of information in that respect. The Panel was also informed that relationships with Union colleagues had improved substantially in the last couple of years, with it indicated that if feedback from the unions is received that there is a bullying problem, then action would be taken and the best be done to stop it.²⁴ However Unions have suggested to the Panel that this is not necessarily the case:
- “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.”²⁵*
73. A copy of the SEB action plan for the HR Lounge review report recommendations was requested but was not provided to the Panel in order that it could understand the SEB’s priorities.
74. The Bullying and Harassment Policy was reissued on the 1 March 2021. This was described by the Group Director at the Public Hearing as “really a tidying up and tightening of where we are before we move into a different atmosphere of concertinaing even further”
75. Team Jersey briefing documents describe the Bullying and Harassment policy as a new policy while the policy itself describes the changes made on 17 January 2021 as changes to a service provider and their contact details and on 1 March 2021 as an amendment to Para 9.2 only.
76. The Panel Advisor conducted a review of the re-issued Bullying and Harassment Policy and raised concerns as to what extent this policy has been rewritten or reviewed and noted that the updated policy only included the HR Lounge recommendations contained in the report dated 21 February 2018, and not the 40 comments and suggested amendments to policy identified in the 2021 HR Lounge report.²⁶ The outcome of the technical review completed by the Advisor echoed some of the HR Lounge report comments and suggest amendments and highlighted that:
- there were numerous typographical, numbering and referencing errors.
 - the definition of Harassment is correct according to Article 6.26 (2) of the Discrimination (Jersey) Law 2013, however it does not contain the full test against which an investigator has to compare the alleged actions against, before an outcome can be decided upon. The policy should therefore include the tests from Article 6.28 (3) of the Discrimination (Jersey) Law 2013, as follows;

²⁴ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.20](#)

²⁵ [Submission – Prospect, Jersey Civil Service Union – 28 May 2021](#)

²⁶ [R.38/2021](#)

In deciding whether conduct has the effect described, each of the following must be taken into account;

- a. the perception of the subject;
 - b. the circumstances of the case; and
 - c. whether a reasonable person could regard the conduct as having that effect.
- clause 2.2 – any complaints against a States Member will be dealt with by the Commissioner of Standards. Reviewing the Commissioner for Standards statement on the States Assembly website, it is unclear how this would meet standards either equivalent to the Bullying and Harassment Policy or the expectations of the island's employment legislation.
 - there is a clear expectation that ALL complaints of bullying and harassment will go through an initial informal process (clauses 6.1, 6.8, 6.10). While this is a noble aim and wherever possible is the correct way forward, the reality is that it is difficult for employees, especially younger, junior or vulnerable employees to make a complaint, particularly when a complaint if and when it is made, may expose a pattern of behaviour that has been ongoing for some time or is against someone older, more senior etc. In addition, some complaints will be cases of more serious Bullying or Harassment. In both cases, informal solutions may well be inappropriate, and if insisted upon could lead to the withdrawal of the complaint or cause distress to the complainant, yet there is no facility or signpost within the policy for how this could be moved immediately into a formal process, bypassing the informal process.
 - the line manager is required to facilitate an informal process and if the issue is not resolved and goes to the formal process is likely to be nominated as the Commissioning Manager, responsible for the final decision on the complaint. Under these circumstances, it would normally be a requirement for a person who has not been involved up to that point to be appointed so as to avoid allegations of bias or conflict of interest leading to complaints of an unfair process.
 - clause 8.1 refers to instances where Harassment relates to a protected characteristic. Under the definition within the Discrimination (Jersey) Law 2013 and the policy itself, the issue has to relate to a protected characteristic to be classed as Harassment. If it is not, then the incident is not Harassment, although it could be a case of bullying. This is an important distinction as Harassment is legally defined as discrimination, which is covered by the Discrimination Legislation. If it does not relate to a protected characteristic, it is not Harassment.
 - The same clause, 8.1 requires issues of Harassment to bypass the informal stages, contradicting clauses 6.1, 6.8. 6.10 etc.
 - In serious cases, it is normally appropriate to consider suspension of the person being complained against. There is no guidance to the line manager on the availability of suspension or in what circumstances suspension should be considered.

- Clause 10 implies that the complainant will be removed from the workplace. There is no guidance to the line manager on providing a safe working environment to the complainant, or the issues raised in removing the complainant compared to removing the person being complained against.



Key Finding 13

The initial HR Lounge report presented in February 2018 has been taken seriously by the States Employment Board and most actions have been implemented. However, there are some actions which remain outstanding and some are not yet at a satisfactory level. This has resulted in significant stress to some employees.



Key Finding 14

The HR Lounge update report (February 2021) was informed that a new Grievance Procedure would be launched in early 2021. At the time of writing this report this has yet to be implemented.



Key Finding 15

No evidence has been received from the States Employment Board to confirm the timetable or completion of the recommendations contained within the second HR Lounge reports which will have a significant impact on the confidence in the culture of the organisation.



Recommendation 13

The States Employment Board should ensure that the following steps in relation to policy and procedure implementation takes place in order that it fulfils its duties to a suitable standard as defined in the Employment of the States of Jersey Employees (Jersey) Law 2005:

- All draft policies should undergo a full technical review, by an experienced professional engaged by the States Employment Board, who has not been involved in the process up to that date, to bring a fresh mind to the policy, who is able to stress check and challenge a policy against the core values of the organisation, industry practice and appropriate legislation, and ensure it is consistent.
- A second element of the Technical Review should in conjunction with other policies associated with policy being reviewed, and as part of the quality assurance process, seek to ensure that policies are consistent with each other and where an issue has to move between policies, for example from Bullying and Harassment to Disciplinary, that it is clear where the links are, that they will work and there is no duplication of process.
- A timeline must be agreed by the States Employment Board to confirm delivery expectations for all aspects of the policy framework.
- The States Employment Board should consider changes to policy and procedures to reduce their use.

Resolution

77. Confidential written submissions were provided to the Panel that identified that the potential timescales were a major deterrent to individuals using the policies, and where the policies are used, long timescales led to increased experience of stress and time off work, which in itself then extends the period of the process even further. The Panel Advisor raised concerns that there were potentially long timescales in resolving a complaint, seemingly referred to in the policy as up to 21 weeks, and up to 23 where an appeal is made.
78. Confidential evidence was heard by the Panel that reviews of the remaining policies will be seeking to make them less complex which should mean that if there are fewer stages or less complexity that issues can be dealt with quicker.
79. There appears to be a number of issues contributing to the lengthy timescales. A Freedom of Information report indicated that the number of bullying complaints in 2019 was 23 and in 2020 this has increased to 38.²⁷ When asked about the increase at its Public Hearing the Vice Chair of SEB confirmed:
- We are aware that there are pockets of bullying in the organisation and we will track them down and we will take action to stop them.*²⁸
80. The Panel received confirmation from confidential written submissions and private hearings that the administrative stage of the case management process was given a period of days or a full week to be undertaken. The Panel Advisor has confirmed in his report that reducing these would have a direct impact on the length of time taken for the process.
81. The Panel Advisor was concerned that, as managers have their day jobs to compete with their own priorities, their responsibilities under the policies will be delayed and if there is a week to do a job, then it is more likely that the week will be used as more urgent issues take precedence.
82. The Panel received confirmation from the Director General at its Public Hearing that on average an investigation will take 6 weeks, albeit complex issues will be longer, and some issues completed sooner. The Panel's Advisor confirmed that direct comparisons with investigations undertaken in the private sector, suggests averages around 3 weeks. It was clarified that this is often due to specific resources being allocated to the task, rather than it being added to the workload of a manager who is already busy.
83. It was highlighted to the Panel in a private hearing that during the investigation stage, key individuals are not available due to absence from work. It was suggested to the Panel that some of this is due to employees being absent due to stress at work as a result of the length of time taken to deal with the complaint. The Panel's Advisor report confirmed that this further reinforced the need to reduce timescales for investigations. This was substantiated for the Panel when it considered absence figures in health due

²⁷ [Freedom of Information, Bullying and grievances complaints, 23 March 2021](#)

²⁸ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.20](#)

to stress within the health department and its consequential effects on case management (Case Study 1).

Case Study 1 – Health

The Panel has identified varying levels of adherence to procedures, morale and dissatisfaction with employers across the Government of Jersey. This is particularly apparent within Jersey's Health and Community Services. A number of public sector employees working within HCS contacted the Panel, some even prior to the formal launch of its People and Culture Review, as such the Panel has taken particular care to review this service.

The Group Director, People and Corporate Services, has acknowledged the Health department to be one of the most complex and difficult areas to administrate Human Resources within government due to the range of professional and regulated bodies held within it. It has been indicated that this has required particular attention of the Case Management Unit and Group Director himself following concern of practices of treatment, particularly of clinicians.²⁹

"Staff will not report Bullying and Harassment for fear of losing their job or for the victimisation to get worse. Those that have reported to HR via email or telephone have a meeting with HR then nothing more happens. Those at the top of health know what is going on but because those with the poor behaviour are doing a good job, they tolerate the behaviour... There are numerous Consultant, nurses and Allied health professionals taking time off sick as they cannot face coming to the workplace for fear of being bullied" [Private Submission]

Many of the submissions received by the Panel, in a private manner, paint a picture of bullying behaviour towards colleagues being tolerated on the basis of fulfilment of an individual's professional role or even due to personal relationships. This will however undoubtedly have a knock-on impact on overall staff morale and potentially lead to the loss of employee and reputational damage.

²⁹ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.15](#)

Indeed 27% of sickness days taken within Health and Community Services department during March to August 2019 were related to anxiety, stress or depression, by far the largest reason for time off due to illness.³⁰ This rose to 35% for the same period of 2020, although it is unclear what impact the COVID-19 pandemic had on this figure the Panel could surmise that the anxiety, stress or depression felt within the workforce during this time may not have been as high if there was not underlying issues in staff morale and wellbeing. In August 2020 43% of sickness days taken in HCS were due to anxiety, stress or depression, this figure alone is worrying to the Panel.

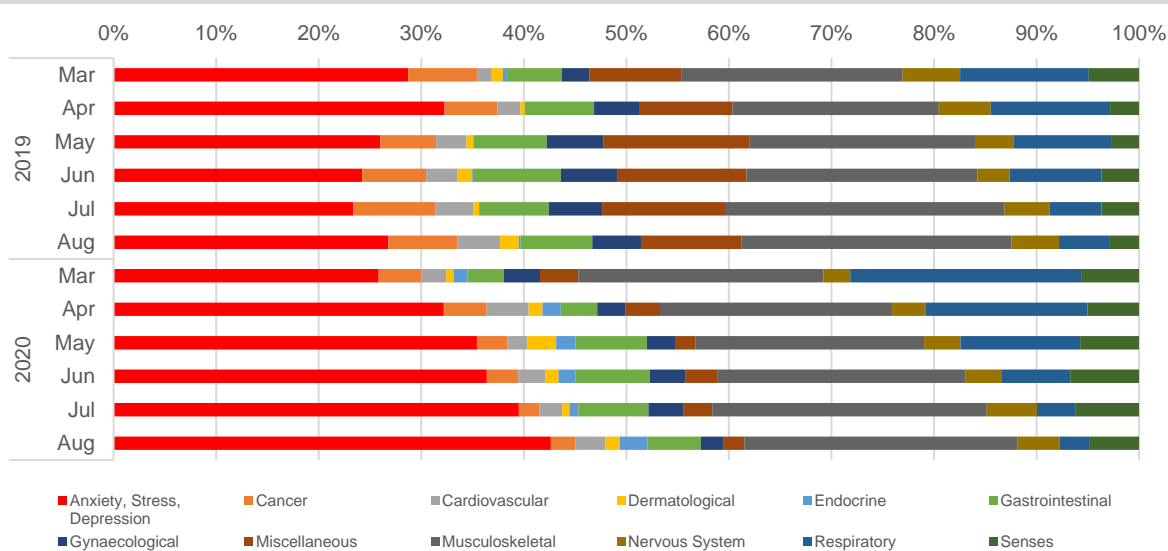


Fig. 5. Reason for sick day in HCS

The Panel is unable to openly discuss departmental breakdown of the results of the Be Heard survey as they have not yet been publicly released, indeed, these have only recently been shared with staff within the Health and Community Services department. However, the Panel would indicate that scores are representative of the submissions that it has received as part of its review, including issues regarding leadership, management and wellbeing. The Panel suggests that these results indicate the reasons behind poor morale and wellbeing in areas of the department, and that this must be investigated and corrected immediately.

It has been suggested to the Panel that management within Health and Community Services lack the training and skills to lead teams and deal with the Human Resource responsibilities expected of them. Although increasing this training may help to reduce the issues facing the service, the Panel suggests that concurrent tracking must be used to ensure that procedures available to managers are followed in all cases.

"It's all very well to review contracts, but there must be management oversight and a matrix of controls. Lack of this is evident in Health where there is apathy, managers don't manage, are not trained in management skills and there is no effective oversight of their non-performance, in my view a key reason for the high turnover in staff resulting in wasted agency fees, lost productivity in training and recruitment checks and staff morale" [Private Submission]

For example, during a private hearing the Panel was informed of a case in which management within Health and Community Services were potentially ignoring or actively acting against policies and procedures concerning bullying and harassment, avoiding both the Case Management Unit and States Employment Board. The Panel has also received evidence that even if formal complaints are handled by Human Resource colleagues, then impartiality is not always guaranteed due to the involvement of potentially guilty parties, or

³⁰ [Freedom of Information, Hospital staff sickness and absence, 29 October 2020](#)

the lack of interviewing of relevant witnesses in some cases. There should be no situation for which this should be allowed to persist.

"There is something seriously wrong at health, I have not been a victim but have had too many colleagues tell me their story, often in tears. Those being constantly belittled and undermined by their manager, which has been reported to HR, those subject to years of poor management, have reported this to HR time after time. Unable to highlight issues or raise concerns because all the managers know each other and are friends. Managers being asked which side they are on by their own consultants. If staff do not do as the bully suggests they are side-lined or at worse just disappear from the organisation. It feels like HR works solely for the employer and does not care about the employees" [Private Submission]

The Government of Jersey must also ensure that adequate disciplinary actions are taken in **all** cases in which allegations of bullying and harassment are proven to be founded. It is suggested that this would be the only way in which the issue can be confronted. Furthermore, private evidence suggests the lack of, and need for, support for witnesses and potential victims in order to allow for the well-being for those individuals involved.

