

PM/MH/017

CONFIDENTIALSTATES EMPLOYMENT BOARD

(12th Meeting)

8th January 2019**PART B (Exempt)**

Note: The Minutes of this meeting comprise Part A and Part B.

Confidential:
QE Article 39
 Business
 Framework/
 Governance:
 discussion with
 Comptroller
 and Auditor
 General.
 688/2(1)

B1. The Board, with reference to its Minute No. A1 of 19th November 2018, welcomed the Comptroller and Auditor General (C&AG), together with the Deputy C&AG, and the Affiliate to the Jersey Audit Office, and discussed her ongoing review of the business framework/governance of the States Employment Board.

The Board received a presentation which outlined the background to the review being undertaken and the focus of the C&AG on: the design of arrangements; the effectiveness of the Board in discharging its responsibilities; the implementation of previous recommendations; and compliance with Codes of Practice and policies. The Board also noted those areas to which the C&AG's review did not extend, including arrangements for the employment of persons who, under the Employment of States of Jersey Employees (Jersey) Law 2005, were not treated as States' employees.

The delegation outlined the strengths and areas for development in the design of arrangements for appointment and employment of States of Jersey employees, both in respect of the Board and also the Jersey Appointments Commission. The C&AG confirmed her awareness that the current Board was endeavouring to change its methods of working in a number of respects, and it was accepted that practices engaged in by employment boards worldwide tended to change over time.

The Board noted that gaps and ambiguities, leading to areas for development, included: oversight of interim staff; oversight of employment practices of States-owned companies and Arm's Length Organisations; and independent oversight of termination of employment.

The Board accepted that 'people capital' was important to the States organisation and agreed that this matter would be addressed in due course.

It was emphasised that, whereas the Jersey Appointments Commission reported to the States Employment Board, the Commission's responsibilities were much wider and also included the various States Arm's Length Organisations.

With regard to the effectiveness of the Board in discharging its responsibilities, the C&AG suggested that improvements could be made in the areas of: work management; Codes of Practice and supporting policies; health, safety and well-being; senior staff remuneration; and transparency. [REDACTED]

[REDACTED] with a tendency for the Board to be reactive to certain situations, rather than proactive in all areas. [REDACTED]

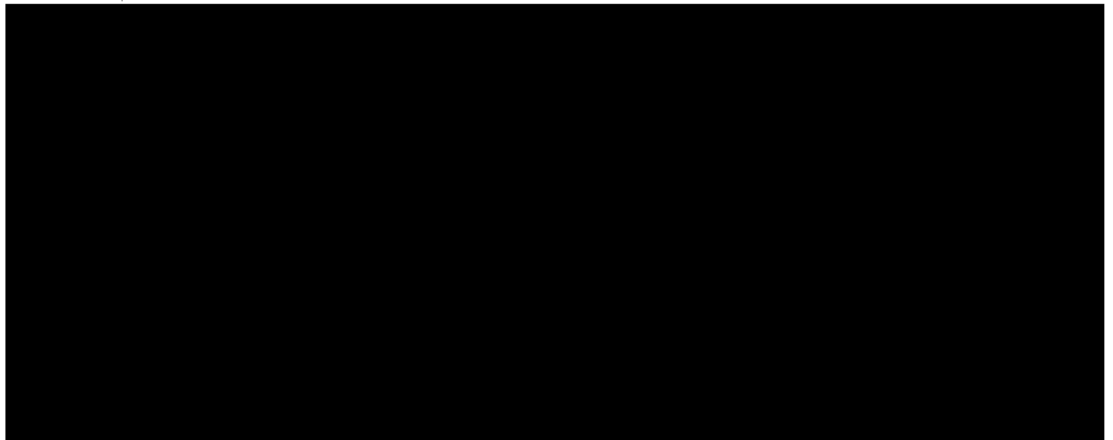
The C&AG outlined problems identified around continuity of the Board, particularly in the lead-up to public elections, and suggested that the appointment of a second independent adviser might be helpful. It was further suggested that consideration could be also given to appointing independent members to the Board if it were thought that this would be helpful, with particular attention needing to be given to the skills required of such members.

Overall, it was suggested that the Board needed to operate at a more strategic level, whilst also developing a template for the feedback that was required on a regular basis in support of reassurance to the Board and its responsibility to be 'held to account' for various actions. Whereas a 'Board Pack' providing information to members would be helpful, resources generally within the Human Resources function appeared to be an issue which needed to be addressed such as to ensure that adequate assistance was provided to the Board.

The Board recognised that it needed to continue to have oversight of adherence to its Codes of Practice and confirmed that work was already under way to develop various strategies to address this. Whereas it was accepted that a 'People Strategy' was of importance, it was recognised that this concept was amorphous and that some areas needed more concerted effort than others. The Board noted that an overarching strategy around employees' induction was needed and that this matter was to be considered by the Board in the coming months. [REDACTED]

The C&AG indicated her intention to draft the report of her review within the next 2 weeks, following which a further 2-week period would be set aside for checking and verification, leading to publication being expected in late February/early March 2019.

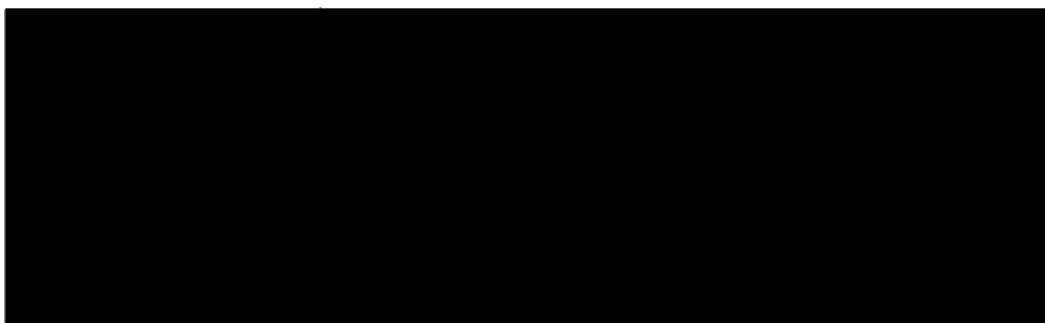
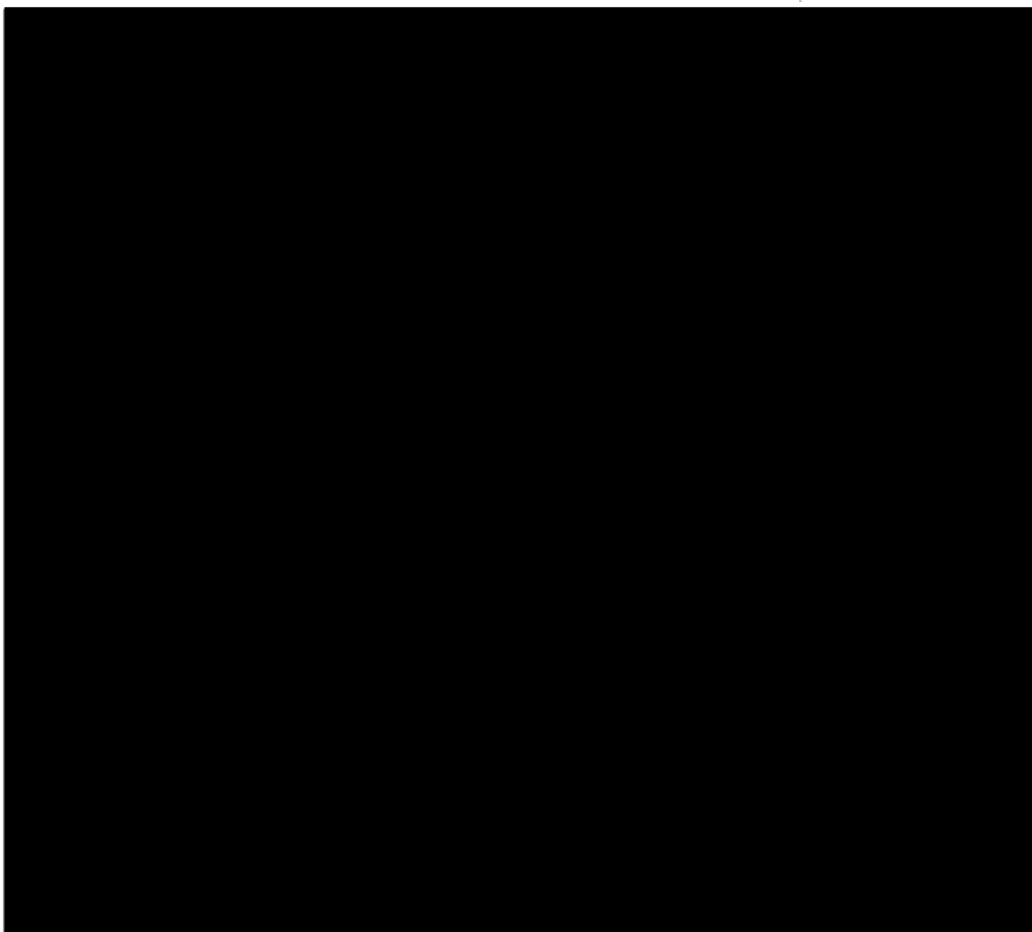
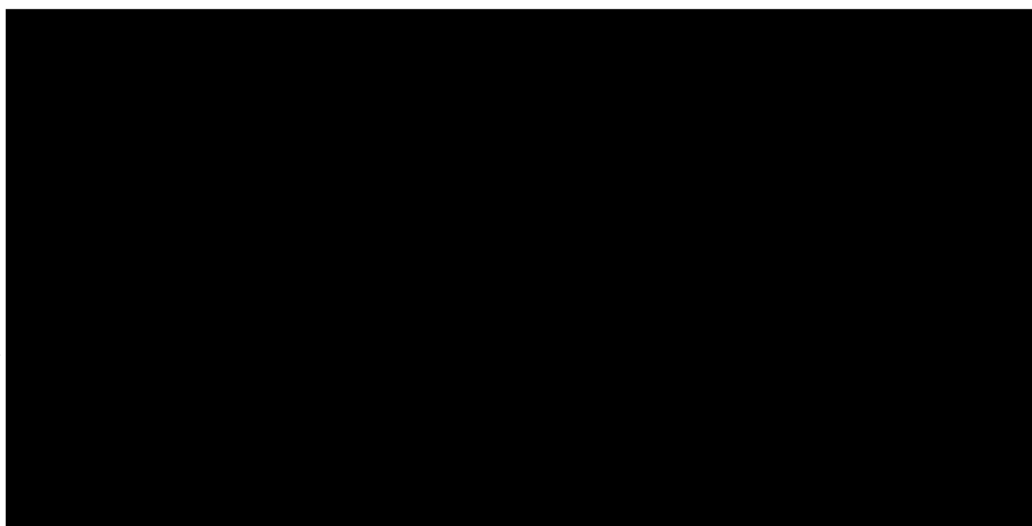
The Chairman invited the C&AG and her team to return to the Board in early course, in order to monitor the progress being made on the numerous areas of work already underway. The delegation then withdrew from the meeting.



12th Meeting
08.01.19

The officers were accordingly directed to invite the C&AG to provide opportunity for further conversation with current Board members.

Confidential:
QE Article 39
Public Sector
Pay Review
2018/2019:
update.
688/2(48)





PM/MH/045

CONFIDENTIAL

STATES EMPLOYMENT BOARD

(13th Meeting)

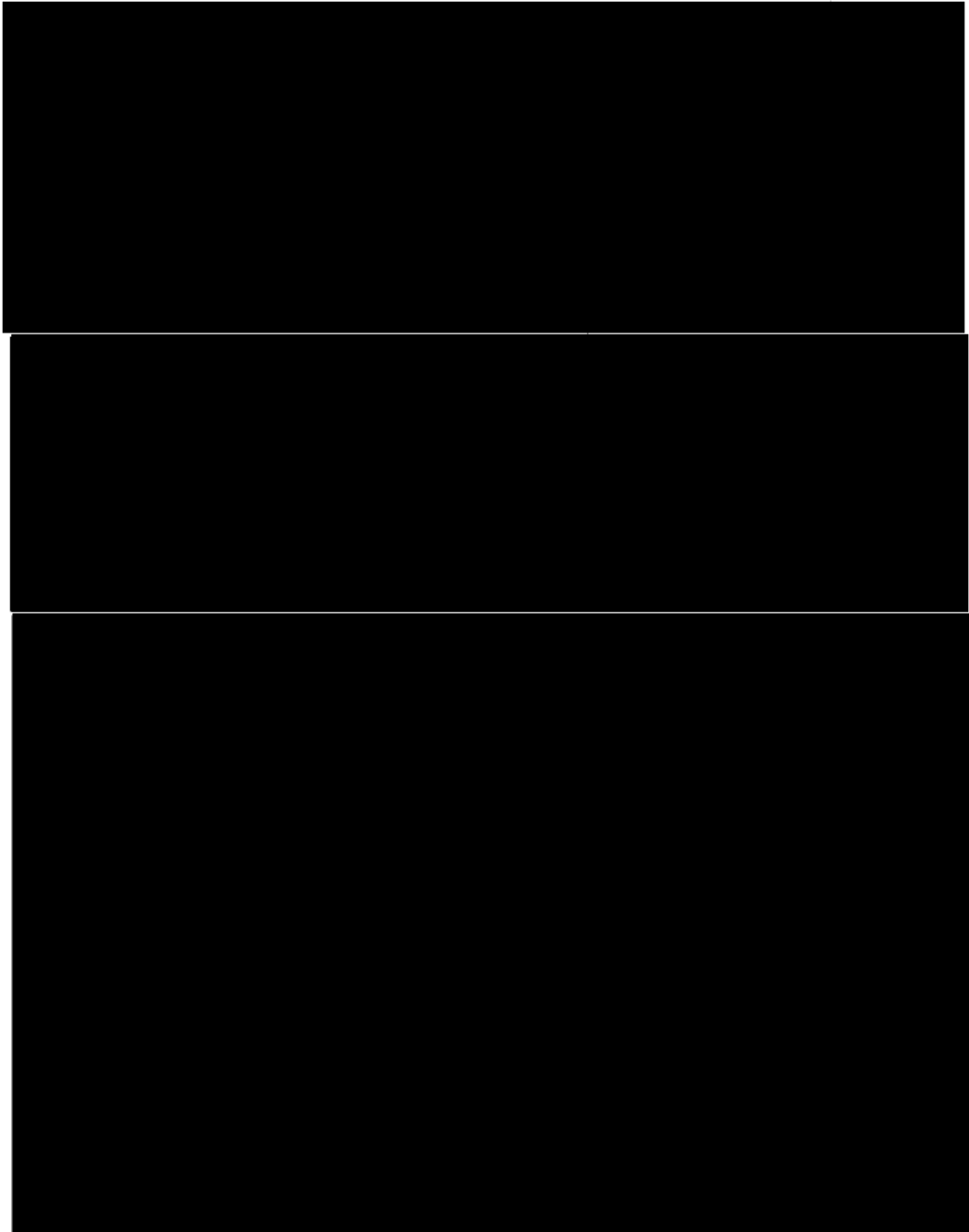
17th January 2019

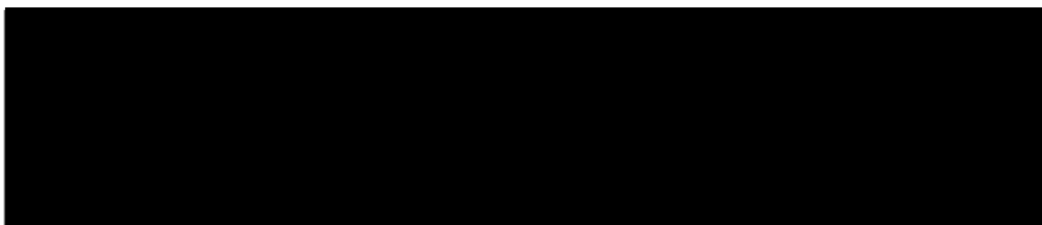
PART B (Exempt)

Note: The Minutes of this meeting comprise Part A and Part B.

Confidential:
QE Article 39
Public Sector
Pay Review
2018/2019:
update.
688/2(48)

B1. The Board, with reference to its Minute No. B2 of 8th January 2019, received an oral report from the Head of Employment Relations and Reward which provided an update on the current position relative to the public sector pay review 2018 and 2019.





Confidential:
QE Article 39
Corporate
Services
Scrutiny Panel:
invitation to
Board to attend
meeting
scheduled for
21.01.2019;
and letter
received from
7 States
members.
688/2(48)

B2. The Board noted that it had been invited by the Corporate Services Scrutiny Panel to a meeting to be held on Monday 21st January 2019 at which the Panel would review the circumstances which had led to the recent industrial action by public service employees.

The Board confirmed its willingness to meet the Scrutiny Panel and agreed to prepare for that meeting on Friday 18th January, at which relevant documentary evidence and financial projections would be reviewed. It was further agreed that a summary should be provided of all decisions of the Board since its appointment, together with a list of actions initiated after each Board meeting.

The Board noted that the Chairman had received a letter, dated 16th January 2019, from 7 Members of the States who had written to record their disquiet at the circumstances around negotiation of the 2018 and 2019 pay review for public sector employees, which had culminated in the recent industrial action. The Board was disappointed to note that it was apparent that a copy of the letter had been provided to the media before it had been delivered to the Chief Minister.

The Board agreed revisions to a draft response from the Chairman which indicated the unhelpful nature of the correspondence at this particularly sensitive time and which condemned the inherent risk of it undermining the ongoing negotiations. The Board asked that the commitment of Board members to achieving the best possible outcome for the States' workforce, States' services and public finances should be emphasised.

Officers were directed to take the necessary action.

PM/MH/065

CONFIDENTIAL

STATES EMPLOYMENT BOARD

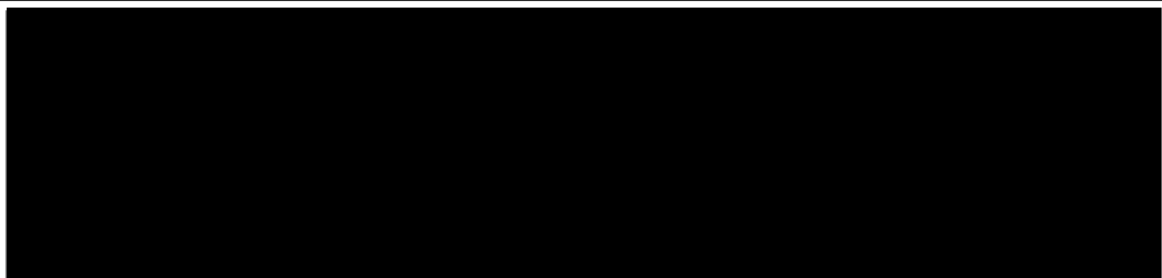
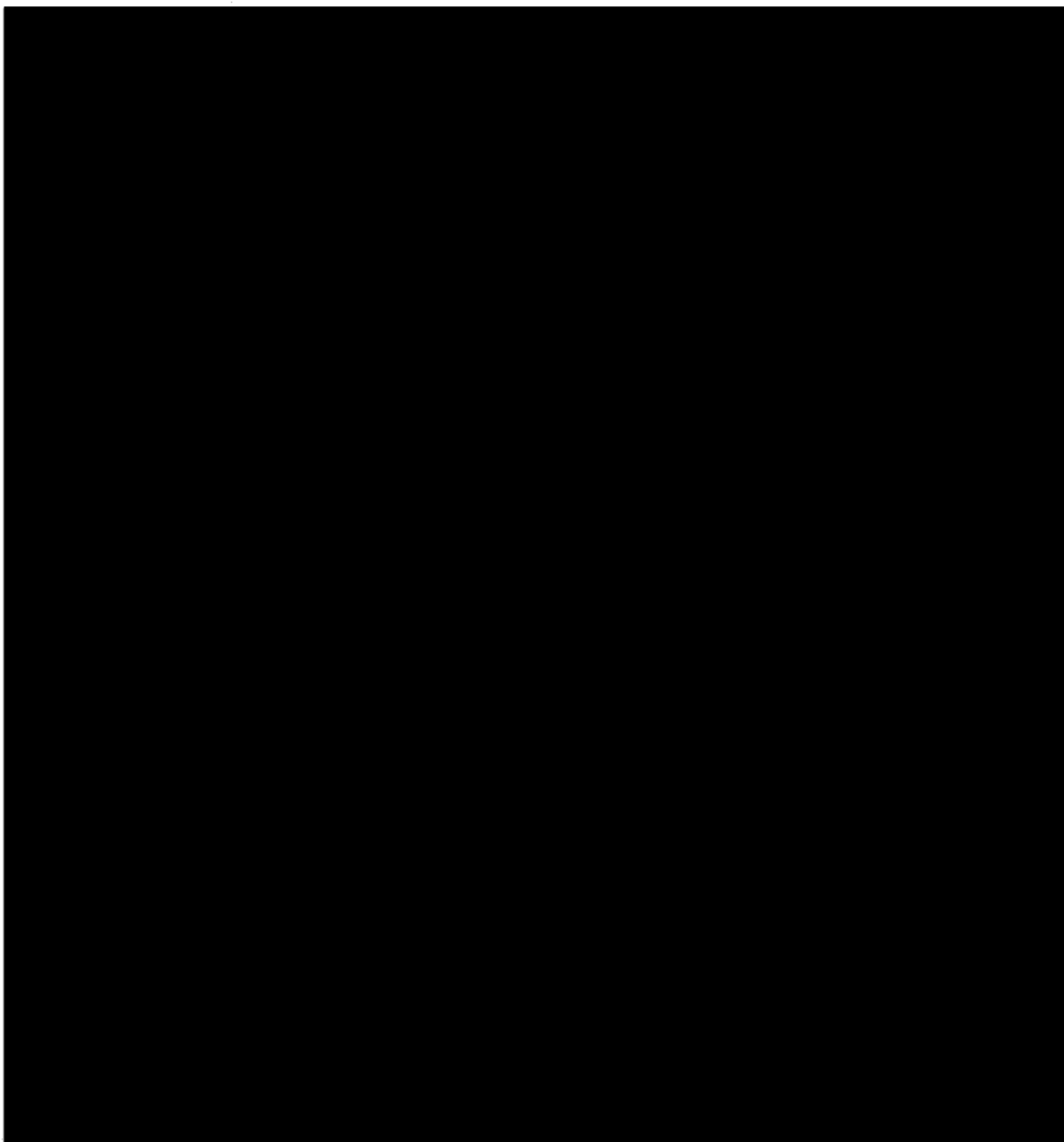
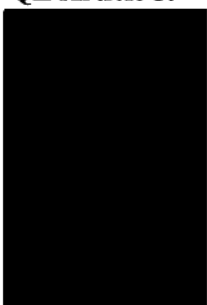
(14th Meeting)

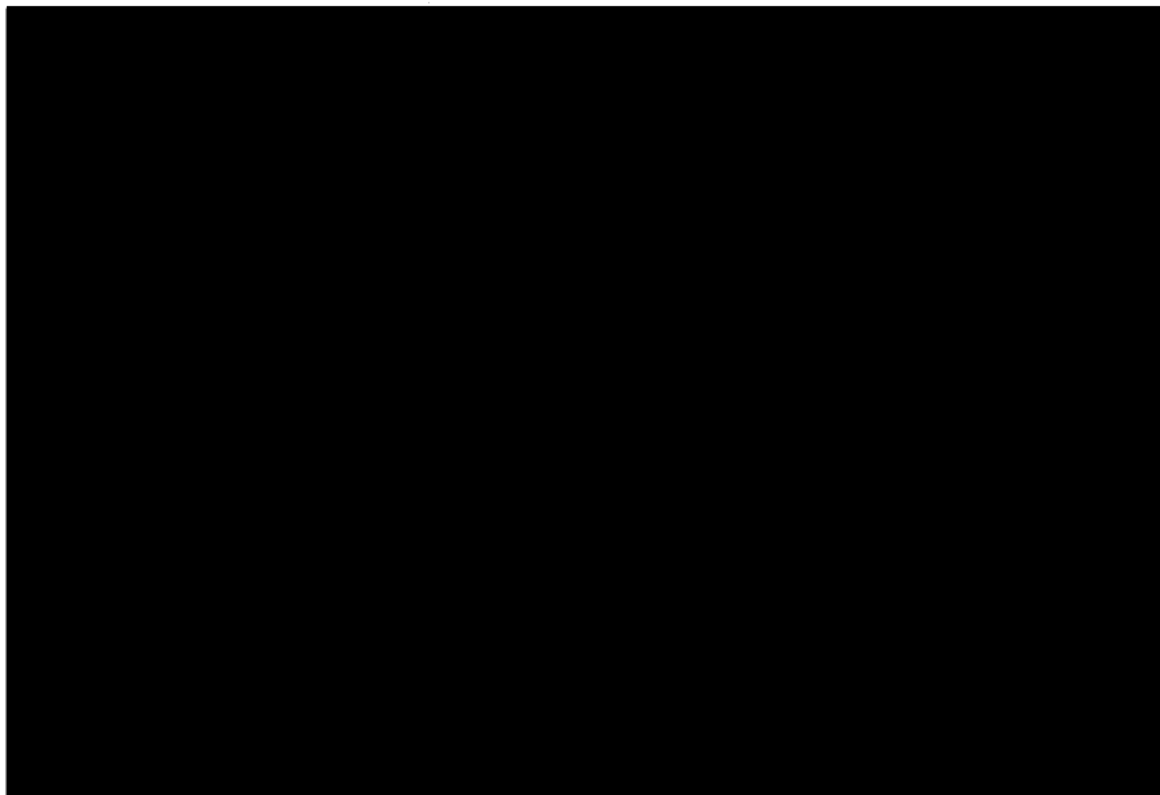
22nd January 2019

PART B (Exempt)

Note: The Minutes of this meeting comprise Part A and Part B.

