
STATES OF JERSEY



JERSEY ADVISORY AND CONCILIATION SERVICE: 2020 ANNUAL REPORT

Presented to the States on 9th February 2021
by the Minister for Social Security

STATES GREFFE

The Jersey Advisory and Conciliation Service



2020 Annual Report

The Jersey Advisory and Conciliation Service

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The Board

Chair

Sarah Beirne (to September 2020)
Donna Abel (Appointed September 2020)

Board members

Alison Mellor (to September 2020) Zoe
Blomfield
Lynda Vautier
Jimmy McCormack
Sara Garwood
Chris Mutton (Appointed September 2020)
Hilary Griffin (Appointed September 2020)

The JACS Team

Director

Patricia Rowan

Team members

Colette Wilson Senior Advisory and Conciliation Officer
Patricia Weston Advisory and Conciliation Officer
Sharon Timoney Business Liaison/Outreach Officer
Bruno Sousa Administration Officer (to October 2020)

Trainer

Sara Gascoigne (to October 2020)

Chair's Foreword

2020 was an exceptionally tough year, however the Jersey Advisory and Conciliation Service adapted while continuing to support the community and delivering a quality service during what could be referred to as the most challenging year in our history.

The coronavirus pandemic stretched the service to capacity and forced us to operate differently and adapt to change at pace. This is an ongoing pandemic so far; the employment effects of the virus have increased our direct contacts to 12,669 a year of which 1,780 contacts were COVID-19 specific. On average 244 contacts a week were made directly to the small team at JACS by employers, employees, and others.

Continued COVID-19 uncertainty will make extra demands on the service. During 2020, we had to make changes to the makeup of the team to reflect this. We added more specialist skills to support the wider community, this reduced our need for administration support and by prerecording our training programmes we reduced our need for a dedicated trainer during the pandemic. These changes have impacted on our ability to generate some income to cover our operating costs but were a necessity to ensure we had the right support available for those who needed it the most.

During 2020 JACS were involved in 135 pre-claim matters this is an increase of 60% from 2019, the majority of which would likely have resulted in claims being lodged with the tribunal service had JACS not helped with the achievement of a resolution. This further demonstrates the value of having such a quality service in Jersey.

In addition to this intensive workload and COVID-19 we saw the changes to the Family Friendly Rights and additional Disability rights being added to the Disability Discrimination (Jersey) Law 2013. JACS received 41 claims relating to discrimination and effectively used the conciliation service to resolve those claims. Conciliation gives a route to solutions that can be reached swiftly particularly if it is entered into at an early stage, thus reducing the pressure on the tribunal service.

JACS has a Board of 7 members whose role is to maintain sight of the statutory obligations placed on the organisation as well as overseeing the operational spend against the agreed budget. This overview ensures that the funding received (by way of a grant) from Social Security is managed in a transparent and appropriate way, and that JACS continue to deliver a much needed and

valuable service. The Board met 6 times last year to review general activity reports as well as to monitor the finances.

I would like to express thanks to the Social Security Minister, Deputy Judy Martin and her Assistant Ministers, as well as her departmental team for all their support and assistance in building a strong and positive relationship with JACS.

During 2020 two of our long-standing Board Members Alison Mellor and our Chair Sarah Beirne saw their tenure after 10 years come to an end. Both Alison and Sarah were great supporters of JACS and offered their time and expertise selflessly over the past decade to ensure the ongoing success of JACS and we thank them for their time, dedication, and commitment.

I want to welcome Hilary Griffin and Chris Mutton on to the Board and look forward to working with them. I am also extremely grateful to all my fellow Board members Zoe Bloomfield, Lynda Vautier, Sara Garwood and Jimmy McCormack for their continuing support and commitment to JACS during challenging and unpredictable times.

The team at JACS led by Patricia Rowan have operated above and beyond all expectations, putting in a massive amount of their own time to ensure minimal disruption to the service they so passionately and diligently provided to Islanders.

