



JERSEY APPOINTMENTS COMMISSION

Annual Report
for 2013

APPOINTMENTS COMMISSION - ANNUAL REPORT FOR YEAR 2013

APPOINTMENTS COMMISSION

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CHAIRMAN'S REVIEW 2013

During the latter part of 2012 and this past year, the Commission has made a number of changes to the manner in which the Commission has carried out its activities. These changes focused on the suggestions and observations made within my 2012 Review and to additional submissions made to the States Employment Board. As it happened, it was decided by Government that the States Employment Board needed to be reformed and, as part of the review, it would be a convenient juncture to also comprehensively review the Commission's range of activities and its methods of operation.

As a result, certain proposals were put forward for consideration. Whilst the Commission could see what Government was attempting to achieve, it was our view that there were many aspects that needed much more detailed consideration prior to any changes being implemented, particularly to ensure that the Commission remained independent and the integrity of the recruitment process in respect of senior States of Jersey and Quango appointments could be maintained.

Various meetings were held to identify the areas of concern and a paper submitted to the States Employment Board, as a result of which it was decided that a Working Party be formed so that the foreseen difficulties could be overcome with the Law and Codes then being amended to facilitate the proposed changes.

As Government expects that different skill sets will be required under a new structure, all the terms of Commissioners that came up for reconsideration over the past twelve months or so were fixed to February 2014, the same time as the end of my term of office. At the time of writing, three Commissioners have had their tenures extended to April 2015 and this gives time for any new structure to be put in place. Changes to the terms of reference may or may not require Commissioners with different skills to then be considered.

As for me, by the time this Report is issued, I will have retired from the Commission, although I have been asked to serve on the Working Party in order that it will benefit from my experience as Commissioner but particularly that gained whilst Chairman. My principal objectives will be to help deliver what Government requires but at the same time, as inferred above, help ensure that the Commission retains its dual purpose of independence and impartiality.

APPOINTMENTS COMMISSION - ANNUAL REPORT FOR YEAR 2013

General comments

I will now turn to the review of the general operations of the Commission over the past twelve months. I commenced my 2012 Review by recognising the dedication of States of Jersey personnel and the fact that their continuing commitment would become even more necessary in the years to come, as politicians grappled with the various problems that face our society, largely but not entirely due to the current economic climate. I also stated that civil servants within the Human Resources Department would be central to whether the States succeeded or failed in its reform endeavours.

Towards the end of the year however, the Director of HR and one of his Deputies both recruited from the U.K., resigned so there is likely to be a further change of direction, which could add to the challenges to be faced within the public service. It is equally likely however, that by relying on the existing locally recruited individuals, the chances of success may improve by providing an opportunity to revert to a more streamlined and focussed approach.

Later in my 2012 report, when I was commenting on recruiting senior personnel from outside the Island, I emphasised that once the authorities found it necessary to recruit in this manner, we had to do our utmost to retain their services for a suitable period. Whether or not comprehensive exit interviews take place as a matter of course, consideration should be given to an independent party, such as the Commission, taking on the task in respect of such senior staff. The process could also be extended to any senior locally recruited personnel who resign and perhaps even to senior civil servant retirees.

Quangos, Boards and the political arena

The Commission has always expressed its support for the Jersey system of Quangos, particularly those manned by dedicated unremunerated individuals. The range of expertise, as well as the numbers required however, has periodically created difficulties in recruiting those with the necessary attributes. It is, therefore, disquieting that from time to time criticism is levelled by politicians that some appointees may be developing too high a profile by them serving on a number of different Quangos. I would suggest that care must be exercised not to dissuade individuals from standing for such positions by unnecessary criticism or we may find ourselves being obliged to restructure this type of organisation on a properly remunerated basis. This would cost a substantial annual sum and for little tangible benefit.

As far as the Independent Boards are concerned, it is accepted that such entities should come under scrutiny, especially as politicians and their civil servants have structured them, they have large budgets and Board members are remunerated. This scrutiny however, should only cover aspects that properly warrant consideration: the opportunity should not be taken to make unfounded remarks about the individuals of such Boards. As with Quangos, their members have all been through a proper process and such concerns could more appropriately be voiced less publicly, at least initially, possibly to the Appointments Commission, which, depending on the area of recruitment, does consider certain aspects of conflicts of interest, within the spectrum of its responsibilities.

APPOINTMENTS COMMISSION - ANNUAL REPORT FOR YEAR 2013

Other political involvement

It must be acknowledged that in the vast majority of cases in which the Commission is involved, it receives nothing but co-operation and understanding from politicians. Political involvement does occur from time to time, which could be considered inappropriate but we can usually resolve any concerns to the satisfaction of all parties, without jeopardising the Commission's principles.

Recruitment

A list of the cases in which the Commission was involved during 2013 is referred to below. Including an involvement with an unlisted consultative panel, 53 cases, certain of them consisting of multiple appointments, were considered or are in progress, compared with 52 last year. Local residents or those with strong local connections made up well over half of those appointed as a result of civil servant recruitments. Indeed, of the completed cases, there have been only five unrestricted positions advertised during 2013, one of which was filled by a local applicant, one by a residentially qualified individual that had been working overseas and two with some connection to Jersey.

I believe this to be an excellent result and perhaps a sign that it is at last being accepted we should only advertise widely when the required skill set is likely to be beyond the experience of local residents.