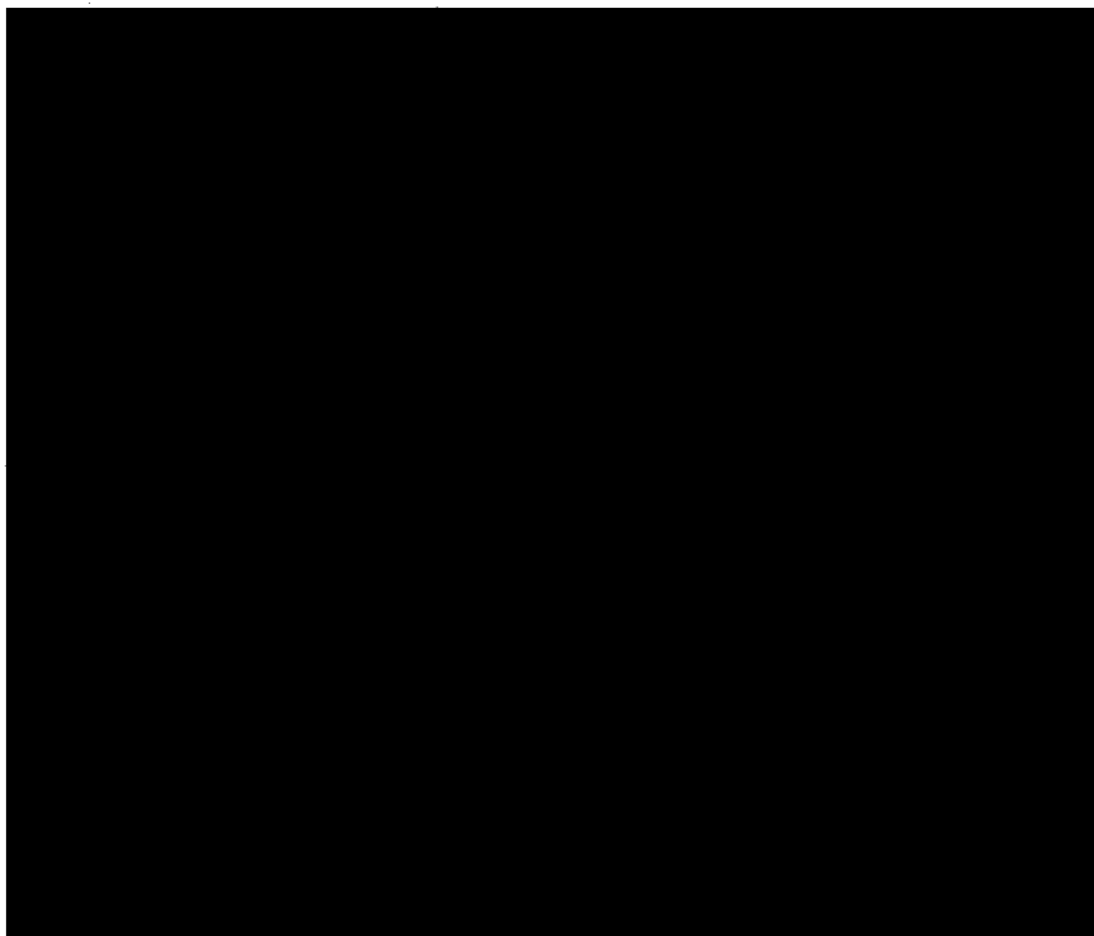
**Confidential:
QE Article 39**

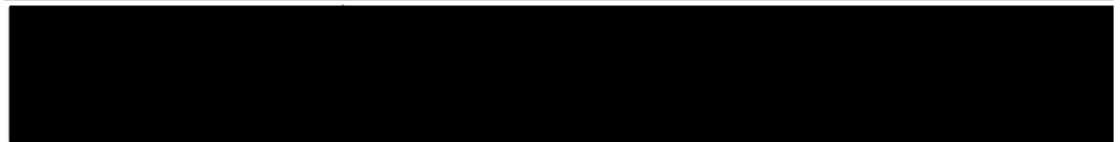
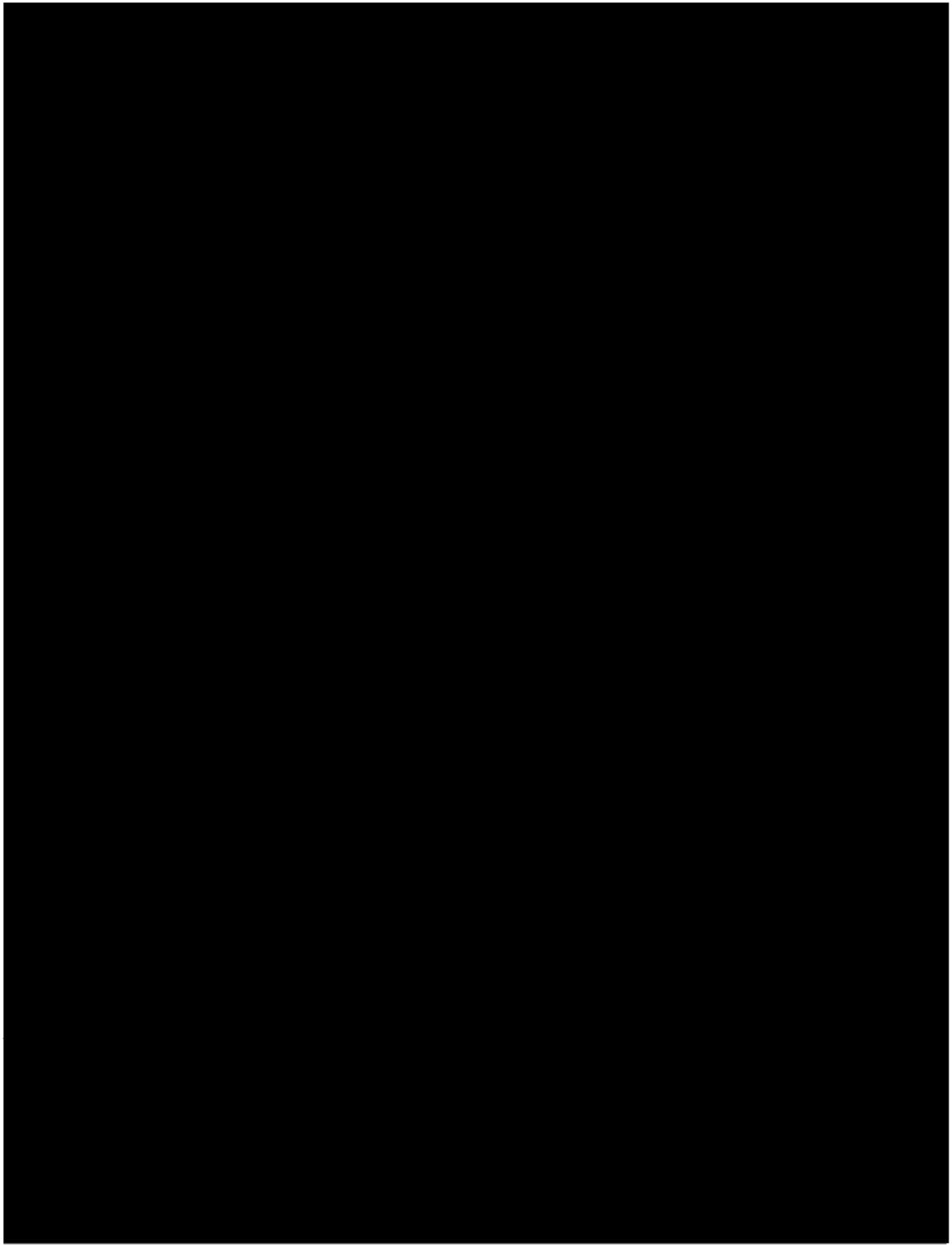




Confidential:
QE Article 39
Public Sector
Pay Review
2018/2019:
update.
688/2(48)

B2. The Board, with reference to its Minute No. B1 of 17th January 2019, received a report dated 22nd January 2019 from the Head of Employment Relations and Reward which provided an update on the current position relative to the public sector pay review 2018 and 2019.





Confidential:
QE Article 39
Jersey
Appointments
Commission
Annual Report
for 2018 –
draft.
1452(3)

B3. The Board, with reference to its Minute No. B2 of 8th October 2019, discussed with the Right Honourable Dame Janet Paraskeva, Chairman of the Jersey Appointments Commission (JAC) her report, dated January 2019, on the activities of the Commission during 2018. The Board was also presented with an addendum report which sought the Board's agreement to the appointment to a vacant role of Commissioner.

Dame Janet outlined that this was her fifth report as Chairman and remarked that 2018 had been a busy year for the JAC, during which it had overseen 68 appointments, 57 of which had been within the States of Jersey and 11 related to independent bodies.

The Board noted the various sections of the report, which covered –

- the role of the Commission in the appointment process;
- Commissioners;
- work during the year;
- States of Jersey senior posts;
- interim and short-term contract roles;
- recruitment to other senior States of Jersey posts and office holders;
- requests for acting-up;
- audit of Head Teacher role;
- recruitment to independent bodies;
- complaints;
- areas of good practice identified during the year;
- issues identified in previous report which remained a concern;
- new issues of concern during the year; and
- concluding remarks.

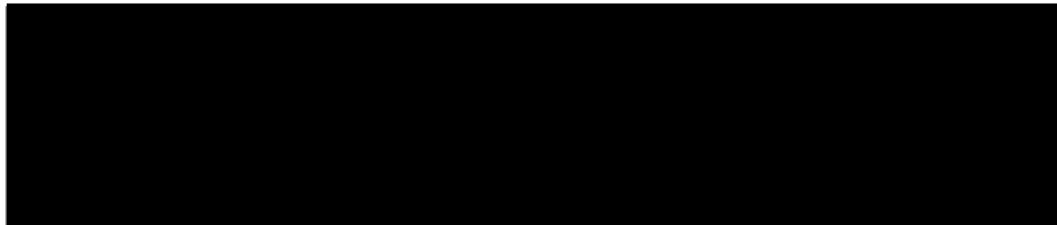
With regard to those matters of concern identified, the Board noted that some remained outstanding from previous reports:

- delays in alerting Commissioners at the earliest opportunity, resulting in otherwise avoidable diary planning difficulties;
- a need to attract a broader range of candidates;
- a lack of clarity about posts needing licences under Control of Housing and Work legislation;
- continued resistance by some States wholly-owned bodies to the regulatory processes determined by the Commission;
- a lack of transparency when setting remuneration and terms for senior individuals in the independent sector and in States wholly-owned bodies;
- reluctance by some boards to recruit in accordance with the Commission's guidelines;
- requests to involve the outgoing post holder in the formal process of recruiting their successor;
- the absence of resources for the Commission since its inception as an independent body; and
- the non-recording of all conflicts of interest before interviews.

In particular, the Board noted a number of new issues of concern during 2018 –

- poor shortlists for 5 posts in the latter stage of the Target Operating Model (TOM) recruitment process. In such circumstances, the Commission considered it important to restart the process and to redefine the search wherever a panel was confronted with a poor shortlist;

- the need for further checks to establish whether job descriptions and search activities had been broad enough and whether the selection of candidates at the long list stage had presented a wide enough mix of potential candidates;
- early involvement of the Commission, possibly through a mandatory early planning meeting, to give time for the assigned Commissioner to help to ensure that job descriptions and recruitment strategies were sufficiently broad so as to capture a diverse range of candidates;
- overly-hurried nature of some processes in order to meet deadlines that should have been identified earlier; and
- the number of board appointments held by a single individual in the independent sector.



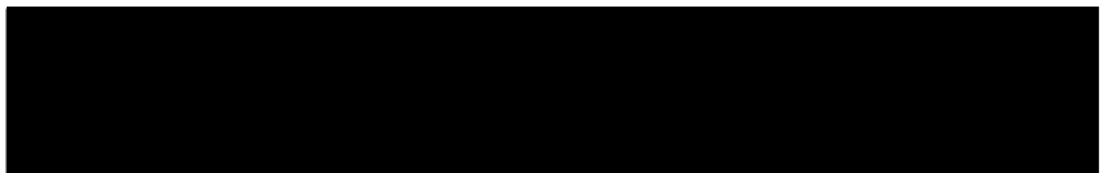
The Board noted that appointments in the Education sector were also now within the remit of the Commission.

The Board was pleased to note that recruitment practice continued to improve during a time of significant change within the States of Jersey. The Board endorsed the words of thanks by the Chairman of the Commission to her team of Commissioners and to officers of the States Human Resources Department.

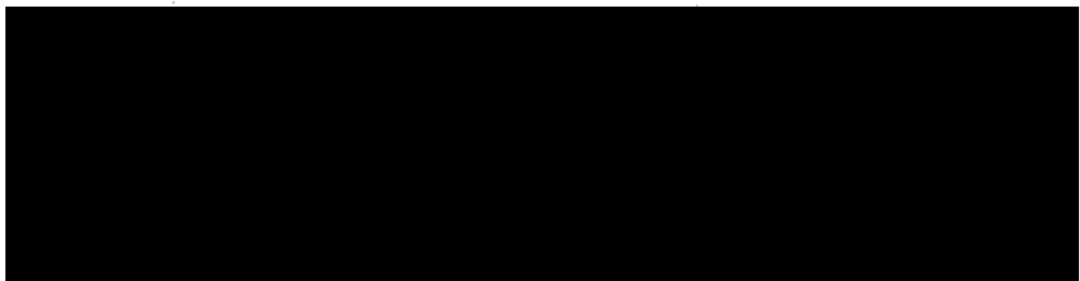
The Board noted that the Chief Minister was obliged, under Article 28(5) of the Employment of States of Jersey Employees (Jersey) Law 2005, to present a copy of the JAC Annual Report to the States Assembly for its information within 30 days.

The Board expressed its appreciation to Dame Janet for her report and participation in the meeting, and she withdrew from the meeting.

The Board accordingly approved the Annual Report for 2018 of the Jersey Appointments Commission for presentation to the States. [*See also Minute No. A2 of this meeting*].



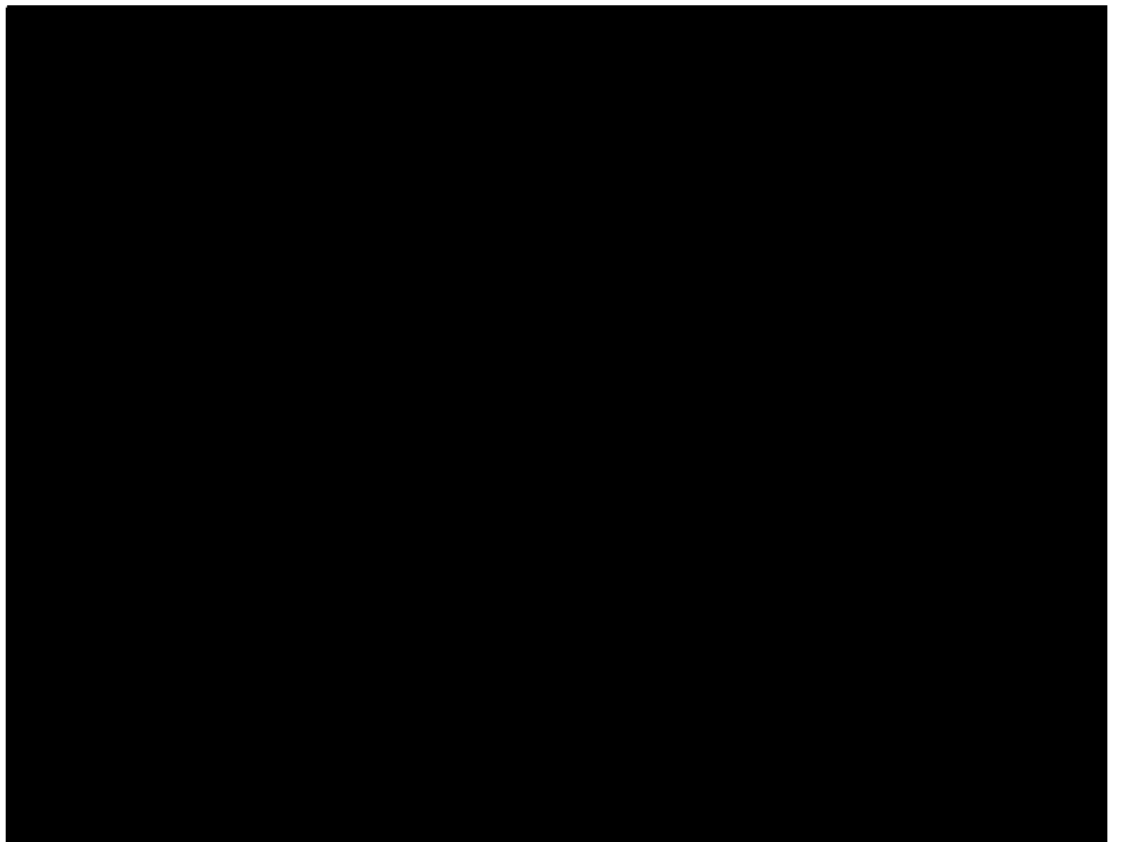
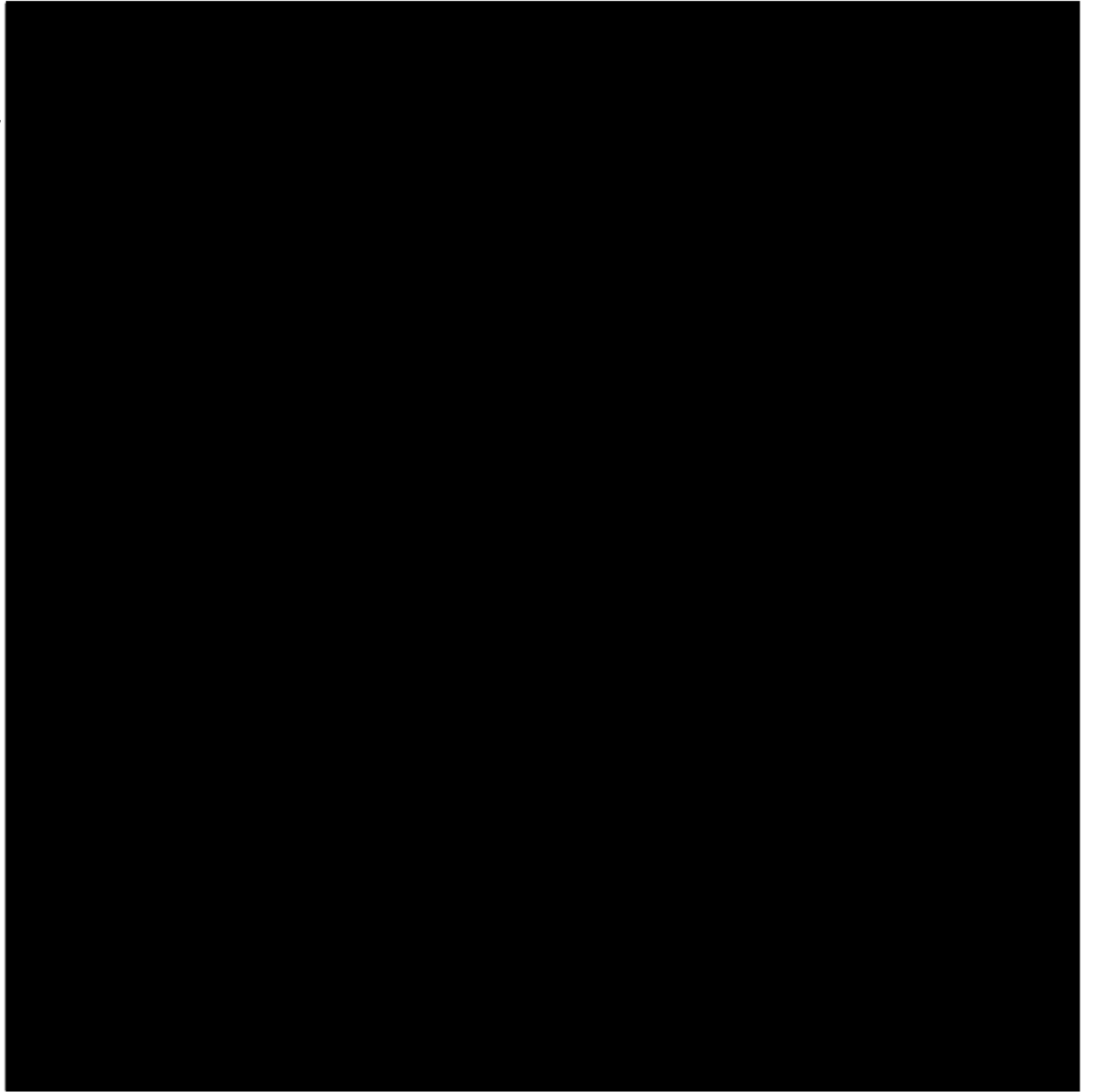
The Board directed the officers to take the necessary action.



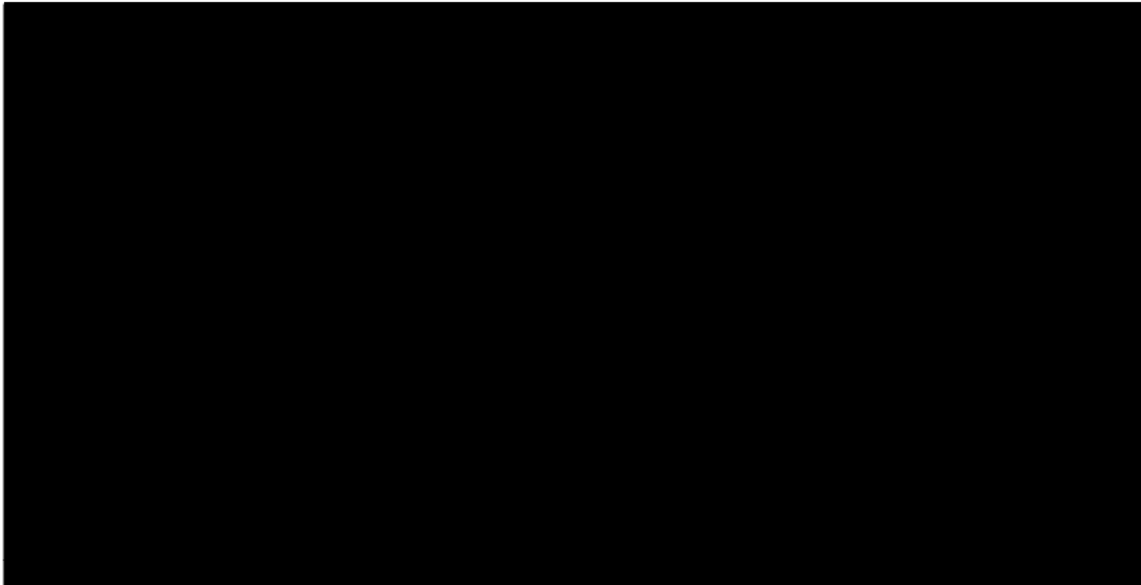
Confidential:
QE Article 39
Target
Operating
Model (TOM):
Chief
Operating

89
14th Meeting
22.01.19

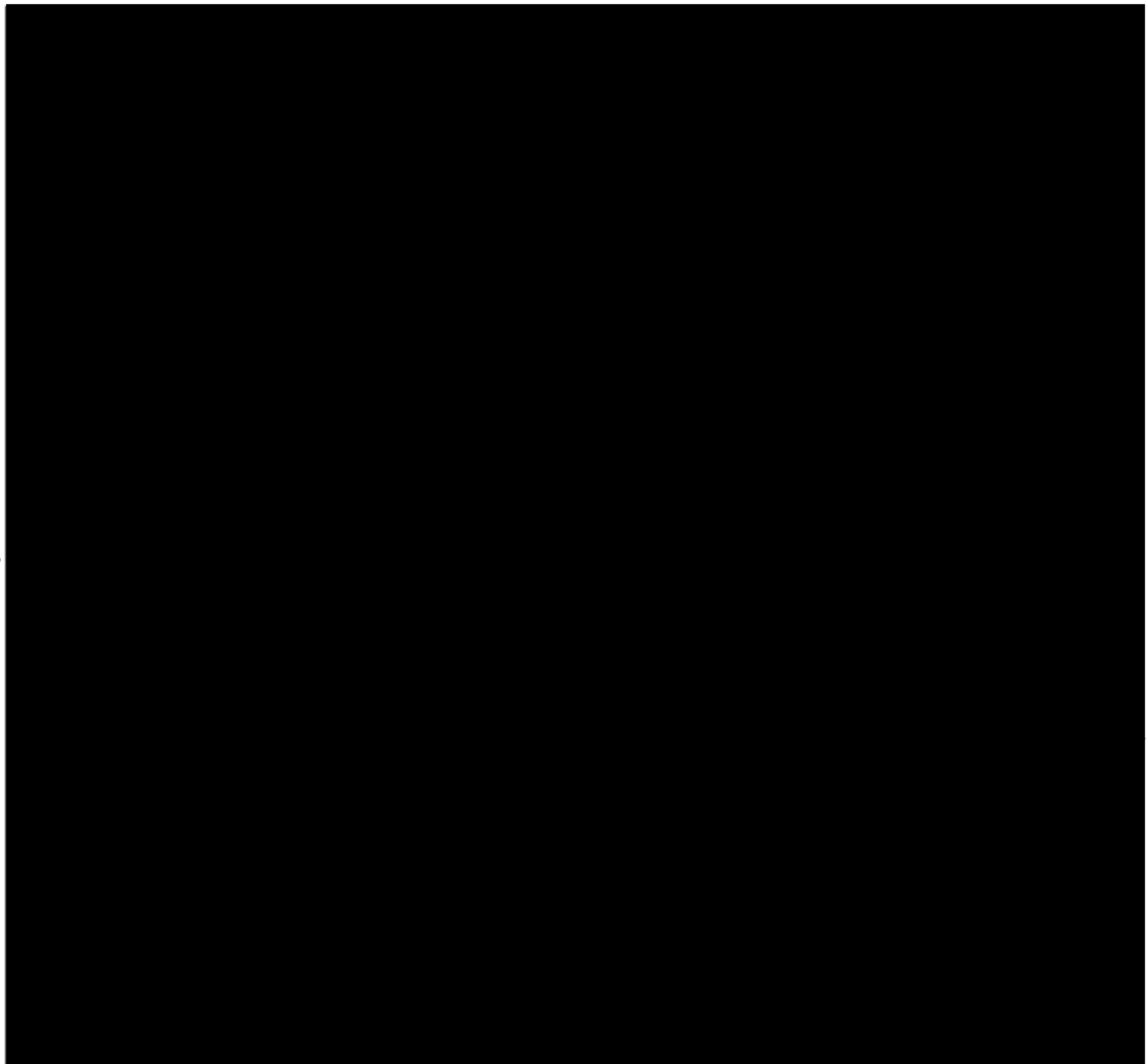
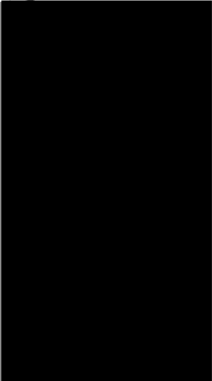
Office.
file



14th Meeting
22.01.19



**Confidential:
QE Article 39**



PM/SC/070

CONFIDENTIALSTATES EMPLOYMENT BOARD

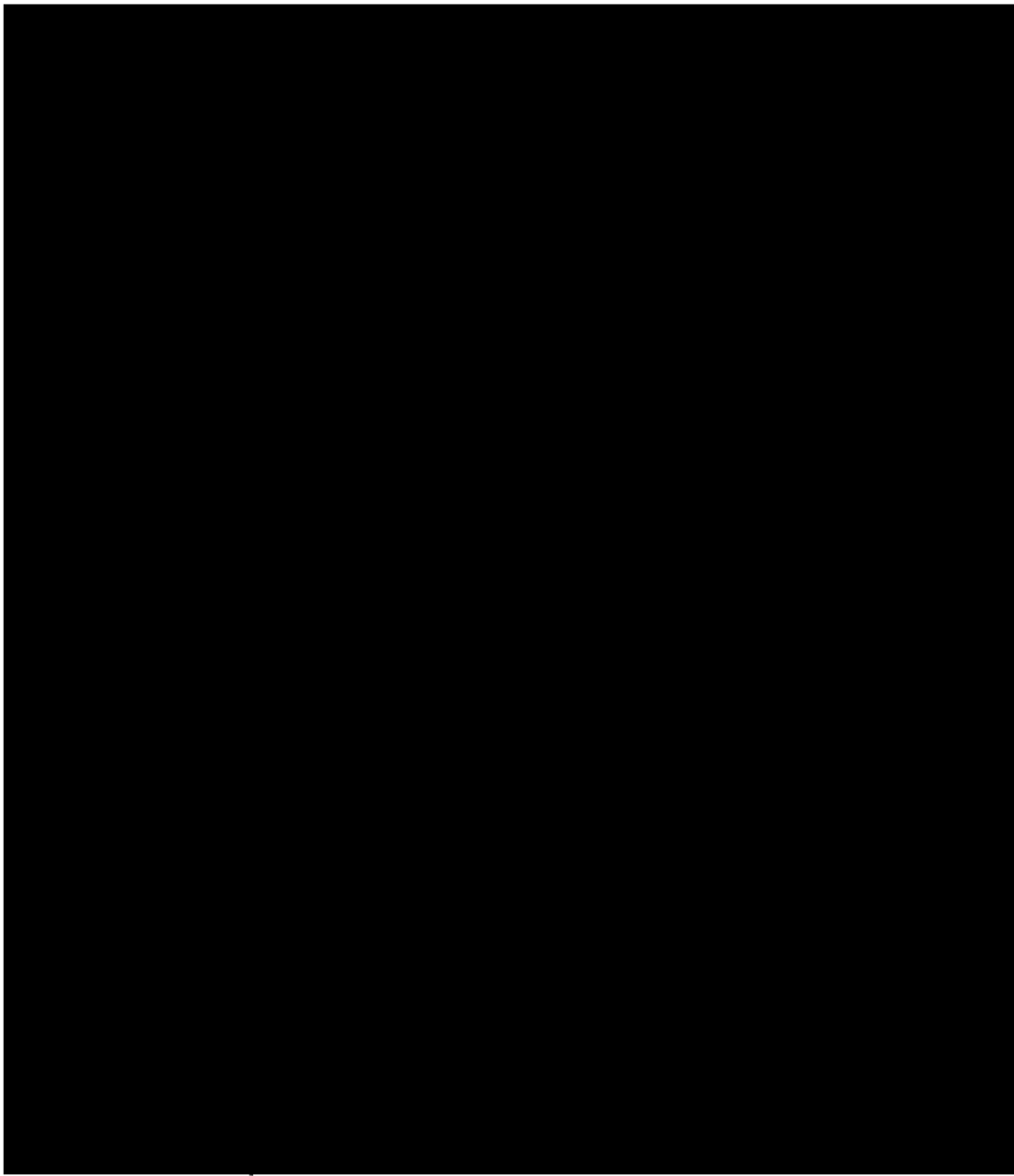
(15th Meeting)

