

# STATES OF JERSEY

## Corporate Services Scrutiny Panel States of Jersey Development Company Selection Process

**THURSDAY, 12th MAY 2011**

**Panel:**

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman)  
Senator J.L. Perchard  
Senator A. Breckon

**Scrutiny Officer:**

Ms. K. Boydens

**Witness:**

Mr. J. Rogers

[10:00]

**Deputy J.A.N. Le Fondré of St. Lawrence (Chairman):**

Thank you very much for coming today. We do not have our normal public audience this morning, but anyway welcome to the hearing for S.o.J.D.C. (States of Jersey Development Company) Scrutiny Panel Review. Could you just give your name and position just for the microphones?

**Mr. J. Rogers:**

My name is Julian Rogers and I am a member of the Appointments Commission.

**Scrutiny Officer:**

Kelly Boydens, Scrutiny Officer.

**Senator J.L. Perchard:**

Senator Jim Perchard.

**Deputy J.A.N. Le Fondré:**

Deputy John Le Fondré, Chairman of the Sub-Panel.

**Senator A. Breckon:**

Senator Alan Breckon.

**Deputy J.A.N. Le Fondré:**

Thank you very much for coming and just to say it is very much appreciated you giving us your time and also it is slightly odd being on this side of the table. I should declare that in a previous role I was in one of the meetings where Julian Rogers was appointed to the Appointments Commission.

**Mr. J. Rogers:**

Yes, you were the political representative on that panel. Thank you very much.

**Deputy J.A.N. Le Fondré:**

It is a pleasure.

**Mr. J. Rogers:**

I should declare a similar interest.

**Deputy J.A.N. Le Fondré:**

All right. Obviously we are looking into S.o.J.D.C. and some of the events and obviously we have had various hearings and no doubt you have heard from some of your colleagues as to the various discussions we have been having in the process. Just to put things in context initially, what involvement did you have in the overall process from when the appointments process for S.o.J.D.C. began?

**Mr. J. Rogers:**

I was asked to stand in as chair of the T.A.P. (Transition Advisory Panel) and that was in January, I think. I can tell you exactly when it was because Ken Soar took over the main panel.

**Deputy J.A.N. Le Fondré:**

That was when Alan Merry had to stand down.

**Mr. J. Rogers:**

That is correct.

**Deputy J.A.N. Le Fondré:**

So it was essentially a shuffle?

**Mr. J. Rogers:**

Correct.

**Deputy J.A.N. Le Fondré:**

I cannot remember the exact date, but ...

**Mr. J. Rogers:**

I can find it out for you. It is in my stuff.

**Senator J.L. Perchard:**

It was before the proceedings began.

**Mr. J. Rogers:**

Well before, yes. I can tell you exactly when it was.

**Deputy J.A.N. Le Fondré:**

I think the first meeting of the T.A.P. was around the 17th.

**Mr. J. Rogers:**

The 17th was the first meeting in the town hall, as it turned out, and I had been asked to stand in a day or so before.

**Deputy J.A.N. Le Fondré:**

Okay.

**Senator J.L. Perchard:**

So you had had no pre-meeting or briefing from the Minister for Treasury, or anybody in the States of Jersey's employment?

**Mr. J. Rogers:**

Not before that, but it would not be normal for a sub-panel chairman to have that. We would have all of this and that would be pretty good and also once it came to seeing the candidates, we would expect to do our own desk research, so at least we were as well-briefed as we would expect the candidates to be. So there would not be any need before this for a chairman of a sub-panel to be involved.

**Deputy J.A.N. Le Fondré:**

So you were asked to be chairman of the sub-panel. What was the understanding of your role and also the role that was being recruited for?

**Mr. J. Rogers:**

The role that was being recruited for is in here. I have no objection to that at all. It looks fine to me.

**Deputy J.A.N. Le Fondré:**

So just to clarify in your mind, what did you think that role was?

**Mr. J. Rogers:**

In my mind we were interviewing for ... in my case, we were providing a sub-panel interview so that the candidates could meet politicians and really work

out in their own minds the background of the appointments that were being made. This is quite often done. There is a concern that when people are being brought over from the U.K. (United Kingdom) in particular they might not realise the conditions that apply and you might want them to meet politicians in particular, although it is not always politicians. You will notice there was a technical sub-panel as well in this case, but it is important, for example, if people have been involved in large-scale development in the U.K., which a lot of these candidates have. When these developments get under way there will be a local authority and it will either be a Conservative local authority or a Labour local authority, but there will be a policy and the policy will be to build 9,000 houses here, and as a developer you would expect to see your way smoothed through. So once the policy had been taken you would then be doing whatever you did; you would be appointed to do it and the stuff would get constructed. Here it is different, because we have individual representation. Things can go wrong and it is important that the developer should be aware that there is a difference and it is also done with senior States appointments. You have the same worry that people will come in and not know the background.

**Deputy J.A.N. Le Fondré:**

Yes, okay. My understanding, and I may be wrong in this instance, is that you obviously assisted as well in designing some of the questions.

**Mr. J. Rogers:**

Yes. This might be helpful. Here on the back of this I have produced a list of the questions and, rather unusually, we do not often do this, a list of what we thought a good answer might be. This was essentially to prepare the panel for what the candidates might throw at them. I can give you an example of what I had in mind. You can think of me for a moment as an applicant speaking to a panel of politicians. You have good knowledge of housing associations locally. In this situation a candidate might very well ask: "Well, I see a lot of stuff about regeneration in this, what is the Island's track record on this?" You would wait for you to give him an answer. As a matter of fact, what is your answer?

**Deputy J.A.N. Le Fondré:**

What is my answer on the track record of regeneration in the Islands?

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

Mixed.

**Mr. J. Rogers:**

Yes, slightly more flattering than the answer you might get from the man in the street, but I would expect an applicant for this sort of job to realise there was a problem and to come back at you with something like: "Well, if that is a problem, this is a wealthy community, why is it so?" and wait for you to give

the answer because on this sort of panel what you are marking is the ability of the candidate to interact with the panel and brief himself, or herself, as part of the process. That is what you are there to do. So you expect the candidate to come up with awkward questions and that is why I gave the panel members saying: "Look, there might be a problem area here."

**Deputy J.A.N. Le Fondré:**

So in terms of generating this, was that essentially ... because I know there was also the meeting on the 17th and slightly later on, I think. Did you essentially produce this then iteration process with the panel?

**Mr. J. Rogers:**

What happened was the process is initiated by the States, I think in this case the Chief Minister's Department, or the States H.R. (Human Resources) Department; it could be either. They would come up with some questions. You are perfectly entitled to say: "I am not comfortable with those questions" or: "I wish to expand those questions" or: "I wish to phrase them slightly differently" and you are perfectly entitled to do what you see here. I did not rephrase them very much, but there was one which was half a sentence and it said nothing and I thought: "Well, I think this is what they meant. I will phrase it and I will then suggest a possible answer."

**Deputy J.A.N. Le Fondré:**

"They" being H.R.?



**Mr. J. Rogers:**

Yes. I mean, that is the normal process. You will see again from your chronology that there was a meeting with the Chief Minister's office slightly later than that first meeting and this was produced and I asked the Chief Minister exactly the same question I have asked you because I wanted the other panel members to see that the answer could be not so good.

**Deputy J.A.N. Le Fondré:**

Yes. Just to clarify, when you said "you" it was the politicians on the T.A.P. who would be perfectly entitled to amend the questions?

**Mr. J. Rogers:**

Yes, they did not, but they would have been entirely entitled to do so.

**Deputy J.A.N. Le Fondré:**

That is fine. Can I just ask, because in the notices you have shown in the pack, as it were, we have seen the candidates' brief and we have the timeline. I do not think we have other contents of that pack, I have to say.

**Mr. J. Rogers:**

You do not have the contents of this because this is me binding in my scores.

**Deputy J.A.N. Le Fondré:**

All right.

**Mr. J. Rogers:**

I think this might be relevant later on in a discussion. Since there are no members of the public here, we could go straight onto that, I suspect.