Sixty percent of the cases related to Quangos, but generally they are much less time-consuming and therefore, less administratively costly than senior civil service appointments.

Complaints

The Appointments Commission investigates all formal complaints of non-compliance with its Codes.

Complaints should firstly be considered by the responsible States Department so the Appointments Commission is not necessarily aware of all those received, although I suspect that more often than not the guidance of the Commission is sought. During 2013 there has only been one complaint that has reached the Commission.

This was fully reviewed and whilst we could readily understand the complainant's rationale, we were able to justify to him that the process had been carried out in a proper manner and the selection of the candidate was entirely fair and reasonable. It has always been a concern of mine however, that although very few complaints reach the Commission and whilst as far as I can recall there has never been a complaint upheld, what if we did find one that had real substance and the candidate had been unfairly treated? There is nothing we, as a Commission, could do to correct the situation and whilst there would possibly be other avenues for the complainant to explore, I very much doubt that he or she could get proper redress elsewhere.

APPOINTMENTS COMMISSION - ANNUAL REPORT FOR YEAR 2013

Internal Audit.

A question was recently asked in the States Assembly about whether audits on the work of the Commission are carried out. This year audits were commissioned into appointments at Transport & Technical Services and Education, Sports & Culture and in respect of the latter, its related Quangos. Whilst there were naturally certain issues that needed further consideration and correction for the future, there were no problems that came to light, which gave the Commission any major concerns.

This year the Commission has asked Internal Audit to review the subject of acting-up appointments and other arrangements to cover temporary situations. This was a subject I raised in last year's Review. Interestingly, the Internal Audit Department had independently come to the conclusion that this area needs review so it will receive priority consideration during 2014. At the time of writing we are unsure whether there is an accurate central record of all such appointments and although the Commission does keep a watchful eye on those where it has been directly involved, these are only the tip of the iceberg. The Internal Audit Department therefore, will need to research the extent that various forms of cover are utilised, before deciding whether the time to be allocated will preclude it from auditing a specific department, on the Commission's behalf.

In many respects I will be sorry to leave the Commission as there is still so much that could be done from within but believe my talents, such as they are, could be better utilised elsewhere.



Brian Curtis MBE,
Chairman.

12th. February 2014.

APPOINTMENTS COMMISSION - ANNUAL REPORT FOR YEAR 2013

JERSEY APPOINTMENTS COMMISSION 2013 ACTIVITIES

Appendix

<u>Senior Appointments completed</u>	<u>Department</u>	<u>Extent of Competition</u>
Comptroller of Taxes	T&R	Unrestricted
Director of Estates	T&R	Local
Chief Ambulance officer	HSS	Restricted Internal
Magistrate		Local
Director of Operations/Contributions	SS	Local
Emergency Planning Officer	CMD	Unrestricted
Assistant Magistrate		Local
Head of School Development	ESC	Local
Head of London Office and Attaché	CMD	Unrestricted
Director of Human Resources Operations	CMD	Local
Interim Head of Information Services	CMD	Restricted Internal
Director of Health & Safety	SS	Restricted Internal
Head of Customs and Immigration	HA	Restricted Internal
Emergency Planning Officer	CMD	Local
<u>Quango Appointments completed</u>		
Member, States Members Remuneration Review Body		Local
Members, Jersey Police Complaints Authority		Local
Controller & Auditor General		Unrestricted
Chair, Housing Board Designate		Unrestricted
Non-Executive Directors, Housing Board Designate		Local
Deputy Director, Jersey Finance Board		Local
Members, Rates Appeal Board		Local
Commissioner, Jersey Financial Services Commission		Local
Non-Executive Directors, Tourism Shadow Board		Local
Executive Director, Jersey Advisory & Conciliation Service		Local
Member, Public Accounts Committee		Local
Chair, Jersey Police Authority		Local
Member Law Society Disciplinary Panel		Local
Non-Executive Director CI Competition & Regulatory Authorities		Local
Chair, Pharmaceutical Benefits Committee		Local
Chair, Dental Fitness Board		Local
Non-Executive Director, Jersey Finance Board		Local
Chair & Board, Jersey Innovation Fund		Local
Administrative Appeals Panel		Local
Chair, Skills Jersey		Local
Members, Jersey Police Authority		Local
Chair and Members, Jersey Advisory and Conciliation Service		Local
Deputy Chair, Jersey Employment Tribunal		Local
Member, Social Security Tribunal		Local
Non-Executive Director Jersey Business		Local

APPOINTMENTS COMMISSION - ANNUAL REPORT FOR YEAR 2013

Exceptions

Director of Human Resources (Operations)

Director of Health & Safety

Members' extensions, Fiscal Policy Panel

Chair and Members, Jersey Advisory and Conciliation Service Board

Tribunal members' extensions Jersey Employment & Discrimination

Commissioners of Appeal extensions, Tax

Acting-Up

Interim Head of Information Services

In progress

Chief Information Officer

Chief Officer/Director of Education, Sport & Culture

Unrestricted

Director Human Resources

Members, Fiscal Policy Panel

Unrestricted

Chair, Jersey Financial Services Commission

Chair, Jersey Teachers' Superannuation Fund/Public Employees' Contributory

Retirement Scheme

Unrestricted