It has been indicated to the Panel that this has ultimately led to staff departures. This is not satisfactory when the Island is actively in need of health professionals and continues to use temporary staff whilst recruitment to positions are ongoing.

84. The Panel and its Advisor were keen to endorse other issues included in the HR Lounge report published in February 2021, particularly the benefit of permanent investigators for serious complaint. The Advisor recommended that it would be worth considering contracting the private sector to undertake some complex investigations, therefore avoiding the use of internal resources and bringing into the process specific and independent expertise. The Group Director confirmed that *a number of zero-hour independent investigators are called upon when needed.*³¹



Recommendation 14

The States Employment Board must immediately review investigation timescales to identify ways to significantly reduce the time taken to complete an investigation. This should include researching how the administration can be streamlined, or support given to managers to undertake and the time periods allowed for investigation.

The States Employment Board must consider dedicated investigators for the investigation process, and / or outsourcing some of the investigations, to enable timely resolution of issues.

Whistleblowing Policy

85. The initial HR Lounge Report confirmed a culture with 'no awareness of whistleblowing policies and no use of it' and that there were many ways the Whistleblowing Policy could be redrafted, strengthened and generally made more pertinent in order that employees could raise issues of significance in a protected and safe environment with the recommendations specifically highlighting the need for a dedicated whistleblowing line outside of regular reporting lines.
86. The follow up HR Lounge Report terms of reference confirmed that consideration of the current Whistleblowing Policy, its rates of use and suitability of the 'designated persons' nominated therein to receive reports from

³¹ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.15](#)

whistle blowers would be subject to review. When published in February 2021 the HR Lounge Report confirmed that key procedural components in relation to timelines, responsibility and deliverable, as well as confirming management and employee expectations had been identified and that it been relaunched.

87. The Panel were provided with a copy of the Whistleblowing Policy which confirmed an effective date of the 17 January 2021, this is an updated version of the one publicly available.³² The purpose and aim of the policy being to:
- Remind all employees of their duty to report serious concerns
 - Ensure that all employees feel confident about raising serious concerns at an early stage
 - Provide clear guidance to employees about how to raise a serious concern and how the process will operate
 - Reassure employees that if they raise concerns in the public interest and reasonably believe them to be true, then any reprisal will be treated as a disciplinary matter; and
 - Employees who raise concerns will be provided with feedback on any actions taken and are aware of the options available to them if they are dissatisfied with the response.
88. The Whistleblowing Policy confirmed that concerns should normally be raised formally or informally with line managers or if concerns relate to the line manager then to their manager and more serious concerns should be raised with the Director General of the department. Concerns about Director Generals or States members must be raised with the Chief Executive. The Policy also confirmed that concerns can be raised via a dedicated 24/7/365 speaking up line, provided by Navel Global/Ethics Point and is independent from the Government of Jersey.
89. The Panel were not supplied with information to confirm the rate of use for the dedicated helpline supplied by Navel Global and were therefore unable to assess its impact.
90. The Whistleblowing Policy provided clarification on the definition of whistleblowing, support and protection provided, how to raise a concern, how the organisation will respond, the investigation process, recording, monitoring and review, untrue allegations, roles and responsibilities, withdrawal of concerns, links to other policies and a Whistleblowing Procedure flowchart as follows:

³² [Whistleblowing Policy, Version 1.0, 21 January 2019](#)

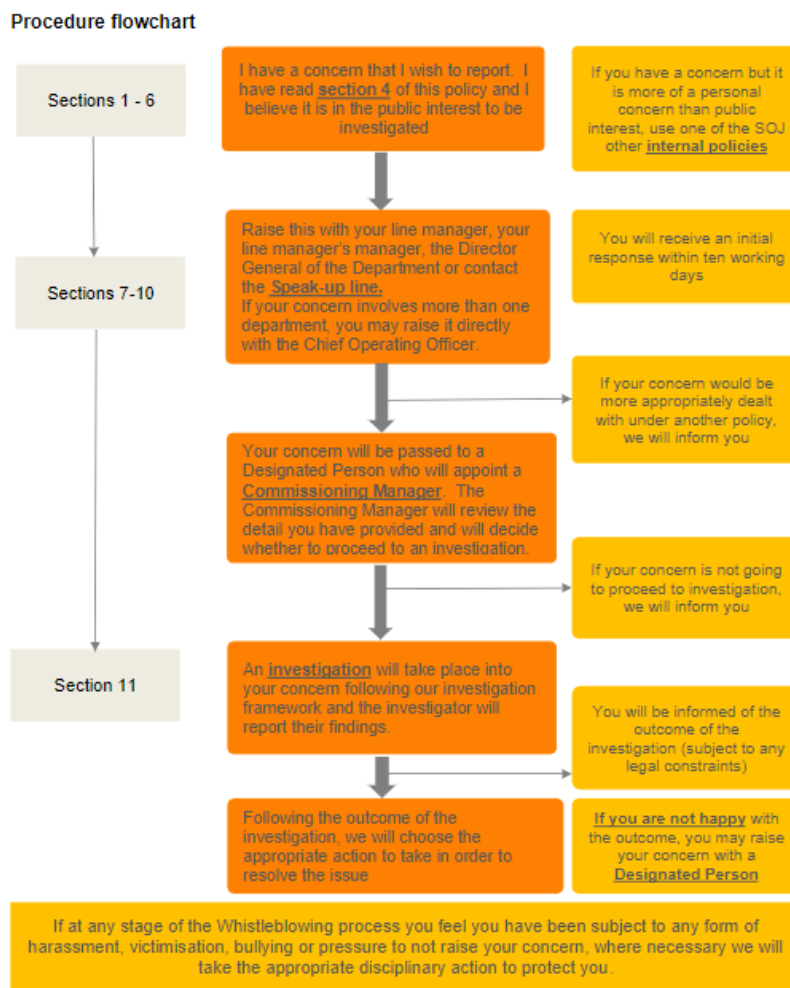


Fig. 6. Whistleblowing Procedure flowchart

89. However, the Panel's Advisor confirmed that a review of the relaunched Whistle-Blowing policy raised similar concerns and conclusions reached from the technical review of the Bullying and Harassment policy regarding typographical errors in the index and that the policy has only been partially updated to take into account the change of name of the employer from the States of Jersey to Government of Jersey, with both variations being used within the policy.
90. The Panel were advised by the Vice Chair of the SEB at its Public Hearing that the SEB would be going through the Policy again to make sure that it picked up learnings from the February 2021 HR Lounge report and translated those into policies which would result in the Policy being reissued once this process has been completed.³³
91. At the same Public Hearing the Panel also questioned the Vice Chair of the SEB on the appropriateness of reporting line as defined in the procedure flowchart and were advised:

³³ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.16](#)

“Yes, I think the higher up the chain you get the higher up the chain you have to report it. It is absolutely appropriate complaints against director generals to be dealt with by the Chief Executive”³⁴

92. When delivering clarification on the pathway for Whistleblowing on States Members the Panel were advised by the Vice Chair of the SEB

‘I am not entirely sure how we deal with a complaint like that because I cannot recall us having one, but there is the Commissioner of Standards who has dealt with instances where States Members have been disrespectful to civil servants. I am not sure how we would deal with a bullying complaint about a States Member. No doubt the States Employment Board would discuss it and we would find a process to manage it and ensure that both sides were protected, and the complaint was dealt with properly.’³⁵

93. The Panel heard concerning suggestions from Union representatives indicating that to their knowledge there are instances when victims or witnesses are unwilling to report or submit evidence due to lack of faith of the reporting pathway.

“To be honest, the process also is inherently unfair. If an employee is subject to a hearing and if they want to call witnesses, it is their responsibility to call those witnesses. Now, if a witness is asked by a senior manager, who is participating, or H.R. to participate as a witness, they are much more likely to participate as a witness than they are if they are being asked by a colleague who is subject to a disciplinary. So, we very often find that people do not feel comfortable to be a witness on behalf of our members, because they are worried about how that will be seen by their senior managers. So, we get the sense that that is stopping fair process happening.”³⁶

94. The Chartered Institute for Personal and Development highlights in its [literature](#)³⁷ that Whistleblowing Policies should make clear that in more serious cases, or if the allegation is about the actions of their line manager, then an individual should feel able to raise with a more senior manager, bypassing lower levels of management. The Chartered Institute for Personal and Development literature also confirms that Whistle Blowing policies should be supported by top managers and promoted effectively to the workforce to enable a climate of open communication as research shows that effective worker voice can lead to positive outcomes for both individuals and organisations but that Power dynamics influence people’s willingness to speak up, particularly on information which challenges the status quo or could be judged negatively by a more senior colleague.



Key Finding 16

The Relaunching Whistle Blowing Policy contains typographical errors and has only been partially updated with variations in terminology being a prevailing issue throughout the document. The Flowchart does not highlight the ability of employees to refer to the confidential helpline and no confirmation on rates of use have been provided in a report format to the Panel to confirm impact of the external line.

³⁴ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.17](#)

³⁵ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.17](#)

³⁶ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.21](#)

³⁷ [Employee Voice | Factsheets | CIPD](#)



Key Finding 17

The Whistleblowing policy relies heavily on line managers to complete functions which in other organisations would be completed by either independent managers or trained specialists and does not take into account those scenarios where the management lines are the issue. Evidence provided to the Panel has confirmed this is a significant issue which needs to be addressed.



Recommendation 15

Before the end of the year, the States Employment Board should consider further the pathway for the reporting of whistleblowing allegations to include the ability to report directly to HR professionals rather than just line managers or an external helpline. The States Employment Board should also clarify the point at which allegations are reporting to it, in what format and its promotion strategy of the policy to the workforce to build trust and confidence.

Exit Interview Procedures

95. Two data sets were provided by the SEB to the Panel in relation to exit interviews. The first set of data entitled leavers survey form confirmed the number of exit interviews which have taken place during one part of 2019, all of 2020 and part of 2021, and the second for the 12 months up to April 2021:

Leaver Survey Forms Government of Jersey	Column Labels			Total
	2019	2020	2021	
Chief Operating Office		3		3
Children, Young People, Edu & Skills	2	30	8	40
Customer and Local Services		11	3	14
Health and Community Services		50	10	60
Infrastructure, Housing and Environment		14	3	17
Justice and Home Affairs		8	14	22
Non-executives and legislature		7	1	8
Office of the Chief Executive	1	2		3
Treasury and Exchequer		8	5	13
Strategic Policy, Planning and Performance		2		2
Total	3	135	44	182

Fig. 6. Whistleblowing Procedure flowchart

96. The second data set confirmed the reasons for leaving for the 182 leaver survey forms provided during part of 2019 to part of 2021 totalling 182 individuals as taken from the HR dashboard used by the States Employment Board:

Reason for leaving	Response
Better Pay	15
Career Development & Better Pay	6
Job Expectations	22
Leadership	6
Leaving Jersey	27
Career Development	5
Change of Career	40
Contract End	5
Health	1
Other	10
Personal Reasons	6
Relationships	11
Retirement	26
Work Life Balance	2
Total	182

97. The data provided also confirms that change of career, leaving Jersey, retirement and job expectations are the highest rated reasons for people leaving the organisation. When placed alongside the be Heard results the Panel Advisor points out that it is notable that leadership and pay were two of the top issues which hold validity when aligned to the subsequential results for leaving.
98. The Panel's Advisor in his report confirms that an effective interview process should provide the employer with vital feedback of the reasons for employees taking the major decision to leave the organisation and provides an early indication if an employee is leaving with a grievance or possible reasons for a claim, sometimes enabling an early resolution
- 99 The Panel requested further information at its Public Hearing on exit interviews and were advised by the Group Director that there is an automated online leaver survey that leavers are given the opportunity to complete before they leave and that asks for people to tick a box on why they are leaving. This is a free text box so that they can be more explicit around some of the reasons why they might be leaving. That survey comes into the people in the Corporate Services team and every survey is reviewed by somebody in the team. The results are then used in two way the survey is used in real time to understand whether there is a specific issue that might raise concerns about some issues that we need to address there and then, and in some cases we contact either the individual, if we have permission to do that, or the line manager to discuss those issues and see if they need to be resolved, or if we can do something about it. The more strategic issue and the more strategic point is around those surveys and that feedback plays into the work that we do to review our people policies. The Group Director also advised:
- 'we are not in the space yet where we have got enough people completing exit surveys and we need to do more to engage with people to do that, but it is certainly one of the routes that we use to improve on people policies, but we also engage with trade unions. We have forums and other ways in which we engage with people to develop those people policies.'*³⁸
100. In the Panel Advisor's report, the following points were highlighted to improve the effectiveness and impact of the employee exit interview process:

³⁸ [Transcript - Chief Minister - People and Culture Review - 21 June 2021, p.31](#)

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- The reasons for leaving are very generic in the exit interview form and some descriptions are potentially overlapping and could be improved (Career development & Change of Career).
- Some helpful descriptors in the exit interview form relate to workplace culture and environment are missing.
- It is not possible to understand the deeper motives behind the reason for leaving in the exit interview form. Any self-select option will not get to the root of an issue. There are a number of reasons why someone might want to change their career, some positive and some reflecting issues within the organisation, but it is not possible to determine these.
- A short policy paper containing the objectives for the exit interview process be drafted and agreed by the States Employment Board. While it is for the organisation to consider to what extent they wish to invest in the process, to get the maximum return and organisational benefits from the process, a properly designed and considered policy could include the following (non-exclusive) points.
 - Expectation that as close to 100% of leavers as possible will be surveyed.
 - While anonymity should be respected, leavers should be encouraged to allow the specifics of their experience to be used as part of the feedback and learning process.
 - Exit surveys are undertaken by a person independent to the department, so that the leaver is more likely to be open about the reasons for leaving, particularly where issues with managers or colleagues are the root cause.
 - Superficial reasons for leaving are not accepted but where possible, through questioning, the root causes for initially looking to move are explored.
 - Questions should have balance, therefore also seeking what was good about the organisation / role / team, not just the negative.
 - For those leaving after only a short period of employment (2021 data is that 26% of leavers have less than one years' service), further specific questions should be asked, to understand if there is a gap between the employees expectations of the role and the reality of the role or whether there are failings within the recruitment process.
 - Summary reporting titles for monitoring purposes are reviewed, ensuring the reason is clear.