**Deputy J.A.N. Le Fondré:**

All right. Well, we will see how we go. So I think that clarifies that. Now, I think you have probably answered the question, but I will slightly clarify it.

**Mr. J. Rogers:**

Ask it again, if you feel I have not.

**Deputy J.A.N. Le Fondré:**

So you are basically saying that the role of the T.A.P. was more to allow the candidates to have an understanding of the political interface, shall we say, or political situation?

**Mr. J. Rogers:**

Yes, that would be normal.

**Deputy J.A.N. Le Fondré:**

Yes.

**Mr. J. Rogers:**

How well the States Members understood this, I am not sure, before they went into it. I certainly made it clear that I expected this to be used by the

candidates as an opportunity to question them. As a matter of fact, candidates did not as much as I would have thought they would.

**Deputy J.A.N. Le Fondré:**

What do you think the political members originally thought their role was going to be?

**Mr. J. Rogers:**

They did not ask questions which suggested that it was anything other than that.

**Deputy J.A.N. Le Fondré:**

All right.

**Mr. J. Rogers:**

So I assumed that they knew.

**Deputy J.A.N. Le Fondré:**

That they understood it?

**Mr. J. Rogers:**

To be fair, they had been at the meeting with the Chief Minister so it was discussed then.

**Deputy J.A.N. Le Fondré:**

What I was going to say ... I was going to phrase it, not directly relevant to the role of the T.A.P., but what do you think the overall process was looking for to recruit? What was the process looking to end up with in terms of recruiting N.E.D.s (non-executive directors) and a chairman for?

**Mr. J. Rogers:**

To run the new development company.

**Deputy J.A.N. Le Fondré:**

Yes, sorry, and what was the purpose of S.o.J.D.C.?

**Mr. J. Rogers:**

As I understand it ...

**Deputy J.A.N. Le Fondré:**

Yes, it is your understanding.

**Mr. J. Rogers:**

I have to be careful here.

**Deputy J.A.N. Le Fondré:**

What is your personal understanding?

**Mr. J. Rogers:**

My personal understanding is that this is to develop what W.E.B. (Waterfront Enterprise Board) had done. W.E.B. received a lot of criticism, but it was an efficient organisation. It was not popular, but it was efficient, and this was to develop with more land because W.E.B. is basically what is around the marina area and to give a wider remit in terms of actual development, i.e. the mechanics of putting processes together, but a reduced remit in terms of master planning. But basically that is what it says in the book and I have no reason to assume it is any different.

**Deputy J.A.N. Le Fondré:**

No, that is fine. Going on then to the actual structure on the day, I assume I have not missed anything crucial in the meantime, but you have obviously had the various pre-meetings that went on and then we skip to the position for the T.A.P. on the actual interview days. One matter I have overlooked is you were obviously there for the N.E.D.s. You were also Appointments Commissioner for the chairman process as well, were you not, for the T.A.P.?

**Mr. J. Rogers:**

For the T.A.P. Yes.

**Deputy J.A.N. Le Fondré:**

You were consistently with the T.A.P. all the way through?

**Mr. J. Rogers:**

Yes, and as you will see from the guidance it is highly desirable that you do not change whoever is on these Appointments Committees because you are trying to make sure it is fair the whole way through, and as you will see in this case with the N.E.D. appointments the actual panel changed. So you are there to make sure, as far as it is possible, that the process remains fair, despite panel changes.

**Deputy J.A.N. Le Fondré:**

Yes.

**Senator A. Breckon:**

In your opinion, can a proper assessment be made if you change the crew?

**Mr. J. Rogers:**

In this case, possibly. I would feel very uncomfortable about it on a main panel, but in this case it might be necessary. It depends who changes. If you look at how people marked there is no evidence that the change made any difference, and in this case - and we might come to this topic later - what the main panel is looking for from a subsidiary panel is more a ranking than necessarily a score. I think it is right to score panels, I am in favour of it, not everybody is, but they will want confirmation that a subsidiary panel, even though it is not interviewing the candidate for the job, has come to roughly the same conclusion and since it normally happens that they do it, comes as something of a shock factor when they discover perhaps that they do not.

You will remember interviewing Ken Soar and James Morris and you can see that this change was something that caused them some concern.

**Deputy J.A.N. Le Fondré:**

Before we get to that point, because that is obviously something we want to talk through, in terms of how did the days operate, can you just give a general overview of how the interview process went?

[10:15]

**Mr. J. Rogers:**

Yes. We were given a timetable of who does what when and we can see where the candidates are going. We have one here somewhere. Here is one. The candidates are just rotated through the process. If you want something to happen as part of that rotation, like if you want the candidates to be warned that they have to give a short presentation, first you try and ensure that the warning is given to the candidates at the same relative time in every case. Now, you may remember from I think Ken Soar's evidence that there was a concern that this did not happen in every case, however, I like these brief start-up talks by the candidate because I think it relaxes the candidate and I think it allows the panel to then come into the first line of formal questioning conversationally, but the question in this case is fairly anodyne.

**Senator J.L. Perchard:**

What was the question?

**Mr. J. Rogers:**

The question was what are the priorities? What should be the immediate priorities for the S.o.J.D.C.?

**Senator J.L. Perchard:**

They had prior notice of the question?

**Mr. J. Rogers:**

They should have had prior notice of the question.

**Senator J.L. Perchard:**

How long?

**Mr. J. Rogers:**

Oh, 5 minutes or 10 minutes, something like that. The brief to the people operating the doors was: "Make sure they have sufficient time to have a brief thought about what they are going to answer before they come in."

**Senator J.L. Perchard:**

Can we pin this down?

**Mr. J. Rogers:**

Hang on just a minute, because this a very important point. Candidates of this calibre will come to an interview like this looking for certain questions to



be asked. When I did my interview with you I had a list of 20 questions: “What do you think is going to happen next?” is the second question. The first question is: “Why have you applied for this job?” They will be prepared to answer a question like that. You are not doing anything unfair. What you are trying to do is get a conversation started.

**Senator J.L. Perchard:**

A candidate worthy of serious consideration will have prepared properly and anticipated questions. My point is, Julian, some candidates were pre-warned of the opening question and some were not.

**Mr. J. Rogers:**

True.

**Senator J.L. Perchard:**

Can you explain why, and whose responsibility that was?

**Mr. J. Rogers:**

I honestly do not feel it appropriate for me to do so. This is operated by an H.R. department. Minor mistakes get made. In my view, this was not a major mistake. It happened to 2 candidates who were exceptionally able. One was Margaret Ford and the other was Baldock. Both of them, as they came in, were asked: “Did you get prior knowledge?” Both of them said words to the effect of: “Oh, yes, well, I can answer that one as we go along.”

**Senator J.L. Perchard:**

That is right. They did it on the hoof, so to speak, but we are trying to get to the detail of the process. There are criticisms of the appointments being made publicly and we are trying to iron out any deficiencies in the appointments process. I will ask you again: who was responsible for giving the notice of the first question prior to the candidates entering the interview room?

**Mr. J. Rogers:**

The H.R. section which was administering the process.

**Senator J.L. Perchard:**

The H.R. section of the States of Jersey?

**Mr. J. Rogers:**

Yes. Oh, sorry, or whoever was representing it at the time. I am slightly confused as to who was employed by ...

**Deputy J.A.N. Le Fondré:**

Whether it was H.R. or C.M.D. (Chief Minister's Department).

**Senator J.L. Perchard:**

But it was nobody involved at the Appointments Commission?

**Mr. J. Rogers:**

No.

**Senator J.L. Perchard:**

And there was nobody involved at Odgers?

**Mr. J. Rogers:**

No.

**Senator J.L. Perchard:**

So it was an employee of the States of Jersey?

**Mr. J. Rogers:**

Yes, I am really reluctant to name a civil servant.

**Senator J.L. Perchard:**

Yes, I am just trying to clear up some loose ends. Do you know what was requested of that person as to how long before ... were they given any instruction?

**Mr. J. Rogers:**

About 10 minutes before, because the normal thing is to have the candidates waiting outside the door before and before they come in, about 10 minutes before.

**Senator J.L. Perchard:**

Who gave that instruction to the States employee?