They are truly unsung heroes, always being available to help for this and much more they deserve to be praised and recognised for the outstanding work they continued to deliver during the most challenging of times. I would like to thank them for all that they do as they are making a real and meaningful difference to the community of Jersey.

Donna Abel Chairman

Director's Report Overview

I have pleasure in presenting the JACS 2020 Annual Report. Each year this report enables me to present an overview of both the workload and the performance of the work JACS have undertaken during the year, and what a year 2020 proved to be for everyone.

The year 2020 ended with the highest number of queries JACS have ever received in a twelvemonth period with us recording 12669 contacts. This increase is not surprising based on the global events of 2020 and the impact of lockdowns and the pandemic in general on all of society but not least in the world of employment.

JACS doors originally opened on 1 April 2000 and quickly became recognized for providing impartial and informed advice covering all aspects of employment and adapting as legislation was developed and then introduced. Our service has extended further the phased introduction of discrimination legislation that was first introduced in 2013. It therefore is not surprising that as the pandemic reached Jersey and a lockdown was announced in March 2020 JACS were the go-to service for employers and employees. As the team scrambled to get IT and telephone services in place for working from home, the number of queries increased significantly and with this we were working up to 15+ hours a day 7 days a week in order to respond to client needs. At this point this was completely new territory for everyone and impact on business's whose work (and therefore income) just stopped overnight left both employers and employees in difficult financial circumstances. Even if we were unable to fully assist other than to advise on the legislation we were able to listen to clients as they voiced their anxieties. The numbers alone do not reflect the complexity and diversity of the queries, nor can it reflect the 'listening' as mentioned in the previous sentence.

Value for Money

In September 2020 a report on Acas (the UK equivalent of JACS) looked at the economic value that Acas offered to the UK economy. The outcome of these independent findings showed that during the financial year of April 2018 to March 2019 that the services provide

'...an overall benefit-cost ratio of £12 for every £1 invested ...'

(<https://www.acas.org.uk/sites/default/files/2020-09/Estimating-Acas-Economic-Impact2018-2019-accessible.pdf>).