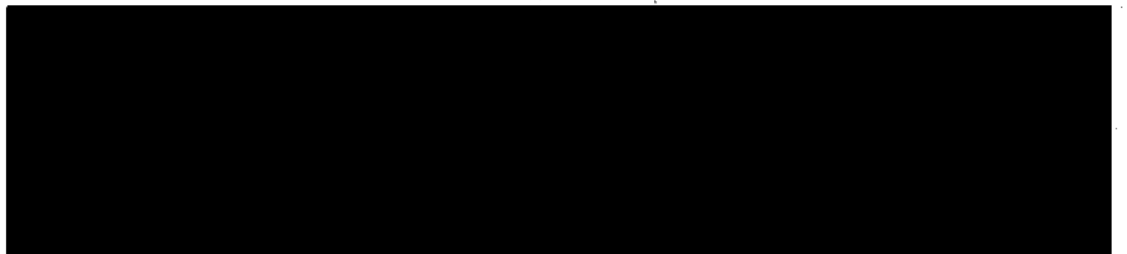
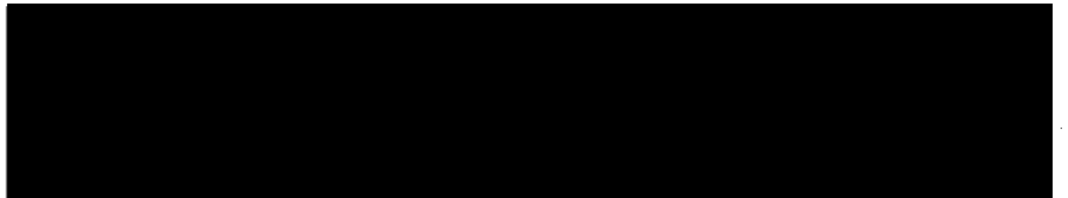
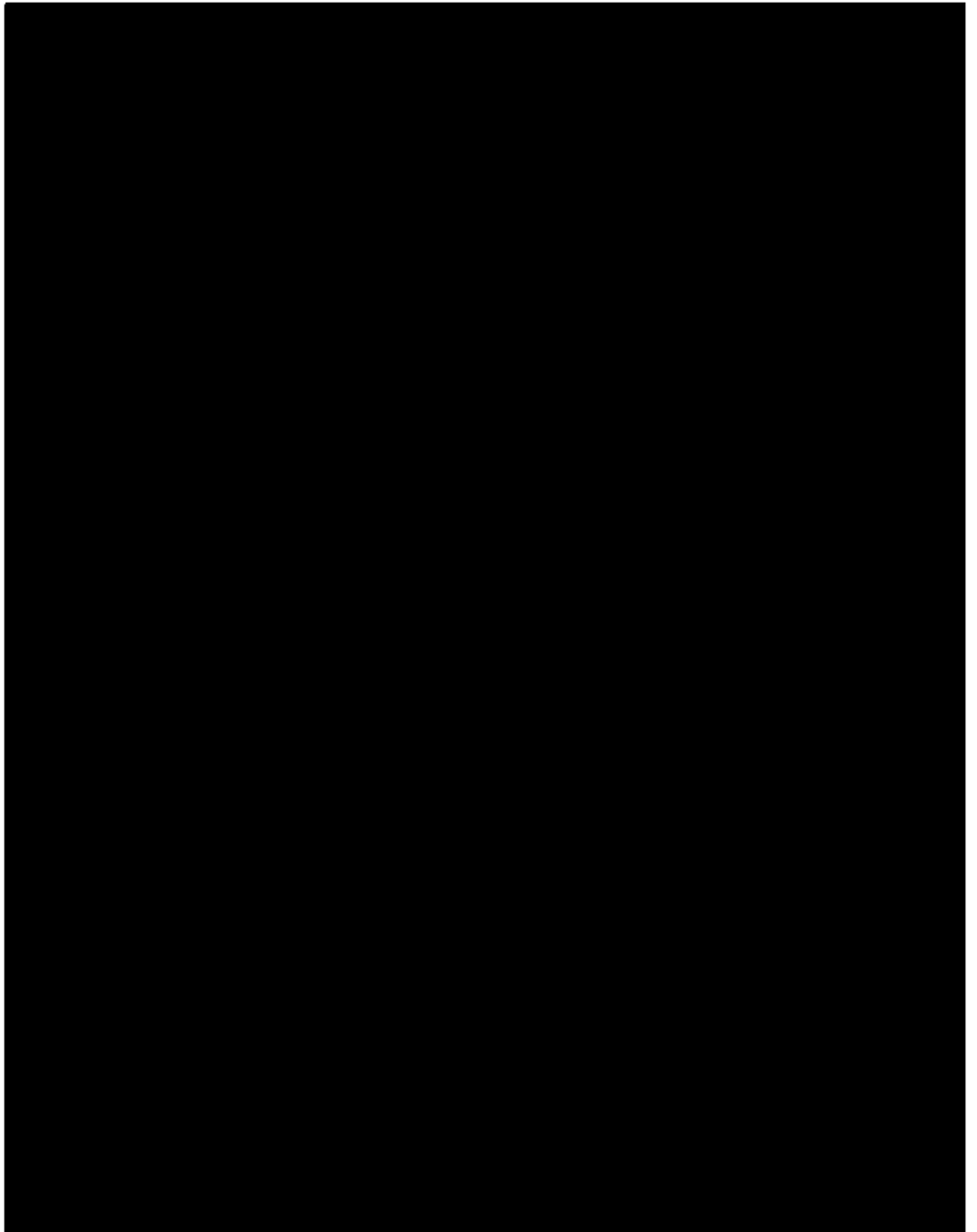
31st January 2019**PART B (Exempt)**

Note: The Minutes of this meeting comprise Part A and Part B.

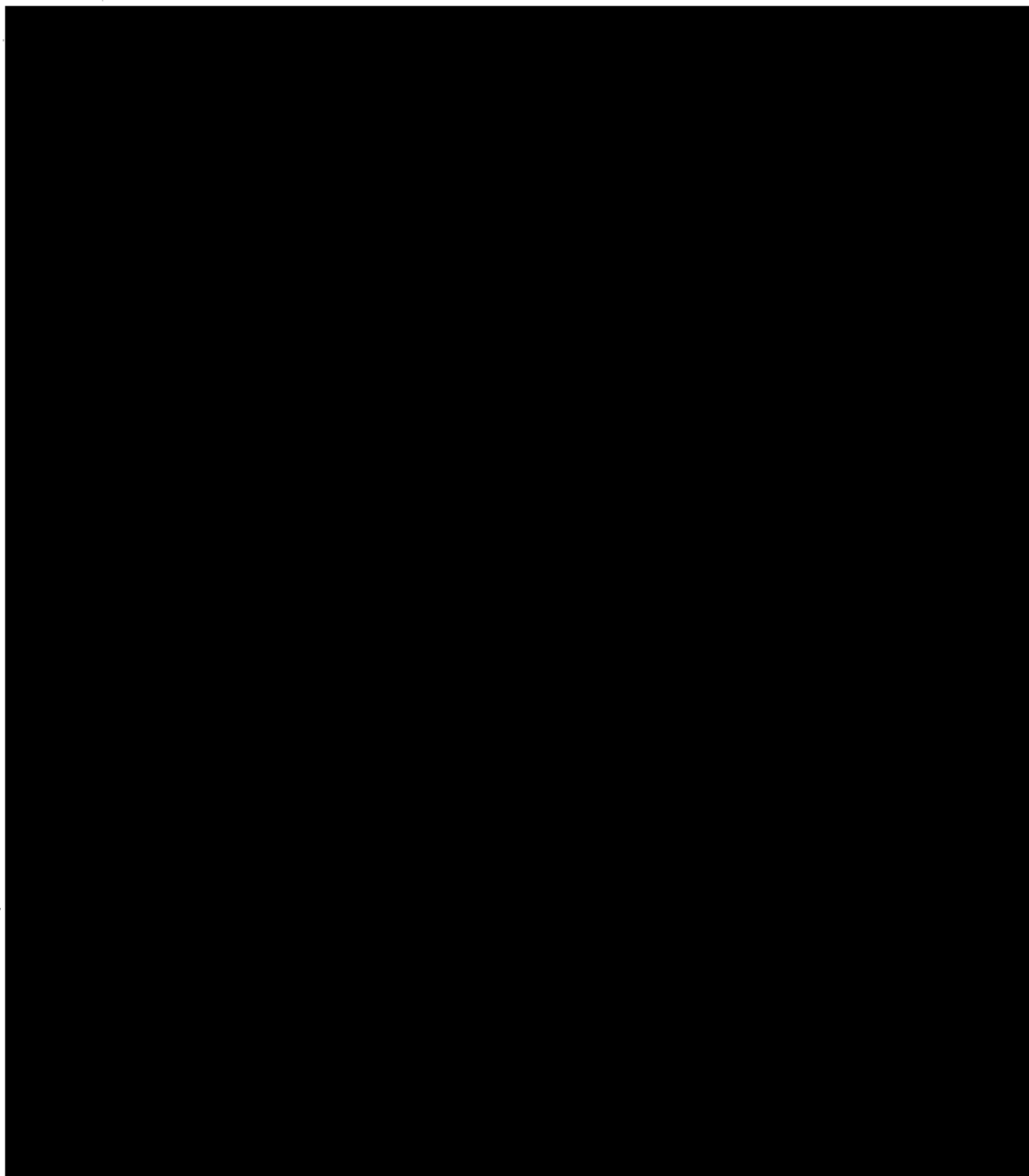
Confidential:
QE Article 39
Public Sector
Pay Review
2018/2019:
update.
688/2(48)

B1. The Board, with reference to its Minute No. B2 of 22nd January 2019, discussed with the Head of Employment Relations and Reward his report, dated 30th January 2019, setting out the current position and proposed next steps in relation to the public sector pay review 2018/2019.





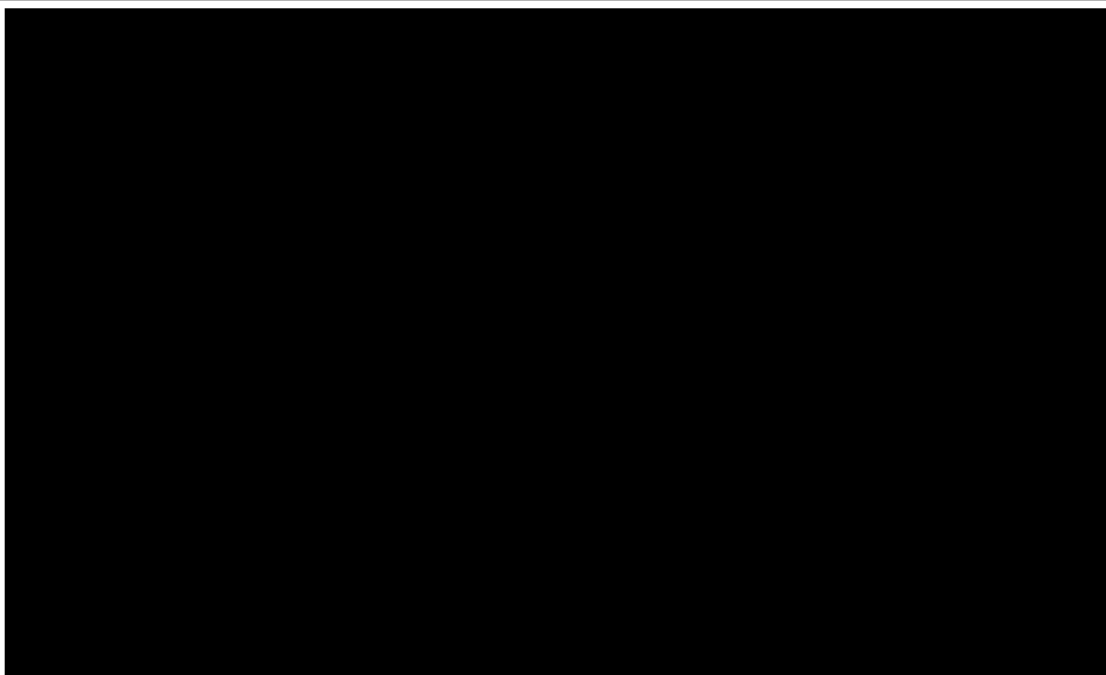
15th Meeting
31.01.19

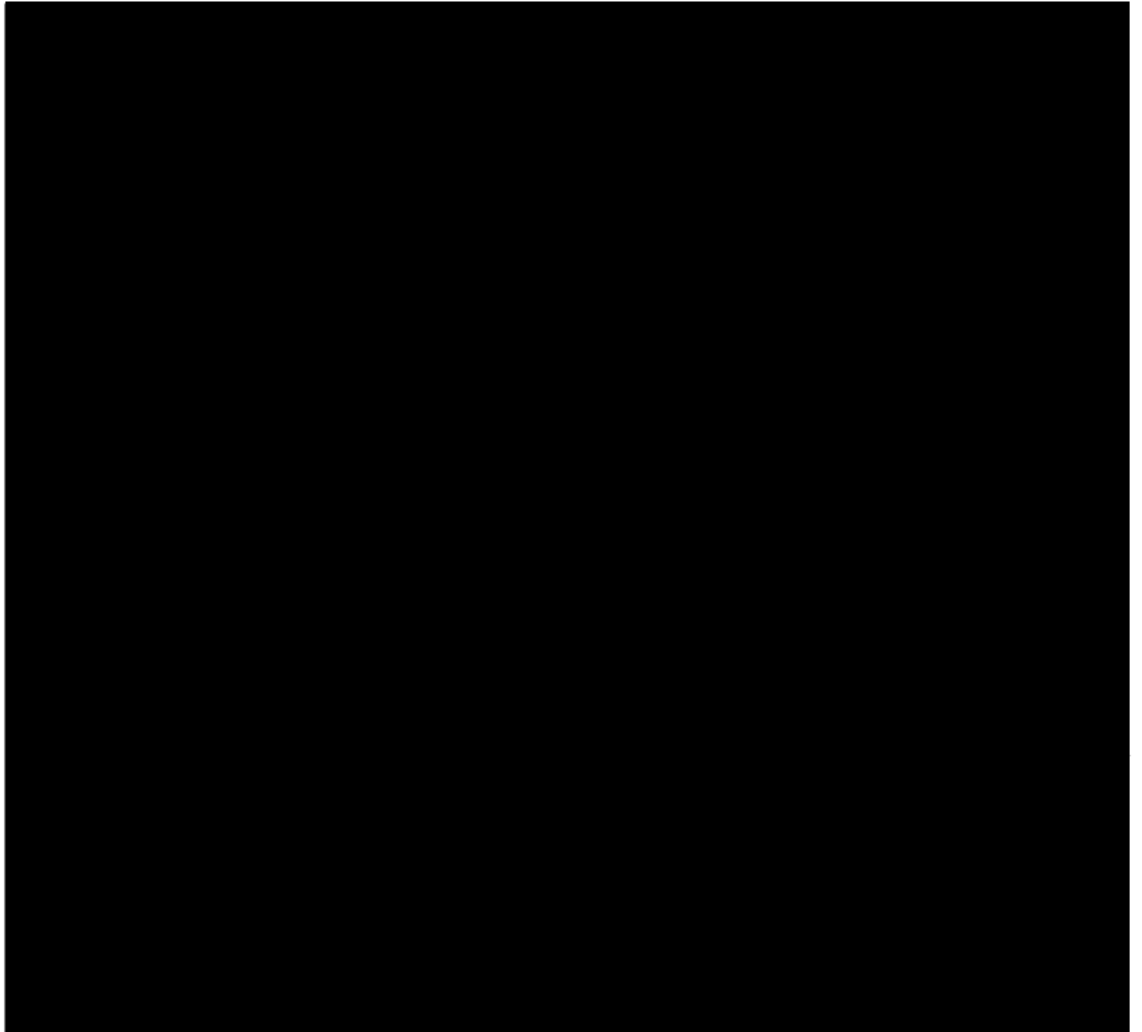
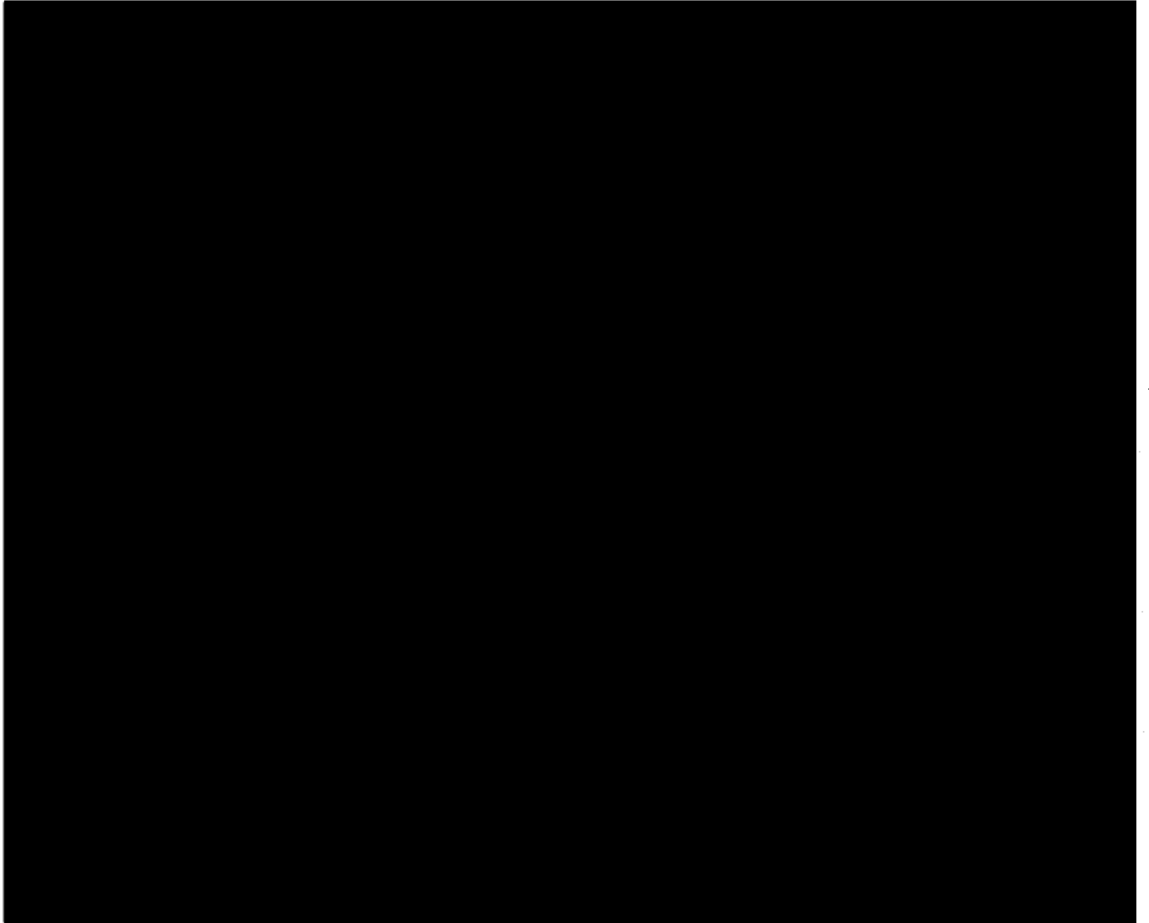


Confidential:
QE Article 39



1386/2/1(22)







PM/SC/070

CONFIDENTIAL

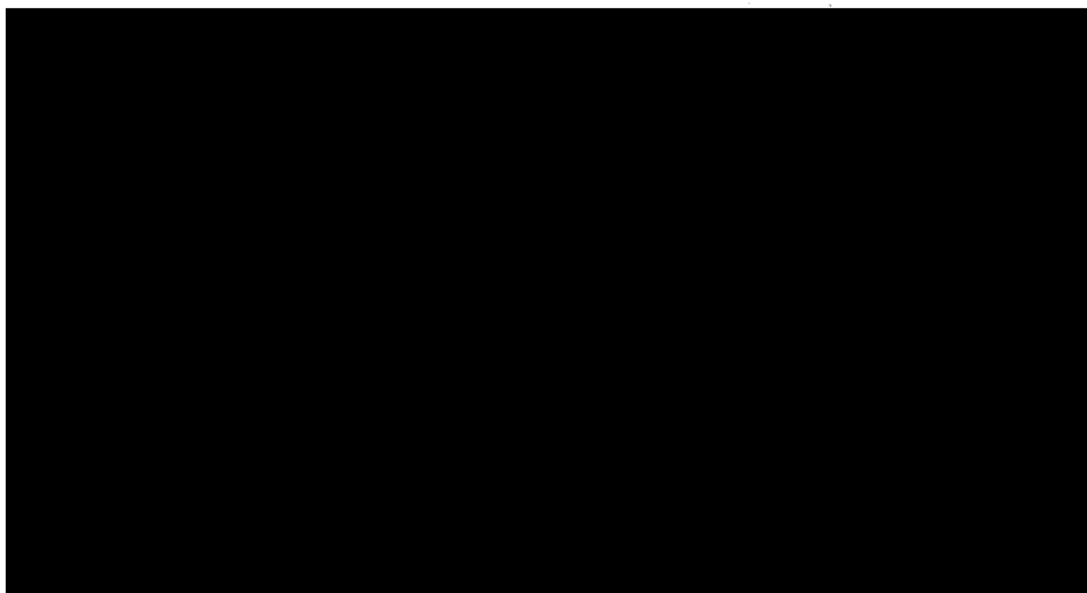
STATES EMPLOYMENT BOARD

(16th Meeting)

(Business conducted by electronic mail)4th February 2019**PART B (Exempt)**

Note: The Minutes of this meeting comprise Part A and Part B.

Confidential:
QE Article 39
Withdrawal of
offer of
employment to
Consultant
Ophthalmol-
ogist: Royal
Court
judgment –
appeal.
1386/2/1(22)



PM/SC/070

CONFIDENTIALSTATES EMPLOYMENT BOARD

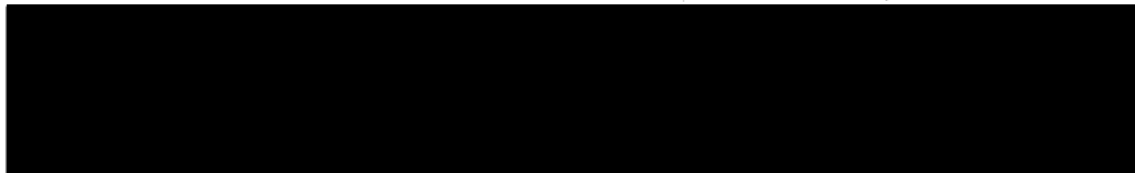
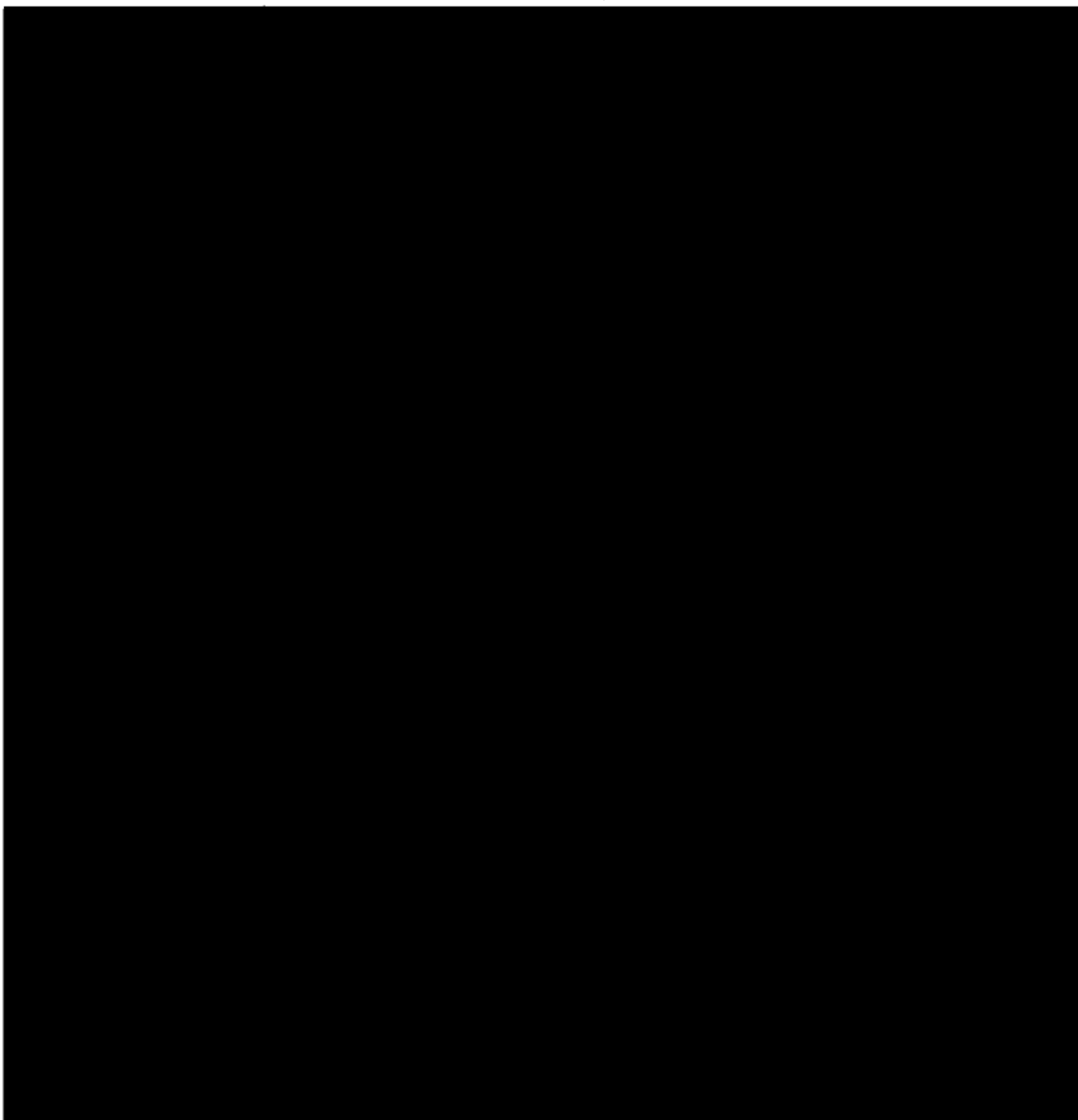
(17th Meeting)

14th February 2019**PART B (Exempt)**

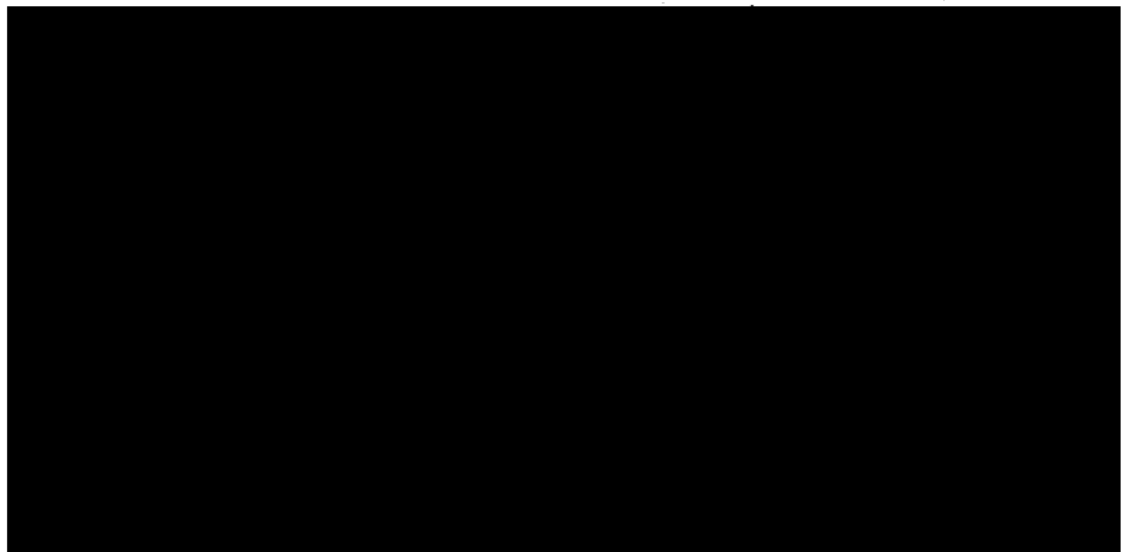
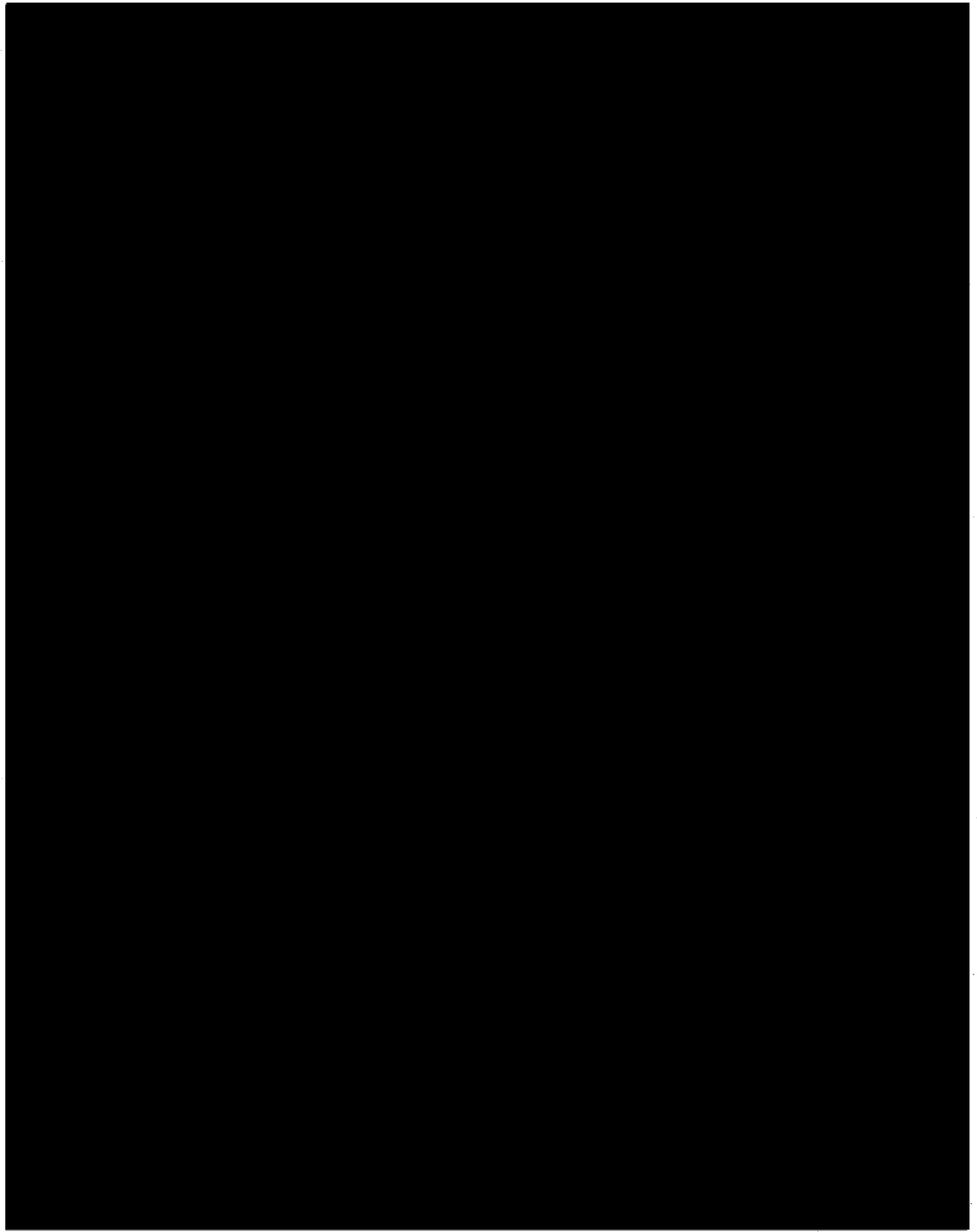
Note: The Minutes of this meeting comprise Part A and Part B.