**Mr. J. Rogers:**

Well, I did several times and by emails well before the process started. I wanted this to happen as a matter of routine. If you are going to have a preliminary question, the candidates have to be told of the preliminary question, otherwise there is no point.

**Senator J.L. Perchard:**

Absolutely, and that was done by email as well as verbally?

**Mr. J. Rogers:**

Oh, yes.

**Senator J.L. Perchard:**

Would you have a copy of that email?

**Mr. J. Rogers:**

Probably. I am sure we have but, as I said, I do not want to make a big issue of this because ...

**Senator J.L. Perchard:**

I think we need to know if there are any deficiencies in the process. We need to nail down if things went wrong, albeit a minor error, but it is something that

...

**Mr. J. Rogers:**

I am sure we have emails saying this, yes.

**Senator J.L. Perchard:**

So with this email, even if we redact the name of the person you gave the instruction to, would it be available?

**Mr. J. Rogers:**

Probably. I will just have a look through my emails. All of this happened some time ago, but we do keep emails.

**Senator J.L. Perchard:**

Would you make that available to us?

**Mr. J. Rogers:**

If I can find it, yes, I will, and I will not be obstructive about it. If I can find it, yes, I will.

**Deputy J.A.N. Le Fondré:**

I think overall in anything you are never going to get it 100 per cent right unless you are robots basically, and everyone assumes, as I say, even politicians occasionally.

**Senator J.L. Perchard:**

I am sorry, John, it is quite a simple instruction.

**Deputy J.A.N. Le Fondré:**

I know, but what I am trying to say is that it is an issue about process.

**Mr. J. Rogers:**

Things do go wrong like this and it is part of our job to work out if it matters or if it does not, and if it matters you are supposed to do something about it and you do.

**Senator J.L. Perchard:**

The problem is we are where we are as a result of a combination of allegations made by a couple of States Members and this type of error would just compound their concerns, and it has in the case of one of the politicians who has given evidence.

**Deputy J.A.N. Le Fondré:**

Can we just go forward? What I was going to say is ... you started to touch on it in terms of the attendance before the interviews et cetera in terms of candidates hopefully getting the right instruction. Obviously you have a timetable that you are going to be operating to. How did the actual interview process for any one candidate start? Were there any discussions before they came in the door and you saying: "Right, we have Mr. or Mrs. X coming through and this is their background"?

**Mr. J. Rogers:**

A fairly normal thing to do, and I wish I could put my hand on my heart and say with absolute honesty that I did it on every single occasion, is to say to the panel members: “Now, we have Mr. Bloggs, you have Mr. Bloggs’ application form in front of you. It seems an interesting application form.” Something like that, to make sure they are looking at the right piece of paper and, as I say, if I had to swear that I did that every time I would, but I cannot be absolutely certain that I did. I have to say that this panel did not seem to have any problems finding the right piece of paper, but it would be a sensible thing to do.

**Deputy J.A.N. Le Fondré:**

Yes. Was there any sort of discussion among the members: “Oh, right. Well, so and so, this is their experience. They are local or non-local”? Was there any sort of refreshing of position, if you like, before the interview process started?

**Mr. J. Rogers:**

Immediately before each candidate, no, because it happened slightly quicker than that. Somebody might make a remark: “Oh, they are local” or something like that, but there was not a prior discussion of the candidate and to be fair the discussion should come immediately after you have completed the process, not before.

**Deputy J.A.N. Le Fondré:**

No, I did not know whether there was anything just to get people's minds switched from having just done Mr. J. and going onto Mr. ...

**Mr. J. Rogers:**

No, it is to make sure they are looking at the right piece of paper is useful.

**Deputy J.A.N. Le Fondré:**

Okay. So basically they come in and presumably you do a welcome, and are you running the process at this point?

**Mr. J. Rogers:**

You are chairing the process, but you try and say as little as possible because this is an opportunity for the applicant to meet the politicians, not to meet members of the Appointments Commission. If questions get missed, you ask them. If there is a question of clarification you will ask it, but otherwise you will keep quiet and let people get on, unless ... and in the later panels, because there were only 2 politicians and we wanted 3 people, I did take part in the process, but again it is not our job to be intrusive.

**Deputy J.A.N. Le Fondré:**

Then presumably the politicians, or the panel anyway, as a whole essentially ran down the outlined questions and let the conversation flow?

**Mr. J. Rogers:**

Yes, absolutely.



**Deputy J.A.N. Le Fondré:**

At the end of that interview process of the candidate until it was finished, presumably people were scoring through the process?

**Mr. J. Rogers:**

Yes, you then have a scoring sheet which looks ...

**Deputy J.A.N. Le Fondré:**

I think we have seen those.

**Mr. J. Rogers:**

You have seen them, yes. Which looks like that.

**Deputy J.A.N. Le Fondré:**

Right, yes.

**Mr. J. Rogers:**

You say to each panel member in turn: "What did you score this?" You try and start with a different panel member each time and you get a score and it is perfectly acceptable to say you have a different score from the rest of us, or in my case: "I had a different score from the rest of us. Did you see something I missed?" As I see it, that happens until everybody has agreed, and possibly adjusted scores, and then the scores go down and after the scores have gone down you may not alter them.

**Deputy J.A.N. Le Fondré:**

Right.

**Mr. J. Rogers:**

That is my understanding of the process.

**Deputy J.A.N. Le Fondré:**

Okay.

**Mr. J. Rogers:**

So there can be questions, particularly on individual areas: "Oh, I thought he answered that very well." "I was not so sure. He missed so and so."

**Deputy J.A.N. Le Fondré:**

"How did you come to that conclusion?"

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

Okay. I suppose we should deal with one of the issues that arose during the discussion, which is that my understanding is that on the N.E.D.s there was no particular candidate who obviously - in the public words of the Appointments Commission in respect of the main panel - did not perform as

well as the T.A.P. felt that they performed. There was a major difference of opinion.

**Mr. J. Rogers:**

How very tactfully put.

**Deputy J.A.N. Le Fondré:**

I am being tactful here, obviously. Now, the query is to understand a little bit, I think really just to try and clarify a bit more.

**Mr. J. Rogers:**

I can only answer in principle, obviously.

**Deputy J.A.N. Le Fondré:**

Yes. I suppose really what I am asking is in terms of the interview process for the N.E.D.s on that day, did you feel that the representatives on the panel that day properly questioned the candidate?

**Mr. J. Rogers:**

Yes. They were very impressed by the candidate. If I look at my note ... again, I marked the candidate fairly low, but you will find that Appointments Commission members tend to mark candidates fairly similarly because they see so many of them.

**Deputy J.A.N. Le Fondré:**

Right.

**Mr. J. Rogers:**

My comment was that his responses were disjointed, which tends to imply that I could not fit his responses into the categories. If I could not, my guess is that they might have had trouble doing so.

**Deputy J.A.N. Le Fondré:**

The ...?

**Mr. J. Rogers:**

The other panel members.

**Deputy J.A.N. Le Fondré:**

The other panel members, yes.

**Mr. J. Rogers:**

I think that might have been a problem. However, it is entirely possible that a candidate could perform well in front of a panel which is essentially trying to exchange views with him and poorly in front of a panel which is interviewing him for a job. I also think it is entirely possible that in this case the candidate simply got tired. He did the main interview second. He was under more pressure. He was not a professional candidate. That is not in any way a condemnation but this panel had a series of very high-powered people involved in the construction industry in the U.K. particularly parading before

them. This was somebody who was not like that, but had a very distinguished career in a slightly different field. My guess is that he would not have done a lot of interviews and his facilities for internet research, which is quite useful if you want to find something, which is not mentioned in here, I would have thought he might have had less access to that than some of the others. So my view is when he ... I do not know, I was not there, but my view is that it is entirely possible that he was tired, he was slightly disrupted by the type of questions that were coming, he knew that he did not have the necessary facilities for research and he gave difficult answers. Now, I do not think the other members of the Commission have necessarily reached the same conclusion. I have seen a transcript of their main evidence and ...

**Senator J.L. Perchard:**

We have had on public record that they did not reach the same conclusion. In fact, they thought that this candidate was worthy of top marks.