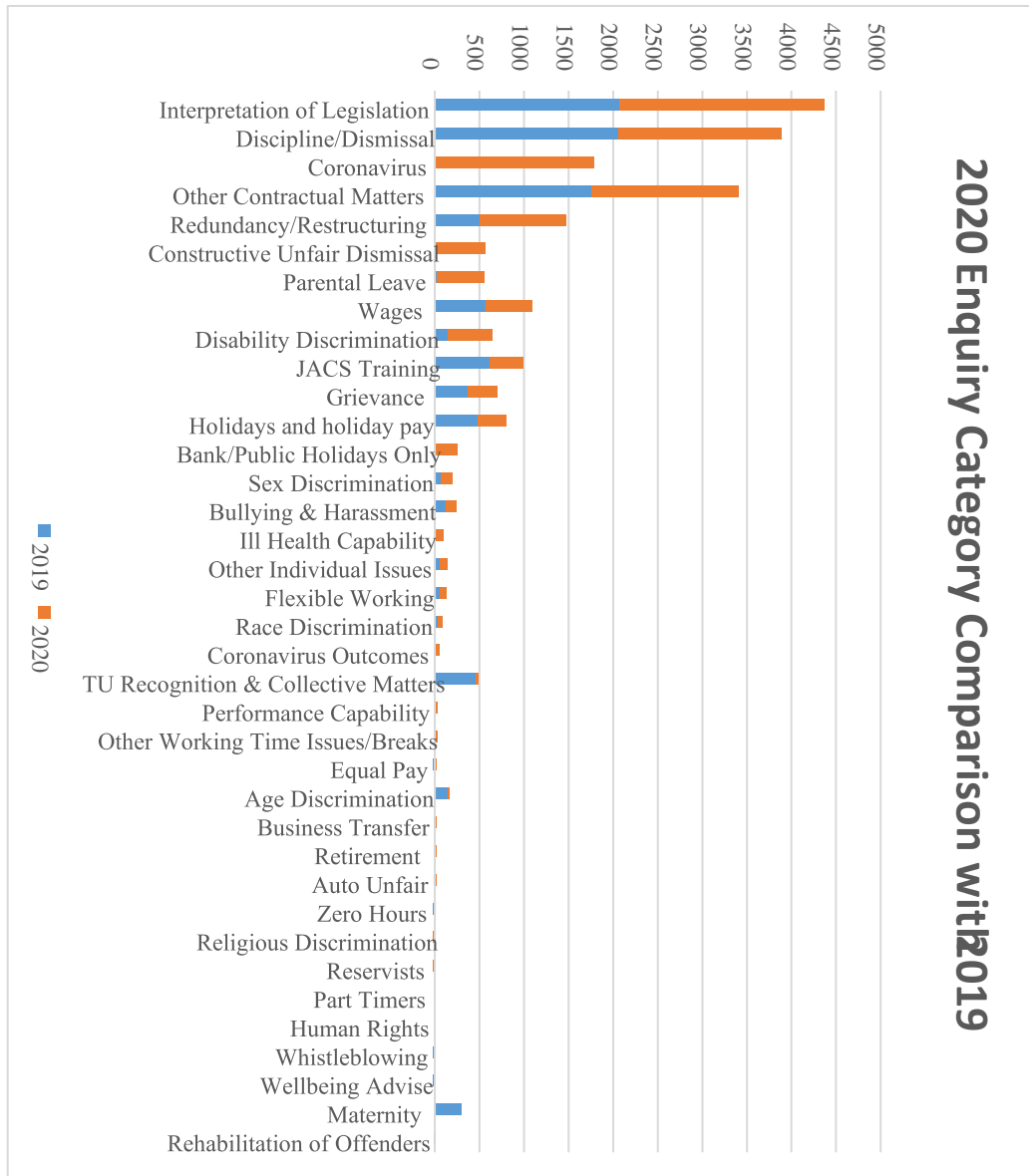
Whilst JACS are significantly different in respect of size, resources and the delivery of our services if we apply this same analysis for 2020 using our grant of £355,855 this would bring our overall contribution to the Jersey economy to £4,270,260. An example of the benefit-costs when looking at JACS is in the

number of matters that fall under pre-claim conciliation (the prevention of a greater number of Tribunal claims), and the early intervention with advice to parties including those that fall under collective disputes. Engagement at an early stage can assist the parties in finding ways through their dispute thus saving time and therefore costs.

The JACS public training sessions did continue to be well subscribed during 2020 although we ran less sessions (37) due to workloads but switched to using Zoom for online sessions. We did however run free online sessions on the revision of the Family Friendly rights; and in November we placed on our website a short video for clients going through redundancy situations. We are anticipating adding further videos on other topics as soon as we are able to do so in 2021.