- Follow up process designed where the independent person provides learning-based feedback to appropriate persons, including the line manager.
- For accuracy, there should be separation of data between those employed into long term roles and those on short term fixed contracts.



Key Finding 18

Policy has not been determined by the States Employment Board for the exit interview process. This lack of clarity is not enabling the States Employment Board to build suitable data and analyse the results.



Recommendation 16

Before the end of Quarter 4 2021, the States Employment Board should produce a short policy paper confirming its objectives for the exit interview process to fulfil its requirements to a suitable standard under the Employment of States of Jersey Employees (Jersey) Law 2005.

Disciplinary Policy

101. Documentation provided to the Panel confirmed that that there were 5 disciplinary policy documents in operation in the public sector. The Group Director questioned on this aspect at the Public Hearing confirmed:

We are condensing down how you make a complaint, how you address formal concerns, so that there is a single approach to that. Members, when they look at that, will no doubt see the conflicts and the contradictory information, which is part of the issue about management. You point management to a policy and say: "Have a look at this, this is how you do that" and they work their way through it and they are utterly confused. Absolute clarity for these single policy approaches is part of our first tranche of improvements.³⁹

- 102 The Panel Advisor confirmed to the Panel that the new policy must follow the principles of the [ACAs Codes of Practice](#) as ACAS represents and presents well understood and accepted standards which are not overly complex, but allow for a proper and accepted route for determining and resolving issues.



Key Finding 19

The current disciplinary policy requires additional significant review. There are currently several separate documents, making the process complex and confusing.

7. Target Operating Model

- 103 When it was first announced, One Gov was presented as a project to be introduced by the then Government of Jersey Chief Executive, as a way of restructuring the public sector, this led to the development of the Organisational and departmental Target Operating Models (TOMs) – a significant restructure

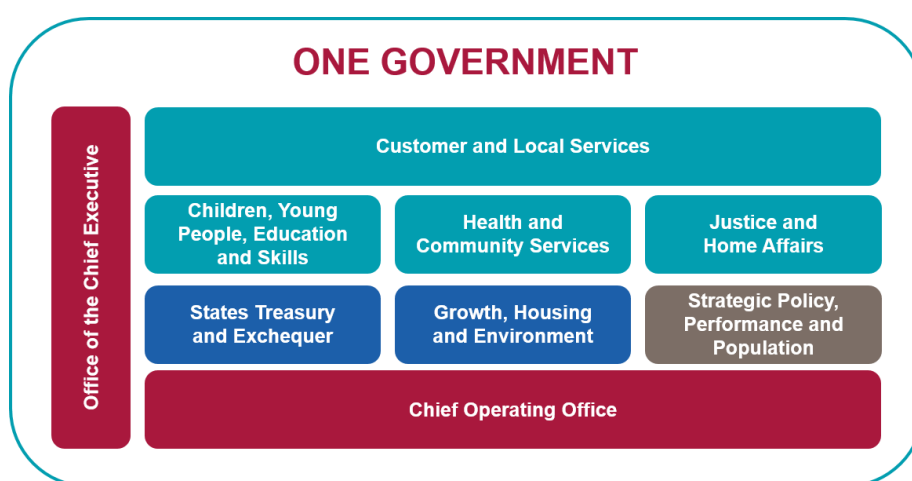
³⁹ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.27](#)

of the organisation that aimed to help break down departmental silos and promote cross-departmental management and decision making.⁴⁰

- 104 This followed on from the workforce modernisation programme which sought to bring fairer and more consistent treatment for employees doing the same type of job across the public sector.⁴¹ That programme was not ultimately successful in establishing substantial changes before the implementation of the One Gov initiatives,⁴² which have introduced new job descriptions under the updated government structure, as well as centralisation of functions such as Human Resources and Financial Management.

Background

- 105 The proposals were worked up following initial work by a transition team appointed by the then Chief Executive, with the project restructuring Jersey's various government departments become:⁴³



- 106 Some reorganisation had taken place in the 2014 to 2018 period, for example the separation of External Relations, the movement of sports to create an Economic Development, Tourism, Sport and Culture Department, and the renaming of Transport and Technical Services to the Department for Infrastructure.
- 107 Reviewing business plans from the era it is clear that often each department held its own finance, communication and human resources capability. The number of sub teams within each department varied and sub departments are not fully explored in the diagrams in this section, however many of these have been consolidated within single departments.

⁴⁰ [P.A.C.3/2019 Res. Recurring Themes: Decision Making - Executive Response, 11 September 2019, P.9](#)

⁴¹ [Workforce modernisation plans announced, gov.je](#)

⁴² [R.48/2020 States Employment Board: Annual Report 2019](#)

⁴³ [Team Jersey "One island, one community, one government, one future", Page 9](#)

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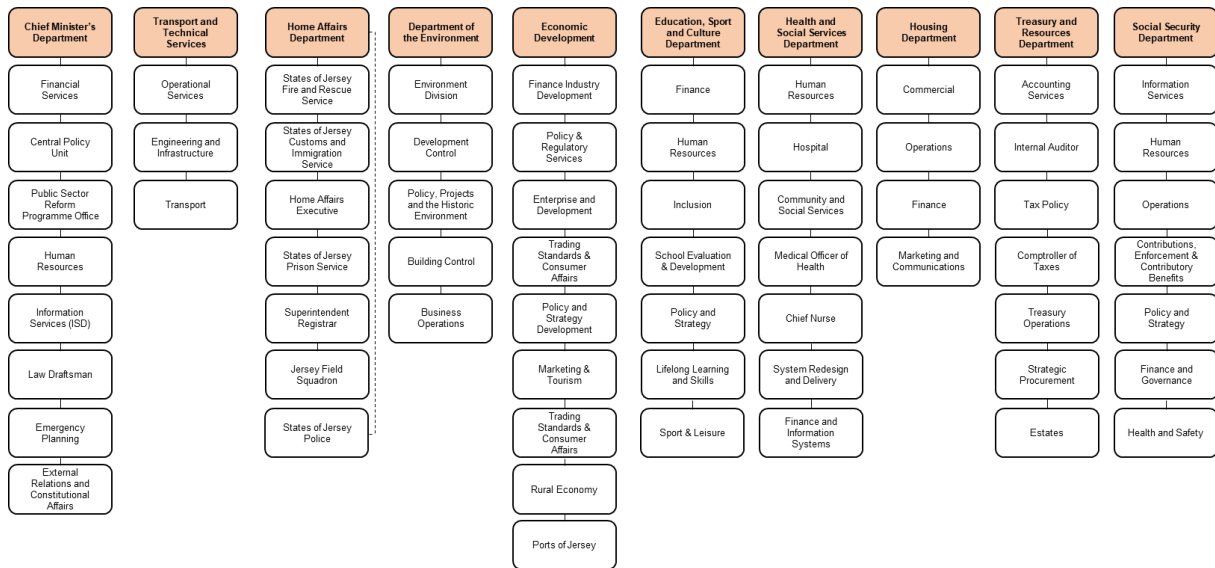
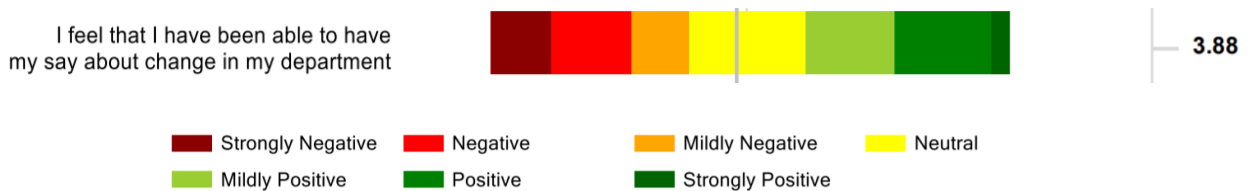


Fig. 3 States of Jersey Structure 2014

- 108 The restructuring of Government was identified as an “early win” and urgent priority. A phased approach was suggested and implemented.⁴⁴ The plans were formed following a 45-day consultation with senior leaders and a 90-day consultation with all staff from March to June 2018. This included reviewing 240 suggestions and questions. The Be Heard survey, carried out in 2020 has suggested that there is mixed opinion on whether employees had been able to have a say about the changes in their department:



- 109 Furthermore as changes have been proposed and implemented, elements have lacked consultation with wider stakeholders, as evidenced through the adoption of [P.24/2019 Justice and Home Affairs: Cessation Of Restructure](#). This highlights the need for the States Assembly to agree, not only legislative changes for restructuring of government departments but to have greater participation in the process.
- 110 The Panel also wishes to highlight the lack in clarity of the cost of the new Target Operating Model. Although rising costs are broadly indicated in the Government Plans, those relating to TOM changes are often not separated from overall revenue bids and therefore cannot be calculated nor tracked.



Key Finding 20

Consultation with employees on the One Gov Target Operating Model took place, however the lack of justification for the restructure led to a disconnect with employees and there are those in the organisation and wider stakeholders who feel they have been unable to have their say on changes. Involving employees

⁴⁴ [Team Jersey “One island, one community, one government, one future”](#)

earlier and building a case for change in conjunction with those impacted could have helped alleviate this issue.



Key Finding 21

The programme of work for the Target Operating Model should be governed by project management principles. The failure to do so has led to systemic inconsistencies, delays, suspicion and an undermining of the entire process.



Recommendation 17

There should be a review or report commissioned, and made publicly available, reflecting on the restructuring of the public service to date which includes advice received from third parties to channel the future mandate and the timing of decision making. This should take place by the next Government term.

111 In a hearing with the One Gov Review Panel held 23 July 2020 it was confirmed to that Panel that the Target Operating Model would continue to evolve with the integration of new systems and technologies, with the Chief Minister indicating that this continuous process was needed to avoid stagnation.⁴⁵

112 Indeed, the structure of the Government of Jersey has developed into:

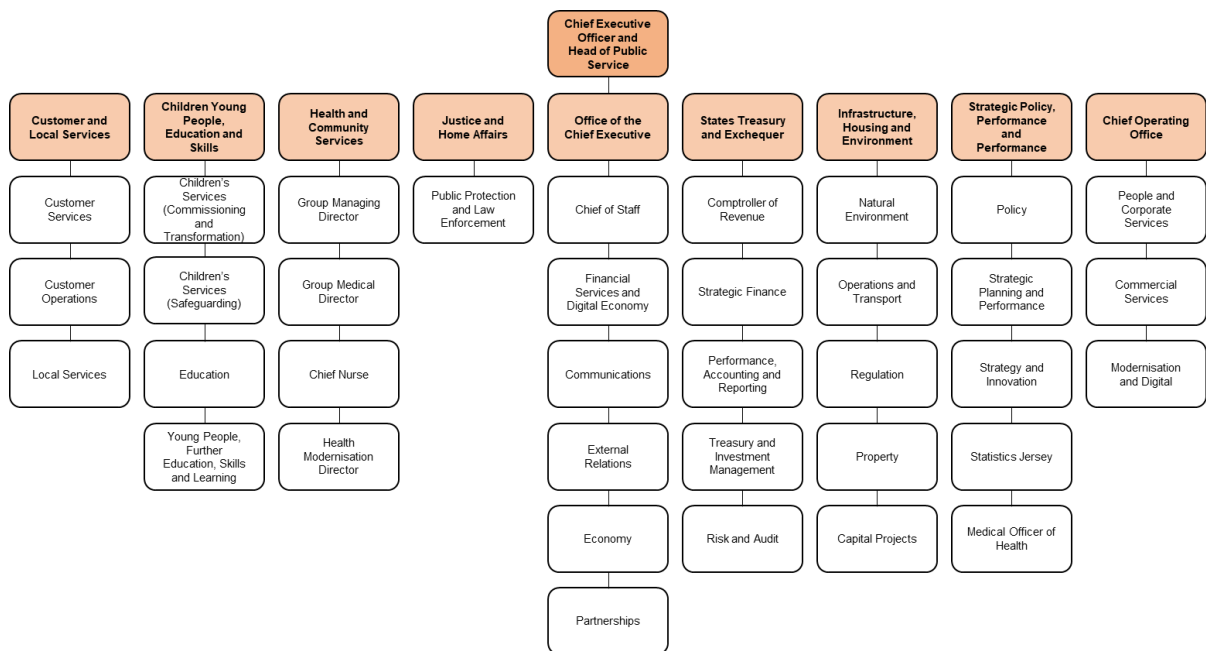


Fig. 4. Government of Jersey Structure September 2020

113 Recruitment to meet the primary restructuring of the Target Operating Model is ongoing in some departments and will continue for a number of years as training and implementation of systems endure, with the Group Director, People and Corporate Services highlighting:

⁴⁵ [One Gov Review Panel Public Hearing with The Chief Minister, 23rd July 2020, P.14](#)

“Over the next 2 years I expect to have a fully developed organisation structure with people who are professionally qualified. We have just launched the C.I.P.D. (Chartered Institute of Personnel and Development) academy, which is the professional development programme. From that we will then take stock post-I.T.S. implementation so we start the discovery phase for the new technology programme at the back end of this year. We will implement it 12 months later and from there we will take another check to see where the capabilities are needed in the future.”⁴⁶

114 The continued changes to Target Operating Model can be seen in the development of what has become the Infrastructure, Housing and Environment Department, shown in Fig.5. The Panel has concerns that these changes may negatively impact upon staff, whose reporting lines and job security may be threatened through further updating. It can be highlighted that consultation with the then Growth Housing and Environment Department only started in February of 2019.