[10:30]

**Mr. J. Rogers:**

No, no.

**Deputy J.A.N. Le Fondré:**

No, it was a different one.

**Mr. J. Rogers:**

No, no, it is the main panel.

**Senator J.L. Perchard:**

Oh, I beg your pardon.

**Mr. J. Rogers:**

On our panel, the 2 politicians gave this candidate very good marks. I think he empathised very well with them. I think to some considerable extent that is what this subsidiary panel was about. For technical reasons it is not terribly wise to give candidates straight 5s, because if you are the first candidate who comes in and sees the panel and you are given straight 5s and somebody better comes along 3 people later, it is a bad idea. So if they were going to try and produce an effect which lifted the candidate, but reflected their difficulty in categorising his answers, and I suspect that might have been the case. I only suspect it, I cannot prove it, I do not know it, but I think it might have been the case. As I say, if I was having difficulties perhaps they were. Straight 4s would be a more sensible solution.

**Deputy J.A.N. Le Fondré:**

But that is presuming also ...

**Mr. J. Rogers:**

It is not right, you should not do it, but in the circumstances I can see how that could have happened.

**Deputy J.A.N. Le Fondré:**

You will definitely correct me if I am trying to put words in your mouth anyway:  
is it also possible that the political members of that panel are not necessarily  
that experienced in marking techniques and things like that?

**Mr. J. Rogers:**

Yes, it is entirely possible.

**Deputy J.A.N. Le Fondré:**

That there would be an alternative explanation. You said they empathised  
with the candidate and ...

**Mr. J. Rogers:**

This thing came up and I thought: "Well, I wonder how varied the scores  
were?" and it is true that the political members of the panel have a wider  
score variation than the Appointments Commission, which is exactly what ...

**Deputy J.A.N. Le Fondré:**

Do you mean across the board generally?

**Mr. J. Rogers:**

Yes, generally.

**Deputy J.A.N. Le Fondré:**

One of your members was quite forthright in his views, but ...

**Mr. J. Rogers:**

Of course he was, yes. We do not necessarily share the same view.

**Deputy J.A.N. Le Fondre:**

Exactly.

**Mr. J. Rogers:**

I think there is a rational explanation for what happened and you may or may not agree, but you can see ...

**Deputy J.A.N. Le Fondre:**

I have always learned that sometimes there is a number of perspectives from the same set of facts sometimes. Also just another one on a different candidate, which I think has also been made, that a comment was made that one of the candidates on the N.E.D. side spoke more at the panel rather than with or to.

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondre:**

Would that have generated a particular reaction, do you think, from the panel?

**Mr. J. Rogers:**



In my view, it should have. Again, I knew I was arriving here and I thought ... I marked this candidate fairly low for that reason, but my feeling was had this candidate appeared in front of me on a main panel I would have marked her a lot higher, because she was doing her job of promoting herself to the main panel. On this panel, my view was that she should have been trying to find out what the situation was. We are talking development, these politicians have constituencies, cheapest points you can score is: "How is this going to affect your constituency?" Margaret Ford did it to one of them and the politician was away. That is the name of the game.

**Senator J.L. Perchard:**

Did any of the panel members that you were working with declare an interest in ... that they knew some of the candidates?

**Mr. J. Rogers:**

Yes, they did, and I am glad you asked that question, because Ken Soar obviously did not see our panel members and did not know. Senator Ferguson said she knew the candidate that had the difficulty in the main panel to say hello to in the street and I declared an interest because he had appeared as a candidate in front of a process that I was chairing for the J.F.S.C. (Jersey Financial Services Commission).

**Senator J.L. Perchard:**

So Senator Ferguson declared an interest that she knew somebody ...

**Mr. J. Rogers:**

Yes: "I know him well enough to speak to him in the street."

**Senator J.L. Perchard:**

That was it?

**Mr. J. Rogers:**

That was it.

**Senator J.L. Perchard:**

Okay. Were you aware of any other conflicts of interest declared by other interviewers or in other panels?

**Mr. J. Rogers:**

No, and I would not expect to be.

**Senator J.L. Perchard:**

No. I just wondered if there was some sort of centralisation of declaration of interests.

**Mr. J. Rogers:**

No. It is an interesting point, because you want declarations of interest ... declarations of interest in the guidance, this thing here, tend to be slanted towards the candidate declaring his or her interest. They do not concentrate on the panel members. Somehow I have the guidance for ...

**Senator J.L. Perchard:**

Yes, I think we may have it.

**Deputy J.A.N. Le Fondré:**

We do have it, yes.

**Senator J.L. Perchard:**

Julian, it is going to always be very difficult in an Island if you are looking for some local candidates, locally-based candidates, it is inevitable.

**Mr. J. Rogers:**

Oh, yes, it is inevitable, yes.

**Senator J.L. Perchard:**

What was the instruction about local candidates? Did you give the members of the T.A.P. interviewers and instruction as to whether we were looking for local or non-local?

**Mr. J. Rogers:**

No, I did not, and it would not have been appropriate for me to do so. However, if you look at the main guidance, the thing I have just ... the flip-over thing, you have already had it elsewhere, that is very specific, unusually specific. It says, in effect: "We want a mix of local and non-local candidates" and these things do not normally say that so specifically. The other thing it

says which is unusual is: “We want to select candidates who match as a team.” If you take those 2 considerations together ...

**Senator J.L. Perchard:**

That is interesting.

**Mr. J. Rogers:**

Well, it says it. If you take those 2 considerations together, you then arrive at a situation where the marks that are sitting in front of you might not be ...

**Senator J.L. Perchard:**

May reflect that instruction?

**Mr. J. Rogers:**

Yes, do you see what I mean?

**Senator J.L. Perchard:**

I do.

**Deputy J.A.N. Le Fondré:**

This is the reference to the strong orientation towards markings.

**Senator J.L. Perchard:**

Yes: “This is a local candidate who we are going to mark him or her higher because we need to find a local candidate.”

**Mr. J. Rogers:**

Well, no, in theory what you ought to do is mark the same and then in your final wash-up session say: "These are the actual numerical marks, but we prefer a local candidate."

**Senator J.L. Perchard:**

That is good advice. Would you have given that advice to the Deputy of St. John and Senator Ferguson?

**Mr. J. Rogers:**

No, I would not, because it would not have been necessary for me to do so because they were marking in a subsidiary panel and their marks were not aggregated to the main scores on the main panel. They were giving a ranking decision. They were saying, in effect: "We found such and such a candidate was the one who impressed us most" if you like. They were not saying: "Impressed us most, because he or she was local" or: "He or she might work best as a part of the team" because they were not selecting the team; the main panel was doing that. I would have expected them to be aware which candidates were local and which candidates were not; it is obvious from the C.V. (curriculum vitae) but I do not think they made any concessions towards local candidates. Do you see what I mean?

**Senator J.L. Perchard:**

I do.

**Deputy J.A.N. Le Fondré:**

So we have dealt with the beginning and the middle, if we move towards the end of each session. You said you would have had the discussions, you would then have recorded the scores at which point the scores are fixed effectively on the sheet and then that basically leads into how they were ranked. So obviously at the end of each candidate you discussed the candidate and their performance, I am presuming, on that basis once they had left.

**Mr. J. Rogers:**

Yes. Slightly less of a performance issue in this panel than how you felt they tackled the things you had asked. You are not scoring them in quite the same way as the main panel were. I made the point that I would have scored a candidate differently had I been scoring them on a main panel.

**Deputy J.A.N. Le Fondré:**

How did you bring that out? Was it a case of: "Right, Mr. or Mrs. have gone, let us have your scores and your thoughts?"

**Mr. J. Rogers:**

Yes: "Do you think he answered it well?" I would quite often make a note for my own purposes. It is many months ago, but in fact on the candidate that had difficulties I said he was disjointed. Do you see what I mean?

**Deputy J.A.N. Le Fondré:**

Disjointed in being unable to fit him into the categories?

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

Sorry, because disjointed could be read in a variety of ways.

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

So then at the end of the process you have seen the ... well, I think it was the 4 N.E.D.s or applicants.

**Mr. J. Rogers:**

On the second day we had already seen 3.