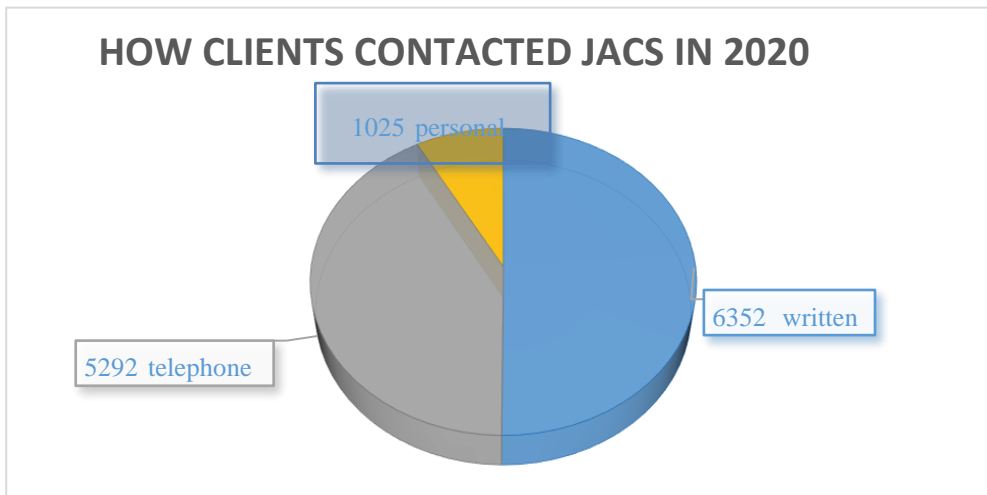
As referenced above the awaited changes to Family Friendly rights was introduced in June 2020 and along with this, a temporary interim payment process was put in place to support parents and employers in respect of the 6 weeks paid parental leave – remaining in place until 31 December 2020. The contacts on this enquiry category reached 531 and our website received 2039 hits on this subject.

Overleaf all the category topics are set out – in 2020 there were some additions (Coronavirus) and some separate of previous individual topics (maternity), which are shown with just the 2020 figures. The category of Coronavirus outcomes reflects generic queries received during 2020 when Jersey was able to enjoy a nearer normal situation over the late summer early autumn.



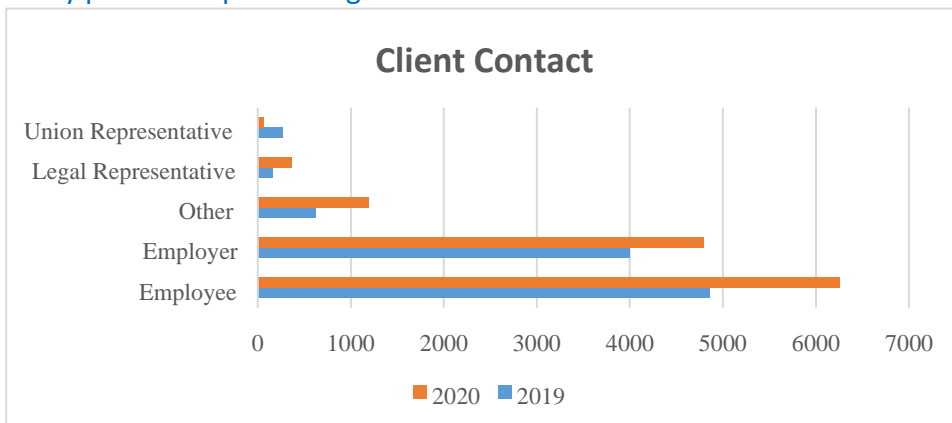
How Clients Contacted JACS

The chart below reflects the way clients were able to contact JACS during 2020. Due to the pandemic JACS were not receiving personal callers for periods of time, and when we did open our doors it was primarily for pre-booked appointments only to ensure that we were able to record the necessary data for Track and Trace in case this was required.



Information, Advice and Conciliation

The client contacts show that weekly on average 244 clients contacted JACS with the majority of these (6255) being employees. The category of ‘other’ (shown below) captures those who call on behalf of someone else, e.g. a parent, or lay persons representing clients for a Tribunal claim.