Confidential;
QE Article 39
Public Sector
Pay Review
2018/2019:
update.
688/2(48)

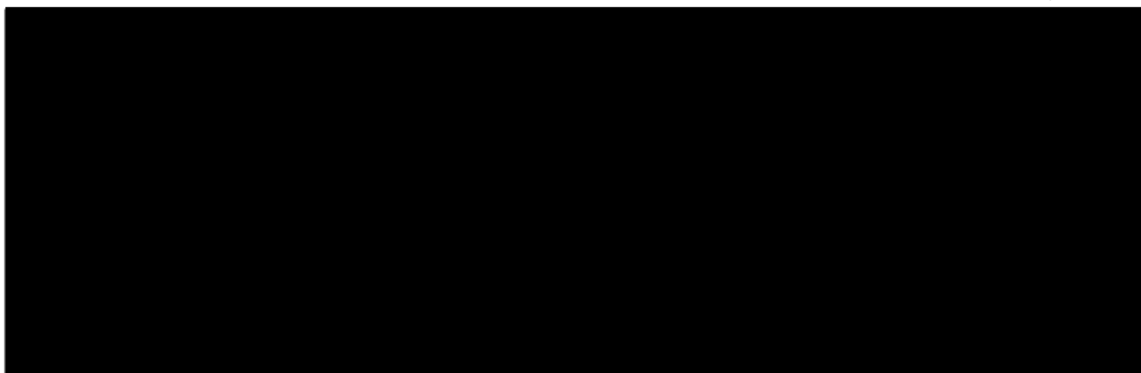
B1. The Board, with reference to its Minute No. B1 of 6th February 2019, discussed with the Head of Employment Relations and Reward his report, dated 13th February 2019, setting out the current position and proposed next steps in relation to the public sector pay review 2018/2019.



101
17th Meeting
14.02.19



17th Meeting
14.02.19



PM/SC/070

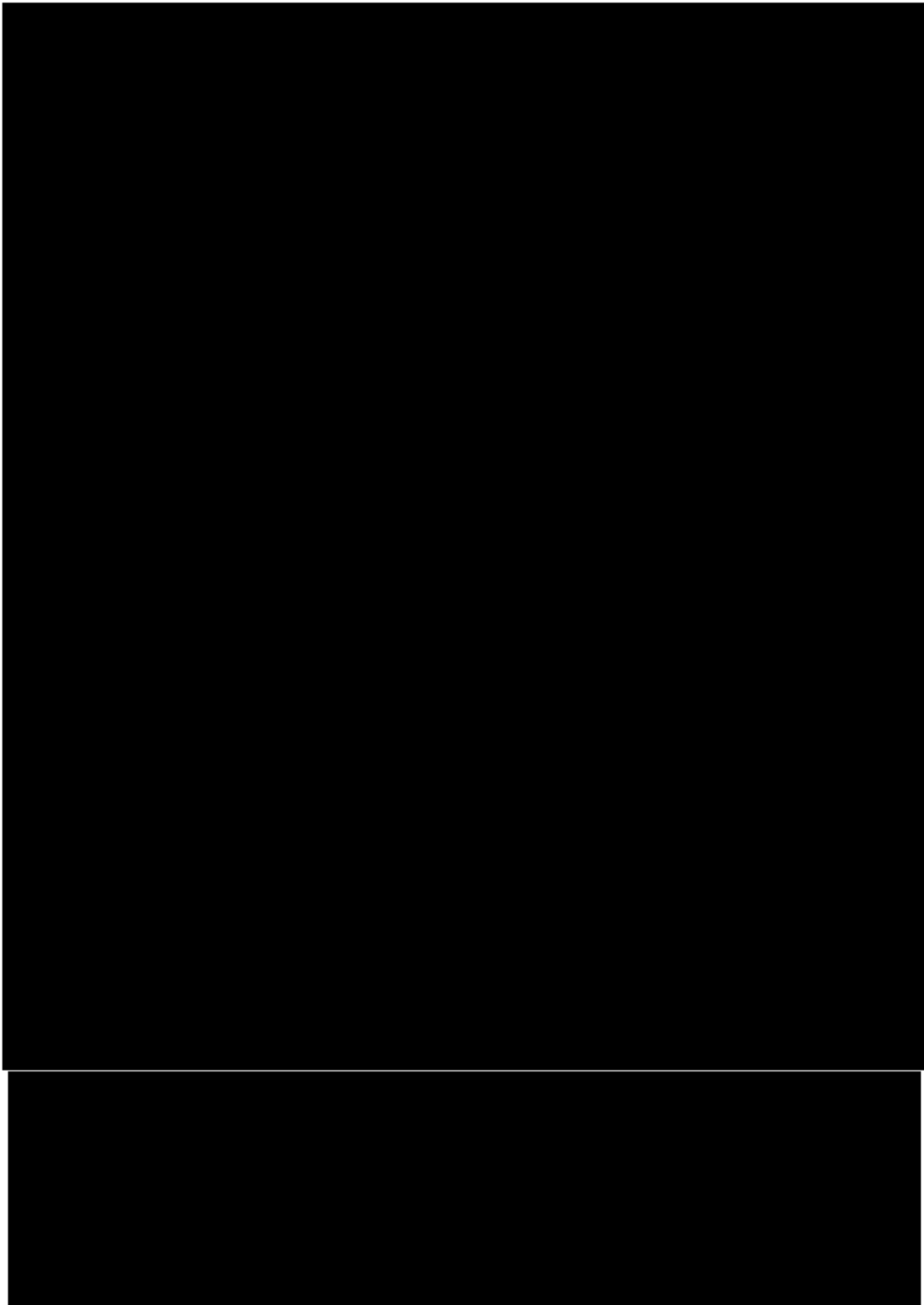
CONFIDENTIALSTATES EMPLOYMENT BOARD

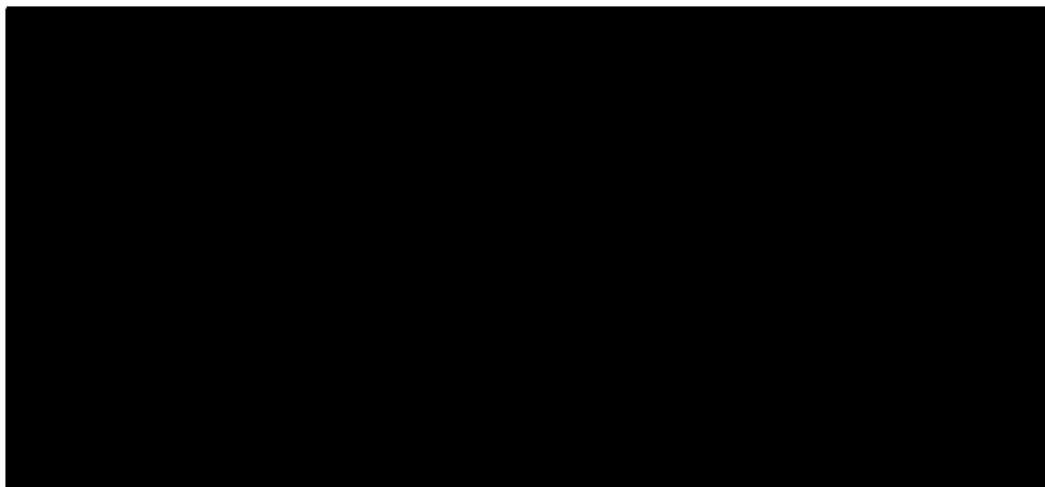
(18th Meeting)

19th February 2019**PART B (Exempt)**

Note: The Minutes of this meeting comprise Part A and Part B.

Confidential:
QE Article 39
Health and
Community
Services:
reorganisation
– consultation.
688/2(94)

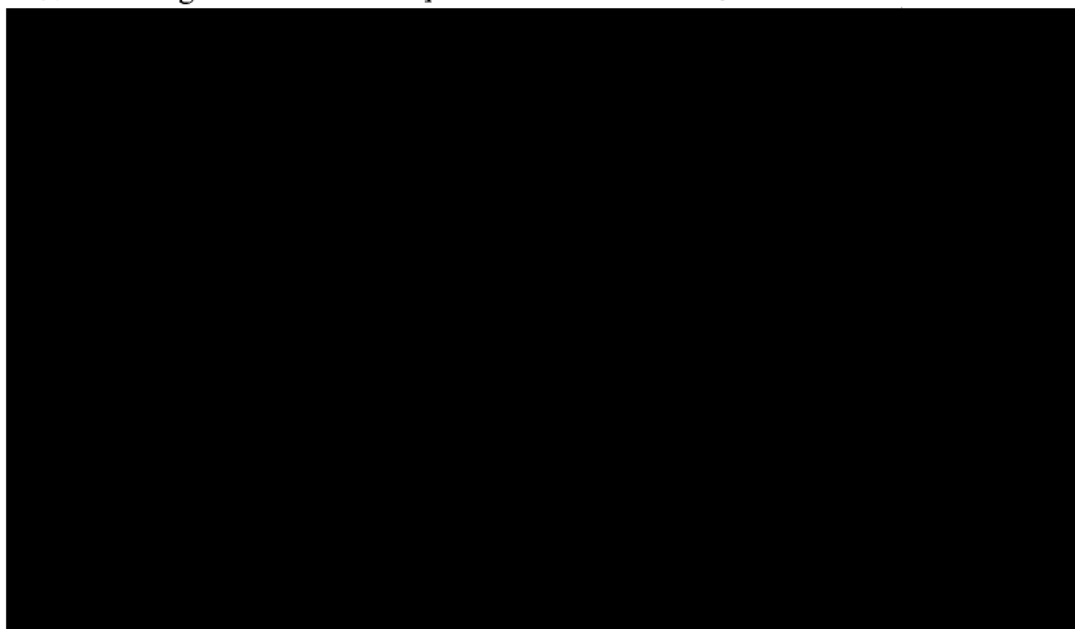




Confidential:
QE Article 39
Individual
Performance
Appraisal
Review.
688/2(104)

B2. The Board discussed with the Interim Head of Organisational Development her report, dated 12th February 2019, which outlined an approach to the creation of a better performance review framework, so that public sector staff could be measured against their objectives.

It was noted that the Executive Management Team had recently signed-up to a new outcome-based performance framework for Jersey's public service, together with a delivery plan, which would see the roll-out of the use of Outcome Based Accountability (OBA) scorecards across States services by the end of 2019. This would ensure that Future Jersey provided the enduring Island Outcomes and Indicators against which service performance could be aligned and measured.



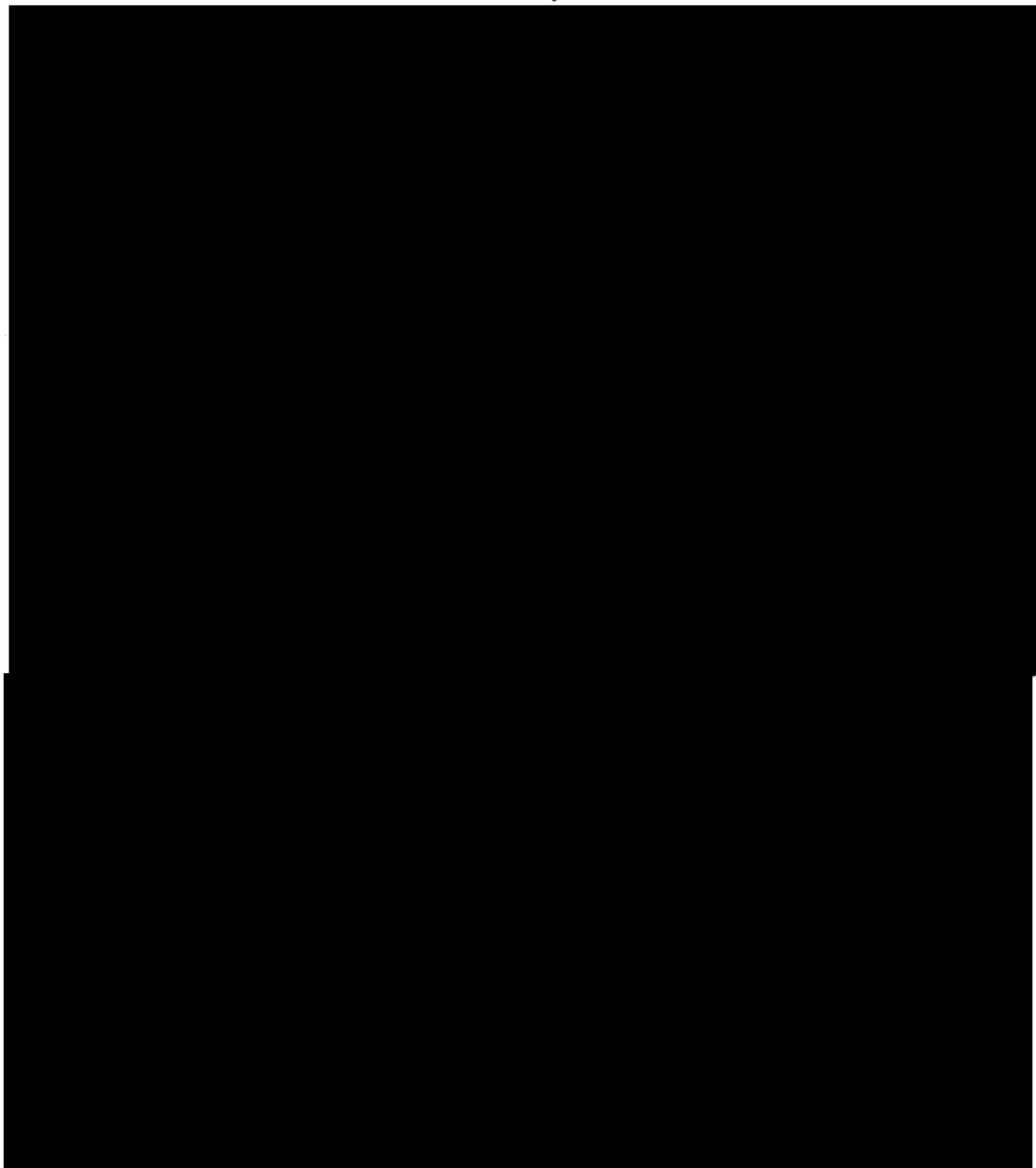
Having recognised that the implementation of a revised individual performance review process would require investment in upskilling managers, employees and supporting guidance material, as well as the time required to make it meaningful, the Board accordingly supported –

- the principles of the Individual Performance Review process for 2019;
- investment in upskilling managers and employees; and
- the development of a revised individual performance review process for 2020, to align with the OBA model.

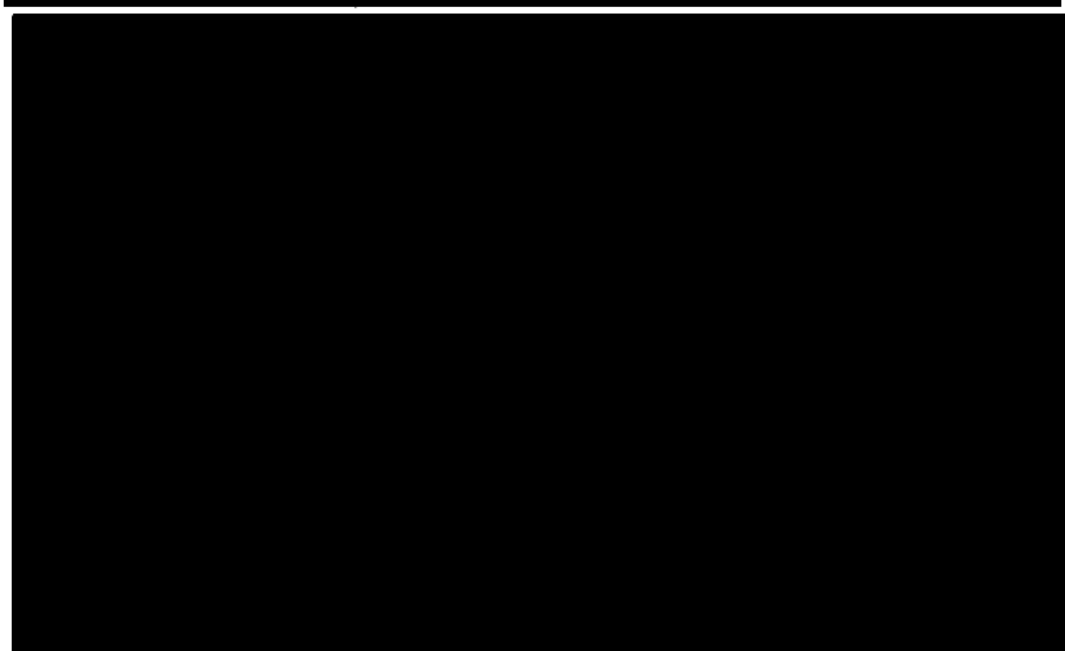
18th Meeting
19.02.19

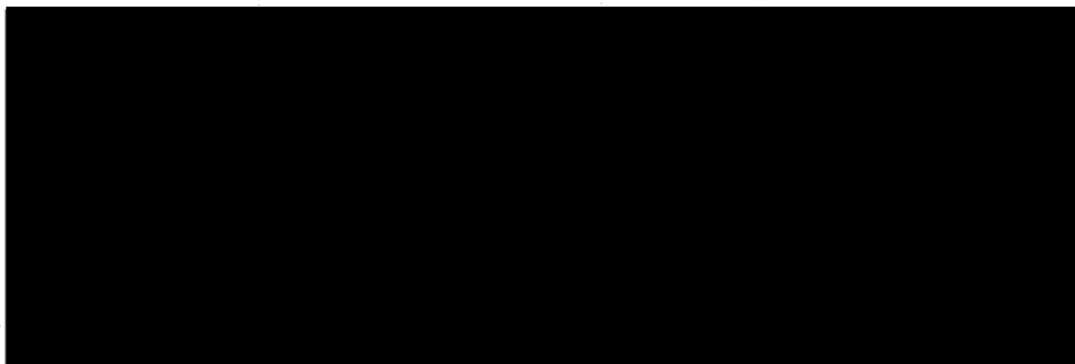
The officers were directed to take the necessary action.

Confidential:
QE Article 39
Strategic
Policy,
Performance
and
Population:
One
Government
reorganisation
- proposed
changes.
688/2(94)

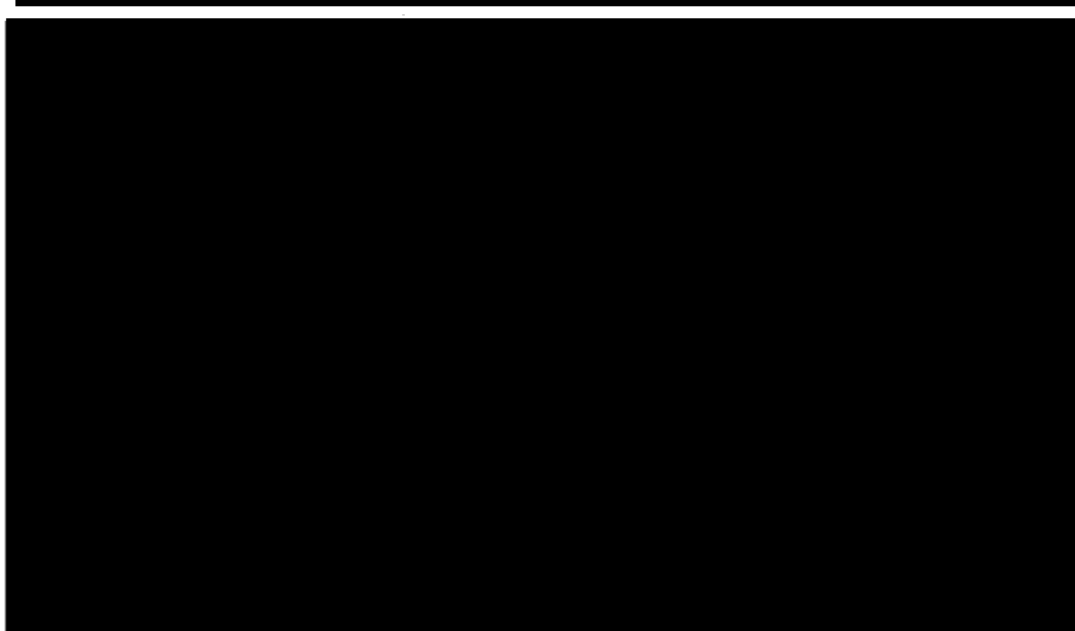
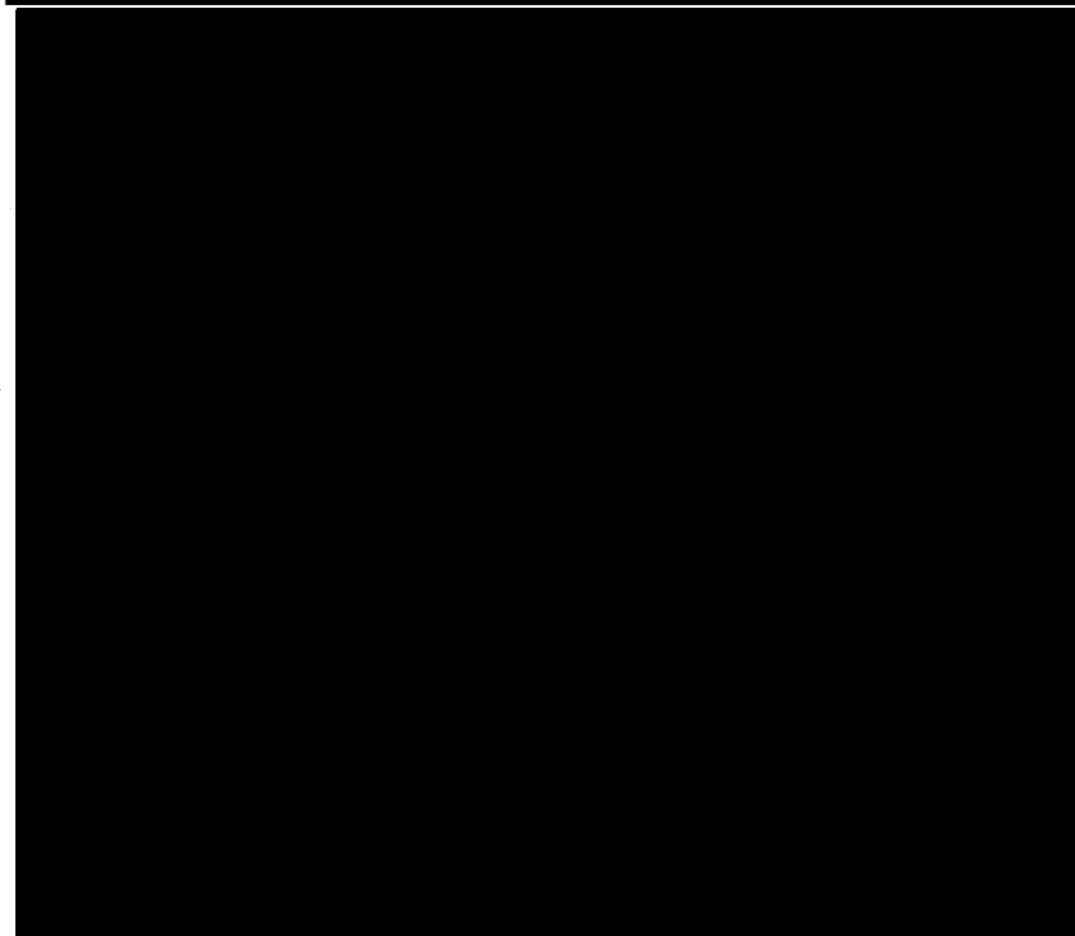


Confidential:
QE Article 39
Customer and
Local Services:
One
Government
reorganisation.
688/2(94)