**Deputy J.A.N. Le Fondré:**

Yes.

**Mr. J. Rogers:**

With a slightly different panel.

**Deputy J.A.N. Le Fondré:**

A slightly different ...

**Mr. J. Rogers:**

Panel.

**Deputy J.A.N. Le Fondré:**

Yes, in fact, you have reminded me of one question to go back to. But on the second day, once the last candidate had been interviewed, what then happened in terms of discussions?

**Mr. J. Rogers:**

Very little in terms of discussions because we had our marks. It was not up to us to decide which candidates were selected; we were merely to report to the main panel, which is the correct process. Nothing unusual about that at all. So we went in and reported to the main panel.

**Deputy J.A.N. Le Fondré:**

Before we go to that stage then, jumping back to day one of the N.E.D.s, so the first interview process, similar process?

**Mr. J. Rogers:**

Exactly the same.

**Deputy J.A.N. Le Fondré:**



At the end of it ...

**Mr. J. Rogers:**

Exactly the same, with one exception, which might not have been reported to you.

**Deputy J.A.N. Le Fondré:**

Go on.

**Mr. J. Rogers:**

The last candidate on that day was the candidate who had difficulties ...

**Deputy J.A.N. Le Fondré:**

I think we are aware of it, but if you want to just fill it in for the records.

**Mr. J. Rogers:**

He had had an operation the previous day. He was still under medication. He appeared before our panel as the last candidate and my feeling was he was not doing himself justice. My feeling was that he was physically quite ill and I brought the interview to a close quickly, thanked him, said to our panel: "I do not think it is fair to this candidate to proceed. I think he needs to be brought back." I then went into the main panel and said: "I do not think it is fair to proceed with this candidate. He is obviously ill. I recommend we bring him back." The main panel accepted that without question, and that incidentally is our job. Our job is to make sure that the process is fair to the candidate.

**Deputy J.A.N. Le Fondré:**

During the process, have you ever had to intervene or ensure that ... I suppose that is an example, that the independence of the process, if you like, or the clarity of the process is maintained?

**Mr. J. Rogers:**

Yes, but one tries not to be heavy about it.

**Deputy J.A.N. Le Fondré:**

Intervene might be too strong a word. Did you want to give any examples, other than the one you have just given us?

**Mr. J. Rogers:**

I can tell you of a process which is going on at the moment where we have a very large number of applicants for a lay job in what is basically a professional panel which distributes money in certain circumstances. If you have a very large number of applicants, it is deciding between them. If the brief is quite short, it is difficult, particularly if you are not used to doing it, so rather than simply have the people who are shortlisting try and tick their way through 85 people, I got hold of the chairman and said: "What is really required here of the people who have been doing this job? What attributes did they have?" Produced a score sheet, produced scores for those attributes, scored the whole lot myself, ranked them, and said: "Right, this is what I have. There is absolutely no reason why you should accept this ranking, but have a look.

Does this help?" Intervention, because it is not something we are really supposed to do, but I wanted to make absolutely sure that the criteria by which this large number of applicants was selected was fair. Now, I might have done it well or I might have done it badly, I do not know. I just felt it was the right thing to do.

**Deputy J.A.N. Le Fondré:**

Did you have anything similar? I mean, in terms of the process we are looking at, was there anything of that ilk, any ...

**Mr. J. Rogers:**

No, putting answers to the questions is unusual. It is the first time I have done it in 2 years.

**Deputy J.A.N. Le Fondré:**

Going on then to the end, so in terms of the end of day one of the N.E.D.s, did the results to that point, in other words, perhaps the ranking of those candidates, of those 3 candidates ... sorry, I presume it is 3 and the 4th one then went into the same lot.

**Mr. J. Rogers:**

Yes, that is correct, absolutely.

**Deputy J.A.N. Le Fondré:**

Was that communicated to the main panel at that point?

**Mr. J. Rogers:**

No, I do not think it was.

[10:45]

**Mr. J. Rogers:**

No. To the best of my recollection, no. There would not have been any need for it to be. I cannot remember anybody asking me for scores, and I certainly do not remember giving them.

**Deputy J.A.N. Le Fondré:**

So the results of both days then were taken together?

**Mr. J. Rogers:**

Were taken together, as they should have been.

**Deputy J.A.N. Le Fondré:**

Yes, at the second day. How then did you rank them? Were they sort of ranked as 2 sets of data, so dataset one from day one: 1, 2, 3; dataset from day 2: 1, 2, 3 or was it the combined set: 1, 2, 3?

**Mr. J. Rogers:**

I cannot answer for the main panel.

**Deputy J.A.N. Le Fondré:**

I meant from the ...

**Mr. J. Rogers:**

From our panel's point of view, we gave our scores for the second panel. That is interesting, they must have assumed ... because the discussion centred around the second panel and so somewhere along the line, the main panel must have been aware that we had scored the first panel quite high. So maybe they did know. I cannot remember going with a piece of paper and saying: "This is what it was."

**Deputy J.A.N. Le Fondré:**

Right, okay, but on the day 2 ...

**Mr. J. Rogers:**

On the day 2, the discussions centred around, because that is where there was a problem.

**Deputy J.A.N. Le Fondré:**

The results of day 2?

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

So moving on to that then, on day 2, at the end of the process, the results are taken in to the main Recruitment Panel.

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

Now, did you go in? I understand Senator Ferguson went in at some point with you.

**Mr. J. Rogers:**

Yes, we went in together.

**Deputy J.A.N. Le Fondré:**

Did you go in together or did you go in first?

**Mr. J. Rogers:**

Together, yes.

**Deputy J.A.N. Le Fondré:**

So at the point that the main Recruitment Panel first knew the results, you were all in the room together?

**Mr. J. Rogers:**

Yes.

**Senator J.L. Perchard:**

The Deputy of St. John was not there, or was the Deputy of St. John there?

**Mr. J. Rogers:**

He was not there. He had to ...

**Senator J.L. Perchard:**

Do you know why he was not there?

**Mr. J. Rogers:**

No, I do not, but I know it was something. He did say at the time: "I have got to go to a something or other" and I cannot remember what it was, but it did not seem unreasonable.

**Senator J.L. Perchard:**

So he was not there when you discussed the findings of the T.A.P. with the main Recruitment Panel?

**Mr. J. Rogers:**

Yes, he was not there, but it is not necessary for panel members to be there, so sometimes it is quite normal just to have the Appointments Commission ...

**Senator J.L. Perchard:**

But just for the record, he was not there ...

**Mr. J. Rogers:**

For the record.

**Senator J.L. Perchard:**

... when the debrief and discussion took place?

**Mr. J. Rogers:**

Again, for this evidence, there is some suggestion that nobody could know the reason why he was not there, but he did say why he was not there and he did say the reason.

**Deputy J.A.N. Le Fondré:**

Yes, that is fine. Now, in terms of presumably ... did you read out ... is it the ranking you read out or it is the scoring you read out?

**Mr. J. Rogers:**

Yes, in this case, you read out the scoring, because we had it.

**Deputy J.A.N. Le Fondré:**

What was the reaction of the main Recruitment Panel?

**Mr. J. Rogers:**



Shock, because they were not expecting it. It is not usual, and also because after this particular group of candidates, we had them in exact ... well, the first and the last the other way round to what they had.

**Deputy J.A.N. Le Fondré:**

So in terms of shock, how did the matter then proceed in terms of tone for the panel and in trying to deal with the matter?

**Mr. J. Rogers:**

Well, my sympathies were somewhat with the main panel at this stage. They have a result which is different and they want to know why it is different, so the first question they ask is: "Why?" and for the candidate that had difficulties, the answer from Senator Ferguson was: "He was a breath of fresh air" and he would have seemed like that, to be fair on that panel. For the candidate who talked at us, she said pretty much the same thing.

**Deputy J.A.N. Le Fondré:**

She called her a breath of fresh air?

**Mr. J. Rogers:**

No, no, she talked at her.

**Deputy J.A.N. Le Fondré:**

She talked at her, sorry, yes.

**Mr. J. Rogers:**

My note said the same thing, in not quite the same way, but the same thing.