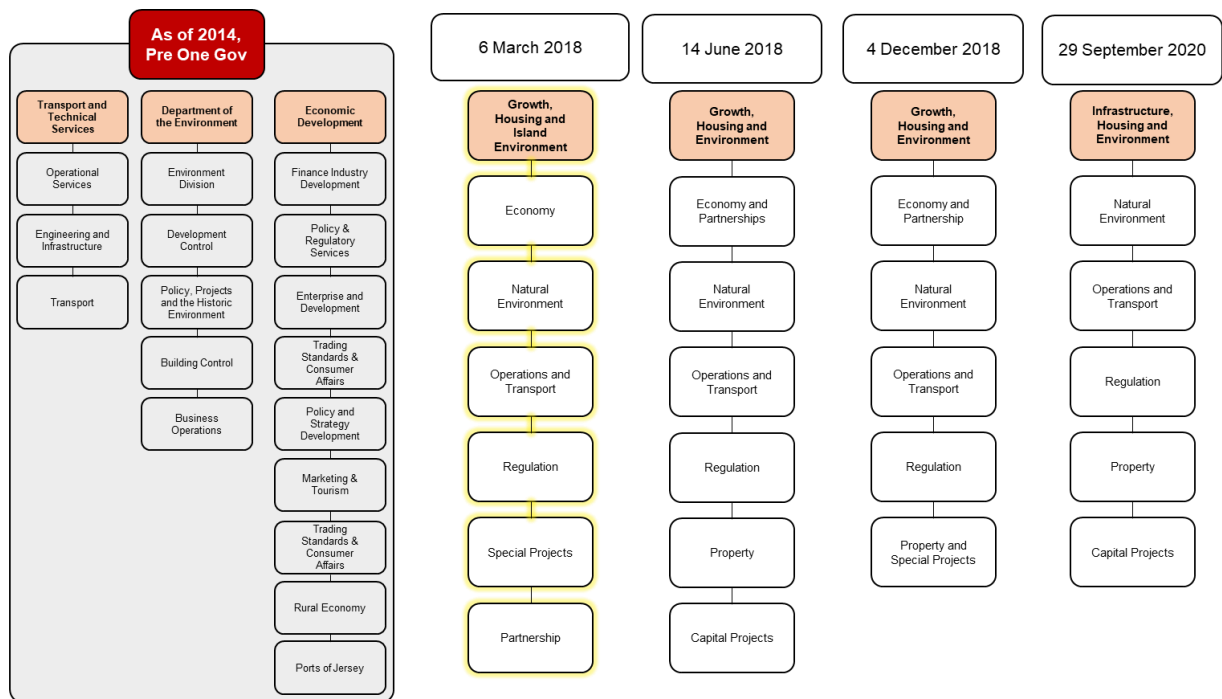


Fig. 5. Development of Infrastructure, Housing and Environment Department



Key Finding 22

The One Gov Target Operating Model has introduced wide ranging restructuring which has required recruitment across the organisation whilst professional training programmes are implemented. The model will continue to be updated as new technologies and systems are introduced.



Key Finding 23

Contradictory timelines mean that decisions have been made before consultation, this has taken place throughout the implementation of the Target Operating Model and risks being continued in any future iterations.

⁴⁶ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.2](#)

Job Descriptions

- 115 As part of the Target Operating Model restructuring job descriptions have been updated throughout the organisation.
- 116 The Panel found during its public hearing with Union representatives that there was some discontent on the generic nature of updated job descriptions highlighting that historic versions would often list specific and detailed descriptions on what the role entailed.⁴⁷
- 117 The production of the job descriptions was further questioned, with suggestion that those writing the document often missed day-to-day elements that working in the position entailed. The Union representatives suggested that greater involvement of employees in the formation of job descriptions was needed:
- “I am quite surprised at the lack of involvement in the job descriptions from the workers themselves, the trade unions, especially in the grading process and the evaluation of the grading process. I would normally expect that there would be a trade union representative as part of the grading structure as well. That tends to be good practice or best practice and it gains the most beneficial outcomes for both sides because the members feel as if their union is represented and their roles have been represented correctly on those panels as well.”*⁴⁸
- 118 However, it appears that some discussion with employees will take place. As highlighted by the President of the Jersey Civil Service Association Prospect, during an initial consultation employees will be given 30 days to comment on a new job description. Yet it was stated that they will not always be listened to, or changes will be reevaluated, and outcomes updated, which it was suggested may cause frustration.⁴⁹
- 119 Union representatives have also highlighted the possibility that almost identical roles may be graded, or paid, differently depending on which department, team or individual has submitted a job description.⁵⁰
- 120 Furthermore, it has been highlighted to the Panel that examples of good practice in the creation of job descriptions may not be used to aid in the formation of improved versions in other teams. A specific example of good practice was given as the large banding of grades within Modernisation and Digital, which enabled employees to enter the grade at a suitable level to their skill and experience prior to progressing.⁵¹



Key Finding 24

The Panel has received mixed reports on the consultation of staff during the development of job descriptions, including those updated as part of the Target Operating Model process, this may suggest a mixed approach across departments and managers.

⁴⁷ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.5](#)

⁴⁸ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.5](#)

⁴⁹ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.7](#)

⁵⁰ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.4](#)

⁵¹ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.5](#)



Key Finding 25

It has been suggested to the Panel that almost identical roles will differ in grade depending on the proposer of a job description.



Key Finding 26

There are examples of good practice in the creation and grading of job descriptions, although these are not always learned from.



Recommendation 18

Examples of good development of job descriptions within the Government of Jersey should be made available by the States Employment Board as soon as possible, in order to allow for best practice to be learnt throughout the organisation.

HR function, accountability and practice

- 121 As identified in Fig. 4 the majority of departments contained their own Human Resources function prior to the implementation of the One Gov initiatives. The Government of Jersey has maintained that the reorganisation of corporate and departmental structures groups such as H.R. bring together similar functions, which will allow them to flourish and develop, rather than have isolated pockets of capacity and capability spread across departments.⁵²
- 122 The Group Director, People and Corporate Services, has indicated that his department was severely impacted by business continuity measures implemented during COVID-19 response, including redeployment of 300 to 400 people into COVID testing, and as such there was a delay in the implementation of its Target Operating Model.⁵³ The Panel understands that People and Corporate Services is now almost fully staffed and that teams are operating “up to speed”. As a relatively new team they are anticipated to be learning and gaining experience.⁵⁴
- 123 The Panel has ascertained that the People Hub has now received a clear role description, which is separate from those held by People and Corporate Services. The Group Director, People and Corporate Services has indicated that the two teams work closely together and have formed a good relationship with delineation of roles and responsibilities.⁵⁵
- 124 It has been highlighted to the Panel by the Group Director, People and Corporate Services, that the people product catalogue is a shift from a previous top down approach, with a new focus on re-engaging the workforce and development of management competence. Examples such as the conducting of the Be Heard survey have been given.

⁵² [P.A.C.3/2019 Res. Recurring Themes: Decision Making \(P.A.C.3/2019\): Executive Response ,11th September 2019](#)

⁵³ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.30](#)

⁵⁴ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.31](#)

⁵⁵ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.21](#)

- 125 The centralisation of HR functions under People and Corporate Services has been suggested to be beneficial, examples have been given of the People Management System and data recording which will allow for tracking of aspects such as conflicts of interest, complaints and Key Performance Indicators.⁵⁶ Indeed centralised oversight of Human Resources complaints will now be undertaken through Case Management Unit.
- 126 However, it is clear that People and Corporate Services are still progressing the successful application of its plan to stabilise and sustain its functions, following delay in fulfilment of recruitment and implementation of the Target Operating Model.⁵⁷ It has been indicated to the Panel by the Group Director, People and Corporate Services, that implementation of the People Strategy could stretch out for as long as 7 years, dependent on the appetite of the next States Employment Board.⁵⁸



Key Finding 27

The One Gov Target Operating Model has sought to centralise functions such as Human Resources.



Key Finding 28

The implementation and introduction of the Target Operating Model is still underway in some departments and it may be many years before full benefit is realised.

- 127 Although it is understandable that implementation of changes will take time, issues exist that can be addressed in a shorter timescale, and a consistent approach across the organisation should be seen.
- 128 The Unions representatives specifically highlight that a centralised system should lead to learning being incorporated quickly in elements such as production of job descriptions and benefits through a community of practice. Instead was highlighted to the Panel that mainly negative points of having a centralised H.R. team sitting away from the departments they are dealing with, are felt.⁵⁹
- 129 Furthermore the Unions suggested that elements of Human Resource management are carried out, not by the centralised team, but by individual line managers whilst carrying out their primary role:

“That problem, again, coming back to Lyndsay’s point, it is where you centralise the H.R. function, so each department level struggles for that H.R. support. Certainly my criticism of that is a lot of the H.R. processes are pushed on to line managers. Well, line managers are very good in their respective disciplines, they are not H.R. professionals. They are not H.R. experts. Everything seems to be pushed on to them, policies for example. That leads to different interpretations of policy, because someone reads it and says: “That is what it says, that is what I have to do.” So you do not have that consistency led

⁵⁶ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.29](#)

⁵⁷ [S.R.15/2020 Res.](#)

⁵⁸ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.32](#)

⁵⁹ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.5](#)

by an H.R. professional. It has been devolved down. It has probably done wonders for the headcount in H.R., because everybody else is doing the work that they formerly were doing, but you do not have the consistency. Whereas you might have had 38 H.R. people doing it, you now have 300 managers doing it all in different ways, because you have devolved it down. As I say, each time somebody is reinventing the wheel. So if I need to recruit staff, I have not recruited staff for 3 or 4 years, so I have to learn the process again. What is the latest one? How do I do this? How do I do that?”⁶⁰



Key Finding 29

Although much of the overall H.R. function has been centralised it appears that responsibility of running day to day elements of H.R. procedures has been significantly placed upon line managers.

- 130 This again suggests the importance of having consistent policies and procedures that are ingrained and followed within all levels of the organisation. This has been acknowledged by the Government of Jersey, but it is stipulated that time will be needed to see the benefit. The Group Director, People and Corporate Services highlighted to the Panel:

“If I take the case management team, they started to come in and onstream March this year. There is a lot of work to do over the next 6 months to get them more consistent, to get a greater consistency, a better quality and a better standard, as you have already picked up around the reporting and the recording. The phase after that is then to shift the case management team into an internal consultancy, so we are not relying so much on additional people to come in and do the change management pieces, the interventions; that will be at the back end of next year. There is always a plan to reduce down the size of departments once we have got I.T.S. in, once we have got the major programmes of change in and once we have got a much more mature organisation.”⁶¹

- 131 Accountability for Human Resources is ultimately the responsibility of the States Employment Board, and Assistant Chief Minister for Human Resources.⁶² This does not only include responsibility oversight of policies and procedures but also of the Target Operating Model which ultimately dictates the number of staff and grades within the organisation. It has also been highlighted to the Panel that on an operational level Director Generals will have a direct relationship with their appropriate Minister, and as such some proportion of H.R. accountability runs through this.



Key Finding 30

Accountability for Human Resources ultimately lies with the States Employment Board and Assistant Chief Minister, however responsibility for its implementation is held by all levels of the organisation, including Ministers, Director Generals and Managers.

⁶⁰ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.25](#)

⁶¹ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.32](#)

⁶² [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.34](#)



Recommendation 19

Further support and training must be given immediate priority by the States Employment Board to enable line managers to fulfil their Human Resource responsibilities, furthermore People and Corporate Services must be clear which elements of Human Resource function it oversees or actively participates in.

One Gov impact and practice

132 Although the pace of change has somewhat reduced more recently, continuous movement of staff and departments may be having a negative impact upon both work and morale. Increased pressure due to corporate processes has been reported to be causing difficulty for areas such as planning and building control within what was the Growth, Housing and Environment department.⁶³

133 There has been some praise of the restructuring and more generalised job descriptions introduced by the One gov initiatives from the Chair, Civil Service Branch, Unite the Union:

“Interestingly, where there are the ... you were asking about the good examples, so if we go to the Chief Operating Office, the T.O.M.s were done, I think, at group director level. When you look at people in Corporate Services and when you look at Modernisation and Digital, they very much looked right at the beginning at the functions that were required. Once they had those functions then they were able to build up and have the functional job descriptions and then from that the generic job descriptions came. It came from what business required; you could see quite clearly and track. But also, what happened within those T.O.M.s, which was good, was it looked at the career development path, so how can we build people’s career through this department? Those target operating models were handled really very well.”⁶⁴

However this has not been consistent across the organisation with Target Operating Models within C.Y.P.E.S. (Children, Young People, Education and Skills) and Health and Community Services still facing a lot of work to be done. It has been indicated to the Panel that morale in certain areas of those departments is at “rock bottom.”⁶⁵

134 Furthermore, there has been suggestion that the One Gov restructuring and associated movement in pay grades have led to civil servants leaving the organisation by the President, Jersey Civil-Service Association, Prospect:

“We have seen significant differences in the approach of each of those departments, some have been abysmal, some have been, shall we say, encouraging and some departments perhaps either they have learnt from it or the management of those departments have approached it in different ways and it has had a different impact for the staff. Certainly one of the early reviews - it went on for over a year, which was the finance review - was terrible. I think the impact of that was we saw a number of staff leave, often finding better paid work in the private sector. The misconception that all civil servants are

⁶³ [Bailiwick Express “Minister lays bare planning application “backlog”, 2nd July 2020](#)

⁶⁴ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.8](#)

⁶⁵ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.8](#)

*overpaid and would not get a job elsewhere, that was certainly an area where there was a huge amount of transferrable skills. The staff decided: “No, I would rather take the plunge and leave the public sector and go to the private sector.” I certainly think there was a large brain drain.”*⁶⁶