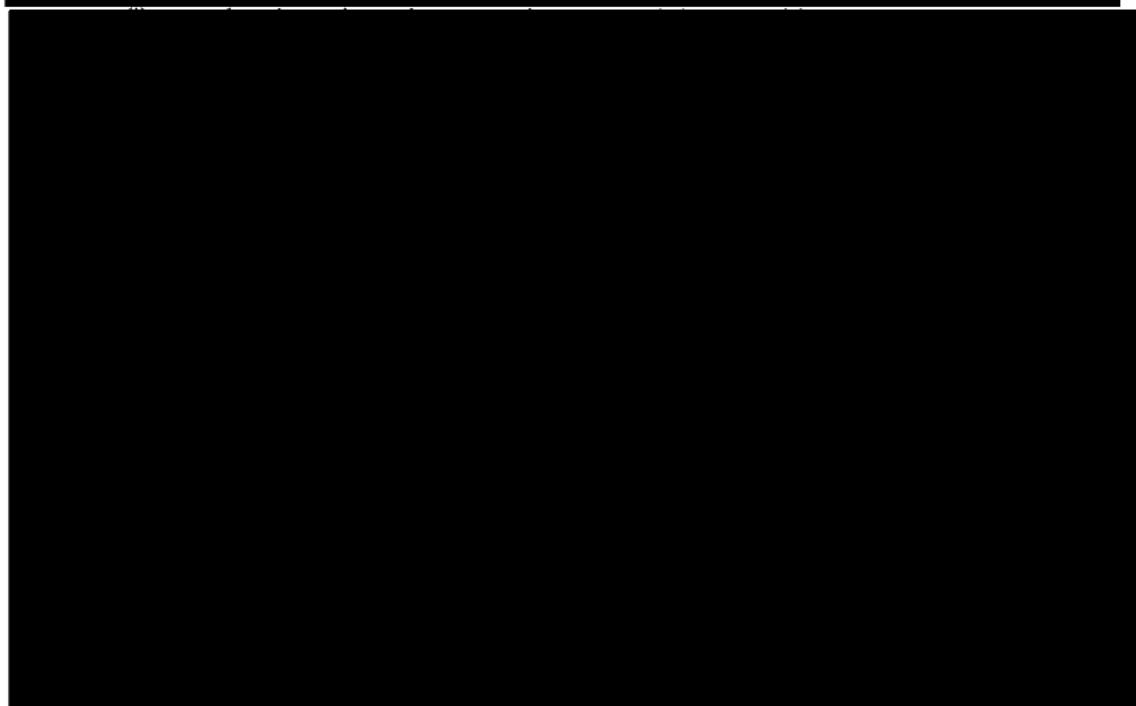
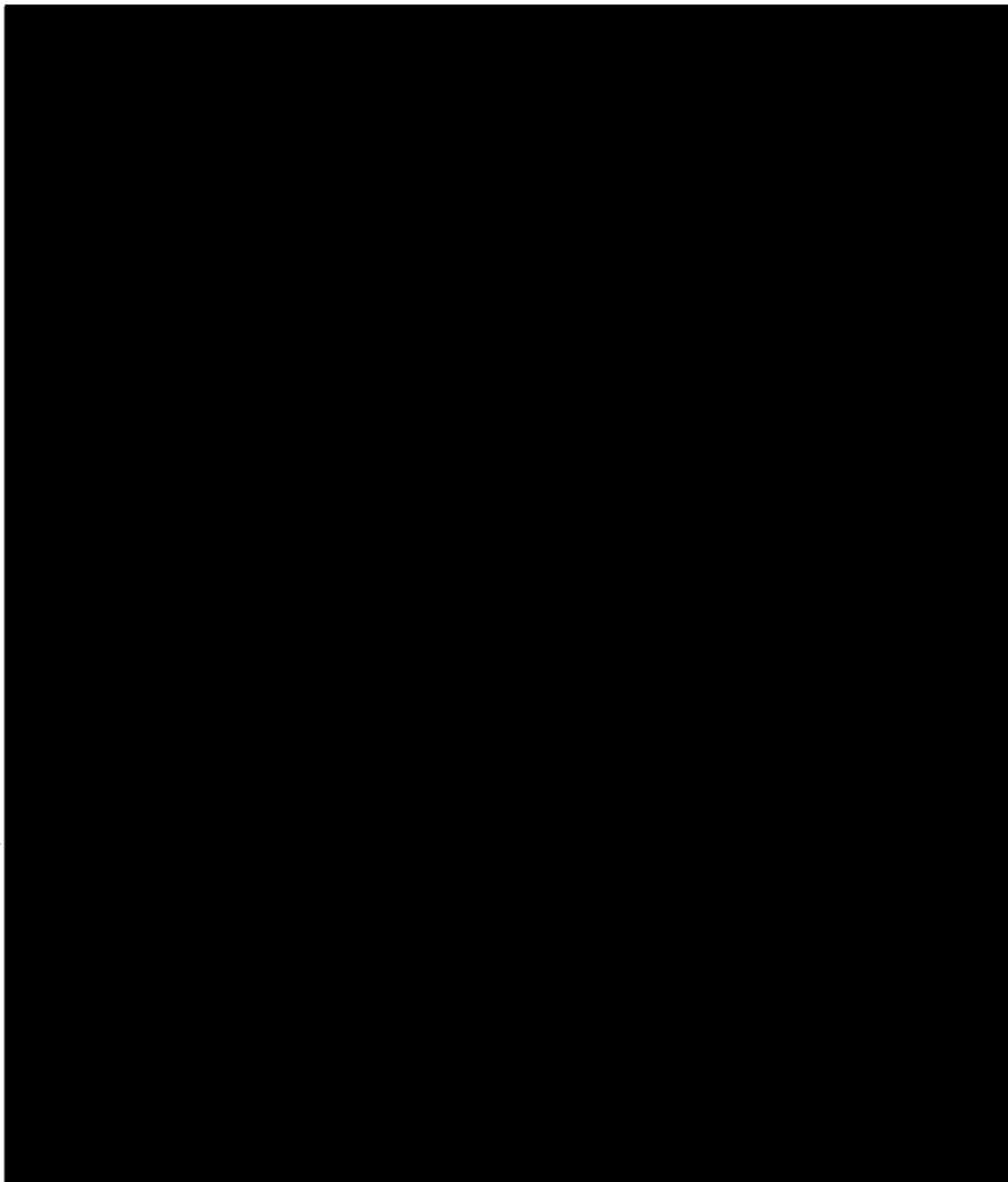




Confidential:
QE Article 39
Treasury and
Exchequer
Target
Operating
Model: update.
688/2(94)



18th Meeting
19.02.19





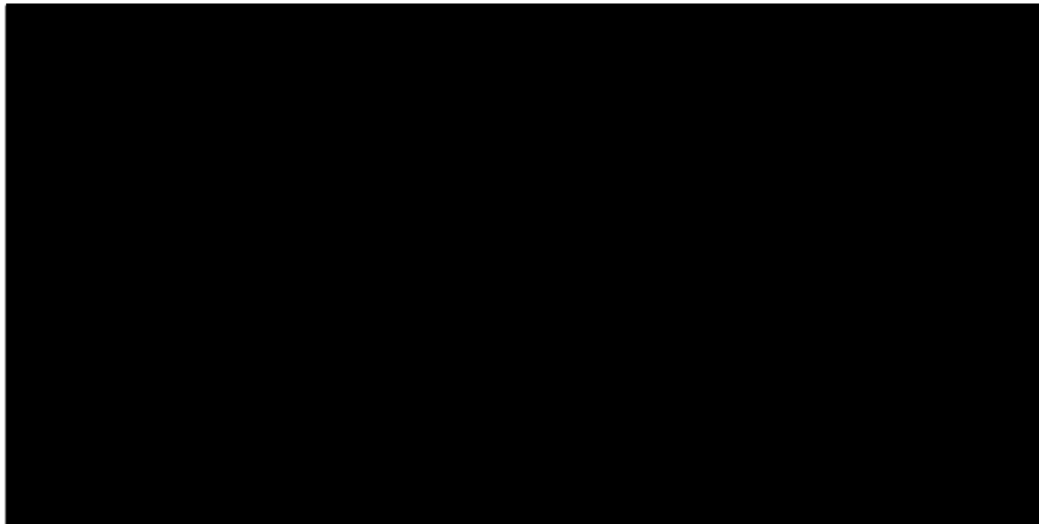
Confidential:
QE Article 39
One
Government
programme;
interim
arrangements.
688/2(94)

B6. The Board discussed with the Treasurer of the States an undated paper concerning interim arrangements currently in place in relation to the support required to deliver the Ambitions set out in the One Government programme.

It was noted that the interim arrangements concerned were primarily the provision to the organisation of skills and experience, during a period of complex change, where such capabilities were either not required on a permanent basis, or did not exist within the current workforce. One of the many consequences of this approach was recognised as being that the skills gap widened and started to hinder the improvements required, and the pace at which they were needed.

The Board considered requests in respect of 4 existing contract arrangements which required extension, namely -

Director: Communication:



Director: People Services:

The Board noted that the recruitment and selection process for the Group Director for People and Corporate Services was currently under way and expected to complete with the appointment of a successful candidate by the end of June 2019.



Interim Chief Information Officer:

The Board noted that the role was detailed in a report submitted under the P.59/2011 procedure for the control and monitoring of senior salaries.

and the Board noted that the recruitment and selection process for the Group Director for Modernisation and Digital had restarted.



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19.02.19

[REDACTED] Following the appointment of the Chief Operating Officer, the role had been revised so as to better reflect the balance of experience required in both the digital and organisation transformation accountabilities. It was noted that a new search was currently underway and that it was expected that the process would conclude with the appointment of a successful candidate by the end of the summer 2019. [REDACTED]

Interim Head of Employee Relations and Reward:

It was recalled that the role – more accurately described as the Employer Side ‘Chief Negotiator’, on behalf of the Board through accountabilities delegated from the Chief Executive - had been identified as a requirement in the summer of 2018 as revised propositions were being developed in relation to the 2018/2019 pay negotiations. The necessary expertise and experience required of the role to support the Board needed to continue through to the end of 2019, although it was expected that in order to be able to attain a steady rhythm of pay negotiation cycles, the contract arrangements might need to be extended into 2020/2021. [REDACTED]

Financial implications:

The Board recalled that the costs associated with interim arrangements across the organisation had been subject to recent media interest. It was noted that the Chief Operating Officer had been directed by the Chief Executive to review the provision of interim arrangements, including contractual terms with agencies and the policy of the organisation in this regard. Nevertheless, it was recognised that the above-mentioned 4 roles, along with others within the Finance function, were required in order to ensure that the organisation had the support it required during the present challenging period. [REDACTED]

Subject to the presentation to it of satisfactory applications under the procedure for

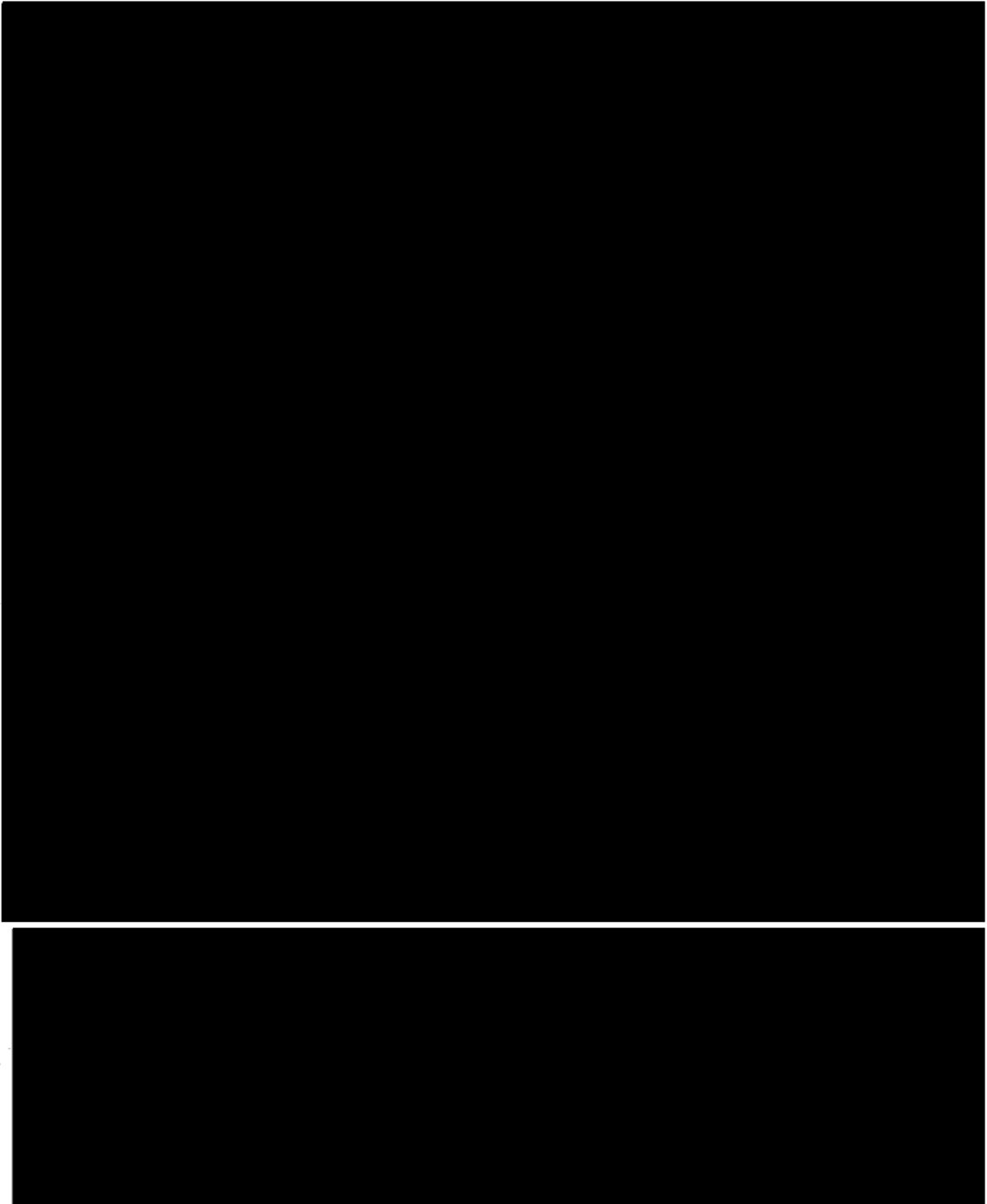
the control and monitoring of senior salaries, the Board indicated its in principle support for the proposed extensions to the Director of Communication, Director for People and Corporate Services, and the Interim Chief Information Officer.

The Board resolved to give further consideration to the proposal in respect of the Interim Head of Employee Relations and Reward in due course.

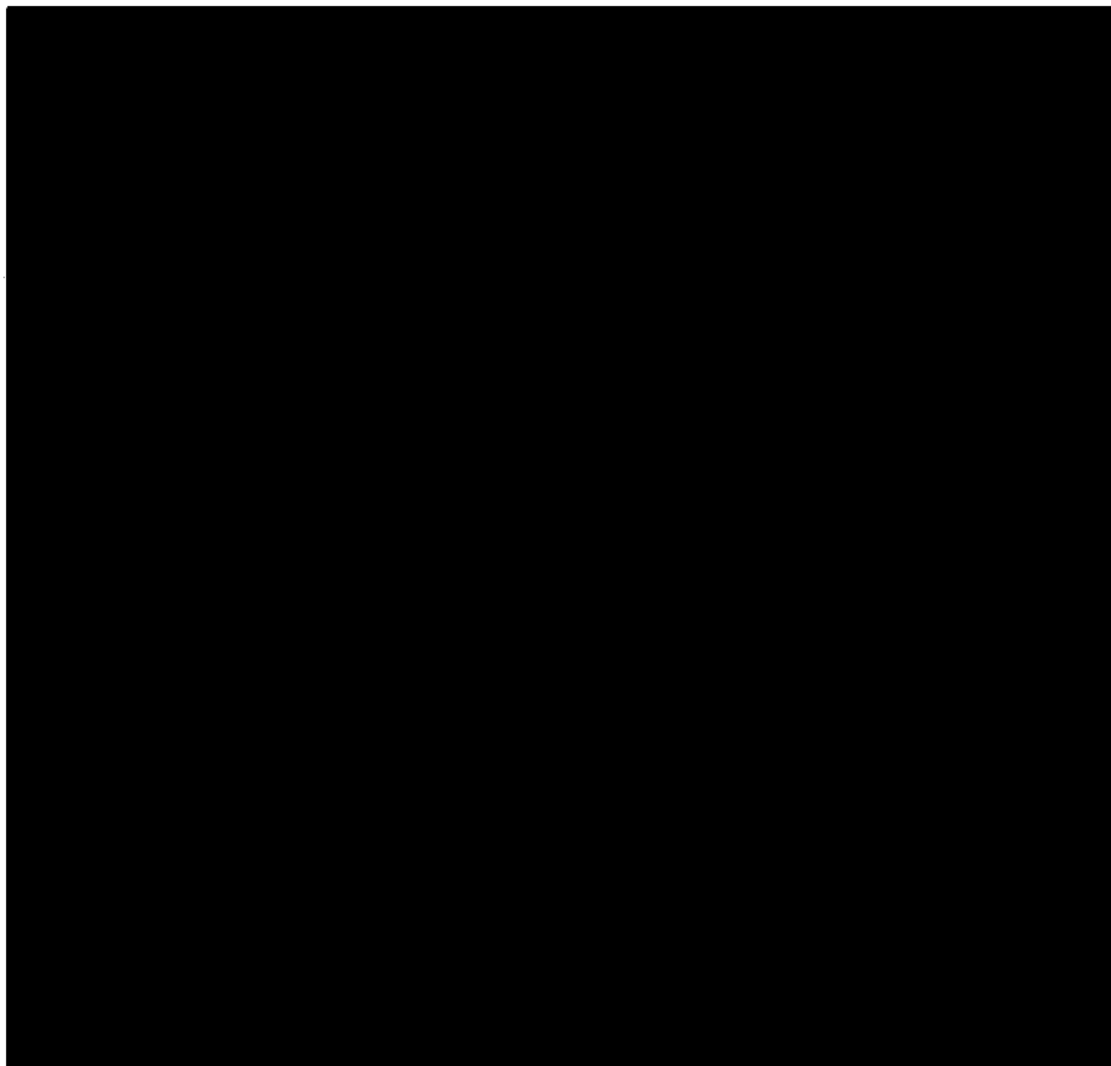
The Director of Employment Relations undertook to present all the necessary applications under the P.59/2011 procedure to the Board for consideration at its next meeting.

Confidential:
QE Article 39
Public Sector
Pay Review
2018/2019:
update.
688/2(48)

B6. The Board, with reference to its Minute No. B1 of 14th February 2019, received an oral report from the Head of Employment Relations and Reward regarding the current position and proposed next steps in relation to the public sector pay review 2018/2019.



18th Meeting
19.02.19



MC/MH/070

CONFIDENTIALSTATES EMPLOYMENT BOARD

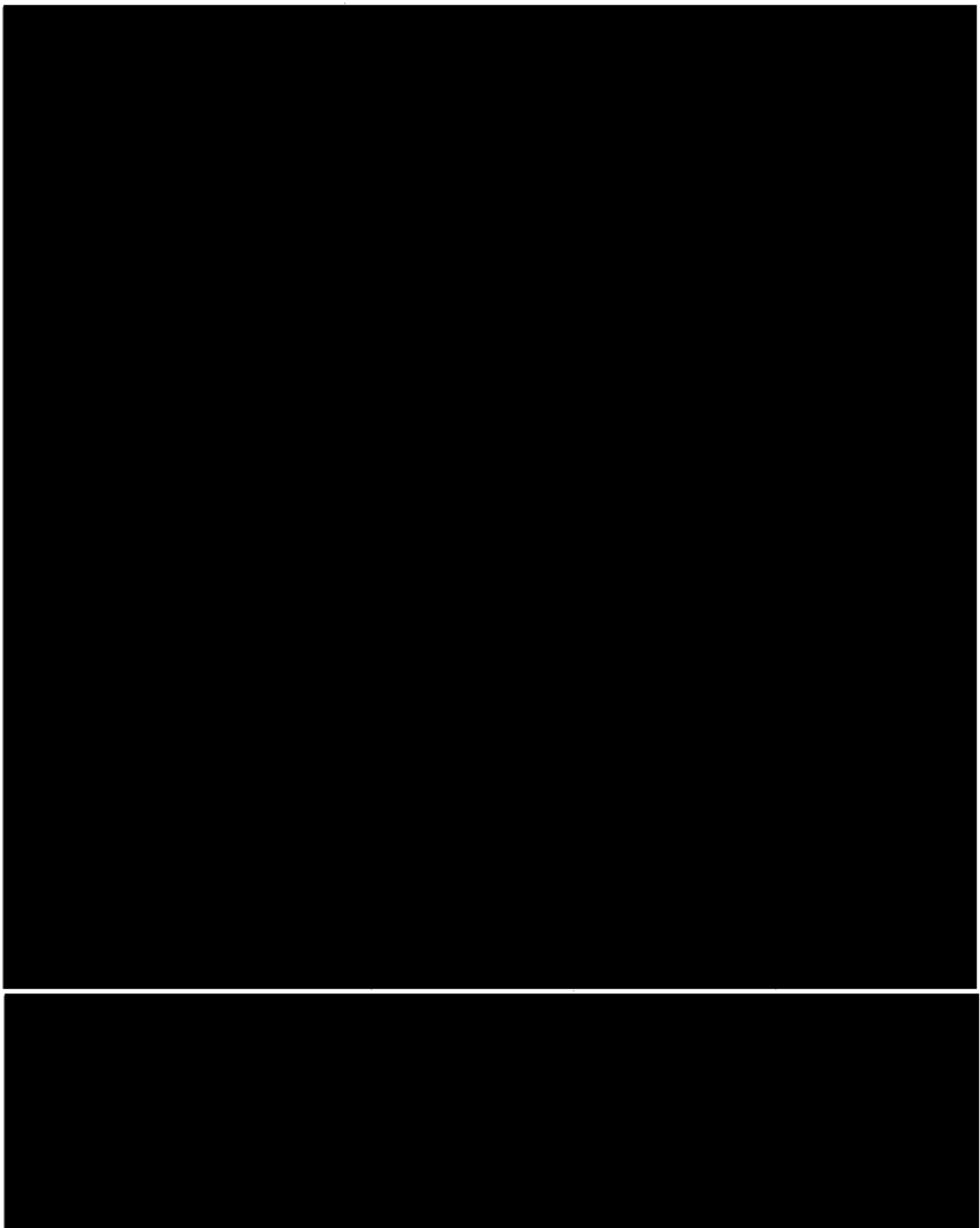
(19th Meeting)

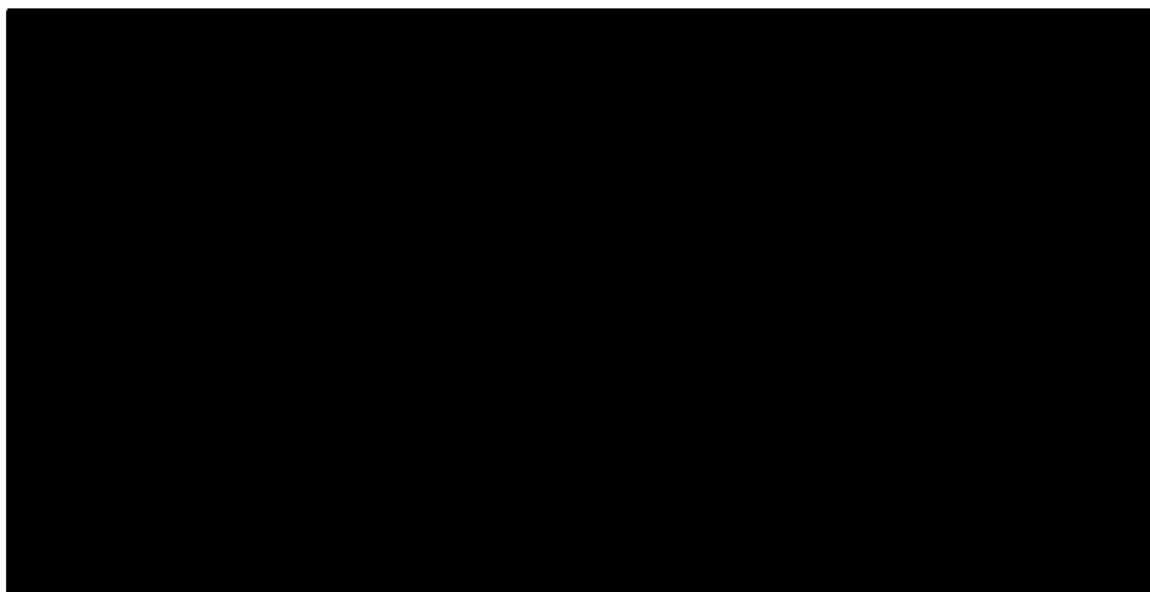
22nd February 2019**PART B (Exempt)**

Note: The Minutes of this meeting comprise Part A and Part B.

Confidential:
QE Article 39
Public Sector
Pay Review
2018/2019:
update.
688/2(48)

B1. The Board, with reference to its Minute No. B6 of 19th February 2019, received an oral report from the Head of Pay & Reward and Employee Relations regarding the current position and proposed next steps in relation to the public sector pay review 2018/2019.





PM/MH/070

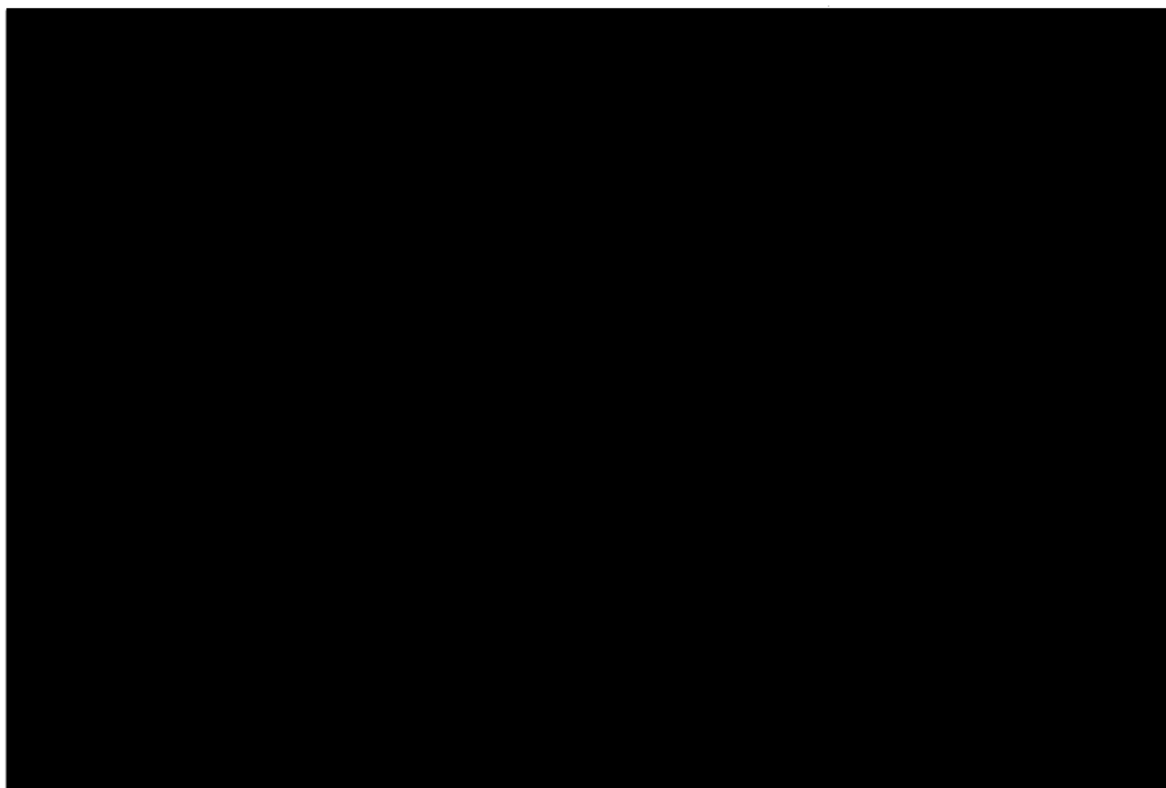
CONFIDENTIALSTATES EMPLOYMENT BOARD

(20th Meeting)

25th February 2019**PART B (Exempt)**

Note: The Minutes of this meeting comprise Part A and Part B.

Confidential:
QE Article 39
 Public Sector
 Pay Review
 2018/2019:
 update.
 688/2(48)



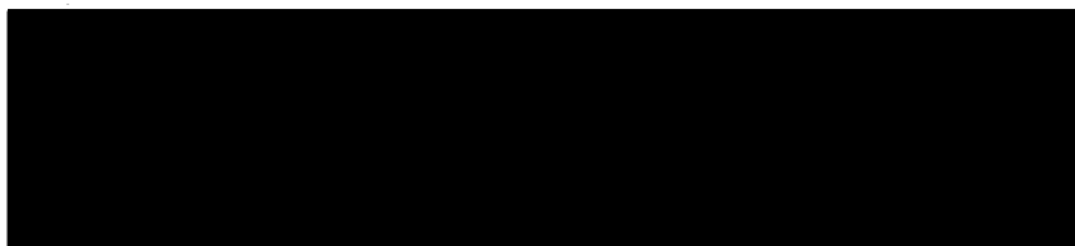
Confidential:
QE Article 39
 Control and
 monitoring of
 senior salaries
 (P.59/2011):
 Treasury and
 Exchequer.
 688/2(42)

B2. The Board, with reference to its Minute No. B5 of 19th February 2019, considered further interim arrangements currently in place to part of the support required to deliver the Ambitions set out in the One Government programme.

The Board discussed with the Head of People Services and the Senior Resourcing Specialist, 3 applications for the approval of senior appointments under the provisions of the 'Control and monitoring of senior salaries' (P.59/2011 referred) in respect of the Treasury and Exchequer.

The Board noted the job description and person specification for each of the roles, in addition to the relevant organisation chart and suggested interim approach for Tiers 2 and 3.