**Deputy J.A.N. Le Fondré:**

How did the Recruitment Panel ... essentially, what was the tone of the panel?

Was it sort of not conciliatory, but it was calmly exploring the matter, or were they relatively agitated about the whole thing?

**Mr. J. Rogers:**

In my view, they seemed to be slightly agitated, yes, particularly the Appointments Commissioner, because it is not nice when the sub-panel comes in and says: "We have got the opposite result to you."

**Deputy J.A.N. Le Fondré:**

How long then did that discussion continue?

**Mr. J. Rogers:**

I would have thought about 15 minutes, and this was not the only thing that was discussed. I mean, we had a very good mark for a candidate, a non-local candidate, who frankly impressed me more than any other candidate in the whole exercise, and I was keen to find out if they had given this candidate a similarly good mark, and they had, but she was not local. So, I mean, there is a certain amount of feedback in both directions.

**Deputy J.A.N. Le Fondré:**

So in terms of dealing ... I mean, I am trying to get a bit of the atmosphere here, as it were, in terms of were you sitting or standing?

**Mr. J. Rogers:**

We were sitting down.

**Deputy J.A.N. Le Fondré:**

Oh, right.

**Mr. J. Rogers:**

I am too old to do the standing.

**Deputy J.A.N. Le Fondré:**

Senator Ferguson was as well?

**Mr. J. Rogers:**

Yes. It was a table about this size. The main panel tended to congregate to the top end of the table, so there were spare seats down there and it was not ... they were surprised. You need to remember that the candidate who had the difficulties gave them answers which they found very strange indeed.

**Deputy J.A.N. Le Fondré:**

Yes, I think that has been clarified.

**Mr. J. Rogers:**

So to have a sub-panel come in and say: “Well, we think he was the best candidate” ...

**Deputy J.A.N. Le Fondré:**

Would have engendered a certain reaction.

**Mr. J. Rogers:**

It would have made them think: “Oh, well.”

**Deputy J.A.N. Le Fondré:**

Well, that is what I was trying to get to, is how do you think that was ... at the end of the day, how long was spent on that particular matter? Do you think 5 minutes, 10 minutes?

**Mr. J. Rogers:**

I would have thought most of the 15 minutes. Again, to be fair, there was not terribly much that the main panel could do about it. I mean, if a sub-panel comes in and says: “We think Joe Bloggs is best, and we think Joe Bloggs is best because he was a breath of fresh air” and you have just said: “Joe Bloggs is unappointable” what more is there to say, really?

**Deputy J.A.N. Le Fondré:**

Exactly. So potentially one can see both sides, by bringing all these bits of information together, you can potentially see how both sides have got to

certain views, not in themselves necessarily wrong in any individual stance, but you can see how they have got to them by having the overall picture.

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

Then presumably that was the end of it, from your perspective, and that was the end of the conversation and everybody left?

**Mr. J. Rogers:**

That was it, yes.

**Deputy J.A.N. Le Fondré:**

You were not party to any of the discussions in the main panel because you are not part of that panel?

**Mr. J. Rogers:**

No, we are not part of the main panel, no.

**Deputy J.A.N. Le Fondré:**

Also, coming to address one other matter which you are probably aware of, were there any discussions made or any comments made, and even if it is a case of ... I understand in terms of Odgers that they have ranked certain of

the ... they basically in the long listing have ranked a whole range of candidates, whether it is A, B, C, I think it is how they do it.

**Mr. J. Rogers:**

Yes, that would be normal.

**Deputy J.A.N. Le Fondré:**

Yes, and then obviously I think within the mix for the shortlisting of the N.E.D.s, I cannot remember if they were all As or if there was a mixture of As and Bs, but I think there is.

**Mr. J. Rogers:**

Yes, there could be a mixture.

**Deputy J.A.N. Le Fondré:**

Were any comments made in relation to: "This is an attractive candidate" or the expression has been the sort of "preferred candidate" or anything along those lines?

**Mr. J. Rogers:**

No, certainly not: "This is a preferred candidate." If you were asking a candidate to look at the application form ... sorry, asking your panel members to look at the application form, you might say: "This candidate has ..." one candidate, I think on the main panel, particularly impressed me because he had built a thumping great housing estate in Bedfordshire with his own

money, and it was not on the N.E.D. thing. I was impressed by that, and you might say: "Look, this chap has built a housing estate with his own money." You just make sure they have got the right piece of paper.

**Deputy J.A.N. Le Fondré:**

The reason I ask, because I am sure you are aware of it, and it has obviously been one of the few comments that have been made public on our side, and I do not have the quote to hand, but it was along the lines of: "A comment was made that a candidate was a preferred candidate" I think is the expression, and I am trying to work out how ... is there any way, even if that was not the expression, that could have been interpreted by a member of the sub-panel on a political front?

**Mr. J. Rogers:**

No. I cannot see any way in which it could. You might say: "This is a good-looking application. It would appeal to the main panel" perhaps or something like that.

**Deputy J.A.N. Le Fondré:**

Have you any idea if you made any such comment, even if it was in innocence?

**Mr. J. Rogers:**

I would have said if I thought a candidate looked good on paper.

**Senator J.L. Perchard:**

There is evidence to say that the T.A.P. political representatives were informed of a preferred candidate.

**Mr. J. Rogers:**

No.

**Deputy J.A.N. Le Fondré:**

There was a comment.

**Senator J.L. Perchard:**

Yes. Well, it was evidence you will see in our report.

**Mr. J. Rogers:**

No, no, that is fair enough. I accept the point.

**Senator J.L. Perchard:**

It will be in our report.

**Mr. J. Rogers:**

I cannot think of anything that was said during the process - so when I was there - which would lead them to that impression.

**Senator J.L. Perchard:**

So there was no reference to the term "preferred candidate"?



**Mr. J. Rogers:**

No.

**Senator J.L. Perchard:**

I am asking as to whether you have seen anything.

**Mr. J. Rogers:**

No, no, it is perfectly ... there is no reference to a preferred candidate.

**Deputy J.A.N. Le Fondré:**

But what I was going to say is but there is a possibility that in looking at the ...

**Mr. J. Rogers:**

In looking at the application forms.

**Deputy J.A.N. Le Fondré:**

Coming through, yes, that one might have commented on the ... what is the word I am looking for? On the ability or something of a candidate that was about to come in the door?

**Senator J.L. Perchard:**

It was said preferred candidate was used by the Deputy of St. John.

**Mr. J. Rogers:**

You are referring to something which happened on the panel?

**Senator J.L. Perchard:**

Anyway, John, we are asking questions of Mr. Rogers ...

**Deputy J.A.N. Le Fondré:**

I know.

**Senator J.L. Perchard:**

He absolutely refutes that, so that is fine.

**Mr. J. Rogers:**

No, no, I am trying to think as to what could possibly have been interpreted as that. No, I mean, apart from anything else, if there was a preferred candidate, in the sense that somebody was saying: "You must appoint this person" it would have been our job to stop the process, and secondly, if there was a preferred candidate, perhaps you would expect the Appointments Commission member to mark in favour of them, you will notice if you look at the marks.

**Senator J.L. Perchard:**

Yes, that is fine. We have cleared that up. I am happy with that point.

**Deputy J.A.N. Le Fondré:**

No, that is fine, thank you. I mean, that is also a question I was going to ask, because it is one we need to traverse.

**Mr. J. Rogers:**

It is perfectly reasonable to ask it.

**Deputy J.A.N. Le Fondré:**

We have done that, we have done that. I think we have also explored the fact that in terms of what you are doing, you are trying to assess and put in a scoring indication on your sheets, but in terms of these panels, it was mainly to indicate a ranking.

**Mr. J. Rogers:**

Correct.

**Deputy J.A.N. Le Fondré:**

In terms of ... just one thing. Now, I think you said ... well, I suppose it is of relevance anyway. You went into the main meeting of the Recruitment Panel with Senator Ferguson. Would that be normal?

**Mr. J. Rogers:**

Oh, yes. Yes, and even if they did not ask for it, I would like to bring panel members into a main panel, so even though the main panel might say to the Appointments Commissioner: "Come and report what happened" I would like, if possible, if it was a small panel, to bring the whole panel in.