- 135 Although the stated purpose of One Gov was to reorganise the public service, with a focus on collaborative working, eliminating silos and territorialism, and improving services, effectiveness, and value for money,⁶⁷ this is certainly ongoing. Indeed, the slow implementation of Target Operating Model and dissemination of Be Heard survey may suggest that silos have simply been shifted. Although it is clear that removal of silo mentality is needed,⁶⁸ it has also been highlighted that the actions and allegations of the previous Chief Executive Officer in this regard will have negatively impacted staff morale and wellbeing.⁶⁹
- 136 The Chief Minister has acknowledged that the uncertainty of change has impacted staff, although he has stated the overall Target Operating Model has not had an impact on frontline staff as the changes, in his view, are primarily focused at the top tiers of the organisation.⁷⁰ It was indicated by the Associate Director, People Services, that although implementation of the Target Operating Model was bureaucratic to start with, tools have been developed to enable more certainty to employees going through the change programme.
- 137 The acceptance of the One Gov initiatives has certainly been perceived in a mixed way by staff, with only around 20% of employees taking part in the Be Heard survey agreeing that they supported the changes that are aligned to the OneGov vision. Again, this has been defended by stipulating that frontline staff will not have seen a great difference following the initiatives which were primarily focused on higher tiers. It has been acknowledged by the Vice-Chair of the States Employment Board that communication of the benefits of the One Gov initiatives “has not been as good as it could have been” and that this will continue to be improved through programmes such as Team Jersey.⁷¹
- 138 The Chief Minister has further indicated that it will take a number of years for the One Gov changes to be fully accepted by employees:
- “I think there are 2 issues that we are seeing on the overall change of the OneGov side... The feedback we get, we know that the cultural change side through the organisation is taking a while, COVID has caused significant delays, we know that. But where, for example, the Team Jersey programme has been received... generally people are much more confident and supportive of the changes. The other comment I would make, it probably splits into 2. One is of course any change will not be 100 per cent well received. It is that, and I know my private sector life as it were, the organisation needs to work before it merged - it was 2 large families coming together - that probably took maybe 3 to 4 years to settle down, if maybe more. I think on here we are basically saying we are still going through that change and I think we are probably 3 to 5-year time programme to hopefully get into the right place. The other point within the*

⁶⁶ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.2](#)

⁶⁷ [Team Jersey “One island, one community, one government, one future”](#)

⁶⁸ [Independent Jersey Care Enquiry Report, Executive Summary, P.43](#)

⁶⁹ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.12](#)

⁷⁰ [Transcript - Chief Minister - People and Culture Review - 21 June 2021, p.22](#)

⁷¹ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.3](#)

overall, depending on the respondents, is obviously people who are further away or lower down in a large organisation may not necessarily quite understand the whole rationale behind the change. That can impact on some of the responses as well to an extent ... a combination of that obviously with them and also actually just people outside of the organisation.”⁷²

139 Although there are continuing challenges facing the reorganisation, as highlighted in the HR function, there are benefits being seen in some areas. For example, the Comptroller and Auditor General has specifically welcomed the consolidation of the finance function into Treasury and Exchequer, driving a corporate approach and changed ways of working, including a streamlining of financial accountability.⁷³

140 The Panel understands that the government wishes to continue One Gov initiatives following heavy investment within them. For the main part the ethos of the initiatives is commendable, however it is clear that they are still yet to be fully implemented and adopted by the Government of Jersey as a whole. As the interim Chief Executive Officer has highlighted:

“The overall goal in terms of staff perceptions and engagement is rather bigger than that, than just the appreciation of One Gov.”⁷⁴



Key Finding 31

Workforce morale has been negatively impacted in some departments by the implementation of the One Gov initiatives.



Key Finding 32

The benefits of the One Gov initiatives have yet to be realised and it is anticipated that it will be some time before these benefits are seen by all government employees and the general public.



Recommendation 20

Benefit of the One Gov initiatives must be quantified in time for the next Chief Minister to decide which direction the programme should continue to take, and enable the incoming Chief Executive Officer to successfully deliver upon that political decision.

⁷² [Transcript - Chief Minister - People and Culture Review - 21 June 2021, p.11](#)

⁷³ [Comptroller and Auditor General, Financial Management and Internal Control, 19 September 2019, P.50](#)

⁷⁴ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.12](#)

8. Workplace culture

Background

- 141 In the view of the Panel workplace culture is indicative of the degree of success of the work of States Employment Board and Government of Jersey's people strategies and functions. It is also suggested that the culture of the organisation can be highly beneficial, or detrimental, to public sector employees; impacting upon staff retention rate, productivity and overall wellbeing, which in turn will provide better more efficient and effective public services.
- 142 As discussed, a culture of bullying and harassment, mixed adherence to policy and procedures, and varied people management has appeared to be occurring across the Government of Jersey. As such a number of actions have been implemented to improve this situation.
- 143 A key element of the One Gov initiatives is that of improving workplace culture. This took the form of "Team Jersey", which have undertaken work to define and deliver a positive workplace culture that connects people and services, builds trust with citizens and energises and upskills colleagues to be able to work at their best and improve leadership and behaviours.⁷⁵
- 144 The Panel's Advisor has indicated that there is little data and evidence presented by the Government of Jersey to isolate how the employment policies or restructuring has impacted morale and wellbeing within the organisation, however the Panel has received submissions alluding to this. The Be Heard survey has also proved a valuable resource in gaining an understanding of the Workplace culture within the Government of Jersey.

Leadership

- 145 The Panel recognises that every employee impacts the culture within the Government of Jersey but it is widely acknowledged that leadership has by far the largest and most direct effect on the culture of an organisation. Leaders cultivate the foundations of culture and they have the collective responsibility to demonstrate the right beliefs of the Government of Jersey and reinforce behaviours that reflect those values.
- 146 Whilst gathering evidence on culture for its review the Panel noted employees views within the results of the Be Heard survey ("the survey") implied very low levels of confidence in leadership particularly in relation to the scores surrounding "person leading the organisation."
- 147 Given the 'Be Heard' Survey results and the importance of leadership the Panel concluded that employees must see action, clear direction and commitment to workplace culture made at the highest level.
- 148 The Chief Minister is the Chair of the Council of Ministers, Chair of the States Employment Board, Line Manager for the Chief Executive and due to the pandemic also the Chair of the Emergencies Council and Competent Authorities. This is a role with significant responsibility and power which must be carefully balanced and considered regularly to ensure that decision making

⁷⁵ [P.A.C.3/2019 Res. Recurring Themes: Decision Making - Executive Response, 11 September 2019, P.9](#)

is not distorted or that it does not generate consequences that undermine the credibility of the States Employment Board and the public sector.

In October 2020, the scale of the conflict of interest was apparent when it emerged that the then Government of Jersey CEO accepted a role as non-executive director of a company after receiving verbal consent by his Line Manager and Chair of States Employment Board the Chief Minister. However, the States Employment Board concluded that written authorisation should have been granted. Although retrospective permission was granted it does bring into question if it is appropriate for the Chief Minister to hold line management responsibility for the Chief Executive and Chair the States Employment Board.

Given this example, the Panel concludes that it would be prudent, especially given the increase in power over that the last twelve months, that the role of Chief Minister should be independently reviewed to ensure that there is no major conflict of interest or risks which could arise for the public sector or the Island.

149 The Panel's Advisor analysed the job description for the new, shortly to be appointed Chief Executive including the basic leadership requirements but was concerned that it had no emphasis on public interaction and that it should provide a clear signal that the new Chief Executive will bring a different skill set, more suited to the current situation – a key thing to do when introducing change into an organisation.

150 The Panel reviewed the timetable which has been established for the recruitment of the permanent Chief Executive and held various concerns which it concluded should be considered further prior to the appointment process progressing to ensure that lessons have been learnt and adapted to ensure that all employment matters are transparent and clear especially in relation management and disciplinary matters for all parties primarily:

- Due to elections taking place in June 2022 the new Chief Executive Officer may be appointed by the current Government in order to meet certain objectives, only to be succeeded during the first 6 months in office by a new Government with different aims and objectives. The importance of this concern is particularly relevant when considering the comments made in the former Chief Executive Performance Appraisal which set a target for the second year in office for the Chief Executive to 'strengthen the relationship and rapport with the Chief Minister.
- The Comptroller and Auditor General report (R.88/2021) entitled States Employment Board – follow up: Employment of the former Chief Executive highlighted that the States Employment Board had identified certain concerns about the original appointment process for the former Chief Executive at its meeting of 24th November 2020 and that the States Employment Board had resolved that one member of the States Employment Board and its independent HR Advisor would undertake a review into those aspects. However, it appeared from the Comptroller and Auditor General report (R.88/2021) the review had not commenced as there was no reference to it in subsequent minutes of the States Employment Board, and the Comptroller and Auditor General Report specifically comments that "if any lessons are to be learnt from the previous

appointment process, it is important for the review planned by the States Employment Board to take place as a matter of urgency”.

- The Council of Ministers commissioned a review of the Employment of States of Jersey Employees (Jersey) Law 2005 in 2019. The review was prioritised in the Strategic Policy, Planning and Performance business plan 2021. This review includes amendments to clarify the functions of the Chief Executive/Head of the Public Service including the stewardship of the public section. However, this has yet to be debated and agreed by the States Assembly.

151 Given the timings of the Panel’s review and the recruitment campaign for the Chief Executive the Panel concluded that it was pertinent to send a letter to the Chief Minister and relevant decision-making bodies to request clarification on particular points of evidence to further inform its review in relation to leadership.. When asked about the process at a public hearing the Group Director, People and Corporate Services confirmed that he took the brief from the Chief Executive and the States Employment Board on to the role profile for the Chief Executive and that in this is the instruction to the head hunters who are searching internationally:

“What we did in that instruction was look at where the organisation is going in the future. There are lots of chief executives with lots of different styles and what we are looking to do is consolidate the progress that has been made already. There is a programme of work in place around OneGov, the hospital, the new accommodation, the new model of care, education reform, and those are in train. It was very important to say to the head-hunters that we are not looking for someone to start again, we are looking for someone who understands the Island, gets the context of the Island but also understands about the delivery aspects of that. The final part of that, which was the first part of your question around leadership: what style of leadership are we looking for? That has been given into the brief. We test that in the interview process through a number of ways. We have a technical interview and there will be leadership questions in there. We have psychometric profiling and there will be questions in there to say: “How do you react in certain situations?” and there will also be a number of tests around working with elected Members, working with the community, et cetera. It is built within the examination question of the chief executive. A very similar process for the D.G.s (director generals) as well.”⁷⁶

The Panel’s Advisor went on to question if there was a missed opportunity to combat the Be Heard survey results, in respect of the low leadership scores, the Group Director, People and Corporate Services replied:

“I do not think we are missing it; it is already built within the process. We are going to get a whole range of candidates and the first stage where we get the applications, we will be looking at the technical skills. From there we then hone in and start to work on organisational fit. Clearly organisational fit with the most senior officer sets the tone for the whole organisation. That is what the panel will be looking for. They will also be taking soundings throughout the process so there are opportunities for elected Members to meet with the candidates

⁷⁶ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.6](#)

prior to the assessment to get feedback as well, because the fit is not just about leadership style but it is the ability to work across a range of stakeholders.”⁷⁷



Key Finding 33

There has been a concentration of power in the position of Chief Executive which could result in a risk to the organisation from a corporate governance and cultural perspective which must be independently reviewed.



Recommendation 21

The appointment of the new Chief Executive should be delayed until after the States Employment Board report recognising lessons learned has been prepared, the law changes are defined in the Employment of States of Jersey Employees (Jersey) Law and the 2022 elections have taken place to ensure transparency on Ministerial aims and objectives.

Use of Consultants

- 152 The Government of Jersey has long faced public questioning and criticism of its extensive use of consultants to aid in its daily operation. Within the context of this review the Panel would highlight the potential failing on utilising and developing Jersey-based skills, both within and outside the organisation.
- 153 This has been highlighted on multiple occasions, most recently in public hearings with Union representatives the Chair, Civil Service Branch, Unite the Union indicated:
- “It comes down to that lack of future planning and programmes. We are specifically talking about the higher-level roles that are coming in as very senior managers into Jersey and not appreciating the political context and also the context that you are basically what would be 2 tiers of Government in the U.K. or 3 tiers of Government in Australia”⁷⁸*
- 154 A wish to monitor the use of consultancy is clear, with the States Assembly adopting Consultants: reporting on their use by the Government of Jersey [[P.59/2019](#)] which requires a six-monthly report detailing specific metrics which would enable tracking.
- 155 The Panel has carried out ongoing scrutiny of the published reports and has written to the Chief Minister to query points such as the lack of information. The Chief Minister has indicated that the Government of Jersey’s accounting and procurement systems do not hold much of the information required by P59/2019 which has meant that manual collation has been necessary.⁷⁹
- 156 Although it has been indicated that tracking software is being implemented as part of the Integrated Technology System, the Panel find it concerning that minimal information had been gathered on the use of consultants, which continues as suggested by the issues in providing data for scrutiny, indicating that there is little oversight by Ministers.

⁷⁷ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.6](#)

⁷⁸ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.12](#)

⁷⁹ [Letter - Chief Minister to Corporate Services Scrutiny Panel Re P.59.2019 - 14 September 2020](#)

- 157 Oversight and transparency of consultant appointment is necessary. The Panel wishes to highlight for example the concern raised at the use of Nicholson McBride in appraisal of the former Chief Executive Officer, due to their involvement in previous appraisals in a previous role, which had not been transparently published at the start of the Jersey appraisal process.⁸⁰



Key Finding 34

There has not been enough focus on utilising Jersey-based skills, both from a consultancy and employee perspective.



Key Finding 35

There is a lack of transparency around the appointment of consultants, including those utilised for Chief Executive appraisal reporting, which has created a culture of distrust in the Government of Jersey and alienated employees.