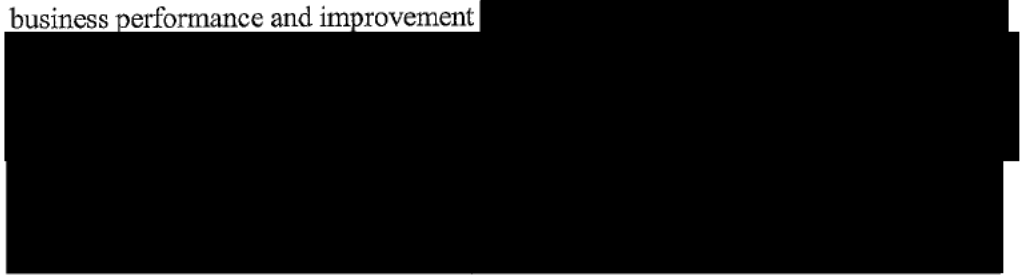
Group Director – Performance, Accounting and Reporting:





Group Director – Finance Transformation:

The Board recognised that this was a new, fixed-term, role which was to be added to the Interim Structure for a fixed period of up to 24 months, to be reviewed after 12 months. The role would include responsibilities for longer term planning and business performance and improvement



Director – Investment Appraisal and Business Management:

The Board recognised that this was a new, fixed-term, role in the interim structure, which would support the whole organisation through a critical period of financial and efficiency planning and delivery.



The Board noted that performance in the role would be measured against achievement of objectives, in accordance with the organisation's performance framework.

The Board accordingly approved the above-mentioned applications and directed the officers to take the necessary action.

Confidential:
QE Article 39
Business
Framework/
Governance:
discussion with
Comptroller
and Auditor
General.
688/2(1)

B3. The Board, with reference to its Minute No. B1 of 8th January 2019, welcomed the Comptroller and Auditor General (C&AG), together with the Deputy C&AG, and the Affiliate to the Jersey Audit Office, and discussed further her review of the business framework/governance of the States Employment Board.

The meeting noted that although the current version of the draft report of the C&AG had not (at her request) previously been provided to members of the Board, the C&AG was now content for her report to be circulated to them. Meanwhile, for the purposes of the present meeting, the C&AG addressed the points which had been raised by the Board following its meeting on 8th January 2019 and answered questions.

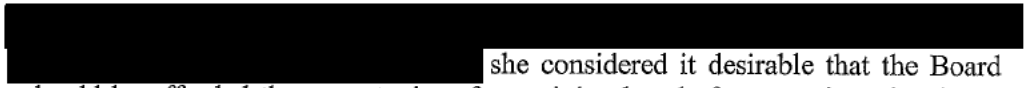
It was confirmed that the review had commenced during the final months of the Board, as previously constituted, and the C&AG indicated that she had spoken to a number of the members of the former Board, though none of the current Board members had been contacted. It was emphasised that the approach adopted had been that work was undertaken on paper-based evidence, rather than interview, although senior officers of the Human Resources (HR) Department had provided assistance during the review,





The C&AG outlined the powers, duties and responsibilities of the Board as set out in the Employment of States of Jersey Employees (Jersey) Law 2005, commenting that these represented a wide-ranging remit for the Board.

The C&AG recognised that the Minutes of the Board's previous meetings demonstrated a move towards the Board arranging how it intended to be made aware by officers of the way in which HR plans for the organisation were being delivered. For its part, the Board was clear that there were 'People Strategies' in place, which were being developed and acted upon, although it was also aware that the current Board had had little input into the development of the majority of those strategies. The C&AG suggested that there was an urgent need for the Board to address the tone and culture it desired to set for the organisation as a whole, whilst its officers continued to undertake the wide range of very necessary ongoing HR activities. It was apparent that the framework within which the Board and the HR department operated was in need of review, with the provision of adequate resources/funding to fulfil the tasks required being a significant factor.



she considered it desirable that the Board should be afforded the opportunity of examining her draft report, in order that it might start to frame its responses ahead of publication during March 2019. The C&AG commented that her report on the Board was unusual insofar as it referred to political aspects of the States administration, rather than solely administrative functions, which would normally be the responsibility of the relevant Accountable Officer.

The C&AG emphasised that continuity was important in developing and implementing policy, and that it would be useful for newly-appointed States Employment Boards to go through an appropriate induction process, as well as receiving relevant training for the tasks ahead. Of equal importance was considered to be the desirability for a new Board to review the progress it had made at the end of its first 12 months in office.

The Chief Minister confirmed that the focus of the current Board had been firmly on the 2 urgent 'legacy' matters of pay and related industrial action which, in the circumstances, had both needed to be prioritised above all other matters. Once these issues had been resolved, the Board was confident that it would be able to concentrate upon the necessary range of high-level issues under its remit.

Other issues identified by the C&AG centered not so much on the work undertaken by the Jersey Appointments Commission, but rather the framework within which it operated. It was considered desirable that there should be a higher level of procedure around the termination of employment of high-level employees. Also of concern was the remuneration of the Board members of some arms' length entities, especially where there appeared to be little, or no, rationale for their payment.

The C&AG agreed that, if the Board considered it desirable to do so, her team would be prepared to attend a further meeting once members had had an opportunity to study her draft review report. The Board welcomed this suggestion and officers were directed to arrange a mutually convenient date ahead of the report's publication.

The delegation, having been thanked by the Chief Minister for its attendance, withdrew from the meeting.

PM/MH/070

CONFIDENTIALSTATES EMPLOYMENT BOARD

(21st Meeting)

(Business conducted by electronic mail)26th February 2019**PART B (Exempt)**

Note: The Minutes of this meeting comprise Part A and Part B.

Confidential:
QE Article 39
 Control and
 monitoring of
 senior salaries
 (P.59/2011):
 688/2(42)

B1. The Board, with reference to its Minute No. B6 of 19th February 2019, considered a further 2 applications for the approval of senior appointments under the provisions of the 'Control and monitoring of senior salaries' (P.59/2011 referred) in respect of (a) the Office of the Chief Executive; and (b) the Chief Operating Office.

The Board recalled that it had previously agreed in principle, subject to the presentation to it of satisfactory applications under the P.59/2011 procedure, that it was minded to support the proposed extensions.

(a) Director of Communications, Office of the Chief Executive:

Having recalled the background to the present application, the Board noted that the proposed 9-month extension to an existing Interim fixed-term appointment would be from 1st April to 31st December 2019.

(b) Interim Director of People Services, Chief Operating Office:

The Board recalled the background to the present application and noted that the proposed 6-month extension to an existing fixed-term contract would be from 1st April to 30th September 2019.

The Board accordingly approved the above-mentioned 2 applications and directed the officers to take the necessary action.

MC/MH/85

CONFIDENTIALSTATES EMPLOYMENT BOARD

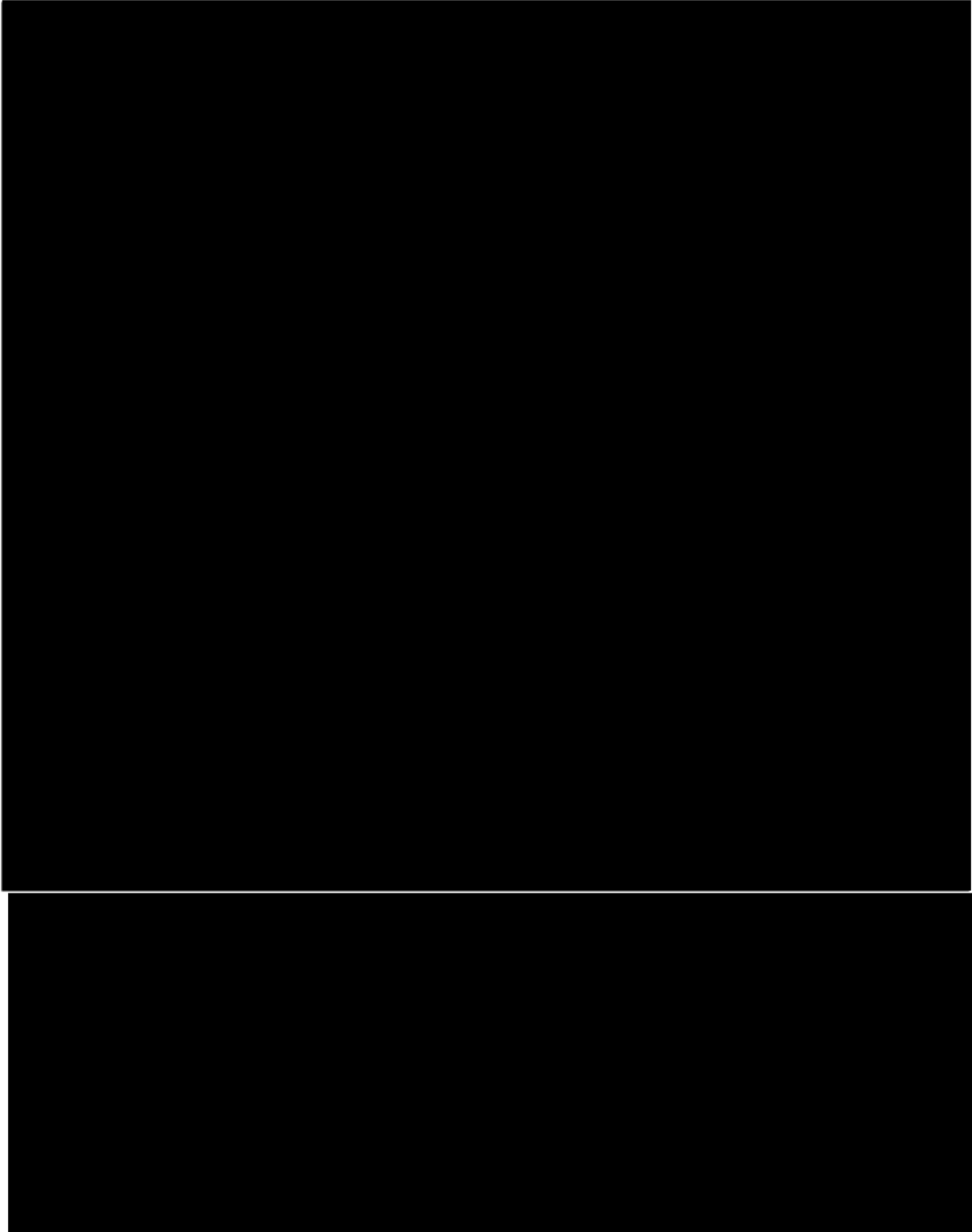
(22nd Meeting)

18th March 2019**PART B (Exempt)**

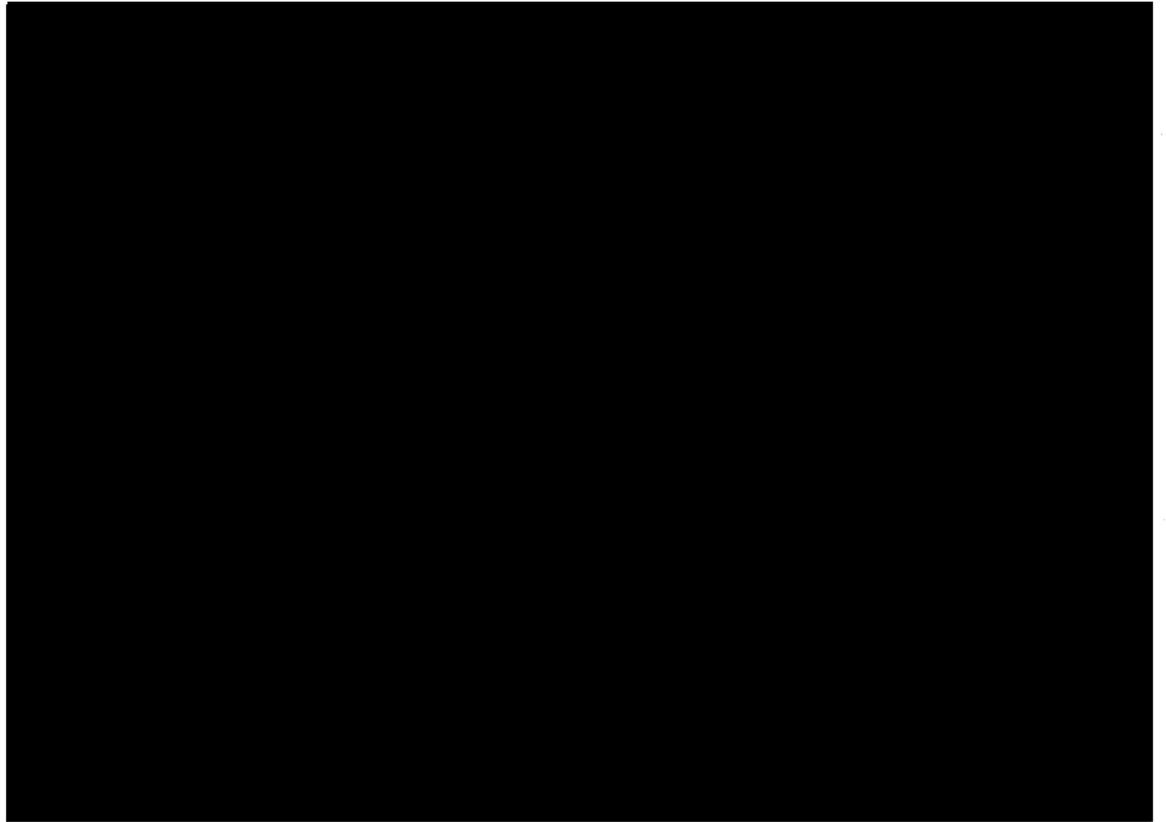
Note: The Minutes of this meeting comprise Part A and Part B.

Confidential:
QE Article 39
Public Sector
Pay Review
2018/2019:
update.
688/2(48)

B1. The Board, with reference to its Minute No. B1 of 25th February 2019, received a verbal update from officers on the Public Sector Pay Review 2018/2019.



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22nd Meeting
18.03.19



MC/SB/133

CONFIDENTIAL

STATES EMPLOYMENT BOARD

(23rd Meeting)

19th March 2019

PART B (Exempt)

Note: The Minutes of this meeting comprise Part A and Part B.

Matters
Arising.

B1. Connétable R.A. Buchanan of St. Ouen drew the Board's attention to a letter, addressed to the Board, from Senator T.A. Vallois, Minister for Education; it was agreed that a collective response should be sent on behalf of the Board as soon as practicable.

Confidential:
QE Article 39
Control and
monitoring of
senior salaries
(P.59/2011):
688/2(42)

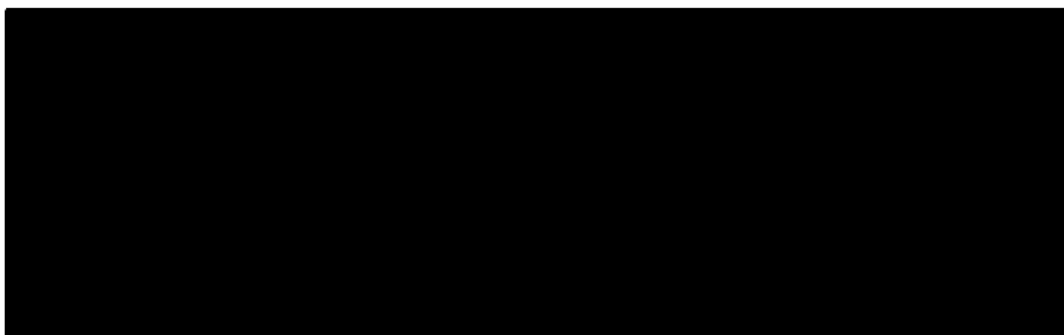
B2. The Board, with reference to its Minute No. B1 of 26th February 2019, and with the Interim Head of Health Modernisation and the Senior Human Resources Business Partner, Health and Community Services in attendance, considered an application for approval to create the new fixed term contract post of Modernisation Director – Health and Community Services, under the provisions of P.59/2011: 'Salaries over £100,000: process for review and scrutiny.'

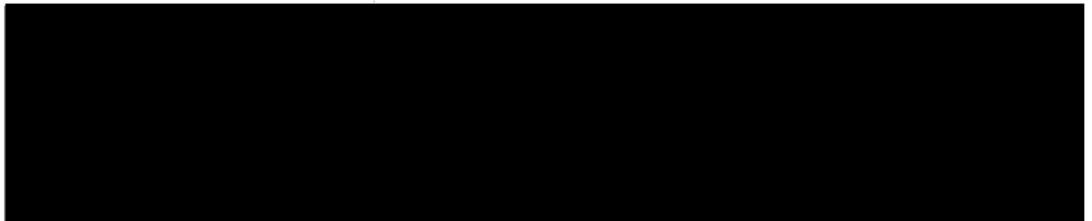
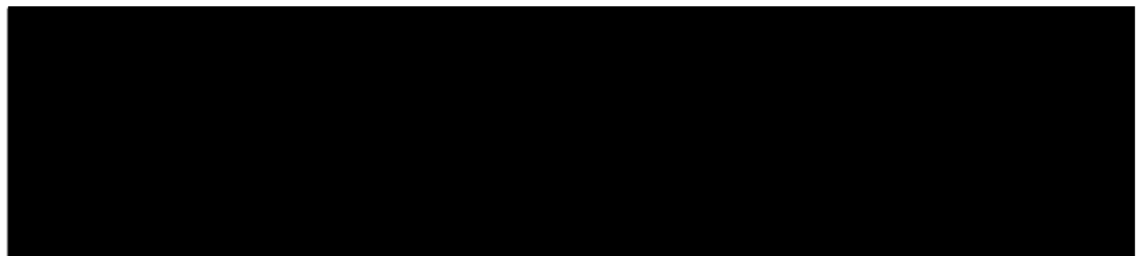
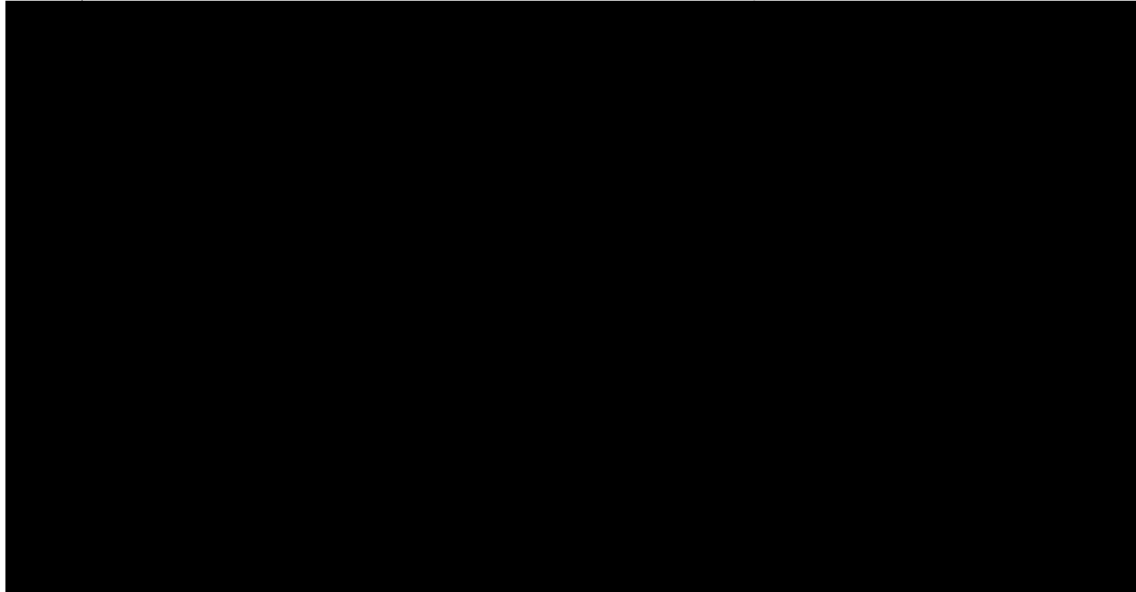
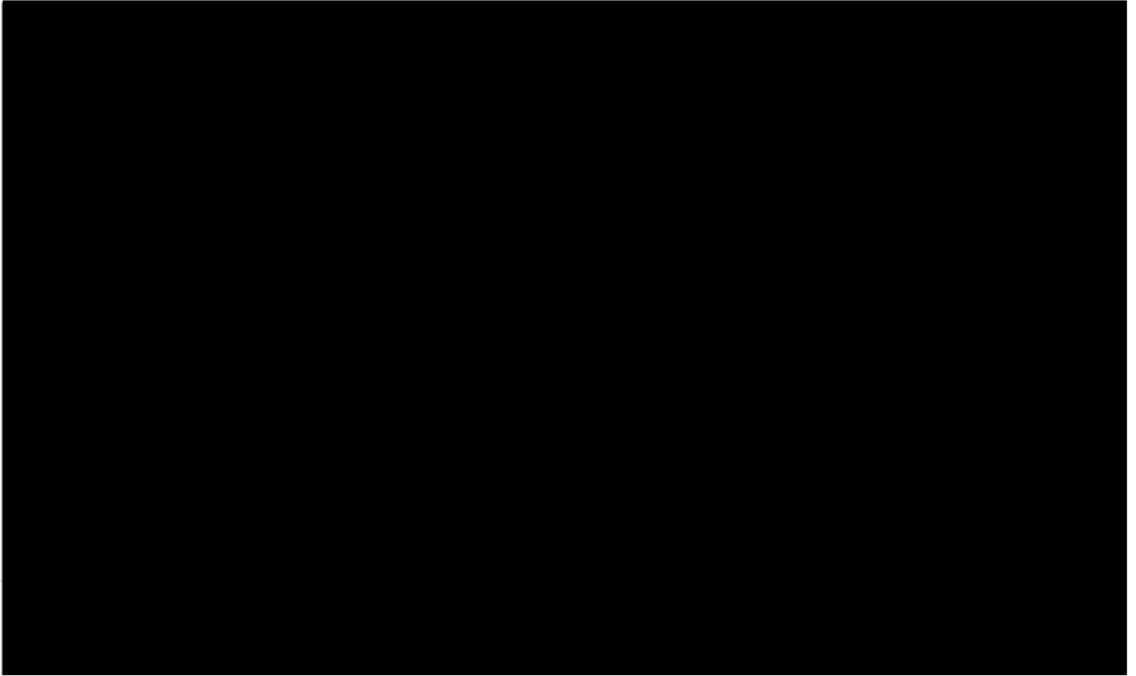
The Board recalled that the need to appoint an Interim Head of Health Modernisation had been identified in May 2018; the post included the responsibility to lead on reform of the Health and Community Services (HCS) department and the associated delivery strategy, through the implementation of a Target Operating Model (TOM). Part of the work of the current post-holder (whose contract expired in April 2019) had been to assess resource requirements as HCS moved towards implementation of the TOM, and this review had identified the need for the role to exist for a further 2 to 3 years.

The Board was advised that the role was in the process of being evaluated; it was expected to be graded as a Tier 2 post, attracting a salary of £93,000 to £140,000 per annum. Subject to confirmation by the Jersey Appointments Commission, which would also participate in the recruitment process, an appointment would be made on a fixed term contract basis for up to 3 years.

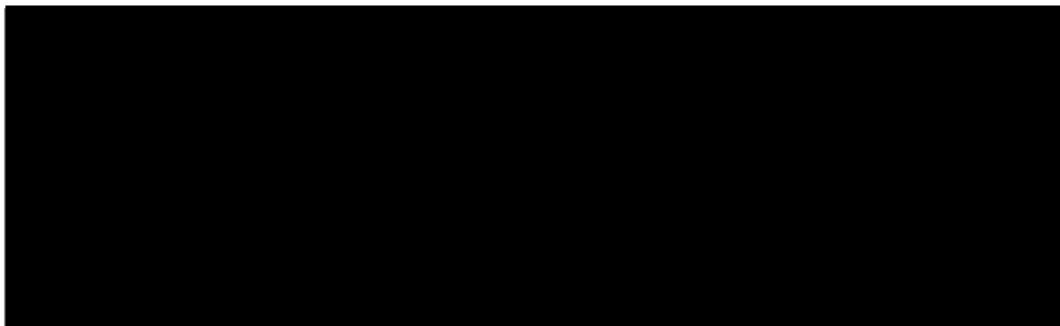
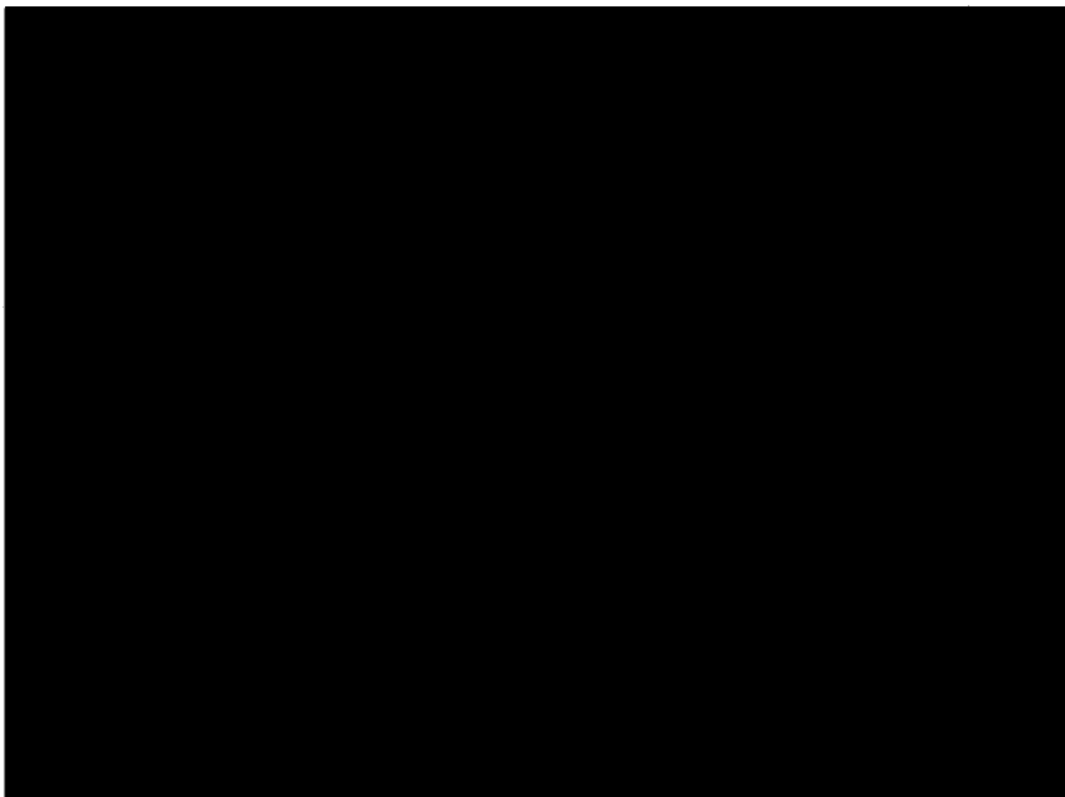
Noting that the creation of this post had been approved by the Minister for Health and Social Services, and having satisfied itself that the role was essential to continue the modernisation of HCS and drive progress towards implementation of the TOM, the Board approved the application. Officers were directed to take the necessary action.