**Deputy J.A.N. Le Fondré:**

It is just because I know that the Technical Panel originally I think only the chairman was going to go in, but the chairman insisted that they took the whole panel in to discuss their results.

**Mr. J. Rogers:**

Yes, it would be a normal courtesy to do that. These people have spent a lot of time on it. They are entitled to see what happens.

**Deputy J.A.N. Le Fondré:**

Okay, that is fine. Sorry, just to skip - it is not incredibly important - in terms of the communication of the results in relation to the T.A.P., the chairman and the main Recruitment Panel, a similar process, you would have gone in and communicated the scoring?

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

Would you have taken anybody in? Did you take the panel in with you at that point?

**Mr. J. Rogers:**

Sorry, I just said ...

**Deputy J.A.N. Le Fondré:**

Well, for the N.E.D.s, you went in Senator Ferguson.

**Mr. J. Rogers:**

Oh, yes. It was not any different for the chair.

**Deputy J.A.N. Le Fondré:**

Yes, so you took the panel in with you to the ...

**Mr. J. Rogers:**

Took the panel in with me.

**Deputy J.A.N. Le Fondré:**

... the whole panel in to discuss with the Recruitment Panel?

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

Right, okay. As far as you were aware, there is no interaction, as it were, or discussion at the end between the Recruitment Panel, the Technical Panel and T.A.P. - this is obviously for the chairman's side - to discuss the results as a whole?

**Mr. J. Rogers:**

No.

**Deputy J.A.N. Le Fondré:**

I mean, is it appropriate? Is that the best way of doing things, or was it better to get people in together, do you think, or was that just ...

[11:00]

**Mr. J. Rogers:**

There is not normally very much time, to be honest. This is things are washing up. The main panel is concluding the process, they want to know what the other panels have said. It is interesting to know what conclusions other panels reached, but I have to say that normally, since everybody reaches the same conclusion, it is not terribly exciting.

**Deputy J.A.N. Le Fondré:**

I suppose is it fair to say that obviously, as you have said, the main Recruitment Panel is there to make the decision and to assess their results, and essentially they are just reinforcing perhaps the views of the underlying sub-panels, is that the weighting applied to the views that come in?

**Mr. J. Rogers:**

Yes. The main ... if you had come in ... if it was a States appointment, not quite the same as this, but if, for example, you were recruiting somebody

senior in a States position and they had performed terribly in front of, let us say, a panel which was composed of politicians and been terrible at the television interview, that might influence the main panel even if the candidate was in all other respects fine.

**Deputy J.A.N. Le Fondré:**

Yes, okay. So it is basically dependent on the circumstance at the time?

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

All right, very quickly, in terms of the ... as I understand it, the support you ... the Appointments Commission is obviously an independent body and you are there to ensure that the process is clear, objective and all that type of stuff. You are supported or you receive support from H.R. and/or the Chief Minister's department, presumably.

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

Well, in this process, from both, but mainly from H.R.

**Mr. J. Rogers:**

But mainly H.R.

**Deputy J.A.N. Le Fondré:**

How would you describe the support you get from those departments in general?

**Mr. J. Rogers:**

Fine, within the resources of which they have got.

**Deputy J.A.N. Le Fondré:**

That is kind of ... there is a caveat there. Would you like to expand on that?

**Mr. J. Rogers:**

Well, if you feel the questions do not look quite right, you can spend 2 hours thinking about them and putting them right. Somebody else is working flat out in an H.R. department doing several things at once does not have the luxury of that much time, so do you see what I mean? I just do not think they have the time and the people to be quite as thorough as they might like to be.

**Deputy J.A.N. Le Fondré:**

Or perhaps they all should be?

**Mr. J. Rogers:**

If you do not have the people, you cannot do it.



**Deputy J.A.N. Le Fondré:**

Okay. That is a general comment, presumably. Can that be applied to this process as well, if that makes sense, to this?

**Mr. J. Rogers:**

Possibly. I am keen not to be critical. I think this process, in view of the fact that there were 3 panels, there was one day when there was fog, so everybody arrived late. I think the H.R. people ... in general, I do not know quite how the mix of personnel worked in this case, but I think they handled it well. That is why I am slightly defensive about the one business on the questions, because they rescheduled people, they got the interviews moved, they brought ... remember, some of the panellists were not from here either, and I think they coped very well.

**Deputy J.A.N. Le Fondré:**

On the day and ...

**Mr. J. Rogers:**

Yes. They did, yes.

**Deputy J.A.N. Le Fondré:**

Yes. Do you ...

**Mr. J. Rogers:**

If we wished to do something more in terms of doing it, it is up to us to do so.

If we are not happy, we take it further.

**Deputy J.A.N. Le Fondré:**

I mean, you kind of infer, but there is also a linked reason to it: do you sometimes end up involved in more detail that you would prefer?

**Mr. J. Rogers:**

Yes. But again, in the circumstances, I do not find it surprising.

**Deputy J.A.N. Le Fondré:**

Okay, in terms of resources?

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

Just from my perspective, a final wash up, as it were, in terms of we have had various representations from varying members in terms of issues that were raised by the candidates. This is predominantly at the chairman level and this is not necessarily for the T.A.P. and really - so just to clarify - candidates at the T.A.P. level either for chairman and/or for N.E.D. firstly, I suppose did you feel they clearly understood the role that they were coming into in terms of the role of the entity of S.o.J.D.C. and/or was any reference or questions raised in relation to master planning or some form of ... along those lines?

**Mr. J. Rogers:**

Very good. I thought there should have been on our panel and they did not.

If you take master planning ...

**Deputy J.A.N. Le Fondré:**

By “they” do you mean the candidates?

**Mr. J. Rogers:**

The candidates, yes. If you look at the brief, master planning is there and suddenly it is not, so where does it go? If you have done your research, you will find States documents saying that it is now the responsibility of the Minister. If you have a candidate, particularly a candidate who is having difficulties, he might not have been able to do that research. There is an implicit assumption these days that everybody who comes for this sort of thing at this level is capable of doing that. They might be perfectly capable people without having that sort of access. I would not describe it as unfair, because you would expect people to have it, but it is a point that one needs to note. So you are asking me if the candidates were fairly placed in relation to the specification. If you read the specification, it is fine. If you assume ... if you do not ask people: “Where has master planning gone?” nobody is going to ask you, but I would expect a competent candidate to ask himself that question and if he wanted to, ask one of the panels that question.

**Deputy J.A.N. Le Fondré:**

But in terms of at the T.A.P. level, it was not raised?

**Mr. J. Rogers:**

It could have been. If it was, it would have been perfectly legitimate for a candidate in the T.A.P. interviews to say: "Where has this gone?"

**Deputy J.A.N. Le Fondré:**

No, no, that is okay. I mean, it was obviously one of the questions that came up at the Technical Panel level, in their questions. I suppose the ...

**Mr. J. Rogers:**

The Technical Panel also at one stage asked for a large sheet showing where the Waterfront Enterprise Board's area was, because discussions were going on about this and nobody knew where the border line was.

**Deputy J.A.N. Le Fondré:**

Oh, at the interview day?

**Mr. J. Rogers:**

On the first day for the chair, as I understand it. It may or may not have happened, but that is what they asked for.

**Deputy J.A.N. Le Fondré:**

Okay. I am going to make an unfair question, I suppose. I do not know if it is appropriate to read another question: if somebody has properly read the brief,

which does distinguish between master planning and development, if they simply accepted that, that would also be a reason for not raising it, presumably?

**Mr. J. Rogers:**

A reason for?

**Deputy J.A.N. Le Fondré:**

Not necessarily raising it, if that makes sense.

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

One final question, I think: in terms of generally, you do your interview process et cetera. I know Ken Soar came into the room. Well, he told us he came round occasionally to see how it was going. Was there any sort of interaction or any informal feedback coming from what was happening on the other panels, either on the chair or on the N.E.D. interview process?

**Mr. J. Rogers:**

No, he ...

**Deputy J.A.N. Le Fondré:**

Not necessarily from Ken Soar.