Be Heard survey

- 158 The Be Heard survey was undertaken between July and September 2020 and was completed by 56% of employees, ranging from 43% in Health and Community Services to 82% in the Office of the Chief Executive and not including schools, a not untypical response rate and seen as representative enough to draw conclusions from. The Vice Chair of the SEB has confirmed the results as a reasonably accurate reflection of people's views at the time the survey was done.⁸¹
- 159 This survey followed an employee engagement exercise carried out in 2018, the "One Voice" survey.⁸² Although this explored similar topics to the Be Heard survey, such as how emotionally connected staff were with their employer, however different questions were asked and little direct comparison has been undertaken.⁸³ It has however been confirmed that it is intended to run the Be Heard survey every year to enable tracking of the impact of actions taken in relation to improving staff welfare and conditions.⁸⁴
- 160 Summary results were presented to Council of Ministers on 23 February 2021 with the results released to staff and unions from 1 March 2021, however it appears that this is ongoing. A summary of results was formally presented to the States Assembly on 15 March 2021.⁸⁵
- 161 The summary of results to the States Assembly reported results of 71 question, when 15 specific questions and 75 generic questions were asked, totalling 90. Evidence was heard that it was an omission that the additional questions were not provided to States Assembly members, it did not affect the overall

⁸⁰ [Bailiwick Express "£250k States Chief's assessors worked with him before", 4th December 2018](#)

⁸¹ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.3](#)

⁸² "State of Jersey staff survey", gov.je [online] retrieved 24th June 2021, available from:

<https://www.gov.je/News/2018/Pages/StaffSurvey2018.aspx>

⁸³ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.12](#)

⁸⁴ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.10](#)

⁸⁵ [R.38/2021 HR Lounge Report and Be Heard Survey Summary Findings, 15 March 2021](#)

engagement role and the additional questions were provided in the staff feedback.⁸⁶

Dissemination of results

- 162 Distributing the results and findings of the Be Heard survey to departments, teams and individual staff can help them to identify what steps can be taken to improve areas where the results are not in line with the Government's ambitions. The Group Director, People and Corporate Services, outlined a number of actions undertaken:

*"We briefed the trade unions to a level of detail that I do not think we have done before, and we have also released more information to employees than the last survey. Members will have the majority of the information that is with the employees. We have gone down to a level that was not there before... The previous survey had given high level outcomes, gave examples of where the themes came out but did not give the raw information. The first thing that we have done is commit to being transparent. All employees have access to information about their particular department and trade unions have access to all of these 40-odd reports. When we briefed the trade unions we had quite an honest conversation. It is a bit difficult with the Teams meetings, you do not quite get the feel of it. It was not a surprise to the staff side but at the same time I think it was a constructive conversation because they see the benefit in the improvements that need to come out of the staff survey but also the people strategy, which we discussed at the same time. It was not just: "Here are the results" but actually there is a future that we need to work on together. It was well-received, but it was not a surprise of where we were. I think it bore out some of the comments and perhaps some of the frustrations that staff side had shared previously but they also recognise that the employer was listening, and that the employer was acting."*⁸⁷

- 163 The Panel was informed at the Public Hearing of 7 May 2021 that the leadership team had conducted a number of sessions discussing the results, and that there was some recognition of the nature of the results by the Group Director, People and Corporate Services:

"The leadership team have been taken through the results in some detail over a number of sessions. This included a whole afternoon where we went through that. One of the reassuring things was that the team recognised where we were. I think in all honesty there was some disappointment and sometimes some frustration that we should be further forward. But what they have done as a team is taken it forward and given high-level sponsorship in each of their departments."

- 164 The Group Director went on to describe how the results would be distributed to employees:

"They have encouraged the use of our Team Jersey leads, of which we have a couple of hundred across the government, to own the development of the plans. Normally in an organisation you would do a top-down plan. It may come out of the H.R. (Human Resources) Department. We are doing this differently."

⁸⁶ [Transcript - Chief Minister - People and Culture Review - 21 June 2021, p.18](#)

⁸⁷ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.10](#)

We are putting the voice of the employee in the action plans in each of the departments. They are sponsoring that at a high level, and they are giving people the time, the freedom to come up with their plans and their response and we are aggregating that up.”

- 165 Although the Panel commends this bottom up approach, there is some concern that there will be discrepancies between different departments and teams, this is highlighted in the comments made by the Interim Chief Executive:

“Just as an example, yesterday I attended a meeting of all of the staff in S.P.P.P. (Strategic Policy, Performance and Population), which was at the invitation of the director general, which was having an all-staff event about the Be Heard survey, so I just use this as an example. They were breaking up into smaller groups to consider and reflect on what more can be done to strengthen employee engagement in the key areas and to ensure that the action planning, which is taking place that Mark referred to in every department, that the action planning is relevant and aligned to the circumstances of that department. In different ways every department is reflecting on the findings for that department and preparing with the staff team an action plan that will help make this a better place to work.”⁸⁸

- 166 Whilst consideration must be given to the workings of the department and individual teams, a consistent approach must be used to ensure that all results are openly communicated and discussed with stakeholders, including employees, to ensure understanding of the reasoning behind both positive and negative scoring.

- 167 For example, the written evidence forwarded to the Panel suggests that some of the core messages have not been fully recognised. The Panel’s Advisor has identified:

- some of the unreported questions such as the low scores being reported for the question “The leader has a plan that I believe in”
- the report to the Council of Ministers (23 February 2021) does not mention feedback on leadership or pay
- little recognition of the overall low proportion of staff who are positive about the One Gov vision or the challenges this presents to the organisation

As a consequence, it is unclear the extent to which the issues identified within the Be Heard survey are understood or being openly discussed within the organisation and therefore whether the necessary changes will receive the support needed.

- 168 Indeed, the Panel has heard somewhat conflicting description from Union representatives that, although the summary results have been distributed to them, little discussion has taken place at departmental level to illuminate the meanings of the results and actions that the Government plans to take moving forward, with the President, Jersey Civil Service Association, Prospect stating:

“I think the delay in publishing the results, I mean it was months later, was it not? It was well after Christmas and it is kind of: “Well that is how much you cared about it because you did not even want to share the results with us.” We were asking sort of Christmastime: “Yes, we will share the results” and I think

⁸⁸ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.8](#)

they did share some and they delayed sharing it with the rest of the staff for another few months after that.”

The Panel questioned is some of the results shared with the Unions at an earlier stage, and it was confirmed that this was the case for select department data.⁸⁹

- 169 It was also acknowledged that the results had not reached every department when the Panel highlighted that the experience within the Health and Community Services Department was that the staff survey results had not been communicated to the team or discussed, with them replying:

“Certainly, I will take that back to the director general and her team. I am aware that the Team Jersey leads are going through service by service; it may not have reached everybody at that point. Clearly, within Health and Community Services there are shifts being worked, so people may not be seeing that. I will take that back to the director general. I have met with her this week to talk specifically around the survey and what her and her executive are doing, and I will make sure that I follow up on that.”⁹⁰



Key Finding 36

Dissemination of the results of the Be Heard survey has been mixed, and at times has excluded specific relevant information on a number of questions asked in the survey.

Analysis of results

- 170 The Panel and its Advisor have conducted analysis of the Be Heard survey results, at an overall, departmental and leadership split level. This has presented interesting insight into the progress of culture changes in the Government of Jersey.

- 171 The survey reports across 8 factors of engagement, with each being scored on a 1 to 7 scale, as follows:

Strongly Negative	mean score of 1
Negative	mean score of 2
Mildly Negative	mean score of 3
Neutral	mean score of 4
Mildly Positive	mean score of 5
Positive	mean score of 6
Strongly Positive	mean score of 7

- 172 The data below, taken from the summary documents, relates to the culture of the public sector as a whole. The Panel’s Advisor has highlighted points for each of the engagement points:

My Manager – 4.45

⁸⁹ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.12](#)

⁹⁰ [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.12](#)

“This factor highlights that people work for people. A good manager will talk with confidence about the direction and vision of the organisation, take an interest in the personal growth of their people and build effective teams.

A score of 4.45 indicates that employees are, on average, neutral to mildly positive about their managers.”

Leadership – 3.48

“This factor relates to the Chief Executive, Director Generals, Group Directors and Heads of Service. The factor recognises that Leadership is a prime influence on employee engagement. Leadership needs to drive forward change while creating a balance between work and personal life.

A score of 3.48 indicates employees are mildly negative towards the leadership of the organisation. With a specific score of 2.94 (Negative) against the question “I am inspired by the person leading the organisation” and 3.07 (Negative to Mildly Negative) against the question “Senior Managers of this organisation do a lot of telling but not much listening, there is a clear suggestion that there is much work to do in this area.” It was clarified to the Panel that the survey stipulated the Chief Executive as the leader of the organisation, and “senior leadership” to include Director Generals and senior leadership groups.⁹¹

My Company (Government of Jersey) – 5.04

“This factor measures how much people value the organisation they work for, how proud they are to work there, and whether they feel they make a difference.

This was the highest scoring part of the survey and demonstrates a culture of pride in what they and their organisation does.”

Personal Growth – 4.45

“This factor tells us if people feel challenged in their jobs, if they feel their skills are used to the full and if they feel there are opportunities to advance.

Within this area, the lowest score was against the question “There are limited opportunities for me to learn and grow within this organisation” at 3.53”

My Team – 4.84

“My Team is important as friendship and support from your workmates can make all the difference to your day. And as any good employer knows, team spirit fosters productivity.

Across the 5 questions asked, 4 scored relatively highly, but the mean was brought down by the question “Power struggles within my team have a negative impact” at 3.81”

Wellbeing – 3.98

“Wellbeing measures stress and pressure and their impact on your health and performance.

It must be remembered that this survey took place during the pandemic. Wide variations in the results were reported depending on the type of work and

⁹¹ [Transcript - Chief Minister - People and Culture Review - 21 June 2021, p.13](#)

location. In these particular circumstances a mean score is not so meaningful and will not properly reflect issues some groups of staff will be experiencing.”

Fair Deal – 3.74

“This factor tells us whether people feel their organisation values them and whether they feel pay and benefits compare well with those of counterparts in similar organisations.”

Giving Something Back – 3.98

“Giving something back to the local and wider community involves how we think about our environment and we think profit and budget concerns are the only things driving the organisation.”

- 173 There were 15 bespoke questions asked within the survey specific to the Government of Jersey, which can be grouped into the following sections:
- a. Changes due to COVID 19
 - b. One Gov and Team Jersey
 - c. Management relationships
 - d. Other

a) Changes due to COVID 19	
I feel that I am more able to work in different ways than before COVID 19	4.65
I feel that I am more trusted to do my work than before COVID 19	4.05
b) One Gov and Team Jersey	
I understand the purpose of the Team Jersey programme	4.3
I have seen positive changes from the Team Jersey programme	4.52
I support the changes that are aligned to the One Gov vision	3.51
The One Gov vision is not clear to me	3.81
I have seen positive change in my department from being more One Gov	4.34
I understand the purpose of the Team Jersey programme	4.3
I feel that I have been able to have my say about change in my department	3.88
c) Management relationships	
I feel that I actively support my manager during my working day	5.63
I understand the level of support I need to give to my manager	5.45
d) Other	
In working for the Government of Jersey, I am proud and committed to be part of Team Jersey	4.37
I believe the GOJ is committed to creating a diverse and inclusive workplace	4.36
My personal values and beliefs are treated with respect	4.43
Flexibility in my working practices such as how, when and where I work, is important to me	5.86

- 174 The Panel’s Advisor highlights that there are some real positives amongst these bespoke questions and suggests that the area of concern should be around the changes that are taking place. He goes onto highlight:

“The shape of the answers suggests employees understand the changes, see some benefits but are less supportive and do not feel they have been adequately consulted. What is of particular note is the proportion of responses from those who were neutral in their view. Particular attention and strategies need to be directed to this group for if they move to being positive the changes are far more likely to embed, but if they become negative, the change process will likely struggle.”

175 When conducting analysis of the results broken down by departmental and leadership, it was clear to the Panel that a number of variations in scores exist in many areas. Although these data points are confidential in nature and therefore the Panel is limited in the comments it can pass, the scores would seem to support speculation on the perceptions held by employees in different departments as well as seniority level of the organisation.

176 The Panel’s Advisor abridges the Be Heard survey results as such:

“Taking the above feedback, if we were to try and summarise the culture of the organisation, as described by the Be Heard survey, I might summarise as follows;

We are proud of the organisation we work for, the team we work with and the contribution we make to our community. Our line managers are supportive, but we are not so positive about our senior leadership and we are split between being positive, neutral or negative towards the current change programme, and want more information and to be more involved. Some of us are struggling with our wellbeing and we do not believe our total remuneration package is fair.”



Key Finding 37

Results of the Be Heard survey suggest that although employees are proud of the work of the Government of Jersey, there are somewhat mixed feelings towards senior leadership and the One Gov change programme. There are those whose wellbeing is suffering, and many do not believe their remuneration package is fair. The differences in opinion and experience vary in different areas of the organisation.



Recommendation 22

As a matter of urgency the full data and results of the Be Heard survey should be publicly released and workshops should continue with all relevant stakeholders, including staff and unions, to help communicate these as well as ascertain reasoning for low scores in some areas.

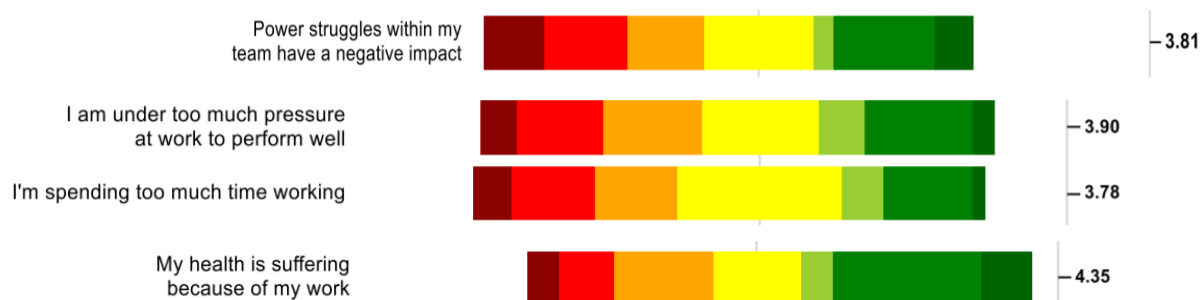
Morale and wellbeing

177 The Panel has heard numerous reports of individuals morale and wellbeing being negative impacted by working within the Government of Jersey. The Panel accepts that this will not be to the same severity in all instances but as seen in the Be Heard Survey the issue remains relatively widespread and continues to be an area that the Government should wish to improve.