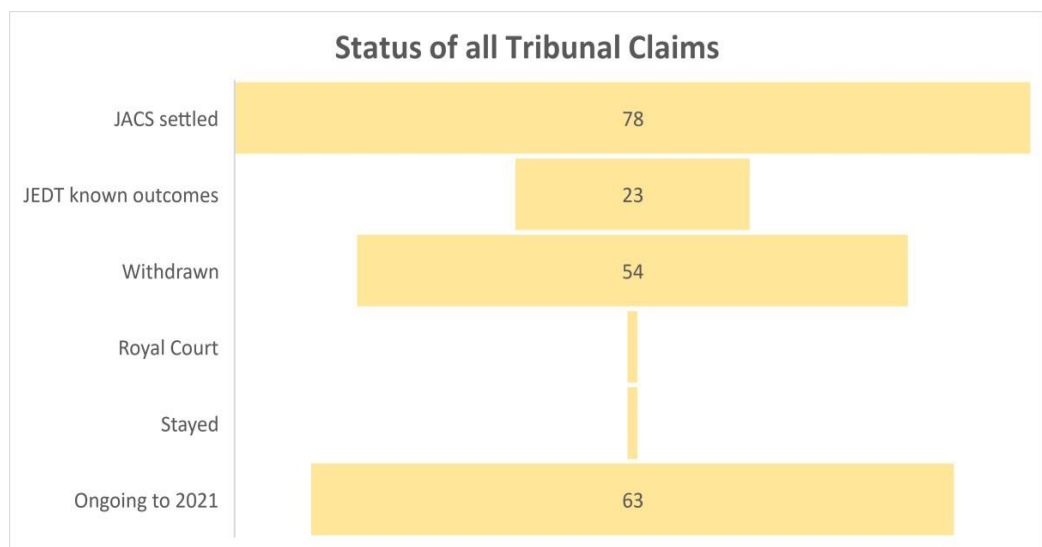
Pre-claim Conciliation (PCC)

In addition to the generic queries JACS also offer a pre-claim conciliation service offering impartial advice to parties to bring forward solutions and outcomes thus removing additional claims from the Tribunal Service. PCC is an alternative dispute resolution process and during 2020 we were involved in 135 pre-claim matters the majority of which would likely have resulted in claims being lodged with the Tribunal Service had resolution not been achieved.

Conciliation in Lodged Tribunal Cases

At the end of 2020 JACS had received 168 new claims from the Tribunal Service. It should be noted that JACS only receive claims once both parties have submitted their completed forms to the Tribunal Registrars, therefore there will always be a discrepancy on the number of claims the Tribunal Service has registered in a year compared to those JACS receive.

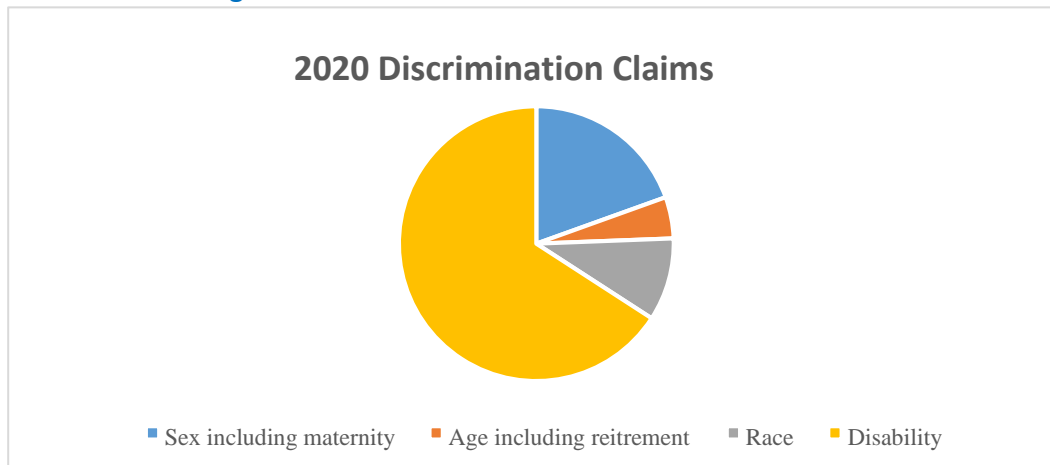
Along with the new claims there were also 52 outstanding claims from previous years which the team continued to work on throughout 2020. At the end of the year 63 claims remain outstanding and carried forward for 2021.