**Mr. J. Rogers:**

There would not have been time. Candidates were coming in in a set order through the day. You would not have known.

**Deputy J.A.N. Le Fondré:**

Yes, so essentially, as far as you are concerned, the T.A.P. - and whether it was for either of the N.E.D. days or the chair days - was relatively isolated in understanding what was happening on any other panels?

**Mr. J. Rogers:**

No, we had no way of knowing.

**Deputy J.A.N. Le Fondré:**

There was not any sort of cross-fertilisation or input saying whatever. Right, everybody else has been quiet, so does anybody else have any questions?

**Senator A. Breckon:**

Perhaps a few general things. I think you have touched on it there a bit in some of the answers, is how often do the Appointments Commission meet without discussing any specific ...

**Mr. J. Rogers:**

They are required to meet at least 4 times a year, and they do so.

**Senator A. Breckon:**

Do you have any sort of back-up, admin, secretarial support for that? Do you keep minutes of that?

**Mr. J. Rogers:**

Yes. We are supported by the H.R. department, who keep minutes.

**Senator A. Breckon:**

What about your actual budget? You do not have any budget for appointments, as such, do you?

**Mr. J. Rogers:**

No, that is an issue at the moment, because the budget, our costs come out of the general H.R. pot and clearly if there are more appointments or more difficult appointments, it costs more, and we raid their pot to a greater extent.

**Deputy J.A.N. Le Fondré:**

Sorry, is that in terms of the budget directly allocated to the Appointments Commission?

**Mr. J. Rogers:**

I do not think there is a figure directly ...

**Deputy J.A.N. Le Fondré:**

Oh, so there is not a line that says "Appointments Commission" there is just a line that says "H.R." or ...

**Mr. J. Rogers:**

Yes.

**Deputy J.A.N. Le Fondré:**

Okay, and in terms of the salaries ... sorry, the costs attributable directly to the recruitment process, do you have any knowledge where that goes, or is that just lost in either H.R. or the specific department it relates to?

**Mr. J. Rogers:**

I assume it is the departments that pay for the salaries.

**Senator A. Breckon:**

What about any website or information that is available? It just feeds into the States system, your annual reports and your codes? Where are they generally available?

**Mr. J. Rogers:**

Codes are available on the States internet, I think, but anybody can go and ask for them. It is a public document.

**Deputy J.A.N. Le Fondré:**

Who do they go to?



**Mr. J. Rogers:**

H.R. I mean, I wanted a spare copy, I wanted an email copy. I simply asked for it and it came and everybody is happy about this.

**Senator A. Breckon:**

Is there an issue about how independent you are of this H.R. link or are the Commissioners generally comfortable with it?

**Mr. J. Rogers:**

Generally comfortable. Public perception might be a slight worry, but the Commissioners themselves are happy with it. I mean, you need support and it is expensive to provide and at the end of the day, somebody ...

**Senator A. Breckon:**

How much is it an issue for you to sort of work from the boot of your car, work remotely? Is that an issue for any Commissioners that you are aware of?

**Mr. J. Rogers:**

No, all the Commissioners do other things. That is part of the strength of the organisation and it is ... anything we want, if you want something to be emailed to you, you can ask for it. I have no complaints about the support at all.

**Senator A. Breckon:**

What about things like protocols for documentation attached to emails which have a confidential nature, about the candidates' backgrounds? Is there a process for sort of eliminating those or getting them back, or ...

**Mr. J. Rogers:**

We do not send emails with candidate backgrounds, and to be fair, there is no reason for us to have them, because in this case, we are given a brief by Odgers. There is no need for us to email each other about the contents of that.

**Senator A. Breckon:**

What about the panels? How would this be communicated to the panels and the actual ...

**Mr. J. Rogers:**

The panels would have the same brief.

**Senator A. Breckon:**

How much of that would be on email?

**Mr. J. Rogers:**

None. It is bound in a document that looks like that.

**Senator A. Breckon:**

So are you telling us that they would not have received any information on candidates on email?

**Mr. J. Rogers:**

I cannot think why they should have. Did they?

**Senator A. Breckon:**

They said so, because sometimes meetings were arranged late, things were shuffled around, and in some cases, information was presented in a meeting, other times it was attached to emails.

**Mr. J. Rogers:**

But not personal details about the candidates, surely?

**Senator A. Breckon:**

Yes. Some of the pro formas, not all of the candidates and all the information, but when it was distilled, the circulation medium was email as opposed to paper.

**Mr. J. Rogers:**

Strange. It surprises me.

**Senator J.L. Perchard:**

Is that poor practice?

**Mr. J. Rogers:**

Sorry?

**Senator J.L. Perchard:**

Would that be poor practice if they had received information ...

**Mr. J. Rogers:**

Well, I would not have thought it would be normal.

**Senator J.L. Perchard:**

It would not be normal practice?

**Mr. J. Rogers:**

No. I mean, I do not know the circumstances, but it would not be normal.

That is why this stuff is bound in.

**Senator J.L. Perchard:**

Sure.

**Senator A. Breckon:**

I have nothing else.

**Deputy J.A.N. Le Fondré:**

Okay, have you got anything else?

**Senator J.L. Perchard:**

Yes, just one final question, and I think it needs to be asked, it is quite a simple question, but do you know any reason why the Deputy of St. John and Senator Ferguson have expressed concerns about the process of appointments of their non-executive directors?

**Mr. J. Rogers:**

No. They did not express it at the time. They have not ... there is a complaints process. They have not used it ... and I asked a couple of times, normally one does routinely: "Are you happy with what is happening?" and they both said yes.

**Senator J.L. Perchard:**

You asked them routinely during ...

**Mr. J. Rogers:**

Yes, during the course of the process you say: "Are you happy with what is going on?" and they said yes more than once. Again, that is normal.

**Senator J.L. Perchard:**

Are you absolutely certain that you informed them that their job was to advise the main Recruitment Panel?

**Mr. J. Rogers:**

I do not think I did inform them that their job was to advise the main Recruitment Panel. I think if I said anything, it was our job to assess the candidates and score them and then go and communicate those scores.

[11:15]

**Mr. J. Rogers:**

We are not there to advise the main panel in terms of saying: "This is the candidate who we have selected." The main panel asks the subsidiary panel and takes their findings into account or not, as the case may be.

**Senator J.L. Perchard:**

Do you think that they were confused as to their role in this appointments process?

**Mr. J. Rogers:**

No. I do not think they were, partly because Deputy Rondel had been on the main panel, so he had been through the whole process before. I am sure Senator Ferguson has as well. So I do not think they were confused. To be fair, on the panel, they asked good questions, they asked them well and they noted the results well.

**Deputy J.A.N. Le Fondré:**

Senator Ferguson, sorry, was on the main panel though, on the ...

**Mr. J. Rogers:**

No, she was not, but she has been on other panels. She must have done.

**Deputy J.A.N. Le Fondré:**

Deputy Rondel has not been involved on the main panel for chair, but they were all involved on the T.A.P., yes. You did also mention a complaints procedure that you had. How was that notified to them? How are members of panels aware that there is a complaints procedure?

**Mr. J. Rogers:**

That is a good point. I am not sure that they are. They are not specifically told, because again, complaints procedure is basically there for candidates. I have not known of a case where panellists have complained against procedure. Perhaps you can tell me, is the complaint against the panel or is the complaint against the result in some way?

**Senator J.L. Perchard:**

The evidence that will be made available will be made available in the report as to what they have said either publicly or in the States. At this stage, I do not think it is for us to be answering that question, other than they have expressed concern, and they ...

**Mr. J. Rogers:**

Clearly, if they express concern about the conduct of the panel, of which one is chair, you are down a Commissioner straight away.

**Senator J.L. Perchard:**

Mr. Rogers, wait until you have read our report. All I can say is you must wait until you have read our report, and we are trying to make some sense of this. We need to ask these blunt and difficult questions.

**Deputy J.A.N. Le Fondré:**

Okay, you all done?

**Senator J.L. Perchard:**

Yes, thank you.

**Deputy J.A.N. Le Fondré:**

You all done? All right then, meeting adjourned.

[11:17]