178 It is clear that an individual’s wellbeing can be impacted by their line manager as well as the stress of work they are undertaking, a point confirmed by the Group Director, People and Corporate Services:

“Well-being is also affected by the quality of your line manager, so how safe do you feel in your work, how comfortable are you in your direction, how stretched are you? This survey correlates the 2. We do not just look at one aspect of it, we can look at multiple aspects and do poll surveys. Another part we can do, and I am conscious you do not want long answers, is poll surveys at the beginning, middle and end of any change pieces. There will be continual change within the government and we can learn from people, how they are feeling about change, whether or not the change is working with them, whether they are feeling right about that, and also post-implementation, whether it has met the expectations that we said we would do.”⁹²

179 Unfortunately, the Panel has received evidence that relationship within teams are strained in some departments, and issues such as power struggles have indeed led to wellbeing issues. This can be seen in the following summary results from the be heard survey:



180 The Panel has also received evidence that the change programme and its leadership has also had a negative effect, this was highlighted during the Panel’s hearing with Unions:

“It was one of Charlie Parker’s sort of leaving comments that: “It is down to middle managers; it is them not being flexible and everything else.” It is kind of he had had every opportunity to change all the top and now it is blame somebody else. That sort of comment is coming through, that does not impact well on people’s well-being.”⁹³

181 The Panel has also heard COVID-19 has, somewhat unsurprisingly, impacted upon staff morale and wellbeing. It has been highlighted to the Panel by the Associate Director, People and Corporate Services that additional systems and training are being implemented:

“With work with colleagues from Health and Community Services we have been completing a diagnostic that looks at 4 primary levels of support that people might need in terms of well-being. Your bottom level is people that are managing to live, who are broadly living well and getting by, but it has been

⁹² [Transcript - People and Culture Review - Vice-Chair, States Employment Board - 7 May 2021, p.10](#)

⁹³ [Transcript – People and Culture Review – Unite and Prospect – 4 June 2021, p.14](#)

tough, to needing more help, there is a shout out: what more can we do in the organisation, what more can managers do, to then the third level having specific, more specialist interventions that you might need through specialist providers, to acute need right at the top, where that requires really specialist medical help. We have built the hierarchy of need and now we are working in departments, with H.R. (human resources) business partners and well-being assistants and leads in departments to try to identify those segments of employees, and each of those segments then has different offers that are being made available to them to support them in their well-being. At the lowest level that is a lot of self-supported help. There is a lot going on online in terms of well-being support and other help that people can get. There is a Thrive app, there is a lot of stuff that is going on at that level, then we are looking at more acute training for managers to help them better manage in this difficult time and how they manage for their staff's well-being. A lot of workforce well-being will be directly linked to the way that managers manage teams, but our managers are equipped enough to have those psychologically-savvy conversations, so we are looking at trauma training and there is a range of different training with mental health right at the forefront. We have been using the Mind colleagues externally. Then we have been revamping the occupational health contract that is in place with the organisation AXA, our occupational health providers, so doing more to promote the employee assistance programme, so there is a whole heap of support that is available there.”

Case Study – Revenue Jersey

The Panel has held concern over the operational capacity of Revenue Jersey and subsequent impact upon staff and workplace culture within the department for some time, having been briefed by the Comptroller in September 2019 that the department was facing issues in recruiting and retaining staff which had resulted in running the personal-tax-assessing operation at between 50% and 70% capacity and from being privately advised that individuals were significantly upset and ‘crying at their desks’ due to the pressure which they were under⁹⁴

At that time the department was impacted by multiple changes, including a move from Cyril Le Marquand House to Philip Le Feuvre House, implementation of the Target Operating Model and embryonic nature of support methods such as Team Jersey. A planned transition from the old ITAX system to the new Revenue Management System had also caused a loss in productivity which led to delays in processing tax returns and dealing with Islander’s tax queries which was reported to the Panel during 2019, further placing pressure on staff. This was recognised by the Minister for Treasury and Resources in a Quarterly Hearing held 14 September 2020:

“We totally, totally understand the pressure that Revenue Jersey has been under because not only is it introducing a whole new tax computer system to replace the 35 year-old one previously there, there has also been the move from Cyril Le Marquand House, a physical move to La Motte Street, so that put a lot of pressure on the staff.”⁹⁵

In a hearing on 11 February 2020, it was confirmed to the Panel that, at one point, there had been 43 vacancies within Revenue Jersey, which was a

⁹⁴ [Letter - Comptroller of Revenue to Corporate Services Scrutiny Panel - 8 September 2020](#)

⁹⁵ [Transcript - Quarterly Hearing with the Minister for Treasury and Resources - 11 February 2020, p.35](#)

department with 120 full-time equivalent posts.⁹⁶ It has since been clarified that many of these vacancies were due to additional resource allocation to Revenue Jersey, resulting in creation of additional positions.⁹⁷ However, the Panel would highlight that although the need for additional staff had been identified and financed, those within the department would be facing the pressure of maintaining the workload until recruitment and training had taken place, although optimism had been expressed by the Comptroller of Revenue in this regard.⁹⁸

“The Taxes Office - Revenue Jersey now - has been relying heavily on overtime certainly for the last 5 or 6 years to make up for inabilities to get sufficient staff so a large number of our staff routinely have worked overtime. We try to limit that for health and safety reasons and, as the Minister has indicated, now we have consolidated funding in our new target operating model we have been very successful at substantively filling a lot of posts so I am very optimistic things will improve going forward.” [Comptroller of Revenue]⁵

Revenue Jersey faced further pressure during the COVID-19 pandemic, with its workload almost doubling in 2020, this included emergency assistance to Islanders in financial distress which the Panel suggests would introduce emotional stress amongst staff.⁹⁹ Further to this the Minister of Treasury and Resources brought forward the mandatory movement of those paying tax on a Prior Year Basis, to the Current Year Basis system. This caused additional financial and manpower implications which The Minister for Treasury and Resources acknowledged.¹⁰⁰

*“11 weeks from my original email I still have not had a reply, this is disgraceful behaviour, they cannot force us into their digital wonderland and then use it to hide from inconveniences.”
[Private correspondence with Panel]*

Indeed, the Minister for Treasury and Resources has recognised that many of the customer service issues being tackled by Revenue Jersey arise exactly because of the enormous programme of work under way to modernise both Jersey’s archaic tax laws and its out-dated tax system. This has led to unreserved public apologies being issued, with the Minister for Treasury and Resources indicating “shorter-term pain for longer-term gain”. Although the Panel is conscious of the need to modernise Jersey’s tax systems, the culture of continually adding pressure to existing staff is concerning. This has led to issues in meeting Islander’s expectations, with member of the public at points facing an average waiting time of over 11 minutes during 2020 and examples of month delays in correspondence being received by the Panel.¹⁰¹

It could be suggested that work pressure could have been the cause for a large number of staff absences seen within Revenue Jersey. During January 2021 (to 9 February 2021) Revenue Jersey managers have reported 121 staff days of annual leave; 78.5 days of longer-term sickness-related absences (hospitalisation, long-term medical treatments and so on); 75.5 days special absences (for example parental leave, external training); and 42.5 days relating to short-term sickness, this totalling 317.5 days.¹⁰² This is somewhat concerning when considering Revenue Jersey only had 116 full-time equivalent tax officers on its payroll, of a budgeted compliment standing at 120.5 full-time equivalent staff.

The Panel has been informed that issues such as call waiting times have reduced in recent months,¹⁰³ with recruitment and actions such as training taking place in tax administration taking place.¹⁰⁴ The Panel also wishes to indicate that the results of the Be Heard Survey suggest that Revenue Jersey staff did not face any greater issue compared to that of the

⁹⁶ [Transcript - Quarterly Hearing with the Minister for Treasury and Resources - 11 February 2020, p.14](#)
⁹⁷ [Letter - Minister for Treasury and Resources to Corporate Services Scrutiny Panel Re P.9-2021 - 01 March 2021](#)
⁹⁸ [Transcript - Quarterly Hearing with the Minister For Treasury And Resources - 11 February 2020, page 13](#)
⁹⁹ [Letter - Minister for Treasury and Resources to Corporate Services Scrutiny Panel Re P.9-2021 - 01 March 2021](#)
¹⁰⁰ [S.R.8/2021 Res.](#)
¹⁰¹ [Transcript - Quarterly Hearing with the Minister For Treasury And Resources - 19 March 2021, page 12](#)
¹⁰² [Freedom of Information, Revenue Jersey resourcing, 05 March 2021](#)
¹⁰³ [Transcript - Quarterly Hearing with the Minister For Treasury And Resources - 12 July 2021, page 37](#)
¹⁰⁴ [Transcript - Quarterly Hearing with the Minister For Treasury And Resources - 11 February 2020, page 32](#)

rest of the Government of Jersey, and indeed scored some aspects higher than the mean of the organisation.

Although the Panel is pleased to hear of the progress made, it continues to hold concern on the pressure placed upon staff, for example through further modernisation of the tax system, such as the implementation of Independent Taxation. The Panel will therefore continue to be mindful of these concerns during its ongoing scrutiny work.



Key Finding 38

Staff morale and wellbeing varies significantly across different areas of the organisation and is worrying low in some parts particularly in Health.

Staff Turnover

- 182 As discussed in section 6 of this report although some exit interview data is available the Group Director, People and Corporate Services has highlighted that not enough individuals leaving the organisation complete exit surveys, which makes it hard to draw conclusions as to why there are elements of high staff turnover.
- 183 However it is clear that there are continued levels of staff turnover, for example of 13% within secondary schools during 2019,¹⁰⁵ teacher recruitment and retention was indeed the topic of review by the Children, Education and Home Affairs Scrutiny Panel in 2019.¹⁰⁶ It is however acknowledged by the Panel that this may be comparable to, or even lower than, figures in the United Kingdom.¹⁰⁷ It remains unclear how this figure stands across the organisation, indeed the Panel has been informed that the severity of staff turnover in areas such as Revenue Jersey has been overstated.¹⁰⁸
- 184 Private submissions made to the Panel have highlighted anecdotal evidence of staff contemplating leaving the Government of Jersey, this is supported through the Be Heard survey indicating that 24% of those answering would leave the organisation if they had another job.



Key Finding 39

There is a concerning level of staff turnover within the Government of Jersey. The severity of this is unclear, however a large proportion of employees have indicated in the Be Heard survey that they may be wishing to leave the Government of Jersey and this may impact succession planning or create a skill deficit



Recommendation 23

The States Employment Board should ascertain and publish staff turnover by department as soon as possible, using tools such as enhanced exit interviews to identify any issues causing departures and remedying these issues as able.

¹⁰⁵ [Freedom of Information, Secondary school and Highlands teacher turnover, 03 January 2019](#)

¹⁰⁶ [S.R.3/2020](#)

¹⁰⁷ [National Foundation for Educational Research, Teacher Retention and Turnover Research, Research Update 1: Teacher Retention by Subject, May 2017](#)

¹⁰⁸ [Letter - Minister for Treasury and Resources to Corporate Services Scrutiny Panel Re P.9-2021 - 01 March 2021](#)

Team Jersey

- 185 Changing the culture of the Government of Jersey has been a key ideal of the One Gov initiative and much of this has been the responsibility of Team Jersey. This is identified as a significant and long-term programme looking to embed a positive workplace culture across all Government departments. TDP Development was selected as partner in September 2018 following a tender process launched in April of that year, this generated 24 responses.¹⁰⁹
- 186 The overall budget for Team Jersey is stated as £3.5 million, however additional costs will be incurred due to potential extension of contract following COVID-19,¹¹⁰ these have not yet been confirmed.
- 187 The first phase of work carried out by Team Jersey to March 2019 included a discovery programme in which focus groups, interviews, workshops, surveys and system reviews took place across a range of stakeholders including staff, politicians and islanders.¹¹¹
- 188 The programme aims to train 200 internal champions or “Team Jersey leads”. The CEO, of the time also commented in the media that managers would be “left behind if they did not get on the train and should lead by example” which publicly brought into question the ethos of the programme which was established to remove the culture of ‘fear and blame’ which was identified in the TdP Report.¹¹² This mentality did not seem to improve, with the former CEO publishing comments in local media indicating the “some middle managers – mulishly defend their entrenched, self-interested positions”.¹¹³
- 189 The Team Jersey Programme Board reports to the Executive Leadership Team. The Senior Reporting Officer, Chief Operating Officer (COO), is a Programme Board member and member of the Executive Leadership Team and has overall accountability for the delivery of the programme. The Chief Operating Officer reports to the Chief Executive Officer, and ultimately, the responsibility for training employees, including the Team Jersey Programme, is the SEB.¹¹⁴
- 190 It must be highlighted that the Team Jersey training programme was paused during the early stages of the 2020 pandemic, however well under half of employees have participated in the Colleague Programme Delivery:¹¹⁵

Team Jersey L&D workshops	Total attendances	Total participants	Percentage of workforce cohort
Leader Programme Delivery	2607	896	72%
Colleague Programme Delivery	2339	1879	43%

¹⁰⁹ [Gov.je “Team Jersey partner announced”, 20th September 2018](#)

¹¹⁰ [One Gov Review Panel Public Hearing with The Chief Minister, 9th July 2020, page 20](#)

¹¹¹ [Team Jersey Phase 1 Report, March 2019](#)

¹¹² [Bailiwick Express “New States Chief: It’s my way or the highway... literally”, 20th November 2017](#)

¹¹³ Jersey Evening Post, Saturday 20 March 2021, page 12

¹¹⁴ [Freedom of Information, Delivery of Team Jersey training, 22 June 2021](#)

¹¹⁵ [Freedom of Information, Delivery of Team Jersey training, 22 June 2021](#)

People and Culture Review

TJ Leads Programme	671	166	N/A
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- 191 The report prepared by TdP¹¹⁶ confirmed that Politicians were vital to the success of and must be fully engaged and involved in the Team Jersey Programme. However, the Panel were advised that the Council of Ministers received their own Team Jersey induction in May 2021.¹¹⁷ Which is at least a year since the commencement of the delivery programme.
- 192 The Government has defended the Team Jersey programme through satisfaction level of the training being run. These have been highlighted as successful, with those attending to 19th July 2019 (around 26% of leaders at that time) rating various aspects of the Leader Bitesize Sessions over 4/5, with over 80% stating they would recommend the sessions to colleagues.¹¹⁸ Indeed the Chief Minister has indicated that those who had attended the Team Jersey sessions they are “a lot more positive”, specifically concerning the One Gov initiatives.¹¹⁹
- 193 Team Jersey has been used to build understanding among employees, not only to instil the ability to cope with change, but also to raise awareness of accountability with the Chief Executive Officer informing the Public Accounts Committee:
- “In the Team Jersey Programme there are some, what we call, bitesize modules which are around accountability, your responsibilities as a manager managing things like bad behaviour, poor performance; and within the confines of the new “my conversation, my goals” framework which will establish the performance framework for an appraisal system, there are now very clear accountabilities back about financial management responsibilities at senior management level, but also for budget holder level.”*¹²⁰
- The Chief Minister has further added that Team Jersey programmes have helped employees to become more positive of the One Gov initiatives.¹²¹
- 194 It has also been indicated to the Panel by the Associate Director, People and Corporate Services, that Team Jersey has helped to improve well-being and support strategies for employees:
- “I think it helps in 2 key areas. With the face-to-face programmes that colleagues and leaders can go on they have a very safe space where they are able to talk about their experiences and share that with colleagues. Then the facilitators that are running those sessions are able to bring those back and they are fed into Denise Drieu who heads up that programme to say: “What are we learning and how do we put more support in?” I think the other angle of that is going back to the bespoke consultancy work in teams on those people and culture plans that allows teams to shape what they think is going to be important*

¹¹⁶ Gov. of Jersey Team Jersey Phase One Report March 2019_

¹¹⁷ [Transcript - Chief Minister - People and Culture Review - 21 June 2021](#)

¹¹⁸ [P.A.C.3/2019 Res. Recurring Themes: Decision Making - Executive Response, 11 September 2019, P.23](#)

¹¹⁹ [Transcript - Chief Minister - People and Culture Review - 21 June 2021, p.21](#)

¹²⁰ [Public Accounts Committee Scrutiny Panel, Quarterly Hearing Witness: Chief Executive Officer of the States, Monday, 23rd September 2019, P.8](#)

¹²¹ [Transcript - Chief Minister - People and Culture Review - 21 June 2021, p.21](#)

in terms of the support that people need that is going to be most useful for them.”¹²²

- 195 The Panel has been informed that although the Team Jersey programme will continue to be run centrally it is hoped that departments will take ownership of the products and activates implemented by Team Jersey.