Confidential:
QE Article 39
Growth,
Housing and
Environment
Target
Operating
Model: update.
688/2(94)

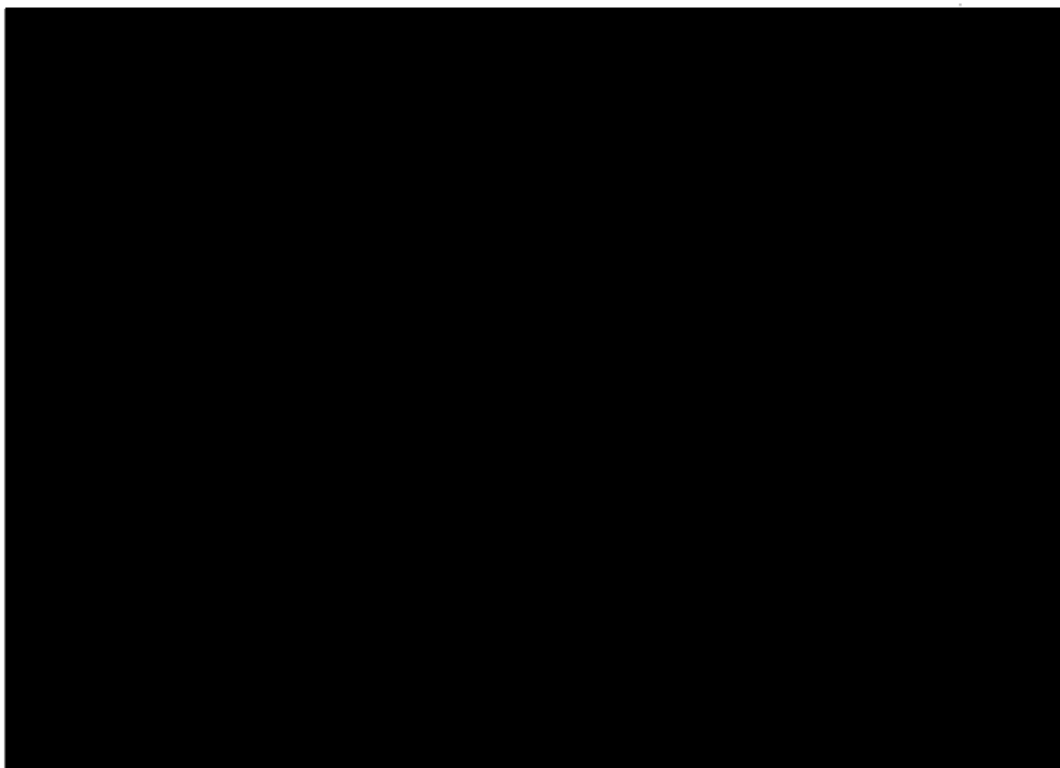


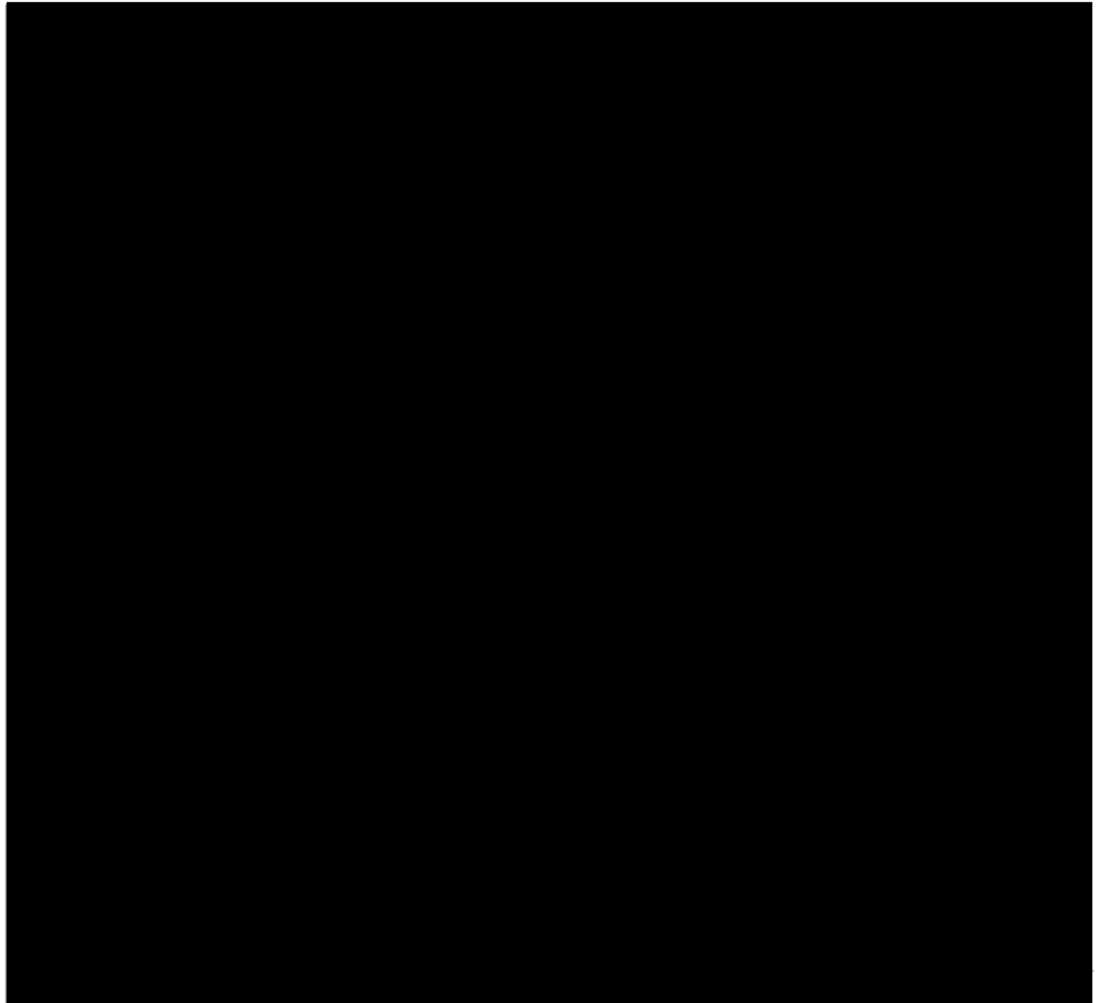


23rd Meeting
19.03.19



Confidential
QE Article 39
Children,
Young People,
Education and
Skills Target
Operating
Model: update.
688/2(94)





MC/SB/133

CONFIDENTIALSTATES EMPLOYMENT BOARD

(24th Meeting)

25th March 2019**PART B (Exempt)**

Note: The Minutes of this meeting comprise Part A and Part B.

Confidential:
QE Article 39
 Public
 Employees
 Pension Fund:
 amendment of
 Regulations re.
 Added Years.
 688/2(71)

B1. The Board, with reference to its Minute No. B6 of 2nd March 2018 of the Board as previously constituted, considered the draft Public Employees (Contributory Retirement Scheme) (Compensatory Added Years) (Amendments) (Jersey) Regulations 201- and the Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Amendment) (Jersey) Regulations 201-; (together, the 'draft Regulations') which proposed to amend the Public Employees' Pension Fund (PEPF) Regulations such that Added Years would apply in situations where a permanent reduction in basic pay was implemented by the Employer.

The Board recalled that it had previously acknowledged the possibility that any review of employment terms and conditions (under which an individual's basic pay was reduced) could result in a reduction in their final salary pension, and had therefore agreed to progress the Added Years methodology to assist those scheme members who may suffer a reduction in pay.

The Board was informed that the draft Regulations had been made in 2 parts in order to deal with members who remained in the Employer's Final Salary Scheme of the PEPF on 1st January 2019, as well as those who had moved to the Career Average Scheme, also on 1st January 2019.

The Board was content to note that the draft Regulations had been reviewed by the Scheme Actuary and the Committee of Management, both of which had confirmed that they considered the changes to be both workable and cost neutral to the PEPF. There would also be no additional costs to the Employer of adopting the Added Years methodology.

The Board accordingly approved the draft Regulations and directed that they be lodged 'au Greffe,' for consideration by the States Assembly, at the earliest opportunity. Officers were directed to take the necessary action.

Confidential:
QE Article 39
 Jersey
 Appointments
 Commission –
 appointment
 and re-
 appointment of
 Commission-
 ers.
 1452(3)

B2. The Board, with reference to its Minute No. B3 of 22nd January 2019, considered a paper recommending the appointment of Advocate H. Ruelle and the reappointment of Ms. L. Read as Commissioners of the Jersey Appointments Commission (JAC).

The Chairman declared himself conflicted as one of the individuals concerned was personally known to him, and did not participate in the Board's consideration of the matter.

The Board recalled that the JAC had been established by the Employment of States of Jersey Employees (Jersey) Law 2005 (the Law) to oversee the recruitment of certain States of Jersey employees, appointees and members of relevant independent bodies.

Under the terms of the Law, the JAC comprised a Chairman and not more than 5 Commissioners, all of whom were appointed by the States Assembly on the recommendation of the Chief Minister. The Board further recalled that, in recommending potential appointees to the Chief Minister, it was required to form the opinion that that the individual concerned had expertise and experience in:

- (a) recruitment within the public or private sectors;
- (b) management at a senior level in the public, private, academic or voluntary sectors; or
- (c) other matters relevant to the powers and functions of a Commissioner.

The Board, having noted that Ms. L. Read had served as a Commissioner since May 2015 and was content to continue in the role, decided to recommend to the Chief Minister that Commissioner Read's tenure be extended for 3 years from its current expiry date, 30th April 2019.

The Board was informed that a recruitment process had been undertaken to fill the post vacated by former Commissioner G. Liew, whose term of office had expired in December 2018. The recruitment Panel, which included Deputy G.J. Truscott of St. Brelade and the Chair of the JAC, Dame J. Paraskeva, D.B.E., had unanimously recommended the appointment of Advocate H. Ruelle.

The Board decided to recommend to the Chief Minister that Advocate Ruelle should be appointed as a Commissioner for a term of 3 years.

Officers were directed to take the necessary action.

Confidential:
QE Article 39
Control and
monitoring of
senior salaries
(P.59/2011):
688/2(42)

B3. The Board, with reference to its Minute No. B2 of 19th March 2019, and with the Director General for Children, Young People, Education and Skills (CYPES) and the Senior Human Resources Manager, Health and Community Services in attendance, considered the following applications under the provisions of P.59/2011: 'Salaries over £100,000: process for review and scrutiny:'

- (1) Assistant Director of Children's Services: [REDACTED]

[REDACTED] The Board recalled that the role had been created to provide effective strategic and operational leadership within Children's Services, driving service improvements arising from the findings and recommendations of the Independent Jersey Care Inquiry. Pending the evaluation and approval of the proposed Director of Safeguarding, Children's Services role (noted to be at Tier 2) in CYPES, [REDACTED]

The Board was advised that the post-holder had demonstrated strong tactical and operational leadership across the service over the past year, developing and implementing MOSAIC (a highly effective performance management system for Social Workers), the Children's Service Improvement Plan and the Children's Sufficiency Strategy, which ensured that care services met the needs of children in an efficient and cost effective manner.

[REDACTED]

(2) Heads of Service x2 – Children’s Services: [REDACTED]

[REDACTED]

The Board was advised that the 2 Heads of Service fulfilled a key operational role, leading on Social Work practice and bearing significant responsibility for decisions relating to child protection plans and care proceedings.

It was proposed that the interim appointments would be remunerated at the existing rates of [REDACTED]

The Board was informed that both post-holders had been highly effective in introducing systems to monitor and evaluate practice change and had introduced safer, more effective ways of working. Both had used their experience to bring about innovative solutions to longstanding issues, bringing about sustainable service improvements in key areas.

The Board remarked upon the high level of daily rates but acknowledged that this was necessary to attract the quality of interims necessary to deliver effective service improvements. The Board accordingly approved the 3 applications and endorsed the proposal to put in place permanent or fixed term contracts for these roles as soon as possible.

Officers were directed to take the necessary action.

Confidential:
QE Article 39
Review of
P.20/2019:
Consolidated
Fund: increase
in States
expenditure in
2019.
688/2(48)

B4. The Board, with the Senior Employment Relations Manager in attendance, considered the proposition P.20/2019: Consolidated fund: increase in States expenditure in 2019, lodged on 15th February 2019 by Deputy G.P. Southern of St. Helier.

The Board recalled that Deputy Southern sought the consent of the Assembly to require the Council of Ministers to bring forward a proposition to increase the maximum amount of net States expenditure from the Consolidated Fund in 2019 (above the limit set in 2015) so that additional monies could be made available to fund public sector pay claims, on account of there being a serious threat to the social wellbeing of the Island requiring an immediate response.

The Board recognised that active negotiations were continuing to take place with multiple unions and therefore fundamentally disagreed with the Deputy’s assertion that a serious threat existed to the social wellbeing of the Island. Whilst maintaining its position that no funding existed to improve the 2018-2019 pay award due to the restrictions of the current Medium Term Financial Plan (MTFP), the Board had decided to make an offer of 1.3% above the level of the increase in the September 2019 Jersey Retail Prices Index (RPI) for 2020, which would apply to all pay groups and represented an additional investment of £57 million in public sector pay over the 3 year period. Manual Workers, Midwives and the Police Service had all accepted the offer, and the result of a ballot of Nursing union membership on the revised offer was expected within days.

The Board did not support the proposal to take money from reserves to fund public sector pay increases, which was agreed would directly contravene the advice provided by the Fiscal Policy Panel, whose Annual Report for 2018 had recommended that reserves be increased over the financial years 2020-2023.

The Board reviewed and approved draft comments on P.20/2019 and directed that these should be presented to the States Assembly at the earliest opportunity.

Officers were directed to take the necessary action.

Confidential:
QE Article 39
Comptroller
and Auditor
General –
report on the
Role and
Operation of
the States
Employment
Board.
688/2(1)

B5. The Head of People Services informed the Board that a report, entitled 'Role and Operation of the States Employment Board,' would be published by the Comptroller and Auditor General before the end of March 2019.

The Board was advised that the contents of the report were expected to be substantially the same as those of the draft report (which had already been shared with the Board) and that a draft response would be prepared for the Board's consideration at its meeting on 9th April 2019.

The Board noted the position.

KML/SB/143

CONFIDENTIAL

STATES EMPLOYMENT BOARD

(25th Meeting)

9th April 2019

PART B (Exempt)

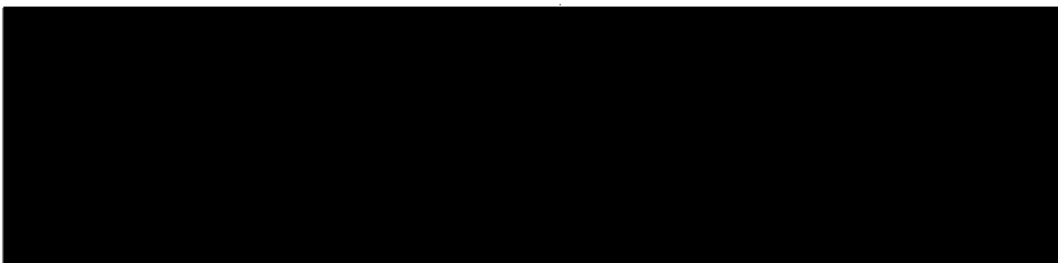
In attendance -

Note: The Minutes of this meeting comprise Part A and Part B.

Confidential:
QE Article 39
Justice and
Home Affairs
Department:
Target
Operating
Model.
688/2/94



Confidential:
QE Article 39
Jersey Fire and
Rescue
Service:
pension



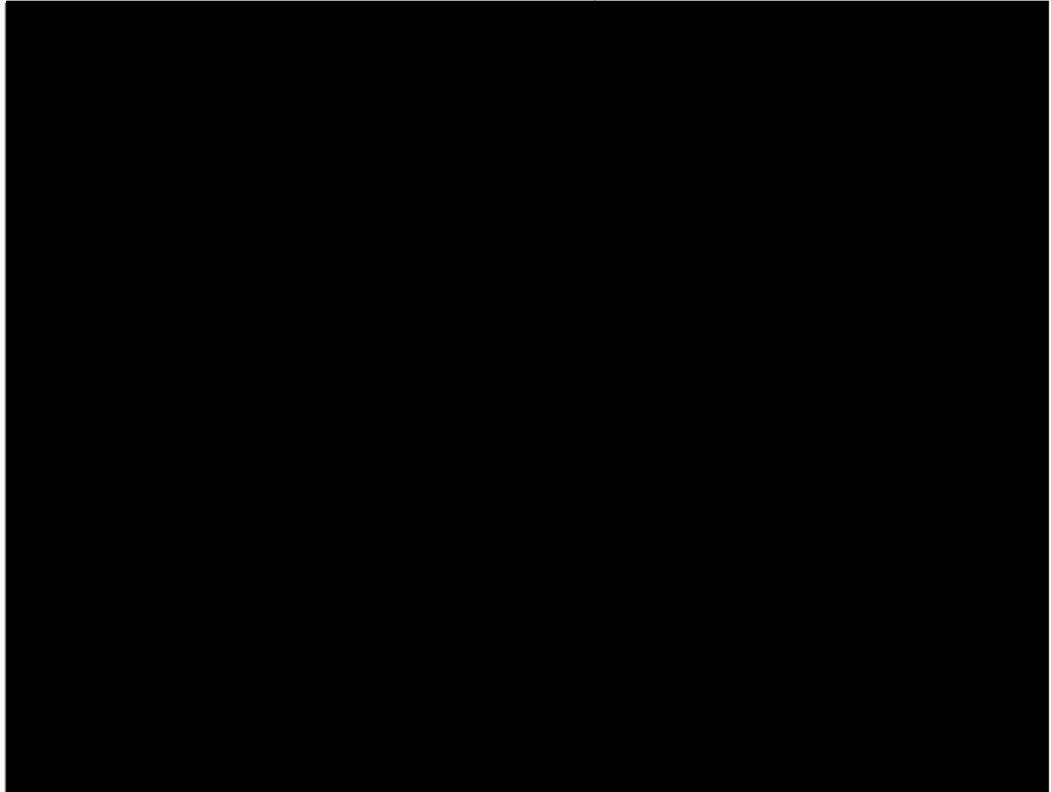
129

Meeting

09.04.19

dispute.

1479/99(2)



Confidential:

QE Article 39

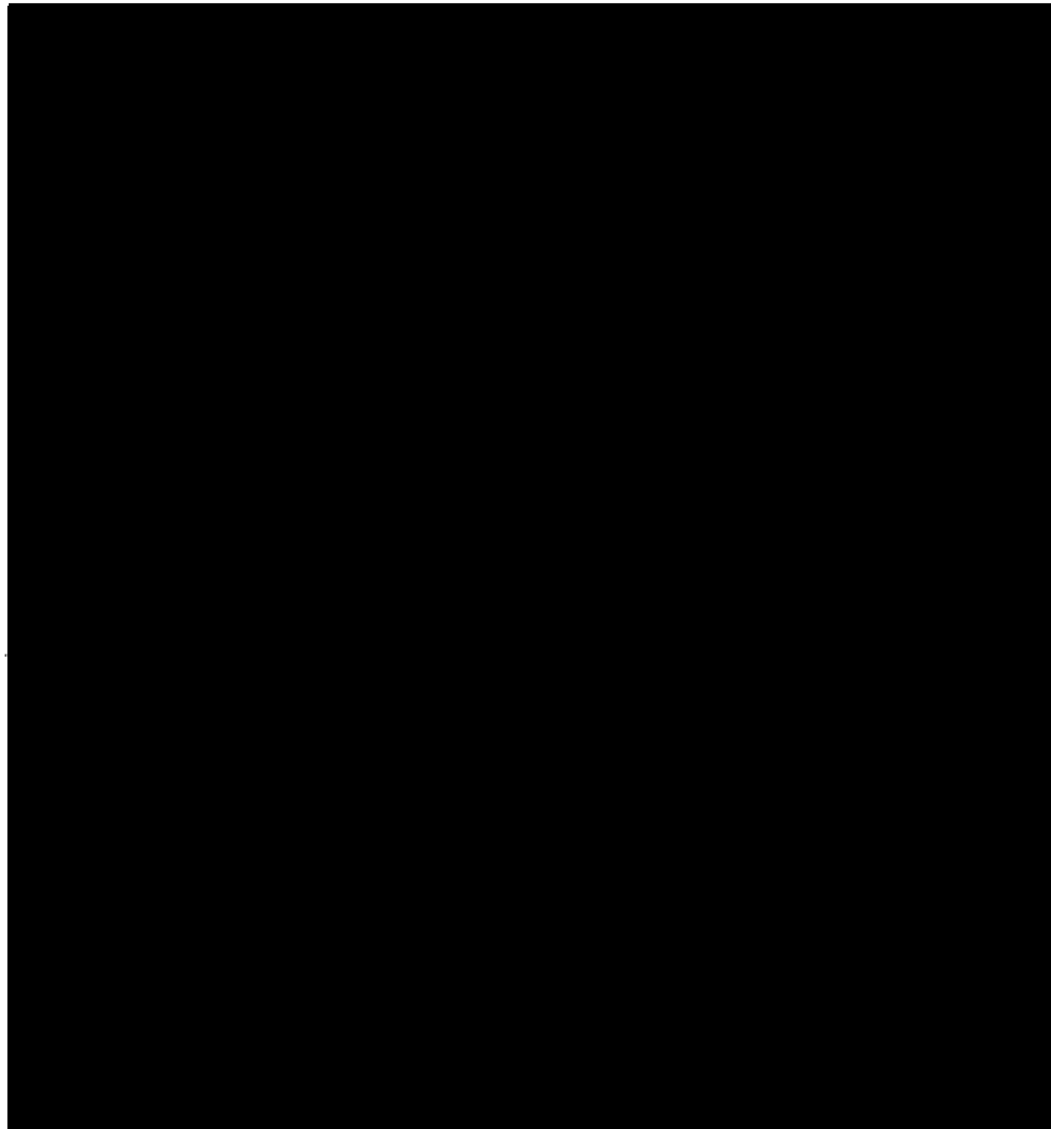
Public Sector

pay review

2018/19:

update.

688/2(48)



Meeting
09.04.19

Confidential:
QE Article 39
Improvement
notices –
Health and
Safety at Work
(Jersey) Law
1989.
897/9 9(1)

B4. The Board received a delegation in connexion with improvement notices issued under the Health and Safety at Work (Jersey) Law 1989.

The Board recalled that a recent report prepared by the Comptroller and Auditor General on the provision of community and social services had highlighted the fact that 6 improvement notices had been issued by the Health and Safety Inspectorate since 2006. The report stated that these involved a failure to adequately manage violence and aggression and ensure a safe environment in a health care setting.

The Board was provided with a brief outline of the measures which had been taken to address the issues raised in the report and future plans in respect of improvements. It was agreed that a written report should be prepared which set out, in detail, all of the actions taken and any future plans.

The Board thanked the delegation for attending and they withdrew from the meeting.

The Board agreed that it would wish to receive quarterly summary reports which set out the details of any health and safety issues raised. The Chief Executive highlighted the fact that it was likely that additional resources would be required in order to properly support the Board in this and a range of other areas. A written report would be prepared in this connexion for consideration a future meeting.

Confidential:
QE Article 39
Control and
monitoring of
senior salaries
(P.59/2011) –
Category
Manager –
HCS.
688/2/42

B5. The Board considered 2 applications submitted in accordance with the procedures for the control and monitoring of senior salaries remunerated at the equivalent of Civil Service Grade 15; those at a rate of £100,000 per annum; and, interim appointments at a rate of £380 per day and above.

The Board noted the following job specifications –

Chief Operating Office – Modernisation and Digital – Programme Manager
Microsoft (MS) Foundations

The Board recalled that the MS Foundation Layer Programme (Microsoft 365) formed a critical part of the objective of bringing together all Government Departments digitally. The programme would also support the delivery of efficiencies. Approval of the request would maintain critical continuity in programme management skills over the next year and the Board's attention was drawn to the key deliverables over the next year.

Chief Operating Office - Category Manager – Procurement - Health and Community
Services (HCS)

The Board noted that permission was being sought for the establishment of an interim post [REDACTED]

[REDACTED] The Board noted that the interim post was required to help deliver the HCS efficiency programme, which had been established to address budget challenges of [REDACTED]. Projects related to savings for goods and services were targeted to deliver circa [REDACTED]. At present there were 2 members of staff providing procurement support services to HCS for 'business as usual' activity. The capital and revenue equipment replacement programme would commence in April, meaning that there would be minimum capacity within the team to deliver the total efficiency programme target. Financial targets and milestones would be set within the postholder's contract to ensure performance was measured against deliverables. These key metrics would be constantly monitored.

The Board approved both of the above applications and directed that the necessary action be taken.

KML/SB/143

CONFIDENTIAL

STATES EMPLOYMENT BOARD

(26th Meeting)

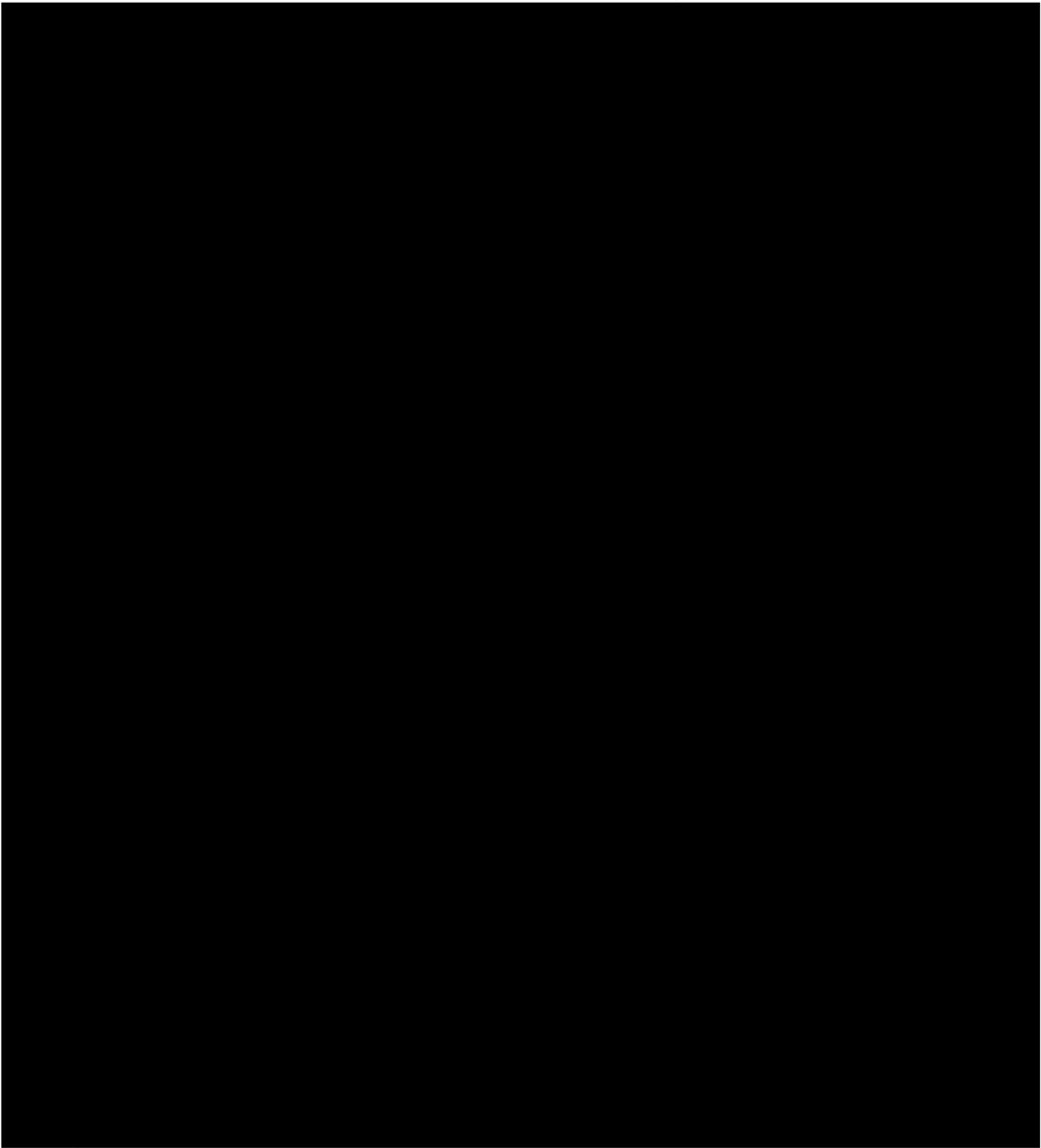
29th April 2019**PART B (Exempt)**

All members were present.