The Tribunal Service places a stay on claims for 21 days once they have provided JACS with the paperwork of both parties. Once JACS receives the claims conciliation is offered to the parties and remains available for the duration of the claim. The Tribunal process can be a stressful and protracted process for the parties, therefore if conciliation is entered into at an early stage a swift resolution can be reached. If following the 21 day period a resolution has not been reached, the Tribunal Service will then schedule a Case Management Hearing (CMH) for the parties, with Directions issued by the CMH Chair. It is not uncommon for the parties to enter conciliation following attendance at a CMH as this process itself can be effective in encouraging the parties to the dispute to consider a conciliated route.

JACS offers advice and conciliation on discrimination claims that occur during employment, and such claims are forwarded to us through the Tribunal Service. During 2020 JACS received 41 claims (included in the above total) in relation to discrimination with the categories shown in the following chart. It is not

necessary for employees to leave their employer to bring forward discrimination claims, and very few reach a full Tribunal Hearing as such claims are resolved using JACS conciliation service.

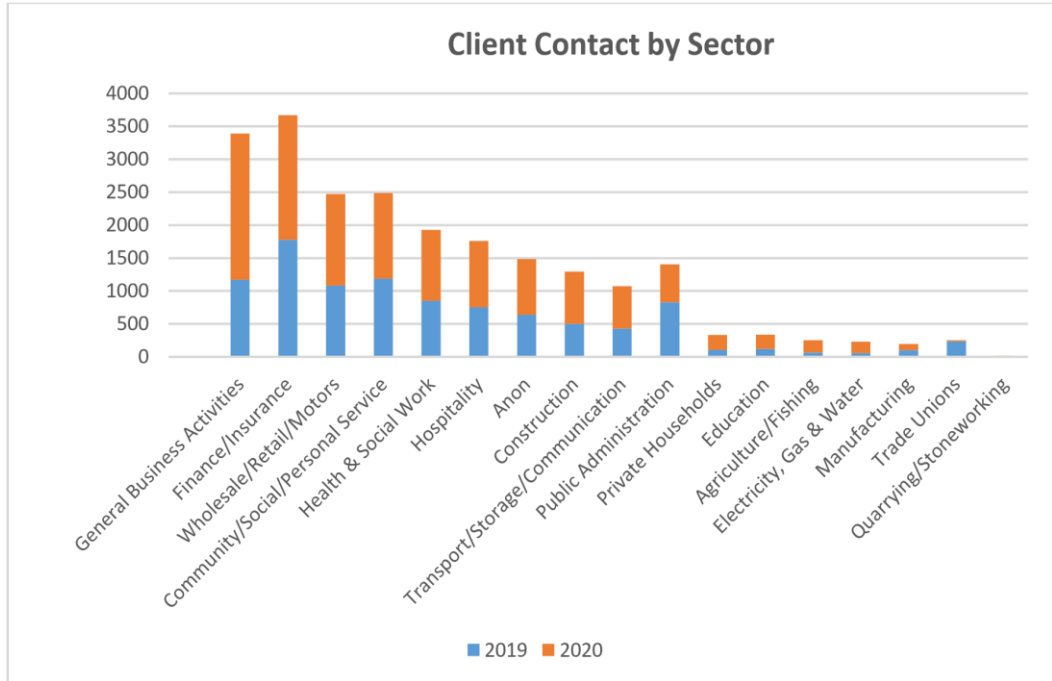


Resolving Collective Disputes and Improving Relationships

The number of collective disputes in 2020 (31) were significantly lower than those seen in 2019 (463), and JACS were not required to count any ballots during the year. During the year we were called upon in respect of providing advice to the parties in collective (unions and employers) issues for tribunal claims and for assistance in ongoing matters that remain inhouse for the relevant employers.