Key Finding 40

The messaging around Team Jersey which focussed on ‘get on the train or get left behind’ has alienated employees, this position seemed to be maintained by the former Chief Executive upon his departure.



Key Finding 41

It was identified in 2019 that key stakeholders, such as politicians, should be brought into the Team Jersey programme early as they were pivotal to its success. However, the Council of Ministers did not gain access to workshops until May 2021.



Recommendation 24

Moving forward, Team Jersey’s contract should be halted and an alternative training programme introduced with a primary purpose to build skills and ethos to combat the specified low morale within the Government of Jersey, as opposed to principally being used to highlight the “One Gov” benefits.

¹²² [Transcript - Chief Minister - People and Culture Review - 21 June 2021, p.25](#)

9. Conclusion

- 196 The States Employment Board must continue to develop to deliver to its legal requirements.
- 197 Policies and procedures in place by the States Employment Board as the employer, in relation to disciplinary, bullying and harassment and discrimination practices require additional work to be completed and the consequential effect on this not having been completed is significant for employee morale and well-being.
- 198 There are certain departments within the Public Sector where careful consideration must be given to secure improvements for employee wellbeing.
- 199 Every employee impacts the culture within the Government of Jersey but it is widely acknowledged that leadership has by far the largest and most direct effect on the culture of an organisation. It is pivotal that the States Employment Board provides the strategy which will deliver the required leadership.
- 200 The Unions have not been involved in the People Strategy to date and stakeholder management requires further work by the States Employment Board.

10. Appendix

10.1 Corporate Services Scrutiny Panel Members

Senator Kristina Moore – Chair



Deputy Steve Ahier – Vice Chair



Senator Steve Pallett
Member since 16th February 2021



Senator Tracy Vallois
Member since 16th February 2021



Connétable Richard Vibert
Member until XX July 2021



10.2 Terms of Reference

1. To conduct detailed scrutiny of the policies and procedures in place for the States Employment Board as an employer. This will include, but is not limited to consideration of:
 - a) how bullying and harassment is handled;
 - b) the effectiveness and impact of the disciplinary procedure;
 - c) the effectiveness and impact of the employee exit interview process; and
 - d) how the workplace culture is impacted by the employment policy and practice.

2. To consider the effectiveness of the States Employment Board in implementing employment codes of practice, HR policy, and securing improvements for employee wellbeing. This will include, but is not limited to consideration of:
 - a) The policy and procedural changes implemented, following the HR Lounge Report into Bullying and Harassment (February 2018).
 - b) The findings of the HR Lounge Q4 2020 report.
 - c) The action taken following the recommendations published in the report by the Comptroller and Auditor General, '*Role and Operation of the States Employment Board*', (March 2019).

3. To consider the culture within the Government of Jersey as a workplace. This will include, but is not limited to consideration of:
 - a) how the implementation of employment policy affects employee morale and well-being;
 - b) how restructuring has impacted employee morale and well-being;
 - c) the turnover of staff employed, particularly in Revenue Jersey; and
 - d) the wider impact of people management and the policy and procedure relating to employment practice.

10.3 Methodology

Since February 2021, the Panel has formally gathered evidence in several ways including:

- public hearings with the Chief Minister, Assistant Minister, States Employment Board, relevant government officers and union representatives to ascertain policy and procedure;
- gathered evidence from relevant stakeholders by primarily conducting research (3 confidential private hearings and 40 confidential written submissions) as appropriate;
- private briefings from relevant Ministers, officers and stakeholders on relevant procedures;
- documentation provided to the Panel, upon request, by Ministers and Government officers in relation to the review and documentation in the public domain;
- Gained advice and guidance from expert Advisor.

Transcripts for the public hearings can be accessed via the States Assembly [website](#).

Webcasts for the public hearings can be accessed via the [States Assembly webcast site](#).

Stakeholders who provided evidence for the review included:

Stakeholder	Reason
Chief Minister	Overall Government response and as Chair of the States Employment Board
Government of Jersey Officers	Evidence for experience and implementation of policy and procedure.
States Employment Board	Contractual employer for the Government of Jersey.
Employees (Past and Present)	Evidence of the practical implementation of policy and procedure in the workplace and evidence of experience.
Trade Unions	To provide evidence of member feedback and representation.
Comptroller and Auditor General	Report entitled: 'Role and Operation of the States Employment Board', March 2019 ¹²³

¹²³ [Comptroller and Auditor General, Role and Operation of the States Employment Board, 29 March 2019](#)

Public Engagement

Public Engagement included launch press release, call for evidence social media posts, press follow up during the call for evidence phase of the review and publicity around public hearings with stakeholders.

The Report has been be shared with all stakeholders prior to public release on a confidential basis and a press release will be sent out upon the release of the report.

10.4 Employment of States of Jersey Employees (Jersey) Law 2005

This law relates to the establishment of the States Employment Board, the employment under contract of persons by that Board on behalf of the States or an administration of the States, the determination by the Board of the terms and conditions of such contracts of employment, the establishment of the Appointments Commission to oversee the appointment of persons to significant public positions and determine procedures for the appointment of certain persons employed by other persons on behalf of the States, the regulation of certain political activities of certain States' employees, to amend various enactments and for connected purposes.

[Part 2](#) of the law outlines establishment of the States Employment Board:

PART 2

STATES EMPLOYMENT BOARD

4 States Employment Board

- (1) The States Employment Board shall be established.
- (2) The States Employment Board shall be a body corporate with perpetual succession and may –
 - (a) sue and be sued in its corporate name; and
 - (b) so far as possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

5 Membership of States Employment Board

- (1) The States Employment Board shall be constituted by –
 - (a) the Chief Minister, or another Minister who is nominated by the Chief Minister to be a member of the Board in his or her place;
 - (b) 2 other persons, each of whom –
 - (i) is a Minister or an Assistant Minister, and
 - (ii) is appointed in writing by the Chief Minister to be a member of the Board; and
 - (c) 2 elected members of the States, each of whom –
 - (i) is neither a Minister nor an Assistant Minister, and
 - (ii) is elected by the States to be a member of the Board.¹⁰⁰
- (2) The Chief Minister or, if the Chief Minister nominates a person under paragraph (1) to be a member of the Board in his or her place, that person, shall be the Chairman of the States Employment Board.
- (3) A member of the States Employment Board shall hold office until a Chief Minister is appointed to office, under Article 19(7) of the States of Jersey Law 2005¹⁰¹, following the next ordinary election, unless the member of the Board resigns or is removed from office earlier.¹⁰²

6 Meetings of States Employment Board

- (1) At a meeting of the States Employment Board –
 - (a) the States Employment Board may appoint a person to be the Vice-Chairman;
 - (b) the quorum of the States Employment Board shall be constituted by 3 of its members;

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- (c) the Chairman, or, in the absence of the Chairman, the Vice-Chairman, or in the absence of both the Chairman and the Vice-Chairman, another member of the States Employment Board who is present at the meeting and is elected by the members of the States Employment Board who are present, shall preside;
 - (d) each member shall have one vote on each matter for deliberation;
 - (e) a decision shall be made by a majority of the votes of the members of the States Employment Board present at the meeting at which the decision is made; and
 - (f) if a vote is tied, it shall be taken to have been lost.²²³
- (2) A resolution shall be a valid resolution of the States Employment Board, even though it was not passed at a meeting of the States Employment Board, if –
 - (a) it is signed or assented to by a majority of the members of the States Employment Board; and
 - (b) notice of the proposed resolution was given in accordance with paragraph (6) to all the members of the States Employment Board.
 - (3) The States Employment Board shall keep minutes of its proceedings.
 - (4) The States Employment Board shall meet when convened by the Chairman.
 - (5) The Chairman –
 - (a) may convene a meeting of the States Employment Board of his or her own motion; and
 - (b) shall convene a meeting of the States Employment Board if requested to do so by notice in writing signed by at least one of the members of the States Employment Board.
 - (6) Subject to this Law, the States Employment Board may regulate its own proceedings (including the period of notice to be given of any meeting of the Board) and may adopt or amend rules for that purpose.
 - (7) The States Employment Board may invite any person to attend, and to speak at, a meeting of the States Employment Board.

[Part 3](#) of the law outlines functions and powers of the States Employment Board:

PART 3

EMPLOYMENT OF MEMBERS OF PUBLIC SERVICE

8 Functions of States Employment Board²²⁴

- (1) The States Employment Board shall –
 - (a) employ persons on behalf of the States and administrations of the States;
 - (b) ensure that the public service conducts itself with economy, efficiency, probity and effectiveness;
 - (c) ensure the health, safety and well-being of States' employees;
 - (d) determine any other matter that may reasonably be considered necessary for the proper administration and management of States' employees; and
 - (e) discharge any other function conferred on it by or under any enactment.
- (2) The States Employment Board shall, for the purpose of the discharge of the functions described in paragraph (1)(a) to (c) –
 - (a) give directions regarding consultation or negotiation with States' employees, or with representatives of States' employees, concerning the terms and conditions of employment of States' employees;
 - (b) issue codes of practice concerning –
 - (i) the training and development needs of States' employees,
 - (ii) the procedures for recruitment of States' employees,
 - (iii) the procedures for appraisal of the performance of States' employees,
 - (iv) the procedures for disciplining, suspending and terminating the employment of States' employees, and
 - (v) interventions by the Commission under Article 26A.
- (3) The States Employment Board may issue codes of practice concerning any other matter relating to the employment of States' employees.
- (4) In paragraph (2)(b)(ii), "States' employees" includes a person who is to be treated as a States employee by virtue of Article 15(2).
- (5) The functions referred to in paragraph (1)(e) include the functions conferred by Article 8(1) of the Departments of the Judiciary and the Legislature (Jersey) Law 1965²²⁵, Article 3 of the Loi (1864) concernant la charge de Juge d'Instruction²²⁶ and Article 41(5) of the States of Jersey Law 2005²²⁷.

9 Powers of States Employment Board

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- (1) The States Employment Board has the powers necessary to perform its functions.
- (2) Without limiting the generality of paragraph (1), the States Employment Board has the power to enter into contracts of employment of persons and to enter into contracts for the provision of services, including by consultants.

10 Delegation

- (1) The States Employment Board may, by instrument in writing, delegate to any of its members, or to the Chief Executive Officer, any of its powers or functions under this Law.
- (2) If a power or function has been delegated under paragraph (1) to a member of the States Employment Board, the member may, with the approval of the States Employment Board, delegate by instrument in writing the power or function to the Chief Executive Officer.
- (3) If a power or function has been delegated under paragraph (1) or (2) to the Chief Executive Officer, he or she may, with the approval of the States Employment Board, delegate by instrument in writing the power or function to another person who is –
 - (a) a person approved by the States Employment Board; or
 - (b) a member of a class of persons approved by the States Employment Board.

10A Compliance with codes of practice concerning States' employees²⁰⁰

- (1) The accountable officer in a States funded body (including a non-Ministerial States funded body) shall be accountable for ensuring that codes of practice issued under Article 8 are complied with in the recruitment and employment of States' employees to work within that body.²⁰¹
- (2) Any person to whom a power or function is delegated under Article 10 shall, when exercising the power or discharging the function, comply with codes of practice issued under Article 8.
- (3) In this Article, "accountable officer", "States funded body" and "non-Ministerial States funded body" have the same meanings as in the Public Finances (Jersey) Law 2005^{202, 203}

11 Annual Report

The States Employment Board shall provide to the States, within 3 months after the end of each calendar year, a report in respect of the States Employment Board's activities under this Law during the year.

12 Only States Employment Board to employ persons on behalf of States

- (1) Subject to any other enactment, whether in force before or after this Law comes into force, no person or body other than the States Employment Board may enter into contracts of employment with persons on behalf of the States or an administration of the States.
- (2) The States may, by Regulation, specify that paragraph (1) shall not apply in relation to the employment of a person or persons to an office, or a class of offices, prescribed by the Regulation.

13 Statutory offices

Nothing in this Law apart from Part 5 shall be taken to affect a power, if any, under an enactment of the States to appoint a person to an office or to terminate under such an enactment the appointment of a person to an office, including but not limited to an office specified in Schedule 1.²⁰⁴



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