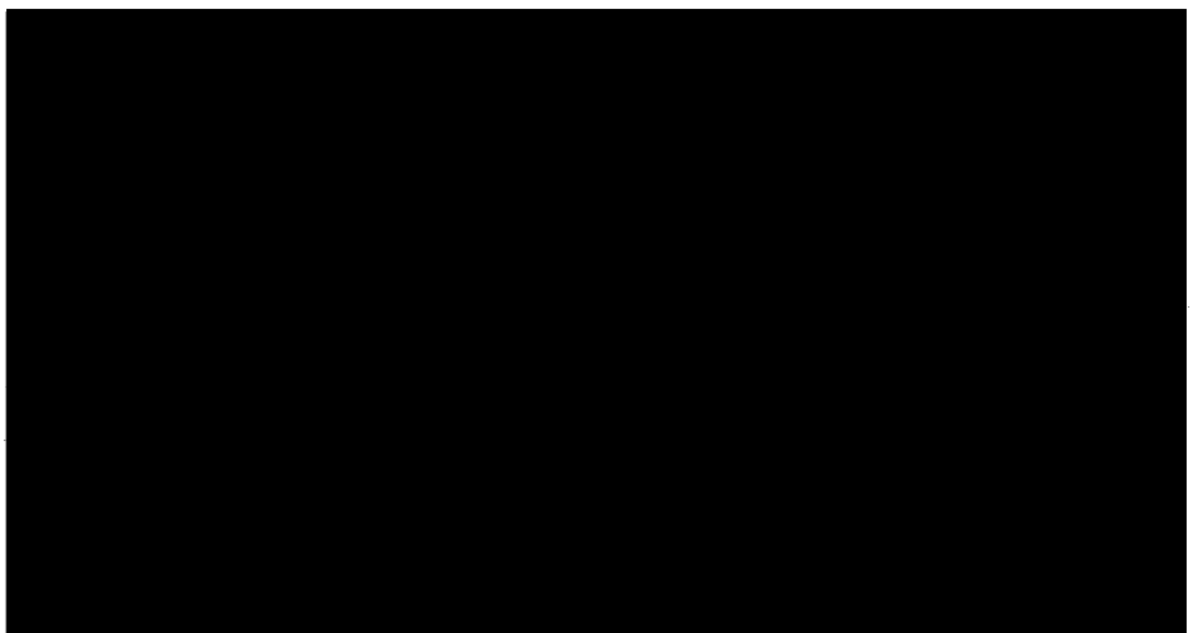
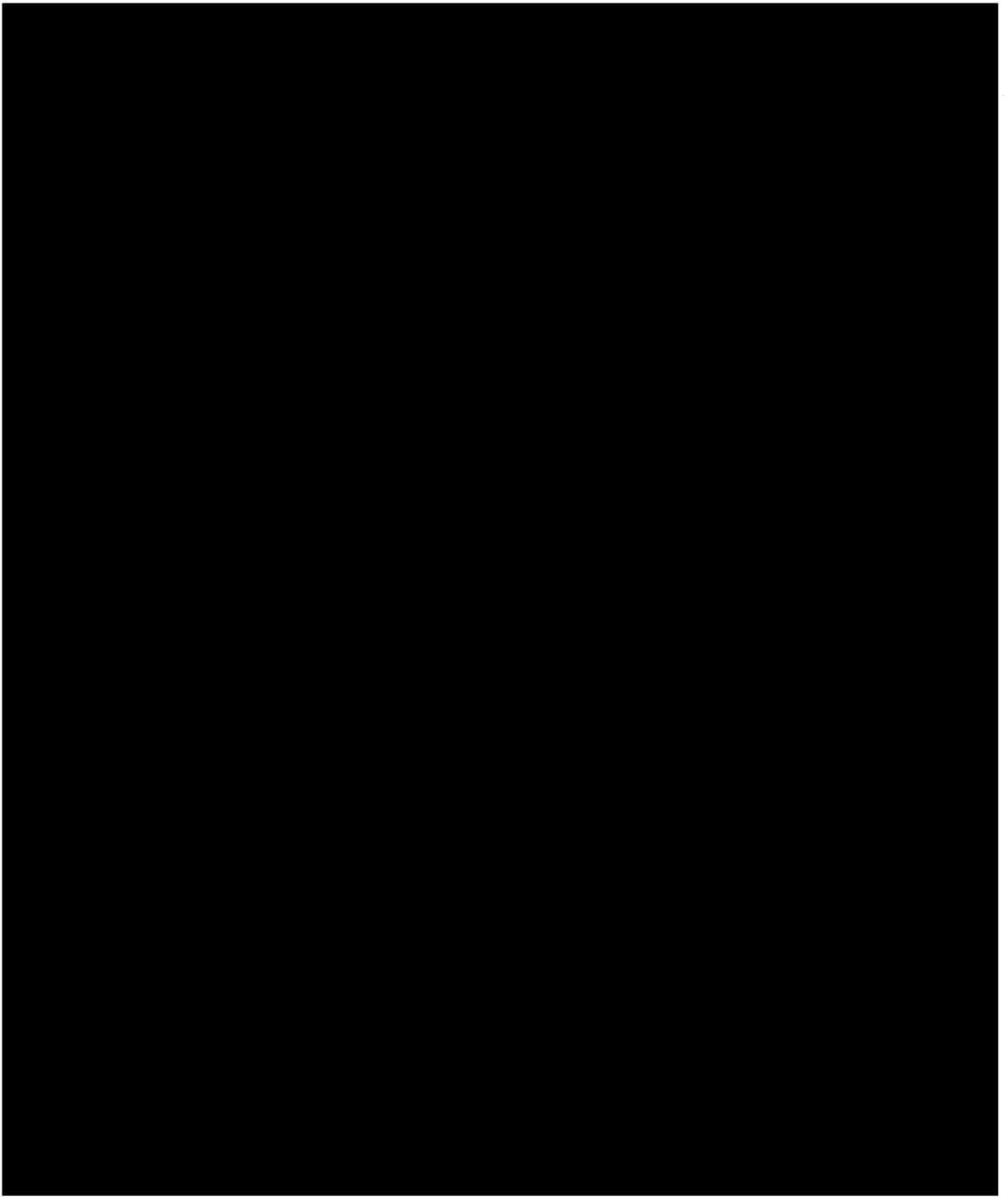
Note: The Minutes of this meeting comprise Part A and Part B.

Confidential:
QE Article 39
Public sector
pay review
2018/2019:
update –
NASUWT/
NEU.
688/2 (48

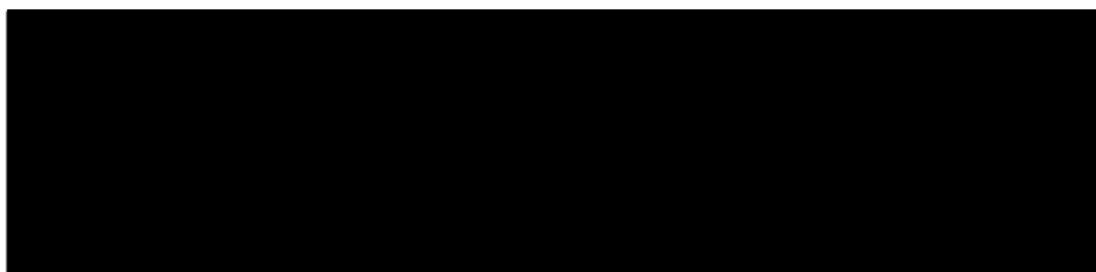
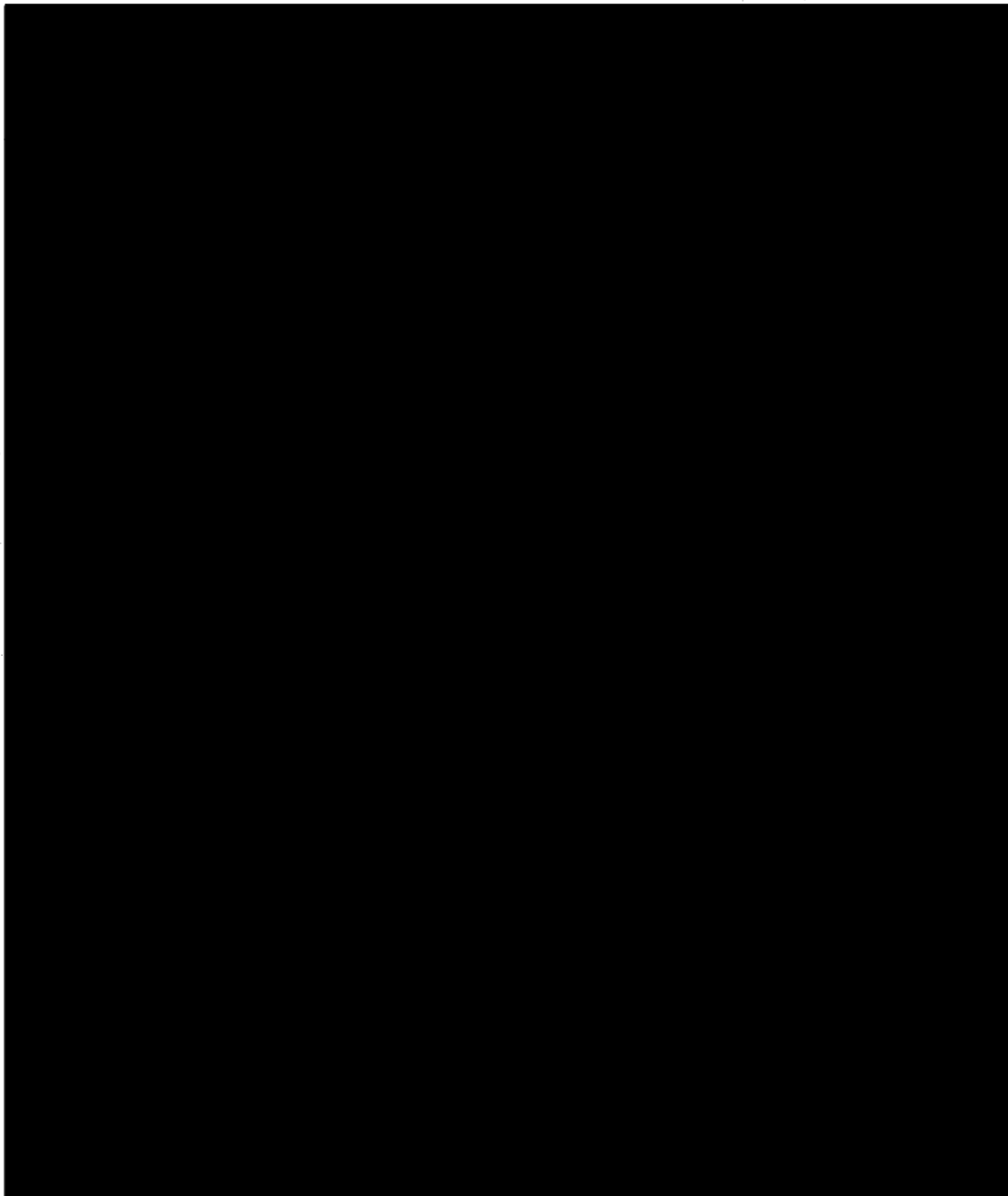
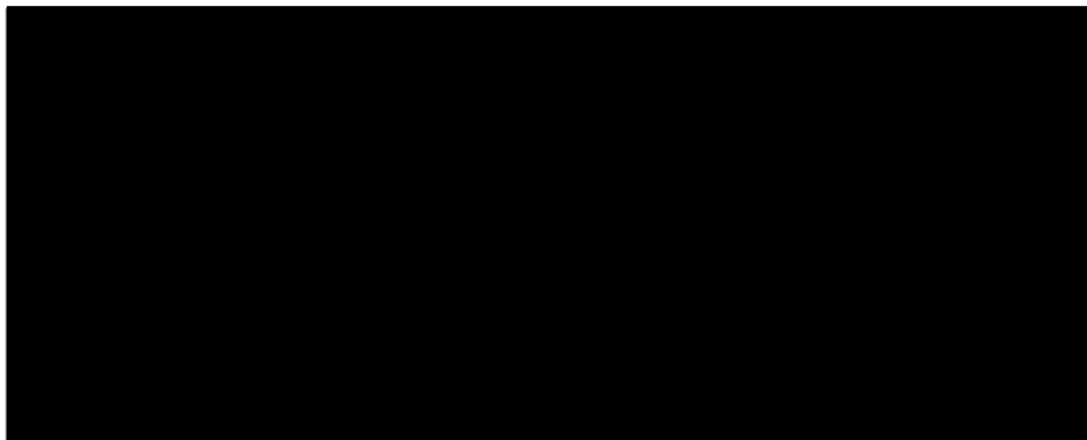
B1. The Board, with reference to its Minute No. B3 of 9th April 2019, considered a report dated 28th April 2019, in connexion with the current position and proposed next steps in relation to the public sector pay award and, in particular, negotiations with the National Association of Schoolmasters and Union for Women Teachers (NASUWT) and the National Education Union (NEU).



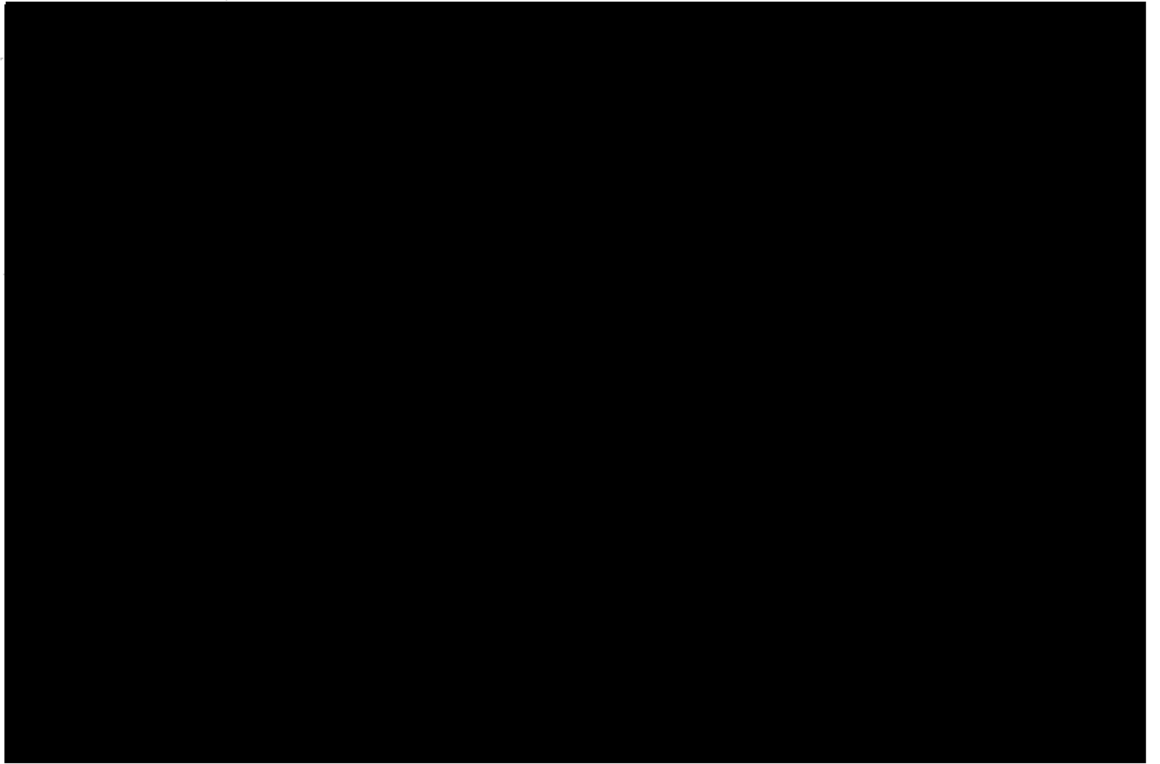
2
26th Meeting
29.04.19



26th Meeting
29.04.19



4
26th Meeting
29.04.19



MC/MH/150

CONFIDENTIALSTATES EMPLOYMENT BOARD

(27th Meeting)

7th May 2019**PART B (Exempt)**

Note: The Minutes of this meeting comprise Part A and Part B.

Confidential:
QE Article 39
 Comptroller
 and Auditor
 General –
 report on the
 Role and
 Operation of
 the States
 Employment
 Board.
 688/2(1)

B1. The Board, with reference to its Minute No. B5 of 25th March 2019, and with the Comptroller and Auditor General, Ms. K. McConnell (CAG) and Affiliate to the Jersey Audit Office, Ms. A. Trudgeon in attendance, considered a draft response, prepared by the Head of People Services, to the report (R.35/2019) of the CAG entitled 'Role and Operation of the States Employment Board,' which had been published on 29th March 2019.

The Board recalled that the CAG's report had identified areas of weakness relating to:

- the establishment and function of the Board and the Jersey Appointments Commission;
- the way in which the Board currently discharged its responsibilities;
- compliance with the Codes of Practice; and
- the absence of an overarching People Strategy and general oversight of human resources management.

It was acknowledged that the Board was obliged to submit its formal response to the Public Accounts Committee (PAC) of the States of Jersey by 13th May 2019.

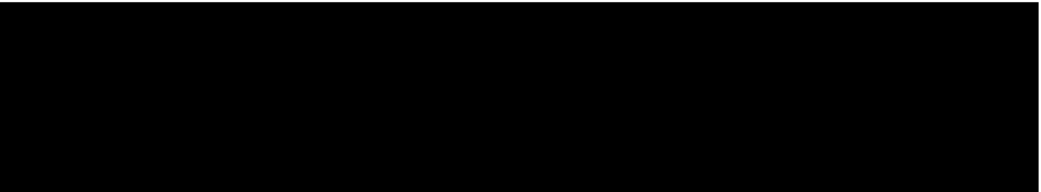
The Board agreed that it was important that its response should highlight that the period covered by the CAG audit preceded the constitution of the current Board; equally, much of the current Board's attention since its constitution in June 2018 had been focussed on the ongoing pay negotiations for 2018/2019. It was also acknowledged that the States of Jersey had embarked upon a large-scale change programme in early 2018, and significant improvements had already been made to the Human Resources function since June 2018, when the CAG audit had been conducted.

The Board concurred with the majority of the findings of the report; it was, however, recognised that implementation of the most significant recommendations would take time, since these would involve both legislative amendments and widespread culture change. The response envisaged that the majority of the recommendations could be implemented by the end of 2020, although the CAG cautioned the Board against assuming that centralised policy changes would be swiftly and automatically adopted across the organisation; in reality, significant change typically took time to become embedded in organisational culture.

It was noted that changes already underway, which would contribute to the improvements recommended by the CAG, included:

- (1) a review of the Employment of States of Jersey Employees (Jersey) Law 2005;
- (2) the development (as part of the Government Plan 2020-2023) of an overarching People Strategy;
- (3) comprehensive reviews of both employment policies and the pay and reward structure; and
- (4) a series of improvements designed to enhance the decision-making and general effectiveness of the Board.

The Board articulated its concern relating to the recommendation of the CAG regarding the operation of the People Hub, which the Board considered to be an operational matter, to be overseen by the Director General for Customer and Local Services. The CAG explained that she considered the People Hub should in fact be a source of management information for the Board and therefore maintained her position that the Board should oversee actions put in place to improve its operational effectiveness.



The CAG concluded by advising the Board that overall progress towards implementing her recommendations would be evaluated in due course, and that any such follow-up would focus on outcomes, rather than the Board's response to the report's recommendations in isolation. The Board was also advised that the CAG would be meeting with the Chair of the Jersey Appointments Commission shortly, to discuss the relevant sections of her report.

The CAG and the Affiliate to the Jersey Audit Office, having been thanked by the Board for their participation, withdrew from the meeting.

It was considered that the discussion with the CAG had been constructive and had reinforced the Board's perception that it should adopt a strategic perspective (whilst maintaining a degree of operational understanding) in relation to the Human Resources function of the States of Jersey. The Board agreed that the draft response, subject to minor amendments, should be submitted to the PAC and presented to the States Assembly for information at the earliest opportunity.

Officers were directed to take the necessary action.

Confidential:
QE Article 39
Health and
Safety Report
2018.
688/2(28)

B2. The Board, with reference to its Minute No. B3 of 17th September 2018 and with the Head of Wellbeing, Human Resources Department and the Managing Director, General Hospital and Ambulance Service in attendance, considered the Health, Safety and Wellbeing report for the first quarter of 2019.

The Board recalled that it had agreed to review Wellbeing statistics, which included data supplied by partner organisation AXA, on a quarterly basis and noted that absenteeism had increased by 1.6 per cent over the previous period, although it remained substantially below the industry average figure. Use of the Employee Assistance Programme (EAP) service had increased, with 134 individuals having accessed telephone and face-to-face counselling services during the period.

Stress and anxiety, whether work related or personal, continued to be the principal issue leading to absenteeism, although feedback from users of the EAP indicated that the service was beneficial: 80 per cent of users who participated in a survey after using EAP had given the quality of support received the maximum possible rating.

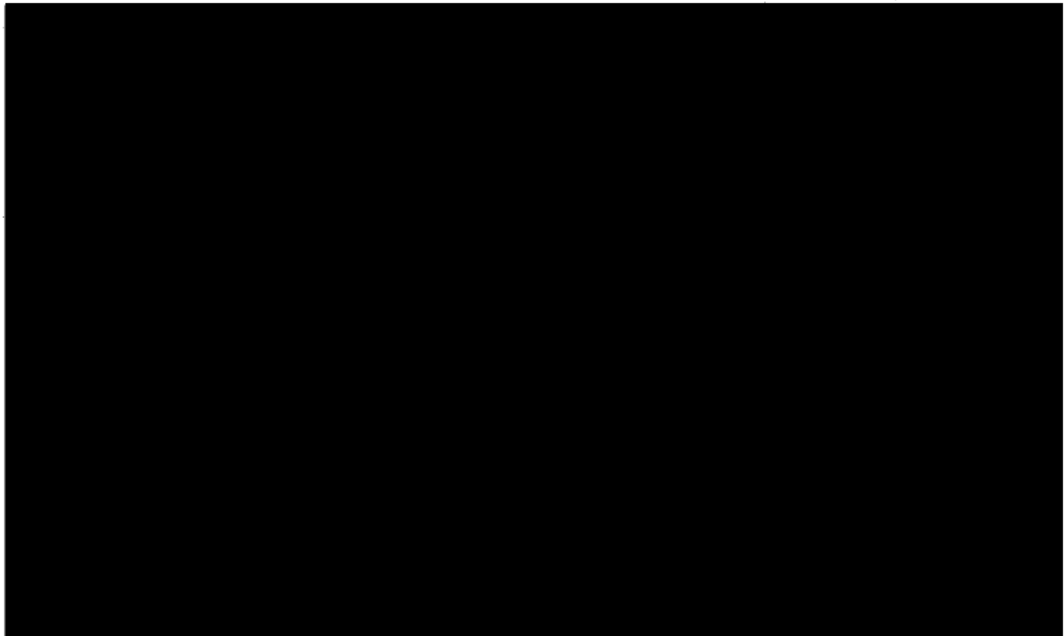
The Board also reviewed data on workplace accidents and noted that a total of 1,819 working hours had been lost as a result of accidents occurring in 2018, with 321 hours lost in the first quarter of 2019. In all periods detailed in the report, acts of physical violence and physical or verbal aggression accounted for the majority of incidents, followed by injuries occurring whilst lifting, handling or carrying and tripping or falling accidents. The Board was assured that all relevant staff received training in conflict management and physical intervention techniques appropriate to their roles. The Managing Director advised that good progress had been made in the delivery of manual handling training within the General Hospital, although this had yet to be fully implemented across the whole of Health and Community Services.

Wellbeing Assessments had recently been introduced and were intended to support individuals returning to work after a prolonged absence, or about whom managers had raised specific concerns. Assessments considered both physiological and psychological factors, and, although initiated by manager referral, were completely confidential, with support being offered to the individual as necessary. States of Jersey employees were also able to attend 'Know Your (Body) Numbers' sessions, during which the Wellbeing Physiologist would take key health-related measurements (including height, weight, waist circumference, blood pressure, blood sugar and cholesterol levels) and offer lifestyle support advice. A total of 423 employees had attended these drop-in sessions in the period January – March 2019.

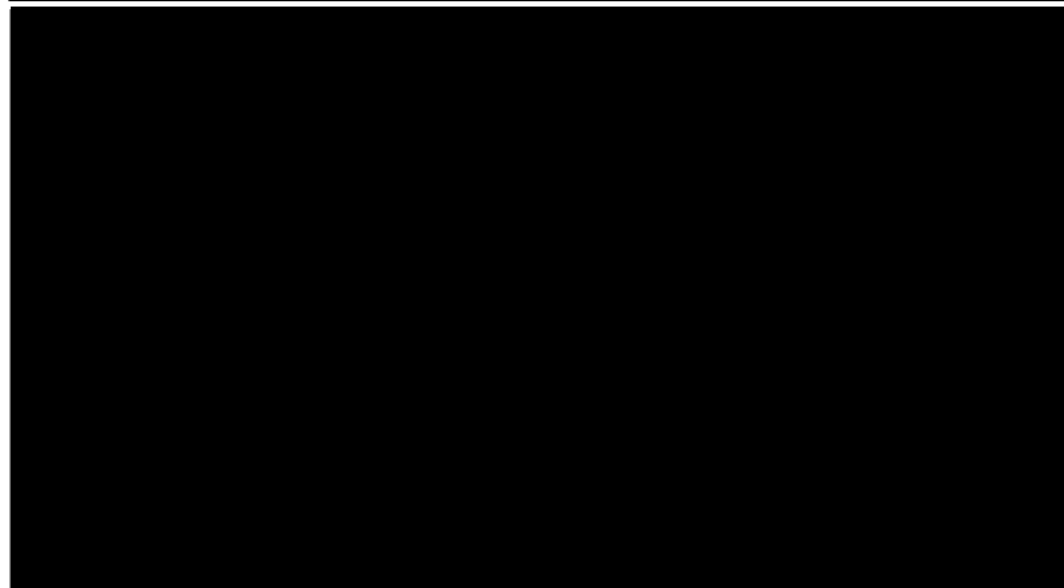
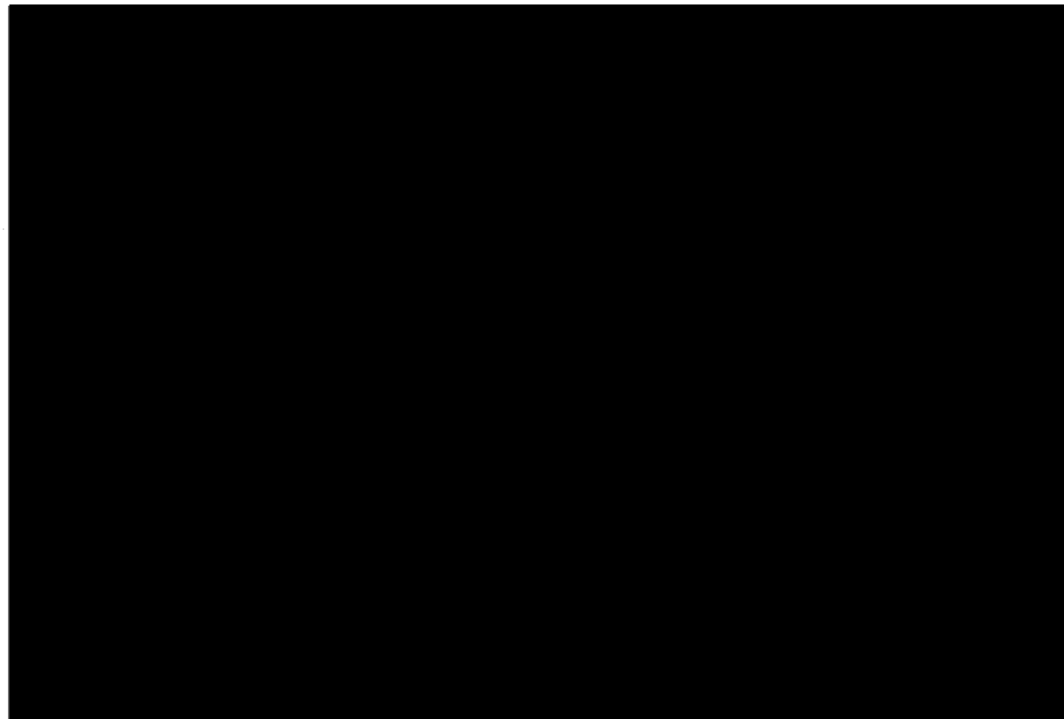
The Board noted the position accordingly and the Head of Wellbeing, having been thanked for her presentation, withdrew from the meeting.

**Confidential:
OE Article 39**





Confidential:
QE Article 39
Changes to
pension
legislation:
Fire and
Rescue Service
Association
claim.
1479/99(2)
688/2(48)



27th Meeting
07.05.19

Confidential:
QE Article 39
Public Sector
Pay Review
2018/2019:
update.
688/2(48)

[REDACTED]

B5. The Board, with reference to its Minute No. B1 of 29th April 2019, received an oral update from the Head of Pay, Reward and Employment Relations in connection with the Public Sector Pay Review for 2018/2019, in particular the ongoing negotiations with representatives of the principal teaching unions.

Confidential:
QE Article 39
Confidential:
QE Article 39
Control and
monitoring of
senior salaries
(P.59/2011)
688/2(42)

B6. The Board, with reference to its Minute No. B5 of 9th April 2019, and with the Managing Director, General Hospital and Ambulance Service in attendance, noted the following applications under the provisions of P.59/2011: 'Salaries over £100,000: process for review and scrutiny:'

- (1) [REDACTED]
- (2) Deputy Comptroller of Revenue, Treasury and Exchequer: noted to be a statutory appointment under the Income Tax (Jersey) Law 1961. The vacancy had arisen due to the recent resignation of the present postholder;
- (3) Head of Corporate Change, Chief Operating Office – Modernisation and Digital: [REDACTED] and
- (4) Risk and Governance Consultant, Health and Community Services: noted to be a new interim contract for 12 weeks of consultancy work over a 6-month period.

The Board considered that it had not been afforded sufficient time to properly consider the aforementioned appointments, the meeting papers having only been circulated on 4th May 2019. It was accordingly agreed that Members would review the applications and a further meeting would be convened, by electronic mail if necessary, with a view to reaching a decision by 10th May 2019.

Officers were directed to take the necessary action.