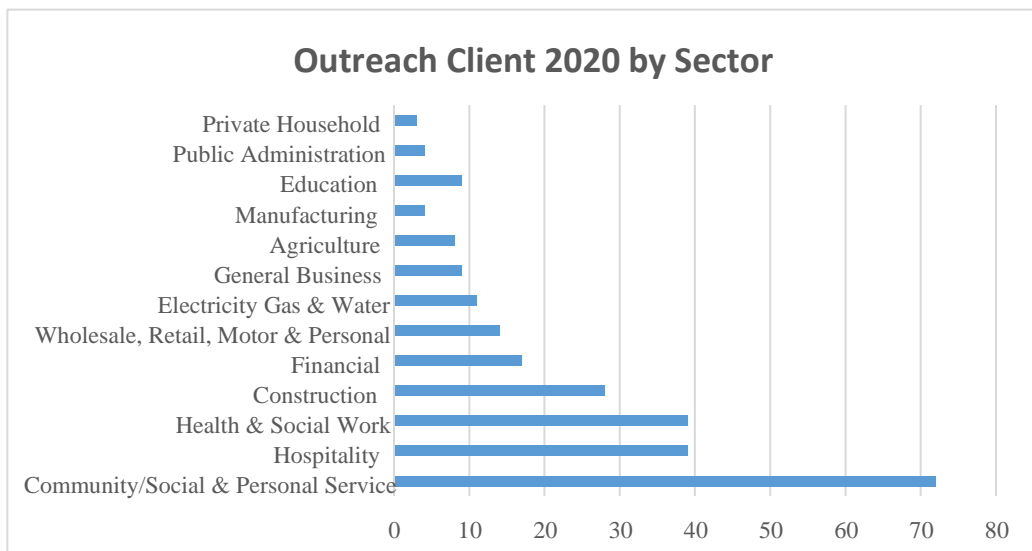
Working with Employers

The following chart gives the breakdown of the generic employment sectors contacting JACS.



Outreach Service

JACS Business Liaison/Outreach Officer has continued to be available to employers throughout 2020 with a service providing practical assistance and advice in developing a range of documents necessary under the legislation and best practice. The service was once again well utilized during the year with 257 initial contacts accessing this service. The average number of employees within these businesses was 19.



Training and Other Support Services

A consequence of pandemic is that we were unable to run as many training sessions compared to previous years. The workload for the team meant our focus was on handling client contacts as they came in. We did move onto Zoom to deliver online sessions during the summer and early autumn, however again this was not sustainable once client contacts increased again. At this point the calls were around possible redundancies and the process required in order to bring these about, therefore we recorded a short video (based on our usual training sessions) which is available free on our website. The availability of information on redundancy using this media mean that it is available to everyone, and that both employers and employees are able to view this and understand the process.

Whilst running fewer sessions has impacted on our income generation the Board agreed that at this point in time charging employers who are struggling with difficult business decisions was not in the spirit of JACS. We are therefore anticipating adding further short videos on other topics early in 2021.

Website & Newsletter

The JACS website provides advice, pro-forma policies, procedures and information which mean that clients can access information 24/7. During 2021 this has proven to be a valuable resource for clients and we extended advice to provide links to the advice in respect of the Co-funded Payroll scheme, the Interim Parental Payment Scheme and others in respect of the Coronavirus. By providing such links and advising through our newsletter this meant that as soon as JACS were aware we were able to provide clients direct access to the information.

The number of sessions on the JACS website in 2020 was 61,938 (an increase of 5050 when compared to 2019); of these 59.8% were new users.

During 2020 the 6 most viewed topics were:

- Redundancy
- Disciplinary and Grievance
- Parental Leave
- Unfair Dismissal
- Varying Contracts
- Coronavirus

During 2020 we sent out 23 newsletters to those clients who have signed up via our website and currently 937 people receive this.

Legislation

Family Friendly/Parental Leave

Changes to the legislation in respect of parental leave were introduced at the end of June 2020 - these were the delayed changes from 2019. In anticipation of these changes JACS produced a parental leave booklet with pro-forma parental leave request forms along with other advice and information. We also ran 8 free online (Zoom) public training sessions to assist in getting the message out.

The Social Security Minister launched the Interim Parental Payment Scheme to accompany the parental leave changes, which was available until 31 December 2020 (from 1 January 2021 a permanent Parental Allowance Scheme has been put in place).

Disability Discrimination - phase 2

Effective from 1 September 2020 was the second phase of Disability Discrimination. This change was in respect of reasonable adjustments to ensure as far as practicable accessibility to buildings and services.

Staffing and Standards of Service

The unique challenges the global pandemic brought to employers and businesses affected JACS also, as the team moved to home working. Our Administrator was temporarily re-deployed to the CRESS team as his dual language skills were in much demand and I know his assistance was invaluable to CLS and the clients he was in contact with. Having returned to JACS for the latter part of the summer Bruno then left JACS at the end of October for a new challenge, we all wish him well and offer huge thanks for everything he has done for us over the years.

October also saw the departure of our freelance Trainer as we were no longer able to offer our sessions. Again we offer a big thank you to Sara for all her assistance in delivering our training.

The annual 'tri-island' meeting was to have been hosted in Guernsey during 2020, but as with many things during the year this was not able to go ahead. Whilst there are differences in the legislation in Jersey, Guernsey and the Isle

of Man it is a valuable opportunity for the three Industrial Relations leads to come together to share broader issues and information. A Teams meeting was held in October and throughout the year several telephone conversations took place which mainly centred around the pandemic and the impact on businesses.

Future Plans

The JACS commitment to delivering advice, assistance and raising awareness of the legislation and best practice remains the same as it has always been. The utilization of our website to deliver free and short advice videos on relevant topics will enable JACS to provide informative 'training' sessions available 24/7.

The Outreach Service will continue to provide a service accessible to businesses to ensure there is an understanding of the statutory obligations that employers need to meet. Our continued commitment is one of support to all our clients in respect of advice and dispute resolution.

Summary

Against the backdrop of a challenging year for everyone, JACS have continued to offer practical advice in an impartial, professional and friendly manner. The need for quick responses with easily accessible information and advice to clients is demonstrated in the number of contacts we - as a team of 4 advisers - handled throughout the year, and shows both value for money and the ability to punch above our weight.

Whilst JACS front-line team are now 4 advisers, we are supported by a fabulous additional team of 7 Board Members who all willingly assist and freely give their time to us, whilst all working in their own busy day jobs. I am so very grateful for their support and commitment to JACS which extends so much further than the 6 meetings held each year. However, in September having served 9 years on the JACS Board two members 'retired'. Sarah Beirne has been the Chair of JACS since November 2014 and under her steady hand the Board have flourished she will be sorely missed, but hands the Chair baton over to Donna Abel as a worthy successor. Our other 'retiree' was Alison Melchin, her insight into industrial relations and representation of employees has provided much insight to the Board and she also will be much missed. All our best wishes and grateful thanks go to both Sarah and Alison.

On the basis that 2 Board vacancies were created we advertised for additional Members to join us. The calibre of applicants was strong and all those who expressed an interest were interviewed. The two appointees are Chris Mutton

and Hilary Griffin, both of whom were welcomed to the Board in late September.

JACS are very fortunate and privileged to have Board Members who are willing to share their expertise, support and oversee good governance that ensures that JACS remain the committed, accessible and professional organisation that Jersey has come to expect. I would like to express my personal thanks to Donna Abel (as Chair) and the rest of the Board (including the recent retirees) for everything they do for JACS and for their support to me personally.

I also offer my sincere thanks and gratitude to the JACS team who have adapted to changes in working whilst continuing to meet the expectations of our clients by delivering a friendly and accessible service.

Finally I wish to express my thanks to the Social Security Minister, Deputy Judy Martin, along with her Assistant Ministers, Policy Principals and other member of the Department of Strategic Policy Planning and Performance for their approachability and support in all the work JACS undertakes and I look forward to working further with them in 2021.

Patricia Rowan
Director

14 January 2021